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# Examining the Position of Women in Traditional Polygamy: Insights from Islamic Jurisprudence in the Cultural Context of East Flores

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## Abstract

The position of women in polygamous marriages within Watobuku Village, East Solor, and East Flores, has been observed to strongly reflect the influence of prevailing cultural, tradition, and local values shaping community. This study aims to elucidate the potential mistreatment of women within polygamous marriages by comparing perspectives of customary law and Islamic law in a sociological framework. This aim was achieved through the application of qualitative research methodologies, such as observation, in-depth interviews, and documentation analysis. The results obtained from this investigation showed that despite the correspondence of male conduct with certain aspects of Islamic law in polygamous settings, the implementation often lacks fairness, leading to discrimination against women. To address this challenge, it becomes essential to carry out stringent law enforcement with the specific aim of safeguarding the positions held by women, specifically in polygamous unions within the Watobuku Village community. Furthermore, within this context, fostering mutual understanding and responsibility between male and female partners is crucial. It is also important to encourage men, particularly those already married, to appreciate their existing partners and avoid seeking additional spouses without due consideration. In this study, it was suggested that if a husband desires to remarry, he should follow the path of divorcing the first wife before pursuing another marriage. This method was recommended because of its potential to prevent discriminatory practices and uphold justice for women within the context of polygamous marriages.

## Keywords:

**Marriage; Polygamy; Women in Polygamous; Customary Law; Islamic law.**

### **Abstrak**

Posisi perempuan dalam pernikahan poligami di Desa Watobuku, Solor Timur, dan Flores Timur, telah diamati sangat mencerminkan pengaruh budaya, tradisi, dan nilai-nilai lokal yang berlaku di masyarakat. Penelitian ini bertujuan untuk menjelaskan potensi perlakuan buruk terhadap perempuan dalam pernikahan poligami dengan membandingkan perspektif hukum adat dan hukum Islam dalam kerangka sosiologis. Tujuan ini dicapai melalui penerapan metodologi penelitian kualitatif, seperti observasi, wawancara mendalam, dan analisis dokumentasi. Hasil yang diperoleh dari penelitian ini menunjukkan bahwa meskipun terdapat kesesuaian antara perilaku laki-laki dengan aspek-aspek tertentu dari hukum Islam dalam pengaturan poligami, implementasinya sering kali tidak adil, yang mengarah pada diskriminasi terhadap perempuan. Untuk mengatasi tantangan ini, penting untuk melakukan penegakan hukum yang ketat dengan tujuan khusus untuk melindungi posisi yang dipegang oleh perempuan, khususnya dalam perkawinan poligami dalam masyarakat Desa Watobuku. Selain itu, dalam konteks ini, menumbuhkan rasa saling pengertian dan tanggung jawab antara pasangan pria dan wanita sangatlah penting. Penting juga untuk mendorong laki-laki, terutama yang sudah menikah, untuk menghargai pasangan mereka yang sudah ada dan menghindari mencari pasangan tambahan tanpa pertimbangan yang matang. Dalam penelitian ini, disarankan bahwa jika seorang suami ingin menikah lagi, ia harus mengikuti jalur perceraian dengan istri pertama sebelum mengejar pernikahan yang lain. Cara ini direkomendasikan karena berpotensi mencegah praktik diskriminasi dan menegakkan keadilan bagi perempuan dalam konteks pernikahan poligami.

### **Kata Kunci:**

**Pernikahan; Poligami; Perempuan dalam Poligami; Hukum Adat; Hukum Islam**

## **Introduction**

Polygamy is a contentious matter within the Islamic faith (Nurcahaya et al., 2018). Orthodox scholars contend that polygamy is a constituent element of Islamic law, hence allowing men to have a maximum of four wives (Ma'u, 2023). Conversely, proponents of modernism and advocates for women's rights contend that polygamy is permissible solely under specific circumstances that necessitate stringent criteria, such as ensuring fairness among all spouses involved (Choudhury, 2020). According to modernists, polygamy is not justified by a man's attraction to other women or his admiration for their beauty (Aminah, 2023).

