



## Analysis of Polygamy Practices in Batak Muslim Community in South Rantau Based on Law No. 16 of 2019 about Marriage and Islamic Law

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### Citation (APA):

Nazwah. (2022). Analysis of Poligami Practices in Batak Muslim Community in South Rantau Based on Law No. 16 of 2019 about Marriage and Islamic Law. *International Journal Ihya' 'Ulum al-Din*, 24(1), 65-76.  
<https://doi.org/10.21580/ihya.24.1.8894>

Submitted: 13 Sep 2021

Revised: 12 Nov 2021

Accepted: 23 Jun 2022

Published: 30 Jun 2022

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**Abstract:** The Batak Muslim community in South Rantau considers marriage as a means to produce offspring to continue the male kinship side, in this case, the clan. So, if a marriage does not give birth to a son, the clan lineage is considered broken and cannot continue the clan lineage and inheritance. And also, if the marriage is still to be maintained, a husband can perform *presidia-duo* (two wives). The practice of polygamy in the South Rantau sub-district is carried out due to biological and economic conditions. The people who practice polygamy a lot are the Batak Muslim community. This situation creates a dilemma between obedience to religion and adherence to the law. On religious observance, they rely on the practice of polygamy based on understanding the QS. An-Nisa: 3. Meanwhile, compliance with the law is based on the Law of the Republic of Indonesia Number 16 of 2019 concerning marriage amendments to the Law of the Republic of Indonesia Number 1 of 1974. From here, this study discusses the practice of polygamy in the South Batak Rantau Muslim community, with reference to the provisions of Islamic law and Undang-undang. This research is field research by conducting observations, interviews, and documentation in the District of South Rantau. From here, the formulation of the problem to be answered in this study is how the practice of polygamy carried out by the Muslim community is understood through Law No. 16 of 2019 and Islamic Law.

**Keywords:** Polygamy, Batak Muslim Community, Law, Islamic Law

**Abstrak:** Masyarakat Muslim Batak di Rantau Selatan menganggap perkawinan sarana untuk mendapatkan keturunan guna meneruskan silsilah kekerabatan laki-laki, dalam hal ini marga. Sehingga jika dalam suatu pernikahan tidak melahirkan anak laki-laki maka silsilah marga di aggap putus, sehingga tidak dapat meneruskan silsilah marga dan

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harta pusaka, maka jikalau perkawinan masih ingin dipertahankan seorang suami dapat melakukan parsidua-duoan (beristri dua). Praktik poligami di kecamatan Rantau Selatan dilakukan karena kondisi biologis dan ekonomi. Adapun masyarakat yang banyak melakukan praktik poligami tersebut adalah masyarakat Muslim Batak. Keadaan ini kemudian menimbulkan dilematis antara ketaatan kepada agama dengan ketaatan pada undang-undang. Pada ketaatan agama, mereka menyandarkan praktik poligami berdasarkan pemahaman QS. An-Nisa: 3. Sementara itu, ketaatan pada undang-undang disandarkan pada Undang-undang Republik Indonesia Nomor 16 Tahun 2019 tentang perubahan atas Undang-undang Republik Indonesia Nomor 1 Tahun 1974 tentang perkawinan. Dari sini, penelitian ini membahas tentang praktik poligami pada masyarakat Muslim Batak Rantau Selatan, dengan mengacu pada ketentuan dalam Undang-undang dan hukum Islam. Penelitian ini merupakan penelitian lapangan, yakni dengan melakukan observasi, wawancara, dan dokumentasi di di Kecamatan Rantau Selatan. Dari sini, rumusan masalah yang hendak dijawab dalam penelitian ini adalah bagaimana praktik poligami yang dilakukan oleh masyarakat Muslim jika dipahami melalui Undang-undang No 16 tahun 2019 dan Hukum Islam?

