

POLYGAMY AMONG AFFLUENT MUSLIM FAMILIES: BETWEEN IDEALISM AND PRAGMATISM

By: Sam'ani

Presented at the National University of Malaysia (UKM), in the event: "The 2nd Samarah International Conference on Islamic Family Law and Islamic Law Collaboration between the Faculty of Islamic Studies, Universiti Kebangsaan Malaysia, Faculty of Sharia and Law, State Islamic University of Ar-Raniry Banda Aceh and Samarah"

November 2-6, 2022

Abstract

The perpetrators of polygamy are not all based on the idealistic goal of building a *sakinah* family of more than one wife based on the strict rules that exist in carrying out polygamy. Some of them carry out polygamy idealistically by following the rule of law both the law from religious texts and the law originating from the law or state rules. Others practice polygamy for pragmatic purposes under the guise of religious permissibility. This study uses a qualitative approach in which data is collected through observation, interviews, and literature study. Interviews were conducted with polygamists from affluent Muslim families in the city of Pekalongan, Indonesia. The results of the study show that there are different goals, namely between idealists and pragmatists in polygamy. As an article that only looks at the goals of polygamists, this paper still requires further study development.

Keywords: Polygamy, Idealism, Pragmatism.

Introduction

The trend and mainstreaming of the practice of polygamy has recently increased. Meutia Hatta Swasono revealed that the practice of polygamy was increasingly strengthened by the rise of polygamous propaganda disseminated through social media (<https://nasional.kompas.com/read/2021/04/15/13455481/marak-ajakan-poligami-lalu-medsos-guru-great-ui-many-people-which?page=all>). The recent trend of polygamy has coincided with the migration trend and the narrative of the rise of Islam in Indonesia.

So far, studies on polygamy tend to talk about 3 things. First, the study of polygamy tends to be seen from the perspective of controversy regarding whether or not it is permissible to practice polygamy (Bennion, 2021; Chusnayaini, 2017; Jaman, 2020; Darmawijaya, 2015). Polygamy raises pros and cons where one party supports the existence of polygamy based on the rules of religious provisions while the opposing party views polygamy as an arbitrary act and is a form of superiority for men (Darmawijaya, 2015). Second, the study of polygamy is seen in the scriptures (Ademiluka, 2020; Husain et al., 2019; (Moqsith, 2015). The issue of polygamy in the scriptures is not interpreted singly where there are pros and cons in determining the requirements of polygamy (Moqsith, 2015). Third, the study of polygamy is seen in terms of its

implications for households where polygamy actually becomes an introduction to disharmony in the home (Amone, 2020; Chen, 2021; Abror, 2016). Polygamy studies that look at the objectives of the perpetrators receive less attention. Does the polygamist have a goal? idealists to build a *sakinah* family with more than one wife or only have a pragmatic goal of getting pleasure for men or earning money for women who become second wives. The questions above will be the focus of study in this paper.

Polygamous Family

Polygamy is the practice of marriage between more than two partners. Polygamy has two forms, the first is polyandry, namely the marriage of a woman with more than one man; both polygyny, namely a man marries more than one woman (Jaman, 2020; Rohman, 2020; Wirastri & van Huis, 2021). In Islam, the practice of polygamous marriage (polygyny) gets legitimacy from the Qur'an surah an-Nisā verse 3 even though there are various interpretations of it (Rohmansyah, 2019; Syamsuddin, 2018). This verse has become the theological umbrella for the practice of polygamy in Muslim society until now. However, polygamy receives various perceptions from society, both pros and cons (Pawitasari, 2015). The perception of polygamy cannot be separated from the perspective of local culture. Amone's study (2020), for example, shows that polygamy in the Acholi community of Uganda is a normal practice, not considered barbaric, cruel or unfair.

