

## THE CONTESTATION OF ISLAMIC BOARDING SCHOOL WOMEN'S VIEW OF WIVES' RIGHTS IN POLYGAMY

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**Abstract:** This study examines the contention around Islamic boarding school women's view of wives' rights in polygamous marriages. It aims to answer academic questions, specifically how and why there is contention among Islamic boarding school women over the rights of wives in polygamy. Furthermore, it also aims to answer what consequences this contestation has for the practice of polygamy, which is common in Islamic boarding schools. This paper is an empirical research that takes a sociological perspective. The analysis is based on Pierre Bourdieu's Cultural Sociology theory. Data were gathered through an interview study with research subjects from five traditional Islamic boarding schools in Lampung Province. The findings of this study show that the contestation of wives' rights in polygamy is influenced by the level of understanding of religious texts and norms, social and economic realities, and the strength of the patriarchal traditions and systems that surround it. Most women are denied the opportunity to fight for their bodily and spiritual rights, both before and after polygamous marriage occurs. Women in Islamic boarding schools recognize that men's supremacy influences the neglect of women's rights in polygamy because their understanding of religious texts is conservative. Women have no bargaining power when their husbands seek to practice polygamy. Conservatives believe that polygamy is a fate and consequence that women who want to marry a caregiver or an Islamic boarding school leader (Kyai) must accept. A moderate perspective necessitates that polygamy be practiced with proportional rights between husband and wife. The repercussions of this contestation have resulted in a better appreciation of the importance of men's and women's rights being proportionate, as well as mutual protection.

**Keywords:** Wives' Rights, Contestation, Islamic Boarding School Women, Polygamy.

**Abstrak:** Studi ini menganalisis perdebatan pemahaman perempuan pesantren tentang hak-hak isteri dalam perkawinan poligami. Bertujuan untuk menjawab pertanyaan akademik, yaitu: Bagaimana dan mengapa terjadi kontestasi di kalangan perempuan pesantren tentang hak-hak isteri dalam poligami. Bagaimana implikasi kontestasi tersebut terhadap praktik poligami yang cenderung terjadi di lingkungan

pesantren. Tulisan ini merupakan studi empiris dengan pendekatan sosiologis. Teori yang digunakan adalah Sosiologi Kultural Pierre Bourdieu sebagai pisau analisis. Data dikumpulkan melalui, studi wawancara terhadap subjek penelitian dari lima pesantren tradisional di Propinsi Lampung. Hasil penelitian ini menyingkap fakta bahwa terjadinya kontestasi pemahaman tentang hak-hak isteri dalam poligami dipengaruhi oleh tingkat pemahaman terhadap teks dan norma keagamaan, realitas sosial dan ekonomi, serta masih kuatnya tradisi dan sistem patriarkhi yang melingkupinya. Sebagian besar perempuan tidak diberikan ruang gerak yang terbuka dalam memperjuangkan hak-hak secara lahir dan batin, baik sebelum maupun setelah perkawinan poligami tersebut dilangsungkan. Perempuan pesantren memahami bahwa pengabaian hak-hak perempuan dalam praktik poligami dipengaruhi oleh superioritas laki-laki karena pemahaman teks agama yang cenderung konservatif. Perempuan tidak memiliki hak tawar manakala suami akan melakukan poligami. Pemahaman konservatif memandang, poligami merupakan takdir dan konsekuensi yang harus diterima oleh perempuan yang siap menikah dengan pengasuh atau pimpinan pesantren (Kyai). Pemahaman yang moderat menghendaki dalam praktik poligami harus ada jaminan hak-hak yang proporsional antara suami dan isteri. Implikasi dari kontestasi tersebut telah menghasilkan pemahaman akan pentingnya proporsionalitas hak laki-laki dan perempuan, dan saling melindungi satu sama lain.

**Katakunci:** Hak-Hak Isteri, Kontestasi, Perempuan Pesantren, Poligami.

## Introduction

Understanding the protection of women's rights in polygamous marriages has sparked debate among Islamic boarding school women. The genesis of this discussion was inspired by the system and social reality<sup>1</sup> that surrounds the establishment of Islamic boarding schools, including the strong patriarchal tradition that persists to this day. The patriarchal system has been reinforced by cultural symbols that depict women as subordinates, particularly in the familial sphere. The patriarchal tradition,<sup>2</sup> considers men to be more important than women, particularly in the domestic sphere, and it is frequently utilized as a force to classify

women as second class. In reality, it tends to leave men in complete charge of marrying more than one woman<sup>3</sup>, giving them dominant and center power.<sup>4</sup> Women's roles in families are to lead, hence the wife is not permitted to make family decisions without the husband's approval. As a leader, however, the husband can make decisions without seeking agreement from his wife. In truth, women have equal rights to determine the family's continuance.<sup>5</sup> In a polygamous marriage,<sup>6</sup> both

<sup>1</sup> Inayah Rohmaniyah, et.al., "Female Ulama's Authority: Deconstructing Masculine Domination in Islamic Norms and Practices," *International Journal of Islamic Thought* 21 (2022): 54-61, <https://doi.org/10.24035/ijit.21.2022.225>.

<sup>2</sup> Ade Irma dan Dessy Hasanah, "Menyoroti Budaya Patriarki di Indonesia," *Social Work* 7, no. 1 (2014): 71-80.

<sup>3</sup> Alean Al-Krenawi dan John R. Graham, "The story of Bedouin-Arab women in a polygamous marriage," *Women's Studies International Forum* 22, no. 5 (1999): 497-509, [https://doi.org/10.1016/S0277-5395\(99\)00054-0](https://doi.org/10.1016/S0277-5395(99)00054-0).

<sup>4</sup> Alfian Rokhmansyah, "Pengantar Gender dan Feminisme: Pemahaman Awal Kritik Sastra Feminisme. Yogyakarta: Garudawhaca, 2016 No Title," dalam *Pengantar Gender dan Feminisme: Pemahaman Awal Kritik Sastra Feminisme*, 1 ed. (Yogyakarta: Garuda Whaca, 2016), 20.

<sup>5</sup> Sundus Saleemi dan Chiara Kofol, "Women's participation in household decisions and gender equality in children's education: Evidence from rural households in Pakistan," *World Development*

parties must understand their rights and obligations before and after the marriage takes place. Neglecting these rights and obligations will lead to unfairness and harm in the household.

