

An Analysis of Islamic Law on Polygamy Without Court Permission: Legal, Ethical, and Social Perspectives

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Abstract: This research analyzes the practice of polygamy in the context of Islamic law and its regulation under national legal frameworks, focusing specifically on marriages conducted without court permission. Islamic law permits polygamy under strict conditions aimed at ensuring justice and fairness among spouses. However, the requirement of court permission in many countries serves as a legal safeguard to protect the rights of wives and children and to prevent potential abuse. Through qualitative analysis of Islamic legal texts, national regulations, and case studies, this study examines the implications of bypassing court permission on the rights and status of wives and children, as well as the broader impact on justice and gender equity. The findings highlight significant legal and ethical challenges arising from unauthorized polygamous marriages and emphasize the importance of court oversight in upholding Islamic ethical principles and national laws. The study concludes by recommending legal and religious reforms to better align the practice of polygamy with the objectives of justice, equity, and protection of family welfare.

Research Highlights:

- Examines the intersection of Islamic law and national regulations on polygamy.
- Analyzes the legal and ethical implications of practicing polygamy without court permission.
- Investigates the impact on the rights and status of wives and children in unauthorized polygamous marriages.
- Evaluates the role of court permission in ensuring justice and gender equity in polygamous unions.
- Proposes legal and religious reforms to align polygamy practice with principles of fairness and family welfare.

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INTRODUCTION

Polygamy, particularly polygyny (a man marrying more than one woman), has long been a subject of legal, religious, and ethical debate within both Islamic and state legal frameworks. In Islamic jurisprudence, polygamy is permitted under certain conditions, as outlined in the Qur'an, particularly in Surah An-Nisa (4:3), which allows a man to marry up to four wives provided he can treat them fairly and justly (Yasin & Jani, 2014). However, the same verse cautions that if justice cannot be maintained, then monogamy is preferable. This highlights that polygamy is not an unconditional right but one that comes with significant moral and legal responsibilities.

In contemporary legal systems, especially in Muslim-majority countries such as Indonesia, polygamy is further regulated by state law. Indonesian Marriage Law No. 1 of 1974 requires a husband to obtain court permission before entering into a polygamous marriage (Nisa, 2016). This provision is intended to protect the rights of the existing wife or wives and ensure the husband is capable financially, emotionally, and morally of supporting more than one household. The requirement of court permission

also aims to uphold justice and minimize potential harm that may arise from unregulated polygamous practices (Strassberg, 2002).

Historically, polygamy served several practical and social functions. In the early Islamic period, polygamy often addressed specific societal needs, such as the care of widows and orphans after wars that left many women without support (Johnson, 2004). It was viewed as a form of social responsibility and a means to maintain social order, protect women, and ensure the welfare of vulnerable members of society. Notably, the Prophet Muhammad (peace be upon him) practiced polygamy, but his marriages were primarily for reasons of social alliance, protection of widows, and community integration rather than personal desire.

Socially, the regulation of polygamy in Islamic law aimed to elevate the status of women, who were previously treated as property (Mashhour, 2005). By limiting the number of wives and imposing strict conditions, Islamic teachings sought to introduce accountability, ethical behavior, and mutual respect in marital relationships. Polygamy under Islam was meant to serve communal needs and personal responsibilities, rather than individual whims.

Religiously, polygamy is seen within the broader framework of Islamic ethics, where every aspect of human life is governed by a sense of duty toward God and society (Rehman, 2007). The permission for polygamy is not granted for the sake of fulfilling personal desire alone, but rather within the scope of fulfilling Shariah objectives (Maqasid al-Shariah) such as the protection of family, dignity, and social welfare. Scholars have long debated its application in modern contexts, emphasizing that the requirement of absolute justice between wives is so strict that it is often difficult to fulfill, thus making monogamy a safer and more ethical option for many Muslims (Ali, 2016).