In addition to having an impact on the wife, polygamous marriage also has an impact on the children. The impact of polygamy on wives, as shown by the study by Boltz & Chort (2019) in Senegal, shows that polygamous marriages have an impact on increasing the amount of old wives' savings due to a reduction in the amount of expenditure for consumption needs, both food and non-food. Whereas in the case of the United Arab Emirates, wives whose husbands remarried had two attitudes, namely filing for divorce, especially those who were young and had careers or lived with their husbands but were unhappy (Al-Tkhayneh & Nser, 2019). Whereas for children, polygamous marriages that are not administratively recorded result in child neglect (Masyithoh et al., 2021). In addition, polygamous marriages cause mental health disorders, social problems and decreased children's academic achievement (Al-Sharfi et al., 2016).

Pragmatism and Idealism

The term pragmatism is formed from the word *pragma* which means action or deed and the word *ism* which means understanding or teaching. (McKenna & Hamington, 2021; Morgan, 2020). Pragmatism is a philosophical school that changed the direction of American philosophy with its main founders being Charles Pierce, William James and John Dewey (Sidorsky, 2019). Pragmatism is also seen as a native American philosophy (Maslakhah, 2019). Pragmatism puts forward a perspective on action that must be seen from practical impacts, namely achieving goals or overcoming problems faced by actors. pragmatism refers to realistic actions in dealing with practical situations where theoretical guidelines are not very useful (Herdiansah, 2017). In addition, pragmatism is a perspective that tests or sees whether existing truths or theories have a practical function for humans (Bergson, 2021; Cahoone, 2020).

Pragmatism perspective can be found in family life. Modern society that is free from religious values tends to think pragmatically which results in marriages that are only oriented towards pleasure, sexuality, and reproduction (Amri & Tulab, 2018). Putri's study et al., (2020) views that wives with higher education tend to be pragmatic so they easily accept the policy of limiting the number of children. This happens because they understand more about the benefits of limiting the number of children. The opposite of pragmatism is

idealism. One of the meanings of idealism according to KBBI is to live or try to live according to ideals, according to standards that are considered perfect. In the context of polygamy, the author interprets idealistic polygamy as polygamous behavior that follows strict legal rules both in terms of religious texts and texts of state regulations so as to produce a just and prosperous life with his wife.

The stability of the husband's socioeconomic status

The stability of the husband's economy which is supported by biological desire among married Muslim men is one of the causes of pragmatism in polygamy. The process of pragmatic polygamy can be started from the desire and hunting of established men for women or from the opportunity for women who are seductive and willing to be married to become concubine wives. This is as expressed by SN (52 years), a husband of a rich businessman who admits that he has repeatedly practiced polygamy secretly (*sirri*). SN (52 years) said that people who dare or want to do polygamy are caused by the existence of an established economic capital/money and desire. Instead of committing adultery, it is better to marry secretly, the important thing is to have fun. (Interview 3/4/2022). What was revealed by SN (52 years) shows that there is a pragmatism phenomenon in polygamy caused by economic stability and fantasy of biological satisfaction.

The same thing was expressed by WL (52 years) who has been successful in the Batik production business. WL (52 years) admitted that in four months he had two wives at the same time, each of whom did not understand one another. In an interview with the author, WL (52 years) admitted that he secretly practiced polygamy because he had enough money and wanted to have fun. (interview 3/4/2022).

The expressions of polygamists above are also in line with the statements of BN (56 years) who is a wealthy businessman who lives alone in a luxurious house because his official wife lives in a different city. BN (56 years) dares to practice polygamy because he is supported by economic stability while his wife lives far apart, so biologically BN (56 years) admits that he really needs another wife who can live together or at least stay in the same city so that he can fulfill his biological needs at any time. He chose a secret marriage (*sirri*) because he did not want his first wife to know about it. (interview, 17/3/2022).

From the various cases of polygamy above, it appears that polygamous husbands are often motivated by an established socioeconomic status accompanied by a biological desire that is more than that of a husband. The economic stability of men has made men confident in conquering women so that women are willing to be married as concubines, even in this case sometimes it is the women who seduce first. The pretext of religion was finally used as a supporting factor to justify polygamous behavior which was carried out pragmatically.

