

Contesting Polygamy in Aceh: Legal Pluralism and the Politics of Islamic Family Law

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Abstract: The high rate of unregistered marriages and polygamy without official court permission in Aceh puts women and children in a particularly vulnerable legal position. Although the Aceh Government has made efforts to design the Family Law Qanun as an instrument of sharia-based local protection, the formulation of this regulation has been put on hold due to tensions between the aspirations of regional political autonomy and the dominance of national legal centralism. This study aims to analyse the dynamics of legal politics in the preparation of the draft Qanun of Family Law in Aceh with a legal pluralism approach. This study uses the social study of law and is analyzed with the approach of political configuration and Griffith's theory of legal pluralism. The results show that the deadlock in the ratification process of these regulations triggers strong legal pluralism at the grassroots level, so that the practice of illegal polygamy continues to spread and will perpetuate vulnerability for women and children. The contribution of this research expands the theory of legal pluralism through the concept of competitive legal pluralism, which arises from the failure of the state to codify local Islamic law.

Keywords: Polygamy; Family Law Qanun; Legal Pluralism; Aceh.

Introduction

The practice of polygamy has become one of the controversial topics in the debate on Islamic law and women's rights in Indonesia. Polygamy remains a contentious legal and social issue that continues to generate debate in many parts of the world, especially in countries where the majority of the population adheres to strong monogamous values (Sarib et al., 2024). This practice is often a meeting point between normative arguments based on religious texts, local cultural values and modern state regulations that carry the principles of gender justice and the protection of women's rights (Marcotte, 2001; Nurlaelawati, 2020; Wirastri & van Huis, 2021).

Aceh, as the only province that officially implements Islamic Sharia, when it ratified the Qanun of Family Law governing the issue of polygamy, has invited controversy (Marjan 2021). The government argued that the provisions contained in the Family Law Qanun aim to protect wives and increase family resilience. However, in Aceh, divorce cases are increasing, with a total of 5,562 in 2018, or about 13.11%. Along with that, the number of *sirri* marriages has also increased (Auliani et al., 2022). In Aceh, the phenomenon of polygamy continues, and it is even easy to find the public at the *gampong* or religious elite level who have more than one wife. In Langsa, for example, a former legislative leader, while still in office, had more than two wives, even though his young wives demanded divorce because his term of office had expired (Asror, 2012; Zuhrah et al., 2025).

This evidence suggests that polygamy has deep historical roots in Acehnese society. After the end of the conflict in Aceh and the tsunami disaster in 2004, the rate of polygamy was very high, although there are no statistics. This is because during the conflict, many people did not register their marriage with the Office of Religious Affairs. After the tsunami, many victims lost wives or husbands, so many men remarried. As the only province granted special autonomy to implement Islamic Sharia, Aceh is a unique

social laboratory for observing how polygamy is practised, regulated, and debated in a pluralistic modern legal state. The issue of polygamy in Aceh is significant not only because of Aceh's special autonomous status, but also because of the complex interplay between state law, Islamic law, and patriarchal norms that remain deeply embedded in society. In Aceh, the institutionalization of Islamic law and the strengthening of Islamic identity in the aftermath of the conflict and tsunami have contributed to the normalisation of polygamy, particularly among religious and political elites.

In Aceh, the institutionalization of Islamic law and the strengthening of Islamic identity in the aftermath of the conflict and tsunami have contributed to the normalization of polygamy, particularly among religious and political elites. Research by Ridwan et al. (2024) suggest that public perception of polygamy remains strongly influenced by conservative religious norms, and this is also reflected in the context of Aceh's stronger implementation of Islamic Sharia. The practice of polygamy in Aceh is also rampant in the form of illegal polygamy and the legalization of the practice through the *isbat nikah* mechanism. Alfitri et al. (2024) found that judges have legalized unregistered polygamy by ordering related parties to apply for the issuance of retroactive marriage certificates (*isbat nikah*). The proposed regulation of polygamy within the Qanun drew significant attention from policymakers, religious groups, women's organizations, and the wider public. One of the major criticisms of the draft Qanun is that, if enacted, Aceh would become the first province in Indonesia to legalize polygamy formally. Opponents contend that the Qanun could function as an instrument for legitimising and promoting the practice (Harahap et al., 2024). This Qanun will be a medium to promote polygamy.

