Jurnal AL-AHKAM Volume 17 Nomor 1 (2026) pp.26-45
DOI:

Jurnal AL-AHKAM
pISSN 2086-8243
eISSN 2271-6549
https://ejournal.uinib.ac.id/jurnal/index.php/alahkam

Women's Rights Protection in Polygamous Marriages: A Comparative Study of Islamic Family Law in Malaysia and Indonesia

Jufrizal, Nella Liandini, Hilda Rahmatul Jannah

Universitas Islam Negeri (UIN) Imam Bonjol Padang, Universitas Islam Negeri (UIN) Imam Bonjol Padang, The Islamic Call Collage Libya
Correspondence Email: 2320040020@uinib.ac.id

Received: 08-10-2025 Revised: 06-11-2026 Accepted: 07-11-2026

Abstract

This study examines the legal protection of women's rights in polygamous marriages under Islamic family law in Indonesia and Malaysia. Although both countries share Islamic legal foundations, they adopt different regulatory approaches that raise questions about the effectiveness of women's rights protection. This study aims to compare the legal frameworks governing polygamy in both countries and assess their implications for women's rights. Using a qualitative method with a normative-comparative approach, the study analyzes legislation, legal documents, and relevant academic literature. The findings reveal that Indonesia adopts a restrictive-administrative approach through marriage legislation and the Compilation of Islamic Law, emphasizing judicial authorization and requirements intended to safeguard wives' rights. Malaysia employs a substantive-judicial approach through its Syariah Court system, which assesses financial capability, fairness, and family welfare (*maslahah*) before granting permission for polygamy. Despite these differences, both systems seek to reconcile Islamic principles with the protection of women within polygamous marriages. However, the effectiveness of legal protection remains dependent on consistent enforcement, gender-sensitive judicial decision-making, and public awareness of women's rights. This study contributes to comparative Islamic family law scholarship by identifying the strengths and limitations of these two regulatory models and highlighting the importance of translating formal legal safeguards into substantive justice for women.

Keywords

Gender Justice; Islamic Family Law; Polygamy

Introduction

Indonesia and Malaysia share close historical, cultural, and religious ties rooted in the Malay cultural sphere. As Muslim-majority countries, both incorporate Islamic principles into the regulation of family affairs, including marriage, divorce, and inheritance. Nevertheless, the development of Islamic family law in each country reflects distinct historical and institutional trajectories shaped by their respective legal and political systems (Sadat et al., 2025; Nurhuda, 2022Indonesia accommodates Islamic family law within a pluralistic national legal framework, whereas Malaysia regulates Muslim family matters primarily through state-level Islamic legislation and the jurisdiction of the Syariah Courts. These differences provide an important basis for comparing how Islamic legal principles are implemented in contemporary family law (Hamim, 2022).

Polygamy represents a significant issue in this comparison because both countries recognize it under Islamic law but regulate its implementation through different legal mechanisms (Aminah & Sugitanata, 2022). In Islamic jurisprudence, polygamy is permitted subject to conditions, including the requirement of justice, as reflected in Qur'an, Surah An-Nisa' (4:3). However, the practical application of this principle raises legal questions concerning the conditions for entering a polygamous marriage, judicial authorization, financial responsibility, and the legal position of existing and prospective wives (Daud, 2025). These issues make the regulation of polygamy an important area for examining the relationship between Islamic legal principles and state regulation.

In Indonesia, Law Number 1 of 1974 on Marriage, as amended by Law Number 16 of 2019, establishes monogamy as the general principle while permitting polygamy under specified legal conditions. The legislation and the Compilation of Islamic Law provide a framework for judicial authorization and the assessment of requirements associated with a husband's ability to fulfill his marital responsibilities. The wife's consent is also relevant to the legal process, subject to applicable statutory exceptions. This framework reflects an approach in which polygamy is treated as an exception requiring legal scrutiny (Abdul Muthalib, 2023). In Malaysia, the Islamic Family Law (Federal Territories) Act 1984 and corresponding Islamic family law enactments in the respective states regulate polygamy through the Syariah Courts. Prior court authorization and assessments of financial capacity, fairness, and the circumstances of the proposed marriage form important elements of this framework. Although both countries employ legal mechanisms to regulate polygamy, their institutional arrangements and regulatory approaches differ (Akbar & Syauqi, 2025; Daud, 2025).

These differences illustrate two approaches to the contemporary implementation of Islamic family law. Indonesia emphasizes restrictions within a national marriage-law framework, whereas Malaysia places substantial responsibility on Syariah judicial institutions to assess applications for polygamy under the applicable legislation. Both approaches draw on Islamic legal sources, including the Qur'an, Sunnah, and fiqh, but translate these sources into different institutional and procedural arrangements (Bimawan et al., 2025). Comparing these arrangements is therefore necessary to understand not only the formal requirements governing polygamy but also how legal institutions structure the protection of women's rights. In particular, the existence of statutory safeguards does not, by itself, establish how effectively those safeguards operate in practice.

Through the Islamic Family Law (Federal Territories) Act 1984 and various Islamic Family Law Enactments at the state level, polygamy is regulated within a framework that places greater emphasis on the discretionary authority of the Syariah Courts. Under this approach, polygamy is not regarded as a deviation from the principles of marriage; rather, it is recognized as a legitimate right under

Islamic law, provided that the husband is able to demonstrate both his capacity to ensure justice among his wives and his financial capability to support them. This paradigm reflects the distinctive character of Malaysia's Islamic legal system, which accords a more prominent role to Syariah judicial institutions as the primary authority in determining the legality and validity of polygamous marriages (Daud, 2025).

These differing approaches illustrate an ongoing dialectic between religious values, social demands, and contemporary notions of justice. On the one hand, Indonesia adopts a protective and normative legal approach aimed at restricting polygamous practices that may adversely affect women. On the other hand, Malaysia views the substantive regulation of Islamic law through the Syariah Courts as a mechanism for ensuring justice for all parties involved in polygamous marriages. Although both approaches are founded upon the same objective namely, the promotion of justice and public welfare (*maslahah*) they employ different legal frameworks and institutional mechanisms to achieve that goal (Amanuddin & Gani, 2022).

The debate on polygamy has become increasingly relevant in the modern era due to the growing public awareness of human rights, gender equality, and the principle of justice in Islamic law. Many scholars and legal observers argue that polygamy, when practiced without legal supervision and without fulfilling the principle of justice (*al-'adl*), has the potential to become a source of injustice and discrimination against women (Ridwan et al., 2024). Polygamous marriages that do not comply with the requirements of Islamic law as well as positive law may generate various social consequences, including domestic conflicts, legal uncertainty concerning the status of wives, and economic inequality within the family. This situation highlights the necessity of reexamining the regulation and implementation of polygamy within contemporary Islamic legal systems, particularly regarding how the state, through its legal framework, can ensure the protection of women's rights without compromising the fundamental principles of Islamic law (Affandi et al., 2025).