In the modern era, polygamy remains a contentious issue. While Islamic law allows it under specific conditions, many Muslim-majority countries have implemented legal frameworks and court procedures to regulate or even restrict the practice (Mednicoff, 2018). These reforms are often based on the understanding that the spirit of Islamic law prioritizes justice and the protection of rights, especially those of women and children.

Over the past decade, the topic of polygamy particularly the practice carried out without legal court permission has attracted significant scholarly attention in the fields of Islamic law, family law, gender studies, and legal reform. One of the consistent themes in existing research is the tension between Islamic legal tradition and state-enforced marriage laws. Scholars such as Nurlaelawati (2015) and Bowen (2016) have discussed how contemporary Muslim states, including Indonesia, Malaysia, and Tunisia, have introduced legal mechanisms like court approval to regulate polygamous marriages in order to protect women's rights and ensure family stability. These studies emphasize that while Islam permits polygamy under specific conditions, state intervention is necessary to ensure those conditions particularly justice among wives are realistically assessed and upheld.

In the Indonesian context, several studies have explored how Law No. 1 of 1974 on Marriage has been implemented to control polygamy. Research by Cammack and R. T. Widyastuti (2017) found that despite legal restrictions, many polygamous marriages still occur outside the legal system, either through unregistered marriages (nikah siri) or by circumventing the court. These findings are echoed in studies by Syamsudin (2018) and Hasim (2020), which reveal that weak enforcement, religious justification, and social acceptance of polygamy have contributed to the persistence of unauthorized polygamous unions.

Another line of research focuses on the Islamic legal discourse on polygamy and justice. Scholars such as Abdullahi Ahmed An-Na'im (2016) and Mohammad Hashim Kamali (2019) have argued that justice an essential condition in the Qur'anic justification for polygamy is difficult to achieve in modern contexts, and thus polygamy should be treated as an exception rather than a norm. This interpretation supports the idea that unauthorized polygamy may not meet Shariah's ethical standards, even if it is technically permissible.

Gender-focused studies, such as those by Nurrohman and Siti Rofiah (2021), highlight the negative social and emotional impact of polygamy practiced without court oversight. These works draw attention to how women in such marriages often lack legal protection, suffer from financial insecurity, and experience psychological distress. These findings support the argument that legal permission is not only a bureaucratic step but a necessary safeguard for the well-being of all parties involved.

Comparative legal studies have also examined how other Muslim-majority countries regulate polygamy (Yelwa, 2014). Research from Tunisia and Morocco, for instance, shows how reforms to family

law have led to a virtual ban on polygamy, citing its incompatibility with the principle of equality and dignity in marriage. These studies reinforce the view that Islamic law is dynamic and adaptable, and that legal mechanisms like court permission can be seen as part of *ijtihad* (independent reasoning) to fulfill Shariah's higher objectives (*maqasid al-shariah*) (Akhtar, 2013).

Despite these legal safeguards, there are still numerous instances where men choose to enter into polygamous marriages without securing the required court approval (Higdon, 2017). This raises serious legal and ethical concerns, particularly regarding the protection of women's rights, the legitimacy of the marriage in the eyes of the state, and the welfare of the children involved. From an Islamic perspective, this practice also invites questions about whether such marriages fulfill the conditions set by Shariah and whether bypassing the legal system violates Islamic principles of justice and accountability.

This research is important to examine the Islamic legal viewpoint on polygamy conducted without court permission and to assess whether such actions are justified or permissible within the broader objectives (*maqasid*) of Shariah. It also seeks to understand the implications of this practice on the legal status of the marriage, the protection of women's rights, and the role of the judiciary in regulating family law in Muslim societies.

METHOD

This research adopts a qualitative descriptive approach with an emphasis on normative legal analysis, aiming to explore and evaluate the practice of polygamy conducted without court permission from the perspective of Islamic law. The study examines the extent to which such practices align with or deviate from Islamic legal principles, as well as how state regulations, particularly in Indonesia, attempt to reconcile religious norms with legal protections for spouses and families (Cammack et al., 2015).