Previous research on women's rights in polygamous relationships has used a variety of approaches and study areas. However, it has not addressed the concerns of traditional Islamic boarding school women who are still mired in patriarchal customs, nor has it provided preventive strategies to ensure that women at the grassroots realize their rights. Previous studies were frequently carried out by highlighting three things, namely: 1) Studies that highlight normative concepts,<sup>7</sup> highlighting the philosophical texts of the Qur'an about polygamy with hermetic aspects,<sup>8</sup> and the legal foundations of polygamy from the perspective of Islamic law,<sup>9</sup> statutory regulations, and judges' decisions; 2) The practice of polygamy in Indonesia, which is seen as not supporting gender equality, even without the wife's consent, polygamy can be carried out;<sup>10</sup> and 3)

The issues and consequences of polygamy,<sup>11</sup> include the continuity of the family,<sup>12</sup> and the influence on the protection of women,<sup>13</sup> and children born from such marriages.<sup>14</sup> Mohtazul Farid<sup>15</sup> discovered that women held a subservient role in the polygamous Madurese Kyai families. Wives are obligated to obey their husbands even in polygamous situations, and this must be accepted as a sign of women's devotion to their men. Several studies have shown that polygamy can damage household order, particularly if it is carried out surreptitiously and without consent. Secret polygamy can lead to new troubles in the home if the wife discovers her husband's dishonesty later. This sometimes ignores the rights of children born from the marriage, such as children who do not receive a birth certificate, which means that their administrative and living rights cannot be claimed by their mother, and they do not receive a share of their father's inheritance. As a result, the wide debate regarding women's rights in polygamous relationships necessitates more particular research.

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- Perspectives* 25 (2022), <https://doi.org/10.1016/j.wdp.2022.100395>.
- <sup>6</sup> J. Witte Jr. dan A. Pin, "The refusal of polygamy in the Western world: The reasons," *Diritto Pubblico Comparato ed Europeo* 22, no. 1 (2020): 57–82, <https://doi.org/10.17394/96303>.
- <sup>7</sup> Dahlia Haliah Ma'û, "The Harmonization of Polygamy Between Islamic Law and Legal Law in Indonesia," *Samarah* 7, no. 2 (2023): 669–86, <https://doi.org/10.22373/sjhc.v7i2.8519>.
- <sup>8</sup> Danial, "Polygamy in Perspective of Islamic Law Hermeneutics," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 1 (2023): 53–74, <https://doi.org/10.29240/jhi.v8i1.5139>.
- <sup>9</sup> Ashwab Mahasin, "'Poligami' Bentuk Ketaatan Atau Keegoisan Antara Suami Dan Istri (Kajian Surat An-Nisa Ayat 3 Dan Undang-Undang Perkawinan)," *Khuluqiyya: Jurnal Kajian Hukum dan Studi Islam* 2, no. 2 (2020): 79–93, <https://doi.org/10.56593/khuluqiyya.v2i2.51>.
- <sup>10</sup> Haikal Fadhil Anam, "Poligami dalam Hermeneutika Feminis Amina Wadud," *Musawa Jurnal Studi Gender dan Islam* Vol.19, No, no. Januari 2020 (2020): 43, <https://doi.org/10.14421/musawa.2020.191.43-56>.
- <sup>11</sup> Mukhammad Nur Hadi, "THE NARRATIVE OF PROTECTING POLYGAMOUS WOMEN IN INDONESIA'S DIGITAL WORLD: Between Moderate and Conservative Muslims," *Al-Ahwal* 15, no. 2 (2022): 161–86, <https://doi.org/10.14421/ahwal.2022.15201>.
- <sup>12</sup> Nurul Hikmah, et.al., "Perlindungan Hukum Bagi Perempuan Terkait Praktik Poligami Siri Dalam Perspektif Hukum Islam," *LENTERA: Journal of Gender and Children Studies* 2, no. 1 (2020): 35–54.
- <sup>13</sup> Aurangzaib Alamgir, "Islam and Polygamy: A Case Study in Malaysia," *Procedia - Social and Behavioral Sciences* 114 (2014): 889–93, <https://doi.org/10.1016/j.sbspro.2013.12.803>.
- <sup>14</sup> Nurul Aini, "Perlindungan Hak Anak Dalam Perkawinan Poligami di Indonesia," *De Jure* 9, no. 2 (2017).
- <sup>15</sup> M Farid dan M A Hidayat, "Perlawanan Perempuan Pesantren Terhadap Poligami Kiai di Madura," *Edukasi Islami: Jurnal ...* 10, no. 02 (2021): 992–1009, <https://doi.org/10.30868/ei.v10i02.1805>.

This study attempts to address the shortcomings of past research, which has failed to give preventive remedies for women at the grassroots level in knowing the rights of polygamous wives. This study will provide answers to at least three academic questions, including: 1) How is Islamic boarding school women's understanding of wives' rights in polygamy challenged; 2) What variables serve as the foundation for Islamic boarding school women's understanding of wives' rights in polygamy? 3) What are the consequences of this knowledge for dealing with polygamy in conventional Islamic boarding schools? The answers to these three academic questions not only provide an in-depth understanding of the substance and nature of women's rights in polygamous marriages but also allow for the development of legislative regulations that are more focused on protecting personal rights in general, particularly for all parties in the household.

## Method

This is qualitative research, and it will produce a methodical, accurate, and factual description of the facts, nature, and linkages between social phenomena discovered in the research object. The research aim was a traditional Islamic boarding school in Lampung Province. This location was chosen based on three fundamental considerations. First, this area is strongly patrilineal. Second, polygamous marriages are often performed without the wife's consent, violating women's rights. Third, traditional and religious authorities in Lampung have historically practiced polygamy. Data was gathered from both secondary and primary sources. Secondary data was gathered through literacy studies using a variety of sources, including references, journals or research publications, and online media. Primary data was collected using semi-structured interviews with a pre-prepared interview guide, which were then

digitally recorded. The research instrument was chosen using a purposive technique. Polygamy is a private domain that should not be broadcast in the public domain, hence the parties questioned did not want to use their actual names. The samples included Islamic boarding school women who were directly confronted with situations of polygamy in their families, both as wives and those who advocated for polygamy in the Islamic boarding school environment. Islamic boarding school women are characterized as women who reside inside the jurisdiction of Islamic boarding schools, such as Mrs. Nyai, Ning, Ustadzah, and coaches or caretakers of female students at Lampung's five traditional Islamic boarding schools. The conclusions were reached, and a scheme was developed to identify Islamic boarding schools. Women's perceptions of their rights in polygamy, as well as their attitudes toward polygamy in Islamic boarding schools, were examined. The phenomena and argument over women's rights in polygamy among women will be explored using Peter L. Berger's Dialectical Theory and Bourdieu's theories. Ita Musarrofa's<sup>16</sup> article explores violence against women in the family, which is inextricably linked to symbolic violence.

## Results and Discussion

### 1. *Regulations and Conceptions of Polygamy in Indonesia*

Polygamy is occasionally a solution for a small group of people to avoid inequality for pressing reasons. Such as problems caused by the wife being barren, failing to offer services that are the woman's obligation, or engaging in da'wah as the Prophet Muhammad did, there may be a variety of legitimate causes that

<sup>16</sup> Ita Musarrofa, "Mekanisme Kekerasan terhadap Perempuan dalam Rumah Tangga Perspektif Teori Kekerasan Simbolik Pierre Bourdieu," *Asy-Syir'ah Jurnal Ilmu Syariah dan Hukum* 49, no. 2 (2015): 458-78.

can be addressed through the system of polygamy.<sup>17</sup> Some argue that polygamy restrictions in Indonesia are more about religious teachings (Islam) and the patriarchal ethos that has long existed in Indonesian society.<sup>18</sup>

Marriage regulations in Indonesia strive to offer fair (egalitarian) protection for men and women in domestic life,<sup>19</sup> including children born through these marriages. The Marriage Law does not prohibit polygamy, but it does provide clear guidelines and rules surrounding the causes, conditions, and procedures for polygamy. The procedures for applying for polygamy, as well as the reasons and circumstances for polygamy, are explicitly defined in Law Number 1 of 1974 concerning Marriage (hereafter referred to as the Marriage Law). Anyone wishing to practice polygamy must follow these legal rules. The legal rules established by the government are meant to safeguard the parties involved in the marriage while also creating legal order and predictability in society.

