



WHEN PERMISSION BECOMES RESPONSIBILITY: RETHINKING POLYGAMY THROUGH JUSTICE IN ISLAMIC FAMILY LAW

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ABSTRACT

Polygamy is a critical issue in Islamic family law that continues to generate debate, particularly within contemporary multicultural societies. This article aims to analyze prophetic traditions (ḥadīths) on polygamy by emphasizing the concept of justice and its relevance to modern values of equality and humanity. This study employs a qualitative method using normative and contextual approaches through the analysis of ḥadīths, classical Islamic jurisprudence, and contemporary scholarly perspectives. The findings indicate that polygamy in Islam is conditionally permitted, with justice as its fundamental requirement, particularly in fulfilling the material rights of wives (livelihood, residence, and equal treatment in turns), while the emotional dimension of justice, though ideally maintained, is acknowledged as inherently difficult for any human being to achieve in full. The Prophet's traditions affirm limitations on the number of wives and position justice as the core principle rather than as a justification for unrestricted polygamy. In multicultural contexts, a contextual interpretation of ḥadīths is essential to prevent injustice, especially toward women and children. This article concludes that polygamy is not an ideal practice encouraged in Islam but a conditional solution that must align with the objectives of Islamic law



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(maqāṣid al-sharī'ah) and the principles of justice in modern social life.

Kata kunci :

Poligami, hadis, hukum keluarga Islam, keadilan, masyarakat multicultural

ABSTRAK

Poligami merupakan salah satu isu krusial dalam hukum keluarga Islam yang terus diperdebatkan, terutama dalam konteks masyarakat multikultural kontemporer. Artikel ini bertujuan untuk menganalisis hadis-hadis tentang poligami dengan menitikberatkan pada konsep keadilan serta relevansinya terhadap nilai kesetaraan dan kemanusiaan modern. Penelitian ini menggunakan metode kualitatif dengan pendekatan normatif dan kontekstual melalui kajian hadis dan literatur fikih klasik serta pemikiran sarjana kontemporer. Hasil kajian menunjukkan bahwa poligami dalam Islam dibolehkan secara terbatas dengan syarat utama terpenuhinya keadilan, khususnya dalam aspek hak-hak lahiriah istri (nafkah, tempat tinggal, dan pembagian giliran), sedangkan aspek keadilan batiniah, meskipun idealnya tetap diupayakan, diakui sebagai sesuatu yang secara inheren sulit dicapai secara sempurna oleh siapa pun. Hadis Nabi Muhammad SAW menegaskan pembatasan jumlah istri dan menempatkan keadilan sebagai prinsip fundamental, bukan sebagai legitimasi praktik poligami tanpa batas. Dalam konteks masyarakat multikultural, interpretasi kontekstual terhadap hadis menjadi penting untuk mencegah terjadinya ketidakadilan, terutama terhadap perempuan dan anak. Artikel ini menyimpulkan bahwa poligami bukanlah praktik ideal yang dianjurkan, melainkan solusi kondisional yang harus selaras dengan tujuan syariat (*maqāṣid al-syarī'ah*) dan nilai keadilan dalam kehidupan sosial modern.

A. INTRODUCTION

Polygamy, as a practice permitted in Islamic teachings on the basis of the Qur'an and Hadith, remains a complex and often controversial topic within the context of Islamic family law.(Fatah, 2024) The debate surrounding polygamy involves not only religious dimensions but also social, cultural, and legal implications. This practice affects internal family dynamics as well as the broader relationship between religion, culture, and the social development of Muslim communities.

