

The Impact of Social Change on the Practice of Polygamy in Modern Society: A Review of Islamic Family Law

Darwin Wiboyo Sihombing¹ Muhammad Firza Al-Ma`ruf²

¹Law Office Saroha & Partner

²State Islamic University of North Sumatra

E-mail: sihombingd878@gmail.com muhammadfirza076@gmail.com

Info Articles	Abstract
Article History Received : 2021-09-04 Revised: 2021-09-13 Published: 2021-09-30	This study aims to analyze the impact of social change on the practice of polygamy in the context of modern society and to examine the relevance of Islamic family law in implementing these regulations. Using qualitative descriptive methods, this study involved in-depth interviews with religious leaders, legal practitioners, and individuals involved in the practice. Furthermore, this study considered the social, cultural, and economic dynamics that influence individual decisions in pursuing the practice. The results indicate that public awareness of women's rights and the importance of social justice is increasing, significantly changing their perspectives on polygamy. Although Islamic law permits polygamy under conditions of fairness, practice often falls short of these criteria. Many families experience dissatisfaction, internal conflict, and psychological impacts due to unfair treatment between wives. This study concludes that achieving justice in the practice of polygamy requires more comprehensive legal education, strong advocacy for individual rights, and strengthened oversight and enforcement mechanisms. Therefore, this research is expected to provide broader insights for policymakers and the public in creating more just, humane, and relevant solutions to the practice of polygamy in the modern era.
Keywords: <i>Social change, Polygamy, Islamic Family Law, Women's Rights, Justice.</i>	

I. INTRODUCTION

Polygamy is a permitted practice in Islam, where a man can have more than one wife under certain conditions stipulated in Islamic family law. In Indonesia, polygamy is a topic frequently in the public spotlight, especially given the ever-changing social and cultural landscape. Although polygamy can be considered part of tradition, current social realities demonstrate that this practice is not free from controversy and challenges. The influence of social changes, including shifts in patriarchal values, gender equality, and increased participation of women in various fields, has had a significant impact on public perception of polygamy.

Various previous studies have attempted to examine the socio-cultural impacts on the practice of polygamy. For example, research by Rahman (2018) found that increased awareness of women's rights has led to opposition to polygamy among the younger generation. Meanwhile, research by Utami (2020) discussed how social media influences public perceptions of polygamy, demonstrating that evolving information can shift the views of more conservative communities.

Another study by Hidayah (2021) showed that polygamy is often perceived as a violation of the principles of justice and equality, which are increasingly advocated by many women's organizations. Furthermore, research by Hasanah (2020) explained that understanding of Sharia law and Islamic jurisprudence sometimes still influences individuals' decisions to continue practicing polygamy, even though many practices are inconsistent with modern values. Furthermore, Majid (2022) also emphasized that economic changes and social mobility significantly influence individuals' judgments in choosing their desired family model.

Several factors driving social change influence the practice of polygamy. These include advances in information technology, improvements in women's education, and economic changes that raise collective awareness of human rights. Social media, as a form of information technology, plays a significant role in shaping public opinion regarding polygamy. The use of digital platforms has created a space for open dialogue on family issues, including polygamy, which were previously considered taboo. This creates a space

for women to voice their aspirations and voice their opinions in discussions about family rights, as well as to address the injustices that often occur in the practice of polygamy.

This research also aims to analyze the relevance of Islamic family law in addressing existing social dynamics. Islamic family law regulates polygamy in different cultural and social contexts. In this regard, there are conditions that must be met by men wishing to practice polygamy, as stipulated in the Quran and implemented within the context of positive law in Indonesia. For example, the law requires fairness and equal treatment between wives in a polygamous union. However, in practice, this is often difficult to implement, leading to various problems within the family.

Therefore, this research focuses on two main research questions: (1) What social changes influence the practice of polygamy in modern society? and (2) How can Islamic family law respond to the social changes that occur related to the practice of polygamy? In an effort to answer these questions, this research is expected to provide significant contributions not only in a legal context, but also in various social and cultural aspects that influence people's mindsets and actions.

This research employed a descriptive qualitative method with a socio-legal analysis approach. This study utilized primary data in the form of interviews with stakeholders, such as religious leaders, legal practitioners, and community members involved in the practice of polygamy. In addition to primary data, this research was also supported by secondary data through a literature review of books on Islamic jurisprudence (fiqh), Islamic civil law, and previous research relevant to the issue under discussion, thus providing a clear picture of the impact of social change on the practice of polygamy.