The reasons for polygamy are mentioned in Article 3 paragraph (2) of the Marriage Law Number 1 of 1974: "The court can allow a husband to have more than one wife if desired by the parties concerned." In other words, the law requires the prior wife's assent (first, second, and third spouses) as well as the Court's approval. The husband must provide adequate physical and spiritual support for his wife and children while also acting fairly towards them. According to Article 56 of the Compilation of Islamic Law (KHI), "husbands

who wish to have more than one wife must obtain approval from the Religious Court". The application for approval is made in accordance with the applicable legal regulations, as specified in Government Regulation Number 9 of 1975. Without the sanction and authorization of the Religious Courts, marriage is not legally protected and has no legal force. According to Article 56, paragraph 3 of the Compilation of Islamic Law, "marriage with a second, third, or fourth wife without the wife's previous permission and the Court's permission will have no legal force." As a result, there is no guarantee that women's rights in polygamous marriages will be respected. The worst outcome is that the woman is unable to defend or demand something that is her right.

Marriage regulations in Indonesia seek to provide fair (egalitarian) protection for men and women in domestic life, including children born from these marriages. The Marriage Law does not completely close down opportunities for polygamy but provides strict guidance and rules regarding the reasons, conditions, and procedures for polygamy. The procedures for applying for polygamy and the reasons and conditions for polygamy have been formulated in Law Number 1 of 1974 concerning Marriage (hereinafter referred to as the Marriage Law). These legal rules must be obeyed by anyone who wishes to practice polygamy. The legal rules made by the government are intended to protect the parties involved in the marriage and to create legal order and certainty in society.

Indonesian marriage regulations attempt to impose several stringent conditions on anyone who intends to practice polygamy. The many conditions for practicing polygamy outlined in the marriage regulations are intended to guarantee that polygamy is not easily carried out. These measures are in place to prevent women in polygamy from being abused, either materially or immaterially. As a result, the existing marriage legislation in Indonesia

<sup>17</sup> Haris Hidayatulloh, "Adil Dalam Poligami Perspektif Ibnu Hazm," *Religi Jurnal Studi Islam* 6 (2015): 207-36.

<sup>18</sup> Hariyanto, "Dehumanisasi Terhadap Perempuan dalam Praksis Poligami," *Palastren* 8, no. 1 (2015): 79-102.

<sup>19</sup> Gandi Liyorba Indra, M. Yasin Al Arif, dan Abdul Qodir Zaelani, "The Ideal Age For Marriage in The Compilation of Islamic Law (KHI) and Psychology," *Al-'Adalah* 20, no. 1 (20 Juni 2023): 1-18, <https://doi.org/10.24042/adalah.v20i1.11598>.

attempts to offer full justice and protect women from discrimination perpetrated by men in family life. This can be found in polygamy regulations which require the consent of the first wife when applying for polygamy at the Religious Court. Even though in Islam there is no requirement when wishing to practice polygamy regarding permission from the first wife, marriage regulations in Indonesia prohibit it if it is done without the permission and knowledge of the first wife.

Polygamy is often associated with a disregard for human rights.<sup>20</sup> The rights of women and children in polygamous homes are not fully realized, including the right to support, the right to marital assets, the right to protection and comfort, and there is less attention paid to one of the wives. Polygamy can sometimes lead to domestic violence. In a polygamous marriage, failing to obtain the wife's permission is a kind of treachery and deception on the part of the husband.<sup>21</sup> This betrayal might be classified as domestic violence on a psychological level. Husbands who wish to practice polygamy frequently fake their identity, deceive their first wife, or use compulsion or intimidation to gain her assent.<sup>22</sup> In some circumstances, individuals who overlook the existence of the first wife resort to physical aggression, specifically abuse. In certain circumstances, people commit suicide because they cannot accept the presence of other women in their homes.<sup>23</sup>

In the case of polygamous families, it is impossible to deny that there is competitiveness and jealousy among spouses, which leads to acts of violence that are sparked by the husband's attitude and injustice against his wives. Wives have the right to be treated equally both physically and spiritually, including fair attitudes toward children from polygamous marriages. However, the practice of polygamy is certainly not easy to eliminate and eliminate in society, because in religious literature this is justified. So the important thing to do is to provide education to women about what rights are guaranteed by law regarding the practice of polygamy, and what women who are faced with and become sufferers of polygamy should understand. Fulfillment of women's rights in polygamy is not only a birthright but also an inner right that is fulfilled. Not fulfilling inner rights is part of psychological violence against women, because it results in loss of self-confidence.

Every woman, especially those in polygamy, deserves equitable treatment without discrimination, both in terms of physical and mental demands. This study will look into why women who are often treated unfairly in polygamous marriages continue to stay in them. By examining women's rights in the practice of polygamy through the eyes of Islamic boarding school ladies at the research location.

## 2. Islamic Boarding School Women's View of Women's Rights in Polygamy

There are numerous wife's rights that husbands should consider in polygamous relationships. These include the right to seek consent before a husband engages in polygamy, the right to equitable physical and emotional treatment, and the right to marital assets. Regarding the notion of women's rights in polygamous relationships, there are two conflicting viewpoints. The first is the moderate group, which supports equal rights for men and women. Second, individuals who recognize that men and women have distinct rights are referred to as conservative perspective groups.

<sup>20</sup> Siti Hikmah, "Fakta Poligami Sebagai Bentuk Kekerasan Terhadap Perempuan," *Sawwa: Jurnal Studi Gender* 7, no. 2 (2012): 1, <https://doi.org/10.21580/sa.v7i2.646>.

<sup>21</sup> Rizkal, "Poligami Tanpa Izin Isteri Dalam Perspektif Hukum: Bentuk Kekerasan Psikis Terhadap Isteri," *Jurnal Yustika: Media Hukum Dan Keadilan* 22, no. 01 (2019): 26-36, <https://doi.org/10.24123/yustika.v22i01.2017>.

<sup>22</sup> Anis Nur Arifah, "POLIGAMI KIAI: PRAKTEK POLIGAMI KIAI DI KOTA JEMBER DALAM PANDANGAN KHI DAN GENDER," *Yudisia*, Vol. 7, No. 1, Juni 2016 7 No. 1, no. Poligami (t.t.): 120-45, <https://doi.org/10.21043>.