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In increasingly developing multicultural societies, the implementation of Islamic family law, including the practice of polygamy, faces a variety of challenges. (Pakarti et al., 2023) In this article, the term “multicultural society” refers to the diversity of socio-legal contexts in which Islamic family law is applied, encompassing ethnic and cultural diversity within a single Muslim-majority country, differences among the schools of jurisprudence (madhhab) adhered to, and differences in family law regulatory systems across countries, including the context of Muslim-minority communities in Western states. Globalization has brought significant changes to the understanding and application of Islamic family law, encouraging adaptation to universal values such as human rights and gender equality. This context requires a sensitive and comprehensive approach to understanding how polygamy interacts with prevailing social and legal norms, where cultural, religious, and legal pluralities constitute a highly complex set of factors. (Murphy, 2025)

Studies on polygamy highlight its wide-ranging impact on the social structure of society, affecting relationships among individuals, families, and communities as a whole. Various studies indicate that polygamy can give rise to issues of gender equality and women's rights, and may have a significant psychological impact on children. (Noviana et al., 2023)

Nevertheless, other views argue for the relevance of polygamy as a shar’ī solution to certain social problems, provided that it is carried out in accordance with the principles of justice and maqāṣid al-sharī‘ah. Even so, criticism of polygamy in the context of modernity and human rights continues to drive reflection and debate on the relevance, justice, and social impact of this practice.

Through this study of hadith on polygamy, the author explores how justice and equality among wives can be realized in the practice of polygamy, in light of the hadith perspective. Thus far, earlier studies such as Fatah (2024), Pakarti et al. (2023), and Noviana et al. (2023) have tended to discuss justice in polygamy and its regulatory challenges in general terms, or within a framework of cross-country legal comparison, without explicitly and substantively linking them to a specific hadith analysis of the limitation on the number of wives. The novelty of this article lies in its attempt to directly connect the matn analysis of the hadith of Ghailān bin Salamah and related

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hadiths on justice with the challenges of their application in contemporary multicultural societies, so as to arrive at an understanding that does not stop at the normative level of the text but also extends to the socio-contextual level. Its aim is to provide a holistic understanding of the shari'ah of polygamy based on the Qur'an and Hadith, and to analyze how the interpretation of hadith can guide the practice of polygamy so that it aligns with the values of humanity and justice in a plural society. Thus, this article is expected to contribute to a more mature and informed discussion of the role of polygamy in contemporary multicultural Muslim societies (Muaidi, 2025).

B. RESEARCH METHOD

This is a qualitative, library-based study (*library research*) with a focus on a thematic study of hadith (*mawḍūʿī*) on polygamy. The primary data consist of hadiths of the Prophet Muhammad (peace be upon him) related to polygamy, particularly hadiths concerning the limitation on the number of wives and the principle of justice, sourced from authoritative (*muʿtabar*) hadith collections. Secondary data were obtained from hadith commentaries, exegetical works, classical fiqh literature, and contemporary scholarly works discussing Islamic family law, gender equality, and multicultural society. The authenticity status of these hadiths follows the assessments already established by hadith scholars (*takhrij* that already exist), without an independent examination of the chains of transmission (*isnād*) conducted by the author. Secondary data were also drawn from hadith commentaries, exegetical works, and contemporary scholarly works, including journal articles presenting and discussing classical fiqh views, addressing Islamic family law, gender equality, and multicultural society. Accordingly, references to classical fiqh literature in this article are for the most part accessed indirectly through these studies, rather than through direct consultation of the classical texts. Data analysis was carried out through an examination of the *matn* (text) of the hadiths, emphasizing the meaning of justice, the context of transmission (*asbāb al-wurūd*), and their normative implications. The hadiths were then analyzed contextually, taking into account the socio-historical background, *maqāṣid al-syarīʿah*, and the challenges of

contemporary multicultural society, in order to arrive at a comprehensive and just understanding of the concept of polygamy in Islam.