A comparative study of Islamic family law in Malaysia and Indonesia concerning the protection of women's rights in the practice of polygamy is both important and highly relevant. Such a study is not merely intended to identify differences in legal norms between the two countries, but also to examine how Islamic law is interpreted, implemented, and adapted in response to the social and moral challenges of contemporary society. By analyzing two legal systems that share the same Islamic foundations yet differ in their practical application, this research is expected to contribute to the development of Islamic family law, particularly in relation to the promotion of justice, legal certainty, and the protection of women's rights within the institution of polygamous marriage.

Method

This study employs a normative juridical approach, focusing on the analysis of statutory regulations and legal doctrines governing polygamy and the protection of women's rights within the framework of Islamic family law in Indonesia and Malaysia (Sugiyono, 2019). This approach is adopted because the study is not intended to examine societal behavior empirically; rather, it seeks to investigate how legal norms are formulated, implemented, and interpreted within the context of two distinct legal systems, (Adiyanta, 2019) As a normative legal study, this research primarily relies on library-based sources of data. The legal materials utilized consist of primary, secondary, and tertiary legal sources (Sonata, 2015). The primary legal materials include relevant legislation, such as Law Number 1 of 1974 on Marriage, the Compilation of Islamic Law (*Kompilasi Hukum Islam*), the *Islamic Family Law (Federal Territories) Act 1984*, and the various Islamic Family Law Enactments in Malaysia. In addition, judicial decisions from both the Supreme Court of the Republic of Indonesia and the Syariah Courts of Malaysia concerning polygamous marriages and the protection of wives' rights are also examined (Irianto, 2017). Secondary legal materials comprise scholarly literature, books, academic journals, research reports, and other academic publications addressing issues related to Islamic family law, gender equality, and the dynamics of polygamy in the modern era (Marune, 2023). Meanwhile, tertiary legal materials, including legal dictionaries and Islamic encyclopedias, are employed to clarify legal terminology and concepts relevant to the study (Sumarna & Kadriah, 2023). Data were collected through an extensive library research process involving the examination of various written sources, both printed and digital, including official publications issued by judicial institutions and relevant government ministries in both countries (Diantha, 2017). This approach enables the researcher to obtain a comprehensive understanding of both the substantive legal provisions and the context of their application. The study applies a qualitative-descriptive method of data analysis. Accordingly, the legal data are not measured quantitatively; rather, they are analyzed through content interpretation and comparative examination of legal norms and regulations (Arif Tiro et al., 2020). The analysis is conducted by examining legal provisions governing polygamy and women's rights under Islamic family law in Indonesia and Malaysia and subsequently comparing them to identify similarities, differences, and their juridical implications for the protection of women's rights. A comparative legal approach (comparative approach) constitutes a central component of this research (Teniwut, 2022). Through this approach, it becomes possible to assess how two countries that share common Islamic and cultural foundations Indonesia and Malaysia have implemented Islamic legal principles within different modern legal frameworks (Huberman & Miles, 1992). The findings of this comparison are expected to demonstrate the extent to which both legal systems are capable of balancing the values of justice embedded in Islamic law with contemporary demands for gender equality and human rights (Arif Tiro et al., 2020). Accordingly, this research methodology is expected to produce an in-

depth and objective analysis of how Islamic family law in Indonesia and Malaysia regulates and protects women's rights within the practice of polygamy, as well as how differences in legal structures and judicial systems influence the implementation of justice in contemporary Muslim family life (Huberman & Miles, 1992)(Supratman1, Nur Mohamad Kasim2, 2023).

Literature Review

Previous studies on polygamy and women's rights under Islamic family law in Indonesia and Malaysia can be grouped into three related strands. The first examines the development, reform, and comparison of Islamic family law in the two countries (Agustin, 2018; Aminah & Sugitanata, 2022; Arif & Farisi, 2023; Nurhuda, 2022; Amanuddin, 2022; Bidayati et al., 2021). This body of scholarship provides a foundation for understanding the historical and institutional contexts in which Islamic family law operates. The second strand addresses polygamy through the perspectives of Islamic jurisprudence, legal reform, justice, and legal pluralism (Hamim, 2022; Daud, 2025; Rusliadi, 2023; Ma'u, 2023; Ridwan et al., 2024; Akbar & Syauqi, 2025; Sadat et al., 2025; Sarib et al., 2024; Ritonga et al., 2026; Rohmadi, 2024). These studies provide relevant perspectives for examining the relationship between Islamic legal principles and state regulation. The third strand focuses on women's rights, gender equality, and family welfare within Islamic law (Affandi et al., 2025; Bimawan et al., 2025; Analiansyah et al., 2024; Pelu et al., 2024; Zainuddin et al., 2024; Ahmad et al., 2020; Mochammad Sahid et al., 2020; Djawas et al., 2024), offering a broader framework for assessing the implications of family law for women. Taken together, these strands establish the relevance of legal reform, the regulation of polygamy, and women's rights as interconnected issues in contemporary Islamic family law. However, thematic coverage alone does not establish the precise contribution or limitations of individual studies. A critical comparison requires examining their research questions, methods, findings, and geographical scope, particularly to determine how far they address the legal mechanisms governing polygamous marriages in both Indonesia and Malaysia. This distinction is important because general discussions of Islamic family law or gender justice do not necessarily provide a systematic comparison of the specific legal safeguards available to women in polygamous marriages. Against this background, the present study compares the legal frameworks governing polygamy in Indonesia and Malaysia, focusing on authorization procedures, judicial oversight, and legal mechanisms intended to protect women's rights. Its contribution lies in bringing these dimensions together within a comparative juridical framework to identify similarities and differences between the two systems. The study thus seeks to clarify how each jurisdiction translates Islamic legal principles into regulatory mechanisms and what these differences imply for the legal protection of women. The originality of this approach should be assessed against the specific findings and scope of the preceding studies.

Result

Regulation and Protection of Women's Rights in Polygamous Marriages under Islamic Family Law in Indonesia

Within Indonesia's positive legal system, the regulation of polygamy is situated within a strict and carefully structured legal framework. Although polygamy is not absolutely prohibited, its implementation is subject to various statutory restrictions designed to ensure justice and protect women's rights. This regulatory framework reflects the fundamental principle of Indonesia's national marriage law, which adopts the concept of open monogamy. Under this principle, marriage is essentially intended to be a union between one husband and one wife, while exceptions may be permitted under specific circumstances. Law Number 1 of 1974 on Marriage serves as the primary legal basis governing polygamy in Indonesia (Ramadhan, 2024). The law stipulates that a marriage is considered valid when conducted in accordance with the religious beliefs and faith traditions of the parties concerned. For Muslims, the regulation of polygamy is based on the principles of Islamic law, while simultaneously requiring compliance with the procedures established under national law. Article 3(1) of the Law affirms monogamy as the foundational principle of marriage, whereas Article 4 provides a legal avenue for polygamy subject to court authorization and compliance with the applicable legal requirements. Accordingly, although Islamic law permits a man to marry more than one woman, Indonesia's positive legal system emphasizes that such a practice must undergo judicial scrutiny through the Religious Court in order to safeguard justice, legal certainty, and the protection of the rights of all parties involved (Arif & Farisi, 2023).

