



Dynamics of Gender Equality in the Prevalence of Having More Than One Spouse in Sumenep Society Islamic Law Perspective

Ahmad Romdhan Mubarak, Sofian Syaiful Rizal

^{1,2} Nurul Jadid University

Email: ¹Ahmadromdhan2020@gmail.com, ²sofiansyaifulrizal@gmail.com

Received: 10/08/2024

Accepted: 10/09/2024

Published: 01/10/2024

Abstrak

Penelitian ini bertujuan untuk mengeksplorasi dinamika kesetaraan gender dalam praktik poligami di masyarakat Sumenep, Madura, melalui perspektif hukum Islam. Poligami yang dibolehkan dalam ajaran Islam kerap kali menjadi sumber perdebatan terkait keadilan dan hak-hak perempuan. Di Sumenep, fenomena ini tidak hanya dipengaruhi oleh aspek agama tetapi juga norma sosial dan budaya yang kuat. Penelitian ini menggunakan pendekatan kualitatif dengan wawancara mendalam dan observasi untuk mengumpulkan data dari tokoh agama, perempuan yang mengalami poligami, dan warga masyarakat lainnya. Hasil penelitian menunjukkan bahwa meskipun hukum Islam memberikan ruang bagi poligami dengan syarat adanya keadilan, namun dalam praktiknya kerap terjadi ketidakadilan yang merugikan perempuan, khususnya istri pertama. Banyak perempuan merasa tidak memiliki suara dalam keputusan untuk berpoligami dan kerap terjebak dalam situasi ketidakadilan akibat dominasi laki-laki. Selain itu, poligami di Sumenep dipandang sebagai simbol status sosial, di mana laki-laki yang mampu memiliki lebih dari satu istri dianggap lebih terhormat. Penelitian ini juga menemukan bahwa meskipun organisasi perempuan di Sumenep berupaya untuk mempromosikan kesetaraan gender, upaya mereka terbatas dan tidak optimal. Banyak perempuan yang tidak menyadari hak-hak mereka dalam konteks poligami dan masih dipengaruhi oleh norma-norma patriarki yang kuat. Oleh karena itu, diperlukan upaya lebih lanjut untuk meningkatkan kesadaran dan memberdayakan perempuan di masyarakat. Simpulan penelitian ini menekankan pentingnya memahami dinamika kesetaraan gender dalam konteks poligami di Sumenep. Dengan menganalisis interaksi antara hukum Islam dan norma-norma sosial, penelitian ini berharap dapat memberikan rekomendasi bagi para pembuat kebijakan untuk menciptakan lingkungan yang lebih adil bagi perempuan dalam praktik poligami. Penelitian ini juga diharapkan dapat membuka diskusi lebih lanjut tentang peran hukum Islam dalam mencapai keadilan gender di Indonesia.

Kata kunci: Kesetaraan Gender, Poligami, Patriarki

Abstract

This study aims to explore the dynamics of gender equality in the practice of polygamy in the Sumenep community, Madura, through the perspective of Islamic law. Polygamy, which is permitted in Islamic teachings, is often a source of debate regarding justice and women's rights. In Sumenep, this phenomenon is not only influenced by religious aspects but also by strong social and cultural norms. This study used a qualitative approach with in-depth interviews and observation to collect data from religious leaders, women who experienced polygamy and other community members. The results showed that although Islamic law provides space for polygamy under the condition of justice, in practice injustices often occur that harm women, especially the first wife. Many women feel they have no say in the decision to engage in polygamy and are often trapped in situations of injustice due to male dominance.

In addition, polygamy in Sumenep is seen as a symbol of social status, where men who can afford to have more than one wife are considered more honorable. The research also found that although women's organizations in Sumenep are trying to promote gender equality, their efforts are limited and not optimal. Many women are unaware of their rights in the context of polygamy and are still affected by strong patriarchal norms. Therefore, further efforts are needed to raise awareness and empower women in society. The conclusions of this study emphasize the importance of understanding the dynamics of gender equality in the context of polygamy in Sumenep. By analyzing the interaction between Islamic law and social norms, this study hopes to provide recommendations for policy makers to create a more equitable environment for women in the practice of polygamy. The research is also expected to open further discussions on the role of Islamic law in achieving gender justice in Indonesia.

