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Public Perception of Polygamy in Makassar, Indonesia: Cultural Perspective and Islamic Law

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Abstract: One of the issues in Islamic law that is often debated is the case of polygamy that occurs in society in Indonesia. The perception of people in Makassar City, South Sulawesi about polygamy is still very taboo. This assumption arises because of their erroneous understanding of polygamy. This article aimed to discuss the underlying factors of polygamous marriages in Makassar. The research used empirical methods with survey techniques, analyzed with Islamic law theory. The current research was designed as a survey which involved 80 participants, who consisted of 30 polygamous actors and 50 people from monogamous relationships. Instruments used in this study were a close-ended questionnaire and an open interview guideline with polygamists. The results showed that among the Makassarian community members who agreed with the practice of polygamy, there was a group of people who considered polygamy as a disgrace to the family or an act of demeaning women. It was reported that many polygamous actors conducted polygamy without any consent from their first wives. The survey also uncovered several factors that provoked polygamy practices in Makassar. These factors include female infertility, men's sexual needs, the Prophet's Sunnah, incurable diseases, and ignorance. Moreover, the majority of polygamous actors in Makassar chose not to register their second marriage at the Civil Registry office due to the state convoluted bureaucracy and the law that prohibits government employees to be polygamous.

Keywords: Polygamy, monogamy, cultural marriage, Makassar, Islamic Law

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Abstrak: *Salah satu persoalan dalam hukum Islam yang sering diperdebatkan adalah kasus poligami yang terjadi dalam masyarakat di Indonesia. Persepsi masyarakat di Kota Makassar Sulawesi Selatan tentang poligami adalah suatu yang masih sangat tabu. Anggapan ini muncul disebabkan kekeliruan pemahaman masyarakat tentang poligami. Penulisan artikel ini bertujuan untuk membahas faktor-faktor yang melatarbelakangi perkawinan poligami di Kota Makassar. Penelitian tersebut menggunakan metode empiris dengan teknik survei, dianalisis dengan teori hukum Islam. Jumlah sampel dalam penelitian ini sebanyak 80 participant yang terdiri dari 30 partisipan melakukan perkawinan poligami dan 50 partisipan yang tidak melakukan poligami. Instrumen yang dipakai dalam penelitian ini menggunakan kuesioner pertanyaan tertutup dan wawancara terbuka kepada pelaku poligami. Berdasarkan hasil penelitian masyarakat Kota Makassar menyetujui adanya perkawinan poligami, tetapi masih terdapat masyarakat menganggap bahwa poligami adalah aib, poligami tidak merendahkan derajat perempuan, masyarakat yang melakukan poligami tidak mendapat izin dari istri sebelumnya. Selain itu, faktor-faktor yang mempengaruhi perkawinan poligami adalah tidak ada keturunan, kebutuhan seksual, mengikuti sunnah Rasul SAW, memiliki penyakit yang tidak dapat disembuhkan, dan kurangnya pelayanan isteri. Kesimpulan yang didapatkan bahwa perkawinan poligami masih dilakukan di bawah tangan (perkawinan yang tidak dilakukan oleh pegawai pencatat nikah) hal ini dilatar belakangi oleh proses izin poligami berbelit-belit, dan adanya pembatasan monogami pada Pegawai Negeri Sipil.*

Kata Kunci: *Poligami, monogami, perkawinan secara budaya, Makassar, hukum Islam*

Introduction

One type of marriage that is often discussed in society is polygamy. The practice of marrying multiple spouses has garnered a lot of debate, pros, and cons, but not a few people have chosen to be neutral.¹ The controversy seems to be endless and various opinions continue to be conveyed. Some agree that polygamy should be permitted under particular conditions since polygamy can be used as a means to improve the standard of living and the social class of a woman herself.²

¹ Sam'ani Sam'ani, et.al., "Pragmatism of Polygamous Family in Muslim Society: Beyond Islamic Law," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, No. 1 (2023). Zainal Azwar, et.al., "Polygamy Permits For Business Reasons (Analysis of Sawahlunto Religious Court Ruling Number: 045/Pdt.G/2018/Pa.Swl)," *JURIS: Jurnal Ilmiah Syari'ah* 20, No. 2 (2021). Beni Ahmad Saebani, "Islam Nusantara's Perspective on Justice in Polygamy," *Asy-Syari'ah* 21, no. 1 (2019).

² Najmah Jaman, "Implications of Polygamy Practices on Positive Law In Indonesia," *Prophetic Law Review* 2, no. 1 (2020), p. 22–36.