**Kata Kunci:** Poligami, Masyarakat Muslim Batak, Undang-undang, Hukum Islam

## Introduction

Marriage is a fundamental principle of life in human life to achieve happiness, the provisions of Law of the Republic of Indonesia Number 16 of 2019 Amendment to Law Number 1 of 1974 concerning marriage. Pasal 1 Ayat 2 states: Marriage is an inner and outer bond between a man and a woman as husband and wife to form a happy and eternal family (household) based on the One Godhead (Pagar, 2010). Article 2 of the Law affirms: Marriage is legal if it is carried out according to the laws of each religion and belief (Pagar, 2010). While the definition in Pasal 2 and Pasal 3 of the Kompilasi Hukum Islam (KHI) reads: marriage according to Islamic law is a marriage that is a substantial contract or mitsaqan ghalidhan, to obey Allah's commands and carry it out is worship (Abdurrahman, 2007). Marriage is one of the sunnatullah that generally applies to all God's creatures as it applies to the perfect creatures, namely humans, as understood from the letter Adz-Dzariyat (51): 49:

وَمِنْ كُلِّ شَيْءٍ خَلَقْنَا زَوْجَيْنِ لَعَلَّكُمْ تَذَكَّرُونَ ﴿٤٩﴾

SAW said that he would remove someone from the ranks of his Ummah if he hated it or did not want to marry. Therefore, in Islam, there is no such thing as separation from groups of different sexes. Thus Islam strictly prohibits the intentional avoidance of marriage, both men and women who deliberately avoid being married.

There are several legal problems related to polygamous marriages, including the pros and cons of the phenomenon of polygamy. Those against it think polygamy is often considered to cause problems such as neglecting lust (hypersexual), family infidelity, and even divorce. Meanwhile, for some parties pro against polygamy, it is considered the best way to save the interests of the parties involved in it. In Indonesia, the

provisions regarding polygamy have been regulated in the Law of the Republic of Indonesia Number 16 of 2019 concerning marriage amendments to the Law of the Republic of Indonesia Number 1 of 1974. The contents of Law Number 16 of 2019 are the same as the provisions of Law Number 1 of 1974, including regarding the marriage principle applied in Indonesia, namely the principle of monogamy. However, there is an addition to the provisions on the age limit for marriage in Pasal 7, namely if a man and woman have reached the age of 19 (Aini, 2017).

In addition, it is also mentioned about the marriage application that has been registered under the law with the provisions of Law No. 1 of 1974 concerning marriage. The law regarding the rules of polygamy is a positive response to regulate a husband who wants to marry more than one wife. In Pasal 3 Ayat 2, which reads: The court can permit a husband to have more than one wife if the parties concerned want, the marriage law in Indonesia in the form of providing a legal umbrella as a step to regulate polygamous marriages, which previously so lost it becomes difficult with cumulative conditions covering (1) the husband's obligation to seek permission to the court, (2) guaranteeing the needs of his wives, the existence of a guarantee that the husband can act pretty, and (3) the existence of a guarantee that the husband will act pretty. Based on the Law of the Republic of Indonesia Number 1 of 1974, in order for the court to grant the application for a polygamy permit, the filing of a case must meet the reasons as regulated in Pasal 4, namely: The wife is unable to carry out her obligations as wives, the wife has a physical disability or disease that cannot be cured, and unable to bear offspring.

In Arabic, polygamy is called said zaujah (number of spouses). The word "polygamy" consists of the word Poli which means many, and game, which means wife. Moreover, polygamy comes from the Greek, namely polos, Polus. Polygamy means many marriages or husbands have many wives (Saebeni, 2009). The Qur'an implicitly allows polygamy but does not specify the requirements in the marriage law in Indonesia, except to only give a warning "Are you sure that polygamy can be fair because fairness is very heavy, Allah as the creator of humankind is omniscient? that you will not be able to do justice essentially as contained in the Surah QS An-Nisa: (04): 3.

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَىٰ وَثُلَاثَ  
وَرُبَاعَ ۖ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ۚ ذَٰلِكَ أَذَىٰ أَلَّا تَعُولُوا  
﴿٣﴾

Polygamy in the marriage law in Indonesia provides long terms and procedures (Ridwan, 2010), as mentioned above. Islamic law does not specify procedures such as permits and alternative conditions in the marriage law in Indonesia. In the legal system of the Batak Muslim community in South Rantau, customary law applies broadly along with the laws of the Republic of Indonesia and Islamic law. The impact of customary law, the role of figures (hatobangun), becomes essential in the community. Religious leaders also play an important role in the implementation of Islamic law, so there is a term in Batak Muslims in South Rantau that states "hombre do adat dot ibadat." So, how does The Batak in Rantau Selatan view polygamy in the laws of the Republic of Indonesia? People with patrilineal lineage (fatherhood) (Muhammad, 2004). Batak customs show that the family system draws lineage consequently through the male or father line, which aims to preserve the husband's line within the male line (Vergouwten, 2004).