C. RESULTS AND DISCUSSION

1. The Basis and Requirements of Polygamy from the Perspective of Hadith and the Qur'an

The practice of polygamy in Islam has a strong shari'ah basis, grounded in both the Qur'an and the Hadith of the Prophet Muhammad (peace be upon him). Hadith, as the second source of law after the Qur'an, provides further explanation and detail regarding the implementation and limitations of the practice of polygamy. Studies of hadith on polygamy highlight the aspects of justice and equality as the primary preconditions that a husband must fulfill. (Fatah, 2024)

a. In the Qur'an

Q.S. An-Nisa: 3, Allah Almighty says:

وَأِنْ خِفْتُمْ أَلَّا تَقْسِطُوا فِي الْيَتَامَىٰ فَانْكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَىٰ وَثُلَّةَ وَرُبْعَ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ۚ ذَٰلِكَ أَدْنَىٰ أَلَّا تَعُولُوا ۗ

If you fear that you will not be able to deal justly with the (rights of) orphaned women (should you marry them), then marry those that please you among other women: two, three, or four. But if you fear that you will not be able to deal justly (with them), then marry only one, or those your right hand possesses. That is more suited to prevent you from doing injustice.

b. Dalam Hadis

عن ابن عمر، أن غَيْلَانَ بن سَلَمَةَ الثَّقَفِي أسْلَمَ وله عشر نِسْوَةٍ في الجاهلية، فَأَسْلَمَ معه، » فَأَمَرَهُ النبي صلى الله عليه وسلم أن يَتَخَيَّرَ أَرْبَعًا مِنْهُنَّ». [رواه الترمذي وابن ماجه وأحمد] (al-Tirmidzy, 1996)[صحيح]

English translation:

From Ibn 'Umar: "Ghaylān ibn Salamah al-Thaqafī embraced Islam while still having ten wives from marriages contracted during the pre-Islamic period (jāhiliyyah), and they also embraced

Islam along with him. The Messenger of Allah — peace and blessings be upon him — then commanded him to choose only four of them."

[Narrated by Ibn Mājah – Narrated by al-Tirmidhī – Narrated by Aḥmad] [Ṣaḥīḥ Hadith]

2. The Limitation on the Number of Wives and the Concept of Justice from the Perspective of Hadith

The hadith of the Prophet Muhammad (peace be upon him) plays a central role in explaining the limitations and conditions of polygamy that are stated in general terms in the Qur'an. One of the hadiths most frequently cited in this discussion is the report concerning Ghaylān ibn Salamah al-Thaqafī, who embraced Islam while having ten wives and was then commanded by the Messenger of Allah to choose four of them. This hadith is narrated by al-Tirmidhī, Ibn Mājah, and Aḥmad, and has been judged sound (ṣaḥīḥ) by a number of hadith scholars. (Nugraha, 2021)

From the standpoint of its chain of transmission (isnād), the hadith of Ghaylān has a strong chain that is accepted by the majority of hadith scholars, so that, epistemologically, it can be used as *hujjah*, a legal proof in the establishment of law. The acceptance of this hadith by the fuqahā' (jurists) shows that it is not understood merely as an individual case, but rather as a normative ruling that functions to limit the practice of polygamy that had previously been unrestricted in the pre-Islamic period. This hadith thus functions as a *taqyīd* (restriction) on the general ruling of Q.S. An-Nisā': 3, while at the same time affirming that the maximum limit of four wives is a binding shari'ah provision. (Syahriza, 2018)

From the standpoint of its text (matn), the Prophet's command that Ghaylān choose four wives shows that polygamy in Islam is not an absolute right free from regulation, but rather a practice that is strictly controlled. This hadith also indicates that the legality of polygamy does not stand alone, but is always tied to the principle of justice. In the fiqh tradition, the justice required in polygamy is understood primarily in its outward (measurable) dimension, such as maintenance, housing, and the equitable division of turns, as demonstrated by the practice of the Prophet and the explanations of classical scholars. (Muaidi, 2025)

Other hadiths on polygamy, including reports describing the Prophet's practice of dividing his turns among his wives, reinforce the understanding that material justice is the minimum requirement that a polygamous husband must fulfill. As for inward (emotional) justice, such as equality of love, the Qur'an acknowledges this as something difficult to achieve perfectly, as affirmed in Q.S. An-Nisā': 129. Therefore, the majority of scholars hold that the inability to achieve inward justice does not automatically nullify the permissibility of polygamy, so long as outward justice is upheld and no clear injustice results. (Asmu'i et al., 2024)