The need to increase the socio-economic status of women.

A woman's socioeconomic status will affect her willingness to become a second wife. According to SN's field experience (52 years), women who need socioeconomic status more easily accept invitations to marry as polygamous concubines. SN (52 yrs), a husband who has repeatedly practiced polygamy secretly (*sirri*) stated that most women are willing to do polygamy because of money, even though they are not always attended to, this statement is based on his personal experience every time he invites women to have *sirri* marriages (Interview, 3 /4/2022). The motive for women to be willing to become wives of polygamous concubines caused by the desire to improve their socioeconomic status is admitted by some women who

become sirri concubines. MZ (52 years), a widow with three children who finally agreed to become Sirri's second wife, said that "At that time, my parents were already old, so I needed someone to support my family. I need to provide clothing, food, shelter while increasing social status" (Interview, 24/3/2022).

What was conveyed by MZ (52 years) shows that the factor that causes a wife to be willing to practice polygamy is so that her life needs can be fulfilled, both clothing, food and shelter while increasing social status. MZ (52 years) married a wealthy businessman who was over 60 years old secretly without the permission of his first wife (interview 24/3/2022). A similar statement was made by MN (52 years) who is also a polygamous concubine. MN (52 years) admits that since he was young his father left him, so he really needs a mentor and protector in life. Since graduating from high school, MN (52 years) has worked until he was 31 years old but has not married. When interviewed, MN (52 years) stated that he was willing to be polygamous because he needed a living for the necessities of life. Unlike the others, even though MN became a second wife, she was legally married through the permission of the first wife and the permission of the Religious Court, so that MN gets a fair and proportional share" (Interview, 24/3/2022). Polygamy practiced by this husband is not merely a pragmatic goal but an idealistic polygamy which will indeed build a family of more than one wife.

4.3 The need for comfort and security for women

The need for comfort and security for women contributes to the occurrence of pragmatic polygamous marriages. A woman, especially a widow, sometimes feels more comfortable and has the hope of getting protection if she remarries, even though she is a concubine in a polygamous marriage. It can even be a way for women to avoid the many temptations and violence against women, both physically and psychologically. This is as expressed by AH (50 years), a widow who is willing to marry in unregistered marriage with a man with a wife. According to his confession, this polygamous marriage was originally not carried out purely for economic motives because he himself is an employee who has income. AH (50 years) pragmatically entered into a polygamous marriage without the knowledge of his first wife for reasons of security and comfort both in terms of his mind and comfort in his community environment, as well as the reason to find a place to devote his life's problems. (interview, 21/3/2022).

The statement by AH (50 years) above shows that there is a social system in society that sometimes accepts the status of a polygamous wife even though it is sirri than the status of a widow whose attitudes and behavior are always highlighted by society. NS (49 years) and PII (40 years) also experience this condition (interview 6/4/2022). Women, especially widows, are often willing to become a second wife in an unregistered manner or become a pragmatic polygamous wife in order to gain a sense of comfort and security in every activity.

Conclusion

Pragmatic reasons for economic and security establishments like these, show that polygamy for single women who do not get a single man seems to be a solution in meeting their economic needs as well as protection and security, although in reality this hope can be ironic, because of pragmatic reasons in polygamy both husband and wife can ignore legal signs both state law (positive law) and religious law