Polygamy can also serve as a tool to strengthen and legitimize the status of a man and become the symbol of a man's honor in a particular tribal community.³

The anti-polygamy groups have made many responses that discredit and identify polygamy with something negative.⁴ They perceive polygamy as a violation of human rights and a form of exploitation and hegemony of men against women. Polygamy is also perceived as an oppressive act, wrongdoing, betrayal, and underestimation of women. It constitutes a discriminatory treatment of women. Polygamy is accused of harassing the dignity of women because it is thought to be a medium to satisfy male sexual desire.⁵ Men who commit polygamy are deemed to commit an act of violence and oppression that disregards female rights in their entirety.⁶

On the other hand, pro-polygamy groups argue that a polygamy is a legitimate form of marriage.⁷ It has been practiced over centuries by all nations in the world. In many ways, polygamy promotes the dignity of women and protects their morals so that they are not contaminated by vile and immoral acts that are forbidden by Allah SWT, such as engaging in sexual activity for payment (prostitution) or developing other unethical attitudes.⁸ Polygamy, thus, contains elements of rescue, efforts to protect, and respect for the existence and dignity of women.⁹

Polygamy has been prohibited in several countries in the world. Turkey, for example, is the first Islamic country which imposed a ban on polygamy through the Turkish civil law.¹⁰ Provisions that prohibit polygamy are also

³ Claire A Smearman, "Second Wives' Club: Mapping the Impact of Polygamy in U.S. Immigration Law.," *Berkeley Journal of International Law* 27, no. 2 (2009), p. 382–447.

⁴ Tsoaledi Daniel Thobejane and Takayindisa Flora, "An Exploration of Polygamous Marriages: A Worldview," *Mediterranean Journal of Social Sciences* 5, no. 27 (2014), p. 1058–66.

⁵ Aslihan Okan İbiloğlu, et.al., "Negative Effect of Polygamy on Family Members in the Province of Diyarbakir, Turkey," *Cukurova Medical Journal* 43, no. 4 (2018), p. 982–88.

⁶ Khoirul Abror, "Poligami Dan Relevansinya Dengan Keharmonisan Rumah Tangga (Studi Di Kelurahan Rajabasa Bandar Lampung)," *Al-'Adalah* 13, no. 2 (2016), p. 227–38.

⁷ Nabila Farhana Yahya and Mek Wok Mahmud, "Antara Kewajiban Dan Keinginan Nafsu Berpoligami Dalam Membentuk Keluarga Bahagia (Polygamy: Between Obligation and Lust in Forming A Happy Family)," *Journal of Islam in Asia* 17, no. 3 (2020), p. 240–67.

⁸ Sri Astuti et. al., "Sexual Deviation of Animals Between Law and Sharia; a Comparative Analysis," *Mazahibuna: Jurnal Perbandingan Mazhab* 3, no. 2 (2021), p. 118–29.

⁹ Saifuddin Zuhri Qudsy and Mamat S. Burhanuddin, "Penggunaan Hadis-Hadis Poligami Dalam Tafsir Ibnu Katsir," *Musâwa: Jurnal Studi Gender Dan Islam* 15, no. 2 (2016), p. 181.

¹⁰ Abdullah Cirakoglu, et.al., "Polygamy, Sexual Behavior in a Population under Risk for Prostate Cancer Diagnostic: An Observational Study from the Black Sea Region in Turkey," *International Braz J Urol* 44, no. 4 (2018), p. 704–8.

regulated in the Tunisian Individual Status Act (The Code of Personal Status).¹¹ This article states explicitly that anyone who remarries before his first marriage ends in any form and for whatever reason can be imprisoned for 1 year or fined 240.000 Francs or getting fined and imprisonment.¹²

Traditional African communities assume that marrying more than one wife is a pride.¹³ Polygamy symbolizes success, high social status, and the welfare of a man. Polygamy is the ancestral heritage of Africans. It is not only natural but also institutional.¹⁴ Unlike other countries in Africa, Cameroonians practice polygamy for economic purposes.¹⁵

Although Indonesia does not expressly prohibit polygamy in its positive law, it is clear that some strict regulations and restrictions limit the practice of polygamy.¹⁶ Iman Fathurrohman describes the stigma inherent in polygamy as follows, "To some married women, polygamy is as frightening as cancer, tuberculosis, or divorce because polygamy destroys many households. Therefore, many women are against polygamy."

Islamic law protects women by granting them the same rights as those given to men.¹⁷ Islamic law eliminates discrimination between women and men in fulfilling their rights because women and men are equal in the eyes of Allah SWT. The difference lies solely like both genders. However, it may not be used to destroy the relationship between women and men; instead, it has been intended to let them complement and help each other.¹⁸

Even though Islamic law has facilitated female protection. However, gender discrimination and the notion of women as second-class citizens still

¹¹ Hasan Çetin Ekerbiçer, et. al., "A Comparison of Sexual Function, Psychological Status, and Sociodemographic Characteristics of Turkish Men within Polygamous and Monogamous Marriages," (2016), p. 383–89.

