Polyandry in the Framework of Islam and Sociology: An Examination of Realities and Social Values

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Abstract: *This study will discuss the phenomenon of polyandry in Nagari Paninggahan, Junjung Sirih District, Solok Regency. With the type of field research and using interview and documentation methods, this study will discuss the factors that cause perpetrators to commit polyandry, the reasons for guardians to marry off daughters who still have husbands and the impact of polyandry on social life. The results of this study found that there are two factors that cause the perpetrator to commit polyandry; namely: internal factors and external factors. The internal factors are: first, low understanding of religion and education, second, household disharmony and third, age. While external factors; first, economic problems. Second, long-distance relationship between husband and wife. Third, the influence of social media. The next finding is that there are three reasons why guardians marry off daughters who are still married. First, to improve the economy of children and grandchildren. Second, the daughter was pregnant outside of marriage with another man who was not her husband. Third, the guardian is forced to marry off his daughter. The final finding is that there are three impacts of polyandry on community life, namely: First, the bad view of the community towards the polyandrous perpetrators and their families. Second, the good name of the place where they live is tarnished. Third, the damage to the children's education and their future.*
Keywords: *Polyandry, Muslim Society, Islamic Marriage Law*

Introduction

*T*he practice of polyandry is prevalent in Indonesian society today. Quoting news from Suara.com, 5% of divorce cases that occur in Indonesia are caused by polyandry and family intervention, 90% due to the economy and another 5% occur due to disputes or quarrels (Kusmardani et al., 2022). Polyandry also occurs in Nagari Paninggahan, Junjung Sirih District, Solok Regency, based on an initial survey, three cases of polyandry were obtained, two of which occurred in Jorong Parumahan and one occurred in Jorong Subarang. The case of polyandry in Jorong Parumahan is that there is a woman who is married and still in a legal marriage who remarries with another man. The marriage of the two women was carried out when her husband went to earn a living overseas and was carried out by sirri or commonly referred to as underhand marriage. As for the case that occurred in Jorong Subarang where there was a married couple who were arguing then each of the couples went to their parents' house, without any clarity about their divorce, the wife remarried another man and the marriage of the two women was also carried out by sirri.

The study of polyandry has been studied by previous researchers, from previous research it can be grouped into five parts, the first examines polyandry based on the law of polyandry such as research on the law of polyandry based on the Al-Quran and Hadith (Ernayanti, 2018) and the legal consequences of the practice of polyandry (Amin, 2018), (Hayati, 2018); the second examines polyandry based on

psychological review (Karimah, 2018), (Lubis, 2020); the third examines polyandry from an anthropological review (Khu, 2017), the fourth examines polyandry in terms of its implementation, namely polyandry carried out secretly or nikah sirri (Abbas & Mutia, 2019), (Rizqiyah, 2022) and the fifth examines polyandry in terms of population administration (Maswandi, 2020). None of these studies have examined polyandry from the perspective of Islamic marriage law in Indonesia, especially regarding the principle of monogamy.

This study tries to look at a different side from previous studies on the practice of polyandry that occurs in Indonesian society. Thus, this study will answer questions about the factors that cause the perpetrator to commit polyandry, the reasons for the guardian to marry off a daughter who still has a husband and the impact of polyandry on social life that occurs in Nagari Paninggahan, Junjung Sirih District, Solok Regency which is studied from the perspective of Islamic marriage law in Indonesia. Research on polyandry from the perspective of Islamic marriage law in Indonesia is important considering that there is no research that discusses this and the practice of polyandry is clearly prohibited in Islam and the law is haram, but there are still polyandry practices occurring in society.

Literature Review

Polyandry

Polyandry comes from the Greek language which consists of two words, namely polus and aner. Polus means many while aner means negative and andros is male (Aini, 2020). Polyandry in terms is a condition where a woman has more than one husband at a time (Ajidarma, 2017). Akbar Nur Aziz in his writing quoted Ali Husein's opinion that polyandry is a condition when a wife (woman) at the same time has more than one husband where the woman marries a second time without breaking the bond of the first marriage (Aziz et al., 2023). The scholars have agreed that polyandry is haram. A woman who has been married is prohibited from marrying another man before the previous marriage is terminated or divorced, and the woman has completed her iddah period (Hayati, 2018). The prohibition of polyandry contains benefits as determined by sharia. If polyandry is allowed, it will cause dharuriyah harms related to the preservation of offspring *(hifz al-nasl)* will be threatened (Aini, 2020).