The justice referred to in the context of polygamy is a central focus in hadith studies and scholarly exegesis. This justice encompasses fair treatment in material matters, maintenance, housing, and the division of turns. Some scholars, such as M. Quraish Shihab, distinguish between "justice that pleases both parties" (*tuqṣitū*) and "justice that may not please one of the parties" (*ta'dilu*). In his view, justice in polygamy is not a matter of romantic feeling, but the fulfillment of measurable material and social rights. (Oktaria et al., 2025)

Thus, the study of hadith shows that polygamy in Islam is not positioned as a practice that is absolutely encouraged, but rather as a conditional permission bounded by provisions regarding number and the principle of justice. Hadith functions not merely as legitimation for the permissibility of polygamy, but rather as a normative instrument that restricts, controls, and directs the practice so that it does not deviate from the objective of the shari'ah, namely upholding justice and welfare in family life.

3. Interpretation of Justice

Debate arises regarding the required scope of justice. Some scholars understand justice to encompass both material and immaterial aspects (including love), while others argue that justice applies only to the material aspect. The majority of scholars agree that justice in polygamy is a mandatory requirement. However, some hold the view that justice in the immaterial aspect (such

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as love) is impossible for an ordinary human being to fulfill, and that only the Prophet Muhammad (peace be upon him) was capable of doing so. In Q.S. An-Nisā', verse 129, Allah Almighty says:

وَلَنْ تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ النِّسَاءِ وَلَوْ حَرَصْتُمْ فَلَا تَمِيلُوا كُلَّ الْمِيلِ فَتَدْرُوا مَا كَالْمُعَلَّقَةِ وَإِنْ تُصْلِحُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ غَفُورًا رَحِيمًا

You will never be able to be perfectly just between wives, even if you wish to be so. Therefore, do not turn away from one (whom you love) altogether, leaving another as if suspended. And if you reconcile and act righteously, then indeed Allah is Ever-Forgiving, Most Merciful. (Kementerian Agama RI, n.d.)

This verse is frequently cited to support the view that human beings will never be able to act perfectly justly among wives, however much they may wish to. Some interpretations even conclude that, because the requirement of justice is impossible to fulfill, polygamy should be prohibited. According to Siti Musdah Mulia, the justice in question covers both material and immaterial justice, such as justice in *hubb* (love) and *jima'* (marital sexual relations). A person practicing polygamy cannot possibly be just to his wives, particularly in the immaterial aspect (*bathiniyah*), no matter how hard he tries. Only the Prophet was able to be just to his wives, whereas his followers are not. This is because, in reality, husbands practicing polygamy tend to treat one wife (usually the younger one) preferentially, whether intentionally or not, while neglecting the rights of the other wives. However, this view is rejected by other scholars, who assert that the Qur'an does not prohibit polygamy outright, but rather establishes strict conditions of justice for it.

4. Historical Context and Asbāb al-Nuzūl (Occasions of Revelation)

The historical context of polygamy reveals it as a widespread practice across many societies and eras, often linked to social, economic, and political functions rather than merely personal desire. In pre-Islamic Arabia, polygamy was common and unrestricted, but Islam introduced regulations limiting the number of wives to four and emphasizing justice and equality, particularly

to protect widows and orphans affected by war, as reflected in Surah An-Nisa, verse 3. (Bature & Abba, 2025)

Polygamy also functioned as a strategy for political alliance, social stability, and economic support across various cultures, including Native American and African indigenous societies, where plural marriage helped manage labor, inheritance, and kinship networks. Islamic teaching frames polygamy not as a right, but as a responsibility requiring moral discipline, financial capability, and emotional justice, aimed at achieving social welfare rather than the fulfillment of personal desire.