<sup>23</sup> Eka Hakim, "Dengar Suami Poligami, Perempuan di Bone Bunuh Diri," *Liputan6.com*, Bone, 2017.

**Table 1.** Informants' understanding of women's rights before their husband commits polygamy

No	Source	Point of View and Argument	Coding
1.	(In.1.NN), Islamic Boarding School of Al Hikmah Bandar Lampung, 20 August 2022	Al Qur'an does not forbid the husband to have more than one wife if capable to act fair and not hurt the wife's side.	Moderate Understanding Level
2.	(In.2.ST) Islamic Boarding School of Sabilinnajah, Central Lampung, 29 December 2022	The verse about polygamy explains that the decision for polygamy is the husband's authority. Until the wife does not have the right to forbid the desire and willingness of the husband to do polygamy.	Conservative Understanding Level
3.	(In.3.WH)Islamic Boarding School of Nurul Qodiri Central Lampung, 30 December 2022	It is not necessary to ask for the agreement from the wife when the husband wants to do polygamy.	Conservative Understanding Level
4.	(In.4.MM) Islamic Boarding School of Darussa'adah East Lampung, 20 Feb 2023	The husband must propose the permit or proposal to do polygamy to The Religious Court.	Moderate Understanding Level
5.	(In.5.RN) Islamic Boarding School of Walisongo Central Lampung, 27 Dec 2022	Polygamy marriage is only validated by the religious figure. The wife may not forbid the husband to get married again.	Conservative Understanding Level
6.	(In.6.SS) Islamic Boarding School of	The husband must ask for the agreement from the wife first in	Moderate Understanding Level
7.	(In.7,SF) Islamic Boarding School of Bahrul 'Ulum Pringsewu, 30 December 2022	The wife who permits the husband to do polygamy must make a written statement and there is an agreement letter which is signed by both parties and the prospective wife that will be married.	Moderate Understanding Level
8.	(In.8.MF) Islamic Boarding School of Darul Ma'arif East Lampung, 21 February 2023	The wife has the right to know the husband's reason to do polygamy. The husband is not allowed to get married again if there is no reason allowed by Islamic Law and the regulations.	Moderate Understanding Level
9.	(In.9.DH) Islamic Boarding School of Darul Hidayah North Lampung, 25 February 2023	There must be an agreement first from the wife if the husband will do polygamy. If the wife does not permit the marriage then it can be cancelled, or the wife proposes divorce to the religious court.	Moderate Understanding Level
10.	(In.10.Kh) Islamic Boarding School of Darul Islhah Tulang Bawang Regency, 23 February 2023	If the reason for polygamy is emergency and the requirements are fulfilled then the wife supposes to give permission. As long as the wife's rights are not neglected by the husband.	Moderate Understanding Level

Table 1 above shows the understanding and responses of Islamic boarding school women regarding women's rights to ask for consent when their husbands want to do polygamy. Interviews with female Islamic boarding school leaders in Lampung Province, generally stated that: "Basically no woman wants her husband to remarry. Aside from hurting the wife's feelings, polygamy can also disrupt home harmony. The first wife's psychological reaction is typically a woman's sentiments of disappointment and sadness when she discovers that her husband no longer likes her, as well as a sense of self-loathing for not being able to defend her husband's heart and prevent him from turning to another woman. However, some of them gave up and persisted for the sake of their children." Aside from that, other Islamic boarding school women have a different interpretation, stating that: "Every man is capable of having more than one wife, but humans are intelligent beings who are bound by religious conventions, norms, and ideals. He used the example of various sorts of animals that always change mates because they lack rules, and standards, and are not founded on religious beliefs. Thus, if a human wishes to have more than one wife, he must rely on the rules and norms that exist around him, both legal and religious norms, because the existence of people and animals differs.

The statements of the informants above show that there are several types of variation in social life, particularly in understanding, interpreting, and coexisting with polygamy. When analyzed using Talcott Parsons' theory of structural functionalism, it is possible to conclude that diversity of thought is a major source of the existence of social structures, as well as determining the diversity of functions based on their position in a social structure. Parsons focused on the structure of society, and the relationships between these diverse systems were viewed as interrelated and supporting one another in achieving dynamic balance.

In essence, law is inextricably linked to the interests, aims, and understanding that shape social and economic life.<sup>24</sup> The law provides society with rules and advice on what should be done and what punishments will be enforced if these laws are broken. The legislation states that polygamy cannot exceed the limits stipulated in the legislative norms. Polygamy must also follow the guidelines stated in statutory rules. When these norms do not follow the stated rules, the causes must be investigated. The majority of research on polygamy is based on men's reading of the Qur'an, which tends to be normative in the sense that men are the breadwinners of the household.<sup>25</sup> This is what some people use as justification for the practice of polygamy.

The difference between ideal norms and polygamy practice among Islamic boarding school women is inextricably linked to patriarchal customs and comprehension of religious scriptures. Aside from that, the causes for polygamy in the Islamic boarding school setting at the research location are inextricably linked to cultural, economic, and sustainability considerations in Islamic boarding schools. It is thought that having several wives and children will help to ensure the long-term viability of Islamic boarding schools. For their children to become Kyai's heirs and eventually open an Islamic boarding school in their neighborhood, Kyai who are concerned about Islamic boarding schools do not hesitate to send their sons and daughters to prestigious universities both domestically and overseas.<sup>26</sup>

<sup>24</sup> Muhammad Faried Nabil, "NARASI POLIGAMI DI KALANGAN MUSLIMAH AKTIVIS DAKWAH KAMPUS DI YOGYAKARTA Konservatisme dalam Hukum Keluarga Islam," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 12, no. 1 (2020): 65, <https://doi.org/10.14421/ahwal.2019.12106>.

<sup>25</sup> Nina Nurmila, "Polygamous marriages in Indonesia and their impacts on women's access to income and property," *Al-Jami'ah* 54, no. 2 (2016): 427-46, <https://doi.org/10.14421/ajis.2016.542.427-446>.

<sup>26</sup> Kyai HIY, "No Title" (Bandar Lampung, 2022).



Opponents of polygamy, on the other hand, contend that the practice might exacerbate already existing issues between spouses and their offspring. Because, as regular people, we are unable to avoid experiencing emotions of jealousy and being treated unfairly or as second-class citizens. This condition can eventually devastate a household and lead to divorce. In some circumstances, polygamy can cause significantly greater harm to a home than was anticipated. What is even more concerning is that polygamy can result in acts of domestic violence against wives and children. Respecting the rights of others is a necessary activity because it is one of the fundamental principles of a moral and civilized society. No law on Earth justifies the violation of human/individual rights.

