

THE ISSUES OF FINANCIAL SUPPORT FOR LEGALLY WEDDED WIVES IN UNREGISTERED POLYGAMOUS MARRIAGES ACCORDING TO ISLAMIC FAMILY LAW PERSPECTIVE IN (NAGARI BATU BALANG, HARAU DISTRICT, LIMA PULUH KOTA REGENCY)

Betni Zahara¹ *, Yustiloviani²

¹ State Islamic University Mahmud Yunus Batusangkar

² State Islamic University Mahmud Yunus Batusangkar

*Corresponding Author: betnizahara14@gmail.com

Abstract:..This study aims to analyze the problematic maintenance of legal wives who are polygamous according to the perspective of Islamic family law in Nagari Batu Balang, Kecamatan Harau, Kabupaten Lima Puluh Kota. This research was a field research with a qualitative descriptive approach method. Data collection techniques were conducted through interviews and documentation. The data sources used included primary data sources of 5 husbands who commit siri polygamy, 5 legitimate wives of siri polygamists, 3 siri wives of siri polygamists, and Ninik Mamak. Secondary data sources included books and journals related to the problematic maintenance of legitimate wives who were polygamous. Data analysis was conducted through data collection, data reduction, data presentation, and conclusion drawing and data verification. Data validity assurance techniques used source triangulation. The results showed that the problematic maintenance of legal wives who are polygamous in Nagari Batu Balang, Kecamatan Harau, Kabupaten Lima Puluh Kota, found that husbands prioritize maintenance to siri wives compared to legal wives, such as spending money that was not sufficient for daily needs and husbands were unfair in their turn to spend the night with their legal wives, focusing more on their siri wives. One of the factors that causes husbands to prioritize giving maintenance to siri wives is that husbands had daughters from their siri wives. Judging from the review of Islamic family law, the problematic maintenance of legal wives who were polygamous siri in Nagari Batu Balang was not in accordance with the rules of polygamy in Islam.

Keywords: Siri Polygami, Sustenance

Introduction

In Nagari Batu Balang, Harau District, Lima Puluh Kota Regency, there is a practice of polygamy through unofficial marriages (nikah siri). Husbands who engage in polygamy through nikah siri do not provide sustenance (nafkah) to their legitimate wives, but prioritize providing for their unofficial wives. In principle, husbands engaging in polygamy are obligated to be fair in providing sustenance to their wives according to their ability, meaning that they should provide sufficient sustenance both materially and spiritually. They should also treat each wife equally in terms of good treatment and their share of nights spent at their homes.

Several studies have addressed the obligation of husbands to provide sustenance to wives in nikah siri, such as the research titled "Legal Consequences of Unofficial Polygamous Marriages on the Rights to Sustenance of Children and Wives from the Perspective of Islamic Law." This study explores fairness in the distribution of sustenance provided by husbands to their wives and children. It also discusses how unofficial polygamous marriages prevent unofficial wives from claiming their

rights to sustenance (Hilna Saprina Persadawati, 2022). Another study, "Fulfillment of Rights and Duties of Husband and Wife in Unofficial Polygamous Marriages," examines the inability of some husbands to provide material sustenance due to economic pressures, leading them to abandon their unofficial wives because they cannot afford to support them (Tika Khayatun Fatkhumunzanah).

To date, research on unofficial polygamy and sustenance has primarily focused on the legal consequences of unofficial polygamous marriages on the rights to sustenance of children and wives under Islamic law, as well as the fulfillment of rights and duties of husbands and wives in unofficial polygamous marriages. However, there has been no specific study on polygamous marriages through nikah siri where husbands prioritize providing sustenance to unofficial wives over legitimate wives.

This study aims to address the issues surrounding the sustenance of legitimate wives in polygamous marriages through nikah siri from the perspective of Islamic family law. To uncover these issues, the author focuses on understanding why husbands prioritize providing sustenance to unofficial wives over legitimate wives in Nagari Batu Balang, Harau District, Lima Puluh Kota Regency, and explores the legal perspectives on these issues.

This study is important due to the prevalence of unofficial polygamous marriages through nikah siri in the community, which often results in legitimate wives not receiving the rightful sustenance from their husbands. It also highlights the lack of justice experienced by wives in such marriages. Therefore, it is necessary to investigate why husbands only provide sustenance to unofficial wives and why legitimate wives are not given sustenance, despite the obligation of husbands engaged in polygamy to provide fair sustenance to all wives.