The primary data source for this research is Islamic legal texts, including the Qur'an, Hadith, and classical as well as contemporary works of *fiqh* (Islamic jurisprudence) from various schools of thought (Ramadan, 2006). These sources are analyzed to understand the normative foundations of polygamy in Islam, with a particular focus on the conditions and ethical obligations attached to it such as justice, fairness, and the welfare of all involved parties.

Additionally, the study draws upon secondary sources, including government regulations (such as Law No. 1 of 1974 on Marriage in Indonesia and Compilation of Islamic Law (KHI)), academic journals, legal commentaries, and previous research related to polygamy and family law. This allows for a comparative perspective between Islamic legal norms and statutory legal frameworks, especially concerning the requirement for court permission before contracting a polygamous marriage.

To deepen the analysis, the research also includes a case study approach, examining documented instances of polygamous marriages conducted without court approval (Higdon, 2017). These case studies are sourced from legal proceedings, religious court records, media reports, and academic field studies published within the last decade. This empirical component helps to identify patterns in the practice, social responses, and legal consequences of unauthorized polygamous unions. Furthermore, interviews or literature from expert opinions such as statements from Islamic scholars, judges in religious courts, and legal practitioners are also considered where available to enrich the understanding of how the issue is perceived and handled in practice.

The data collected is analyzed using a content analysis method, identifying key legal, ethical, and social themes related to the implementation of polygamy without court oversight (Buck Jr, 2012). The analysis is guided by the *maqasid al-shariah* (objectives of Islamic law), particularly focusing on the protection of family, justice, and the prevention of harm (*darar*). This framework allows for a balanced assessment of whether polygamy without court permission fulfills or contradicts the core values of Islamic law.

RESULTS AND DISCUSSION

3.1 Results

The findings of this research reveal several critical insights into the practice of polygamy without court permission when analyzed through the lens of Islamic law and contemporary legal frameworks. The results indicate that while polygamy is permissible under Islamic jurisprudence, it is not an unconditional right and is subject to strict ethical and legal conditions, the violation of which may lead to injustice and social harm.

First, from the perspective of Islamic legal norms, polygamy is allowed under certain circumstances, primarily as stated in Surah An-Nisa (4:3). However, the same verse emphasizes the importance of justice among wives, and the Qur'an itself acknowledges the human difficulty of achieving perfect fairness. This ethical condition is central to the permissibility of polygamy. Classical scholars from various schools of thought (Hanafi, Maliki, Shafi'i, and Hanbali) agree that while polygamy is not prohibited, it must be approached with caution, responsibility, and sincere intention to uphold justice, not for personal gratification or exploitation.

Second, the research finds that the requirement for court permission, as stipulated in modern legal systems such as Indonesia's Law No. 1 of 1974 and the Compilation of Islamic Law (KHI), serves as an important regulatory tool to ensure that the conditions set by Islamic law particularly justice and financial capability are properly evaluated. These legal frameworks are not intended to oppose Islamic teachings but to operationalize Islamic principles in a contemporary legal system, where the state acts as a mediator and protector of family rights, especially the rights of women and children.

However, the practice of polygamy without court permission remains widespread, particularly through informal or unregistered marriages (*nikah siri*), which are often justified using religious arguments but conducted without legal safeguards. The research finds that such practices frequently lead to social and legal problems, including the neglect of the first wife and children, inheritance disputes, and lack of legal status for the second or subsequent wives and their offspring.

Case studies examined in this research show a pattern of misuse of religious justification to bypass state regulations, often at the expense of women's rights. In many cases, men engage in polygamy without fulfilling the obligations of fairness, financial stability, and honest disclosure, thereby violating the spirit of Islamic law, even if not always the letter.

Furthermore, expert opinion from Islamic scholars and religious court judges suggests that polygamy without court permission is not only unlawful under state law but also ethically questionable in Islam when it results in injustice and harm. These scholars stress that *maqasid al-shariah* (objectives of Islamic law) which include the protection of family, preservation of dignity, and prevention of harm are not fulfilled in such cases, thus undermining the moral basis of the marriage.