Polygamy consistently elicits intense responses and is a disconcerting matter, particularly among women (Harel-Shalev & Kook, 2021). Despite the fact that many of us still feel perplexed when asked to provide a reaction about the concept of polygamy (Sari, 2023). Despite being exemplars of strong familial units, polygamous families continue to be stigmatized by the majority of individuals (Strauss, 2012). Even today, families from polygamous marriages are still commonly associated with the notion that they are unable to achieve harmony and are characterized by poverty and lack of education (Rediy & Tefera, 2020). Advocates of polygamy may face stigmatization as self-indulgent and uncultured individuals, leading to potential misunderstandings between proponents and

opponents of this contentious matter (Mustafid & Roswandi, 2023). Consequently, numerous individuals have significant challenges when it comes to openly acknowledging their endorsement of polygamy or expressing their genuine intention to have an additional wife, due to the apprehension of being stigmatized.

Polygamy has become prevalent in various locations of Indonesia (Sam'ani et al., 2023), including Watobuku Village in East Solor District, East Flores Regency, throughout the present era. As per the customs of Watobuku Village, if a wife consents to her husband remarrying, the leader of the traditional store on the husband's side convenes a meeting with the first wife to establish a formal agreement. The objective is to assess the husband's level of maturity and willingness to enter into a new marriage, as well as evaluate the husband's future commitment and obligations towards his wife. In addition, when a married man enters into a second marriage, he is required to provide *belis*, which refers to a monetary or livestock offering given by the man's family to the parents of the potential bride.

The status of women in Watobuku Village, East Solor, East Flores, inside polygamous marriages, is significantly shaped by the prevailing local culture, traditions, and values that hold sway in this community. The status of women in polygamous marriages is subject to variation based on factors such as cultural norms (Al-Krenawi et al., 2006), the function of women within the family, their day-to-day lives, economic well-being, and the level of consent and awareness they possess as polygamous spouses. Polygamy must adhere to relevant national and local legislation (Higdon, 2017). Women's rights and their protection are upheld in the context of polygamous relationships (Santoso & Nasruddin, 2021). This could encompass a mutual comprehension of women's entitlements and the obligations of spouses. Ensuring adherence to human rights, gender equality, and Islamic law should not undermine the need of respecting local culture and customs. Hence, it is imperative for the government, communities, religious leaders, traditional authorities, and society to actively foster knowledge and adherence to universal ideals, while simultaneously honoring cultural variety and customs.

Several articles analyze the status of women in relation to polygamy, including the adverse effects of polygamy on women and children (Saebani, 2019), the psychological harm it inflicts on women (Jaman, 2020), the legal aspects of polygamy in Indonesian positive law aimed at ensuring legal clarity in marriage matters and safeguarding women's rights (Yahya & Mahmud, 2020). The husband's ignorance on the terms of polygamy adversely affects family peace, perpetuates a state of powerlessness and injustice for women, and is attributed to women's medical ailments (Mwambene, 2017). This study examines the prominent role of women in polygamous marriages in Watobuku Village, East Flores Regency, through an analysis of both Islamic law and customary law.

## Methods

This research is field research to collect the required data and information sourced from interviews with parties involved in the process of polygamy in Watobuku Village, East Solor District, East Flores Regency. The type of approach used is a normative approach. Data sources consist of: Primary data, namely data obtained directly from the first source by observation and interviews with the community. Secondary data is data obtained from documentation and supporting data obtained through literature study to complement primary data sourced from books and other documents related to the problem being studied. Tertiary data are materials that provide instructions and explanations for primary and secondary data, for example dictionaries and encyclopedias. The data was analyzed using a qualitative data management strategy, namely a conceptual and critical analysis approach used to describe or discuss research findings.

## Result and Discussion

### Customary Polygamous Marriage in Watobuku Village

The Watobuku Village community is alternatively referred to as the Lamaholot village. Typically, the Watobuku Village Community follows its own set of traditions, particularly when it comes to marriage customs. Within these customs, women hold a prominent role, and their status is often determined by the value of the Dowry/Belis. This value is determined by the number and size of elephant tusks, which are rare and difficult to obtain. The wedding ceremonies in Watobuku Village are characterized by the customary exchange of elephant ivory as dowry. This cultural practice holds great significance within the community, as the people of Watobuku Village firmly believe that no other dowry can replace the value and symbolism of elephant ivory. The presentation of ivory as a dowry from men to women is considered a highly prestigious gesture, typically bestowed upon the woman's uncle, known as *Opu Lake* (Abdullah (70 years old), 2022).