The Batak Muslim community in South Rantau considers marriage a means of obtaining offspring to continue the male kinship side, in this case, the clan. So, if a marriage does not give birth to a son, the clan lineage is considered broken and cannot continue the clan lineage and inheritance. And also, if the marriage is still to be maintained, a husband can perform *presidia-duo* (two wives) or adopt a son.

If it doesn't happen, the husband will divorce the first wife and remarry to get a son. The people of Labuhan Batu, North Sumatra, especially in the South Rantau District, are predominantly Batak Muslims. This study cannot be denied that polygamous marriages occur a lot, so it is interesting to observe that the tendency to choose to comply with the laws of the Republic of Indonesia for South Rantau Batak Muslims is not merely their understanding of the law. However, it is a mixture of understanding, tradition, and moral law (Machali, 2015).

The Batak Muslim community in South Rantau is very aware of the applicable laws, including marriage. This is obtained from a study through the head of the court in South Rantau and religious leaders in each study, both madrasas and the largest Pesantren in South Rantau (Results of observations on the people of South Rantau, from 13 to 19 July 2020). The tendency to choose to obey the law can be seen in the mixing of the laws of the Republic of Indonesia and traditions. At first glance, this is not a problem because, according to Islam, it is legal. So that the implementation of polygamous marriages in the Batak Muslim community has an impact on the law for children and wives in the form of (1) Based on the Law of the Republic of Indonesia Number 1 of 1974, (2) a person who practices polygamy and following statutory regulations, the legal impact on incurred for a wife and children, will have the same rights and obligations as the first wife. (3) Based on Islamic law, if a husband engages in polygamy and does not follow the above statutory procedures, the legal impact for a second wife and child does not have the same rights and obligations as the first wife who married according to statutory procedures. From here, this study will further review the phenomenon of the practice of polygamy.

The research method is a scientific way to obtain data for a specific purpose. The scientific method means that research activities are based on scientific characteristics, namely rational, empirical, and systematic. Rationally, research activities are carried out in ways that make sense so that human reasoning is affordable. Empirical means the ways in which humans can observe so that others can observe and know the methods used. Empirical research consists of research on legal identification and research on legal effectiveness. So, this study uses the empiric method of empirical legal research methods. The type of research carried out in this study is field research (Soekanto, 2010). This research is directly involved in the research location used as the object of research to obtain data regarding the Practice of Polygamous Marriage in Batak Muslim Community Law No. 16 of 2019 (Case Study in South Rantau).

This type of research is also qualitative empirical Islamic law research which will be analyzed through a sociological approach. Empirical research follows the pattern of social science research, especially sociology (Syahrudin & Salim, 2012). Therefore, it is not wrong to say that empirical legal research is sociological, legal research, and qualitative research, in which the discovery procedure does not use quantification in explaining the problem. On the contrary, this research uses sentences to explain. The Practice of Polygamous Marriages in Batak Muslim Community Law No. 16 of 2019 (Case Study in South Rantau). In this study, the author uses the nature of analytical descriptive research, namely, using the facts found in the field as they are. Then the facts obtained are analyzed in such a way as to give weight to this research. This study uses several data, namely primary and secondary data or sources. The

primary data was obtained directly from the research subject by using measurement tools or direct data collection on the subject as a source of information sought. Meanwhile, secondary sources are obtained from decisions from a literature review of data sourced from scientific journals and research theories related to primary data so that they can be used as support.

For data collection techniques, this study uses three techniques commonly used in field research namely (1) Observation, namely systematic observation of phenomena that are the object of the head of the court in South Rantau, the head of KUA, and community leaders in South Rantau, and figures who is polygamy. This polygamy method is used to obtain data directly about the practice of polygamous marriage in the Batak Muslim community in South Rantau Law of the Republic of Indonesia Number 16 of 2019. (2) Documentation, namely searching in the form of notes, photos, documents, and books related to the theory of the practice of polygamous marriages in South Rantau. (3) Interviews, researchers will interview informants who know the problems being researched, face-to-face/online interviews related to the problems of polygamous marriage practices in South Rantau.