3.2 Comparative Analysis of Islamic Law Principles and National Law in the Practice of Polygamy

The practice of polygamy represents a complex intersection between religious doctrine and modern legal systems, particularly in Muslim-majority countries where Islamic law (Sharia) is integrated partially or fully into state law. This comparison between Islamic legal principles and national or state law, especially concerning the requirement of court permission for polygamy, reveals both areas of convergence and divergence in their objectives, mechanisms, and implications.

From the standpoint of Islamic law, polygamy is permissible but conditional. The Qur'an, particularly in Surah An-Nisa (4:3), permits a Muslim man to marry up to four wives on the condition that he can act justly and fairly among them (Sattar, n.d.). However, Islamic scholars emphasize that this is not a general right, but a regulated allowance that must meet strict ethical requirements. Justice, financial ability, and the welfare of all parties especially the wives and children are central to the permissibility of polygamy in Islamic jurisprudence. Some classical scholars even assert that if a man fears he cannot be just, then monogamy is mandatory, based on the same Qur'anic verse.

In contrast, national or state law such as that in Indonesia under Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law (KHI) incorporates Islamic principles but introduces additional institutional mechanisms, such as the requirement for prior approval from a religious court before a polygamous marriage can be legally recognized. The aim of this legal procedure is to protect the rights of the existing wife or wives, ensure the husband's financial capability, and assess whether the circumstances justify a second marriage. The legal system thus functions as a regulatory gatekeeper, not to prohibit polygamy outright, but to ensure compliance with both the letter and the spirit of Islamic law.

While Islamic law does not traditionally mandate state approval for polygamy, the court permission mechanism found in state law is justified as a form of *ijtihad* (independent reasoning) and *maslahah* (public interest) two principles that allow Islamic legal thought to evolve in response to changing social realities. From this perspective, court permission is not in contradiction with Sharia, but rather, an extension of its ethical requirements, institutionalized in a modern legal framework.

However, in practice, tensions arise when individuals bypass state law by performing unregistered marriages (*nikah siri*), often claiming religious legitimacy while ignoring legal obligations. Such cases

highlight a divergence: while Islamic law prioritizes justice and protection of family, these goals are often undermined when polygamy is conducted outside the legal system, leading to injustice, neglect, and lack of legal recognition for wives and children.

Furthermore, Islamic law is principle-based, relying on ethical considerations, while state law tends to be procedural and codified. This sometimes leads to confusion or conflict when individuals perceive state-imposed procedures (such as court approval) as unnecessary bureaucratic obstacles, rather than essential safeguards aligned with Sharia's core values.

3.3 Evaluating the Effectiveness and Relevance of Requiring Court Permission for Polygamy

The requirement for court permission before entering into a polygamous marriage is a legal mechanism adopted by several Muslim-majority countries, including Indonesia, to ensure that the practice of polygamy remains aligned with both Islamic ethical principles and modern legal protections (Bedner & Van Huis, 2010). This requirement represents an important intersection of religious doctrine, legal regulation, and social responsibility. An evaluation of its effectiveness and relevance reveals that such a mechanism plays a crucial role in promoting justice, protecting rights, and upholding the dignity of all parties in a marriage, especially women and children.

From a legal and procedural standpoint, the court's involvement serves as a filtering mechanism to assess whether a man seeking to marry multiple wives truly meets the conditions laid out in both Islamic law and national statutes. In Indonesia, for example, Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law (KHI) stipulate that a husband must obtain permission from the religious court, and that such permission is only granted if specific criteria are met: the inability of the current wife to fulfill her duties, the presence of incurable illness, or infertility. In addition, the man must demonstrate financial capability and must secure the consent of the existing wife or wives. These requirements reflect a commitment to procedural justice and help prevent arbitrary or exploitative practices.

In terms of effectiveness, requiring court permission ensures a level of accountability and transparency in the process (Bibas, 2006). By involving legal authorities, the likelihood of one-sided decisions that ignore the rights of the first wife or negatively impact children is significantly reduced. The court also serves as a neutral arbiter, offering a platform where the voices of all affected parties can be heard, especially in cases where the first wife opposes the second marriage. This legal intervention helps uphold the Islamic principle of *adl* (justice), which is a fundamental requirement for polygamy to be religiously valid.