Keywords: Gender Equality, Polygamy, Patriarch

Introduction

According to Imaro Sidqi & Doli Witro, (2020: 23) gender equality in Islam is a natural thing and must happen, without discriminating anything other than natural so that the pattern of human life on this earth has equality and rights that must be upheld equally, both men and women, one of the instructions for society to live peacefully as a nation and state. As for the Madura area, especially in the Sumenep area, the understanding of gender equality means having their own portions and responsibilities, both from husband and wife. Even though any decision in the household, of course, must be based on and follow the husband's decision.

The concept of patriarchy makes women's freedom hindered by cultural values that place women with roles and status as wives that are fully regulated by their husbands. This condition then creates a division of roles between women and men. Women as wives are in a subordinate position in the family whose duties are only to take care of domestic problems, such as cooking, washing clothes, taking care of children, and so on. Meanwhile, the man as the husband takes care of activities in the public sector with the main task of making a living for the family. The reason for this cliché has taken root among the village people whose education is only limited to the upbringing of their parents, so that the incident of illegal polygamy indirectly continues to exist until any time, because what the husband believes is whatever the wife decides.

However, on the other hand, there are also community groups that view polygamy as a right owned by men in Islam. They argue that polygamy can help address social problems such as the number of women outnumbering men, and can help reduce the number of women living in economic hardship. (Abdullah Pakarti, 2023). Especially in areas where religious enthusiasm is high, they believe that polygamy is the right corridor to maintain orgasm. In the digital era and globalization, exposure to diverse ideas and values has led to debates about polygamy becoming more open and complex. Social media and other online platforms allow individuals and communities who support or oppose polygamy to voice their views, often sparking cross-cultural and cross-religious dialogue about individual rights, personal freedom, and equality in marriage (Arif, 2020).

Research Methods

This study uses a qualitative approach with a phenomenological method. This approach is used to understand the experiences, views, and social dynamics related to the phenomenon of having more than one partner in the Sumenep community, especially from the perspective of gender equality and Islamic law. This study aims to delve deeply into the patterns of gender relations, social norms, and interpretations of Islamic law related to polygamy or having more than one partner. The research was conducted in several villages or sub-districts in Sumenep Regency, which have a fairly high or

relevant prevalence of polygamy cases. Sources: Primary data was obtained through in-depth interviews and observation of skunender data obtained from literature related to Islamic law (books of fiqh and tafsir), national legal documents related to marriage (Law No. 1 of 1974 and Compilation of Islamic Law), Data Collection Techniques, observation methods, and documentation, Data Analysis Techniques. The data was analyzed using thematic analysis techniques with the steps of Organizing data from interviews, observations, and documentation. Data Reduction, Selecting data that is relevant to the focus of the research. And finally, draw conclusions by connecting empirical data with the perspective of Islamic law and gender equality theory

Results and Discussion

A. The Reality of Happening in the Sumenep Community About Polygamy

Having more than one wife and living under one roof may still be rare in the country. But not for Kiai Haji Masyurat Usman from Sumenep, Madura. He lives under the same roof with his 10 wives. KH Masyurat Usman lives with his 10 wives in Tarebung Hamlet, West Lenteng Village, Lenteng District, Sumenep Regency, Madura, East Java. This 68-year-old man is also known as a wealthy businessman. In Lenteng District, there is no house as big and grand as Kyai Masyurat's. In fact, in the whole of Sumenep Regency, only Kyai Masyurat's house is super large. All local residents know the man with 10 wives and 28 children very well.

In the Sumenep area in particular, many people understand that the context of polygamy can only be practiced by a few people who have a knasab or have finances that are categorized as rich and well-established. Apart from what was categorized earlier, the community sees that the practice of polygamy carried out by people whose economy is middle to lower, or included in the standard of wealth in the Sumenep area, is nothing but the practice of

illegal polygamy. Illegal polygamy refers to the practice of polygamous marriages that are carried out without following legal procedures, both according to state law and religious law. In Indonesia, polygamy is regulated by Law No. 1 of 1974 on Marriage, which requires that every marriage be recorded and obtain permission from the first wife as well as the court. However, in practice, there are still many couples who practice polygamy unofficially or illegally, which often leads to legal and social problems.

In Indonesia, for a man who wants to be polygamous, he is required to get the blessing and permission of his wife and the court (prior permission of the court). Granting permission for polygamy from the court if a disease is found on the wife so that it prevents or cannot give offspring, there is an incurable disease suffered by the wife, and the wife can no longer carry out her duties as a wife in family life. The provisions regarding polygamy in Indonesia are contained in article 3 paragraph 2 of Law No. 1 of 1974 concerning Marriage which in the regulation is not solely a form of discrimination and harassment against women and favors men.