According to the Law on Marriage No. 16 of 2019 amending Law No. 1 of 1974 explains that one of the principles of marriage in Indonesia is monogamy, namely a husband only has one wife and a wife only has one husband (Perkawinan, 2019). All forms of marriage that contradict the principle of monogamy are prohibited, as long as there are no exceptions in the applicable positive law. Article 9 of the Law on Marriage states that "A person who is still in a marriage relationship with another person cannot remarry, except in the cases mentioned in Article 3 paragraph 2 and Article 4 of this Law" (Samin, 2016). Thus, it can be concluded that a woman who is still in a marriage cannot remarry another man unless the marriage is broken and the woman has completed her iddah period.

Nikah Sirri (Unregistered Marriage)

There are two definitions of nikah sirri that have developed in the community. First, nikah sirri is a marriage that is carried out as usual, but the marriage is not registered with the Office of Religious Affairs. The conditions and pillars of marriage are fulfilled as stipulated in religious law. Second, nikah sirri is a marriage that is actually carried out in secret without a clear guardian and witness, and there is no walimah which functions to announce the marriage (Syafrudin, 2015). Another definition of nikah sirri is also given by A. Mukri Arto (2015) who says that nikah sirri is a marriage that fulfills the provisions of Islamic law materially in accordance with article 2 paragraph (1) of Law No. 1 of 1974 but does not fulfill the provisions regarding marriage registration as a formal requirement stipulated in article 2 paragraph (2) of Law No. 1 of 1974.

Yusuf Qordhowi, one of the leading contemporary Muslim experts in the Islamic world, argues that nikah sirri is valid as long as there is ijab, qabul and witnesses in the marriage (Fauzi, 2018). Some scholars consider that nikah sirri is legalized as long as the pillars and conditions of marriage determined by religion

are fulfilled. Because Islam does not require registration in marriage. Another opinion was expressed by M. Quraish Shihab that nikah sirri (secret) is not justified by religion. Marriages like this are also not justified by the existing marriage law in Indonesia (Ratnawaty, 2015). Marriage can only be said to be valid if the conditions and pillars of marriage have been fulfilled. In this regard, the Prophet Sallallahu 'alaihi wasallam recommended that married couples hold a party (walimah) even if they only invite a few people and eat a goat (Sulistiani, 2018).

Mashlahah

According to its general understanding, mashlahah is anything that is beneficial to humans, in this case it includes the meaning of producing or obtaining such as producing profit or pleasure or in the sense of rejecting or avoiding such as rejecting damage or harm (Zuhdi & Abdun Nasir, 2024). It can be concluded that mashlahah is something that is considered good by human reason because it brings benefits and rejects harm in line with the objectives of Shara' in determining a law (Pelu et al., 2024).

In terms of the existence of mashlahah according to Shara' is divided into three. *First*, Mashlahah al-mu'tabarah, namely the benefits recognized and taken into account by Shari'. The point is that this benefit is recognized by human reason and supported by arguments that show that something is a benefit (Kashim et al., 2018). *Second*, Mashlahah al-mulghah, which is a benefit that is considered good by human reason, but is not considered by Shara' and there is even a hint of rejection of this benefit. The point is that this benefit is considered good by human reason and is in line with the objectives of shara', but in determining the law, shara' states something different from what is demanded by this benefit (Syarifuddin, 2011). *Third,* Mashlahah al-mursalah, which is a benefit that is considered good by human reason, and in line with the objectives of Shara' in determining the law, but there is no Shara' guidance that takes into account this benefit or rejects it (Atsar & Izuddin, 2019).

Maqashid Shari'ah

Maqashid Shari'ah in the definition of the term does not exist specifically made by scholars of ushul fiqh. However, al-Syathibi revealed about shari'ah and also its function for humans contained in the book al-Muwafaqat "Verily the Shari'ah was established for the purpose of establishing or realizing human benefit in this world and the hereafter". "The laws are enacted for the benefit of servants" (Nabilah et al., 2021). Quoting the opinion of Nawir Muslim, some scholars have defined maqashid shari'ah in general, namely the benefit for humans to maintain dharuriyat needs and perfect the needs of hajiyat and tahsiniyat (Nabilah et al., 2024).

