

## Wife's Permission as a Polygamy Requirement in The Perspective of Islamic Law and Positive Law

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**Abstract.** *The four schools of Islamic jurisprudence do not consider the wife's permission as a requirement for polygamy. Muslim countries around the world also do not explicitly mention the wife's permission as a condition for polygamy. However, the Compilation of Islamic Law and Marriage Law in Indonesia mandates the prior permission of the wife as a requirement for polygamy. Therefore, wife's permission as a polygamy requirement in Indonesia is a requirement that stems from the process of ijtihad by Indonesian scholars, utilizing relevant theories adjusted to the social and cultural structure of Indonesia. This research is a literature study using a normative juridical approach. It is a qualitative study analysing, explaining, elaborating, and revealing research findings. The data collection technique used is a literature review. The analysis employed is the theory of saddu al-zariah wa fathuha, which prohibits all means leading to something prohibited and necessitates all means leading to something required. This research concludes that based on the analysis of saddu al-zariah wa fathuha, the wife's permission in polygamy can change its status from an administrative requirement (syurut al-kamal) to a valid requirement (syurut al-sihhah). This is because polygamy without the wife's permission in Indonesia can lead to successive harms (mudarat) to the rights of the wife and children. Conversely, making the wife's permission a condition for polygamy fulfils the means to achieve justice in polygamy. Making the wife's permission a condition for polygamy is implementing the command to safeguard and protect the rights of the wife and children referred to as al-ahl in the Qur'an. This research is expected to convince the global community that the requirement of the wife's permission in polygamy applied in Indonesia is in line with the social and cultural structure of Indonesia, thus the resulting ijtihad is also in accordance with the proper principles of ijtihad.*

**Keywords:** Polygamy, Wife's Permission, Saddu al-Zariah wa Fathuha

### 1. INTRODUCTION

Islamic law, based on the Qur'an and Hadith, permits polygamy under certain conditions. One of the main conditions in the practice of polygamy is the justice that must be upheld by the husband towards his wives. However, permission from the first wife is not explicitly mentioned as a mandatory requirement in classical texts. Instead, this requirement is more often regulated through ijtihad and fatwas by scholars who consider the local social and cultural context.

Positive law in Indonesia, through Marriage Law No. 1 of 1974 and the Compilation of Islamic Law (KHI), stipulates that polygamy can only be carried out under certain conditions and requires permission from the religious court. One of the main conditions is the permission of the first wife. This is done to protect the rights of the wife and children, as well as to maintain justice within the family.

The rules for polygamy in Indonesia, although not absolutely prohibited, are very strict. This is because the culture in Indonesia is different from the culture in some other countries that consider

polygamy a source of pride and a symbol of success. Polygamy is regarded as an ancestral heritage that must be preserved. (Ridwan, Abdullah, and Idham 2024). This perception is different from the general view of Indonesian society, which considers polygamy as an abnormal marriage. (Nasrulloh and Witro 2021).

Therefore, it is very reasonable for the regulations in Indonesia to be aimed at narrowing the opportunity for polygamy by tightening the requirements. The state regulations regarding the requirement for the first wife's permission in polygamy have not been fully supported by the opinions of Indonesian scholars and religious leaders. The status of the wife's permission in polygamy remains limited to the ethical level, where it is considered better to ask for permission, but it does not affect the validity of the polygamous marriage. A husband is deemed legally allowed to marry even without the permission of his previous wife, similar to how a son does not need to ask for his parents' permission to marry. Consequently, the practice of polygamy without the wife's permission is still prevalent in Indonesia. Therefore, studies that can provide insights into the urgency of the wife's permission in polygamy are very important and should be conducted using various approaches. (Harwis Alimuddin and Abdurrahman 2023).