¹² Okan İbiloğlu, et.al., "Negative Effect of Polygamy on Family Members in the Province of Diyarbakir, Turkey."

¹³ Lea Mwambene, "What Is the Future of Polygyny (Polygamy) in Africa? L Mwambene Polygyny Is a Traditional Practice Whereby Only a Man Is Allowed to Marry," *Potchefstroom Electronic Law Journal* 2017, no. 20 (2017), p. 1–33.

¹⁴ James Fenske, "African Polygamy: Past and Present," *Journal Development Economics* 117, (2015).

¹⁵ Thobejane and Flora, "An Exploration of Polygamous Marriages."

¹⁶ Edi Darmawijaya, "Poligami Dalam Hukum Islam Dan Hukum Positif (Tinjauan Hukum Keluarga Turki, Tunisia dan Indonesia)," *Gender Equality* 1, No. 1, (2015), p. 27–38. Abdul Hakim, "Reasons for Polygamy and Its Impact on Muslim Family Life: Experiences of Polygamous Perpetrators in Babat, Lamongan, Indonesia," *Journal of Islamic Law* 3, No. 1 (2022), p. 34-53.

¹⁷ Fajri M. Kasim, et.al., "The Protection of Women and Children Post-Divorce in Sharia Courts in Aceh: A Sociological Perspective," *Ahkam: Jurnal Ilmu Syari'ah* 22, No. 2 (2022).

¹⁸ Setyawan Bima Reza Fitra Ardhian, Satrio Anugrah, "Poligami Dalam Hukum Islam Dan Hukum Positif Indonesia Serta," *Hukum Islam* 3, no. 2 (2015), p. 100–107.

survive in society.¹⁹ As a result, gender equality cannot be fully achieved. The patriarchal culture has dominated society's dogma for so long. Politics has yet fully taken sides with women and the economy in the global capitalist system often exploits women. Also, patriarchal interpretations of religious texts have challenged women's emancipation.²⁰

According to the Head of the Legal Aids of Indonesian Women's Association for Justice Makassar, there are at least 50 to 70 cases of domestic abuse reported every year; around 10% is caused by polygamy. The women reported that their husbands married another woman without their consent. Even some of them claimed to have been abandoned and neglected for their husbands no longer provide for them after being remarried.

Preliminary research conducted in Makassar showed that women in polygamous marriages could do nothing but surrender themselves to the situation. Both husbands and wives thought that polygamy was permitted by their religion. This legitimacy made the husbands feel innocent even though they had been unfair to their wives. Some of the people in the city signified advocacy for polygamous marriages, while some others did not. Since only a few of them were well-educated about polygamy, this practice was often carried out off-the-procedures or implemented illegally.

The practice of polygamy that had taken place in Makassar was the focus of this study. Furthermore, this study also attempted to examine the community's perspectives on polygamous marriages in Makassar and the factors that influenced the occurrence of such marriages in the city. The current study was designed as a survey that aimed to reveal local people's perspectives on polygamous marriages in Makassar, South Sulawesi, Indonesia and analyze how the practice of polygamy was carried out in the city.

The research used empirical methods with survey techniques, analyzed with Islamic law theory.²¹ This study involved populations from 14 sub-districts in Makassar City. The participants of the study were selected from 7 sub-districts where polygamy was mostly found. As a result, 80 participants (30 marriages were polygamous and 50 marriages were monogamous) were invited to do the survey. Data collection followed the following procedures: 1) Gathered data from the field by conducting an in-depth interview, and document analysis. 2) Distributed a questionnaire to the respondents. The questionnaire contained 19

¹⁹ Ahmad Zahari, "Telaah Terhadap Poligami Dalam Perspektif Hukum Islam," *Telaah Terhadap Poligami Dalam Perspektif Hukum Islam* 43, no. 1 (2014), p. 9–16.

²⁰ Mohd. Shah Jani Raudlotul Firdaus Binti Fatah Yasin, "The Positive Role of Polygamy in Reducing Women Socio-Related Problems in Malaysia," *The Department of Qur'an and Sunnah Studies International Islamic University Malaysia* 2, no. 3 (2013), p. 72–82.

²¹ Peter Mahmud Marzuki, *Penelitian Hukum*, Jakarta: Kencana Prenada Group, 2019.

closed-ended items which consisted of 7 general questions for all participants and 12 specific questions for those who were involved in polygamous marriages.