As per the residents of Watobuku Village, *weli bala* (ivory dowry) is intricately linked to women and cannot be detached from them. Elephant ivory has the ability to foster strong bonds between husbands and wives, as well as unify the families of both genders. Moreover, it can also bring together the entire community of Watobuku Village. In the context of marriage, the Watobuku Village community holds a deeply revered and esteemed belief. Elephant tusks serve as a symbol of utmost reverence for a woman who is about to enter into the role of a wife. The bestowal of the elephant ivory prize to the woman and her family is subject to specific stipulations about the quantity and kind of elephant ivory that will be presented to the woman. If the elephant ivory is handed down to the woman, it will be adapted to the background and social circumstances of both

parties, if necessary. The presentation of the dowry (consisting of an elephant) to the bride symbolizes the establishment of a cordial relationship and a harmonious environment for social and cultural interactions.

In Watobuku Village, elephant ivory is referred to as *Bala*. The village possesses five distinct varieties of elephant ivory. If a man chooses to marry a lady who is closely related to him, he will be required to pay a customary fine, which involves surrendering seven items. This particular ivory belongs to the category of five elephant tusks, with two additional varieties, namely elephant ivory:

1. *Bala bele* (large and long tusk).
2. *Bala klikene* (ivory measuring half a fathom to the wrist).
3. *Bala kawayane* (tusks measuring half the size of the elbow to the elbow).
4. *Bala ina umane* (tusk measuring half a fathom to the shoulder).
5. *Bala opulake* (a tusk that is half a fathom in size, exactly like a hand's breastplate).

The ivory used as customary fines will be adjusted to the agreed-upon type of ivory (*bala*) at a later stage. Typically, the ivory handed over will be matched to the type of ivory previously given to the *bayulake* (the bride's lineage and above) (Abdullah (70 years old), 2022).

Watobuku Village has a predominantly Muslim population, and the practice of polygamy has been socially accepted since the 15th century, at the time when the village was under the rule of the Lamakera kingdom. Syahbudin bin Salman al-faris, a merchant priest hailing from Palembang, was the pioneer in bringing the Islamic faith to the kingdom of Lamakera (Suriyani, 2021).

The inhabitants of Watobuku Village are referred to as *bedueng* (polygamy), as they adhere to customs that involve practicing polygamy, particularly with regards to the regulations governing men who choose to engage in polygamous unions. In order for a man to engage in *bedueng* (polygamy), he must satisfy several prerequisites. Several of them are:

1. In connection with polygamous marriages (*bedueng*) which have their own aims and objectives that are adapted to the inheritance of their ancestors, a man must pay the woman he is going to marry with elephant ivory, and when he proposes to his two wives, he must comply with many other regulations.
2. When practicing polygamy, a man must obtain permission from his first wife and pay ivory to the *lake opu* (first wife's brother). As a sign of respect for the first wife and her family, this was done. The first wife gave her husband permission to remarry for several reasons, including:

- a. A first wife allows her husband to carry out polygamy for the reason of looking for male offspring because the wife is not yet capable of producing offspring and the first wife is unable to produce male offspring.
- b. Due to illness, the wife cannot serve her husband well.
- c. The husband had relations with another woman (impregnated another woman).

However, due to the fact that the pregnant woman came first, the majority of the Lamaholot community in Watobuku Village practice polygamy. According to the customs of Watobuku Village, if it is known that a woman is pregnant out of wedlock, the man is obliged to marry her in order to protect the baby's identity and take care of the pregnant woman.

