The Practice of Polygamy Between Black and White Movements in the Perspective of Islam

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Abstract. Polygamy is considered a divine law of Allah that is believed to carry numerous benefits and has been a long-standing tradition dating back to pre-Islamic times. However, for some women, the issue of polygamy is challenging to accept. This study aims to describe the two prevalent patterns of polygamous practice within society, namely the white and black movements, and their respective differences. The research methodology utilized in this study is descriptive qualitative literature review, with data gathered through interviews and observations with polygamous practitioners representing both patterns. The study findings indicate that there are significant variations in the practice of polygamy between the white and black movements. The white movement's polygamous practice, which includes certain conditions such as financial and emotional support and fair treatment among wives, can be considered a potential role model for contemporary polygamy.

Keywords: Polygamy · White and Black Movements · Role Models

1 Introduction

Islam is considered a comprehensive religion that provides guidance on a range of matters, including the institution of marriage. Within Islam, two models of marriage are recognized: monogamy and polygamy. These models are explicitly outlined in both the Quran and Sunnah and were practiced by the Prophet Muhammad and his contemporaries. Furthermore, these traditions have been passed down through subsequent generations and continue to be practiced in various regions, despite the predominance of monogamous marriages.

Polygamous marriages have always been a controversial issue, generating polemics between those who oppose it and those who support it. The issue gained more attention and became a prominent public discourse topic as public figures such as entrepreneurs, politicians, religious figures, and comedians have openly engaged in such marriages. This has led to debates and discussions surrounding the topic of polygamy, which has especially caught the attention of women who view it as a threat to their position and role as a wife, which differs from that of men [1].

The Law No. 1 of 1974 explicitly states that monogamy is the fundamental principle of marriage in Indonesia. However, polygamous marriages are also allowed under certain conditions and strict requirements. The Compilation of Islamic Law (KHI) regulates and explains the principles of monogamy and the permissibility of polygamy under specific circumstances, subject to certain requirements. Furthermore, Government Regulation No. 10 of 1983 and Government Regulation No. 45 of 1990 describe the strict requirements for polygamous marriages for members of the Civil Service [2].

It cannot be denied that polygamous marriages have more detrimental effects than benefits. Such marriages often overlook the fundamental human rights that wives and children are entitled to within a family. Consequently, conflicts between the families of the wives are frequent. Moreover, many polygamous cases result in various forms of domestic violence, including physical, psychological, sexual, and economic abuse. Women and children often suffer in such circumstances, providing evidence that reconsideration and review of the practice of polygamous marriages is needed [3]. The government has a responsibility to protect children from polygamous households, as reflected in national legislation that outlines their rights and obligations. The aim is to safeguard the well-being of human beings who are naturally created to be pious, intelligent, and morally upright [4].

In Islamic doctrine, both monogamous and polygamous marriages are regarded as sacred events. From a natural perspective, marriage is considered an act of worship, as well as a means of safeguarding individuals from negative behaviors, such as adultery. Scientifically, adultery is known to be a contributing factor to the deterioration and collapse of civilizations, the spread of dangerous diseases, and the promotion of unmarried or cohabiting lifestyles. As a result, Islam prescribes severe penalties for those found guilty of committing adultery [5].

2   Research Method

The terms "method" and "methodology" in research are often used interchangeably and confused. The meaning of "method" is often confused with the understanding of "methodology." The term "methodology" is often used, but what is actually meant is "method," or vice versa. Nan Lin explained this in Ulber Silalahi as follows:

"Usually, a textbook dealing with 'methods' treats the 'methodological' aspects of social research superficially, if at all. There are perhaps two reasons why methodology, addressed to the logic of research and therefore to the process of theory construction, is left out. First, it is considered too sophisticated for students at this level to comprehend; Second it is considered as being independent of how to discussions about research procedures the methods themselves." [6].

This research is a field research, specifically a qualitative study in which the researcher observes and participates directly in small-scale social research and observes the local culture. According to Kenneth D. Bailey, the term field study is often used interchangeably with the term ethnographic study or ethnography [7]. Lawrence Neuman shares his opinion that field research is also often referred to as ethnography or

participant observation research. However, Neuman further explains that ethnography is merely an extension of field research [8].