The holy Qur'an regards people as honorable creatures, including men and women. This is stated in a Qur'anic verse that underlines that men and women have equal religious standing. There is nothing but one another. Similarly, in the practice of polygamy, one must consider the societal environment in which it occurs. Polygamy is permissible in Qur'anic verses only to bring about justice for women (widows) and orphans. The Qur'an makes no suggestions or allowances for men to practice polygamy, but it does convey a message to act decently toward orphans and widows.<sup>27</sup>

According to its social context, the verse above does not permit men to marry as many times as they want. Polygamy is allowed only to ensure justice for orphans and widows. This suggests that if this problem didn't present, polygamy would never have occurred. The engineer stated that the overall meaning of the scripture above is to carry out acts of justice and not to have more than one wife. This verse

does not grant males a universal license or right to practice polygamy; rather, it emphasizes the importance of acting decently toward orphans and widows. Family Law Reform in Indonesia is primarily concerned with maintaining women's rights in the family as they evolve over time and as society changes. The Marriage Law of Indonesia and the Compilation of Islamic Law permit a man to have up to four wives at the same time.

The study of Islamic boarding school women reveals disparities in knowledge and essential reasons for interpreting polygamous wives' rights. This can be described as follows:

#### *a. The Right to be Asked for Consent*

Referring to the polygamy cases collected in this study, it is clear that there were two instances at one of the research objects' Islamic boarding schools where polygamy was carried out without the wife's previous consent. The second marriage was carried out serially, without following the required legal processes. Their marriage continues to this day because the first wife realizes that polygamy does not require her approval. The woman is forced to accept the situation because she understands polygamy standards in religious teachings, which state that the husband is the head of the family and has the authority to make choices on any matter. Some Islamic boarding school women believe that granting permission for polygamy in the Islamic boarding school environment is motivated by their husbands' stated reasons, which are that the husband wants a second wife who is highly educated so that he can become a teacher and manager at the Islamic boarding school. On the other side, they understand that their honesty in marriage guarantees them heaven in the hereafter.

Because the wife's consent is an absolute need for polygamy, the wife's right to offer or withhold permission before engaging in polygamy must be communicated forcefully

<sup>27</sup> Naila Farah, "Hak-hak perempuan dalam Islam," *Yinyang: Jurnal Studi Islam Gender dan Anak* 15, no. 2 (2020): 183–206, <https://doi.org/10.24090/yinyang.v15i2.3953>.

and honestly, without compulsion, threats, or intimidation.<sup>28</sup> Polygamous marriages without the woman's agreement should be avoided since they bring significant harm to all parties involved, including the first wife, the husband, and future wives. Polygamous marriage without the wife's or spouses' agreement might be considered treachery in the home. In legal terms, it is classified as psychological domestic abuse. Because it can have an impact on a wife's mentality, leading to despair and long-term sentiments of dissatisfaction.

Polygamy must be permitted for reasons specified in the Marriage Law, such as the woman's inability to carry out her tasks and responsibilities as a wife, her inability to bear children, or her suffering from an incurable ailment. Aside from that, it is also dependent on very rational circumstances. According to Articles 3 to 5 of the Marriage Law Number 1 of 1974, if a man intends to have more than one wife, he must obtain written permission from the wife and submit it at a court hearing. Having the wife's approval in a polygamous marriage improves the life of the household, allowing household integrity and harmony to persist.<sup>29</sup> The legal repercussions of neglecting the requirement for written approval from the wife, as established by a court ruling, are that the marriage cannot be officially registered and the Office of Religious Affairs cannot issue the marriage certificate. In this fashion, the marriage is performed privately or in a *siri* setting.

The Marriage Law and KHI govern regulations relating to the first wife's permission, to promote marriage equality. The goal is to safeguard the parties involved in polygamous marriages so that each party has

rights and protection before the law if there is future conflict or neglect of partners' rights in the household.

The amount of understanding among Islamic boarding school women varies widely; some comprehend textually, while others grasp contextually. These discrepancies in understanding influence Islamic boarding school women's opinions toward granting permission to spouses who seek to engage in polygamy. Women who only understand polygamy in the text will often tolerate it. However, individuals who comprehend semi-textual/contextual tend to be anti-polygamy. This second type has difficulty giving permission when their husband is polygamous; they strongly oppose polygamy and are even willing to divorce if their husband is polygamous.<sup>30</sup>

According to Bourdieu's theoretical theories, one of which is related to the theory of symbolic power, the practice of polygamy neglects women's rights. The author recognizes that physical violence is sometimes disguised as religious symbols and language. Whether they recognize it or not, polygamous women will face psychological shocks, resulting in a lack of passion for life. This practice is common not only among the larger community but also in Islamic boarding schools. According to Bourdieu, psychological violence is generated by a lack of economic, cultural, social, and symbolic capital. When men want to conduct polygamy, they employ symbolic capital to justify it. Without taking into account the wife's disregarded rights, especially her right to be asked for consent and agreements, as well as considerations for family continuation. In the patriarchal tradition, men have easier access to ownership of symbolic wealth, hence their position is practically superior to women's.

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<sup>28</sup> HIY, "No Title."

<sup>29</sup> Zainal Azwar, Firdaus Firdaus, dan Anshari Az Zarqy, "Polygamy Permits for Business Reasons (Analysis of Sawahlunto Religious Court Ruling Number: 045/Pdt.G/2018/Pa.Swl)," *JURIS (Jurnal Ilmiah Syariah)* 20, no. 2 (2021): 163, <https://doi.org/10.31958/juris.v20i2.4385>.

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<sup>30</sup> Nurmila, "Polygamous marriages in Indonesia and their impacts on women's access to income and property."

Men (Islamic boarding school leaders, kyai, ustad) are represented by the qualities of leading, piety, obedience to worship, strength, and steadfastness, whereas Islamic boarding school women are represented by the qualities of being gentle, obedient, not demanding materially, and obedient to their husbands. Men/husbands exercise superior dominance. Bourdieu refers to this as *habitus*,<sup>31</sup> or the symbolic mental framework utilized to interpret the social world, which is produced by the internalization of the structure of a specific social environment. The identities represented by men and women emerge spontaneously. Through *habitus*, men and women behave and act as dictated by societal perceptions.

### *b. The Right to Fair Treatment*

Based on the results of interviews with 10 informants, it can be seen that none of the informants debated the wife's right to receive fair treatment. What is being debated is the boundaries of being fair, which are certainly not the same as each other. The first informant's understanding,<sup>32</sup> is that justice must be given to the wives physically and mentally, and the husband must not have a tendency towards only one wife. Having a tendency towards one of the wives, or giving different treatment, can result in the disappearance of harmonious relationships in the household. The second and third respondents understand justice only in material terms, while immaterial things (love and affection) are not an issue.<sup>33</sup> Polygamous husbands are obliged to provide the same facilities for their wives, providing equal

living to each other, including clothing, food, and shelter.

Justice in polygamy according to the understanding of Islamic boarding school women in Bandar Lampung does not come out of what was guided by Rasulullah SAW, namely balance in fulfilling physical and spiritual livelihoods. Each wife is given a portion according to the size of their needs proportionally, this does not mean that they must be given the same amount. For example, in one case in one of the Islamic boarding schools where Nyai's mother had been suffering from illness for a long time, so she needed money for treatment, then of course materially she had to give more than the other wife because the person concerned needed money for treatment. Thus, in this case, justice must be balanced and not crippled, meaning that justice does not require equality in all aspects, and does not have to have the same size and shape as the other parts of the wife, because the function of one part about the other parts is interconnected.<sup>34</sup> This reflects Islamic boarding school women's developing appreciation of the entitlement to fair treatment.