Classical fiqh does not make the previous wife's permission a condition for polygamy. Classical fiqh only discusses the requirements of justice in polygamy. Hanafi madhab, stipulates that the husband must be fair to his wives. Imam Syafi'i also allows polygamy on fair terms related to physical matters, for example visiting his wife at night and during the day. However, in matters of the heart according to Syafii', only Allah knows. Because of that, it is impossible for a person to be fair to his wife as required by verse al-Nisa/4: 129, connected to the heart. Imam Syafi'i explained that husbands are obliged to do justice to their wives in polygamy, and receiving fair treatment is the wife's right. Likewise with scholars The Hanbali school of thought believes that a man can marry a maximum of four women (Maulida et al. 2022).

The contradiction between the understanding derived from classical fiqh literature and the positive law in Indonesia has led to a debate about the status of polygamous marriages without the first wife's permission from the perspective of Islamic law. (Bukhori 2021). Are the rules in classical fiqh something rigid or something that can change with the changing conditions of society.

Amidst this debate, it is important to delve deeper into how a wife's permission in polygamous marriage is viewed from the perspective of Islamic law and positive law in Indonesia. Furthermore, there is a need for an in-depth analysis of how the principle of *sadd al-zari'ah* can be applied in this context to achieve a balance between preventing

harm and opening opportunities for goodness. This research also aims to provide constructive recommendations for the development of family law in Indonesia, particularly in the context of polygamy, to be more just and in line with the principles of justice in Islam and Indonesian positive law.

## 2. LITERATURE REVIEW AND HYPOTHESIS DEVELOPMENT

To the extent of the search conducted, no specific research has been found that directly connects the discussion of a wife's permission as a condition for polygamy from the perspective of Islamic law and positive law with an analysis of *sadd al-zari'ah wa fathuha*. The research found generally discusses the conditions of polygamy in the context of Islamic law and positive law.

Among these studies is research conducted by Apriana Asdin titled "Concept of Justice in Polygamy in the Perspective of Islamic Law and Positive Law". Her research concludes that to achieve a fair understanding of polygamy, it is necessary to involve women who are experts in the field of law to implement rules that promote gender justice (Asdin 2023). This research, although highlighting the injustice of polygamy conducted without the wife's permission, has not specifically revealed the aspect of the wife's permission status in Islamic law and positive law.

Another research found is a study conducted by M. Herowandi and Vika Arumningrat titled "Polygamy Requirements in the Perspective of Legal Politics". Their research concludes that clandestine polygamous practices (*sirri*) are still widespread. Such clandestine polygamous practices are highly susceptible to violations that hinder the goals of marriage and the state's aim to protect its citizens and their descendants cannot be maximally achieved. Therefore, in this regard, the state must be able to formulate policies ensuring that all marriages, especially polygamous ones, are registered and can be monitored and regulated proportionally to achieve the national goals based on the belief in the Almighty God (Herowandi 2022). This research does not emphasize the urgency of establishing the wife's permission as a requirement for polygamous marriage.

The next study is conducted by Ahmad 'Abdulah Coronas titled "Practice of Polygamy Without Permission in East Bacan, South Halmahera". This research concludes: First, the implementation of polygamy without permission in the East Bacan District is done through cases of premarital pregnancy compounded by the low awareness of the community regarding the importance of marriage procedures. Second, the limitations of budget and human resources possessed by the East Bacan District Religious Affairs Office (KUA) in conducting socialization to

the community become triggers for the lack of attention from the KUA to minimize the occurrence of polygamy without permission in the East Bacan District. Third, the implementation of polygamy without permission in the East Bacan District has led to legal consequences, including weakened legal status of marriage, lack of birth certificates for children born from polygamous marriages without permission, and so forth (Coronas et al. 2023). This research also has not specifically discussed the status of the wife's permission in polygamous marriage from the perspective of Islamic law and positive law. Therefore, this study aims to specifically address the status of the wife's permission in polygamous marriage through an analysis of *sadd al-zari'ah wa fathuha*.