Society’s Perspectives on Polygamous Marriages in Makassar

Like other communities in Indonesia, the Makassar ethnist community in South Sulawesi practices polygamy. However, various views of the people of Makassar towards polygamy are:

Table 1: Society’s Attitudes Towards Polygamy

No	Statements	Respondents			
		Polygamy Actors		Monogamy Group	
		F	%	F	%
1.	Agree	25	83.33	24	48.00
2.	Disagree	1	3.33	19	38.00
3.	Abstain	4	13.33	7	14.00
Total		30	100	50	100

Table 1 showed that most respondents from the polygamy group (83.33%) agreed with the practice of polygamy, 3.33% of them disagreed, and 13.33% were unable to provide an answer to the statement. Surprisingly, almost half of the participants involved in monogamous relationships (48%) confirmed their agreement regarding the practice of having more than one wife at the same time. While 38% of them disagreed, 14% did not answer the statement. Based on the data presented above, it was obvious that there were two different views on polygamy: agree and disagree. Many respondents from the monogamy group were against the practice. Interestingly, there was also a polemic against polygamy among the polygamous actors. One of them (33.33%) voiced his disapproval of polygamy even though he committed the act himself.

The results of the analysis showed that less than half of the participants (49 out of 80) agreed with the practice of polygamy. More interestingly, there was one polygamy actor who disagreed with the idea of marrying multiple spouses. On the other hands, other respondents were against polygamy because it was considered as dishonorable conduct.

The respondents’ answers to whether polygamy was dishonorable or not were presented in Table 2.

Table 2: Polygamy as Dishonorable Conduct

No.	Statement	Respondents	
		Polygamy Actors	Monogamy Group

		F	%	F	%
1.	Agree	-	-	11	22.00
2.	Disagree	28	93.33	35	70.00
3.	Abstain	2	6.33	4	8.00
Total		30	100	50	100

Table 2 showed that the majority of the polygamy actors (93.33%) disagreed with the statement “polygamy is dishonorable conduct”, while only 6.33 % were reported to abstain from answering the survey question. Similarly, more than half of the monogamy respondents (70%) were against the statement “polygamy is dishonorable conduct”, but 22% of them were the advocates of the statement, while the rest (8%) stood in a neutral position.

The participants’ responses to “polygamy denigrate women” were recorded in Table 3.

Table 3: Polygamy Denigrates Women

No.	Statement	Respondents			
		Polygamy Actors		Monogamy Group	
		F	%	F	%
1.	Agree	-	-	7	14.00
2.	Disagree	29	96.66	38	76.00
3.	Abstain	1	3.33	5	10.00
Total		30	100	50	100

Table 3 indicated that the polygamy actors did not feel that polygamy could denigrate women, while 14 % of respondents from the monogamy group agreed with the statement. The disagreement with the statement came from the majority of the polygamy actors (96.66 %) and monogamy respondents (76 %). The rest of the polygamy actors (3.33%) and monogamy respondents (10%) did not provide an answer to the statement.

In Buginese culture, men who marry multiple spouses are called “*oroane kabaine-baine*”. This connotation leaves a negative impression on the Buginese people because polygamy is usually practiced wrongly in the area. An entrepreneur, GS (47 years old/male), in an interview revealed his “*kabaine-baine*” experience as he moved from one city to another to run a business. He got married to two women (a Javanese and a Chinese) in Surabaya. Not long after, he met a woman from Banjar and married her in Kalimantan. Soon, when he moved

to Ambon, he "tight the knot" with his current Ambonese wife from Takalar, who gave him three children.²²

Society considers *maega baine* (marrying multiple wives) respectable as it can protect, give a sense of justice, and bring prosperity for the wife and the children. However, there is also a careless practice of "*kabaine-baine*", where a man marries multiple wives simply to indulge his desires. This practice leads to the suffering of the wife and the children. Therefore, "*kabaine-baine*" is often interpreted negatively by the local community in Makassar. Islam law has established some strict polygamy rules. Polygamy is allowed if the husband can provide all of his wives' physical and mental fairly. Polygamy is prohibited in Islam if it is solely practiced based on lust. Also, argues that polygamy is not a dishonorable action. Polygamy, instead, is something very beautiful to experience.²³ According to him who has experienced polygamous marriages, the husband must be fair in treating the wives and the children. Love is relative; thus, justice should not be limited to feelings.

In Makassar culture, "*maega baine*" or the practice of marrying multiple wives has been around for a long time. The story of a polygamy actor, *La Maddukkelleng*, has been written in the *Lontara Sukkuna Wajo*. *La Maddukkelleng* or *Arung Singkang* or *Arung Peneki* is a nobleman from Wajo, South Sulawesi who was born in 1700. He left his hometown for the first time in 1714. It is told that he brought along *tellu cappa* (three tips) that are the tip of the tongue (*cappa lila*), the tip of the dagger (*cappa kawali*), and the tip of the (male) genital (*cappa laso*).