Method

The research used is field research with a qualitative descriptive approach method. The data sources are husbands engaged in unofficial polygamous marriages (poligami siri) and legitimate wives of these husbands. The data collection techniques employed by the author include interviews with husbands engaged in unofficial polygamous marriages, wives of these husbands, and community elders (ninik mamak). Data analysis involves data reduction, data presentation, drawing conclusions, and verification. The technique used to ensure data validity is source triangulation.

Results and Discussion

The Issues of Sustenance for Legitimate Wives in Unofficial Polygamous Marriages in Nagari Batu Balang, Harau District, Lima Puluh Kota Regency

The issue of providing sustenance to legitimate wives in unofficial polygamous marriages can be understood from interviews conducted with husbands who engage in polygamy, the legitimate wives of these polygamous husbands, and community elders (ninik mamak) who are traditional leaders in Nagari Batu Balang, Harau District, Lima Puluh Kota Regency. Below is an excerpt from an interview conducted by the author with the first wife of Mr. B.M, Mrs. D, in which she explained:

"untuak tampek tingga etek alah dibalian baitu pulo untuak bini mudonyo dibalian pulo. Tapi kalau masalah pitih balanjo apak labiah banyak maagiah ka bini mudonyo, apak labiah banyak waktu samo bini mudonyo, apak acok pulang karumah bini mudonyo dibandiang karumah etek. Sabalum poligami balanjo dari apak perbulan, setelah terjadinya poligami kini saminggu diagiah 300 (tigo ratuuh) itu indak pulo rutin dan indak cukuik untuak kebutuhan etek jo anak anak etek, satiok etek mintak pitih tambahan balanjo apak hanyo manyuruuh etek pakai pitih etek surang jo alasan etek dek alah karajo" (Buk D, 05 November 2023).

(For the place to live, a house has already been bought for me as well as for the second wife. However, when it comes to spending money, the husband gives more to his second wife. He spends more time with his second wife and often goes to her house compared to coming

home to me. Before polygamy, the monthly allowance from my husband was sufficient, but after polygamy, now I receive only 300 (three hundred thousand) per week, which is not enough for my and my children's needs. Whenever I ask my husband for additional money, he just tells me to use the money from my own earnings).

The second interview with the first wife of Mr. M, namely Mrs. D, is as follows:

“dalam pambagian pitih balanjo ka etek apak indak adil lai do, pitih yang di agiah dek apak indak cukuik untuak kebutuhan etek samo anak-anak, patang tu apak mintak etek untuak maminjam pitih untuak modal ladang kiro pitih tu diagiah kabini mudonyo. Dalam pambagian bamalam apak labiah banyak dirumah bini mudonyo dan di tambah pulo apak samo bini mudonyo satampek karajo jadi banyak waktu untuak baduo dan tapaso etek mamanuhi kebutuhan etek surang lai” (Buk D, 05 November 2023).

(In terms of the provision of spending money, my husband is not fair; the money he gives me is not enough to meet my needs. Yesterday, he asked me to borrow money, claiming it was for farm capital, but it turned out he gave the money to his second wife. My husband spends more nights at his second wife's house, and they also work at the same place, so they have a lot of time together. Now, I am forced to meet my own needs).

The third interview with the first wife of Mr. N, namely Mrs. N, yielded the following results:

“apak acok indak pulang malam karumah kalau siang apak lai dirumah jadi etek samo apak jarang lalok baduo, apak maagiah pitih balanjo indak cukuik untuak etek samo anak-anak etek. Etek alah cubo batanya ka apak tentang nafkah ko tapi apak berang ka etek, dan basobok dek etek kalau apak bali cincin ameh etek tanyo untuak sia kiro cincin tu untuak bini mudonyo sedangkan pitih balanjo untuak etek sajo indak cukuik” (Buk N, 09 November 2023)

(My husband often doesn't come home at night, and during the day he occasionally comes home, so we rarely sleep together. The spending money he gives me is not enough for me and the children. I tried asking him about the issue of financial support, but he got angry with me. Yesterday, I found a gold ring and asked him about it, and it turned out that the ring was for his second wife, even though the spending money he gives me is not enough).