### 3. RESEARCH METHODS

This research is a literature study using a normative approach. In addressing the issues at hand, the researcher employs a normative legal research type, which involves examining existing literature materials. The researcher applies a legislative approach by examining relevant legislation and implementation regulations, particularly those related to the issue of a wife's permission as a condition in polygamous marriage.

Data collection techniques involve gathering and analysing literature relevant to the research topic to understand the concepts and legal basis of a wife's permission in polygamy from both Islamic law and positive law perspectives. Primary legal sources are obtained by analysing legislation, official decrees, and several decisions related to the title of this research. Secondary legal materials are obtained by analysing books, journals, and previous research results, which are then systematically analyzed.

Analysis of *sadd al-zari'ah wa fathuha*: Utilizing the *sadd al-zar'iah* approach (blocking the means of harm) and *fathuha* approach (opening the means of goodness) to analyze the impacts of polygamy without a wife's permission and explore the benefits of existing regulations.

### 4. RESULTS AND DISCUSSION

#### The Status of Wife's Permission from the Perspective of Classical Fiqh

The four schools of Islamic jurisprudence do not consider the wife's permission as a requirement for polygamy. Muslim countries around the world also do not explicitly mention the wife's permission as a condition for polygamy (Luthfiyah 2022). No requirement for the wife's permission to engage in polygamy is found in the literature, neither in primary sources (the Qur'an and Hadith) nor in classical fiqh. The discussions in fiqh revolve around the differences of opinion among scholars when the wife stipulates that she should not be subjected to polygamy. Scholars have differing opinions on whether such a condition is valid and

must be complied with by the husband, or if the condition is invalid and therefore the husband is not obligated to adhere to it (Syahrur 2000).

When explaining the conditions for the permissibility of polygamy, classical scholars do not mention prior permission from the wife as a condition for polygamy. The conditions for the permissibility of polygamy outlined by classical scholars revolve around three main points. Firstly, the number of women a man takes in polygamy must not exceed four. Secondly, the husband engaging in polygamy must be capable of providing for his wives and children from those marriages. Thirdly, fairness must be maintained among his wives (Wahbah al-Zuhaili n.d.).

Based on the search, classical fiqh literature does not require prior permission from the first wife to engage in polygamy. Scholars differ in opinion regarding whether the requirement of the wife's permission is valid or not. The conditions outlined in classical fiqh literature primarily focus on the husband's ability to be just and ensure the welfare of his wives and children. Classical fiqh literature generally permits polygamy without requiring permission from the first wife, as long as the husband can fulfill the conditions of justice and welfare (Muhammad 2012).

The Quran only mentions the condition of fairness in polygamy, as stated in the words of Allah SWT in Surah An-Nisa (4:3). *"And if you fear that you will not deal justly with the orphan girls, then marry those that please you of [other] women, two or three or four. But if you fear that you will not be just, then [marry only] one or those your right hand possesses. That is more suitable that you may not incline [to injustice]."*

Hadiths also do not mention the condition of the wife's permission in polygamy. The found Hadiths emphasize the requirement of justice in polygamy, such as the Hadith narrated by Tirmidhi, Ibn Hibban, and Al-Nasai: *"When a man has two wives and he is inclined to one of them, he will come on the Day of resurrection with a side hanging down."*

Classical fiqh literature, both Sunni and Shia, unequivocally permits a husband to have four wives without needing permission from the court or from previous wives. Therefore, the requirement of permission from the wife stipulated in the Indonesian Compilation of Islamic Law (KHI) and Marriage Law is not a result of classical scholars' opinions. These requirements emerged through the process of *ijtihad*, considering the social conditions prevailing in Indonesia. The Compilation of Islamic Law can be considered as the Indonesian school of thought in fiqh, compiled in the form of codified articles based on cultural considerations, social structures, geographic locations, and the circumstances and era when the Compilation was drafted (Abubakar 2016).