Buginese believes that *tellu cappa* symbolizes the excellent values of a man. It is a principle that a man must hold when he decides to live on another island. When a man leaves his hometown, he needs to adjust to a new environment. Therefore, *tellu cappa* should be used to ease the adaptation process. *Cappa lila* (tip of the tongue) refers to the man's ability for diplomacy. If diplomacy is considered ineffective, then the second step is to make use of his *cappa laso* (tip of the genital), that is to marry the native. When *cappa lila* and *cappa laso* fail to work, the last thing to do is to make use of *cappa kawali* (tip of the dagger) which is to declare war.²⁴

Even in *Epos Lagaligo*, polygamy tradition has been inherited from older generations, for example, *La Toge' Langi'* (*Batara Guru*) and his three empresses. The first empress, Enyilitomo, gave him a son, named *Batara Lattu*. His other two children, *Lapanguriseng Toappananrang* and *Leleulung*. There were born from

²² Interview with GS, An Entrepreneur in Makassar, 2021.

²³ Arif Rohman, "Reinterpret Polygamy in Islam: A Case Study in Indonesia." *SSRN Electronic Journal* 2, no. 10 (2013).

²⁴ Mukrimin, "The Bugis and their 'Téllu Cappâ' in Contemporary Indonesia's Decentralization," *South East Asia Research* 27, No. 3 (2019).

the second empress, *Wesaungiriu*. The last empress, *Leleuleng*, gave birth to three children, *Latemmalureng*, *Datu Maogoe*, and *Latemmalolo*.²⁵

The pro-polygamy group may agree to the practice of marrying multiple spouses at one time because it is sunnah in Islam. The ultimate goal of polygamy according to Islam is to protect and provide poor widows and orphans with a better life. In Islam, polygamy is legal as long as the husband prioritizes marrying the weak and poor widows and orphans.²⁶

Polygamous marriages are no different from monogamous marriages in general.²⁷ Similar to a monogamy marriage, a man in the polygamous marriage should comply with the prescribed Shari'a procedure to marry a woman, that is to prepare *khitbah*, a guardian and a witness, dowry, and *akad* or *ijab qabul*. However, before a man considers marrying more than one wife, he needs to make sure that he can be fair to all his wives and capable of providing for his wives and children.

Polygamy Culture in Makassar

Polygamy actors need to understand polygamy law, especially that related to the husband's obligations during the marriage. The results of the survey related to the polygamy actors' awareness of polygamy laws were depicted in Table 4.

Table 4: Respondents' Awareness of Polygamy Laws

No.	Statement	Respondents			
		Polygamy Actors		Monogamy Group	
		F	%	F	%
1.	Aware	16	53.33	16	32.00
2.	Unaware	10	33.33	27	54.00
3.	Abstain	4	13.33	7	14.00
	Total	30	100	50	100

Based on the information presented in Table 4, around half of polygamy actors (53.33%) were aware of polygamy laws, 33.33% were not, and 13.33% abstained from responding to the statement. On the other hand, 32% of monogamous respondents stated that they knew the terms and conditions of

²⁵ Qudsy and Burhanuddin, "Penggunaan Hadis-Hadis Poligami Dalam Tafsir Ibnu Katsir."

²⁶ Reza Fitra Ardhian and Satrio Anugrah, "Poligami Dalam Hukum Islam Dan Hukum Positif Indonesia Serta."

²⁷ Walter Scheidel, "Monogamy and Polygyny," *A Companion to Families in the Greek and Roman Worlds*, (2011), p. 108–15.

marrying multiple wives, 54 % did not possess the knowledge, and 14% did not provide an answer to the statement.

The next survey was aimed at finding out whether the husband carried out polygamy provisions, specifically whether the husband asked for his first wife's permission before marrying another woman. The results were recorded in Table 5:

Table 5: Obtaining Consent from the First Wife

No	Statement	Respondents			
		Polygamy Actors		Monogamy Group	
		F	%	F	%
1.	With permission	7	23.33	2	4.00
2.	No permission	20	66.66	34	68.00
3.	Abstain	3	10.00	14	28.00
Total		30	100	50	100

The highest percentage of the polygamy respondents (66.66%) stated that no permission was granted before getting involved in another marriage, 23.33 % stated that polygamy was allowed after getting permission from the first wife, and 10% stated that they had no idea about it. Likewise, 68% of respondents from the monogamy group stated that the majority of polygamy actors did not usually seek their first wife's permission to marry again, 28 % monogamy respondents agreed that the first wife's permission was very important, while the rest (4%) abstained.