Matters of religion and matters of law must not supersede or disregard customary law, in which customary law is prioritized over other laws. This is a customary practice of the community in Watobuku Village. Therefore, the wife who has understood the existing customs and traditions must consent to her husband's remarriage with a woman he has impregnated. The severance of the relationship between maintaining family ties with the male relatives, as well as the relationship between the male child who would inherit the leadership baton within the family, and social and customary affairs, has resulted in this being an obligation under customary law. On the other hand, this is to prevent the occurrence of risks in order to avoid divorce. To his father's family and considering other risks as well (Lukman (72 years old), 2022).

Although the issue of adultery in the Religious Court has not yet been resolved, the groom is required to pay a dowry to both parties as a demonstration of maturity and willingness to take responsibility for his wife. *Belis/bala* or *gading gajah* (elephant tusk) is one of the gifts given to the groom and his family in polygamous marriages practiced by the community of Watobuku Village. The issue of adultery is not addressed by the Religious Court, thereby allowing marriages to remain legally valid. According to the residents of Watobuku Village, the marriage has been conducted in accordance with the prevailing customary norms and has evolved into a longstanding cultural tradition (Lukman (72 years old), 2022).

According to the customary law of Watobuku Village, known as *koda gahing* or *koda kiring* (in the local language), there are several responsibilities that men must fulfill in a polygamous marriage agreement between the families of both parties. This data brings together the *mempali* family and adat advisors in a forum to discuss the customary rules that must be adhered to by both parties. Within this forum, customary advice also urges men to take responsibility and treat their wives with utmost fairness. The forum also discusses very important topics, such as the amount of *bala* (ivory) that men should give to women based on the size and type of the favor. The amount of assistance provided to

female descendants from female relatives is used as a benchmark for assistance. For this reason, the number of troops will be adjusted according to the type, number and size of assistance provided to mothers and grandmothers. Further discussions on Islamic law and customary provisions are held at the *kiring koda*. This institution requires both couples and their families to resolve and arrange matters beforehand, which is more detrimental to those who marry according to Islamic law. Subsequently, the aid was delivered at a later date or conveyed beforehand after their marriage in accordance with Islamic law. This depends on the agreement of the parties to discuss *Gahin/Koda* (Masang (60 years old), 2022).

The community of Watobuku Village practices polygamy, which allows them to live harmoniously under one roof. However, such a family can only be possessed by a husband who possesses exceptional qualities or, according to local beliefs, a husband who possesses knowledge and magic that binds his wives. Within the community of Desa Watobuku, the first wife possesses complete authority over customary matters and holds the highest position in the social hierarchy.

If a man marries another woman and has not paid the dowry, then in the future it will be paid according to the agreement made in the traditional meeting, in accordance with the norms prevailing in Watobuku Village. Regarding this matter, what you possess is joint ownership and shared responsibility. The dowry can also be used by her brother to settle unpaid debts to his previous wife's family if her sister is going to marry another man who is required to pay the dowry directly to her sister.

The regulations regarding polygamy in the village of Watobuku, particularly the regulations pertaining to polygamy, are referred to as *bedueng*. According to the provisions of polygamy in this society, a husband's wife may be married to the husband's male relative, even if the male relative already has a wife. This cultural practice is carried out on the premise that a brother is obligated to marry a woman who has been abandoned by her husband, as she has not yet fulfilled her financial obligations to the husband's family.

The practice of polygamy is prioritized in the traditional customs of Watobuku Village, with the *bala weling* (elephant ivory) being highly regarded. The indigenous community of Watobuku Village possesses a variety of unique dowries, including dowries for both men and women, which serve as symbols of respect and familial bonds. Furthermore, it serves as a means to secure the commitment between husband and wife.