### **The Status of Wife's Permission from the Perspective of Positive Law**

Under positive law, Indonesia is a country that adheres to the principle of monogamy. The monogamous principle embraced by the culture and law in Indonesia is the principle of open monogamy (Herowandi 2022). It means that a husband is only allowed to have one wife. However, a husband can have more than one wife if certain conditions are met and permission is obtained from the court. One of the conditions that must be met is obtaining permission from the existing legitimate wife, except in specific circumstances. A husband who engages in polygamy without permission from the court commits a criminal offense as regulated in Article 279 of the Indonesian Penal Code (KUHP). This article only prohibits and penalizes polygamy conducted illegally (Hariati 2021).

It means that Indonesia adopts the principle of monogamy, which allows polygamy under very strict conditions, including obtaining permission from the first wife and approval from the religious court. Marriage Law No. 1 of 1974 and the Compilation of Islamic Law (KHI) stipulate that polygamy without the permission of the first wife and without approval from the religious court is invalid and can be considered a criminal offense (Muqsith, Sudirman, and Fadil Sj 2022).

Article 279 of the Indonesian Penal Code states that polygamous marriage without valid permission and permission may be subject to criminal sanctions. In Indonesian law, both the Marriage Law and the Compilation of Islamic Law explain alternative and cumulative requirements. Polygamy may be allowed when one of the alternative requirements is met. However, cumulative requirements are absolute conditions that must be fulfilled by the applicant. Here, it is clear that cumulative requirements are crucial conditions in determining whether polygamy is eligible to be granted (Hadi 2023).

The legal basis for granting permission for polygamy by Religious Courts is regulated in Article 4 paragraph (2) of the Marriage Law. The article states that the court only grants permission to a husband who intends to have more than one wife if: The wife is unable to fulfil her duties as a wife; The wife suffers from physical disability or incurable illness; The wife is unable to bear children (Askar 2021).

Furthermore, the Compilation of Islamic Law also regulates the practice of having more than one wife. Article 55 of the Compilation of Islamic Law states that a husband may only have up to four wives simultaneously. The primary requirement for having more than one wife is that the husband must be able to treat his wives and their children justly. However, if this requirement cannot be met, the husband is prohibited from having more than one wife. (Nasrulloh and Witro 2021).

Article 56 of the Compilation of Islamic Law states that a husband who wishes to have more than one wife must obtain permission from the Religious Court. The procedure for applying for permission is regulated in Government Regulation No. 9 of 1975. Marriages conducted without permission from the Religious Court with the second, third, and fourth wives have no legal validity.

Article 57 of the Compilation of Islamic Law explains that a husband may obtain permission for polygamy if the wife is unable to fulfil her obligations, suffers from a physical disability or an incurable illness, or is unable to bear children. In addition to these primary requirements, to obtain permission from the Religious Court, the husband must also fulfil the conditions stipulated in Article 5 of Law No. 1 of 1974, namely the wife's permission and assurance that the husband is capable of providing for the livelihoods of his wives and their children.

### **The Epistemology of *Saddu al-Zaria'ah wa Fathuha***

*Al-zari'ah* is the singular form of the word *al-zarai* which means a means of connecting something. Meanwhile, according to Islamic jurisprudence scholars, *al-zari'ah* is what is connected with something that is prohibited which contains *mafsadah* in it. Some scholars of other jurisprudence interpret *al-zari'ah* as a means of connecting with something in general. Both contain *mafsadah* and means that lead to benefits (Wahbah al-Zuhaili n.d.).

According to Muhammad Abu Zahrah, *zari'ah* in linguistic terms is a means (*wasilah*), while *zari'ah* according to sharia terms is a means that leads to what is *haram* or a means that leads to what is *halal*, and the law of these means is equated with the law of the direction of the goal of the means. Therefore, the law of means that leads to something *halal* is *halal*, the law of means that leads to something that is not allowed is *haram*, the law of means that leads to something that is permissible is permissible, the law that leads to what is obligatory is obligatory. Therefore, adultery is a *haram* act and looking at a woman's private parts can lead to adultery is also a *haram* act. Friday prayers are obligatory, so leaving buying and selling to perform Friday prayers is also obligatory. The Hajj is obligatory, so trying to carry out the Hajj is also obligatory for those who are able to do so (Zahrah 2006).