The participants' responses to the existence of unregistered marriages for practicing polygamy were presented in Table 6.

Table 6: Unregistered Marriage for Practicing Polygamy

No	Statement	Respondents			
		Polygamy Actors		Monogamy Group	
		F	%	F	%
1.	Unregistered Polygamous Marriage	26	86.66	30	60.00
2.	Registered Polygamous Marriage	3	10.00	16	32.00
		1			

3. Abstain	3.33	4	8.00
Total	30	100	50
			100

Table 6 indicated that nearly all members of the polygamy group (86.66 %) admitted that most of the polygamous marriages in Makassar were unregistered, 10% stated that people in Makassar registered their polygamous marriages, and the rest (3.33 %) abstained. Similarly, more than half of the monogamy participants (60.00 %) stated that polygamy in Makassar was practiced through unregistered marriages, 32 % reported that polygamous marriages in Makassar were usually registered, and 8 % did not provide an answer to the statement.

One of the reasons why a man practices polygamy is because the wife suffers from disorders of fertility. A polygamy actor, ID (52 years old/male/civil servant), has revealed that his wife could not give him a son and thus he had to marry another woman who can bear a child. His second marriage has been blessed with a child, but unfortunately, this marriage has not been registered at the Civil Registry office. Another motive to practice polygamy is to avoid adultery.²⁸ DS (41 years old/male/driver) admitted that he did not intend to have a polygamous marriage, but when he went to Balikpapan, he met MY. There, he decided to tighten the knot. MY is now his second wife.²⁹

Based on the results of the interview, it is obvious that polygamy actors in Makassar did not report their second, third, or even fourth marriage to the Civil Registry office. These marriages, indeed, derived legitimacy from Islam, but not from the state. It indicates that polygamy that occurs in Makassar prioritizes religious norms rather than legal norms in the country. In addition, it also suggests that most of the polygamy actors are reluctant to have a polygamous marriage with legal formalities.

Clause 56 of the Compilation of Islamic Law³⁰ requires husbands to do the following before committing polygamy:

1. Husbands who want to marry multiple spouses must obtain consent from the Religious Court.
2. Submission of the consent referred to in paragraph (1) is carried out according to the procedure stipulated in Chapter VIII, Government Regulation No. 9 of 1975.
3. Without consent, the marriage is considered to have no legal force.

Some of the cases above regarding the practice of polygamy are not only found among the upper class, but also the middle-to-lower class communities.

²⁸ Interview with ID, A Polygamy Actor in Makassar, 2021.

²⁹ Interview with DS, A Polygamy Actor in Makassar, 2021.

³⁰ Intruksi Presiden Nomor 1 Tahun 1991 tentang Kompilasi Hukum Islam.

The fact is that men can easily carry out this practice, regardless of the local government regulations. Worse, some officials who are supposed to be role models also perform this practice openly. I thoroughly examined, the first wives of the men are perfect in terms of their physical, intellectual, and attitudinal conditions. However, since some people consider religious laws to be higher than the state laws, they may take lightly the responsibility to be a husband with multiple wives.

The illegal practice of polygamy has left a negative impression on society. As polygamists prefer to do it secretly, the noble image of the marriage itself is tarnished.³¹ This phenomenon has led people to think that polygamy has violated human rights, especially of women. Most polygamy couples who follow the material and formal legal provisions of marriage do not encounter problems as faced by unhealthy polygamy couples. Their household can be as harmonious and happy as the monogamous pairings.

Factors Leading to Polygamy

A survey was conducted to uncover several conditions that contribute to the practice of polygamy in Makassar. The leading causes of marrying multiple spouses in Makassar were presented in Table 7.

Table 7: Factors Leading to Polygamy

No.	Statement	Respondents			
		Polygamy Actors		Monogamy Group	
		F	%	F	%
1.	Female Infertility	9	30.00	15	30.00
2.	Sexual Needs	6	20.00	17	34.00
3.	The Prophet's	4	13.33	8	16.00
4.	Sunnah	6	20.00	4	8.00
5.	An incurable disease suffered by the first wife The first wife's ignorance	5	16.66	6	12.00
Total		30	100	50	100

³¹ Ibnu Elmi A.S. Pelu, "The Polygamy and the Economics Power(Study Polygamy in Surabaya, East Java, Indonesia)," *IOSR Journal of Humanities and Social Science* 21, no. 09 (2016), p. 68–77.