B. Prevalence Carried out by the Community, Government, or Religious Leaders

Based on the credibility of the research on the prevalence of polygamy in the Sumenep community, the author chose to interview directly with several of the polygamous practitioners, as well as with one of the members of the KUA office in the Sumenep area, along with one of the community leaders who is also a polygamy practitioner.

The results obtained from an interview with one of the civil society in the Sumenep area who became the perpetrator of the practice of polygamy, include: The perpetrator consciously chose to marry a second time with the woman he chose for several reasons that according to the perpetrator became a strong basis for him to practice polygamy, the first reason, the

perpetrator got the opportunity to remarry another woman in the area outside Sumenep because of the demands of work that caused the old perpetrator not to return home, therefore their biological needs are not properly channeled. The perpetrator did not inform his first wife of his second wedding plan, because he felt that there would be a prolonged internal conflict. Therefore, the perpetrator hid his second marriage from his first wife. The perpetrator also disguised the identity of his first marriage to his second wife, he admitted that he was still single (*Single*). Interview: Sudirman, 2024)

The results obtained from interviews with members of the KUA office in the Sumenep area include: during the last few years, from 2020 to 2024, there are quite a few people who have polygamous marriages in KUA data. Because what is originally recorded at the KUA office is most people who claim to be single with an identity deposited as an administrative part of the KUA marriage requirements. However, the assumption is that people who undergo the practice of polygamy, will carry out it in secret and secret. Just like the results of interviews from the Sumenep civil society actors mentioned above. (Interview: Faizul M, 2024)

Meanwhile, the results of the interview conducted by the author to one of the community leaders in the Sumenep area, among others: the perpetrator did everything legally and legally, the perpetrator had two wives whose second marriage was indeed legally allowed from the first wife. And the second wife also knows directly from the status of the perpetrator that she already has her first legal wife. On the basis of reason, be financially strong, mentally, and feel fair. The perpetrator decided to carry out the second marriage. The surrounding community also understands and respects the decision of one of the community leaders, because they are considered capable of all conditions and aspects of polygamy. (K. Hasyim, 2024)

C. Correlation Between Law and Evidence with Polygamy in Sumenep Society

The Qur'an talks about polygamy in QS. al-Nisa⁴, (4): 3, 20 and 129;

وان خفتم الا تقسطوا فى اليتيمى فانكحوا ما طاب لكم من النساء مثنى وثلاث وربيع فان خفتم الا تعدلوا فواحدة او ما ملكت ايمانكم ذالك ادنى الا تعولوا

And if you are afraid that you will not be able to do justice to an orphaned woman, then marry the other women you like: two, three or four. Then if you are afraid that you will not be able to do justice, then (marry) only one person or the slaves you have. That is closer to not doing wrong.

The verse talks about the conditions behind the regulation, fair conditions and the maximum limit of polygamy with four wives. The verse indicates that a man who is able to act justly may marry a woman he likes; two, three or four (polygamy). However, if you are worried that you will not be able to act fairly, then only one is enough. This verse does not expressly allow or prohibit polygamy unless it stipulates a condition, namely being able to act fairly. Allah swt., actually leaves the choice to the man, whether he wants to do it or not. According to Quraish Shihab, this verse is the basis for the permissibility of polygamy. However, this verse does not make a single regulation about polygamy, because polygamy has been known and implemented by religious sharia and customs before Islam. This verse also does not oblige polygamy or encourage it. He only talked about the permissibility of polygamy, which is also a small emergency exit, which is only passed when it is absolutely necessary and with conditions that are not light

From this explanation, it is known that polygamy in Islam is actually a rule that applies when there is a social emergency, not in normal situations and individual "emergencies", as formulated in fiqh books and marriage laws in several Muslim countries. And what should be noted is that even though it became an emergency rule, polygamy at that time was still given strict requirements, as mentioned above. Therefore, the regulation and implementation of polygamy among the

ummah should refer to the ideal of the Qur'an. Meanwhile, the law includes provisions that allow polygamy in article 3 paragraph 2 of the Marriage Law which is not intended as a form of harassment, discrimination, and superiority of men. The practice in society about polygamy often shows that the arbitrariness of husbands towards wives cannot be used to generalize that polygamy must be discriminatory, a form of oppression by husbands against wives. Thus, from the aspect of the legal provisions, the provisions of the Marriage Law are quite good in the sense that it is expressly determined that in principle monogamy is adhered to. In addition, the application of polygamy is possible if the parties agree and is aimed at overcoming a problem that cannot be solved. In other words, polygamy should be done as a last resort if all other settlement efforts have been tried.