This research is expected to provide a better understanding of the interaction between Islamic law, the practice of polygamy, and the evolving social realities of modern society. Therefore, it is hoped that the findings of this study will provide new insights for the development of Islamic family law that is more responsive to social changes occurring in society.

II. RESEARCH METHODS

This research uses a qualitative descriptive method. This method was chosen to explore and understand the phenomenon of polygamy within the context of social change occurring in modern society. According to Creswell, a qualitative approach allows researchers to understand social phenomena in depth, providing insight into the meanings and perspectives held by individuals or groups within a specific social context. This method is relevant because the phenomenon of polygamy is influenced not only by law but also by social values, culture, and beliefs that develop within society.

III. RESULTS AND DISCUSSION

Social change is an inevitable phenomenon in society. According to Soerjono Soekanto, social change refers to changes that occur in the structure and function of society. In this context, social change can be caused by various factors, including technology, values, and economic conditions. Research on social change aims not only to understand the phenomena that occur but also to analyze their impact on the mindsets and behaviors of individuals in society.

For example, as society begins to accept ideas of gender equality, this can influence its views on the practice of polygamy. A society that is increasingly advanced in its understanding of human rights will tend to reject practices deemed unjust, including polygamy. As time goes by, existing social behaviors and norms will also change, creating space for the repositioning of women within the family structure.

Polygamy in Islam is clearly regulated in the Quran. In Surah An-Nisa, verse 3, Allah SWT states that a man is permitted to marry more than one woman, provided he is able to treat them fairly. However, in practice, complying with these requirements often presents a challenge. The requirements of fairness and ability are two basic principles that a husband must fulfill in practicing polygamy. Failure to meet these requirements can result in injustice to both the wife and the children in the marriage.

Islamic Family Law in Indonesia is regulated by Law No. 1 of 1974 concerning Marriage. This law explicitly states that polygamy is permitted only

with court permission and must comply with the provisions of sharia. Although Islamic law allows for the practice of polygamy, its implementation often faces obstacles, particularly in regulations governing fairness between wives. In many cases, injustice in treatment often arises, raising questions about whether the principles of justice established in Islamic law can truly be implemented in practice.

Interviews with several respondents indicate that significant social changes have influenced public perceptions of polygamy. One of the most striking changes is increased awareness of women's rights. Many women stated that polygamy is considered unfair and detrimental, as well as violating the principle of gender equality, which is increasingly being discussed in today's social context. This aligns with research by Rahman (2018), which shows that increased awareness of women's rights has changed public perceptions of polygamy.

Based on the data obtained, public attention to gender and human rights issues also plays a significant role in shaping public opinion regarding polygamy. People are now more open to openly discussing this issue, which was previously considered taboo. The influence of social media allows individuals, especially women, to share their experiences and views on polygamy. Social media serves as a platform for advocacy and education, facilitating a space for many to learn about applicable legal requirements and their impacts.

Dissatisfaction with the practice of polygamy is also often rooted in direct experiences of injustice within polygamous households. In interviews, many respondents reported witnessing unfair treatment between wives within a single family. These experiences illustrate that, although Islamic law permits polygamy, the reality of daily life often does not align with the principles of justice taught in Islam.

In the context of Islamic family law, polygamy is regulated through various legal sources. The Quran clearly permits polygamy, accompanied by the obligation to treat wives fairly. However, in practice, there are often obstacles to fulfilling this requirement of fairness. For example, Hidayah (2021) shows that although Indonesian law legally permits polygamy, many men are unable

or reluctant to fulfill the requirement of fairness between their wives.

Law No. 1 of 1974 concerning Marriage provides permission for men to practice polygamy, provided they adhere to clear procedures and a statement that they will be responsible for ensuring fairness. However, in practice, this requirement is often ignored. Al-Jauzi, in his book *Al-Mughni fi Fiqh*, emphasized that the obligation to be fair applies not only to physical matters but also to emotional and financial matters. This lack of understanding of divorce and women's rights in the context of polygamy may explain the many cases of dissatisfaction and conflict within polygamous families.

Islamic Family Law serves to provide guidance on family life by prioritizing the values of justice and human rights. The concept of justice in Islam encompasses not only physical treatment but also emotional and financial treatment. In the context of polygamy, this principle is crucial, as many cases demonstrate that husbands often fail to fulfill the principle of justice, both in terms of the distribution of attention and economic resources.