Moreover, the requirement enhances the relevance of Islamic values in a modern legal context. While classical Islamic law does not require court permission *per se*, it does emphasize justice, protection of the family, and the prevention of harm values that are upheld through the legal process. Thus, the court's role can be viewed as a modern *ijtihad* (interpretative tool) that institutionalizes the spirit of Islamic law in a changing society where women's rights and legal protections are increasingly recognized and valued.

However, the practical implementation of this requirement faces several challenges. In reality, many men choose to circumvent the legal system by conducting informal (unregistered) marriages or using religious justifications to avoid court approval. These practices often result in serious consequences: lack of legal recognition for the second wife and her children, unresolved inheritance disputes, and emotional distress for the first wife. The prevalence of such bypassing behavior indicates a gap between legal norms and social practice, which undermines the effectiveness of the court permission mechanism (Scott, 2000).

Additionally, lack of awareness, patriarchal cultural norms, and weak law enforcement contribute to the ineffectiveness of the policy in some regions. There are also concerns about inconsistency in court decisions, where judges may differ in interpreting the legal and ethical grounds for allowing polygamy. These weaknesses suggest the need for strengthened legal education, judicial consistency, and community engagement to reinforce the importance of adhering to lawful and ethical standards in marriage.

3.4 Analysis of Possible Legal and Religious Reforms in the Regulation of Polygamy

The regulation of polygamy particularly through the requirement of court permission is an evolving area at the intersection of religious jurisprudence, human rights, and national legal policy. While the existing frameworks in many Muslim-majority countries aim to strike a balance between Islamic teachings and state governance, persistent legal loopholes and social challenges call for reformative efforts.

One of the most pressing legal reforms concerns the strengthening of enforcement mechanisms related to polygamy (Strassberg, 2002). Despite the requirement of court permission in countries like Indonesia, many individuals continue to bypass this legal process through unregistered (*nikah siri*) marriages. Therefore, there is a need for more stringent penalties and administrative consequences for

those who conduct polygamous marriages without legal approval, such as invalidating the marriage's legal status or imposing fines and criminal sanctions.

In addition, enhancing the procedural transparency and consistency in the court approval process is crucial. Courts should be equipped with clearer guidelines on the grounds for granting or denying polygamy, supported by judicial training that incorporates both legal and gender-sensitive perspectives (Al-Sharmani, 2017). The process should ensure that women's voices are fully heard and respected, including the right to contest or refuse consent to a polygamous marriage.

Another legal reform involves the integration of women's rights advocacy within the legal marriage process. Legal counseling, pre-marital agreements, and mandatory mediation before permitting polygamy can serve as tools to protect the emotional, economic, and legal interests of all parties (Razif & Huda, 2017). Additionally, reforms should address the status and rights of children born from unregistered polygamous marriages, ensuring they are not deprived of inheritance or identity recognition due to procedural violations by their parents.

From a religious standpoint, there is a need to revisit classical interpretations of polygamy in light of modern realities. While the Qur'an permits polygamy under certain conditions, it does so within the framework of strict justice and fairness, which many contemporary scholars argue is nearly impossible to uphold in practice. Reform-oriented scholars advocate for reinterpreting polygamy as an exception, not a norm, and call for *ijtihad* (independent legal reasoning) to contextualize its relevance in today's socio-economic conditions (Maktabi, 2017).

One significant religious reform would be to mainstream progressive Islamic discourses that emphasize gender equality, marital harmony, and the ethical intent behind Islamic rulings. Institutions such as religious councils, universities, and mosques can play an essential role in educating the public about the true objectives of Islamic marriage compassion, equity, and mutual responsibility and discouraging the misuse of polygamy as a tool of male privilege or exploitation.