## Results and Discussion

### Discourse on Polygamy: An Overview of Islamic Law and Law

Marriage in Arabic Fiqh is called two words: marriage and away. According to Fiqh, marriage is one of life's most important basic principles in a perfect association or society. Opinions about the meaning of marriage, among others, are according to Hanabilah, as quoted by Al-Jaziri, who says that marriage is a contract that uses the word marriage which means tajwid intending to take benefits for fun (Al-Jaziri, 1986). According to Sajuti Talib, as quoted by Idr Ramulyo, marriage is a strong and solid agreement to legally live between a man and a woman to form an eternal family, polite, loving, peaceful, and happy (Ramulyo, 1996). Meanwhile, polygamy in the sizeable Indonesian dictionary published by Balai Pustaka has the meaning of "a marriage system in which one party has or marries several of the opposite sex at the same time." Siti Musdah Mulia defines polygamy as a marriage bond in which the husband marries more than one wife at the same time. Men who carry out this form of marriage are said to be polygamous.

Polygamy has long historical roots that support the history of human civilization itself. Before coming to the Arabian peninsula, polygamy has become a tradition in Arab society. The polygamy of the masses is called unlimited polygamy, and there is no justice between the wives. The husband ultimately decides whom he likes the most and whom he chooses to have unlimitedly. Wives must accept their destiny without attempting to obtain justice (Enginerr, 2003). The arrival of Islam with its verses on polygamy, although it does not abolish this practice, Islam limits the permissibility of polygamy to only four wives with strict conditions such as the obligation to act pretty among wives. These conditions are found in two verses of polygamy, namely Surah An-Nisa'; 3 And if you fear that you will not be able to do justice to (the rights of) orphaned women (if you marry them), then marry (other) women that you like: two, three or four. If you fear that I will not be able to do justice, then (marry) only one, or the slaves you have, that is closer to not doing wrong "Surah an-Nisa' ; 3.

وَأِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِسُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَىٰ وَثُلَاثَ  
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The view of the Qur'an, which fiqh scholars subsequently adopted, at least explains two requirements that a husband must own. First, a man who will be polygamous must have sufficient financial ability to finance various needs with the increase of his married wife. Second, a man must treat all his wives fairly. Every wife must be treated equally in fulfilling marital and marital rights and other rights. Concerning emergency reasons that allow polygamy, according to Abdurahman, as quoted by Harahap, there are at least eight conditions, namely (1) the wife suffers from a dangerous disease that is difficult to cure. (2) The wife is proven infertile and medically confirmed unable to give birth. (3) Wife is mentally ill. (4) The wife is elderly, so she cannot fulfill her obligations as a wife. (5) The wife has a bad character. (6) Wife runs away from home. (7) When there is an explosion of women due to war, for example. Furthermore, (8) The needs of husband and wife are more than one, and if it does not cause harm in their life and work (Harahap, 1975).

As for the provisions of the Marriage Law (UUP) in Indonesia, it is stated that the UUP adheres to the principle of monogamy as contained in Pasal 3, which states, A man may only have one wife and a woman may only have a husband. In certain circumstances, polygamy is permitted. The permissibility of polygamy in the UUP is just an exception, and the articles include reasons that allow it (Thalib, 1986). Pasal 4 of the UUP states that a husband allows polygamy for specific reasons. It is clear that the principle adopted by the marriage law is not the principle of absolute monogamy, but it is called open monogamy or borrowing Yahya Harahap's language, monogamy is not absolute. Polygamy is placed in an emergency legal status (emergency law) or extraordinary circumstances (extraordinary circumstances). In addition, polygamy institutions are not solely the full authority of the husband but based on permission from the judge (court) (Nasution, 1999).