Further regulations concerning the implementation of polygamy are elaborated in Government Regulation Number 9 of 1975. This regulation stipulates that a husband seeking to enter into a polygamous marriage must provide legally recognized grounds and obtain authorization from the Religious Court. The permissible grounds include circumstances in which the wife is unable to fulfill her marital obligations, suffers from a disability or an incurable illness, or is unable to bear children. In addition, the prospective husband must demonstrate his capacity to treat all wives fairly and to provide adequate financial support for both his wives and children. These requirements indicate that, under Indonesian law, polygamy is not regarded as an absolute right of the husband but rather as a special authorization that may only be granted following judicial assessment by the court (Rusliadi, 2023). In practice, the Religious Courts play a crucial role as supervisory institutions responsible for ensuring that polygamy is not undertaken arbitrarily. Before granting authorization, judges carefully evaluate evidence relating to the applicant's financial capability, moral preparedness, and the consent of the first wife. This approach serves as a legal safeguard designed to protect women from potential harm within polygamous marital relationships.

Accordingly, Indonesian law positions polygamy as a measure of last resort rather than a preferred form of marriage (Ayatina, 2023).

Nevertheless, polygamy remains a controversial issue in contemporary society. Some scholars and social observers argue that the practice has the potential to generate injustice, family conflict, and discrimination against women. Conversely, others maintain that polygamy possesses legitimate theological and social foundations, provided that it is practiced in accordance with the principles of justice and responsibility. For this reason, the requirement of obtaining authorization from the Religious Court serves as a mechanism for balancing respect for religious teachings with the protection of women's rights within the framework of national law. By establishing monogamy as the general principle of marriage while simultaneously permitting polygamy under specific circumstances, Indonesia's marriage law reflects an effort to harmonize religious norms with state legal norms. This approach demonstrates how the Indonesian legal system seeks to uphold the values of justice and public welfare (*maslahah*), while at the same time safeguarding the dignity of women as legal subjects possessing equal rights within family life (Almakstur et al., 2021).

The protection of women's rights within the practice of polygamy in Indonesia constitutes a fundamental aspect of Islamic family law, grounded in the principles of justice (*al-'adl*) and public welfare (*al-maṣlaḥah*) (Ritonga et al., 2026). Although polygamy is permitted in Islam, Indonesia's positive legal system treats it as a strictly regulated exception to the principle of monogamy. This approach is intended to ensure that the practice of polygamy does not result in injustice, neglect, or violations of the rights of women as wives and mothers within the family structure (Djawas et al., 2024). The protection afforded to women in polygamous marriages is reflected in various legal provisions, both at the statutory level and within implementing regulations. Law Number 1 of 1974 on Marriage and Government Regulation Number 9 of 1975 expressly stipulate that a husband may marry more than one wife only upon obtaining authorization from the Religious Court. Such authorization is not granted automatically; rather, it may only be issued after the judge has carefully examined the grounds presented by the husband and heard the testimony of the wife. This requirement ensures that women have the right to be heard and to provide their consent regarding their husband's intention to enter into a polygamous marriage. Furthermore, the Compilation of Islamic Law reinforces the protection of women's rights within the context of polygamy. Articles 55 to 59 stipulate that the court may grant authorization for polygamy only when the husband is genuinely capable of treating his wives fairly and possesses sufficient financial resources to fulfill all of his obligations. The principle of justice in this context extends beyond material considerations and encompasses emotional and moral fairness in treating each wife equally. Accordingly, the principle of justice serves as the cornerstone of legal

protection for women within Indonesia's system of polygamous marriage (Amanuddin, 2022).

In addition to procedural safeguards, Indonesian law also provides substantive protection for women involved in polygamous marriages. The Compilation of Islamic Law (*Kompilasi Hukum Islam*) requires husbands to provide financial maintenance, housing, and an adequate standard of living for all wives and children. Where a husband neglects or is unable to fulfill these obligations, a wife is entitled to file a claim before the Religious Court to seek the enforcement of her rights, including the right to maintenance, accommodation, and even the right to petition for divorce. This protection affirms that, within Indonesia's Islamic family law system, women are not regarded as passive or powerless parties; rather, they are recognized as legal subjects whose rights and legal standing are protected and guaranteed by law (Naqiyah et al., 2025). From the perspective of social justice, the restriction of polygamy through a court authorization mechanism also functions as an instrument of social and moral control. By imposing stringent legal requirements, the state seeks to ensure that polygamy is not practiced arbitrarily or merely to satisfy the personal desires of the husband. Instead, polygamy is regarded as a significant moral responsibility that may only be undertaken when the rights of women and children can be fully safeguarded without discrimination (Kusmana, 2022).

Accordingly, the protection of women's rights within polygamous marriages under Indonesia's Islamic family law framework represents an effort to balance religious teachings, the principle of justice, and the protection of human rights. The state does not reject the Islamic legal permissibility of polygamy; rather, it plays an active role in regulating and supervising its implementation to ensure that it remains within the bounds of justice. In this regard, polygamy in Indonesia is not merely a matter of religious observance but also forms part of the state's legal responsibility to safeguard justice and uphold the dignity of women within the family institution (Pelu et al., 2024). Based on the foregoing discussion of the regulation and practice of polygamy within Indonesia's Islamic family law system, it can be concluded that the national legal framework has sought to position polygamy as a limited, regulated, and justice-oriented institution. Polygamy is not an absolute right of men, as is often misconceived in social practice; rather, it constitutes a special legal authorization that may only be granted by the Religious Court upon the fulfillment of stringent requirements designed to protect women's rights and interests (Mukhlis Bakhri, 2022).

Regulation and Protection of Women's Rights in Polygamous Marriages under Islamic Family Law in Malaysia

Islamic family law in Malaysia is governed by Sharia principles that are implemented through Islamic legislative frameworks enacted by each state. Unlike Indonesia, which adopts a unitary legal system, Malaysia operates under a federal system in which matters relating to Islamic family law fall within the jurisdiction of the respective states. Although certain variations exist among the states, the legal framework generally refers to the Islamic Family Law (Federal Territories) Act 1984 (Act 303) as a principal reference for the administration of Islamic family law, including the regulation of polygamy (Ilyas et al., 2023). Within Malaysia's Islamic legal system, polygamy is recognized as an integral component of substantive Islamic law. Nevertheless, its practice is neither unrestricted nor automatic; rather, it must proceed through judicial review before the Syariah Court. A husband seeking to enter into a polygamous marriage is required to obtain prior authorization from the court and must demonstrate that the proposed marriage is valid under Islamic law, will not result in injustice toward the existing wife, and that he possesses the moral and financial capacity to fulfill his responsibilities toward all wives and children involved (Ardiansyah, 2023).