Furthermore, interfaith and intra-faith dialogues could be initiated to build a consensus on interpreting Sharia in ways that support legal systems designed to protect women's rights. This includes acknowledging that the requirement for court permission is not a contradiction to Islamic law, but rather a modern institutional mechanism that fulfills the Qur'anic command for justice in family life (Rosen, 2000).

A more holistic reform would involve the integration of legal and religious reforms into broader societal education. School curricula, religious sermons, marriage counseling, and civil society programs should emphasize the responsibilities that come with polygamy, the legal requirements involved, and the rights of women and children. This could reduce the social stigma around legal processes and improve public compliance with the law.

Moreover, public policy should promote gender justice as a religious value, rather than as an external concept imposed on Islamic societies. By aligning national law with the ethical framework of Islam, reforms can achieve legitimacy, cultural relevance, and greater public acceptance.

3.5 Impact on the Rights and Status of Wives and Children in Polygamous Marriages

Polygamy, particularly when practiced without the required court permission, can have significant legal, emotional, and socio-economic implications for wives and children (Khasawneh et al., 2011). While Islamic law permits polygamy under strict conditions chief among them being the requirement of justice among wives its implementation in real-life contexts often falls short of these ideals. When state laws mandate court permission for polygamous marriages, the intent is to safeguard the rights of all parties involved, especially those who are most vulnerable: the wives and children. Bypassing this legal process can result in serious consequences for their rights, social status, and well-being.

When a man engages in polygamy without obtaining court permission, the first wife is often deprived of her right to be informed, consulted, and to give or withhold consent. In many cases, she may discover the new marriage only after it has occurred, leaving her emotionally distressed and legally unprotected. This practice violates her marital rights, particularly the right to monogamy as assumed in most marriage contracts, and the right to financial and emotional stability.

Without legal intervention, there is no independent assessment of whether the husband meets the Islamic and legal conditions for polygamy such as the ability to treat all wives fairly and to provide for them financially. This leads to a situation in which the first wife might suffer from emotional neglect, financial instability, or even abandonment, especially if the husband prioritizes his new wife and family.

The second wife in an unauthorized polygamous marriage often finds herself in a legally uncertain position, especially if the marriage is conducted informally (e.g., through a religious ceremony without state registration)(Rosário, 2008). Without legal recognition, she may not have access to spousal rights such as inheritance, alimony, or joint property ownership. If the relationship ends in separation or the husband's death, she may have no legal standing to claim her share of marital assets or to seek legal remedies.

This precarious status not only exposes her to potential exploitation but also perpetuates social stigma, as society may perceive her as a “second-class” wife or as someone who undermines the sanctity of marriage(Wolf, 2013). Such perceptions can affect her emotional well-being and limit her access to support networks.

Children born from unauthorized polygamous marriages also face significant challenges. If the marriage is not officially registered, the child may encounter difficulties in being legally recognized as legitimate, especially in bureaucratic matters like birth certificates, school enrollment, inheritance, and access to public services. In some cases, their paternity may not be officially recorded, resulting in a denial of the father's name on legal documents.

This legal ambiguity can affect the child’s psychological development, social identity, and future prospects(Rutland et al., 2010). Moreover, if the father does not fulfill his responsibilities toward children from multiple marriages equally, it can lead to neglect, sibling inequality, and intra-family conflict.

The unchecked practice of polygamy especially without legal oversight undermines broader efforts to promote gender equality and child protection. It contradicts the principle of *adl* (justice) that is central to Islamic marital ethics. When polygamy is misused or practiced irresponsibly, it entrenches patriarchal norms that prioritize male authority while marginalizing women’s voices and autonomy.

In many Muslim societies, the court permission requirement acts as a protective mechanism, ensuring that polygamy does not become a tool for exploitation or oppression. Its violation not only harms individual families but also weakens the credibility of legal institutions and the enforcement of religious principles rooted in compassion, fairness, and mutual respect.

