

Research Article

# Polygamous Marriage Law Reform in Indonesia: A Socio-Legal Analysis of Substantive Justice in Islamic and National Law

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**Abstract:** One of the most contentious topics in modern Islamic family law is polygamous marriage, especially in plural legal systems like Indonesia where national laws and human rights concepts collide with religious standards. With an emphasis on the pursuit of substantive justice within both Islamic and national legal paradigms, this study uses a socio-legal framework to analyze Indonesia's reform of polygamous marriage law. In order to evaluate the efficacy of current legal regulations, such as Law No. 1 of 1974 as amended by Law No. 16 of 2019 and the Compilation of Islamic Law, this study combines the principles of maqāṣid al-sharī'ah with socio-legal theory, drawing on normative-theological analysis and qualitative doctrinal research. The results show that normative legal ideals and actual socio-legal reality continue to diverge. The ability of statutory rules to provide women and children with meaningful protection is limited because, although they set stringent procedural requirements to prevent polygamy, their execution frequently remains formalistic and institutionally constricted. Furthermore, the achievement of justice as envisioned in Islamic ethical principles is undermined by the persistence of dominant patriarchal legal cultures in influencing judicial procedures and public attitudes. In order to reframe polygamy as a conditional socio-ethical institution rather than an inalienable legal privilege, this paper suggests a reform-oriented legal framework. The study promotes a contextualized view of Islamic law that is consistent with both international human rights norms and constitutional ideals by placing a strong emphasis on substantive justice, gender fairness, and public benefit. The results provide policy-relevant insights for creating a more just and socially responsive family law system in Indonesia and add to the ongoing discussions on Islamic legal reform.

**Keywords:** Gender Equity; Islamic Family Law; Polygamous Marriage Reform; Socio-Legal Analysis; Substantive Justice

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## 1. Introduction

Marriage is an essential institution that represents a man and a woman's moral and legal commitment to one another, formed by a solemn agreement to create a happy family life. Marriage is viewed in religious and cultural contexts as an act of worship and a demonstration of moral duty, in addition to being a social arrangement. In Islamic jurisprudence, marriage is described as *mithāqan ghalīẓan* (a solemn covenant), reflecting its sacred nature and the binding obligations it imposes on both spouses (Al-Qur'an, Q.S. Ar-Rūm [30]: 21). As the ethical cornerstone of marital relationships, the main goals of marriage in Islam include the realization of peace (*sakinah*), love (*mawaddah*), and compassion (*rahmah*).

In addition, marriage provides a valid framework for meeting biological demands, upholding moral integrity, and raising future generations in a safe and supportive family setting. As a result, understanding, accountability, and adherence to established legal and ethical standards are crucial in marriage, according to both Islamic law and Indonesian national law. In this context, polygamy holds a unique but controversial place since it is both strictly regulated by the state's laws and, under certain circumstances, is allowed by religion.

According to Q.S. An-Nisā' [4], polygamy is allowed in Islamic law with up to four wives, provided the husband can maintain fairness and equality among them. 3. The fundamental ethical prerequisite for the legitimacy of polygamy is fairness ('adl), according to classical Islamic thinkers (Al-Qaradawi, 2010; Al-Zuhayli, 2011). However, the Qur'an also emphasizes how difficult it is to achieve complete justice in material and emotional treatment, thereby endorsing monogamy as the morally superior choice. Therefore, polygamy is seen as a conditional concession meant to solve certain societal situations rather than as a normative advice.

Law No. 1 of 1974 on Marriage, as revised by Law No. 16 of 2019, governs polygamy in Indonesia. The Compilation of Islamic Law (Kompilasi Hukum Islam/KHI) goes into additional detail about this topic. According to Butt and Lindsey (2012), these regulations make monogamy the cornerstone of marriage and only allow polygamy under stringent procedural and substantive requirements, such as judicial approval, the first wife's consent, and evidence of the husband's financial stability and capacity to uphold the law. The state's dedication to defending women's rights, ensuring the welfare of children, and prohibiting capricious or exploitative marriage customs is reflected in the legal system.

In accordance with constitutional provisions on gender equality and child protection, Law No. 16 of 2019 marks a substantial revision in Indonesia's marriage law, especially by bringing the legal marriage age for men and women into line at 19. The Constitutional Court's Decision No. 22/PUU-XV/2017, which ruled that the prior age gap was discriminatory and in violation of constitutional norms, served as the impetus for this modification (Bedner & Van Huis, 2019). The amendment strengthens broader commitments to justice, equality, and legal protection inside marital institutions, including polygamous arrangements, even though its primary focus is early marriage.