The relevant provisions are explicitly set out in Section 23 of the Islamic Family Law Act 1984, which stipulates that no husband may contract another marriage while his existing marriage remains valid unless he has obtained prior written authorization from the Syariah Court. In submitting such an application, the husband is required to provide the reasons for seeking a polygamous marriage, evidence of his financial capability, and proof of his ability to treat all wives fairly. The Court will assess whether the proposed marriage is likely to promote welfare and justice (*maslahah* and '*adl*) or, conversely, result in harm to the existing wife and family. Accordingly, the Syariah Court plays a central role in safeguarding women's rights (Wahyuni Sagala, 2022). The Court is empowered to reject an application for polygamy where evidence indicates that the husband lacks sufficient financial capacity, has a history of neglecting his maintenance obligations toward his existing wife, or demonstrates a potential inability to uphold justice within the marital relationship. In practice, numerous applications for polygamy have been denied on the grounds that the applicant failed to establish his ability to fulfill the principle of justice in a meaningful and practical manner. This demonstrates that the Malaysian legal system is not solely oriented toward the literal application of legal provisions but also gives considerable weight to the moral dimension and substantive justice embedded within Islamic law (Jauhari, 2013).

In addition to the court authorization mechanism, protection for women is also provided through economic and social rights guaranteed by law. A husband who enters into a polygamous marriage remains legally obligated to provide financial maintenance, accommodation, and protection to all wives in a fair and equitable manner. In cases of neglect or failure to fulfill these obligations, a wife is entitled

to bring a claim before the Syariah Court to seek the enforcement of her rights. Malaysia also maintains a specialized institution, the Department of Syariah Judiciary Malaysia (Jabatan Kehakiman Syariah Malaysia JKSM), which is responsible for supervising and promoting uniformity in the implementation of Islamic family law across the states, including matters relating to polygamy (Ma'u, 2023). Furthermore, the Malaysian legal system provides women with opportunities for active participation in legal proceedings. Before granting authorization for a polygamous marriage, the Syariah Court is required to hear the testimony and views of the first wife. This requirement ensures that women have the right to present objections, evidence, or opinions concerning the potential impact of polygamy on themselves and their children. Such a mechanism strengthens the position of women as legal subjects possessing both a voice in judicial proceedings and access to balanced legal protection (Fadly Syahputera & Ferdiyan, 2022).

In the social context, polygamy in Malaysia frequently becomes a subject of debate between religious considerations and the principles of gender equality. From a juridical perspective, however, the state seeks to strike a balance between Islamic teachings and contemporary demands for justice. Malaysia's Islamic family law system is founded on the principle that polygamy is not an unrestricted right but rather a significant trust (*amanah*) accompanied by substantial responsibilities. Consequently, the regulation of polygamy and the protection of women's rights in Malaysia are characterized by a substantive and judiciary-based approach. This framework positions the Syariah Court as the primary guardian of justice within the family institution. Through mechanisms of judicial authorization, supervision, and the assessment of a husband's moral and financial capacity, Malaysia's Islamic family law seeks to ensure that polygamy is permitted only when it genuinely promotes justice, public welfare (*maslahah*), and the protection of women from harm or oppression (Santiago et al., 2023).

Table 1. Comparison of Polygamy Regulation and the Protection of Women's Rights in Indonesia and Malaysia

Aspect	Indonesia	Malaysia
Legal basis	Law No. 1 of 1974 on Marriage, Government Regulation No. 9 of 1975, and the Compilation of Islamic Law (KHI)	Islamic Family Law (Federal Territories) Act 1984 (Act 303) and the Islamic Family Law Enactment of each state
Legal structure	Unitary national system; regulation applied uniformly	Federal system; each state has its own enactment, so provisions and interpretation vary
Basic principle	Open monogamy; polygamy is a regulated exception	Polygamy recognized under Islamic law, but exercised only under judicial oversight

Authorizing body	Religious Court	Syariah Court
Main requirements	Legal grounds (wife unable to fulfill obligations, disability or incurable illness, unable to bear children), ability to treat wives fairly, financial capacity, consent of the first wife	Prior written authorization (Section 23), reasons for the application, proof of financial capability and of ability to treat wives fairly, moral capacity
Role of the first wife	Consent required; her testimony is heard by the judge	Her testimony and views must be heard before authorization is granted
Supporting institution	Religious Courts as supervisory institutions	Department of Syariah Judiciary Malaysia (JKSM) promotes uniform implementation
Dominant approach	Restrictive-administrative (normative and procedural)	Substantive-judicial (broad judicial discretion)
Main challenge	Weak implementation: polygamy outside court supervision, manipulation of administrative requirements, unregistered (sirri) marriages	Inconsistent implementation across states

Discussion

Analysis of the Indonesian Approach

In the author's view, Indonesia's legal approach reflects an effort to harmonize Islamic values with contemporary principles of justice. Legal instruments such as Law Number 1 of 1974 on Marriage, Government Regulation Number 9 of 1975, and the Compilation of Islamic Law *(Kompilasi Hukum Islam)* demonstrate that the state does not categorically reject the concept of polygamy; rather, it emphasizes that such permissibility may only be exercised when the principle of justice can be effectively upheld in practice. In other words, polygamy is not merely a religious matter but also a moral, social, and legal issue that concerns the balance of rights and obligations between men and women. The author argues that the protection of women's rights within polygamous marriages in Indonesia operates through a dual mechanism, namely formal legal safeguards and religious values that serve as guiding considerations in judicial decision-making (Ramli et al., 2024). From a formal legal perspective, women are protected through the requirement of court authorization and the consent of the first wife, while from a substantive perspective, judges are obligated to assess the husband's capacity to fulfill the principles of justice and economic responsibility. The combination of these procedural and substantive safeguards renders Indonesia's legal framework relatively progressive in promoting Islamic values that are both justice-oriented and humanistic (Arshad et al., 2022).

Nevertheless, in practice, the author observes that the principal challenge lies in implementation. Polygamy is not infrequently conducted outside the supervision of the Religious Courts or through the manipulation of administrative

requirements. Under such circumstances, women often become the most adversely affected parties, whether economically, socially, or psychologically. Therefore, the author emphasizes the importance of strengthening the supervisory role of the Religious Courts and ensuring consistent law enforcement against violations related to polygamous practices. Furthermore, the author contends that, in the modern era characterized by increasing awareness of gender equality and human rights, Islamic family law in Indonesia must continue to evolve in a manner that is more responsive to contemporary social realities. The Islamic principle of justice (*al-'adl*) should serve as the primary foundation for every policy and judicial decision concerning polygamy. Polygamy practiced without justice not only violates positive law but also contradicts the fundamental values of Islam itself. The author's analysis underscores that, within the context of Islamic family law in Indonesia, polygamy is not merely a matter of Sharia permissibility; rather, it constitutes a test of moral responsibility and legal justice. Although the existing legal framework provides substantial protection for women, its effectiveness ultimately depends upon the extent to which law enforcement authorities and society at large understand and uphold the principles of justice that form the core of Islamic teachings and the objectives of national lawmaking (Bidayati, 2021).