### The Impact of Polygamous Marriage Implementation on Watobuku Village Women

The perceptions of polygamy among women in Watobuku Village are primarily influenced by both internal and external influences. Internal factors encompass various

elements tied to the system of values and objectives, reactions, and convictions. These elements encompass religious ideals that are embraced, comprehended, and employed as a basis for communal and societal coexistence. External factors refer to the environmental conditions that impact women in Watobuku Village throughout their daily activities, including the community, work, and organizational environments.

a. Determinants of polygamy prevalence in Watobuku Village

1. Physiological needs

Biological demands are crucial in the family system, as marriage serves as a means to fulfill the innate human sexual need. In the event that this desire is not met as anticipated, the husband will proceed to get into a new marital union with another lady, thus becoming his second wife. Typically, males possess a natural inclination for sexual arousal towards individuals of the opposite gender, which is widely regarded as a normal and inherent aspect of human nature. (Kasus et al., 2014)

2. Husband's discontentment with his spouse.

Evidently, the husband's decision to engage in polygamous marriage in Watobuku Village sprang from his dissatisfaction with his wife. Consequently, the husband's polygamous marriage did not align with the prophet's practice, where polygamy was undertaken to protect women. However, the husband in Watobuku Village took a different approach by using polygamy as a way to express his dissatisfaction with his partner and prioritize his own desires. This led to the husband engaging in polygamous marriages driven by unsatisfied lust, indicating that his motivation for practicing polygamy was rooted in his own desires. Men are the offspring of a union with a female that leads to pregnancy. As per the traditions of Watobuku Village, women who conceive a child outside of marriage are required to enter into matrimony.

3. The wife is infertile

One contributing element to the practice of polygamy in Watobuku Village is the wife's infertility, as exemplified by Salman Teos' mother, who permits her husband to marry another woman due to her inability to conceive.

In addition to the multiple variables that contribute to polygamy, there are also consequential implications associated with the practice. Some of the effects observed in Watobuku Village when polygamy occurs include:

1. The wife experiences emotional pain.

An effect of polygamy in Watobuku Village is the emotional distress experienced by wives, who often perceive that their husbands engage in polygamy due to engaging in adulterous relationships with other women. The majority of polygamy practiced by husbands is unilateral polygamy, which refers to polygamy taken out by the husband without the consent of his first wife. The suffering of a wife can also be observed when



her husband fails to provide equitable treatment to his women, indicating that the husband is incapable of acting justly in regards to both financial and reproductive necessities.

2. The wife suffers from a psychological illness

The psychological well-being of a wife is significantly impacted by polygamy, leading to mental stress and problems that damage her psychology. According to Mrs. Aisyah Labang, this is the result of internal pressure and a state of mental confusion. Upon discovering her husband's practice of polygamy, she developed psychological illnesses and harbored a sense of despair, believing that there was no longer any prospect for carrying on with life (Labang, 2022).

In the past, numerous societies practiced polygamy, which allowed individuals to have multiple spouses without any restrictions on the number (Santoso, 2023). A separate man weds another woman. Consequently, men's involvement in the household relegates women to a subordinate position. He claimed that men exploited women at the period. Over time, women increasingly recognize the unfairness they face, leading to the creation of legislation that are seen as a remedy for women's status.

Historical cultural leaders like RA Kartini from Central Java and Rohana Kudus from Minangkabau (Sundari, 2019), who expressed disapproval of marriage laws that exhibited bias against women, have long been linked to the presence of laws pertaining to marriage and generally applicable to the institution of family.

Specifically, a gathering of Indonesian women affiliated with the sisterhood of wives, union of wives, and true women on October 13, 1929, led to a resolution that banned polygamy (Nurmila, 2016). The outcomes of the decree were deliberated in conjunction with another subject, namely prostitution. The institutional conflict prompted the Dutch East Indies government to create a registered marriage statute in response to the demands of women. Two agreements have been established: the prohibition of extrajudicial divorce and the principle of monogamy.

In Indonesia, the primary foundation for marriage is the legal framework, particularly the idea of monogamy, which stipulates that a husband and wife are only allowed to have one partner (Feillard, 1999). In Indonesia, men (husbands) are allowed to engage in polygamy due to the continued adherence to the principle of monogamous marriage. Polygamy holds a prominent position in the marriage traditions of Indonesia, serving as the primary principle. However, it does not inevitably result in the practice of polygamy. Nevertheless, there are crucial prerequisites that must be fulfilled prior to the practice of polygamy.

The prevalence of polygamy in Indonesia is based on the ability to implement it as specified in Islamic law, which is also reflected in statutory restrictions (Madina et al., 2023). If Islam promotes polygamy, it is imperative that it is practiced with fairness.