Muslim family law in Indonesia is governed by the Compilation of Islamic Law, which was established by Presidential Instruction No. 1 of 1991. It provides detailed provisions concerning marriage, divorce, inheritance, and polygamy, emphasizing judicial supervision and substantive justice. KHI seeks to guarantee that religious standards are applied in a way that is compatible with constitutional ideals, legal clarity, and social justice by fusing Islamic jurisprudence with state legal systems (Cammack, 2016).

Even with the extensive legal structure that regulates polygamy, there are still many obstacles to overcome in its actual use. According to court records and empirical research, there is a lot of legal procedure evasion, such as spousal consent fraud, unregistered marriages (nikah siri), and judicial process manipulation (Butt, 2012). These actions put women and children at risk for increased vulnerability, financial instability, and psychological suffering while undermining the law's protective goals. As a result, the justice that is intended by both national and Islamic law frequently stays inside the realm of formal legality and does not manifest as substantive justice in actual social realities.

One of the main concerns in Indonesia's polygamy discourse is the conflict between legislative restrictions and religious tolerance. The Indonesian legal system places strict procedural restrictions on polygamy in order to minimize harm and prevent misuse, even though Islamic teaching recognizes it as conditionally permitted. The diverse legal system of Indonesia, which unifies modern legal principles, customary law, and religious values under a single constitutional framework, is reflected in this dual regulatory regime (Hooker, 2008). But this coexistence frequently leads to gaps in implementation, normative difficulties, and interpretation disputes.

Furthermore, criticisms of polygamy have gotten more intense due to changing societal dynamics, especially rising female educational attainment, increased gender consciousness, and growing human rights discourses. According to feminist legal academics, polygamy, especially in patriarchal social situations, fundamentally maintains economic disadvantage, emotional injustice, and gender inequality (Baderin, 2013). These criticisms question established legal interpretations and urge a reconsideration of polygamy laws from the perspectives of social welfare, gender equality, and substantive justice.

The need for conceptual reorientation is highlighted by the insufficiency of solely formalistic legal approaches in handling the complex realities of polygamy. When procedural criteria are fulfilled only as administrative formalities, ethical justice is not ensured by legal conformity alone. A more comprehensive framework for assessing polygamy practices is provided by a substantive justice paradigm, which is based on constitutional principles and maqāṣid al-sharī'ah (the goals of Islamic law). Human dignity, safeguarding vulnerable

populations, and achieving public welfare (*maṣlahah*) are given precedence over strict textual formalism in this paradigm (Kamali, 2008).

According to this viewpoint, reforming Indonesia's polygamy laws should involve more than just tightening regulations; rather, it calls for a thorough rethinking of the normative and intellectual underpinnings of the system. A contextualized understanding of Islamic rules that is in line with current social circumstances and constitutional commitments can be facilitated by integrating *maqāṣid al-sharī'ah* with national legal principles. Such integration encourages a well-rounded strategy that preserves gender justice, child protection, and legal certainty while honoring religious beliefs.

Furthermore, resolving enduring socio-legal inequities requires the creation of a substantive justice-oriented reform approach. Enhanced court scrutiny, clear consent procedures, psychiatric testing, assessments of economic viability, and strong post-marital monitoring systems should all be included in this paradigm. The ethical and protective aspects of polygamy regulation can be strengthened in Indonesia by incorporating these components into both statute legislation and judicial practice.

In conclusion, despite Indonesia's comparatively complete legal framework regarding polygamy, there are still a lot of differences between the aspirations of the law and actual social practices. Formal legality must give way to substantive justice in order to address the ongoing problems of psychological injury, gender inequity, and procedural circumvention. Therefore, this study suggests developing a substantive justice-based paradigm for reforming polygamous marriage laws that balances national legal systems, Islamic legal precepts, and sociocultural realities. Such a model is necessary to guarantee that, if polygamy is practiced, it genuinely reflects social welfare, justice, and dignity, thus satisfying both religious and constitutional demands.