The discourse on the legalization of polygamy through regional Qanun basically contains substance similar to Law Number 1 of 1974 concerning Marriage. Nevertheless, the draft Qanun introduces several provisions that are absent from existing legislation, such as the requirement to provide documentary evidence of the husband's financial capacity to support a polygamous marriage. Procedurally, applications for polygamy are submitted to the Sharia Court and must be supported by evidence indicating the wife's inability to perform certain marital duties (Andika et al., 2020).

The Family Law Qanun was proposed by the Aceh Legislative Council as part of the regional lawmaking process and reflects Aceh's distinctive authority in implementing Islamic law. From a legal and political perspective, the Qanun can be understood as a normative response to pressing social concerns, particularly the prevalence of unregistered polygamous marriages. Drawing on responsive legal theory, the Qanun functions not only as a regulatory framework but also as a mechanism for formalizing social practices that have historically operated beyond the reach of state institutions. This process demonstrates how local legal and political institutions attempt to reconcile the aspirations of Islamic law with the need to address social issues through formal legal regulation (Sukmana, 2023).

The Aceh Government and the Aceh People's Representative Council approved the draft Qanun in 2019, and it was administratively recorded as Aceh Qanun No. 14 of 2019 on Family Law. Although the Qanun was formally adopted at the regional level, the Ministry of Home Affairs did not issue the required registration number. As a result, the Qanun was not promulgated in the Aceh Regional Gazette and has therefore not entered into legal force. The delayed enactment of the Family Law Qanun extends beyond an administrative matter and reflects broader tensions among religious authority, local traditions, and state power within Indonesia's plural legal system. This issue raises several important questions: How was the Family Law Qanun formulated? How did political configurations influence the delay in its enactment? What are the implications of the absence of the Family Law Qanun for the practice of polygamy and for the protection of women and children in Aceh?

Polygamy in Aceh has attracted the attention of researchers. Muhammad Anzor (2012), Noval (2016), Juraida (2016), Atmaja (2019), and Pelu et al. (2024) have conducted research on polygamy in Aceh Province. Muhammad Anzor studied the practice of polygamy in Langsa, Aceh. Noval (2016) examines the views of North Aceh dayah scholars that the polygamy rules made by the government are contrary to Sharia law. Juraida (2016) researched a case of polygamy carried out by civil servants without the permission of the first wife in Banda Aceh. Atmaja (2019) wrote a thesis at UIN Jakarta about illegal polygamy in Banda Aceh, Indonesia, and Lahore, Pakistan: perspectives of Islamic law and positive law. Annisa, Teuku Yudi Afrizal, and T. Saifullah (2021) examined that in North Aceh, there are still husbands

who engage in unregistered polygamous marriages, which causes problems for wives and children born from the marriage, especially the rights of children in certain protections for them, including status, property, and affection. Pelu et al. examined the reform of Islamic law in Aceh, which legalized polygamy in the draft of the Family Qanun in Aceh.

Most studies of polygamy in Indonesia, particularly in Aceh, have been largely confined to normative and doctrinal analyses of Islamic law and state law, with a primary focus on the legal validity of polygamous marriage and its broader social implications (Nurnazli et al., 2024). By contrast, limited attention has been paid to the political dynamics underlying the formulation of legal policies, the responsiveness of the law to the socio-cultural conditions of Acehnese society, and the use of law as a mechanism of social engineering to achieve particular policy objectives (Darmoyo et al., 2024; Manan et al., 2024). This article examines the regulation of polygamy within the Aceh Family Law Qanun. It employs legal-political and legal pluralism approaches to analyze the formulation of polygamy policies in Aceh, which emerged through negotiations and compromises among competing ideological, political, and legal interests. The legal-political approach is used to explore how the Aceh Government and the Aceh People's Representative Council formulated a family law Qanun that sought to legitimize polygamy as part of the reinforcement of Islamic values, despite strong criticism from women's rights advocates and national legal scholars. This approach is particularly useful for understanding why certain legal provisions are adopted, which actors exercise the greatest influence in the policymaking process, and what political objectives these legal arrangements are intended to achieve.