According to Wahbah al-Zuhaili, *sadd al-zari'ah* is to prohibit and reject everything that leads to something that is forbidden. Islamic jurisprudence scholars often combine the word *zari'ah* with the word *saddu* and the word *fathu*. *Sadd al-zari'ah* is closing the means that lead to something that is prohibited if it causes *mafsadah*. Meanwhile, *fathu al-zari'ah* is taking the means that cause benefits (Wahbah al-Zuhaili n.d.).

*Sadd al-zari'ah* completely placed under the major theme of *dar'ul al-mafasid*. Accompanying the previous figures of Islamic law, he views that *al-zari'ah* is something that is originally *mashlahat* but can be a medium for something *mafsadah*. While *fath al-zari'ah* is included in the study of *jalb al-masalih* (Mukri n.d.).

Paying close attention to the previous meanings of *sadd al-zari'ah* and *fathu al-zari'ah*, the differences between the two can be simplified. *Sadd al-zari'ah* is to prohibit means that lead to something that is prohibited, such as prohibiting giving gifts to judges because it can lead to judges' decisions that are not objective. while *fathu al-zari'ah* is to allow means that lead to something that is permitted or recommended, such as being allowed to record religious studies which will lead to a deep public understanding of religious studies (Syatar et al. 2023). In short, *sadd al-zari'ah* is a preventive action to prevent harm, loss or difficulties. Meanwhile, *fathu al-zari'ah* is the act of opening up the means towards goodness and benefit.

#### ***Sadd al-Zaria'h wa Fathuha's Analysis of the Wife's Permission Status in Polygamy***

Research conducted by Mulia Siregar and friends revealed that the majority of polygamous marriages actually cause problems in the household. Especially the issue of domestic violence (Fatimah Zuhrah, Muhammad Jailani 2021). However, quite a few people are determined to enter into polygamous marriages for various motives, ranging from religious understanding to sexual motives (Galieva 2021).

Several realities showed that the lives of polygamous women experience more in violence than happiness cases. National Commission on Women stated through its commissioner that in 2017 there were 1,697 cases of domestic violence due to polygamy. The types of violence that occur exist in several contexts, such as emotional, economic, physical violence, including sexual violence. These indicate that women who live with husbands who have more than one wife are very vulnerable to acts of violence (Fatimah Zuhrah, Muhammad Jailani 2021).

Polygamy carried out without the wife's permission can result in obstruction of the rights of the wife and existing offspring from a polygamous marriage without the wife's permission. Polygamy carried out in a society with a monogamous culture will not only have an impact on the psychology of the wife, but will also have an impact on the psychology of the children. Indonesia, which has a monogamous culture, has carried out several studies which prove that polygamy has an impact on children's psychology. Among them: children will feel less loved; embedded hatred in children; growing distrust in children; and the emergence of

trauma for children (Fatimah Zuhrah, Muhammad Jailani 2021).

Polygamy can disturb the mental health of polygamous women. Polygamy is a painful and bitter pill for most women to swallow. Women experience various degrees of emotional difficulties including jealousy, unhappiness, loneliness, and lack of intimacy with their spouses. For the majority of these women, infertility, love marriage by husband, lack of social and financial support, and fear of divorce were the cited reasons for allowing co-wives in their marriage (Naseer, Farooq, and Malik 2021).