Men who engage in polygamy face various forms of discrimination, including inside polygamous relationships. If the wife is unable to consent to her husband's remarriage, one could create a counterfeit divorce certificate and proceed with an unrecorded marriage (Trigiyatno et al., 2023). Obtaining the wife's consent is a prerequisite for engaging in polygamy. This demonstrates the continued presence of adaptable legislation and rigorous enforcement of legal validation. Conversely, women perceive these restrictions as a means of exploitation rather than a means of safeguarding women's status. The regulations contain falsehoods, suggesting an effort to safeguard women due to the inherent impossibility of achieving true equality between genders, both in theory and in practice.

Polygamy is the primary catalyst for husbands to exhibit violent conduct towards their women, particularly in the form of sexual rights infringement and harassment. Most women who engage in polygamy encounter violence rather than happiness in their lives. Polygamy can be observed as a manifestation of violence towards women, specifically spouses, as the majority of violence enacted by husbands against polygamous wives is coercive in nature.

Polygamy fundamentally originates from a societal framework that exhibits differential treatment towards women and men. This results in an imbalance of power that diminishes the status of women and subjects them to disdain. In addition, polygamy adversely affects women's emotions as there are numerous women who prohibit their husbands from entering into subsequent marriages. Muhammad Abduh, in contrast to Nasr Hamid Abu Zayd, underlined that polygamy is a highly degrading practice that diminishes the status of women. According to him, the contemporary practice of polygamy in the kiai community disregards the Prophet Muhammad's tradition of honoring widows.

Nevertheless, any wife may endure psychological distress upon witnessing her husband partaking in sexual activities with another woman. It transpires that the wife prohibits her husband from practicing polygamy due to several reasons, including her desire to prevent his affection from being divided among multiple wives. Due to the wife's profound affection for her husband, she perceives herself as inferior to him. It seemed that her spouse had unjustly prevented her from accessing necessary biological services.

Maulida highlighted the dominance of male authority in the practice of polygamy among Madurese religious leaders known as *Kiai*. According to him, the roles of women and men in polygamy are unequal. As per the stipulations of the Koran, men hold a superior

position over women inside the family structure. The societal presumption that men occupy the dominant role in the household while women are confined to the role of housewives, only responsible for domestic duties, results in an unjust position for women. In addition, there are still numerous men who, despite desiring marriage, exploit their own privileges and power to intimidate women (spouses) into entering into remarriage within the framework of contemporary polygamy.

According to multiple chronologies derived from interviews, polygamous marriages of husbands have an impact on the position of women, as husbands consistently marginalize and discriminate against them. Several experts have posited that polygamy is a manifestation of the marital institution's underlying objectives. Additionally, they assert that several women endure both physical and psychological violence, drawing a parallel between their experiences and that of women subjected to domestic colonialism or confinement.

### **Views of Islamic Law on Polygamy with and Without the Wife's Permission in Watobuku Village**

Polygamy has been prevalent in various regions across the globe, especially among the monarchs of Lamakera during that age. Nevertheless, the polygamy that was observed during that period did not adhere to the principles of Islamic jurisprudence (Izzati, 2021). Polygamous marriages were recognized in Islamic jurisprudence prior to the advent of Islam. Thus, the inclusion of Islam serves as a mechanism to systematize the concept of polygamy and provide assistance to women (Azwar et al., 2021).

Comprehending the acceptability of polygamy in Islam as a means to address domestic and other humanitarian issues holds greater significance than merely pursuing personal wishes or invoking religious justifications (Marzuki, 2019). This demonstrates the crucial role of the state in overseeing and controlling polygamy and related matters, such as conducting interviews with people of Watobuku Village to ascertain the conformity of their practices with Islamic law (Wahid, 2022).

Simat Abdul Karim (Karim, 2022) argues that contemporary polygamy deviates from the original intent of the prophet, who practiced it to provide support for widows and women left abandoned by their husbands due to battlefield casualties. However, modern polygamy often prioritizes the desires of the husband and is frequently enforced through coercion or force. It is important to note that polygamy is not solely initiated by husbands who engage in extramarital affairs and impregnate other women, thus making it the husband's responsibility to marry them. The proliferation of polygamous behaviors.