The results of the interview with the first wife of Mr. M.I, namely Mrs. A, are as follows:

“apak indak adil dalam giliran bamalam, kalau sadang sanang apak bamalam di rumah bini mudonyo kalau sadang setres dek karajo apak bamalam dirumah etek dan di rumah etek apak berang-berang sajo dek karano indak sanang hati, dan apak indak pulo adil dalam pitih balanjo satiok etek mintak pitih balanjo katonyo indak ado pitih do. Indak hanyo itu apak dijua bagai tanah etek dek nyo pitih yang diagiah ka etek hanyo saketek sajo salabiah nyo diagiah kabini mudonyo, giliran bamalam kini alah indak adil dan indak pulo samo rato” (Buk A, 10 November 2023).

(My husband is not fair in the rotation of night stays. When he is in a good mood, he stays at the house of his second wife, but when he is stressed from work, he stays at my house. Even when he stays at my house, he often gets angry because he is not in a good mood. He is also unfair with the spending money. Whenever I ask for money, he just says that he has no money. Not only that, but he also sold my land and gave me only a small amount of the money, with most of it going to his second wife. The rotation of night stays is now neither fair nor equal).

The results of the interview with the first wife of Mr. W.A, namely Mrs. F, are as follows:

“dulu pitih balanjo indak pernah kurang dan kini pun alah bakurang dan bahkan indak cukuik, apak jarang pulo pulang karumah, untuak nafkah bamalam apak indak pulo adil karano apak acok pulang karumah bini mudonyo dan samanjak poligami ko tajadi apak labiah mamiyah kabini mudonyo, kini ko untuak mamanuhi kebutuhan etek samo anak-anak etek bakarajo diladang urang” (Buk F, 14 November 2023).

(Previously, the spending money was never lacking, but now it has decreased and is not even enough. My husband rarely comes home. He is also unfair with the night stay rotation because he often stays at his second wife's house. Since this polygamy started, my husband has been favoring his second wife, and now, to meet my and my children's needs, I have to work in someone else's field.)

The causes and factors of husbands providing maintenance only to their second wives in Nagari Batu Balang, Harau District, Lima Puluh Kota Regency

After the issue of livelihood problems concerning legitimate wives caused by polygamous husbands in Nagari Batu Balang, Harau District, Lima Puluh Kota Regency, the author also conducted research regarding the causes and factors why husbands only provide livelihood to secondary wives, by conducting interviews with husbands practicing such polygamy, as explained by Mr. B.M. as follows:

“dek karano bini kaduo apak alah siap ma agiah apak keturunan anak padusi dan lagian bini kaduo dari apak masih sangat mudo karano itu labiah butuh perhatian jo kasiah sayang dari apak dan labiah banyak waktu apak disinan lai. Dalam pembagian pitih balanjo yang namonyo bini duo tantu pitih balanjo dibagi pulo tapi dek karano bini kaduo apak sadang punyo anak ketek dan banyak kebutuhan mako apak labiahan ka bini mudo apak dulu. Kalau untuak tampek tingga atau rumah alah apak balian samo rato, kalau masalah pitih balanjo kadang iyo apak suruah etek untuak makai pitih inyo surang dulu sebab etek tu alah karajo” (Pak B.M, 16 November 2023).

(Because the second wife of my husband is ready to give my husband descendants, including the fact that the second wife of my husband is still very young and therefore needs more attention and affection from my husband and more time with him there. In the division of shopping money, as one who already has two wives, the shopping money is naturally divided. However, because the second wife of my husband currently has a small child and many needs, the father prioritizes the second wife first. As for housing or a home, my husband has already purchased fairly for both of his wives, and for shopping money for the first wife, sometimes the father asks her to use her own money because she is already working).

Interview conducted with Mr. M as a polygamous practitioner as follows:

“bini kaduo dari apak dulunya inyo adalah mantan apak dan kami dulu samo bahanji untuak sampai ka pernikahan dek ado kendala lain mako indak jadi kami manikah dulu do dan kini nyo alah carai samo laki nyo dan indak ado salah apak ambiak nyo sebagai bini kaduo apak. Dalam pembagian pitih balanjo kadang beda kebutuhan beda pulo pitih balanjo nyo dan beda pulo lah jumlah yang harus diagiah. Iyo patang tu apak suruah etek untuak minjam pitih untuak modal ladang tapi indak sadonyo untuak modal ladang labiahyo apak agiahan ka bini mudo dek karano inyo butuh pitih” (Pak M, 16 November 2023).