The establishment of rigorous rules aimed at husbands in polygamous marriages demonstrates the form of justice, as wives are safeguarded against hidden offenses.<sup>35</sup> According to Amina Wadud, the barometer of justice in polygamy is based solely on material possessions. Polygamy is legal as long as the husband continues to act decently in providing for his wife's living and necessities. It has not addressed the issue of interior justice, specifically justice in the quality and intensity of time spent with the wife/wives, as well as justice in offering attention and affection.

<sup>31</sup> Pierre Bourdieu, *Choses Dites: Uraian dan Pemikiran*, Translated by Ninik Rochani Sjams (Yogyakarta: Kreasi Wacana, 2011).

<sup>32</sup> HIY, "No Title."

<sup>33</sup> Nyai StK, "No Title" (Interview with the wife of one of the MM Islamic Boarding School caretakers Bandar Lampung, 2022).

<sup>34</sup> HIY, "No Title."

<sup>35</sup> Subehan Khalik, "Menakar Teologi Keadilan Dalam Poligami," *Al-Risalah Jurnal Ilmu Syariah dan Hukum* 19, no. 1 (2019): 57, <https://doi.org/10.24252/al-risalah.v19i1.10198>.

The concept of fairness in polygamous marriages according to M. Quraish Shihab is doing justice in material matters.<sup>36</sup> Thus, anyone who is unable to act equitably in supporting his wife's material requirements is not permitted to practice polygamy. Wives' rights must be fulfilled fairly, which means giving them proportional attention. However, polygamy is not suggested because there are other factors to consider when deciding to practice polygamy. Even though the Prophet Muhammad's household practiced polygamy, his community did not always follow suit.

Wives in polygamous marriages have the right to receive the same love from their husbands, have the right to a balanced living (in the form of housing, clothing, food, etc.), and have the same rights in terms of social status. Abdurrahman al-Jaaziri,<sup>37</sup> emphasizes that humans will not be able to act fairly in terms of inclination and affection between their wives, so husbands do not need to equalize the affection between the wives they marry. When someone is unable to be fair, marriage is actually enough with just one wife.<sup>38</sup> Al-Qur'an surah al-nisa; 3 provides guidance that the principle of justice is the main key to allowing polygamy, both justice for the wives and children born from the marriage. According to Ibn Hazm, justice in polygamy is required. There is a strong emphasis on fairness in biological elements. There should be no superiority between wives, ignoring the rights of other wives; similarly, concerning birth support, it must be equitable and proportionate.<sup>39</sup>

In some cases of polygamy, women do not demand fair treatment. Women tend to accept conditions of injustice due to their inability to rebel.<sup>40</sup> One of the reasons for the injustice in polygamous marriages is the power relations of men being more dominant over women.<sup>41</sup> Amina Wadud went on to say that the measure of justice in polygamy is limited to the money aspect because marriage is viewed in society as a woman's servitude to her husband based on the woman's need for material support. Thus, husbands are obligated and responsible for ensuring a feeling of justice between wives in polygamous marriages.

### c. *Right to Management and Empowerment of Marital Assets*

Women's rights to marital assets from the perspective of Islamic boarding school women are that the management and control of marital assets is still dominated by men as heads of families. This is because the rules guided and applied by society are still plural in nature. As long as the use and management of joint assets are within the knowledge of the wives, there will be no conflict between the wives. Some Islamic boarding school women do not have a problem with property management, because the share of property ownership given by the husband is already separated from each other between the wives. According to them, if the assets given by the husband are registered in the names of the wives, there is no need to question joint assets anymore. To avoid abuse and bad faith by the husband, the previous wife (first wife) must understand the liability of all assets that existed in the first marriage. In general, the management and control of marital assets among Islamic boarding schools is only managed by the husband, in fact, wives often do not know how to manage these assets, so

<sup>36</sup> M. Quraish Shihab, *Ensiklopedia Al-Qur'an: Kajian Kosakata dan Tafsirnya* (Jakarta: Lentera Hati, 2009).

<sup>37</sup> Abdurrahman Al-Jaziri, *al-Fiqh ala Mazahib al-Arba'ah*, Beirut: Dar al-Fikr, t.th hal 239 (Beirut: Darl Fikri, t.t.).

<sup>38</sup> Abd al-Nashr Taufiq al-Athar, *Ta'adud al-Zawjah min Nawahi al-Diniyyah wa al-Ijtima'iyah wa al-Qanuuniyyah* (Qohirah: al-Syarikah al-Mishriyyah li al-Thalabah wa al-Nasyr, 1974).

<sup>39</sup> Ibn Hazm, *Al-Muhalla fi Syarh al-Mujalla bi al-Hujaj wa al-Athar* (Riyadh: Bait al-afkar al-Dauliah, t.t.).

<sup>40</sup> Haris Hidayatulloh, "Adil Dalam Poligami Perspektif Ibnu Hazm," *Religi Jurnal Studi Islam* 6, no. 2 (2015): 207-36.

<sup>41</sup> Hikmah, "Fakta Poligami Sebagai Bentuk Kekerasan Terhadap Perempuan."

their rights to marital assets, especially joint assets, are often ignored by husbands.

The Marriage Law contains wide provisions governing marital assets in polygamous marriages. Marital assets are the assets in a marriage that are a combination of acquired assets, inherited assets, and joint assets.<sup>42</sup> Marital assets originating from the husband/wife's original assets belong to each husband/wife and return to them if the marriage breaks up due to divorce. Joint assets are assets acquired during the marriage, starting from the time the marriage was implemented. Control over these joint assets lies with both parties, namely the husband and wife together. (See Article 35 of the Marriage Law).

The computation of joint assets with the second, third, and fourth wives begins when the polygamous marriage takes place. Assets that existed before the second marriage, and so on, are joint assets of the husband and his first wife. The husband and first wife must have awareness of and control over these assets. Thus, since polygamy is adopted, it can be seen that the assets earned after polygamy are joint property of the husband and his wives.

### 3. Contestation of Islamic Boarding School Women's Understanding of Wives' Rights in Polygamy

The contestation of Islamic boarding school women's understanding of wives' rights in polygamy is motivated by 3 reasons, namely 1) Due to differences in their level of understanding of the text and context of the verses of the Qur'an regarding polygamy; 2) there are differences in understanding the laws and regulations that apply in Indonesia, and 3) There are differences in social reality and the cultural systems that surround them. The understanding of women's rights in polygamy among Islamic boarding school women is divided into three categories. The

first is the conservative level of understanding, which refers to groups that are not yet open to social developments and changes, so their understanding tends to be rigid and old-fashioned. This group includes women who do not want to take the worst risks (such as divorce if they are concerned about their polygamous husband). Second, a moderate level of understanding, namely a group that understands something openly and rationally but still adheres to applicable legal norms and rules. Third, the level of extreme/resistant understanding, groups who understand that polygamy can ignore the rights of wives because men cannot be fair to their wives.