Contemporary debate highlights the complex interaction among religion, culture, law, and individual choice, with some parties advocating legal reform and social education to address the challenges and injustices sometimes associated with polygamy. Overall, the historical role of polygamy has been diverse, more often linked to addressing social inequality and protecting vulnerable groups than to being an unregulated or purely personal practice. (Sugitanata et al., 2024)

Thus, in pre-Islamic Arab (Jāhiliyyah) society, unrestricted polygamy was a common practice, and Islam came to reform and limit that practice by establishing conditions and restrictions. Polygamy was permitted not merely for the satisfaction of desire, but to achieve a greater benefit (maslahah), such as protecting women in need of protection or addressing particular social conditions. Some scholars argue that the primary purpose of polygamy is to address the social problem of injustice toward orphans.

5. Implications for Wives' Rights

Hadith studies also highlight the rights of wives in the practice of polygamy. Islam grants balanced rights and justice to all its adherents, regardless of gender, marital, social, or economic status. This includes the right of a widow or divorced woman to remarry, whether to a man who is already married or one who is not. Hadith emphasizes the importance of treating wives justly in all respects, including maintenance, outward treatment, and emotional wellbeing. If a husband is

unable to act justly in these matters, Islam recommends monogamy as the better option. (Thoyibah et al., 2023)

More specifically, the rights of wives in the practice of polygamy, as affirmed by hadith, include the right to outward maintenance (clothing, food, and shelter) that must be fulfilled equally, the right to a proportional division of turns (qasm) as exemplified by the Prophet's practice of allocating time among his wives, and the right to be treated without discrimination on the basis of social status, age, or order of marriage. The failure to fulfill any of these rights, particularly a disproportionate division of turns, is often a source of real injustice (zūlm), which hadith identifies as a violation of the fundamental condition of polygamy. This concept of justice as the fulfillment of measurable rights is in line with the Qur'anic emphasis that justice in polygamy is ideally comprehensive, yet in practice is measured through outward indicators that can be accounted for.

Thus, hadith provides a clear framework for polygamy, emphasizing the requirement of justice as the core of the practice. Nevertheless, interpretations of this justice vary, giving rise to ongoing discussion regarding its relevance and implementation within the context of modern society.

6. Interpretation of Hadith on Polygamy in the Context of Contemporary Multicultural Society

The interpretation of hadith on polygamy is strongly influenced by the values of gender equality and human rights, particularly within the context of contemporary multicultural society. Studies show that traditional interpretations are often gender-biased, having been shaped by a patriarchal ideology that positions women as objects of polygamy, so that a more humanistic and gender-just reinterpretation is needed, one consistent with the values of justice and humanity. (Hasan et al., 2022)

The feminist hermeneutical approach, as developed by Amina Wadud, emphasizes equal rights between men and women in the interpretation of the Qur'an, including in the context of polygamy, which must be understood within economic, reproductive, and biological contexts.

Some thinkers, such as Siti Musdah Mulia, reject polygamy on the grounds that it violates humanitarian values and constitutes injustice, employing contextual, justice-based, *maqāṣid al-sharī'ah*, and gender-equality approaches in interpreting the verses related to polygamy (Budi & Amalia, 2025). If this approach is applied to re-read the previously discussed hadith of Ghaylān ibn Salamah, the Prophet's command that Ghaylān choose four of his ten wives can be understood not merely as an administrative restriction, but as a form of protection for women's rights that could otherwise be neglected when the number of wives is left unlimited—a reading that is consistent with the spirit of equality emphasized by feminist hermeneutics, while at the same time reinforcing, rather than replacing, the normative conclusion set out in the hadith analysis above.

On the other hand, conservative, literal interpretations of hadith are often used to support polygamy as an obligation for men, but this has sparked debate with Muslim feminist movements demanding equality and the empowerment of women. (Nikmatullah & Emawati, 2024) In general, modern discourse demands an understanding of polygamy that is not based solely on the literal text, but also takes into account its ethical, social, and psychological implications, while affirming the importance of justice and equality in the practice of polygamy.