My second wife, she was previously my ex and we both agreed to marry, but due to other obstacles, we didn't proceed with the marriage. Now she is divorced from her husband, and there's no harm for me to take her as my second wife. In the division of shopping money, different needs result in different amounts given. Yes, yesterday I asked the first wife to

borrow money for field capital, but not all of it was for field capital; more was given to the second wife because she needed it

Interview conducted with Mr. N as a polygamous practitioner as follows:

"sabananyo kalau masalah sayang apak samo sayang tahadok keduonyo tapi karano bini kedu dari apak labiah ancak dan labiah manarik dan ciek lai apak alah lamo tertarik samo bini kedu apak ko akhirnyo apak amndapekan nyo juo kini. Dalam pambagian pitih balanjo karano apak alah punyo bini duo tantu piti balanjo tabagi, sasakali ado apak agiah kabini partamo apak pas-pasan uuntuak kapasa soalnya indak sampai piti tu uuntuak dibagian lai do yo tapaso mangalah salah surang dulu. Dalam masalah bamalam iyo kadang apak acok di rumah bini mud, iyo patang tu apak balian bini mudo apak cincin ameh itu pun pitinyo dari apak kumpuan surang." (Pak N, 20 November 2023).

(Actually, in terms of affection, I loves both equally, but the second wife of mine is more beautiful and more attractive, and I has been interested in the second wife for a long time, and now I have her as my second wife. In terms of the division of shopping money, since I already has two wives, the shopping money is divided. Occasionally, I give just enough to the first wife because the money is not enough to be shared equally, and inevitably, one of them has to give in. Regarding spending the night, yes, sometimes I often stay at the house of the second wife. Yes, yesterday I bought the second wife a gold ring, and that money came from my own savings)

Interview conducted with Mr. M.I as a polygamous practitioner as follows:

"kalau masalah adil sabananyo apak alah barusaho uuntuak adil, tapi karano bini kedu apak labiah pandai dalam melayani apak tantu banyak waktu apak kasinan lai dan labiah sanang hati apak disinan. Dalam pambagian pitih balanjo apak alah pulo barusaho uuntuak adil tapi karano perekonomian kini ko sadang sulik jadi sia yang paliang bana butuh pitih tu kasinan apak agiahan dulu. Iyo kadang apak setres dek karajo kan pas lo apak nio lalok di rumah bini partamo apak tantulah dengan hati indak lamak tu indak lamak pulo suasana dek nyo do, kalau sanang di rumah bini kedu tu dek karano inyo pandai dalam melayani apak. Masalah jua tanah, patang tu iyo dijua tanah nyo si A dengan persetujuan si A uuntuak pemenuhan kebutuhan sahari-hari samo biaya anak dan apak agiah pulo pitih tu ka bini kedu apak" (Pak M.I, 21 November 2023).

(Regarding fairness, the father has tried to be fair, but because the father's second wife is better at serving the father, naturally, the father spends more time with her and feels happier there. In terms of dividing the shopping money, the father has also tried to be fair, but because the current economic situation is difficult, whoever needs the money the most is the one the father gives it to first. Yes, sometimes the father gets stressed because of work, and when it's time for the father to go home to the first wife's house, the father doesn't feel happy and has many thoughts, so the atmosphere is not pleasant either. It's pleasant at the second wife's house because she is good at serving the father. Regarding the sale of land yesterday, yes, the land belonging to A was sold with A's consent to cover daily expenses and also the children's needs, and that money was also given to the father's second wife).

Interview conducted with Mr. W.A as a polygamous practitioner as follows:

"sabananyo kalau masalah nafkah apak alah barusaho uuntuak adil tapi karano ekonomi sulik kini ko kalau ado pitih tu apak duluan uuntuak bini kedu apak dek karano bini kedu apak labiah butuh, kalau uuntuak si F lai juo apak agiah tapi iyo jarang. Apak dek lai sayang tahadok keduonyo mako masih apak pertahankan keduonyo" (Pak W.A, 22 November 2023).

(Actually, regarding livelihood, the father has tried to be fair, but because the current economic situation is difficult, if there is money, the father prioritizes it for the second wife because the second wife needs it more. As for the first wife, the father also gives money but rarely. Because the father still cares for both, he continues to maintain both of them.)