Therefore, polygamy carried out without the permission of the first wife in a country with a monogamous culture can be a form of psychological violence against the wife. The psychological condition of a wife who is not mentally ready to accept the presence of another woman in her household can cause internal stress (Santoso 2021). Law no. 23 of 2004 concerning the Elimination of Domestic Violence, psychological violence is an act that causes fear, loss of self-confidence, loss of ability to act, a feeling of helplessness, and/or severe psychological suffering in a person. Psychological forms of violence experienced by women include cursing, continuous insults to reduce the victim's self-esteem, shouting and threats intended to create fear. In general, psychological violence occurs in the context of personal relationships (Widiani 2022).

Polygamy without the wife's permission can result in the inheritance rights and civil rights of the wife and children not being claimed, because there is no valid proof of their marital status (Coronas et al. 2023). Apart from that, polygamy without the wife's prior permission can lower social status in a society with a monogamous principle and culture. These consequences will not only be felt by polygamists, but also by their families, including their children. The further impact is that harmony in the household will be difficult to achieve, so that the goal of the marriage will not be achieved.

A marriage is considered invalid or null and void if the husband in polygamy violates the rules of positive law, so it is feared that in the future the polygamous marriage will not have legal force. The consequences of the marriage will then become more complicated, because all legal consequences of the marriage relationship are also considered non-existent. If the husband has remarried or has a polygamy without the permission of the first wife, the first wife can sue by submitting a request for annulment of the marriage. Apart from that, if a husband enters into a polygamous marriage outside the procedures stipulated in the Marriage Law, then this act constitutes a criminal act which is contrary to Article 279 of the Criminal Code. (Septiandani and Astanti 2021).

Polygamy without the wife's permission can lead to things that will bring harm. Therefore,

polygamy that is carried out without the wife's permission should be prevented and given sanctions to avoid similar relationships occurring. Polygamy without the wife's permission can destroy social order. Especially the people of Indonesia which is a country of law.

Therefore, through the *sadd al-zari'ah* approach, requiring the wife's prior permission in polygamy can prevent the negative impacts caused by polygamy. Requiring the wife's permission in polygamous marriages can prevent injustice in polygamy. Can tighten the requirements for polygamy, considering that the true ideal marriage is a monogamous marriage. Meanwhile, from the *fath al-zari'ah* aspect, it is hoped that requiring the wife's permission in polygamy can open up the means of goodness that exist in a polygamous marriage, such as being able to build a harmonious family because of the previous wife's willingness. The inheritance rights and civil rights of the wife and children from her marriage can still be achieved. Therefore, the main goal of marriage can still be realized, even though the marriage is a polygamous marriage.

*Sadd al-zari'ah* wants all means that lead to something *haram*, to become *haram*. Therefore, if polygamy without the wife's permission (illegal polygamy) can lead to ignoring the rights of the wife and children, then illegal polygamy through the *sadd al-zari'ah* approach becomes *haram*. *Fathu al-Zari'ah* wants all the means that lead to goodness, suggestions that also become goodness. Therefore, if marriage with the wife's permission can lead to domestic harmony, then polygamy with the permission of the previous wife is a good thing.

## 5. CONCLUSION

Polygamy without the wife's permission can have various significant negative impacts on the emotional, social and economic well-being of individuals and society. Therefore, it is important to avoid these impacts and take appropriate steps to overcome them. Strict regulations in positive law reflect efforts to adapt Islamic law to the social and cultural conditions of Indonesian society, as well as ensuring the protection of women's rights in marriage. Therefore, although classical fiqh does not require the first wife's permission for polygamy, but through the *sadd al-zari'ah wa fathuha* approach, contemporary fiqh makes it possible to require the wife's permission for polygamy. As a consequence, when the wife's permission to engage in polygamy is required, the status of the wife's permission which was previously a condition of perfection (*syurut al-kamal*) can increase to a legal condition (*syurut al-shihhah*). Through *saddu al-zari'ah's* analysis, polygamy without the wife's permission is a *haram* act. Through *Fathu al-zari'ah's* analysis, polygamy with the wife's permission is good. Therefore, positive law in Indonesia stipulates the wife's permission as a condition for polygamous marriage

to ensure justice and protect women's rights in accordance with the general principles of Islamic law (shariah).