Data collection can be performed through three methods: observation, interviews, and data triangulation. Firstly, observation is an empirical scientific activity that relies on sensory experience to gather field facts and texts without any manipulation. The purpose of observation is to describe social phenomena, generate theory and hypotheses in qualitative research, or test them in quantitative research. To approach social phenomena, an observer or researcher needs to have access and proximity to the research setting and subjects. When performing observation techniques, ethical principles must be considered, such as respecting human dignity, privacy, and confidentiality of subjects, justice and inclusiveness, and balancing harms and benefits. If observation methods are positioned as part of a methodological spectrum that includes proportional data collection techniques and strategies, they can achieve high reliability, becoming the fundamental basis for all existing methods to find strategic development policies [9].

Secondly, interviews are purposeful conversations conducted by two parties, namely the interviewer who poses questions and the interviewee who provides answers to those questions [10]. The purpose of the interview is to gain an understanding of what is contained in the minds and hearts of others [11]. In this case, the researcher conducted interviews with research subjects, namely polygamous practitioners who follow the white and black movements.

Thirdly, triangulation is essentially a multi-method approach that researchers use when collecting and analyzing data. The basic idea is that the phenomenon under study can be well-understood and highly accurate truths can be obtained if approached from various perspectives. Capturing a single phenomenon from different perspectives will allow for the reliable acquisition of the truth. Therefore, triangulation is an effort to check the accuracy of data or information obtained by researchers from different perspectives by reducing biases as much as possible during data collection and analysis [12].

3 Results and Discussions

3.1 Definition of Polygamy

The term polygamy itself comes from the Greek word "polygamie," where "poly" means many and "gamie" means husbands, thus the meaning of polygamy is a man who has more than one wife in a marital union [13]. According to history, polygamy was actually widespread before the advent of Islam. Nations that also practiced polygamy included the Hebrews, Jahiliyyah Arabs, Russia, Lithuania, Poland, Czechoslovakia, Germany, Switzerland, Belgium, the Netherlands, Denmark, Sweden, and England [14]. However, polygamy is a culture that has existed even before the pre-Islamic era.

Polygamy in general can be understood as a marital union where one party (husband) marries several wives at the same time, not during the ijab qabul but in living a family life, while monogamy means a marriage that only allows a husband to have one wife for a certain period of time [15].

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for a certain period of time [15]. According to historians, in the beginning, polygamy was practiced by kings, rulers, and wealthy people. They took more than one woman, some were married and some were only used to satisfy their lust and biological desires. The wars that occurred at that time made many girls sold, taken as servants, and then used as mistresses and so on. The richer and higher the position of someone, the more women they had. Thus, polygamy at that time tended to be oppressive towards women by wealthy and ruling people [16].

3.2 Legal Basis of Polygamy

In Islam, the basis frequently used for the practice of polygamy besides the practice conducted by Prophet Muhammad (peace be upon him) is the foundation from the Qur'an, Surah An-Nisa verse 3 which states:

وَاِنْ خِفْتُمْ اَلَّا تُقْسِطُوْا فِى الْيَتٰمٰى فَانْكِحُوْا مَا طَابَ لَكُمْ مِّنَ النِّسَاۤءِ
مَثْنٰى وَثُلٰثَ وَرُبٰعَ ۚ فَاِنْ خِفْتُمْ اَلَّا تَعْدِلُوْا فَوَاحِدَةً اَوْ مَا مَلَكَتْ اَيْمَانُكُمْ
ۗ ذٰلِكَ اَدْنٰٓى اَلَّا تَعُوْلُوْاۗ

"And if you fear that you will not deal justly with the orphan girls, then marry those that please you of [other] women, two or three or four. But if you fear that you will not be just, then [marry only] one or those right hand possesses. That is more suitable that you may not incline [to injustice]."

As explained in various tafsir books, the above verse is proof of the permissibility of polygamy in Islam. However, Islam also sets a limit of having a maximum of four wives, as proven in history by the prohibition of Prophet Muhammad.