Interview with Ninik Mamak as a traditional leader in Nagari Batu Balang, Harau District, Lima Puluh Kota Regency regarding polygamy, as follows:

"kalau masalah nafkah sajak awal kami memang indak tau manau dan itu urusan dari pasangan yang ingin manikah dan yang ingin punyo duo bini, kalau mereka sanggup untuak manikah dan sanggup untuak batangguang jawab dalam parnikahannya sah sajo kalau pernikahan tu tajadi. Kalau dari Niniak Mamak siapopun yang ingin poligami ataupun nikah siri disiko hanyo balaku dando, dando nyo barupo 6 (enam) karuang sak semen dibayia ka kantua wali nagari, jiko dando tasabuik indak dibayiakan mako pasangan yang malakukan parnikahan itu indak dipedulikan dek Niniak Mamak" (Dt, S, 26 November 2023).

(Regarding the matter of livelihood, from the beginning we really did not know at all and that is the business of the couples who want to get married and who want to have two wives. If they are capable of marriage and able to take responsibility for their marriage, then it is permissible if the marriage takes place. From the perspective of Ninik Mamak, anyone who wants to engage in an unregistered marriage (nikah siri) or polygamy here is only subject to a fine. The fine is in the form of 6 (six) sacks of cement to be paid to the Wali Nagari office. If the fine is not paid, then the couple who wants to marry will not be considered by Ninik Mamak).

Forms of livelihood provided by the polygamist to his unregistered wife (istri siri) based on the interview results, here is the explanation from Mr. B.M's unregistered wife (Mrs. E):

"nafkah atau pitih balanjo yang diagiah dek apak ka uni alhamduillah cukuik dek uni samo anak uni, yang uni tau apak samo-samo dibaliannya uni jo bini partamonyo rumah, kalau dalam soal bamalam kadang iyo acok apak disiko karano apak nio main samo anaknya".

(The livelihood or shopping money given by the father to the mother is, Alhamdulillah, sufficient for the mother and her child, and as far as the mother knows, the father bought houses for both her and his first wife. Regarding staying overnight, sometimes, yes, the father often stays here because he wants to spend time with his child)

Results of the interview with Mr. N's unregistered wife (istri siri), Mrs. S:

"untuak pitih balanjo lai rutin diagiah apak ka etek nyo, iyo patang tu apak dibalian nyo etek cincin ameh kato apak ka etek simpan sajo sebagai tabungan untuak kito bisuak. Kalau dalam nafkah bamalam etek lai acok juo mandapekan nyo dari apak nyo".

(For shopping money, the father routinely gives it to the mother. Yes, yesterday the father bought the mother a gold ring, saying that it should be kept as savings for us for the future. Regarding staying overnight, the mother often receives time from the father).

Results of the interview with Mr. W.A's unregistered wife (istri siri), Mrs. E:

"dalam pambagian piti balanjo yang diagiah dek apak ka etek lai mancukuikan nyo, iyo apak acok pulang karumah etek dan acok pulo bamalam dirumah etek".

(In terms of the shopping money given by the father, it is already sufficient for the mother. Yes, the father often comes home to the mother's house and frequently stays overnight at the mother's house as well)

The Issue of Livelihood for Legal Wives in Unregistered Polygamous Marriages (Poligami Siri) in Nagari Batu Balang, Harau District, Lima Puluh Kota Regency

Analysis from research conducted with practitioners of polygamy, it can be classified into several forms of issues regarding the maintenance of legally married wives who are polygamously

married in Nagari Batu Balang, Harau District, Lima Puluh Kota Regency, as follows. Husbands only provide maintenance to their second wives; the fair provision given is only housing, while financial maintenance (daily necessities) and spiritual maintenance from the husband are more focused on the second wife than on the legal wife. The husband spends more time with the second wife compared to the legal wife.

The legal wife is asked to borrow money to provide for the second wife; the husband rarely provides overnight maintenance to his legal wife, and for financial expenses, the husband is also unfair, often asking his legal wife to borrow money to give to his second wife. The husband buys jewelry for the second wife while the maintenance for the legal wife remains unfulfilled; overnight maintenance from the husband is also unfair, as he seldom sleeps with his legal wife, depriving her of her spiritual rights from him, and the husband prefers his second wife. The financial provision for daily expenses for the legal wife by the husband is insufficient while he buys jewelry for his second wife.