The regulation of polygamy through the Family Law Qanun constitutes an important arena for examining the interplay between law, politics, and legal pluralism. Through the proposed Qanun, the state seeks to formalize and institutionalize Islamic norms within a legal framework that imposes administrative requirements, including court authorization, justice, and financial responsibility. At the same time, many members of the community continue to practice polygamy based on religious and customary legitimacy, which does not always correspond to state regulations.

Literature Review

Law in society is inseparable from political power, and both influence each other. Law is not only a neutral norm, but the result of interaction, negotiation and interest in society. Legal politics is the policy of state institutions that are authorized to set the desired regulations for society (Nasrullah, Wawan Andriawan, and Musawar 2024). According to Mahfud MD (2018), politics is the determinant of law, because law is a political product. The character, direction and legal material are largely determined by political configuration. Laws are not born out of a vacuum, but laws are made by legislative and government institutions, both of which are political institutions. Because law was not born out of a "vacuum," legal scholars in America are filled with traditional viewpoints, such as conceptualists or legal formalists, who believe that law and politics are two separate things. This paradigm was shattered by the currents of Realism in the 1920s and 1930s (Hutchinson et al., 1984). Realists argue that law is an instrument of policy. Therefore, the law is compiled as a tool of social engineering, and the formation of legal products is adjusted to the political goals of the rulers.

A growing critique of legal formalism has prompted scholars to examine law as a socially embedded phenomenon rather than an independent normative system. This approach is in line with the idea of living law and legal pluralism, where various normative orders coexist and interact in society. The evidence from Indonesia provided by Rosman et al (2025) illustrates this dynamic through the operation of customary institutions, where legal authority is constantly negotiated between customs, religions and the state. Their study highlights that public acceptance of legal decisions often depends more on moral legitimacy and social consensus than on the legality of the formal state alone. Burtly & Mattly (2015) look at the evolution of the peak in the study of legal politics. The study of law is not just the study of texts or social contexts. Using the theory of Neofunctionalism, European legal politics succeeded in creating an integration of law and politics, rather than the overt imposition of political law. Legal politics, in the view of

neofunctionalism, must be adaptive, reflective and able to integrate policies and social contexts in solving legal problems in society.

The evolution of the legal paradigm with a functionalist perspective leads to the question of how legal products are effectively regulated in the context of a society that has a plurality of laws. Mauro Zamponi, in his work "Legislative Policy and Effectiveness: A (Small) Contribution of Legal Theory" (2018) offers a theory of legal functionality and effectiveness. The preparation of legal products must follow the following three pillars: (1) ideal values/political goals in the form of abstract ideas, justice values, or political policies behind them. (2) Results (Legal Texts/Rule Products), e.g. Law or Qanun. Situation (Social/Community Situation), which is the sociological reality in which laws will be derived and practiced.

Legal rules should not be understood as fixed or purely state-driven instruments. Neither society passively accepts legal norms nor can state authorities impose them unilaterally. As Salim suggests, legal products are the result of ongoing contestation, negotiation, and political compromise among state actors, politicians, religious authorities, gender advocates, and local communities competing to shape the legal landscape (Salim, 2015). Legal negotiations are the result of a clash of rigid views of the law as a reflection of culture and local law as a dominance that sees pure law as a tool of coercion by the ruling elite.