The practice of polygamy in household settings is a longstanding humanitarian issue, not a novel one. Polygamy is a familiar issue in almost every nation in the world, and it existed even before the emergence of Islam. With the advent of Islam, however, the maximum number of wives allowed was limited to four, which was previously unrestricted [17].

Agus Sunaryo (2010) indicates that various religious literature categorizes scholars into at least three groups regarding the law of polygamy: 1) those who permit it, 2) those who impose stricter conditions for its permissibility, and 3) those who prohibit it. Among these groups, this study tends to align more with the second group than the others. Moreover, Indonesia's marriage laws appear to follow the opinion of this group [18].

Regarding polygamy in the context of Indonesian law, the Marriage Law of Indonesia No. 1 of 1974, articles 4 and 5, and the Compilation of Islamic Law articles 55 to 59 state that polygamy is permitted under certain conditions. The procedure and requirements for polygamy under the Marriage Law No.1 of 1974 are outlined in article 4, paragraph (1), which states that "If a husband wishes to take more than one wife, as referred to in article 3 paragraph (2) of this Law; he must submit an application to the Court in the region where he resides".

The Court will also grant permission if the husband is given consent by his current wife, as stated in article 4, paragraph (2), which states that "The Court referred to in paragraph (1) of this article shall only grant permission to a husband to take another wife if: the wife is unable to fulfill her obligations as a wife, the wife is disabled or suffering from an incurable disease, or the wife is unable to bear offspring".

During the New Order era, the government "protected" the wives of civil servants through Government Regulation No. 10/1983. Essentially, Indonesia is a country based on religion, which is in line with the state's ideology of "Pancasila," formerly known as the "Jakarta Charter." The religion referred to here is undoubtedly Islam, which is encompassed within it. It should be noted that Indonesia has already enacted laws such as the Zakat, Hajj, Waqf, Islamic Judiciary, Sharia Banking, and Marriage laws, which also regulate issues related to polygamy [19].

Anwar Hafidzi (2017) compared the Islamic jurisprudence book by Wahbah Zuhaili and the Compilation of Islamic Law regarding the prerequisites of polygamy. Wahbah Zuhaili mentioned that there are only two prerequisites for polygamy, which are fairness to the wives and children, and providing sustenance for them. In contrast, the Compilation of Islamic Law (KHI) includes several articles as prerequisites for a husband who wishes to practice polygamy, namely to preserve the well-being of oneself, wealth (sustenance), and the environment. The study concluded that the prerequisites for polygamy in Islamic jurisprudence and KHI have similarities in order to avoid harm as much as possible [20].

Fahimul Fuad (2020) conducted a study on the comparison of the purpose of polygamy between Indonesia and other modern Muslim countries. The discussion of polygamy often generates debate due to its presence in various Islamic legal texts that lack uniformity. Interpretations and understandings of these texts in various Muslim countries, including Indonesia, are also diverse. The objective of this study was to review the regulation of polygamy as outlined in the dynamics of legislation, by examining the facts, historical background, and objectives to be achieved, using a library research approach. The methodology used was descriptive-comparative, which described the rules of polygamy, both from classical jurisprudence and modern legislation.

The legislative context referred to in this study is Indonesian law, which is compared with other Muslim countries' laws. The research hopes to provide a more just understanding of the meaning of polygamy, where in the context of modern states, it is embodied through legal rules that have legal binding force. Based on the findings, several conclusions can be drawn. Firstly, polygamy is allowed in fiqh, with a maximum of four wives, and the requirement for fairness also applies to polygamous marriages. Secondly, due to the changing dynamics of society, women have demanded regulations on marriage, including polygamy that provides legal certainty and protection for women's dignity and rights.

Thus, the Marriage Law was enacted, which includes provisions on polygamy. This regulation also requires polygamy to go through state institutions, where strict requirements for eligibility are applied. Several modern Muslim countries, such as Jordan, Egypt, and Malaysia, have implemented similar regulations. Tunisia and Turkey even take a more daring step by banning polygamy. Thirdly, the purpose of regulating polygamy within the framework of the law is to provide legal certainty, recognize

women's rights, and contextualize legal rules with current conditions, making them more relevant and beneficial [21].