**Table 2.** Islamic boarding school women's contestation of women's rights in polygamy

No	Source	Contestation	Coding
1.	(In.1.NN), Islamic Boarding School of AH Bandar Lampung City, 20 August 2022	The woman's right that must be fulfilled by the husband who does polygamy is not only in the form of material, but also obtaining justice in attention and love.	The Material Right (physical sustenance) dan Immateri (inward sustenance). Moderate Understanding Level
2.	(In.2.ST) Islamic Boarding School of Sabilinnajah, Central Lampung, 29 December 2022	The wives materially must obtain the same part. If one is bought a house, then another one must be given the same right. The love tendency to one of parties cannot be equalized.	The Material Right . Conservative Understanding Level
3.	(In.3.WH) Islamic Boarding School of Nurul Qodiri Central Lampung, 30 December 2022	There must be a marriage agreement made in front of the court about the position and limitation of marriage welath.	The Material Right. Moderate Understanding Level

<sup>42</sup> Nurnazli, "Transformasi Hukum Harta Bersama Di Indonesia Melalui Putusan Mahkamah Agung," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 11, no. 2 (2020): 82, <https://doi.org/10.14421/ahwal.2018.11207>.

4.	(In.4.MM) Islamic Boarding School of Darussa'adah East Lampung, 20 February 2023	The determination of the turn of time must be the same. It is adjusted with the situation and condition. The husband who does polygamy must be capable of keeping the previous wife's feeling.	Immateria's Right. Moderate Understanding Level	Pringsewu, 30 December 2022	joint assets. The sustenance giving must be balance and proportional.	Understanding Level
5.	(In.5.RN) Islamic Boarding School of Walisongo Central Lampung, 27 December 2022	The wife and children from polygamy have right and fulfilled protection and need fairly. The children sometimes become the victims of polygamy. Then the guarantee must be validated by the court. The limitation of altogether wealth must be clear between the first wife and the second wife.	The right of life guarantee protection. Moderate Understanding Level		The material sustenance is suitable with the husband's ability. The wife receives and may not demand too much. The most important thing is that the husband still wants to go home.	The right of family sustenance. Conservative Understanding Level
6.	(In.6.SS) Islamic Boarding School of Darul Ulum East Lampung, 20 February 2023	The problem of joint assets can cause conflict among the wives, thus each must know her right limitation on the marriage wealth.	The wives' rights on joint assets. Moderate Understanding Level		The wives must compete to obtain the husband's attention. Because the wife's first right was the spiritual sustenance, love, and attention are usually neglected. Because the husband will give much attention to the young wife.	The right on the spiritual sustenance. Conservative Understanding Level
7.	(In.7.SF) Islamic Boarding School of Bahrul 'Ulum	The legal wife has the right on the sustenance and part of	The right on sustenance and existed wealth in the marriage. Moderate			
8.	(In.8.MF) Islamic Boarding School of Darul Ma'arif East Lampung, 21 February 2023					
9.	(In.9.DH) Islamic Boarding School of Darul Hidayah North Lampung, 25 February 2023					
10.	(In.10.Kh) Islamic Boarding School of Darul Islhah Tulang Bawang, 23 February 2023				Sometimes the wives do not understand the limitation of their rights in the marriage wealth. Thus it is necessary to give the companion so that there is no conflict in the household.	The wives's right on the marriage wealth. Moderate Understanding Level

Source: Interview 2022-2023

At the conservative level (In.2. ST and In.9.DH). They tend to accept all husbands' decisions regarding polygamy even though the wife's rights are neglected. There are several arguments put forward, namely: 1) men have the authority to make decisions. decisions in the family; 2) Men have the responsibility to earn a living; 3) Religious law allows men to practice polygamy. Conservative women's groups tend to understand polygamy verses based on text, so they tend to accept men's decisions to polygamy. There are even those who support the practice of polygamy because they understand that allowing their husbands to practice polygamy is part of piety.

A moderate degree of awareness interprets women's rights in polygamy as contextual, situational, and conditional. This group does not outright prohibit polygamy but rather sets reasonable boundaries on allowing men to have more than one wife as long as they do not disregard the wives' equal rights. Their study of polygamy verse texts and Indonesian legal norms provides direction for responding to polygamy. This group understands what women do to defend themselves when their spouses decide to practice polygamy. The basic arguments he presented were: 1) the text of the verses of the Qur'an in principle adheres to the principle of monogamy, but the possibility of polygamy is not ruled out. Opportunities for polygamy are opened when there are emergency reasons and do not violate local legal norms, religion, and customs. 2) Men and women have the same position, both in the private and public spheres. Thus, when a husband is polygamous, the wife's rights must be fulfilled, both material and immaterial. 3) Men and women have equal rights to make decisions in both the private and public realms. As a result, the decision to practice polygamy is not made unilaterally, but rather by both partners.

The concept of patriarchy continues to dominate the debate over wives' rights in

polygamous marriages among Islamic boarding school women. Thus, in actuality, some wives' rights continue to be violated in the practice of polygamy in Islamic boarding schools. This demonstrates that in polygamous marriages in Islamic boarding school settings, the dominant discourse is heavily impacted by misconstrued socio-cultural and religious symbolism. This is what Bourdieu refers to as symbolic violence, which occurs discreetly without the wife's knowledge. In polygamous families, the family is viewed as a fight between husband and wife over who controls the sources of discourse in the household. An arena is a structured relationship that instinctively governs the place of organizations, individuals, and institutions in the social order. And as a force that includes endeavors to capture resources (capital), with a power hierarchy.<sup>43</sup> Symbolic power moves through symbolic control, shaping reality according to the symbolic order. When the dominant party takes the symbol for granted without realizing it, symbolization happens, and it works gradually.<sup>44</sup> The spouse ultimately won the contest due to his dominance in capital, habitus, and power. This undoubtedly gives the husband a greater sense of entitlement to decide his superordinate in a polygamous household.

Based on research results, it can be confirmed that the theoretical description above is also true in the context of this study. It may be seen that the superordinate Kyai has an impact on Islamic boarding school women's understanding of the rights of wives in polygamy. Aside from that, the patriarchal culture in Islamic boarding schools, which is the subject of research in Lampung Province, has taken root because it is inspired by Lampung society's customs, which follow a patrilineal family system. Men have the most

<sup>43</sup> Pierre Bourdieu dan Loïc J. D. Wacquant, *An Invitation to Reflexive Sociology* (Chicago: University of Chicago Press, 1992).

<sup>44</sup> Pierre Bourdieu, *Masculine Domination*. (Stanford University Press: Stanford University Press, 2001).

authority in Lampung society, hence they hold the center of control in the social order. Understanding patriarchy takes a paternalistic approach, assuming that the presence of fathers or men in the social system heavily influences the functional structure of the family.<sup>45</sup> The patriarchal tradition teaches that the distribution of power is preferable to men, as seen by the patrilineal system, the eldest son's rights, involvement in public responsibilities, and so on.