(Islamic Jurisprudence). Pragmatic polygamy as in the above cases is not officially registered at the Office of Religious Affairs (KUA) so it is not recognized by the State, this is because besides the aim of just having fun (marriage-divorce), they find it difficult to fulfill the registration requirements, especially if it is done without permission or even without the knowledge of the first wife so that it cannot be registered. For the Indonesian Muslim community, registration of marriages, both monogamous and polygamous, is regulated in Marriage Law No. 1 of 1974 which has been amended by Law no. 16 of 2019 concerning Amendments to Law No. 1 of 1974 concerning marriage. Article 4 of this law states that a person who wants to have more than one wife must submit an application to the local court. Article 5 states that in order to be able to apply to the court there must be the consent of the wife or wives. These requirements are also contained in the Compilation of Islamic Law (KHI) articles 56 and 58. Unrecorded marriages will ultimately have an impact on women's legal protection. In contrast to pragmatic polygamy, what MN (52 years old) has undergone as stated in the results, MN's polygamous marriage can be registered and obtains proportionally fair treatment because it obtains permission from the first wife and permission from the Religious Court. This kind of polygamy is not merely a pragmatic goal, but to build a family with wives, which according to the author of this kind of polygamy is idealistic polygamy.

Reference

- Abror, K. (2016). Poligami Dan Relevansinya Dengan Keharmonisan Rumah Tangga (Studi Di Kelurahan Rajabasa Bandar Lampung). *Al-'Adalah*.
- Ademiluka, S. O. (2020). 'Be fruitful and multiply': Examining Genesis 1:28 as a basis for the adoption of polygamy as a solution to childlessness amongst Nigerian Christians. *Verbum et Ecclesia*. <https://doi.org/10.4102/ve.v41i1.2116>
- Al-Sharfi, M., Pfeffer, K., & Miller, K. A. (2016). The effects of polygamy on children and adolescents: a systematic review. In *Journal of Family Studies*. <https://doi.org/10.1080/13229400.2015.1086405>
- Al-Tkayneh, K. M., & Nser, K. K. (2019). Emirati women's perceptions of polygamy according to age, employment, and educational level. *Humanities and Social Sciences Reviews*. <https://doi.org/10.18510/hssr.2019.75117>
- Amone, C. (2020). Polygamy as a Dominant Pattern of Sexual Pairing Among the Acholi of Uganda. *Sexuality and Culture*. <https://doi.org/10.1007/s12119-019-09660-0>
- Amri, M. S., & Tulab, T. (2018). Tauhid: Prinsip Keluarga dalam Islam (Problem Keluarga di Barat). *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam*, 1(2). <https://doi.org/10.30659/jua.v1i2.2444>

- Az-Zuhailī, W. (1989). *al-Fiqh al-Islāmī wa Adillatuhu*, Juz 7. Dar al-Fikr.
- Bennion, J. (2021). Polygamy and the Law. In *Polygamy in Primetime*.
<https://doi.org/10.2307/j.ctv1k03t1g.11>
- Bergson, H. (2021). On the Pragmatism of William James: Truth and Reality. In *Key Writings*.
<https://doi.org/10.5040/9781350284982.0020>
- Boltz, M., & Chort, I. (2019). The Risk of Polygamy and Wives' Saving Behavior. *World Bank Economic Review*. <https://doi.org/10.1093/wber/lhw054>
- Cahoone, L. (2020). Pragmatism as a Way of Life: The Lasting Legacy of William James and John Dewey. *Metaphilosophy*. <https://doi.org/10.1111/meta.12422>
- Chen, B. (2021). Lost Voices: Chinese Muslim Modernists and the Issue of Polygamy in the Republican Era. *International Journal of Asian Studies*.
<https://doi.org/10.1017/S1479591420000364>
- Chusnayaini, A. S. (2017). DYNAMICS OF TUNISIAN POLYGAMY LAW IN GENDER PERSPECTIVE. *JURISDICTIE*. <https://doi.org/10.18860/j.v5i2.4015>
- Darmawijaya, E. (2015). POLIGAMI DALAM HUKUM ISLAM DAN HUKUM POSITIF (Tinjauan Hukum Keluarga Turki, Tunisia dan Indonesia). *Gender Equality: International Journal of Child and Gender Studies*.
<https://doi.org/10.1007/s11199-015-0540-7>
- Herdiansah, A. G. (2017). PRAGMATISME PARTAI ISLAM DI INDONESIA: PENDEKATAN TINDAKAN SOSIAL. *SosioGlobal : Jurnal Pemikiran Dan Penelitian Sosiologi*. <https://doi.org/10.24198/jsg.v1i2.13504>
- Husain, R. T., Ahmad, A., Kara, S. A., & Alwi, Z. (2019). Polygamy in the Perspective of Hadith: Justice and Equality among Wives in A Polygamy Practice. *MADANIA: JURNAL KAJIAN KEISLAMAN*. <https://doi.org/10.29300/madania.v23i1.1954>
- Jaman, N. (2020). Implications Of Polygamy Practices On Positive Law In Indonesia. *Prophetic Law Review*. <https://doi.org/10.20885/plr.vol2.iss1.art2>
- Maslahah, S. (2019). PENERAPAN METODE LEARNING BY DOING SEBAGAI IMPLEMENTASI FILSAFAT PRAGMATISME DALAM MATA KULIAH LINGUISTIK HISTORIS KOMPARATIF. *Diksi*. <https://doi.org/10.21831/diksi.v27i2.23098>
- Masyithoh, N. D., Suteki, Y., Ernawati, B., & Hidayati, N. (2021). Unregistered Polygamous Marriage of Civil Servants and its Implication for Wives' Financial Problem, Social Fate