3.3 Black Polygamy Practices

Black polygamy practices refer to a pattern or model of polygamy that is conducted in an un-Islamic and unhealthy manner. This interpretation arises from the negative effects that arise due to polygamous marriages, which are prevalent in society. Black polygamy practices have indicators, including: 1) the absence of educational knowledge about polygamy among the couples; 2) polygamy being conducted secretly or without the knowledge of the first wife; 3) marriages that result from affairs and/or are preceded by pregnancy of a woman; 4) polygamy as an escape from previous marital problems. These polygamous practices often lead to prolonged conflicts. For example, one informant, Ms. M, recounts the polygamous household of Mr. T, saying,

> *"I have never experienced such deep sadness in my life when my husband left. My children still need a father, especially my second child who was only 9 months old at the time. I even had the intention to leave and join my husband forever, but when I looked at my children, I had to be strong and endure. The burden of life that I have experienced is heavy. During our life together, my husband was always there to handle tasks that I couldn't handle. Now, I have to survive and face the future, so that my children can become a valuable investment.."* [22].

In reality, when polygamous marriage is carried out without a sense of fairness towards the spouses, it not only generates disappointment for the wife, but also creates injustice towards women in general. Polygamous households that do not uphold the principle of justice are not a paradise attained, but rather contribute to sin and foster mutual suspicion between the first and second wives. Thus, the main goal of building a household is far from being realized, and instead, harm arises [23].

Records from religious courts throughout Indonesia show that in 2015, there were 7,476 divorce cases due to polygamy. Additionally, several studies have concluded that some cases of polygamy can trigger violence against wives, especially in the form of violations of rights related to sexuality. This violence often arises from the rotating schedule that forces wives to serve their husbands. The Indonesian Survey Institute (LSI) noted that a survey in 2011 involving 1,496 respondents revealed that 52.9% rejected polygamy, 32.9% strongly opposed polygamy, while 14.2% expressed approval of polygamy, and the rest abstained [24].

Recent changes in marriage laws in Muslim countries have been influenced by the belief that polygamy is unconstitutional. This assumption is based on the inclusion of the gender equality movement in the state constitution. According to the movement launched by women's organizations, Sharia rules do not provide equal rights to women in relation to marriage or family law. Polygamy, especially its rules related to polygamy, can jeopardize the position and role of women when combined with equal rights [25]. Furthermore, gender feminists argue that polygamy is actually forbidden (haram) because of its negative impact on social life [26].

It is acknowledged that polygamous practices present a dilemma. Whether accepted or not, they still have consequences that lead to violence against women. The first and subsequent wives are equally trapped and oppressed within a social system dominated by patriarchal society. The findings of this study state that polygamous practices cause more harm than benefit, as evidenced by the neglect of human rights. Therefore, a review and reconsideration of polygamous practices are demanded [27].

3.4 White Polygamy Practices

White polygamy is simply a term used to describe practitioners who engage in polygamous households correctly, healthily, and in accordance with Sharia law. This model of polygamy often serves as an indicator of the success of such polygamous relationships. Some indicators include the husband acting as a fair leader to his wives, a mutual understanding of polygamous knowledge among the couples, a happy household with mutual support between the spouses, a polygamous marriage recognized by both religious and state authorities, and a polygamous household that replicates the happiness of the original marriage,

For example, in the practice of polygamy, a husband named AND states,

" … ...I live a happy life by practicing polygamy, and it should be noted that when I wanted to enter into a second marriage, I sought divine guidance before expressing my intention to my first wife. The result was that my first wife actively participated in seeking and selecting a second wife for me. Alhamdulillah, after practicing polygamy, our lives have improved in all aspects. Even if there are minor issues, we consider them as ordinary challenges in married life, just like any other household... " [28].