There are three levels of Maqashid Shari'ah (Octavia et al., 2023). First dharuriyyah, dharuriyyah needs are also called primary needs, namely needs that must exist. If this need does not exist, human safety will be threatened both in this world and in the hereafter. According to al-Syatibi (Kurniawan & Hudafi, 2021) there are five kinds of dharuriyyah or primary needs, namely: maintaining religion, maintaining the soul, maintaining reason, maintaining honor or offspring and maintaining property. Second, hajiyyah, hajiyyah needs are secondary needs, which if these needs are not realized do not threaten human safety both in this world and in the hereafter, but the non-realization of these secondary needs will cause difficulties. Third tahsiniyyah, tahsiniyyah needs are also called tertiary needs, namely complementary needs, which if these needs are not met do not threaten the existence of the five basic needs previously described and do not cause difficulties (Nabilah & Hayah, 2022).

Sociology of Marriage

The sociology of marriage is a branch of science that explores various aspects related to marriage in society. In this study, sociologists not only pay attention to marriage as a phenomenon between two individuals, but also pay attention to marriage as a social phenomenon which has a broad impact on social structures, norms and values in society. One aspect that is the focus in the sociology of marriage is the

structure of marriage itself, this includes all types or models of marriage that exist in various cultures in society itself in the form of monogamy, polygamy and others (Mashuri, 2023). In this case sociologists study how this structure is influenced by cultural values, religion and economic factors in a particular society.

Method

This research is field research with a qualitative approach. The primary data sources in this study are three polyandrous perpetrators and three polyandrous marriage guardians. The secondary data sources are the surrounding community where the polyandry perpetrator lives, here the researcher interviews five people, the second husband of the polyandry perpetrator, the polyandry perpetrator's marriage witness, and the marriage book of the polyandry perpetrator. The data collection techniques used in this research are interviews and documentation. The data analysis techniques used in this research are data reduction, data presentation and conclusion drawing. The data validity assurance technique used is data source triangulation.

Results

Factors Causing the Perpetrator to Commit Polyandry (Internal And External Factors)

Several factors contribute to the perpetrator's decision to commit polyandry. Internally, one significant cause is a weak understanding of religion and low education. This manifests in the absence of a husband guiding his wife in matters of worship, the wife's ignorance about the laws surrounding polyandry, divorce, and social boundaries with other men after marriage. Additionally, a lack of household harmony plays a critical role. This includes insufficient emotional support from the husband, poor communication between the couple, the wife's uncertainty about the husband's whereabouts, and frequent arguments within the household. Another influencing factor is age, as young women in polyandrous relationships are sometimes married to much older men, which may contribute to the situation.

External factors also play a significant role in driving individuals to commit polyandry. One major factor is economic hardship, which can push perpetrators to seek out polyandry as a solution. This often arises when a husband fails to provide adequate financial support, the couple is burdened by debt, or the husband struggles to find stable employment to meet the family's needs. Another contributing factor is a long-distance relationship between husband and wife, which becomes common when the husband is working overseas. The physical separation and infrequent communication between the couple may lead to the wife seeking other relationships. Lastly, social media plays a crucial role, as some individuals are influenced by content on platforms that contradict religious beliefs. This content often depicts women with multiple partners, which may normalize such behavior for those who follow it.

Reasons for the Guardian to Marry off a Daughter Who Still Has a Husband

There are several reasons why a guardian might decide to marry off a daughter who is still married to another man. One primary reason is to improve the economic situation of the daughter and her children. The guardian believes that remarrying could offer her a better life, providing financial stability and security for her family. Another reason is when the daughter becomes pregnant out of wedlock by another man, which often leads the guardian to believe that marrying her to the man responsible for the pregnancy is the only viable solution. Lastly, there are situations where the guardian is forced to marry off the daughter due to pressure or threats. In some cases, the daughter might insist on remarrying, threatening to engage in undesirable actions if her wishes are not fulfilled, which compels the guardian to comply.