## 2. Literature Review

A comprehensive set of rules known as Islamic law (*fiqh*) is based on divine revelation that was conveyed through the Qur'an and Prophet Muhammad's Sunnah. Islamic law blends spiritual, ethical, and juridical dimensions, guiding not only ceremonial practices (*'ibādāt*) but also social, economic, political, and legal connections (*mu'āmalāt*). This is in contrast to secular legal systems that frequently segregate religious, moral, and legal worlds. Its main goal is to advance human well-being, justice, and harmony in this life as well as the next (Kamali, 2008; Hallaq, 2009).

The Qur'an is the main source of Islamic law and offers fundamental ideas about accountability, justice, and safeguarding vulnerable populations. The Qur'an provides conditional permissibility rather than full liberty in family law problems, especially polygamy. While Qur'an 4:129 highlights the practical challenges of attaining true fairness among spouses, Qur'an 4:3 permits polygamy up to four wives under the rigorous requirement of justice. When justice cannot be fully achieved, monogamy is nevertheless the ethical ideal, according to this normative tension (Ali, 2016; Kamali, 2008). Therefore, it is necessary to interpret Qur'anic advice not only textually but also ethically and culturally.

Through the teachings and deeds of the Prophet, the Sunnah further operationalizes the ideals of the Qur'an. Many genuine hadith emphasize the moral duty to treat spouses with compassion, to be fair, and to refrain from harm. These customs serve as a normative buffer against the misuse of legal privileges, such as polygamy, by reaffirming that ethical responsibility and legal permissibility in Islam are inextricably linked (Al-Zuhayli, 2011).

Islamic law uses dynamic interpretive methods including *ijmā'* (scholarly consensus), *qiyās* (analogical reasoning), and *ijtihād* (independent legal reasoning) in addition to revelation. While staying rooted in normative concepts, these mechanisms allow for adaptation to societal change. A teleological framework that emphasizes the safeguarding of religion, life, intellect, lineage, and property is provided by al-Shāṭibī's notion of *maqāṣid al-sharī'ah*. According to this paradigm, legal permissibility may be limited when it causes injury (*mafsadah*) or compromises societal welfare (*maṣlahah*) (Auda, 2008). *Maqāṣid*-based thinking in polygamy disputes now favors legal reform that is more focused on substantive fairness than formal conformity.

Through statutory regulation, Indonesian Islamic family law is included into the country's legal framework. Law No. 1 of 1974, as amended by Law No. 16 of 2019, is the main piece of legislation governing marriage. It makes monogamy the fundamental concept and permits limited polygamy under close judicial oversight. In addition, the Compilation of Islamic Law (KHI) offers comprehensive substantive and procedural rules that are relevant

to Muslim nationals. Indonesia's dedication to balancing religious customs with the constitutional values of equality, legal certainty, and human rights is reflected in its multiple legal system (Butt & Lindsey, 2018).

Friedman's legal system theory provides a useful analytical framework from a systemic standpoint. Legal substance (norms and legislation), legal structure (institutions and enforcement mechanisms), and legal culture (social attitudes and values) are the three interrelated components that make up law, according to Friedman (1975). Although Indonesian law places stringent limitations on polygamy, institutional flaws and lax cultural norms frequently cause execution to fail. Despite official regulatory protections, this disparity helps to sustain gender-based inequality.

This concept is further enhanced by gender justice theory, which emphasizes that in order to solve structural power imbalances, equality must go beyond formal legal provisions. According to feminist authors like Fraser (2009) and Nussbaum (2011), justice necessitates both the acknowledgment of oppressed identities and the equal distribution of resources. Women in polygamous marriages often face social vulnerability, mental suffering, and economic dependency, which undermines their substantive autonomy. Even though spousal consent is required by statute, deeply ingrained patriarchal standards frequently make this consent symbolic rather than truly freely.

Therefore, a move away from procedural legality and toward substantive fairness is necessary for the application of gender justice theory. In addition to administratively regulating polygamy, legal reform should strengthen institutional responsibility, empower women's autonomy, and alter cultural attitudes. By combining gender justice concepts with *maqāṣid al-sharī'ah*, Indonesian polygamy law can be rebuilt with a strong normative basis that ensures social fairness, constitutional values, and religious legitimacy are all in line.

All things considered, a multifaceted theoretical framework that blends gender equity theory, national legal standards, and Islamic jurisprudence provides a thorough method for assessing and changing polygamy laws. Promoting a model of legal reform based on substantive justice, social responsibility, and human dignity requires this kind of integration.