Meanwhile, legal pluralism recognizes the existence of established legal systems (i.e. state laws, customs, and religions) that interact with each other (Essay, 2018). The concept of legal pluralism put forward by John Griffith is the interaction between the legal systems that apply in society. The view of legal pluralism is contrary to the centralistic legal system, which recognizes that only state law is valid (Benda-beckmann & Turner, 2019) Legal pluralism describes the ability of different types of laws to coexist within certain boundaries and exhibit semi-dependence on each other (Levni & Çelik, 2023)

Legal pluralism emerged as a response to the dominant thinking about centralism and legal positivism. The concept of law that only recognizes state law is centralism. According to Griffith, law is a single, integrated and exclusive hierarchical normative order that depends on state power. Legal centralism is a myth, an ideal, a claim and an illusion. While legal pluralism is a fact. Griffith further explained that there are two forms of legal pluralism, namely weak legal pluralism and strong legal pluralism. When various legal systems live in society, and the laws of the state are in a higher position, it is called weak legal pluralism. Other laws other than state laws, can be recognized if they receive legitimacy from the state. On the other hand, if the existence of various legal orders coexists equally without the dominance of one particular legal system over another, it is called strong legal pluralism (Griffiths, 1986).

The interaction among state law, customary law, and religious law frequently generates processes of negotiation, contestation, and accommodation. Weak legal pluralism occurs when the state recognizes non-state legal systems only insofar as they remain subordinate to state law, whereas strong legal pluralism allows non-state legal orders to operate with a greater degree of autonomy. In Aceh, legal pluralism has contributed to the coexistence and accommodation of state, customary, and Islamic law through formal legal recognition and the revitalization of customary institutions (Djawas et al., 2024). However, in the context of polygamy and child marriage in Aceh, legal pluralism gives rise to both contestation and accommodation among different legal systems (Budiman et al., 2025; Zainuddin et al., 2024) According to Geoffrey Swenson, legal pluralism can be grouped into four types, namely aggressive or contestant, competitive, cooperative, and complementary relationships, which serve to explain the variation in the pattern of relationships between state actors and non-state actors (Swenson, 2018a).

Method

This study adopts a socio-legal research approach that combines doctrinal legal analysis with empirical socio-legal investigation. The approach is particularly appropriate because polygamy in Aceh cannot be understood solely through the examination of legal texts, such as sharia regulations and national legislation, but must also be analyzed within its broader social, cultural, and political contexts. The study draws on both documentary and empirical data. Documentary sources include the Marriage Law, the Compilation of Islamic Law, and the draft Family Law Qanun of Aceh. Empirical data were collected

through semi-structured interviews with key stakeholders, including academics, representatives of the Aceh Ulema Consultative Council, officials from the Islamic Sharia Office, judges of the Aceh Sharia Court, members of the Legislative and Human Rights Agency, the Marriage Advisory, Guidance, and Preservation Council, members of the Aceh People's Representative Council, officials from local Religious Affairs Offices, and participants in focus group discussions.

Results and Discussion

The Politics of Law in Aceh's Family Law Qanun: Between Special Autonomy and Family Protection

Throughout its history, Acehnese society has regarded Islamic law as an important foundation of social and religious life. The long-standing observance and practice of Islamic law have shaped Aceh's Islamic social order, cultural traditions, and customary institutions. Rasyid (2001) argues that these traditions emerged from the *ijtihad* of religious scholars and were subsequently practiced, developed, and preserved by the community. At the same time, Aceh is widely considered to possess the authority to regulate religion-based family matters because of its special autonomous status. Under Law No. 11 of 2006 on the Government of Aceh, the province is granted the authority to enact regulations based on Islamic law as a form of *lex specialist*. Consequently, the legal arrangements adopted in Aceh cannot necessarily be replicated in other provinces, which do not enjoy the same degree of special autonomy.

An important question concerns why Aceh has sought to regulate polygamy through a separate Qanun, despite the existence of detailed provisions on polygamy in Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law. Several considerations help explain the perceived need for the Family Law Qanun.