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## REFERENCE

- Abubakar, Alyasa'. 2016. *Metode Istislahiah: Pemanfaatan Ilmu Pengetahuan Dalam Ushul Fiqh*. Cet. I. Jakarta: Prenada Media Group.
- Asdin, Apriana. 2023. "Konsep Keadilan Dalam Berpoligami Dalam Perspektif Hukum Islam Dan Hukum Positif." *JURNAL DARUSSALAM: Pemikiran Hukum Tata Negara dan Perbandingan Mazhab* 3(1): 50–78.
- Askar, Muhammad Afdhal. 2021. "Sanksi Pidana Bagi Pelaku Poligami Dalam Kitab Undang-Undang Hukum Pidana (KUHP) Dalam Perspektif Hukum Islam Dan Sistem Hukum Nasional." *Bertuah Jurnal Syariah dan Ekonomi Islam* 2(1): 13–24.
- Bukhori, Evi Muzaiyidah. 2021. "Poligami Dalam Metode Tafsir Al-Qur'an Muhammad Shahrour." *An-Nisa': Jurnal Kajian Perempuan dan Keislaman* 14(1): 43–57.
- Coronas, Ahmad Abdullah et al. 2023. "Praktik Poligami Tanpa Izin Di Bacan Timur Halmahera Selatan." *Indonesian Journal of Shariah and Justice* 3(1): 49–71.
- Fatimah Zuhrah, Muhammad Jailani, Mulia Siregar. 2021. "Islamic Legal Protection of Child's Rights in Polygamous Marriage in Indonesia." *Psychology and Education Journal* 58(1): 5195–5200.
- Galieva, Guzel Ilgizovna. 2021. "Polygamy As a Form of Marriage: Based on Sociological Research." *KnE Social Sciences* 2020: 532–41.
- Hadi, Mukhammad Nur. 2023. "SOCIAL JUSTICE AND HUMANITY ON POLYGAMOUS MARRIAGE AT THE RELIGIOUS COURT OF PASURUAN - INDONESIA." 20(2): 261–80.
- Harwis Alimuddin, and Zulkarnain Abdurrahman. 2023. "Kedudukan Izin Istri Dalam Poligami: Analisis Teori Perubahan Hukum Dengan