A study conducted by Malpha Della Thalita (2019) on polygamous households among middle-class Muslims in Yogyakarta, focusing on the process of polygamous households, the reasons for living in a polygamous family, and the fulfillment of rights and obligations from the perspectives of the wives. The findings of this study indicate that the respondents stated that the rights and obligations in polygamous families are well fulfilled, both in terms of material and emotional support. They experience a sense of religious fulfillment and economic security [29].

The research findings state that the practice of polygamy, without bringing forth emotions, feelings, and desires from both men and women, will pose difficulties. On the contrary, it emphasizes the importance of awareness that polygamy is a noble matter when carried out based on obligations and responsibilities of each participant, in order to form a family that is blessed by Allah, rather than being driven solely by lust and greed [30].

Nabila Farhana Yahya (2020), who studied the balance between obligations and desires and the role of individuals in building a happy household, reached similar conclusions. The research findings state that the practice of polygamy, without bringing forth emotions, feelings, and desires from both men and women, will pose difficulties. Therefore, it is important to have awareness that polygamy is a noble matter when carried out based on obligations and responsibilities of each participant, in order to form a family that is blessed by Allah, rather than being driven solely by lust and greed [30].

Sippah Chotban (2017), in their study on the value of justice as a requirement for polygamy, explains that the polygamous Sharia, like other Islamic laws, contains the value of justice to bring benefits to the Muslim community itself. Allah has made justice the foundation of legal constructions, both in private and public matters. Polygamy, as a Sharia specifically related to the legal subsystem of family, is intended to fulfill essential human needs, safeguard religion (hifsh ad-diin), soul (hifzh annafs), and lineage (hifzh an-nasl). In this context, the presence of polygamous Sharia is a manifestation of justice in Islamic law to provide and achieve benefits for the Muslim community [31].

The *Journal of Islam in Asia* expounds upon the subject of polygamy in the following manner,

> "*The outcome of this study is whereas these polygamies should not involve the expression of emotions, feelings and desires either from men or women as they are difficult to control. However, this issue must be comprehended with reasons and rationality even when countless emotions will repudiate it. Therefore, it is important to promote awareness about the practice of polygamy so that it is performed on the basis of obligations and responsibilities of each person to form a happy family that is pleasing to Allah and to contemplate the wisdom behind it not merely to fulfil lust and desires*" [32].

Polygamy within the framework of righteous practices should serve as a reference and guide in conducting polygamous relationships, so that the benefits obtained are maximized. For instance, in providing both material and emotional support to widows, as mentioned by informant M from Semarang,

> "*… I have never experienced such profound sadness in my life when my husband passed away. The children still needed a father figure, especially our second child who was only 9 months old at that time. I even contemplated joining my husband forever, but upon seeing the children, I had to stay strong and endure. The burden of life that I experienced was heavy. During our time together, my husband always helped with tasks that I couldn't handle, and now I have to survive and look towards the future, so that my children can become a valuable investment*" [22].

4   Conclusion

The basis of polygamy is already evident and clear due to its legal foundation and rules. This is supported by historical facts as well as contemporary evidence highlighting the benefits and significance of polygamy. However, the success of polygamy relies on proper intentions, strong determination, and a sound understanding of the principles of polygamy. Polygamy is one of Allah's laws, similar to other Sharia principles, and its implementation is directly proportional to the benefits and blessings obtained. Nevertheless, not all individuals who practice polygamy experience blessings and benefits, as it depends on the manner in which polygamous relationships are conducted.

The model of righteous polygamy is characterized by practicing this Sharia as a righteous deed in Islam. It is rooted in the intention to seek Allah's pleasure and is guided by the instructions and teachings of the Prophet Muhammad (peace be upon him). This

model aims to establish a harmonious, loving, and compassionate polygamous family in everyday life.

On the other hand, the model of problematic polygamous relationships, often referred to as the "black" model, is marked by infidelity between spouses, lack of knowledge and understanding of polygamy, careless and secretive practices to hide the truth from the first wife, prolonged conflicts within the household upon the wife's discovery of her husband's polygamy, loss of blessings in the family, and ultimately the possibility of divorce.

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