Therefore, in Pasal 3 Ayat 2, there is a statement: The court can give permission to a husband to take more than one wife if the parties concerned want. This verse is self-explanatory that the UUP has involved the Religious Courts as an institution that is quite important to legitimize the permissibility of polygamy for a person, something that has no historical precedent in fiqh books. The explanation of Pasal 3 Ayat 2 states: In giving a decision, apart from checking whether the conditions mentioned in Pasal 4 and 5 have been fulfilled, it must also consider whether the legal provisions of the marriage of the prospective husband allow polygamy. Concerning Article 4 above, it shows that at least three reasons are used as the basis for applying polygamy, namely (1) The wife cannot carry out her obligations as a wife. (2) The wife has a disability or an incurable disease (according to the doctor). Moreover, (3) the wife cannot give birth to offspring (Harahap, 1975).

The occurrence of polygamy can be seen from the factors that cause it. Here, four factors can be mentioned about the occurrence of polygamous marriages. First, the causes that exist in the wife, for example, a severe illness that causes her to be unable to fulfill her obligations or to be infertile, less loyal, arrogant towards her husband, or not being good to her husband. Second, the causes that exist in the husband, for example, have a powerful sexual desire so that it is not enough to have a wife, have a

tremendous desire to reproduce, or love another woman very much. Third, the causes of a social nature, for example, a crisis that befell the people so that it requires a lot of men, a crisis that causes more women than men. Fourth, causes in the form of events and personal nature that befall a person's family, for example, a widowed relative with many dependent children. (Yusefri 2015)

Another opinion says polygamy can also occur due to biological and internal household factors. As for the biological factors, namely (1) a sick wife. The existence of a wife who suffers from a disease that makes it impossible for her husband's sexual desires. A pious husband will choose polygamy over energy to nasty places with several prostitutes. (2) Every Woman's Natural Routine. The existence of periods of menstruation, pregnancy, and childbirth is the main reason a woman cannot carry out one of her obligations to her husband. Suppose the husband can be patient in dealing with such conditions, of course. In that case, it will not be a problem, but if the husband is a person with strong sexual desire, his wife only has menstruation for a few days, it is feared that the husband cannot take care of himself, then polygamy can be an option. (3) Men's Fertile Period is Longer. Men have a longer fertile period than women. Doctor Boyke, a sexologist, admits that many cases of infidelity are handled by men aged 40-50 years because, at that age, men get a second puberty, while wives generally become frigid. (Burhanudin 2019)

Meanwhile, the internal factors of the household are, for example, (1) Infertility. Many divorce cases are motivated by infertility problems, both infertility that occurs in husbands and those experienced by wives. This happens because one's desire to have children is one of the main goals of marriage. In such conditions, a wise and pious wife will undoubtedly be heartened and pleased if her husband marries another woman who can give birth to children. On the other hand, the husband still positions his first wife as someone who has a place in his heart, still loves him, and lives happily with him. (2) Weak Wife. When the husband finds his wife in a limited state, unable to complete her household tasks correctly, unable to direct and educate her children, weak knowledge of science and religion, and other forms of deficiency. So at that time, the possibility of the husband looking at another woman he deems better could happen, and the wife who wants to help him solve her household problems will lose her husband's love and affection. (3) Bad Personality. Wives who are not good at being grateful, demanding a lot, extravagant, like to say rude things, get angry quickly, don't want to accept their husband's advice, and always want to win for themselves; usually, their husband doesn't like them. Therefore, it is not uncommon for husbands to start thinking about marrying other women considered better and more pious, especially if the wife's lousy character cannot be corrected.

### **The Practice of Polygamous Marriages in the Batak Muslim Community**

In the first case, Mr. Antobangun lives in Urung Kompas village, and the South Rantau sub-district works as Secretary of PC FSPMI with a history of SE undergraduate education. "Mr. Antobangun explained in an interview excerpt: "People who practice polygamy are not because of their will, but it is circumstances that support and have the opportunity, at first I did a polygamous marriage suddenly without any plan. For me, this is God's destiny where I married my second wife, a widow who initially worked in a millennial South Rantau cafe and wanted to raise my second wife's status. I married secretly without the first wife's permission, and I also did an unregistered marriage; as time passed, the first wife found out about my second marriage. My wife is furious, but I still live with her. For me, this is a risk that must be taken. Smart to do must also be smart to be responsible. The first wife has never sued for divorce because the material income obligations are still fulfilled, just as I have made polygamy and love for my

wife and my children. From my first wife, I have three offspring, two daughters and one son, while from the second wife, I have not had children." (Interview with Mr. Antobangun, 16 June 2021).