The husband sells the legal wife's land to provide for the second wife; the husband sells the legal wife's land, giving more money from the land sale to the second wife. The husband also seldom provides overnight maintenance to his legal wife because he is more focused on his second wife. The husband is more focused on the second wife; he prioritizes financial expenses for the second wife over the legal wife and often does not return home to his legal wife. From the various issues of maintenance faced by legally married wives in polygamous marriages through nikah siri in Nagari Batu Balang, Harau District, Lima Puluh Kota Regency, it is evident that fairness in providing maintenance by husbands, as required by Islamic teachings, is not properly upheld.

According to Surah An-Nisa verse 3:

وَإِنْ خِفْتُمْ أَلَا تُقْسِطُوا فِي الْيَتَمَّى فَإِنْ كِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَنِي وَثُلَّتْ وَرُبَّعَ طَفْلًا فَإِنْ خِفْتُمْ أَلَا تَعْدِلُوا فُوْحِدَةً أَوْ مَا مَلَكَتْ أَيْنُكُمْ هَذِلَكَ أَدْنَى أَلَا تَعْوُلُو

'And if you fear that you will not deal justly with the orphan girls, 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].'

The justice demanded in Surah An-Nisa verse 3 refers to material justice that is measurable, such as maintenance, nights spent together, and others (Wahbah Zuhaily, 246). Fairness among wives is a primary requirement in polygamy; if fairness cannot be ensured, then marry only one. Material ability must be possessed by a man who marries, especially one who wants to practice polygamy. Islam allows men to marry more than one wife under certain conditions, with possible benefits but also potential hardships for women (Elimartati, 2014). Fiqh scholars agree that the minimum maintenance to be provided should cover basic needs such as food, clothing, and shelter. This is also regulated in the Compilation of Islamic Law (HKI) in Article 80 paragraph (4). Based on Allah's command in Surah Al-Baqarah verse 233: 'And due to the wives is similar to what is expected of them, according to what is reasonable.'

The Hanafi group believes that religion does not specify the amount of maintenance. Husbands are obligated to provide sufficient maintenance to their wives, including food, meat, vegetables, fruits, olive oil, and samin, as well as all necessities needed in their daily life and according to common practice. Husbands are also obligated to provide both winter and summer clothing to their wives; the Hanafi group determines the amount of maintenance according to the husband's ability, whether rich or poor, regardless of the wife's condition (sayyid sabiq, 2006). Scholars also have different opinions regarding the determination of this maintenance amount. According to Imam Malik and Abu Hanifah, the amount of maintenance is not determined by Sharia provisions but by the circumstances of each husband and wife. This will vary depending on place, time, and situation; this opinion is also supported by Imam Hanbali (Muhammad Jawad Mughniyah, 2005)."

Causes and Factors of Husbands Providing Maintenance Only to Second Wives in Nagari Batu Balang, Harau District, Lima Puluh Kota Regency

In addition to the issues of maintenance faced by legally married wives in polygamous marriages, the author also found the reasons and factors why husbands provide maintenance only to their second wives, as follows: Mr. B.M prioritizes his second wife because she is ready to bear the desired female offspring, and his second wife, being younger, requires more attention and affection from Mr. B.M. Additionally, she needs more financial support due to higher expenses. Mr. M prioritizes his second wife because she was his former lover, and marrying her fulfills Mr. M's longtime dream since their courtship. Mr. N prioritizes his second wife because she is more attractive and has captivated Mr. N's interest for a long time. Mr. M.I prioritizes providing maintenance to his second wife because she is more adept at serving him, and Mr. M.I finds more happiness with his second wife. Mr. W.A prioritizes providing maintenance to his second wife because she requires more financial support than his first wife.

Based on the above, as explained in Surah An-Nisa verse 129: 'And you will never be able to be equal [in feeling] between wives, even if you should strive to do so. So do not incline completely [toward one] and leave another hanging. And if you amend [your affairs] and fear Allah - then indeed, Allah is ever Forgiving and Merciful.'

In verse 129 of Surah An-Nisa, Imam al-Qurtubi explains that husbands are not burdened to be emotionally equal, to favor one, to have intimate relations, or to give more attention to one of their wives. This means that husbands are not allowed to deliberately mistreat their wives. Husbands are obligated to provide equal maintenance (Mardani, 2011:87).