Analysis of the Malaysian Approach

This system demonstrates how Malaysia integrates the values of *maqāṣid al-syarī'ah* into the practice of family law, particularly through the promotion of justice (*al-'adl*), the protection of women's dignity and honor (*ḥifẓ al-'ird*), and the preservation of family welfare and lineage (*ḥifẓ al-nasl*). Accordingly, the protection of women in polygamous marriages in Malaysia is not merely a matter of compliance with formal legal requirements but also represents the practical manifestation of Islamic principles of justice within a contemporary context. In the author's view, Malaysia's Islamic family law system reflects a model of Sharia implementation that is more substantive and judicial in nature than the Indonesian system, which tends to be more normative and administrative (Zainuddin et al., 2024). Malaysia places the Syariah Court at the center of supervision and decision-making in every application for polygamy, ensuring that the legality and fairness of a proposed polygamous marriage are thoroughly examined through judicial proceedings. This approach illustrates how Islamic law is not only understood in a textual sense but is also applied contextually to ensure the effective protection of women's rights (Devy & Bin Zahari, 2020).

The author argues that the principal strength of the Malaysian system lies in the authority of its Syariah judiciary, which possesses broad discretion in determining whether a polygamous marriage should be permitted. The Syariah Court evaluates not only formal legal requirements but also the moral, social, and

economic circumstances of the prospective husband. Consequently, judicial decisions are intended to reflect the core objectives of *maqāṣid al-syarīʻah*, namely justice, public welfare (*maslahah*), and the protection of vulnerable parties. This approach demonstrates that Islamic law can be implemented in a flexible and adaptive manner in response to contemporary challenges without compromising its fundamental values. Nevertheless, the author also observes that a major challenge within the Malaysian system concerns the inconsistency of legal implementation across different states. Given Malaysia's federal structure, each state adopts its own Islamic Family Law Enactment, resulting in variations in legal provisions and judicial interpretation (Syahbandir et al., 2022). As a consequence, differences may arise in the standards of justice applied by judges, and in some instances, authorization for polygamy may be more readily obtained in one state than in another. Such disparities create the impression that the protection of women's rights has not yet been uniformly ensured throughout Malaysia. Therefore, the role of the Department of Syariah Judiciary Malaysia (*Jabatan Kehakiman Syariah Malaysia JKSM*) is of critical importance in promoting consistency in legal principles and ensuring the uniform administration of justice across jurisdictions (Syafrizal, 2023).

From the perspective of protecting women's rights, the author contends that Malaysia's Islamic family law demonstrates a strong commitment to the principles of equality and justice. Legal procedures requiring a husband to obtain authorization from the Syariah Court, take into account the views of the first wife, and demonstrate both moral and financial capability constitute a relatively progressive form of protection within the framework of Islamic law. Women are no longer positioned as passive parties; rather, they are recognized as legal subjects who possess the right to be heard and to defend their interests before the court. Furthermore, the author views the implementation of Islamic family law in Malaysia as a compelling example of the harmonization between classical Islamic values and contemporary principles of justice. While polygamy continues to be recognized as a component of Islamic law, it is not permitted to operate without judicial oversight. The state plays an active role in ensuring that every polygamous marriage is founded upon legitimate grounds and carried out in accordance with genuine principles of justice. Consequently, Malaysia's Islamic family law not only preserves the moral order of the Muslim community but also safeguards women's rights from being overlooked within marital relationships. The author further argues that the Malaysian approach may serve as an ideal model for the implementation of a humane and justice-oriented Islamic legal system, in which religious texts and social realities complement one another. Through the active role of the Syariah Court, Islamic law demonstrates its continued relevance within the modern context without compromising its spiritual authority. The protection of women's rights in polygamous marriages in Malaysia is therefore not merely a legal discourse but a tangible manifestation of

the effort to uphold the value of *al-'adl* (justice) as a universal and fundamental principle of Islamic teachings (Mochammad Sahid et al., 2020).

Similarities and Differences in the Protection of Women's Rights in Polygamous Marriages in Indonesia and Malaysia

Conceptually, both Indonesia and Malaysia recognize polygamy as a legitimate institution within Islamic law. Nevertheless, the two countries adopt different paradigms in translating this doctrine into their respective national legal systems. Indonesia regards polygamy as an exceptional form of marriage that constitutes a departure from the general principle of monogamy. Consequently, Indonesian regulations are designed to restrict and supervise the practice of polygamy in order to prevent injustice toward women. Malaysia, by contrast, views polygamy as a legitimate right recognized under Islamic law, while subjecting its exercise to judicial oversight through the Syariah Court to prevent abuse and ensure compliance with the principles of justice (Cahyani et al., 2023).

From the perspective of legal structure, Indonesia adopts a unitary national legal system in which the regulation of polygamy is applied uniformly throughout the country. In contrast, Malaysia operates under a federal system of Islamic law, resulting in variations among states, whereby the implementation of family law may differ depending on the Islamic Family Law Enactments enacted by each respective state (Syahbandir et al., 2022). With regard to the protection of women's rights, Indonesia provides safeguards through clearly defined legal regulations, including the requirement of the wife's consent and the husband's obligation to demonstrate financial capability before the court. Malaysia, on the other hand, places greater emphasis on the discretionary authority of Syariah Court judges to assess the fairness and appropriateness of a proposed polygamous marriage. Accordingly, legal protection in Indonesia tends to be normative and procedural in nature, whereas in Malaysia it is more substantive and judicially driven (Sitiris et al., 2020).

Nevertheless, both countries share a fundamental similarity in that they place the principle of justice (*al-'adl*) as the primary condition governing the practice of polygamy. Both Indonesian and Malaysian law affirm that a husband's inability to act justly may constitute sufficient grounds for denying or revoking authorization for a polygamous marriage (Sarib et al., 2024). In the contemporary era, both jurisdictions face similar challenges arising from the growing awareness of gender equality and human rights. These developments have necessitated the adaptation of Islamic family law to ensure its continued relevance to universal principles of justice while maintaining fidelity to the foundational tenets of Sharia. Accordingly, this comparative study demonstrates that, despite differences in their legal systems and regulatory approaches, both Indonesia and Malaysia are

committed to promoting justice and safeguarding women's rights within a dynamic framework of Islamic law (Ridwan et al., 2024).

The author argues that the regulation of polygamy within Indonesia's Islamic family law framework represents a compromise between Islamic values and the principles of national law, which are grounded in gender equality and social justice. The provisions set forth in Law Number 1 of 1974 on Marriage and the Compilation of Islamic Law (Kompilasi Hukum Islam) demonstrate the state's effort to restrict, rather than entirely prohibit, the practice of polygamy. This approach reflects Indonesia's recognition of polygamy as a legitimate institution within Islamic law while simultaneously affirming that its practice may only be undertaken under specific circumstances and subject to judicial authorization. Such a regulatory framework underscores the state's commitment to balancing religious considerations with the protection of women's rights and the promotion of justice within family life (Ahmad et al., 2020).