- Perubahan Sosial.” *AL-SYAKHSHIYYAH: Jurnal Hukum Keluarga Islam dan Kemanusiaan* 5(1): 20–37.
- Herowandi, Muhammad. 2022. “Persyaratan Izin Poligami Dalam Perspektif Politik Hukum.” *Jurnal Tapis: Jurnal Teropong Aspirasi Politik Islam* 18(1): 97–111.
- Luthfiyah. 2022. “Legalitas Poligami; Studi Atas Aturan Praktik Poligami Diberbagai Negara Islam (Turki, Syiria, Somalia, Mesir, Tunisia Dan Indonesia).” *Asasi : Journal of Islamic Family Law* 2(2): 2775–2887.
- Maulida, L N et al. 2022. “Pro Dan Kontra Poligami Di Indonesia Dalam Perspektif Islam.” *Researchgate.Net* (June). [https://www.researchgate.net/profile/Fadhilla-h-Nur-Lathifah/publication/361184947\\_PRO\\_DAN\\_KONTRA\\_POLIGAMI\\_DI\\_INDONESIA\\_DALAM\\_PERSPEKTIF\\_ISLAM/links/62ae10555273755ebe06e8e/PRO-DAN-KONTRA-POLIGAMI-DI-INDONESIA-DALAM-PERSPEKTIF-ISLAM.pdf](https://www.researchgate.net/profile/Fadhilla-h-Nur-Lathifah/publication/361184947_PRO_DAN_KONTRA_POLIGAMI_DI_INDONESIA_DALAM_PERSPEKTIF_ISLAM/links/62ae10555273755ebe06e8e/PRO-DAN-KONTRA-POLIGAMI-DI-INDONESIA-DALAM-PERSPEKTIF-ISLAM.pdf).
- Muhammad, Alī Jum’ah. 2012. *Al-Madkhal Ila Dirāsah Al-Madzahib Al-Fiqhiyyah*. 4th ed. Kairo: Dār Al-salām.
- Muhammad Syahrur. 2000. *Nahwa Usulin Jadidah Li Al-Fiqhi Al-Islami: Fiqhu Al-Marah, Al-Wasiyyah, Al-Irts, Al-Qawamah Al-Ta’addudiyah, Al-Libas*. Cet. I. Dimasyq: al-Ahali li al-Tiba’ah wa al-Nasyr wa al-Tauzi’.
- Mukri, Moh. “APPLICATION OF THE CONCEPT OF SADD AL-ZARI’AH IN OVERCOMING SECULAR UNDERSTANDING IN THE STATE.” *Journal of Data Acquisition and Processing* 38(1): 366–81.
- Muqsih, Abdurrahman, Sudirman, and Fadil Sj. 2022. “Hukum Poligami: Analisis Komparatif Terhadap Pemikiran Musdah Mulia Dan Muhammad Syahrur.” *Al-Manhaj: Journal of Indonesian Islamic Family Law* 4(1): 52–65.
- Naseer, Sabila, Sehrish Farooq, and Farah Malik. 2021. “Causes and Consequences of Polygamy: An Understanding of Coping Strategies By Co-Wives in Polygamous Marriage.” *Asean Journal of Psychiatry* 22(9).
- Nasrulloh, Muhammad, and Doli Witro. 2021. “Poligami Sebagai Perkawinan Abnormal: Kajian Terhadap Syariat Islam.” *Musāwa Jurnal Studi Gender dan Islam* 20(1): 17–30.
- Nina Agus Hariati. 2021. “Regulasi Poligami Di Indonesia Perspektif M. Syahrur Dan Gender.” *Asy-Syari’ah : Jurnal Hukum Islam* 7(2): 187–208.
- Ridwan, Muhammad Saleh, Wahidah Abdullah, and Idham Idham. 2024. “Public Perception of Polygamy in Makassar, Indonesia: Cultural Perspective and Islamic Law.” *Samarah* 8(1): 20–38.
- Santoso, Dri dan Muhamad Nasrudin. 2021. “POLYGAMY IN INDONESIA AND ITS RELEVANCE TO THE PROTECTION OF WOMEN AND CHILDREN IN THE PERSPECTIVE OF ISLAMIC LAW PHILOSOPHY.” : 6. <https://doi.org/10.32332/akademika.v26i1.2406>.
- Septiandani, Dian, and Dhian Indah Astanti. 2021. “Konsekuensi Hukum Bagi Suami Yang Melaksanakan Poligami Yang Melanggar Aturan Hukum Positif Indonesia Dan Hukum Islam.” *Jurnal Usm Law Review* 4(2): 795.
- Syatar, Abdul et al. 2023. “Interfaith Marriage Phenomenon in Indonesia from the Perspective of Sadd Al-Zarī’ah and Fath Al-Zarī’ah.” *FITRAH: Jurnal Kajian Ilmu-ilmu Keislaman* 9(1): 19–38.
- Wahbah al-Zuhaili. *Fiqh Al-Islami Wa Adillatuhu*. Vol. IX. Dimasyq.
- . *Ushul Al-Fiqh Al-Islami*. Jil. I. Suriah: Dar al-Fikr.
- Widiani, Ah. Kholish Hayatuddin Desti. 2022. “Socio-Juridical Analysis on Polygamy Requirements in the Compilation of Islamic Law (KHI).” *Al-’Adalah* 19(1): 195–222.
- Zahrah, Muhammad Abu. 2006. *Usul Al-Fiqh*. al-Qahirah: Dar al-Fikr al-’Arabi.