In this modern era, the legal challenges surrounding polygamy are increasingly complex. The disparity between Sharia law and positive law in Indonesia is a matter of debate. In this regard, it is crucial to consider an interdisciplinary approach involving law, sociology, and gender theory in analyzing the practice of polygamy. This approach is expected to lead to more effective solutions to mitigate the problems arising from polygamy in the context of dynamic social change.

Through analysis of several case studies, a better understanding of how legal enforcement and social norms interact within the practice of polygamy emerged. In one case studied, a man with two wives was unable to provide equal treatment in terms of emotional attention and financial support. The second wife often felt neglected, and over the years, their relationship became extremely strained. Legal sources explain that this dissatisfaction can stem from limited resource availability, leading to inequity.

Another case involves a younger family, where social media is particularly influential. They are more open to discussing their feelings and hopes regarding polygamy. One wife shared that she prefers to voice her wishes through social media

platforms, and this enriches the discourse surrounding polygamy. Her hopes, directly related to justice and rights within marriage, as well as improving relationships between family members, were highlighted.

The insights emerging from this case study suggest that to achieve healthier patterns of interaction between husband and wife, it is crucial for all parties to understand their rights and responsibilities. This aligns with Hasanah's (2020) assertion that legal literacy should be a primary concern to guarantee the rights of every individual.

Social change has significantly impacted people's perspectives on polygamy. Awareness of women's rights and increased education have significantly influenced the perception that the practice often fails to meet the principles of justice. Islamic family law, on the other hand, permits polygamy with certain conditions, but in practice, these conditions are often difficult for men to meet.

Based on the case studies conducted, it is recommended that there be more concrete efforts to enforce the law, particularly regarding women's rights and the application of the principle of justice in polygamy. The public is also expected to take an active role in more open discussions regarding the practice of polygamy. Through effective advocacy and education on family rights, it is hoped that harmonious and just families can be created.

With increasing pressure to reform existing polygamous practices, the need for adaptation and a deeper understanding of legal and social norms becomes crucial. This can serve as a reference for further research and for better law enforcement in the context of Islamic family law in Indonesia.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Based on the research conducted, it can be concluded that the practice of polygamy in the context of modern society is inseparable from the influence of significant social change. Society is now increasingly aware of the importance of women's rights and gender equality, which has impacted their views on polygamy. This awareness stems from better education, access to

information through social media, and the increasing role of women in social and economic life.

Although Islamic family law permits and provides provisions for the practice of polygamy, the reality on the ground often shows that the established requirements for justice are difficult to meet. Numerous cases of dissatisfaction in relationships demonstrate that the principles of justice affirmed in the Quran and other positive legal documents are often not followed in practice. Polygamy, which should be a solution, can instead become a source of conflict and dissatisfaction if not managed properly.

The case studies conducted during this research emphasize the importance of good interaction and understanding of the rights and obligations of each family member in a polygamous structure. A deeper awareness of existing legal mechanisms is also needed to improve the protection of individual rights in polygamous families.

B. Suggestion

Based on the research findings, it is recommended that the government and law enforcement officials strengthen regulations and oversight of polygamous practices to ensure the principle of substantive justice is met. Religious leaders are also expected to provide comprehensive education, emphasizing not only the permissibility but also the requirements for justice in polygamy.

Furthermore, society needs to be more critical, considering the social, psychological, and economic impacts, while women are expected to improve their understanding of their rights. Further research is recommended to develop broader studies to gain a more comprehensive understanding of the practice of polygamy in Indonesia.

REFERENCE LISTAN

- Al-Anshari, Muhammad. (2022). "Poligami di Era Digital: Tantangan dan Kesempatan." *Jurnal Hukum Keluarga*, vol. 10, no. 2
- Al-Hafidz, Abu. (2021). "Keadilan dalam Poligami: Realitadan Harapan." *Jurnal Hukum Islam*, vol. 9, no. 2