7. The Contextual Approach in the Interpretation of Hadith

The contextual approach to understanding hadith on polygamy is an integral part of the discipline of hadith studies and cannot be separated from the methodological framework of *‘ulūm al-ḥadīth*. In the Islamic scholarly tradition, understanding hadith rests not only on the textual wording (*lafz al-ḥadīth*), but also encompasses analysis of the context of transmission, the normative purpose of the hadith, and its relationship to other equivalent legal proofs. The contextual approach is therefore not intended to subordinate the hadith text to external values, but rather to ensure a proportionate understanding that is coherent with the intent of the *shari'ah*. (Syahriza, 2018)

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One important tool within the contextual approach is the study of *asbāb al-wurūd*, namely the socio-historical background to the emergence of a hadith. Hadiths on polygamy emerged in the context of pre-Islamic Arab society, which was familiar with unrestricted polygamy that was often accompanied by injustice toward women. The presence of the Prophet Muhammad's hadith within this context functioned as a corrective and regulatory instrument, not as legitimation for uncontrolled polygamous practice. Understanding hadith on polygamy must therefore take into account that its primary focus is the restriction and regulation of a social practice that already existed beforehand. (Nugraha, 2021)

The contextual approach also involves the principle of *jam' wa al-tawfīq*, namely the effort to reconcile hadiths that appear, on their surface, to differ. Hadiths indicating the permissibility of polygamy are understood alongside hadiths and Qur'anic verses that emphasize the heavy demands of justice. This relationship is not contradictory but complementary: the permissibility of polygamy is conditional, while the emphasis on justice functions as an ethical and legal control mechanism. Within this framework, the permissibility of polygamy does not stand as an independent norm, but is always bound to strict conditions and moral responsibility. (Bature & Abba, 2025)

The Qur'anic verse Surah An-Nisā', verse 129, which states the inability of human beings to act perfectly justly, is understood, within the hadith-based approach, as an acknowledgment of human limitation in the dimension of inward justice. Read together with the previously discussed hadith of Ghaylān ibn Salamah, this verse provides the basis for why limiting the number of wives becomes a practical necessity: the greater the number of wives, the greater the risk of being unable to fulfill inward justice, as alluded to in this verse—so that the Prophet's command to Ghaylān to choose four wives can be read as a preventive step against this potential injustice, rather than merely a repetition of the normative provision already stated in Q.S. An-Nisā': 3. The hadiths in which the Prophet acknowledges his own emotional inclinations, while still affirming the obligation of outward justice, indicate a distinction between the justice that is legally binding and

the inward inclination that lies beyond human control. The contextual approach thus avoids extreme understandings—whether one that entirely denies the permissibility of polygamy, or one that treats it as unlimited freedom. (Effendi & Ulya, 2023)

In addition, the contextual approach in hadith studies also considers the relationship between hadith and *maqāṣid al-sharī‘ah*, particularly the principle of justice and the prevention of injustice within the institution of the family. Within the framework of Islamic scholarship, *maqāṣid* functions to reveal the normative purpose contained within the text, not to replace it. A contextual reading of the hadith on polygamy is therefore intended to ensure that its application is consistent with the aim of protecting the rights and welfare of family members, without disregarding the authority of the text and the tradition of transmission. (Roziqin, 2024)

In the context of contemporary multicultural society, the contextual approach allows hadith on polygamy to be understood more proportionately, while maintaining a balance between the normative provisions of the text and the social realities faced by Muslims. This approach does not alter the legal status of the hadith, but functions as an analytical framework for assessing the implementation of polygamy so that it does not deviate from the principle of justice that lies at the core of Islamic teaching. (Sarib et al., 2024)

Thus, the contextual approach to understanding hadith on polygamy is a scholarly method rooted in the discipline of hadith studies. This approach allows hadith to be understood in accordance with its normative function and *shari’ah* purpose, while preserving its relevance in facing social dynamics, without reducing it to mere legitimation for a practice that has the potential to give rise to injustice.