Table 7 indicated that five factors led to the occurrence of polygamy in Makassar. The most significant factor was the wife's infertility (30%). Less than half of the polygamy actors stated that they were driven by sexual needs (20%) and by the fact that their wives suffered from incurable diseases (16,66 %). There were only 13,33 % of the polygamy actors married multiple spouses to follow the Prophet's Sunnah.

Polygamous marriages in Makassar are religiously valid because the couples have fulfilled the legal requirements for Islamic marriage. However, these marriages are considered illegal based on the state law because they are not registered at the Civil Registry office. These marriages are also held without considering the rights of the first wife. In other words, the polygamous actors only prioritize his sexual desires and thus ignore their responsibility to their first wife and children. According to Clause 5 paragraph 1 of Law No. 1 of 1974, a polygamous marriage can be legal if the husband can obtain consent from the first wife and guarantee that he is, by all means, able to provide for his wives and children.³² Not to mention, many Muslim men in Makassar have committed polygamy without getting any consent from the Religious Court. The second marriage of the men is never recorded in the Religious Affairs Office (*Kantor Urusan Agama/KUA*) bookkeeping, as they should have.

Several factors leading to the practice of polygamy in Makassar include:

1. Female Infertility

One of the factors leading to polygamy is female infertility. An entrepreneur, ST (48 years old/male) admitted that he married his second wife because his parents urged him to have children while at that time his first wife was unable to get pregnant and give birth to his offspring.³³ This type of polygamy is considered legal as it complies with one of the requirements written in the polygamy regulation. Clause 4 paragraph (2) concerning Marriage states that: Courts can only grant permission for polygamy if a) the first wife cannot carry out her obligations as a wife, b) the first wife suffers from a disability or an incurable disease, or c) the wife cannot conceive.³⁴

³²Murysid Djawas, et.al., "The Government's Role in Decreasing Divorce Rates in Indonesia: The Case of Aceh and South Sulawesi," *Ahkam: Jurnal Ilmu Syariah* 21, No. 1 (2021).

³³ Interview with ST, An Entrepreneur in Makassar, 2021.

³⁴ Undang-Undang Republik Indonesia Nomor 1 Tahun 1974 Tentang Perkawinan.

2. Sexual Needs

According to the law, the goal of marriage is to create a happy family. Marriage is a “*halal*” way to channel human biological desires.³⁵ However, an imbalance between male and female sexual abilities in a marriage may lead to a disaster. To overcome this problem, therefore, the couple needs to be open to each other. If this solution is no longer effective, then polygamy can become an alternative. Polygamy is never suggested unless in a precarious situation where both the wife and the husband have considered the benefits and the damage that polygamy may bring to their family.

Regulation Number 1/1974 never allows a man to remarry for sexual purposes. If it does, then there must be abundant applications received by the state from husbands who want to commit polygamy. While a man’s sexual desire tends to be permanent, women are more likely to enter into their perimenopause in their late 40’s. Therefore, unless the husband can hold back his desires, obtain sexual satisfaction from his wife, or prevent himself from falling into adultery, polygamy will not exist.

Some men have a very strong sexual drive and are unable to resist it. HM (51 years old), for example, confessed that his involvement in polygamous marriages was associated with his fear of adultery. He preferred to marry multiple spouses so that he could fulfill his sexual needs while still submitting to Islamic teachings.³⁶ Experts rarely discuss that there are some husbands, with an excessive sex drive, who cannot be satisfied by one wife. When the wife gets older, his husband’s sexual desire will become more overwhelming for her to handle. Similarly, HM admitted that his first wife, ST, is no longer active in sexual intercourse as she has been encountering her menopause where the function of her ovaries ceases.

3. The Prophet’s *Sunnah*

It should be realized that Prophet Muhammad PBUH committed polygamy after his first monogamous marriage with the late Khadijah ra lasted for 25 years.³⁷ Three or four years after the passing of Khadijah RA., the Prophet married Aisyah RA. This marriage was followed by another marriage to an elderly widow, Saudah binti Zam'ah, whose husband died overseas. Shortly, the Prophet married several other women. They were Hindun or Umm Salama, a widow whose husband was killed in the war; Ramlah, a widow divorced by her apostate husband; Huriyah bint Al Haris, an Islamic prisoner of war; Hafsa, the daughter

³⁵ E Kusumawardhani, “‘Halal’ Sex Tourism from Feminism Perspective,” in *International Conference on Social and Political Sciences, BSPACE* (Malang, 2020), p. 1–6.

³⁶ Interview with HM, A Polygamy Actor in Makassar, 2021.