From the author's perspective, Indonesia's legal system places the protection of women's rights at the core of its regulation of polygamy, particularly through stringent requirements such as the husband's financial capability, his ability to ensure equitable treatment among wives, and the necessity of obtaining both the first wife's consent and judicial authorization. Consequently, women are no longer positioned as passive objects within the marital relationship but are recognized as legal subjects possessing the right to determine whether they consent to the continuation of a polygamous marriage. Nevertheless, the author observes that significant challenges remain in the implementation of these legal provisions, largely due to weak enforcement mechanisms and varying interpretations among Religious Courts. Judicial decisions in certain cases reveal disparities in the granting of authorization for polygamous marriages, where subjective considerations may at times outweigh the principle of substantive justice (Agustin, 2018).

Continues to face significant sociological challenges, including the persistence of patriarchal cultural norms and a relatively low level of legal awareness among the public. Many cases of polygamy are conducted through unregistered (sirri) marriages without compliance with legally prescribed procedures, resulting in the frequent neglect of women's rights, particularly with respect to maintenance, inheritance, and the legal status of children. This situation indicates that, although the existing legal framework is relatively progressive, the enforcement of legal provisions and the internalization of legal values remain inadequate. In other words, the protection of women's rights has not yet been fully realized in social practice (Analiansyah et al., 2024). From a normative perspective, the author contends that the regulation of polygamy in Indonesia represents a form of transformation of Islamic law into a modern and rational national legal framework. This approach is grounded in the principle of taqyid al-mubah (the

restriction of what is otherwise permissible) in pursuit of public welfare (*maslahah*) and social justice. In this regard, the state does not reject Islamic law; rather, it adapts its application to align with constitutional principles and contemporary societal developments. Through this approach, Indonesia's Islamic family law seeks to maintain a balance between Sharia and human rights, as well as between religious values and broader social interests (Mahsun, 2011).

Nevertheless, the author also observes that the administrative approach adopted in Indonesia's regulation of polygamy, through court authorization and formal legal requirements, does not by itself guarantee substantive justice for women. Legal procedures may at times become mere formalities that can be circumvented when judges or legal authorities lack sufficient gender sensitivity in interpreting and applying the law (Rohmadi, 2024). Therefore, legal reform and the enhancement of the capacity of Religious Court judges are necessary to enable a more contextual interpretation of the law that is aligned with the genuine principles of justice in Islam. In conclusion, the author contends that the protection of women's rights within polygamous marriages in Indonesia reflects the dynamic development of modern Islamic law, which seeks to balance religious texts with humanitarian values. Indonesia has taken an important step by establishing justice and women's consent as fundamental requirements for the legal validity of polygamy. However, for such protection to become truly effective, law enforcement, public legal awareness, and gender-sensitive perspectives on justice must continue to be strengthened. In this way, Islamic family law in Indonesia can genuinely function as a legal instrument that is not only compliant with Sharia principles but also socially just in its implementation (Mohamad et al., 2021).

Conclusion

This study demonstrates that Indonesia and Malaysia employ different legal approaches to regulating polygamous marriages under Islamic family law. Indonesia adopts a restrictive-administrative framework through national marriage legislation and the Religious Courts, while Malaysia relies on state-level Islamic family law and the authorization of the Syariah Courts. Despite these institutional differences, both systems establish legal requirements intended to regulate polygamy and protect women's rights. However, the existence of formal safeguards alone does not guarantee their effective implementation. The scientific contribution of this study lies in comparing the regulatory mechanisms of both countries and highlighting the importance of examining women's legal protection beyond statutory provisions. The comparison shows that the effectiveness of these frameworks must be assessed in relation to judicial procedures and the implementation of applicable legal requirements. Accordingly, strengthening the protection of women in polygamous marriages requires consistent law enforcement and the application of Islamic legal principles in ways that address the practical consequences of polygamy for women. This comparative perspective contributes to the ongoing discussion of

Islamic family law reform and the relationship between religious principles, state regulation, and women's legal protection.

References

Abdul Muthalib, S. (2023). Fasakh Nikah Karena Penyakit Dalam Hukum Keluarga Islam Perak Malaysia. *El-Hadhanah : Indonesian Journal Of Family Law And Islamic Law*, *3*(1). https://doi.org/10.22373/hadhanah.v3i1.2614

Adiyanta, F. C. S. (2019). Hukum Dan Studi Penelitian Empiris: Penggunaan Metode Survey Sebagai Instrumen Penelitian Hukum Empiris. *Administrative Law And Governance Journal*, *2*(4). https://doi.org/10.14710/alj.v2i4.697-709

Affandi, A., Billah, M. M., & Syaifudin, M. (2025). Maqāṣidī Exegesis: A Path For Promoting Gender Equality In Contemporary Islamic Discourse. *QOF*, *9*(1). https://doi.org/10.30762/qof.v9i1.2748

Agustin, I. W. (2018). PENETAPAN USIA PERKAWINAN DI INDONESIA DAN (WILAYAH PERSEKUTUAN) MALAYSIA Menelusri Latar Belakang Filosofis Dan Metode Yang Digunakan. *Al-Mazaahib: Jurnal Perbandingan Hukum*, *6*(1). https://doi.org/10.14421/al-mazaahib.v6i1.1528

Ahmad, B., Azahari, R. H., Rahman, A. A., & Wahab, M. A. (2020). Assessing The Rate Of Child Maintenance (Financial Support) From A Shariah Perspective. *Al-Jami'ah*, *58*(2). https://doi.org/10.14421/ajis.2020.582.293-322

Akbar, H., & Syauqi, M. N. (2025). The Dynamics Of Family Life In Polygamous Practices: An Islamic Legal Perspective On Contemporary Indonesian Society. *El-Aqwal : Journal Of Sharia And Comparative Law*. https://doi.org/10.24090/el-aqwal.v4i1.13022

Almakstur, M. A., Azni, A., Anwar, K., & Mardiana, M. (2021). Fenomena Cerai Gugat Pada Pengadilan Agama Di Malaysia Dan Indonesia : Suatu Perspektif Psikologi Hukum Keluarga Islam. *Hukum Islam*, *21*(1). https://doi.org/10.24014/jhi.v21i1.10633

Amanuddin, M. (2022). Rekonstruksi Kasus Penyelesaian Nusyuz Dalam Undang Undang Keluarga Islam Indonesia Dan Malaysia. *Jurnal Sosial Sains*, *2*(12). https://doi.org/10.36418/jurnalsosains.v2i12.591

Amanuddin, M., & Gani, E. (2022). Rekonstruksi Kasus Penyelesaian Nusyuz Dalam Undang Undang Keluarga Islam Indonesia Dan Malaysia. *Jurnal Sosial Dan Sains*, *2*(12). https://doi.org/10.59188/jurnalsosains.v2i12.591

Aminah, S., & Sugitanata, A. (2022). Genealogy And Reform Of Islamic Family Law: Study Of Islamic Marriage Law Products In Malaysia | Geneologi Dan Reformasi Hukum Keluarga Islam: Studi Terhadap Hukum Perkawinan Islam Di Malaysia. *Journal Of Islamic Law*, *3*(1).