8. Justice and Gender Equality in Contemporary Perspective

In multicultural society, the emphasis on justice and equality has led to a stricter reinterpretation of the requirement of “justice” in polygamy. Whereas classical interpretations often confined justice to material aspects (maintenance, housing, time), contemporary interpretations extend it to emotional and psychological justice and equality within the

relationship. Injustice in polygamy, particularly as experienced by the first wife and children, can give rise to serious internal conflict and problems of emotional wellbeing. (Azis et al., 2023)

Modern views on Q.S. An-Nisā', verse 129 affirm that human beings are unable to act perfectly justly, so that monogamy is regarded as the more ideal option, one that is more consistent with the Islamic principle of justice because it supports family stability and social welfare. Polygamy is permitted only under certain conditions, for strong reasons and pressing needs, and must guarantee justice not only in material terms but also emotionally and psychologically. (Ulum & Hamidah, 2025)

The practice of polygamy often gives rise to injustice, such as inequality in the rights of wives and children, as well as family conflict, leading many modern scholars to emphasize that monogamy is the primary principle in Islamic marriage. The principle of *mubadalah*, which emphasizes gender justice, forms the basis of the critique of polygamy and encourages legal reform that gives greater priority to women's rights and balance within the family. (Solikhudin & Faidati, 2024) Overall, monogamy is regarded as more consistent with the Islamic principle of justice, whereas polygamy is permitted only under certain conditions, subject to strict requirements of justice and a high degree of social responsibility.

9. Challenges of Polygamy in Multicultural Society

The implementation of polygamy in multicultural society presents various challenges:

a. Differences in Legal Regulation

A number of Muslim-majority countries have reformed their family law to regulate polygamy more strictly, or even to prohibit it, as an effort to protect women's rights. The procedure for polygamy can be highly bureaucratic and complex in some countries, such as Malaysia, compared with other countries such as Indonesia (Pakarti et al., 2023). These variations in regulation are clearly evident when compared across countries: in Indonesia, the Marriage Law requires prior court permission and the consent of the existing wife as an administrative condition for polygamy; Pakistan applies a similar mechanism through a Family Arbitration Council; while

Morocco and Tunisia have taken more restrictive paths, with Tunisia even prohibiting polygamy entirely following its family law reform, and Morocco strictly limiting it through requirements of financial capability and judicial consent (Noviana et al., 2023). These regulatory differences show that the translation of the hadith principle of justice into positive legal norms is strongly influenced by the socio-political context of each country, so that a single shari'ah provision can give rise to different family law frameworks in practice.

b. Compatibility with Universal Values

Polygamy is frequently confronted with the universal values of human rights and gender equality that underpin many multicultural societies, particularly in the West. This gives rise to debate over the compatibility of Islamic law with European values, for instance regarding the legal recognition of polygamous marriages contracted by Muslim citizens in countries that adopt monogamy as the norm of family law, such that the status of a second or subsequent marriage is often not legally recognized even though it is valid under Islamic law. This situation gives rise to derivative issues, such as inheritance rights, the status of children, and legal protection for second and subsequent wives, which in turn fuels debate over the extent to which a multicultural state can accommodate legal pluralism in family law without sacrificing the principle of gender equality upheld within its national legal framework (Febrianty et al., 2025).

c. Social and Psychological Impact

Polygamy can create unique social dynamics and has the potential to affect children's development. Issues such as internal family conflict, emotional wellbeing, and social stigmatization often arise. Although it is argued that polygamy can serve as a solution in certain situations, such as protecting widows, its implementation must take into account the emotional and physical readiness of all parties involved.

d. Patriarki dan Interpretasi Gender-Bias

A number of studies show that the practice and legitimation of polygamy in Muslim societies are often influenced by a patriarchal ideology operating within the process of interpreting religious texts. Asma Barlas argues that gender bias in the interpretation of the Qur'an and hadith does not originate from the revealed text itself, but from the patriarchal social assumptions brought by interpreters, which thereby perpetuate the relations of male power over women. (Barlas, 2002)

A similar critique is put forward by Siti Musdah Mulia, who argues that polygamy in contemporary practice is often legitimized through religious interpretation that disregards the principle of substantive justice and women's lived experience. (Mulia, 2004) In the context of hadith, Faqihuddin Abdul Kodir offers the approach of *qirā'ah mubādalāh* as an alternative method for reading hadiths on polygamy in a relational and gender-non-biased manner.