### 3. Method

This research examines polygamy from the viewpoints of Indonesian statutory law and Islamic law using a qualitative normative-theological and juridical approach. The doctrinal underpinnings, goals, and moral precepts of polygamy are examined via the normative-theological method, which draws from the Qur'an, the Sunnah, and both traditional and modern *fiqh* literature. In order to evaluate justice, public interest (*maṣlaḥah*), and harm prevention (*mafsadah*) in polygamous practices, these sources are examined using the conceptual framework of *maqāṣid al-sharī'ah*, which emphasizes the protection of religion, life, intellect, lineage, and property (Auda, 2008; Kamali, 2008; Al-Zuhayli, 2011).

Concurrently, the legal method looks at Indonesia's favorable marriage laws, namely Law No. 1 of 1974 as modified by Law No. 16 of 2019 and the Islamic Law Compilation (Presidential Instruction No. 1 of 1991). The coherence, convergence, and tension between Islamic normative concepts and state legal laws in forming polygamy governance can be systematically assessed thanks to this dual method (Butt & Lindsey, 2018; Soekanto, 2006).

Using a qualitative library-based methodology, this study only uses secondary data gathered from an extensive literature review. The Qur'an, Hadith, ancient and modern Qur'anic interpretation, and reputable works of Islamic law are examples of primary sources. Statutory rules, court rulings, academic books, peer-reviewed journal papers, and earlier empirical research pertinent to Islamic family law and gender justice are examples of secondary sources. The normative legal research tradition, which emphasizes doctrinal analysis and methodical interpretation of legal standards, is consistent with this dependence on textual and documentary sources (Soekanto, 2006).

Systematic document analysis is used to gather data, which is then categorized thematically. Comparative evaluation and critical interpretation of Indonesian statutory laws and Islamic legal theories are part of the qualitative content analysis analytical technique used. The operationalization of *maqāṣid al-sharī'ah*, protection of women and children, justice, and the procedural prerequisites of polygamy are important analytical themes. In order to advance substantive justice in polygamy legislation reform, normative and policy-relevant findings can be formulated thanks to this method's facilitation of an integrative and reflective synthesis.

## 4. Results and Discussion

### Regulatory Framework and Its Socio-Legal Implications

The results show that Indonesia's laws governing polygamous marriage represent two normative stances: religious acceptance and the country's constitutional guarantee of gender equality. According to Law No. 1 of 1974, as modified by Law No. 16 of 2019, monogamy is the cornerstone of marriage, with polygamy only being allowed in extreme situations and under close judicial supervision. Likewise, the Compilation of Islamic Law (KHI) codifies procedural prerequisites including as judicial approval, financial capacity, and marital permission. These clauses reflect a conscious effort to harmonize contemporary legal norms of equality, legal certainty, and human rights with Islamic jurisprudence (Butt & Lindsey, 2018; Cammack, Bedner, & van Huis, 2015).

However, socio-legal study shows that ingrained patriarchal cultural norms and lax institutional enforcement weaken these legislation's normative power. Despite official legal protections, polygamy persists through unofficial religious unions (*nikah siri*), eluding state regulation and judicial scrutiny (Nurlaelawati, 2010). This phenomena is consistent with Friedman's (1975) argument that institutional structures and legal culture, in addition to substantive law, determine the efficiency of the law. The ongoing discrepancy between social practice and legal norms draws attention to judicial institutions' structural flaws, the general lack of legal knowledge, and the cultural acceptance of male power in marriage.

Moreover, judicial discretion in granting polygamy permits often lacks rigorous evidentiary standards. Courts frequently rely on formal documentation rather than substantive assessments of emotional, psychological, and economic readiness, thereby reducing the protective function of legal regulation (Hooker, 2008). This procedural formalism undermines the pursuit of substantive justice and transforms judicial review into a largely administrative exercise.

The socio-legal results highlight the important gendered repercussions of polygamous marriage. Women in polygamous relationships may face social vulnerability, emotional suffering, and economic hardship. Research continuously shows that women in polygamous households experience greater levels of psychological stress, lower levels of well-being, and financial insecurity than women in monogamous relationships (Hassan, Yusof, & Abdullah, 2013; Nurmila, 2009).