Analiansyah, Dhiaurrahmah, Jamhuri, Salam, A. J., & Iskandar, M. (2024). Polygamy And Women's Rights: An Examination Of Divorce Litigation In Sharia Court Rulings Pertaining To Revisions In Indonesian Matrimonial Legislation. *Al-Istinbath: Jurnal Hukum Islam*, *9*(2). https://doi.org/10.29240/jhi.v9i2.10833

Ardiansyah, A. (2023). Asas Kepastian Hukum Dalam Aturan Sanksi Pelanggaran Pencatatan Perkawinan Undang-Undang Hukum Keluarga Malaysia. *Zaaken: Journal Of Civil And Business Law*, *4*(3). https://doi.org/10.22437/zaaken.v4i3.28153

Arif, M. I., & Farisi, M. A. Al. (2023). Perbandingan Pembaharuan Hukum Keluarga Islam Negara Penganut Mazhab Syafi`I (Malaysia Dan Yaman). *Al-Ahwal Al-Syakhsiyyah: Jurnal Hukum Keluarga Dan Peradilan Islam*, *4*(1).

Arif Tiro, M., Nusrang, M., & Sudarmin. (2020). Metodologi Penelitian Dan Teknik

Analisis Data. *Jurnal Hasil Pengabdian Masyarakat*, *1*(2).
Arshad, A., Abdullah, R., & Mat Ali, S. A. (2022). Kitabiyah Dalam Perkahwinan Di Malaysia: Isu Dan Cabaran. *Kanun Jurnal Undang-Undang Malaysia*, *34*(2). https://doi.org/10.37052/kanun.34(2)no4
Ayatina, H. (2023). Wakaf Ahli: Dinamika Kebijakan Negara Dan Sistem Pelaksanaannya Di Malaysia. *J-Alif : Jurnal Penelitian Hukum Ekonomi Syariah Dan Budaya Islam*, *8*(1). https://doi.org/10.35329/jalif.v8i1.4026
Bidayati, K. Dkk. (2021). Dinamika Pembaharuan Hukum Keluarga Islam Di Negara Muslim (Studi Atas Negara Malaysia Dan Brunei Darussalam). *ADHKI: Journal Of Islamic Family Law*, *3*(1).
Bimawan, H., Haeqhal, M., Marhadi, Rafi Kusuma F.R, & Try Rama Bagus Sanjaya. (2025). The Status Of Pre-Islamic Arab Women: Reform And The Challenge Of Fulfilling Women's Rights In Contemporary Islamic Family Law Practice. *Legitima : Jurnal Hukum Keluarga Islam*, *7*(2). https://doi.org/10.33367/fv66cf88
Cahyani, S. P., Siti Winariyah, S., Andriyani, W., Pangestu, D. S., & Ulya, Z. (2023). Studi Komparasi Prosedur Pencatatan Perkawinan Di Indonesia Dan Malaysia. *Ma'mal: Jurnal Laboratorium Syariah Dan Hukum*, *4*(3). https://doi.org/10.15642/mal.v4i3.240
Daud, I. (2025). The Meaning Of Justice In The Qur'an And The Implications Of Islamic Law On Polygamy Permits: Harmonization Of Islamic Law And Positive Law With The Maqasidi Tafsir Approach. *AL QUDS : Jurnal Studi Alquran Dan Hadis*, *9*(1). https://doi.org/10.29240/alquds.v9i1.11356
Devy, S., & Bin Zahari, M. S. (2020). Status Hukum Pernikahan Yang Dilaksanakan Oleh Wali Hakim Luar Negeri (Studi Kasus Di Mahkamah Syariah Negeri Kelantan). *Media Syari'ah*, *20*(1). https://doi.org/10.22373/jms.v20i1.6500
Diantha, I. M. P. (2017). Metodologi Penelitian Hukum Normatif Dalam Justifikasi Teori Hukum. In *Hukum Normatif Dalam Justifikasi Teori Hukum*.
Djawas, M., Nurdin, A., Zainuddin, M., Idham, & Idami, Z. (2024). Harmonization Of State, Custom, And Islamic Law In Aceh: Perspective Of Legal Pluralism. *Hasanuddin Law Review*, *10*(1). https://doi.org/10.20956/halrev.v10i1.4824
Fadly Syahputera, A., & Ferdiyan. (2022). KONSEP WALI HAKIM DALAM PEMBARUAN HUKUM KELUARGA ISLAM DI MALAYSIA DAN INDONESIA. *Asy-Syari'ah*, *24*(2).
Hamim, K. (2022). COMPARISON BETWEEN DOUBLE MOVEMENT THEORY AND NAZARIYYAT AL-ḤUDŪD THEORY ON POLYGAMY LAWS. *El-Mashlahah*, *12*(2). https://doi.org/10.23971/el-mashlahah.v12i2.4903
Huberman, & Miles. (1992). Teknik Pengumpulan Dan Analisis Data Kualitatif. *Jurnal Studi Komunikasi Dan Media*, *02*(1998).
Ilyas, I., Rani, F. A., Bahri, S., & Sufyan, S. (2023). The Accommodation Of Customary Law To Islamic Law: Distribution Of Inheritance In Aceh From A Pluralism Perspectives. *Samarah*, *7*(2). https://doi.org/10.22373/sjhk.v7i2.15650
Irianto, S. (2017). METODE PENELITIAN KUALITATIF DALAM METODOLOGI PENELITIAN ILMU HUKUM. *Jurnal Hukum & Pembangunan*, *32*(2). https://doi.org/10.21143/jhp.vol32.no2.1339
Jauhari, I. (2013). PERBANDINGAN SISTEM HUKUM PERLINDUNGAN ANAK ANTARA INDONESIA DAN MALAYSIA. *Jurnal Ilmu Syari'ah Dan Hukum*, *47*(2).

Kusmana, K. (2022). THE QURAN AND FAMILY CONCEPT IN MODERN SOUTHEAST ASIA: CASE STUDY OF INDONESIA AND MALAYSIA. *El Harakah: Jurnal Budaya Islam*, *24*(1). https://doi.org/10.18860/eh.v24i1.16026

Mahsun. (2011). Hukum Dan Manajerial Wakaf Di Malaysia. *Jurnal IAIN Ngawi-Al Mabsut*.

Marune, A. E. M. S. (2023). Metamorfosis Metode Penelitian Hukum. *Civilia: Jurnal Kajian Hukum Dan Pendidikan Kewarganegaraan*, *2*(4).

Ma'u, D. H. (2023). The Harmonization Of Polygamy Between Islamic Law And Legal Law In Indonesia. *Samarah*, *7*(2). https://doi.org/10.22373/sjhk.v7i2.8519

Mochammad Sahid, M., Gunardi, S., & Zahalan, N. M. H. (2020). Konsep Uruf Dan *Maslahah* Sebagai Sumber Rujukan: Status Wanita Terhadap Harta Sepencarian Dalam Perundangan Islam Di Malaysia. *'Abqari Journal*, *23*(2). https://doi.org/10.33102/abqari.vol23no2.357

Mohamad, N., Najibah Mohd Zin, & Sitiris, M. (2021). SOROTAN LITERATUR IMPLEMENTASI ḤAḌĀNAH DI MAHKAMAH SYARIAH MALAYSIA. *Malaysian Journal Of Syariah And Law*, *9*(2). https://doi.org/10.33102/mjsl.vol9no2.335

Mukhlis Bakhri. (2022). Komparasi Fikih Munakahat Dengan Hukum Positif Terhadap Gugat Cerai Mafqud(Suami Yang Hilang) Pada No.Perkara 2791/PDT.G/2021/PA.KNG Di Pengadilan Agama Kuningan. *Journal Of Islamic Law*, *3*(2).