3.6 Implications for Justice and Gender Equity in Islamic Ethics

Islamic ethics is deeply rooted in the principles of justice (*adl*) and equity (*insaf*), which are fundamental to all aspects of social, familial, and legal life. The Qur’an explicitly permits polygamy with a critical caveat: a husband must be able to maintain absolute fairness among his wives (Qur’an 4:3). This condition underscores the Islamic commitment to justice, where partiality or favoritism is deemed sinful and unjust. Islamic ethics demands that all parties wives and children alike receive equitable treatment in terms of love, financial support, and emotional care. Justice in this context is not only a legal obligation but a moral and spiritual responsibility. The Prophet Muhammad emphasized compassion and equity in family life, underscoring that the rights and dignity of women and children must be upheld. Hence, polygamy without justice contradicts the core values of Islamic ethics.

Gender equity in Islamic ethics entails recognizing and respecting the unique rights, roles, and dignity of both men and women(Mir-Hosseini, 2009). While Islamic law acknowledges men’s capacity to marry more than one woman, it simultaneously imposes conditions to protect the rights of women and prevent exploitation. The requirement of court permission before a polygamous marriage is a legal embodiment of this ethical concern. It acts as a safeguard to ensure that the husband is not exercising polygamy arbitrarily or unjustly, thus protecting the rights and interests of the first wife and any subsequent wives. This procedural requirement encourages transparency, accountability, and respect for women’s consent, aligning legal processes with the ethical principle of equity.

Despite its ethical foundations, polygamy often presents challenges to achieving true gender equity. Many scholars and advocates argue that absolute equality among wives is practically impossible, especially in emotional terms(Tillyard & Mason, 2018). This limitation raises important ethical questions about whether polygamy, even when legally regulated, can fully satisfy Islamic demands for justice and equity. Moreover, when polygamy is practiced without court permission or legal oversight, the risk of gender-based injustice escalates, as women’s rights may be ignored or violated. Such practices can reinforce patriarchal dominance, marginalize women’s voices, and undermine their social and economic security.

Islamic ethics encourages continuous reflection and adaptation (*ijtihad*) to uphold justice and equity in changing social contexts. From this perspective, legal reforms requiring court permission serve not as a restriction on religious freedom but as a means to realize the ethical imperatives of Islam more effectively. By embedding the principles of justice and gender equity into legal procedures, societies can

better protect women's rights, promote fair treatment, and prevent harm. This synergy between religious ethics and state law reflects the maqasid al-shariah the higher objectives of Islamic law which prioritize the protection of faith, life, intellect, lineage, and property.

CONCLUSION

This research has examined the practice of polygamy within the framework of Islamic law and its intersection with national legal requirements, particularly the mandate for obtaining court permission. Islamic law permits polygamy under strict conditions emphasizing justice, fairness, and the welfare of all parties involved. However, the practice of polygamy without court permission raises significant concerns related to legal validity, protection of rights, and adherence to ethical principles. The findings indicate that bypassing the legal requirement for court approval often undermines the rights and status of wives and children, leading to potential injustice, social inequality, and legal ambiguity. The court permission system acts as a vital safeguard to ensure that polygamy is practiced responsibly and in accordance with both Islamic ethical standards and national laws designed to protect family members. Furthermore, the analysis reveals a need for continued legal and religious reforms that reinforce justice and gender equity while respecting religious values. Strengthening awareness about legal obligations and promoting transparent, fair procedures can enhance protection for vulnerable parties and foster social harmony. Aligning Islamic principles of justice with national legal frameworks through the enforcement of court permission is essential to uphold the dignity, rights, and welfare of wives and children in polygamous marriages. This balanced approach serves both the spiritual objectives of Islamic law and the social imperatives of contemporary society.

AUTHORS' DECLARATION

Authors' Contributions and Responsibilities

The author(s) contributed equally to the conceptualization and design of the research. Conducting the literature review and analysis of Islamic law and national legal frameworks related to polygamy. Collecting and analyzing relevant legal texts, case studies, and scholarly sources. Writing and drafting the manuscript, including the background, methodology, results, and discussion sections.

Competing Interests

The author declare that there are no competing interests related to this research. There are no financial, personal, or professional conflicts that could have influenced the work reported in this study.

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