According to qualitative research, marital agreement is often obtained under socio-cultural pressure, economic dependency, or moral compulsion framed in religious language, despite the fact that Indonesian law requires it (Rinaldo, 2013; Blackwood, 2010). As such, consent serves less as a manifestation of true autonomy and more as a formality. A crucial gap between lived experiences of inequality and formal legal equality is shown by this interaction. This state is a significant normative failure from the standpoint of substantive justice. Instead of only meeting procedural criteria, substantive justice demands that legal solutions guarantee fairness, dignity, and real protection of disadvantaged populations (Rawls, 1971; Fraser, 2009). In this regard, Indonesia's polygamy laws mainly meet formal legal requirements but fall short in providing women and children with tangible justice. Additionally, children in polygamous households can experience economic difficulty, diminished parental attention, and emotional neglect, especially when financial resources are insufficient to maintain many houses (Nurmila, 2009). These facts run counter to both constitutional provisions that prioritize social protection and child welfare as well as Islamic ethical precepts.

### Islamic Legal Reasoning and the Paradigm of Substantive Justice

The understanding that Islamic legal philosophy offers a strong normative basis for reform-oriented interpretations of polygamy is a significant outcome of this inquiry. Explicitly warning of the practical impossibility of achieving total fairness among women, Qur'anic discourse defines polygamy as conditional upon justice (Qur'an 4:3; 4:129). This normative tension is interpreted by modern Islamic legal scholars as an ethical mandate that favors monogamy in situations when justice cannot be practically guaranteed (Kamali, 2008; Ali, 2016). By emphasizing human wellbeing, dignity, and damage prevention, the theory of *maqāṣid al-sharī'ah* reinforces this view even more. Auda (2008) asserts that when harm surpasses benefit, legal permissibility must be evaluated in the context of societal repercussions, permitting restriction or ban. Under *maqāṣid*-based reasoning, empirical evidence of socioeconomic and psychological harm in polygamous relationships offers compelling support for reform.

Islamic legal maxims such dar' al-mafāsīd muqaddam 'alā jalb al-maṣāliḥ (preventing harm takes precedence over promoting advantage) and al-ḍarar yuzāl (harm must be removed) provide doctrinal justification for governmental involvement aimed at limiting polygamy (Al-Zuhayli, 2011). These ideas are in line with current human rights discourse and support the claim that Islamic law requires the ethical and social confinement of polygamy rather than allowing it.

As a result, the apparent conflict between gender justice and Islamic law arises from patriarchal and selective interpretations that put male privilege ahead of moral responsibility rather than from a theological requirement. The necessity of progressive jurisprudential change that combines traditional legal thinking with modern socio-legal realities is further supported by this finding.

The regulation of polygamy is made more difficult by Indonesia's several legal systems. Legal circumvention is made possible by the fragmented regulatory areas created by the presence of civil courts, religious courts, and informal religious authority. Since many polygamous weddings take place informally through religious rituals, they are essentially exempt from state legislation (Hooker, 2008; Nurlaelawati, 2010). This legal plurality weakens regulatory coherence and dilutes state authority. Although Islamic family law is under the authority of religious courts, enforcement is weakened by a lack of institutional capacity and uneven judicial procedures. Furthermore, social respect for religious leaders frequently validates unofficial actions that violate the law, strengthening competing normative systems. These dynamics show how the law functions within larger networks of power and authority from a socio-legal standpoint. According to Cotterrell (2018), normative integration across institutional and cultural domains is necessary for legal efficacy. Such integration is hampered in Indonesia by fragmented legal power, which restricts the revolutionary potential of statutory reform.

### **Implications for Law Reform and Policy Development**

The results imply that multifaceted approaches that go beyond doctrinal modification are necessary for Indonesia's polygamy legislation reform to be effective. First, judicial reform is necessary to guarantee strict examination of polygamy applications and to reinforce evidential requirements. Instead of concentrating just on formal documents, courts should adopt holistic assessments that take into account long-term family welfare, economic sustainability, and psychological well-being. Second, women's legal emancipation needs to be given top priority. Wives who are presented with applications for polygamy would greatly benefit from obligatory legal counseling, independent legal representation, and psychological support. This would also improve procedural fairness and substantive consent. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW Committee, 2014) and other international human rights standards are in line with such actions.

Third, religious discourse has to shift toward ethical interpretations that prioritize social duty, fairness, and compassion. Working together, legal organizations and forward-thinking Islamic academics may be able to bring forth normative changes that could oppose patriarchal interpretations and increase public support for reform. Fourth, normative consistency would be strengthened by incorporating international human rights principles into local legal interpretation. A strong foundation for promoting gender equity without compromising religious legitimacy can be created by balancing national law, international human rights standards, and Islamic jurisprudence (Butt & Lindsey, 2018; Cammack et al., 2015).