This can be seen from the procedure for applying for a remarriage permit which is quite complicated and difficult for the husband to have the status of a civil servant. Based on Article 1 of Law No. 1 Year 1974 concerning Marriage, stipulates that "Marriage is a bond born inwardly between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the One Godhead". (Law Number 1 of 1974 concerning Marriage, 1974)

Articles 2 and 3 in the Compilation of Islamic Law state that the meaning and purpose of marriage are as follows: Article 2 which reads "Marriage according to Islamic Law is Marriage, which is a very strong contract or *mistaqon ghalizhan* to obey Allah's commands and carry it out is worship." And Article 3 which reads "Marriage aims to realize a household life that is *sakinah*, *mawaddah*, and *rahmah*". (Pustaka Yustisia, 2006). Law Number 1 of 1974 concerning marriage article 3 paragraph (1) explains that basically a man can only have one wife. A woman can only have one husband. Then in the same article paragraph (2) explains that the Court can

give permission to a husband to have more than one wife if desired by the parties concerned

Conclusion

In this research, the author draws conclusions From the analysis of the dynamics of gender equality and the prevalence of having more than one partner in the Sumenep community according to Islamic law, it can be concluded that the practice of polygamy in this area reflects a complex interaction between social norms, religious law, and economic conditions. Although polygamy is allowed in Islam under certain conditions, its implementation is often not in line with the principles of gender equality. In Sumenep, polygamy is still considered part of a tradition that can provide protection for women, especially widows or marginalized women. However, in many cases, women in polygamous relationships often face injustice and subordinate positions. This shows that although in theory Islamic law provides room for polygamy, the practice often ignores women's rights and creates inequality. It is important to increase public understanding of women's rights in the context of Islamic law as well as strengthen the enforcement of laws related to marriage to reduce the prevalence of illegal polygamous practices. Women's education and empowerment efforts are also needed to achieve better gender equality in the Sumenep community.

Bibliography

- Andini, S. D., Alfa, F., & Kurniawati, D. A. (2021). Polygamous Relationships and gender equality in Perspective of Islamic Law. *Journal Hikmatina*, 3(3), 269-278.
- Sudrajat, U. (2018). Keris craftsman Women: Women's Empowerment in Central Patriarchal Culture Madura. *Patra Widya: Series Publication of Historical Research and Culture*, 19(2), 161-172.

- Badrudin, A. (2010). Cancellation Marriage due to illegal polygamy (case jurisprudence analysis Number 416/Rev. G/1995/PA. Smd).
- Rizal, S. S., & Baharun, H. (2022, March). Analysis Of Archipelago Religion And Culture After Islamization In Indonesia. In International Conference on Humanity Education and Society (ICHES) (Vol. 1, No. 1, Pp. 133-146).
- Suud Salim Karimullah (2021) Polygamy Perspective of Fiqh and Law Muslim State Family
- Mernissi, Fatima. "The concept of feminism and gender equality from the perspective of Fatima Mernissi." 2023.
- "The Trend of Polygamy in Social Media Perspective Gender equality." 2023.
- "THE FACT OF POLYGAMY AS A FORM OF VIOLENCE AGAINST FEMALE: STUDY TRAJECTORY OF INTERPRETATION AND ISSUES GENDER." 2023.
- "Dynamics of Gender Equality in The Practice of Polygamy in Indonesia." Journal of Law and Gender, 2022.
- Purwaningsih, P., Ratnawaty, L., & Fajri, I. (2024). PERMIT IMPLEMENTATION POLYGAMY BASED LAW NUMBER 1 IN 1974 ABOUT MARRIAGE. *JUDICIARY*, 11(1), 8-24.
- M. Quraish Shihab, Insight into the Qur'an (Cet. VI; Bandung: Mizan, 1997), p. 200
- Department of Religion of the Republic of Indonesia, the Qur'an and Translated (Jakarta: PT. Earth Restu, 1978), p. 115.
- Results of the author's interview with the public Sumenep Region - Perpetrators polygamy(Sudirman, 2024)
- Results of the author's interview with officials KUA Sumenep district (Faizul M, 2024)
- Results of the author's interview with one of the Community Leaders of Sumenep Region (K. Hasyim, 2024)