Currently, women who engage in polygamy are at a higher risk of experiencing domestic abuse (Hamim, 2022). For instance, in several accounts of marital relationships,

polygamous husbands exhibit a preference for their second wife over their first wife, even if the first wife is also practicing polygamy and is financially independent (Hakim, 2022). It is evident that Islamic beliefs, as stated in the word of God Q.S an-Nisa/ 4: 19, contradict the notion that men should maintain a positive connection with their spouses.

Meaning.:

*“O you who believe, it is not lawful for you to inherit women by force. Do not give them trouble because they want to take back some of what you have given them, unless they commit a truly heinous act. Associate with them in an appropriate way. If you don't like them, (be patient) because it may be that you don't like something, even though Allah has made a lot of goodness in it.”* (Kementerian Agama RI, 2019)

This text does not suggest the capacity to treat a wife as an inheritance, even if not by coercion. According to the misguided custom, the eldest offspring or other relatives have the right to inherit from the widow whose father has passed away. Nevertheless, individuals possess varying interpretations of polygamy. As to the accounts of many religious and traditional authorities in Watobuku Village, polygamy is deemed permissible, however subject to certain prerequisites. One need is that husbands must treat their wives equitably and adequately provide for them. Haji Lukman (Lukman (72 years old), 2022) affirmed that polygamy is permissible, provided that husbands adhere to equitable treatment of their wives and follow the stipulations and regulations prescribed by the law. Furthermore, he maintains that polygamy is permissible solely in critical situations, such as when the husband possesses the ability to bear children while the wife is incapable and unable to fulfill her husband's desires, resulting in the wife aging, experiencing menstruation, and enduring an extended postpartum period.

Essentially, Islamic law embraces polygamy as a method of elevating women, guaranteeing fairness for them, and safeguarding orphans (Hadi, 2022). Nevertheless, polygamy is presently prevalent, being practiced without adhering to religious or governmental prohibitions. Furthermore, it poses a challenge in the context of family dynamics and exacerbates the prevalence of violence directed at women, hence rendering women even more susceptible. Notwithstanding the legal and cultural regulations surrounding polygamy, women persistently encounter gender bias from their male counterparts (husbands). In addition, contemporary polygamy has a detrimental impact on children, as most husbands who engage in this practice no longer provide financial or emotional support to their wives and offspring (Abidin, 2022).

In the Islamic viewpoint, polygamy is regarded as a solution to social issues (Danial, 2023). Therefore, the matter of polygamy should be understood in light of its primary objective, which is to establish a harmonious, loving, and compassionate family, as mentioned in the Quranic verse ar-Rum/30:21.

Meaning:

*“Among His signs (of His greatness) is that He created partners for you from your own (kind) so that you feel at ease with them. He created among you feelings of love and compassion. Indeed, in that there are truly signs (of Allah's greatness) for a people who think.”* (Kementerian Agama RI, 2019)

Aside from religious factors, the ability to practice polygamy is associated with the ability to exert influence and control over both political and economic domains (Hakim, 2022). Religion serves as a justification or pretext in this instance. This is a prevalent trend observed in various religious institutions, including Islam. By classifying manufactured information, history, which was first influenced by culture, transformed into a religious narrative. Concerning the emerging practice of polygamy, it appears to be primarily motivated by unbridled carnal desires. Consequently, polygamy leads to family conflicts and acts of violence targeting women. Hence, it is advisable to refrain from practicing polygamy in contemporary times, given that the detrimental consequences exceed the beneficial ones.

As the academic authority in charge of the KUA, here is the response. Men who seek to engage in polygamy must comply with the relevant statutory rules that prohibit polygamy without the wife's consent. According to Ramadchan, polygamy is governed by the marriage laws in Indonesia. It is considered illegal for a husband to engage in polygamy without obtaining consent from his first wife and subsequent spouses. Nevertheless, if the marriage is still coerced, it will inevitably affect the legal entitlements of the wife and her children, namely in terms of inheritance and administrative matters. Although legally permissible, polygamy without the wife's consent is allowed. According to the relevant legislation on marriage, it is mandatory for both the husband and wife to be officially registered when entering into a marriage. Consequently, if a husband practices polygamy without obtaining the consent of his wife, it will not be recognized and recorded as a legal marriage.