Impact of Polyandry on Social Life

The practice of polyandry has several significant impacts on social life. One of the most noticeable effects is the negative public perception of both the perpetrators and their families. Individuals involved in polyandry, along with their relatives, often face insults and derogatory comments from the community, and people tend to avoid interacting with them or acknowledging them in social settings. Another impact is the tarnishing of the reputation of the perpetrator's place of residence and education. The community begins to gossip about the area where the perpetrator lives, with concerns that their children may be influenced by such behavior, especially if they attend the same school where the perpetrator was educated. Lastly, the future of the children of polyandrous families can be adversely affected. As the parents' relationship dynamics change, the children's behavior and attitudes may shift. The surrounding community may also treat them differently, leading to feelings of indifference and a lack of motivation to prepare for their own futures.

Discussion

Factors Causing the Perpetrator to Commit Polyandry

Research has identified six primary factors contributing to polyandrous marriages: low levels of religious knowledge and education, strained household relationships, age, economic challenges, long-distance relationships between spouses, and the influence of social media. These factors are categorized into main and supporting causes. The primary cause is the first husband's inability to meet his wife's physical and emotional needs. A supporting factor is the second husband's willingness to continue the marriage despite knowing his wife's marital status. Islamic teachings prohibit a wife who is still in a valid marriage from remarrying another man without first divorcing her current husband and completing the iddah (waiting) period. This prohibition is explicitly stated by Allah Ta'ala in Surah An-Nisa' (4:24). The verse clearly prohibits polyandrous marriages, as a woman in a valid marital bond is under the protection of her husband, making it impermissible for anyone else to enter into that relationship. This prohibition is further reinforced by the teachings of the Prophet Muhammad (peace be upon him) in his hadith.

According to Indonesia's Marriage Law No. 16 of 2019, which amends Law No. 1 of 1974, monogamy is established as a fundamental principle of marriage. Article 3, paragraph 1, specifies that a wife is to have one husband and a husband one wife. However, this principle is not absolute. An exception allows a husband to have up to four wives, provided he fulfills the legal requirements, a practice referred to as polygamy. From the perspective of Islamic legal philosophy, one division of maqashid sharia is *hifzh al-'aql*—the protection of the mind. At the *hajjiyah* (essential needs) level, individuals are encouraged to seek knowledge, especially religious knowledge, to distinguish between right and wrong and understand what Allah Ta'ala has permitted or forbidden. In cases of polyandry, one contributing factor is the perpetrator's weak religious understanding and low level of education, which hinders their ability to discern between religious commands and prohibitions. Marital life between husband and wife is inherently susceptible to problems and conflicts. Humans are inherently beings of conflict (*homo conflictus*), characterized by differences, disputes, and competition—whether intentional or not (Ballentine & Nitzschke, 2003). When conflicts between spouses remain unresolved, they can lead to situations where a wife turns to polyandry. Such conflicts often stem from poor communication, escalating into disputes and arguments.

The data reveals that individuals engaging in polyandry often do so with the hope of achieving a better life by marrying a man who can meet their needs. These decisions are frequently driven by the failure of their first husbands to fulfill their responsibilities, both physically and emotionally, leaving their lives in distress. However, the act of polyandry contradicts a key principle of Islamic jurisprudence (*fiqh*):

$$\text{الضَّرَرُ لَا يُزَالُ بِالضَّرَرِ}$$

Meaning: "*Harm cannot be removed by another harm.*"

The result is a description of the data obtained which is required from the research question. The results must answer the problems that have been raised in the research question. Research results must be clear and concise. Results should summarize scientific findings rather than simply convey detailed data.

The discussion is the main part of the article that discusses and analyzes the results of the research using the main theory and other supporting theories, to find novelty from other studies.

Reasons for the Guardian to Marry off a Daughter Who Still Has a Husband

One reason a guardian may marry off a daughter who is still legally married is economic hardship. Guardians often perceive their daughters as suffering due to neglect from their first husband, particularly when financial support is no longer provided. By marrying their daughters to a more financially stable man, guardians hope to improve the well-being of their daughters and grandchildren. From a social perspective, this reflects a dysfunction in the family's economic function. The economic function of a family involves instilling financial values and managing resources to achieve a prosperous life. When this function fails, it can lead to actions such as polyandry or hidden marriages (*nikah sirri*) (Herawati et al., 2020).