Allah explains that justice among wives is an impossible thing to establish. Therefore, husbands must strive their utmost to uphold it, as stated in Allah's words in Surah An-Nisa verse 129. Even though husbands want to be fair among their wives and give them equal treatment without favoring or diminishing one over the other, they will never be able to do so. The justice Allah imposes on husbands is according to their ability, with the condition that husbands try their utmost to uphold this justice. The greatest factor causing husbands to favor one of their wives is the natural inclination and affection of the heart, which cannot be controlled by anyone, and the natural influences cannot be controlled. For this reason, Allah gives leeway to husbands and explains that perfect justice cannot be achieved. Allah only reminds that if perfect justice cannot be established, husbands should not show too much favoritism to one wife they love and neglect the others (Elimartati, 2014).

Besides being fair in material maintenance, husbands must also be fair in emotional maintenance such as feelings of love and affection, and even in rotating time spent with their wives. Husbands must divide their nights equally among their wives. However, this is difficult to implement due to differences in appearance, physical attributes, and age among wives. This can affect the husband's level of desire, and this is highly doubtful. Thus, the fairness practiced by polygamous individuals is difficult to declare as fair (Mulia, 2004). Polygamous marriages that do not fulfill the essential conditions have significant impacts on household conditions and the social status of wives within society, subjecting wives to gossip and scrutiny from the community due to the perceived reasons for entering into polygamous marriages (Mulia, 2004).

Review of Islamic Family Law on the Issues of Maintenance for Legally Married Wives in Polygamous Marriages through Nikah Siri in Nagari Batu Balang, Harau District, Lima Puluh Kota Regency

The forms of issues regarding maintenance for legally married wives in polygamous marriages through Nikah Siri in Nagari Batu Balang, Harau District, Lima Puluh Kota Regency are as follows: husbands prioritize providing material (external) support to their second wives over their legally

married wives, such as insufficient daily expenses for their legally married wives, asking their legally married wives to incur debts to fulfill the maintenance of their second wives, buying jewelry for their second wives while neglecting the maintenance of their legally married wives, selling land owned by their legally married wives and giving the proceeds mostly to their second wives, unfairness in rotating overnight stays (emotional support) with their legally married wives, and husbands being more focused on their second wives.

Islamic Sharia permits polygamy with a limit of up to four wives and mandates fairness to them, whether in matters of food, clothing, shelter, and other material aspects, without distinguishing between wealthy or poor wives, high lineage or low status. If a husband fears injustice or is unable to fulfill all their rights, then he should refrain from polygamy (Abdurrahman Al-Ghazaly, 2006). As stated in Surah An-Nisa verse 3:

وَإِنْ خَفْتُمْ أَلَا تُقْسِطُوا فِي الْيَتَمَّى فَأُنْكِحُوْمَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَشْنَى وَثُلَّتْ وَرُبْعَةٌ فَإِنْ خَفْتُمْ أَلَا تَعْدِلُوا
فَوِلْحَدَةٌ أَوْ مَا مَلَكْتُ أَمْنِنْكُمْ ذَلِكَ أَدْنَى أَلَا تَعُولُوا

"And if you fear that you will not deal justly with the orphan girls, 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]."

The justice mandated by Allah in the above verse does not contradict the statement of Allah SWT in Surah An-Nisa verse 129, which states:

"You will never be able to be fair and just between women, even if it is your ardent desire, so do not incline too much to one [wife] so as to leave the other hanging [in suspense]."

If these verses seem to contradict each other regarding justice, verse 3 of Surah An-Nisa mandates justice, whereas verse 129 denies it. In essence, these verses do not contradict each other because what is demanded here is justice in external matters, not within the capability of humans. The justice denied in the above verse pertains to justice in matters of love and affection. In a hadith of the Prophet Muhammad (peace be upon him), it is narrated:

"The Messenger of Allah (peace be upon him) distributed and acted justly in his distribution, and he said, 'O Allah, this is my division to the best of my ability, so do not blame me for what You control and I do not.'"

According to some scholars, this hadith emphasizes the obligation to distribute provisions justly among free wives and disapproves of favoritism in dealing with them, meaning reducing their rights, but it is not prohibited to love one woman more than another, because matters of love are beyond one's control (Al-Asqalany: 227).