Wan Suharti, the first wife, explained in an interview excerpt as follows: When I first found out that my husband had remarried, I was still confused, I had mixed feelings, I felt terrible for what had happened, but I remember that I already have three children with a long journey and still have to go. Having a bright future is a source of strength to survive this marriage. My parents' and neighbors' motivation also made me rise and accept everything (Interview with Ibu Wan Suharti, 16 June 2021). Ida Melati, The second wife, explained in the interview excerpt as follows: I am a widow from my first marriage, I experienced domestic violence, and ironically, I could no longer be in that marriage, so it ended in divorce, and the chronology of the second marriage started from concern because women were created as creatures who gentle so that from that attention I accepted an unregistered marriage to avoid adultery.

It can be answered that the informant has violated the regulations of the Marriage Law, the provisions for polygamous marriage in a state structure. However, the Islamic structure in this village violates the concept of the polygamous marriage law from one person if desired by the parties concerned in Pasal 2 and Pasal 3 of the Kompilasi Hukum Islam (KHI), which reads: Marriage according to Islamic law is a marriage that is a firm contract or mitsaqan ghalidhan, to obey Allah's commands and carry it out is worship (Abdurrahman, 2007). The analysis is that the informant unconsciously is not conducive to carrying out the practice of polygamy. As regulated in the Marriage Law and Islamic Law must meet the requirements and procedures as a basis for husbands who want to carry out polygamy. The cumulative conditions include: (1) Obligations to ask permission to go to court. (2) Able to provide for the needs of his wives. (3) There is a guarantee that the husband can act pretty.

Based on the Law of the Republic of Indonesia Number 1 of 1974, in order for the court to grant the application for a polygamy permit, the filing of the case must meet the reasons as stipulated in pasal 4, namely: (1) The wife cannot carry out her obligations as a wife. (2) The wife has a disability or an incurable disease. (3) Cannot give birth to offspring. Thus, it can be understood that the informant did not understand before carrying out a polygamous marriage both the provisions in the law and Islamic law.

In the second case, Mr. Muhammad Baqi Aljunudi Harahap, South Rantau Subdistrict, Ujung Bandar village, with a history of undergraduate education as a teacher, "Mr. Muhammad explained in an interview excerpt as follows: polygamy is a sunnah, and Allah understands his people, especially men so that it was revealed in Al-Qur'an. The Qur'an surah Annisa verse 3 explains the permissibility of polygamy. However, it is limited to 4 people, and talking about justice for a wife, we can't necessarily treat it fairly. It depends on the person. From the first marriage, we were blessed with four children, three daughters and one son, my first and second wife live under the same roof." (Interview with Mr. Muhammad Baqi Aljunudi, 17 June 2021).

Hussaini, the first wife, explained in an interview excerpt: The first time I got clarity from my husband that he had married secretly, my heart could not accept the reality in front of me. Heartache and even tears became my daily friends. Moreover, at that time, my iddah period of giving birth to my fourth child was not over. My husband did polygamy to lower his gaze and pledge allegiance to make this polygamy for synergy. Talking about justice in terms of inner may be fulfilled, but in terms of living zohir, the economy is still very far from the word justice. Because for my husband, polygamy is sunnah. Rahmayani, the second wife, explained in an interview excerpt: during this polygamous marriage, sometimes I felt



regret because I was still young and many men still wanted me. At first, I did not accept the invitation to have an unregistered marriage, but it was already wet, and to avoid immorality, I decided to have an unregistered marriage.