Economic struggles often drive perpetrators of polyandry to engage in nikah sirri, believing it to be a cost-effective option. However, nikah sirri is not legally recognized in Indonesia. According to Marriage Law No. 16 of 2019 (amending Law No. 1 of 1974), Article 2, Paragraph (2), "Every marriage must be registered according to applicable laws." Similarly, Article 5, Paragraph (2) of the Compilation of Islamic Law (KHI) states, "To ensure the orderliness of marriages for Muslims, every marriage must be registered."

Another reason a guardian may permit their daughter to practice polyandry is if she becomes pregnant out of wedlock by a man other than her husband (Subeitan, 2022). From the perspective of maqashid shariah, this situation relates to *hifzh an-nasl*—the preservation of lineage. In Islam, there is a clear prohibition against approaching adultery, as stated in Surah Al-Isra' (17:32). The final reason a guardian may consent to such a marriage is due to coercion from the daughter. In such cases, the guardian has the right to refuse the marriage. This falls under the category of a *wali adhal*—a guardian who declines to marry off a woman when her request contradicts Islamic law. The daughter's reasoning is not valid (*syar'i*), as Islamic teachings explicitly prohibit a woman from remarrying while still in a valid marital bond with her current husband.

The Impact of Polyandry on Social Life

One of the significant impacts of polyandry on social life is the negative perception it generates toward the individuals involved and their families. Polyandrous marriages often create unrest and even conflict within the community. According to Kartini Kartanto's theory of social pathology, polyandry contradicts norms of goodness, local stability, family solidarity, and formal law. Such actions typically provoke societal rejection, expressed through social sanctions like punishment, ostracism, and isolation (Makbul et al., 2021). Individuals involved in polyandry often face exclusion and ridicule from their community.

From a social perspective, the purpose of a family is to establish a harmonious household as a strong foundation for life. As Prof. Dr. Mahmud Syaltut explains in his book Al-Islam Aqidah wa Syari'ah, a family is likened to the stones that form the structure of a building. If the stones are weak—either due to poor quality or insufficient bonding—the entire structure becomes fragile (Naily et al., 2019). This analogy reflects the condition of families involved in polyandry, where such marriages not only tarnish the family's reputation but also negatively impact education and the future of the children.

In the context of ushul fiqh, polyandry falls into the category of *mashlahah al-mulghah*, referring to benefits that are considered logical by human reasoning but are not recognized by sharia and are even rejected based on Islamic legal principles . Polyandry perpetrators may argue that this practice aligns with gender equality, suggesting that if men are allowed to marry multiple wives, women should also be allowed to marry multiple husbands. However, this argument contradicts Islamic law, which permits polygamy for men under specific conditions while explicitly prohibiting polyandry. From the above discussion, it can be concluded that regardless of the justifications provided, polyandry results in harm and negative consequences for both the individuals involved and the surrounding community. Therefore, polyandry must be eliminated from society to promote harmony and social cohesion.

Conclusion

The factors leading to polyandry can be divided into two categories. First, internal factors, which include three main aspects: low religious understanding and education, disharmony in the household, and age. Second, external factors, which also include three elements: economic difficulties, long-distance relationships between spouses, and social media. There are also three reasons why a guardian may allow their daughter, who is still married, to remarry: to improve the economic conditions of the daughter and her children, if the daughter becomes pregnant out of wedlock by a man other than her husband, and if the guardian is coerced into arranging the marriage. Finally, the impact of polyandry on community life can be summarized in three points: negative societal perceptions of the polyandry perpetrators and their families, damage to the reputation of their home and education, and the destruction of the children's future.

Based on this study, it is recommended that individuals planning to marry be prepared in all aspects—knowledge, mentality, and finances. Both the bride and groom, especially the groom, should have stable employment beforehand, as many marriages fail due to economic factors. Furthermore, parents should maximize their roles as guardians, ensuring they guide their children away from wrong paths. Parents have a responsibility to prevent polyandry marriages by providing proper guidance. Education is crucial for survival and acts as a guide for the future. Finally, religious scholars should enhance their efforts to provide religious understanding to the community, so that no one engages in actions prohibited by religion.

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