A husband may visit a wife who is not in her turn during the day just to drop off something or provide maintenance, but he must not engage in intimacy. At minimum, her turn is one night, and at most, three nights. It is not permissible to exceed three nights/days to avoid causing rivalry among the other wives. Because exceeding her turn beyond three days means usurping the rights of others, which amounts to disobedience. Siri marriage also has legal consequences arising from custom, namely a fine of 6 (six) sacks of cement worth IDR 420,000 (four hundred twenty thousand Indonesian Rupiah) in 2022. If this fine is not paid, the couple is disregarded by Ninik Mamak. This fine is paid to the Nagari Batu Balang village office to reconcile the relationship between the polygamous participant through siri marriage with Ninik Mamak. Over time, the total amount of this customary penalty changes in accordance with the current price of cement at the time of marriage and payment of the fine.

Conclusion

The nature of the issues concerning the maintenance of a legally married wife in polygamous marriages through Nikah Siri in Nagari Batu Balang, Harau District, Lima Puluh Kota Regency, includes: husbands prioritizing material (external) maintenance for their second wives over their legally married wives, such as failing to provide sufficient daily expenses for their legally married wives, asking their legally married wives to incur debts to fulfill the maintenance of their second wives, buying jewelry for their second wives while neglecting the maintenance of their legally married wives, selling land owned by their legally married wives and giving most of the proceeds to their second wives, being unfair in rotating overnight stays (emotional support) with their legally married wives, and focusing more on their second wives.

The causes and factors why husbands only provide maintenance to their second wives in Nagari Batu Balang, Harau District, Lima Puluh Kota Regency, are because the second wife can provide the desired female offspring, the second wife needs more attention and affection, the second wife is more beautiful and attractive, the second wife is better at serving the husband, and the second wife needs more spending money compared to the legally married wife.

A review of Islamic family law on the issues of maintenance for a legally married wife in polygamous marriages through Nikah Siri in Nagari Batu Balang, Harau District, Lima Puluh Kota Regency, shows that it is not in accordance with the rules of polygamy in Islam because the husband is not treating the wives fairly. Islamic Sharia sets the condition for polygamy that the husband must be able to treat the wives fairly, according to the man's capability. In other words, a man who practices polygamy must provide sufficient material and emotional support, treat all wives well, and ensure equal overnight stays in each wife's home. Islam allows a man to marry more than one wife because it carries benefits when done in accordance with the established rules, although it may also pose harm that could lead to suffering for women. In the practice of polygamy through Nikah Siri that occurs in Nagari Batu Balang, Harau District, Lima Puluh Kota Regency, the polygamist is not fair in providing maintenance to his wives.

References.

Al-Zuhayili, Wahbah. *Al-Fiqh al-Islam Wa Adillatuhu*. Juz.X. Suriah: Dar al-Fikri Damsyiq, 2002.

Elimartati, 2014. *Bunga Rampai Perkawinan Indonesia*. Batusangkar press.

Djubaedah, N. (2019). *Permohonan Isbath Nikah Poligami Siri*. hidayatullah.com.

Jawad Muhammad Jawad, *Fiqih Lima Mazhab*, Penerjemah Masykir A.B., Afif Muhammad, Idrus al-Kaff, (Jakarta: Lentera,2005) cet. Ke-XV.

Mardani. *Hukum Keluarga Islam Di Indonesia*. Jakarta: kencana 2017.

Mulia,s S. M. (2004). Islam Menggugat Poligami. Jakarta: Gramedia Pustaka Utama.

Rahman Abdul Ghazaly,2006. *Fiqih Munakahat* (Jakarta: Kencana,).

Muthiah Aulia, 2016, *Dinamika Seputar Hukum Keluarga*, Yogyakarta: Pustaka Baru Press.

Sabid, Sayyid. *Fiqih sunnah*. Alih bahasa oleh Moh. Thalib. Juz VII, (Bandung, PT, Al-Ma'arif, 1996.

Saprina Hilna Persadawati, 2022. *Akibat Hukum Perkawinan Poligami Siri Terhadap Hak Nafkah Istri dan Anak dalam Perspektif Hukum Islam*. Repository.unpas.ac.id.

Syarifudin Amir, *Hukum Perkawinan Islam di Indonesia*, hlm 165.

Shihab, Q. M. 2000. *Tafsir al-mishbah*. Ciputat penerbit lenta hati.