First, according to the Deputy Chair of Commission VII of the Aceh People's Representative Council (DPRA), the Qanun was drafted primarily to strengthen the protection of women's and children's rights (personal interview, 2021). Both the Aceh Government and the DPRA have consistently maintained that the proposed Qanun is intended to provide greater legal protection for wives and children. The enactment of the Qanun is also expected to reduce divorce rates associated with unregulated marital practices. Information obtained from interviews and focus group discussions indicates that the annual divorce rate in Aceh ranges from approximately 11 to 13 per cent, representing around 4,000 divorces each year out of more than 45,000 registered marriages. A substantial proportion of these cases involve divorce petitions initiated by wives.

Second, as part of broader efforts to strengthen family resilience and reduce the incidence of divorce and unregistered polygamy, the Aceh Government issued a Governor Regulation on Premarital Education and Post-Marital Guidance in 2016. Although the regulation has been implemented throughout the province, its contribution to reducing divorce and unregistered polygamous marriages appears to have been limited (Djawas et al., 2022). According to several interviewees, the implementation of premarital and post-marital counselling programs has been ineffective because these initiatives lack a Qanun that serves as their legal foundation (interviews with TRW and AGI).

Third, the enactment of the Family Law Qanun is widely regarded as both a legal necessity and an institutional mandate. The Qanun is considered essential for providing a substantive legal basis for the Aceh Sharia Court in adjudicating family law cases. Furthermore, its enactment is viewed as an important component of the implementation of Islamic law in Aceh, one that is responsive to the needs and social dynamics of Acehnese society (interview with SYL).

Fourth, the proposed Qanun is also intended to reduce the incidence of early marriage, which remains prevalent in several communities in Aceh. This objective is explicitly reflected in the rationale underlying the Family Law Qanun and was also emphasized by interview participants (personal interview with AGH).

The drafting of the Aceh Family Law Qanun began with the preparation of an academic manuscript and a draft Qanun by the Aceh Islamic Sharia Office in collaboration with the Center for Law and Government Studies (PSHP) in Lhokseumawe. This initiative stemmed from a legal study on the practice and regulation of family law in Aceh. The study resulted in a comprehensive report entitled *Preparation of*

the Academic Manuscript and Draft Family Law Qanun, which was produced under a cooperation agreement between the two institutions in 2016. The collaboration was formalized through Cooperation Agreement No. 070/0775/2016 issued by the Islamic Sharia Office and No. 03/VI/PSHP/2016 issued by PSHP. The findings of the study and the academic manuscript subsequently served as the basis for the official draft of the Aceh Family Law Qanun (interview with NUI).

Following a series of internal consultations and institutional reviews, the academic manuscript and the draft Qanun were formally submitted by the Aceh Islamic Sharia Office. According to official records, deliberations on the draft Qanun lasted approximately four months, beginning in May 2019 and concluding with its approval at the plenary session of the Aceh People's Representative Council (DPRA) on 27 September 2019, corresponding to 27 Muharram 1441 AH.

The Dilemma of Regulating Polygamy in the Aceh Family Law Qanun

In the context of the proposed Family Law Qanun, the regulation of polygamy in Aceh has generated considerable controversy and stimulated extensive public debate. The renewed debate over the legalization of polygamy in Aceh, which has attracted both support and opposition, cannot be separated from Aceh's status as a special autonomous region endowed with broad authority to implement Islamic law. This distinctive status has enabled the formalization of Islamic law through regional legislation known as Qanun. The inclusion of polygamy provisions in the Family Law Qanun has attracted significant public attention. Critics have argued that, if enacted, the draft Qanun would make Aceh the first province in Indonesia to formally legalize polygamy and could serve as a mechanism for legitimizing and normalizing the practice. A headline published by *Serambi Indonesia* in (2019) entitled "*Aceh Legalizes Polygamy*," generated considerable public reaction, including the view that "marriage and polygamy are both susceptible to injustice and cannot be regarded as solutions to other social problems." The proposal to regulate polygamy was incorporated into the 2018 Regional Legislative Program and subsequently deliberated by Commission VII of the Aceh People's Representative Council (DPRA).