Combining these results, a substantive justice-based approach to reforming polygamy laws should include three interconnected elements: cultural change, institutional bolstering, and normative reconstruction. Islamic law has to be reformulated normatively using frameworks that are gender-sensitive and focused on maqāṣīd. Judicial procedures must be rigorous, transparent, and accountable from an institutional standpoint. Culturally, religious participation and public education must oppose patriarchal conventions and encourage moral marriage. Such a comprehensive strategy operationalizes Fraser's (2009) idea of justice as both redistribution and acknowledgment, while also reflecting Rawls's (1971) idea of justice as fairness. Indonesia can promote a revolutionary model of Islamic family law that places a high value on moral accountability, social justice, and human dignity by integrating legal reform into larger sociocultural change.

Despite being normatively progressive, Indonesia's present polygamy regulations are still largely insufficient to provide women and children with justice, according to the socio-legal study. Legal pluralism, patriarchal cultural norms, and structural institutional flaws all work

against the efficacy of legal protections. However, strong doctrinal and ethical tools for reform are found in Islamic law itself. Indonesia can promote a revolutionary paradigm of polygamy regulation based on substantive justice, social welfare, and human dignity by combining gender justice theory, socio-legal analysis, and *maqāṣid al-sharī'ah*.

## 5. Comparison

By creating an integrative socio-legal framework of substantive justice for the reform of Indonesia's polygamous marriage law, this study makes a substantial scholarly contribution. This study integrates Islamic legal theory (*maqāṣid al-sharī'ah*), socio-legal analysis, and gender justice discourse into a single analytical model, in contrast to previous studies that primarily concentrate on doctrinal analysis of Islamic jurisprudence or normative evaluation of statute legislation. A more nuanced understanding of the ways in which religious conventions, governmental structures, and sociocultural customs interact to shape the lived reality of polygamous marriage is made possible by this integrative approach.

The main innovation is the promotion of a substantive justice paradigm that prioritizes material justice, psychological well-being, and social protection for women and children, going beyond formal compliance and procedural legality. This work reframes polygamy as a conditional socio-ethical institution that is susceptible to contextual examination, rather than as a static legal entitlement, by operationalizing *maqāṣid al-sharī'ah* as a normative-analytical tool rather than just a theological notion. This theoretical shift adds to a reform-oriented Islamic legal epistemology that is sensitive to modern human rights standards and confronts patriarchal legal interpretations.

By showcasing the analytical ability of *maqāṣid al-sharī'ah* to harmonize classical jurisprudence with contemporary concepts of justice, gender equality, and legal pluralism, this study theoretically enhances Islamic legal studies. By demonstrating how the law functions within overlapping normative orders—religious doctrine, legislative regulation, and cultural practice—it advances the understanding of legal effectiveness beyond doctrinal conformance and advances socio-legal studies. Additionally, by bridging the gap between critical legal theory and normative Islamic jurisprudence, this study provides a framework for legal reform based on social welfare and ethical accountability.

From a practical standpoint, this study offers insights that are pertinent to legislative formulation, judicial reform, and religious legal interpretation. It provides evidence-based suggestions for integrating psychological and socioeconomic evaluations into polygamy authorization processes, improving legislative protections for women and children, and bolstering judicial scrutiny. It also helps legal scholars and religious leaders advocate for morally and justly sound interpretations of Islamic family law. Through the alignment of religious legitimacy with human rights standards and constitutional objectives, this study contributes to the creation of a more socially responsive, accountable, and equitable framework for regulating polygamous marriage in Indonesia.

## 6. Conclusion

This study shows how Indonesia's laws governing polygamous marriages reflect a complicated interplay between national legal systems, Islamic doctrine, and sociocultural factors. Even while the Compilation of Islamic Law and statute law set forth stringent procedural standards meant to provide justice, protection, and legal clarity, institutional constraints, legal pluralism, and deeply ingrained patriarchal norms continue to hinder their practical application. Because of this, the fight for justice in polygamous marriages frequently stays formalistic and does not result in significant protection for women and children. This study reframes polygamy as a conditional socio-ethical institution rather than a fixed legal entitlement by fusing socio-legal analysis with the normative framework of *maqāṣid al-sharī'ah*. The results demonstrate that Islamic legal concepts offer a strong basis for reform-focused interpretations that place a high priority on social welfare, harm reduction, and human dignity. A more contextualized and justice-centered perspective of polygamy in the context of modern legal and societal contexts is made possible by this paradigm change.