Naqiyah, Triana, N., Zakaria, G. A. N., & Liddini, L. (2025). Polygamy Legal Politics In Southeast Asian Muslim Countries: Legal Pluralism And Qur'anic Perspectives. *Al-Manahij: Jurnal Kajian Hukum Islam*, *19*(1). https://doi.org/10.24090/mnh.v19i1.13201

Nurhuda, R. (2022). Pengaruh Sosial Politik Dan Budaya Terhadap Produk Hukum Keluarga Di Malaysia. *Al-Syakhsiyyah: Journal Of Law And Family Studies*, *4*(1). https://doi.org/10.21154/syakhsiyyah.v4i1.4298

Pelu, I. E. A. S., Tarantang, J., Fauzi, A., Badarulzaman, M. H., Sururie, R. W., & Anwar, S. (2024). Polygamy Law Reform Through The Development Of The Aceh Qanun: A New Approach To Protecting The Rights Of Women And Children In Indonesia. *El-Mashlahah*, *14*(1). https://doi.org/10.23971/el-mashlahah.v14i1.7864

Ramadhan, A. R. (2024). The Dynamics Of Islamic Family Law In The Face Of Technological Advancements And Social Changes In The Era Of Society 5.0. *Kne Social Sciences*. https://doi.org/10.18502/kss.v9i2.14986

Ramli, M., Rijal, S., Surya, R., & Malika, I. (2024). State, Custom, And Islamic Law In Aceh: Minor Dispute Resolution In The Perspective Of Legal Pluralism. *Samarah*, *8*(2). https://doi.org/10.22373/sjhk.v8i2.15924

Ridwan, M. S., Abdullah, W., & Idham, I. (2024). Public Perception Of Polygamy In Makassar, Indonesia: Cultural Perspective And Islamic Law. *Samarah*, *8*(1). https://doi.org/10.22373/sjhk.v8i1.15419

Ritonga, I., Shodiq, M., & Atsani, U. (2026). Contesting Polygamy In Aceh: Legal Pluralism And The Politics Of Islamic Family Law. *Juris: Jurnal Ilmiah Syariah*, *25*(1). https://doi.org/10.31958/juris.v25i1.16933

Rohmadi. (2024). Polygamy In Indonesia: A Critical Interpretation Through The Lens Of Mubadalah Theory. *Jurnal Ilmiah Mizani*, *11*(2). https://doi.org/10.29300/mzn.v11i2.5068

Rusliadi, R. (2023). Polygamy In The Perspective Of Islamic Law And Indonesian

Positive Law. *Kne Social Sciences*. https://doi.org/10.18502/kss.v8i18.14280

Sadat, A., Husain, R. T., Ibrahim, Z. S., & Yusuf, M. (2025). The Development Of Trends And Themes Of Polygamy In Islamic Law In The Contemporary World. *Samarah*, *9*(2). https://doi.org/10.22373/axgt7854

Santiago, P. A., Lesawengen, L., & Kandowangko, N. (2023). Dampak Perceraian Terhadap Kepribadian Anak (Studi Pada Keluarga Yang Bercerai Di Desa Kecamatan Melonguane Kabupaten Talaud). *Journal Ilmiah Society*, *3*(1).

Sarib, S., Yusnita, E., Utama, C., & Zain, M. I. H. (2024). Polygamy Among Muallaf In Manado: Islamic Legal Perspectives And Social Challenges. *Juris: Jurnal Ilmiah Syariah*, *23*(2). https://doi.org/10.31958/juris.v23i2.12307

Sitiris, M., @ Shamsuddin, M. Bin M. J., & Bin Awang Hamat, M. A. (2020). Stipulation Of Rights In The Practice Of Nikah Al-Khitbah According To The Fuqaha' And The Islamic Family Law In Malaysia (Penetapan Syarat Di Dalam Amalan Nikah Khitbah Menurut Fuqaha' Dan Undang-Undang Keluarga Islam Di Malaysia). *Journal Of Islam In Asia (E-ISSN 2289-8077)*, *17*(1). https://doi.org/10.31436/jia.v17i1.847

Sonata, D. L. (2015). METODE PENELITIAN HUKUM NORMATIF DAN EMPIRIS: KARAKTERISTIK KHAS DARI METODE MENELITI HUKUM. *FIAT JUSTISIA:Jurnal Ilmu Hukum*, *8*(1). https://doi.org/10.25041/fiatjustisia.v8no1.283

Sugiyono. (2019). *Metode Penelitian Kuantitatif Pendidikan (Kuantitatif, Kualitatif, Kombinasi, R&D Dan Penelitian Pendidikan)*. Alfabeta.

Sumarna, D., & Kadriah, A. (2023). Penelitian Kualitatif Terhadap Hukum Empiris. *JURNAL PENELITIAN SERAMBI HUKUM*, *16*(02). https://doi.org/10.59582/sh.v16i02.730

Supratman1, Nur Mohamad Kasim2, M. T. (2023). Peran Kantor Urusan Agama Dalam Menanggulangi Masalah Perkawinan Poliandri Di Kabupaten Buol Supratman1,. *ILMU SOSIAL, HUMANIORA DAN SENI (JISHS)*, *1*(3), 504–510.

Syafrizal, S. (2023). Akibat Hukum Perkawinan Campuran Antar Negara WNI Dengan WNA Terhadap Status Personal Anak. *Warta Dharmawangsa*, *17*(3).

Syahbandir, M., Alqarni, W., Abbas, S., Ali, B., & Samad, F. (2022). State And Islamic Law: A Study Of Legal Politics On Zakat As A Tax Deduction In Aceh. *Ahkam: Jurnal Ilmu Syariah*, *22*(1). https://doi.org/10.15408/ajis.v22i1.26200

Teniwut, M. (2022). Teknik Pengumpulan Data Dan Metode Penelitian. *Mediaindonesia.Com*.

Wahyuni Sagala, H. T. (2022). Kajian Teori Pluralisme Hukum Terhadap Sistem Hukum Di Aceh. *INTERDISCIPLINARY JOURNAL ON LAW, SOCIAL SCIENCES AND HUMANITIES*, *3*(2). https://doi.org/10.19184/idj.v3i2.35095

Zainuddin, M., Umar, M. N., Sumardi, D., Mansari, & Khalil, Z. F. (2024). Protection Of Women And Children In The Perspective Of Legal Pluralism: A Study In Aceh And West Nusa Tenggara. *Samarah*, *8*(3). https://doi.org/10.22373/sjhk.v8i3.22203