Contemporary hadith scholarship also affirms that the Prophet's practice of polygamy cannot be separated from the principle of justice and moral responsibility, and cannot be equated with the patriarchal polygamous practices that have developed in modern society. (Thoyibah et al., 2023) A critical and contextual reading of hadith on polygamy is therefore essential in order to dismantle patriarchal bias and uphold justice in Islamic family law.

e. Solutions and Adaptations in Contemporary Family Law

To address these challenges, contemporary Islamic family law seeks to regulate the practice of polygamy more justly and in accordance with Islamic values and the needs of modern society. A gender-responsive and child-rights-accommodating multicultural approach can serve as a solution. Concrete solutions proposed include stricter state regulation, such as the requirement of the first wife's consent and an assessment of the husband's financial and emotional capacity, as well as pre-marital and post-marital education programs that emphasize the principles of justice and responsibility. (Febrianty et al., 2025)

Thus, the study of hadith on polygamy within the context of contemporary multicultural society focuses not only on its shari'ah validity, but also on how the values of justice and welfare can be upheld in this highly complex practice.

D. CONCLUSION

This study affirms that polygamy in Islam has a clear normative basis in the Qur'an and the hadith of the Prophet Muhammad (peace be upon him), yet its permissibility is not absolute. Hadiths on polygamy, particularly the report concerning Ghaylān ibn Salamah al-Thaqafi, indicate a limitation on the number of wives and an affirmation of the principle of justice as the primary condition. In terms of their chains of transmission, these hadiths possess strong validity and are accepted by the majority of hadith scholars, so that, methodologically, they can serve as a legal proof (*ḥujjah*) in the establishment of law.

Analysis of the hadith text (*matn*) shows that polygamy is positioned as a conditional permissibility that functions correctively against the unrestricted polygamous practice of the pre-Islamic period. Hadith does not present polygamy as a practice that is normatively encouraged, but rather as a form of social regulation strictly controlled through the demands of justice and moral responsibility. The justice required in hadith and classical *fiqh* is understood primarily in its outward (measurable) dimension, such as maintenance, housing, and the division of turns, while inward justice is acknowledged as something difficult for human beings to achieve perfectly.

The contextual approach in hadith studies, through the analysis of *asbāb al-wurūd*, the principle of *jam' wa al-tawfiq*, and consideration of *maqāṣid al-sharī'ah*, allows for a more proportionate understanding of the hadiths on polygamy. This approach shows that hadith functions as an instrument for restricting and controlling the practice of polygamy so that it does not deviate from the objective of the shari'ah, namely upholding justice and preventing injustice within the institution of the family. In the context of contemporary multicultural society, contextual

reading is essential for responding to social, legal, and psychological challenges without detaching from the authority of the text and the tradition of Islamic scholarship.

Based on these findings, this article recommends that future studies and practices of polygamy should consistently be grounded in methodologically sound and contextual hadith analysis, placing the principle of justice as the primary benchmark for legal implementation. In addition, the role of the state and religious institutions is needed in formulating stricter regulations and oversight mechanisms for the practice of polygamy, in order to prevent injustice toward women and children. Academically, given that this article bases the authenticity status of the hadiths on the assessments of earlier hadith scholars without conducting an independent examination of the chains of transmission, further research is recommended to close this methodological gap through a direct and in-depth comparative analysis of the chains of transmission (isnād) and text (matn) of the hadiths on polygamy, including tracing the lines of transmission back to the primary hadith collections. Such research would complement the contribution of this article—which focuses on a contextual and thematic reading of hadith already judged authentic by earlier scholars—with a critical verification of the reports themselves, as well as an examination of their relevance across various socio-cultural contexts, so that the understanding of polygamy in Islamic family law can continue to develop critically, justly, and responsibly.

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