From this information, it can be understood that it is not much different from the first informant in Mr. Antobangun's family; namely, it can be answered that: the informant violated the regulations of the Marriage Law In Pasal 3 Ayat 2, which reads: The court can permit a husband to have more wives from one person if desired by the parties concerned. Pasal 2 and 3 of Kompilasi Hukum Islam (KHI) reads: Marriage according to Islamic Law is a marriage that is a substantial contract or *mitsaqan ghalidhan*, to obey Allah's commands and carry it out is worship (Abdurrahman, 2007). Although the contract is legal in Islam, the provisions and procedures in the Law and in the Compilation of Islamic Law violate the regulations regarding polygamous marriages. The procedure as a basis for husbands who want to carry out polygamy with cumulative conditions includes: (1) The husband's obligation to seek permission from the court. (2) Able to provide for the needs of his wives. (3) There is a guarantee that the husband can act pretty.

Based on the Law of the Republic of Indonesia Number 1 of 1974, in order for the court to grant the application for a polygamy permit, the filing of the case must meet the reasons as stipulated in Pasal 4, namely: (1) The wife cannot carry out her obligations as a wife. (2) The wife has a disability or an incurable disease. (3) Cannot give birth to offspring. Thus, it can be understood that the informant did not understand before carrying out a polygamous marriage the provisions in the Law and Islamic Law. (Salamah 2019)

Third case: Mr. Aiglus Dwi Mindy, who lives in Baskaran Batu village, South Rantau sub-district, has a history of high school education and works as a private employee. Mr. Aiglu Dwi Mintady explained in an interview excerpt: "I have been married for seven years with my first wife, but I have not had children. My wife was sentenced by the health side not to be able to have children, and I feel lonely because the goal in marriage is to have children as successors, and in my second marriage, I hope to have children." (Interview with Mr. Aiglus Dwi Mintady, 18 June 2021). Desy Andriyani, The first wife, explained in an interview excerpt: "The Batak indigenous people think that marriage is a means to get offspring in order to continue the kinship side. Regarding feelings, I am devastated because I could not have children and my husband decided to have an unregistered marriage without having to divorce me." (Interview with Mrs. Desy Andriyani, 19 June 2021).

Is Sarah, the second wife, explained in an interview excerpt as follows: economic factors, because it can finance my life and already have a bond (love) to avoid adultery, I decided to marry in an unregistered way. Thus it can be understood that the informant has violated the polygamous marriage law's regulations in the State's structure. Although the contract is valid, the provisions and procedures in the law and the Compilation of Islamic Law violate the regulations regarding marriage polygamy. In Pasal 3 Ayat 2, it reads: The court can permit a husband to have more than one wife if the parties concerned want. Pasal 2 and 3 of the Compilation of Islamic Law (KHI) reads Marriage, according to Islamic law, is a substantial contract or *mitsaqan ghalidhan*. To obey Allah's commands and carry them out is worship (Abdurrahman, 2007). The procedure as a basis for husbands who want to carry out polygamy with cumulative conditions includes: (1) The husband's obligation to ask permission from the court, (2) being able to guarantee the needs of his wives, (3) There is a husband's guarantee can be fair.

Based on the Law of the Republic of Indonesia Number 1 of 1974, in order for the court to grant the application for a polygamy permit, the filing of the case must meet the reasons as stipulated in pasal 4, namely: (1) The wife cannot carry out her obligations as a wife. (2) The wife has a disability or an incurable disease. (3) Cannot give birth to offspring. Thus, it can be understood that the informant did not understand before carrying out a polygamous marriage the provisions in the law and Islamic law.

In the fourth case, Mr. Darwin Siregar, with a history education of junior high school in South Rantau District, works as an entrepreneur/trading cow, explained in the interview excerpt as follows: "From my first wife I have three daughters and I want a son as the successor of the male kinship lineage, in this case, Batak's tradition clan is showing that the family system draws lineage consequently through the male line. Men or fathers aim to preserve the husband's line in the male line, but when my wife gave birth, she was sentenced not to be able to have children anymore, and it makes a fight that broke out due to the issue of the successor of the son in the family." Nursing, the first wife explained in an interview excerpt as follows: "I cannot have a son. My husband wants a son as a successor. After giving birth, I was sentenced not to be able to conceive again, and it makes us often fights over small things and always leads to problems with son's offspring as successors." (Interview with Ms. Nusriani, 18 June 2021).