- and Loss of Children's Welfare. *International Journal of Early Childhood Special Education*, 13(2). <https://doi.org/10.9756/INT-JECSE/V13I2.211067>
- McKenna, E., & Hamington, M. (2021). Pragmatism. In *The Oxford Handbook of Feminist Philosophy*. <https://doi.org/10.1093/oxfordhb/9780190628925.013.7>
- Moqsith, A. (2015). TAFSIR ATAS POLIGAMI DALAM AL-QUR'AN. *KARSA: Jurnal Sosial Dan Budaya Keislaman*. <https://doi.org/10.19105/karsa.v23i1.613>
- Pawitasari, E. (2015). MANFAAT PERNIKAHAN POLIGINI BAGI KAUM PEREMPUAN. *Al-Tahrir: Jurnal Pemikiran Islam*. <https://doi.org/10.21154/al-tahrir.v15i2.273>
- Putri, H. A., Utami, F. S., & Herfanda, E. (2020). Decision Making Of Contraception Usage In Women: Systematic Literature Review. *Jurnal Kebidanan Midwiferia*. <https://doi.org/10.21070/midwiferia.v6i2.608>
- Rohman, A. (2020). POLIGAMI. *AGENDA: Jurnal Analisis Gender Dan Agama*. <https://doi.org/10.31958/agenda.v2i1.1988>
- Rohmansyah. (2019). Polygamy in the text of the qur an, hadith and bible: Theory systems approach of jasser auda. *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial*. <https://doi.org/10.19105/al-lhkam.v14i2.2529>
- Syamsuddin, S. (2018). A Legal Debate on Polygamy: Classical and Contemporary Perspectives. *ESENSIA: Jurnal Ilmu-Ilmu Ushuluddin*. <https://doi.org/10.14421/esensia.v19i2.1735>
- Wirastri, T. D., & van Huis, S. C. (2021). The second wife: Ambivalences towards state regulation of polygamy in Indonesia. *Journal of Legal Pluralism and Unofficial Law*.



CERTIFICATE OF APPRECIATION

awarded to

Dr H.Sam'ani Sya'roni, M.Ag

In recognition of your participation in
**THE 1ST SAMARAH INTERNATIONAL
CONFERENCE ON ISLAMIC FAMILY LAW &
ISLAMIC LAW 10fifi**

as

Pembentang (Speaker)

on

3RD NOVEMBER 10fifi

at

UNIVERSITI KEBANGSAAN MALAYSIA

**ASSOCIATE PROFESSOR DR. AHMAD SUNAWARI
LONG**

**DEAN, FACULTY OF ISLAMIC STUDIES
UNIVERSITI KEBANGSAAN MALAYSIA**