In the end, this study emphasizes the need for thorough legal change based on substantive justice. In addition to reinterpreting doctrine, such reform calls for institutional fortification, judicial responsibility, and cultural change. Indonesia can promote family welfare, gender equity, and long-term societal harmony by advancing a more equitable and

socially responsive framework for regulating polygamous marriage by bringing Islamic legal ethics into line with constitutional norms and international human rights standards.

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## References

- Abu Zahrah, M. (2005). *Al-jarimah wa al-'uqubah fi al-fiqh al-islami*. Cairo: Dar al-Fikr al-'Arabi.
- Ali, K. (2016). *Marriage and slavery in early Islam*. Cambridge, MA: Harvard University Press.
- Al-Qaradawi, Y. (2010). *Fiqh al-maqasid al-shari'ah*. Cairo: Dar al-Shuruq.
- Al-Zuhayli, W. (2011). *Al-fiqh al-islami wa adillatuhu* (Vol. 6). Damascus: Dar al-Fikr.
- Al-Zuhayli, W. (2011). *Islamic jurisprudence and its proofs* (Vol. 7). Damascus: Dar al-Fikr.
- Auda, J. (2008). *Maqasid al-shariah as philosophy of Islamic law: A systems approach*. London: International Institute of Islamic Thought.
- Baderin, M. A. (2013). *Islamic law and international human rights law*. Oxford: Oxford University Press.
- Bedner, A., & Van Huis, S. (2019). Plurality of marriage law and marriage registration for Muslims in Indonesia. *Asian Journal of Law and Society*, 6(2), 191–215.
- Blackwood, E. (2010). *Falling into the lesbi world*. Honolulu: University of Hawaii Press.
- Butt, S. (2012). *Corruption and law in Indonesia*. London: Routledge.
- Butt, S., & Lindsey, T. (2012). *The Constitution of Indonesia: A contextual analysis*. Oxford: Hart Publishing.
- Butt, S., & Lindsey, T. (2018). *Indonesian law* (2nd ed.). Oxford: Oxford University Press.
- Cammack, M. (2016). Islamic law in Indonesia's New Order. *International Journal of Law, Policy and the Family*, 30(1), 1–25.
- Cammack, M., Bedner, A., & van Huis, S. (2015). *Democracy, human rights, and Islamic law in Indonesia*. Cambridge: Cambridge University Press.
- CEDAW Committee. (2014). *General recommendation No. 29*. United Nations.
- Cotterrell, R. (2018). *Sociology of law* (2nd ed.). London: Routledge.
- Fraser, N. (2009). *Scales of justice: Reimagining political space in a globalizing world*. New York: Columbia University Press.
- Friedman, L. M. (1975). *The legal system: A social science perspective*. New York: Russell Sage Foundation.
- Hallaq, W. B. (2009). *An introduction to Islamic law*. Cambridge: Cambridge University Press.
- Hassan, S. A., Yusof, R., & Abdullah, M. (2013). Polygamy and women's well-being. *Journal of Family Studies*, 19(2), 135–150.
- Hooker, M. B. (2008). *Indonesian syariah: Defining a national school of Islamic law*. Singapore: ISEAS.
- Hooker, M. B. (2008). *Indonesian Islam: Social change through contemporary fatāwa*. Sydney: Allen & Unwin.
- Kamali, M. H. (2008). *Maqasid al-shariah made simple*. London: IIIT.
- Kamali, M. H. (2008). *Shari'ah law: An introduction*. Oxford: Oneworld.
- Nurmila, N. (2009). *Women, Islam and everyday life: Renegotiating polygamy in Indonesia*. London: Routledge.
- Nurlaelawati, E. (2010). *Modernization, tradition and identity: The Kompilasi Hukum Islam and legal practice in Indonesian religious courts*. Amsterdam: Amsterdam University Press.
- Nussbaum, M. C. (2011). *Creating capabilities: The human development approach*. Cambridge, MA: Harvard University Press.
- Rawls, J. (1971). *A theory of justice*. Cambridge, MA: Harvard University Press.
- Rinaldo, R. (2013). *Mobilizing piety: Islam and feminism in Indonesia*. Oxford: Oxford University Press.
- Soekanto, S. (2006). *Pengantar penelitian hukum*. Jakarta: UI Press.