Ngatiyo, the second wife, explained in an interview excerpt as follows: the initial marriage was consensual, and I was already seven months pregnant, so we decided to have an unregistered marriage (Joint interview, Ibu Ngatiyo, June 18, 2021). With such information, it can be understood that the informant has violated the regulations of the polygamous marriage law in a state structure. Although the contract is valid, the provisions and procedures in the law and the Compilation of Islamic Law violate the regulations regarding polygamous marriage. Pasal 3 Ayat 2 reads: The court may permit a husband to have more than one wife if the parties concerned want. In Pasal 2 and 3 of the Kompilasi Hukum Islam (KHI), which reads: Marriage according to Islamic law is a marriage that is a substantial contract or mitsaqan ghalidhan, to obey Allah's commands and carry it out is worship (Abdurrahman, 2007). The procedure is a basis for husbands who want to carry out polygamy with cumulative conditions, including: (1) The husband's obligation to seek permission from the court. (2) Able to provide for the needs of his wives. (3) There is a guarantee that the husband can act pretty.

Based on the Law of the Republic of Indonesia Number 1 of 1974, in order for the court to grant the application for a polygamy permit, the filing of the case must meet the reasons as stipulated in Pasal 4, namely: (1) The wife cannot carry out her obligations as a wife. (2) The wife has a disability or an incurable disease. (3) Cannot give birth to offspring. The results of the analysis stated that the informants clearly did not understand before carrying out polygamous marriages both the provisions in the law and Islamic law. (Sunaryo, Polygamy in Indonesia (a Sociological Normative Analysis) 2010)

In the fifth case, Mr. Dedi, his education history is S.E., working as a foreman at PT Cisadane Sawit Raya. In an interview excerpt, Mr. Dedi explained: "I come from South Rantau, Diderejo village. Because my job demands were transferred to the Negeri Lama sub-district, Bilah Hair sub-district, my first wife, for some reason, could not comply with my request to follow and live together. The wife from the first marriage cannot fulfill her obligations as a wife because of the long distance. Promising to always try to do justice to both parties is a decision taken by both parties. Polygamous marriages are carried out in a series." (Interview with Mr. Dedi Sastra, July 13, 2021).

Ratna Hayani, the first wife, explained in an interview excerpt as follows: my husband migrated to the District of Bilah Hair to earn a living, and my husband's biological needs were not met with a long

distance of his wife's obligations not being fulfilled (Interview with Mrs. Ratna Hayani, 13 July 2021). From this, it can be understood that the informant has violated the provisions of the Marriage Law, the provisions for polygamous marriage in a state structure. However, the Islamic structure in this village violates the concept of the polygamous marriage law. More than one person if desired by the parties concerned, in Pasal 2 and 3 of the Compilation of Islamic Law (KHI), which reads: Marriage according to Islamic law is a firm contract or *mitsaqan ghalidhan*, to obey Allah's commands and carry it out in worship. The analysis is that the informant unconsciously is not conducive to carrying out the practice of polygamy, which, as regulated in the Marriage Law and Islamic Law, must meet the requirements and procedures as a basis for husbands who want to carry out polygamy with cumulative conditions including: (1) Husband's obligations to seek permission from the court. (2) Able to provide for the needs of his wives. (3) There is a guarantee that the husband can act pretty.

Based on the Law of the Republic of Indonesia Number 1 of 1974, in order for the court to grant the application for a polygamy permit, the filing of the case must meet the reasons as stipulated in Pasal 4, namely: (1) The wife cannot carry out her obligations as a wife. (2) The wife has a disability or an incurable disease. (3) Cannot give birth to offspring. The results of the analysis stated that the informants clearly did not understand before carrying out polygamous marriages both the provisions in the law and Islamic law. (Santoso 2021)

## Conclusion

Based on some of the research above, it can be said that every goal to achieve a result obtained is based on the regulation of the law on marriage influencing a polygamous marriage. The practice of polygamy carried out by the husband without the first wife's permission is a lie and betrayal, according to the wife. It can be categorized as a form of domestic dispute and divorce and the negative impact on children feeling they do not get the love of both parents, many losses experienced by the first wife from the act of polygamous marriage committed by the husband, and both losses because they feel their husband is deprived and have to share love and affection with other women. Whereas marriage with her husband if the wife can no longer stand her husband, and the wife can no longer stand living with her husband filed for divorce to the Court .

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