Obtaining consent from the wife is a crucial step in the approval of a polygamy permit. The fulfillment of this criteria is mandatory when seeking for a polygamy permit, as stated in (Asman, 2020):

- a. Article 5 paragraph 1 point a Law no. 1 of 1974 concerning marriage, namely that to be able to apply to the court for more than one wife, conditions must be met for the consent of the wives.
- b. Article 41 point b implementing regulations no. 9 of 1975 concerning the implementation of Law no. 1 of 1975 concerning the implementation of Law no. 1 of 1974, namely that the court then examines whether or not there is consent from the wife, both verbal and written consent, if the consent is an oral agreement, the consent must be expressed in front of the court.

- c. Article 58 paragraph 1 point a Presidential Instruction Number 1 of 1991 concerning the compilation of Islamic law which states that to obtain permission to marry more than one wife must fulfill the conditions specified in Article 5 of Law Number 1 of 1974, namely the wife's consent.

While it is possible for a husband to practice polygamy without obtaining his wife's consent, there are specific obligations outlined by Sharia law that the husband must meet, one of which is treating his wives with fairness. Under Islamic law, polygamy can be practiced without the first wife's consent as long as the marriage contract remains valid and the number of wives does not exceed four (Alam, 2019). Practicing polygamy is allowed even without the wife's consent, however it is essential to ensure fairness in the practice. Both external justice and internal justice are essential. If justice is not upheld, the wife and children will suffer from injustice within the household. The husband, being a polygamist, must possess the capability to provide financial assistance for his family, which is the cause of his concern.

Those individuals who desire to adhere to the laws of Allah. To engage in polygamy, it is imperative to adhere to the laws of Allah and provide equitable treatment of both your wife and children. If you do not belong to this group, then you are part of a faction that opposes Islamic law and sharia. This implies that your adherence to sharia in Islam is simply done with a lack of enthusiasm. The objective of addressing polygamy justice issues is to ensure fairness in both internal and exterior aspects, encompassing economic and biological considerations.

The present polygamy observed in the Watobuku Village community is indeed linked to the practice of marriages that do not consistently adhere to Islamic law, similar to the polygamy observed in Watobuku. The village has emerged as a consequence of miscommunication. Polygamy in Watobuku Village contradicts the precepts of the Koran, the laws governing marriage, and the compilation of Islamic law. When a husband engages in polygamy, he prioritizes his personal wants above everyone else. This implies that the husband engages in polygamy due to his involvement with another lady, disregarding the potential consequences for his wife's family and children. This is shown in several timelines documenting the experiences of a married woman, which indicate that her husband's extramarital relationship and the unfair treatment she received from the other woman were significant factors contributing to the practice of polygamy. Consequently, these circumstances led to the lady acquiring psychological illnesses.

## Conclusion

The predominant consequence of polygamous marriages in Watobuku Village is the practice of polygamy without the wife's informed consent. The reason for this is because

polygamy, when practiced by husbands, places a higher emphasis on sexual desire, leading to the possibility of impregnating another woman and forming a bond with her. Within the Watobuku Village community, it is incumbent upon a man to assume accountability for impregnating a woman, regardless of whether he is already married. Consequently, he is obligated to wed the woman. As per the comprehension of the Watobuku Village community, customary law holds greater authority than other legal systems. The Islamic legal standpoint on polygamous marriages in Watobuku Village reveals that numerous instances of polygamy do not align with Islamic law. For instance, the prevalent practice of husbands in Watobuku Village engaging in polygamy without their wives' knowledge is strictly prohibited according to Islamic law. Under Islamic law, the husband's practice of polygamy does not ensure equitable treatment of his wives. Under Islamic law, polygamy must be conducted with fairness towards the wife by the husband. Thus, it is evident that the practice of polygamy in Watobuku Village does not align with religious regulations.

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