Although the objectives and anticipated benefits of the Aceh Family Law Qanun have generally been viewed positively, its enactment has encountered significant obstacles in the legislative process. From the perspective of legal politics, the formulation and enactment of legislation, including Qanun, are inevitably shaped by the surrounding political configuration. Politically, the deliberation of the draft Qanun provisions on polygamy encountered relatively little opposition. All factions within the Aceh People's Representative Council (DPRA) expressed support for the inclusion of polygamy provisions in the Family Law Qanun, which was subsequently approved during a plenary session of the DPRA. This support was further reinforced by the endorsement of the Aceh Ulema Consultative Assembly (personal interview with TAR).

According to the Chair of the Ulema Consultative Assembly, Acehese religious scholars supported the government's proposal to regulate polygamy through the Family Law Qanun. They argued that legal recognition of polygamy could reduce the prevalence of unregistered marriages, including informal or *sirri* polygamous marriages, which continue to occur in Aceh. Such marriages are frequently conducted privately and outside the official marriage registration system, often under the supervision of an unofficial *penghulu* or *qadi* who operates beyond the authority of state institutions (Hafidzi et al., 2022; Ramli et al., 2024). Such practices give rise to significant legal and administrative concerns because marriages are conducted beyond the supervision of state institutions. This situation frequently places women at a disadvantage and creates legal uncertainty with respect to marital status, the legal recognition of children, inheritance rights, and family protection (Nashrullah et al., 2025; Zainuri et al., 2023). These scholars argue that formal legal regulation would enhance legal certainty and ensure greater protection of the rights of all parties involved.

During the public hearing sessions, no participants expressed opposition to the proposed Qanun. According to Stephen Laws, this stage represents the transformation of policy from the political arena into a legal process. Such a process constitutes an essential component of effective lawmaking, as legislation ultimately shapes and influences everyday social life (Laws, 2013). In contrast, opposition to the proposed Qanun primarily came from women's rights activists and non-governmental organizations, many of

whom did not participate in the public hearing sessions. Their objections were largely grounded in concerns related to human rights and gender equality. For example, women's rights activist Azharul Husna argued that the regulation of polygamy does not constitute an urgent legal necessity, as the relevant provisions have already been accommodated within the national Marriage Law.

According to this view, the high rate of divorce in Aceh is more closely associated with domestic violence and economic hardship. Consequently, the government should prioritize regulations that directly address these social problems rather than introducing additional legal provisions on polygamy (Farizi, 2019). Meanwhile, the National Commission on Anti-Violence against Women (Komnas Perempuan) rejects this discourse, because this qanun tends to reveal a patriarchal point of view. This discourse only benefits men who have the freedom to marry more than one woman (Sarina, 2019).

The regulation of polygamy within the Qanun remains a source of ongoing legal and political debate. On the one hand, it may enhance legal certainty and state oversight; on the other, it may generate social controversy and deepen existing tensions over gender, religion, and family law (Ritonga et al., 2025). Polygamy is seen as one of the social problems, but the practice of polygamy still gains legal space, even with certain requirements regulated by the state (Yusmita, 2023).