The fact discovered in this research field is that the role of the husband (Kyai) as family head tends to create a religious worldview that justifies polygamy and the disregard for women's rights. Thus, it can be stated that the condition of lack of independence has a role in the survival of subordinate partners in polygamous marriages.

Based on the dialectical theory developed by Peter L. Berger, humans must have two aspects objective and subjective reality. Oriented to the dialectical relationship between objective structures and subjective phenomena in highlighting social reality, it is called constructive structuralism. These two aspects can be obtained through public recognition through a dialectical process. This dialectical process includes three simultaneous moments, namely externalization, objectivation, and internalization. Externalization is interpreted as the process of adapting oneself to the surrounding cultural traditions that originate from outside the individual which then experiences institutionalization (Achmad Faizal Anas, 2017, p. 10).<sup>46</sup> Objectification is a process of intersubjective interaction in social reality that occurs in specific institutions. Internalization is the process by which individuals identify with the institutions to which they belong.

<sup>45</sup> William J Goode, *Sosiologi Keluarga* (Jakarta: Bumi Aksara, 1991).

<sup>46</sup> Achmad Faizal Anas, Kecamatan Burneh, dan Kabupaten Bangkalan, "Jurnal Dialektika Vol. XII No.1 Maret 2017 | 1" XII, no. 1 (2017): 1-20.

#### 4. *Consideration of the Relationship between Sharia Rules and Objective Principles*

The concept of polygamy is firmly established in Islam, both within the text of the Qur'an. Allah states, "If you fear that you will not be just to the orphans, then marry those that please you of (other) women, two or three or four. But if you fear that you will not be just, then [marry only one] or those your right hand possesses. That is more suitable that you may not incline (to injustice)." (Q.S. Al-Nisa' (4:3). Ibn al-Arabi commented on this verse, stating: "This refers to the fair distribution of women's rights and the obligation to marry more than one if capable." <sup>47</sup> The Sharia is rooted in the principles and well-being of Allah SWT servants, both in this life and the Hereafter. It embodies absolute justice, complete mercy, ultimate benefit, and profound wisdom. Anything that deviates from justice to injustice, from mercy to its antithesis, from benefit to harm, and from wisdom to futility does not align with the principles of Sharia. Even if an interpretation attempts to reconcile it, if it transgresses from God's justice among His servants or His mercy among His creatures, it is not within the realm of Sharia.<sup>48</sup>

Ensuring rightful judgment demands a harmonious alignment between the textual prescriptions and their intended objectives. This synergy is crucial for the correct and wholesome implementation of Sharia in society, particularly within the intricate domain of family matters. Given the inevitability of societal shifts and evolving beliefs, especially within the Muslim

<sup>47</sup> Muhammad bin Abdullah Abu Bakr Al-Maliki Ibn Al-Arabi, *Ahkām al-Qurān [The Rules of Quran]. Compiled and Commented by Muhammad Abdul Qadir Atta. 3rd Edition.* (Beirut: Dar Al-Kutub Al-Ilmiyya, 2003), p. 409.

<sup>48</sup> Muhammad ibn Abi Bakr ibn Ayyub Ibn al-Qayyim al-Jawziyyah, *I'lām al-Muwaqqi' in 'an Rab al-'Alamīn (Informing the Signatories about the Lord of the Worlds)* Edited by Muhammad Abd Al-Salam Ibrahim, 1st Edition (Yarut: Dar al-Kutub al-Ilmiyyah, 1991), p. 11.



community, it becomes imperative to navigate these changes judiciously. These transformations, whether legal, economic, cognitive, or others, often present genuine challenges necessitating legitimate solutions. A prime example is the practice of polygamy, which, according to Sharia, is not without constraints. The restrictions are in place to uphold the equitable interests of both men and women<sup>49</sup> Imam Ghazali states,<sup>50</sup> "the purpose of Sharia in creation is fivefold: to safeguard their religion, souls, minds, offspring, honor, and wealth. Anything that contributes to the protection of these five principles is considered an interest, while anything that undermines these principles is deemed harmful and a departure from beneficial pursuits. The economic development of the country, the prosperity of the land, and the welfare of individuals and society are interconnected, aligning with the greater purposes of life as intended by the Sharia.

Dr. Ahmed Muhammad al-Balisani, "Polygamy, even though it may pose personal challenges for women on the surface, remains permissible for the greater societal interest and the exigencies that may necessitate it. The prevailing environments and circumstances should dictate the specific application of rules concerning polygamy based on the presence or absence of a genuine need." (1985, p. 39). In essence, the objectives of Islamic Sharia for the benefit of individuals and society can only be fully realized through adherence to the prescribed number of wives and aligning the entire process with the safeguarding of these essential purposes.

<sup>49</sup> Mahmoud Ahmad Al-Dossari, *Fair Distinction between Men and Women in Islam*, 1<sup>st</sup> Edition (Saudi Arabia: Dar Ibn Al-Jawzi, n.d.), p 669.

<sup>50</sup> Abu Hamid Muhammad bin Muhammad Al-Ghazali, *Al-Mustashfa*, Edited by Muhammad Abdel Salam, 1st Edition, Edited by Muhammad Abdel Salam (Beirut: Dar al-Kutub al-Ilmiyya, 1993) p. 174.

## Conclusion

Based on the aforementioned, it is reasonable to conclude that the contestation of Islamic boarding school women's concept of their rights as wives in polygamous marriages is heavily influenced by social structures and reality. The social reality and traditions surrounding Islamic boarding school women in Lampung Province are shaped by patriarchal traditions that elevate men above women. As a result, under the practice of polygamy, women's rights are often ignored. Especially the rights of the wife's consent before polygamy is carried out. Because they are unable to revolt, women attending Islamic boarding schools are more likely to accept conditions of injustice regarding their disregarded rights. Religious symbols and narratives are used as weapons by men to control their wives and convince them to commit to polygamy, including the promise that if the wife allows her husband to remarry, she will become an expert in heaven. As a result, some Islamic boarding school women accept their situation, despite their internal rebellion.

Contestation is also spurred by disparities in Islamic boarding school women's view of these rights, which range from fundamentalist to moderate. Aside from that, Kyai's economic dominance inside the Islamic boarding school sphere influences their domestic stance. Thus, it is possible to establish definitively that the husband's attitude is heavily influenced by capital accumulation, which encompasses economics, social culture, and religious symbols/narratives. The goal of this tournament is to give Islamic boarding school women a chance to learn more about the importance of defending the rights of women dealing with polygamy.

Women in Islamic boarding schools should be advised to gain a thorough grasp of the relationships and systems of dominance that have been entwined with the practice of

polygamy in the Islamic boarding school setting. It is vital to continue to promote the importance of a thorough and moderate understanding of women's rights in polygamy to avoid conflict among family members.

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