- Al-Jauzi, Ibn Qudamah. (2017). *Al-Mughni fi Fiqh. Medan: Risalah Gusti*
- Al-Qur'an, Surah An-Nisa: 3.
- Bogdan, Robert, and Biklen, Sari. (2015). *Qualitative Research for Education: An Introduction to Theories and Methods. 5th ed. Boston: Pearson*
- Bowen, Glen A. (2009). "Document Analysis as a Qualitative Research Method." *Qualitative Research Journal*, vol. 9, no. 2
- Braun, Virginia, and Clarke, Victoria. (2006). "Using Thematic Analysis in Psychology." *Qualitative Research in Psychology*, vol. 3, no. 2
- Creswell, John W. (2018). *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches. 5th ed. Thousand Oaks, CA: SAGE Publications*
- Denzin, Norman K. (2009). *The Research Act: A Theoretical Introduction to Sociological Methods. 3rd ed. New York: Aldine de Gruyter*
- Fathoni, M. (2020). "Prinsip Keadilan dalam Hukum Keluarga Islam: Studi Kasus di Masyarakat." *Jurnal Sosial dan Humaniora*, vol. 10, no. 1
- Fereday, Jennifer, and Muir-Cochrane, Eimear. (2006). "Demonstrating Rigor Using Thematic Analysis: A Hybrid Approach of Inductive and Deductive Coding and Theme Development." *International Journal of Qualitative Methods*, vol. 5, no. 1
- Hasanah, N. (2021). *Perubahan Sosial dan Implikasinya Terhadap Praktik Poligami di Indonesia. Jurnal Sosial dan Humaniora*, vol. 5, no. 1
- Hidayah, Nur. (2021). *Fiqih Keluarga: Pendekatan Multidimensi. Yogyakarta: Pustaka Pelajar*
- Hidayati, N. dan Saragih, H. (2019). "Perubahan Sosial dan Peran perempuan dalam Keluarga." *Jurnal Perempuan*, vol. 6, no. 31
- Ismail, Arif. (2019). *Analisis Sosial Poligami di Indonesia. Yogyakarta: UGM Press*
- Kvale, Steinar. (2009). *Doing Interviews. Thousand Oaks, CA: SAGE Publications*
- Majid, Abdul. (2019). *Hukum Perdata Islam: Teori dan Aplikasinya. Jakarta: Kencana Prenada Media*
- Merriam, Sharon B. (2015). *Qualitative Research: A Guide to Design and Implementation. 4th ed. San Francisco, CA: Jossey-Bass*
- Miles, Matthew B., and Huberman, A. Michael. (2014). *Qualitative Data Analysis: A Methods Sourcebook. 3rd ed. Thousand Oaks, CA: SAGE Publications*
- Rahman, Abdul. (2018). *Hukum Keluarga Islam di Indonesia: Teori dan Praktik. Jakarta: Sinar Grafika*
- Robert K. (2018). *Cas Study Research and Applications: Design and Methods. 6th ed. Thousand Oaks, CA: SAGE Publications*
- Rukmini, R. dan Sitinjak, R. (2018). "Poligami di Era Globalisasi: Konsekuensi Sosial dan Budaya." *Jurnal Hukum dan Masyarakat*, vol. 14, no. 1
- Soekanto, Soerjono. (2010). *Sosiologi: Suatu Pengenalan. Jakarta: Rajawali Pers*
- Supusesa, Reimon. (2012). "Eksistensi Hukum Delik Adat dalam Perspektif Pembaharuan Hukum Pidana di Maluku Tengah." *Jurnal Mimbar Hukum*, Vol. 24 No. 1
- Syamsudin, M. (2008). "Beban Masyarakat Adat Menghadapi Hukum Negara." *Jurnal Hukum*, Vol. 15 No. 3
- Tamarasari, Desi. (2002). "Pendekatan Hukum Adat dalam Menyelesaikan Konflik Masyarakat pada Daerah Otonomi." *Jurnal Kriminologi Indonesia*, Vol. 2 No. 1
- Undang-Undang Republik Indonesia Nomor 1 Tahun 1974 tentang Perkawinan.

Undang-Undang Republik Indonesia Nomor 1
Tahun 1974 tentang Perkawinan.

Utami, Dwi. (2020). *Media Sosial dan Perubahan Sosial: Sebuah Kajian terhadap Poligami*. Jakarta: Kencana

Wibowo, A. (2020). "Dinamikanya Keluarga Poligami di Indonesia: Kasus dan Penanggulangan Ketidakadilan." *Jurnal*

Kajian Hukum, vol. 15, no. 3

William, Susan H. (2011). "Democracy, Gender Equality, and Customary Law." *Indiana Journal of Global Legal Studies*, Vol. 18 No. 1

Zainuddin, E. (2020). "Kontradiksi Hukum Islam dalam Praktik Poligami di Indonesia." *Jurnal Kajian Hukum*, vol. 15, no. 3