Naqiyah et al. (2025) states that polygamy arrangements are designed to protect the interests of Muslim families. Ironically, however, in some Muslim countries, polygamy is widely rejected because it is associated with triggering domestic violence. In legal politics, the dilemma of regulating polygamy reflects the existence of negotiations between the state, Islamic law and the people of Aceh. Aceh has a special autonomy status in the implementation of Islamic Sharia. This authority provides space for local governments to draft regulations that reflect the Islamic values that live in the community or delegated legislative authority. For local governments, the presence of the Family Law Qanun is a form of formalization of Islamic Sharia and will provide legal certainty to reduce the practice of polygamy, reduce the rate of divorce and chain marriage, and provide legal protection to women and children. For scholars and supporters of Islamic Sharia, Qanun has the power of religious legitimacy because it is in accordance with Islamic Sharia. Meanwhile, groups that explicitly oppose the legalization of polygamy view that the Qanun will strengthen the practice of polygamy, which has been a source of gender injustice.

he concerns raised by women's rights activists, including the National Commission on Violence Against Women, may not fully take into account the regulatory function of the proposed Family Law Qanun. As noted by M. Atho' Mudzhar (1993) the formal regulation of polygamy shifts the assessment of eligibility for polygamous marriage from the discretion of the individual husband to the authority of a judicial panel within the Sharia Court.

In this context, the panel of judges is responsible for determining whether an applicant satisfies the legal requirements for entering into a polygamous marriage. Such assessments may include considerations of the husband's physical and mental capacity, financial ability, and capacity to ensure equitable treatment among family members. From this perspective, the enactment of the Family Law Qanun is considered important as a *lex specialis* that reinforces and supplements the existing provisions on polygamy contained in the Marriage Law and the Compilation of Islamic Law.

Legal Vacuums and Legal Pluralism in the Regulation of Polygamy

From a legal and political perspective, the Family Law Qanun is expected to be a normative instrument that strengthens the implementation of the Marriage Law and the Compilation of Islamic Law, especially in regulating the practice of polygamy at the local level. The regulation plays a strategic role in enhancing legal certainty while strengthening mechanisms for the protection of women and children, who often find themselves in vulnerable situations as a result of unregistered marriages, unauthorized polygamous unions, and weak enforcement of family law. According to Mauro Zamboni, the protection of women and children serves not only as a means of social regulation but also as an instrument for achieving broader social objectives that are considered essential and valuable to society. Consequently, the protection of women and children should constitute one of the fundamental principles underlying the formulation of the Family Law Qanun. Wintgens (2017) emphasised that law is a rational response of the state to the needs and problems that develop in society. Therefore, the existence of the Family Law Qanun

must be designed to answer various concrete problems that arise in the practice of polygamy in Aceh, such as the prevalence of serial marriages, unregistered polygamy, high divorce rates, and weak legal protection for wives and children. In addition to having a political and sociological basis, the establishment of the Qanun of Family Law also derives normative legitimacy from the principle of *maqāsid al-sharī'ah*, which places the protection of the soul, descent, honour, and family rights as the main goal of Islamic Law.

However, the dynamics of the preparation of the Family Law Qanun show that there is a tension between local political aspirations and the principle of national legal harmonization. This situation indicates that the relationship between state law and Islamic law continues to face challenges in practice (Faiz & Izzuddin, 2022), especially in determining the limits of authority, legitimacy, and enforceability of legal norms. Substantively, the design of the qanun seems to have been built in a strong political atmosphere to affirm the identity of Aceh as a region that has specificity in the implementation of Islamic Sharia.

This symbolic and emotional-political nuance makes the qanun not only positioned as a legal instrument, but also as a representation of Aceh's sharia autonomy and political identity. However, this orientation in some parts ignores the basic principles in the technique of forming laws and regulations, especially the principle of harmony and synchronization with regulations that have the same or a higher position in the national legal hierarchy. This condition shows that the legislative process is not only influenced by juridical considerations, but also by political configuration, religious identity and power relations between the Aceh Government and the Central Government. From a legal and political perspective, the tug-of-war is one of the factors that explains why, until now, the Family Law Qanun has not been definitively ratified, thus creating a regulatory vacuum that has an impact on strengthening legal pluralism in the practice of polygamy in Acehnese society. In order for this qanun to be effective and factual to be implemented, the Aceh Regional Leadership, together with the DPRD, must immediately sit together with the Ministry of Home Affairs to discuss and find solutions to several problems that are still obstacles.