³⁷ Alimatul Qibtiyah, “The Marital Life of the Prophet Muhammad (PBUH): Monogamy versus Polygamy,” 2020.

of Umar bin Khathab; Shafiyah bint Huyay, a war prisoner who was freed by the Apostle; Zainab binti Jahesy, a widow who was previously forced to marry a slave; and Zainab binti Khuzaimah, whose husband was killed in the uhud war.³⁸ So, except for Aisha RA, the Prophet only married widows; some of whom were older than him and some others were even no longer physically attractive.

The Prophet's polygamous marriages are often misunderstood. Current polygamy is committed without considering the noble background of the marriages itself.³⁹ According to Alimatul, it was Islam that initially set the terms of the polygamy system and the number of wives allowed⁴⁰ Polygamous marriages should be adjusted to several conditions, such as when women are treated as part of slaves, conjugal relations are not based on humanity, men marry ten or more women just to get offspring.⁴¹

4. Incurable Disease

Another reason for husbands applying for polygamy is because the wife has an illness that makes her unable to carry out her obligations as a wife. Clause 4 paragraph (2) (a) of Regulation number 1/1974 stipulates that polygamy is permitted if: "The wife cannot carry out her obligations as a wife". Also, paragraph (2) (b) also states that polygamy may be carried out if: "The wife suffers from a disability or an incurable disease".⁴² An interview with AS (41 years old/male) also revealed that his decision to marry another woman was since his wife had suffered from a terminal illness for approximately 7 years.⁴³ He admitted that as a normal man, he longed for a woman who was able to serve and care for his needs.

5. Ignorance

The results of the study showed that most of the polygamy actors decided to remarry because their first wife could not carry out her obligations as a wife. The wife cannot accompany and serve her husband well, cannot take care of and educate her child, cannot guard herself against immorality, has trouble with memory, and has a weak body condition due to aging. Husbands who are faced with these conditions are allowed to practice polygamy. In Islam, the wife's

³⁸ Zahari, "Telaah Terhadap Poligami Dalam Perspektif Hukum Islam."

³⁹ Raudlotul Firdaus Binti Fatah Yasin., "The Positive Role of Polygamy in Reducing Women Socio-Related Problems in Malaysia."

⁴⁰ Alimatul Qibtiyah, "Indonesian Muslim Women and the Gender Equality Movement," *Journal of Indonesian Islam* 3, no. 1 (2009), p. 168–96.

⁴¹ Sonja van Wichelen, "Religion, Politics and Gender in Indonesia: Disputing the Muslim Body," *Religion, Politics and Gender in Indonesia: Disputing the Muslim Body* (2010), p. 1–154.

⁴² Indonesia, "UU No. 1 Tahun 1974 Tentang Perkawinan."

⁴³ Interview with AS, A Polygamy Actor in Makassar, 2021.

ignorance can be in the form of disrespectful and unsub missive behaviors towards the husband's leadership, an inability to keep the husband's secret and household affairs and to regulate the household.

Polygamy in Makassar has put a heavy psychological burden on the first wives and children, especially daughters. As a result, abandoned wives often cover up and behave as if nothing had happened. In addition, few of them blame themselves and consider themselves guilty. Children who are involved in polygamous marriages often feel insecure and avoid associating with their peers, especially when other people talk about their father. In polygamous marriages, a husband needs to be ready to take up a bigger responsibility to fulfill all family needs. Otherwise, the husband will eventually fail to create happiness and peace in his family life.

In Makassar, polygamous husbands prefer to live with their new family rather than their first wives so that they no longer bear the burden of heavy family needs. The abandoned wives now need to support their children by themselves. Indirectly, the first wives and their children had become the victim of the polygamous marriage itself. Nevertheless, despite these negative outcomes, polygamy still continues to occur in Makassar due to the strong patriarchal ideology, powerlessness of women, uncritical religious views of the community, dominant religious law (vs the state law), and public indifference about the destructive impact of polygamy. Sadly, the ultimate goal of polygamy, which is to protect widows and orphans, has almost been forgotten.

Conclusion

The majority of polygamous marriages in Makassar are not registered at the Religious Affairs Office or the Civil Registry Office. The polygamous actors do not submit their polygamous marriages application to the state due to the expensive and convoluted marriage bureaucracy. It also happens because polygamy regulations in Indonesia are very strict (e.g. Regulation No. 1 of 1974 concerning Marriage, Presidential Instruction No. 1 of 1991 concerning KHI, coupled with Government Regulation No. 10 of 1983 and further amended by Government Regulation No. 45 of 1990 concerning Monogamy Marriage for the Civil Servants). As a result, men who wish to marry multiple spouses need to do it 'clandestinely'. There are five factors that lead to the occurrence of polygamy in Makassar, including infertility and ignorance of the first wife, the husband's sexual needs, an incurable disease suffered by the first wife, and the Prophet's Sunnah.

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