This regulatory vacuum in Griffith's perspective shows that Aceh's special autonomy is forced to operate within the framework of *weak legal pluralism*. The State (Central Government) rejects independent normative plurality. The center uses a form of legal centralism to assert that the *results* (the text of the regional law) should not go out of the corridor of national legal uniformity, even though Aceh has the status of a special region. When the Family Law Qanun failed to be used as a legal basis, the practice of illegal polygamy and *sirri* marriage continued to spread in Acehnese society. At the grassroots level (situation), the community turned to informal institutions, such as *sirri* marriage under hand or settlement through *the Gampong* device, as emphasized by Zainuddin et al. (2024) that Gampong customary institutions are often more effective and considered more sacred than state courts. In Aceh Tamiang, for example, the resolution of family law problems, through customary institutions, is seen as having a normative foundation in Islamic Sharia. For the Langsa Community, resolving legal problems through *Gampong* customary institutions is faster, easier and more sacred. Meanwhile, the resolution of legal issues through the Sharia Court usually takes a long time, and the submission process also takes time (Muhazir et al., 2024)

The resolution of family disputes at the *Gampong* level is in line with the principle of *al-sulh* which is the mechanism for legal settlement in Islam. The settlement of legal problems customarily from the perspective of legal pluralism is seen not only to obtain social and juridical legitimacy, but also to have religious legitimacy. Customs and Islam for the people of Aceh have a close relationship that is likened to the relationship of substances and properties that cannot be separated (Ramli, 2024). This is a tangible form of strong legal pluralism in Griffith's view, in which religious and customary laws continue to guide the behavior of society independently beyond the administrative control of the state. Aceh's special autonomy, which is an asymmetrical (Mukhlis et al., 2026) has implemented Islamic law as part of local cultural identity. Legal contestation in the regulation of polygamy in Aceh causes state law, Islamic law and customary law to interact and compete in determining the legitimacy of family law.

Conclusion

This study shows that the regulation of polygamy in the Qanun of Aceh Family Law is an effort to strengthen the governance of Islamic family law and fill the existing regulatory gap at the regional level within the framework of Aceh's special autonomous status. However, the arrangement has generated considerable controversy that reflects the dynamics of legal politics and legal pluralism that is developing in Aceh. Scholars, traditional leaders, academics, legislators, and local governments generally support the regulation of polygamy in Qanun because it is seen as providing legal certainty, strengthening the application of Islamic Sharia, and improving the protection of women and children through stricter monitoring mechanisms. On the other hand, women's activists and the National Commission on Anti-Violence against Women (Komnas Perempuan) rejected the arrangement because it was considered to have the potential to cause normative inconsistencies with national laws, especially the Marriage Law, and risked reproducing gender inequality if it was not accompanied by effective instruments to protect women's rights.

The debate surrounding the Family Law Qanun demonstrated that the state's efforts to regulate polygamy through formal legal mechanisms are often confronted with the strong social legitimacy of religious and customary norms that remain a reference for society. From the perspective of legal pluralism, the relationship between these normative systems does not occur in harmony, but is characterized by a continuous process of negotiation, competition and the struggle for legitimacy. Theoretically, this study develops the concept of competitive legal pluralism, which explains that granting sharia legislative autonomy to Aceh does not eliminate the dominance of state law but rather creates new space for contestation between various legal authorities. As long as the central government adheres to a model of weak legal pluralism based on rigid legal unification and disregards the autonomous authority of informal Islamic law and *Gampong* customary institutions in Acehnese society, legal vacuums will continue to strengthen informal legal orders. Consequently, women and children will remain particularly vulnerable to legal uncertainty and inadequate protection.

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Conflict of Interest

The researcher declares that this research has no relationship or involvement with any organization that could give rise to a financial interest, such as honoraria, grants, consultancies, stock ownership, or other professional collaborations. This statement is made truthfully and with complete understanding.

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