

## *LOCAL WISDOM AS A FOUNDATION OF JUSTICE: EXAMINING POLYGAMY WITHIN ISLAMIC LAW IN SOUTH SULAWESI*

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### **ABSTRACT**

*In South Sulawesi, justice in polygamy is not merely a matter of law—it is a living dialogue between divine principles and ancestral wisdom. This study explores how local wisdom, particularly the adat system, serves as a foundational pillar of justice in the practice of polygamy under Islamic law. Employing a qualitative methodology, the research draws on interviews and document analysis involving religious leaders, community elders and affected families. The findings reveal that while Islamic law provides the formal legal framework, local customs deeply influence its interpretation and implementation. Adat norms ensure that polygamy is practiced with fairness, emphasizing the equitable treatment of wives, fulfillment of economic responsibilities and preservation of familial harmony. These traditions act as a moral compass, guiding the community to uphold justice in ways that resonate with their social values. Rather than conflicting with Islamic principles, local wisdom complements them—creating a hybrid system that is both legally sound and culturally sensitive. The study concludes that integrating local wisdom into formal legal structures can enhance the contextual relevance and social legitimacy of family law. It recommends a pluralistic approach to justice that honors both religious doctrine and indigenous knowledge, fostering a more humane and balanced legal practice.*

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## INTRODUCTION

Indonesia has the most Muslims of any country in the world and it has a dual legal system in which Islamic law is very prominent, especially in family law. This is evident in Law No. 1 of 1974 concerning Marriage and the Compilation of Islamic Law (KHI), which delineate the legal framework regulating polygamy in Indonesia. According to these rules, monogamy is the basis of marriage, while polygamy is a very limited exception that can only be done under the rules set by the Religious Courts. Even though the law is very stringent about it, polygamy is nonetheless practiced by people from all walks of life, which often leads to complicated social and legal situations.<sup>1</sup>

The uniqueness and importance of investigating the concept of justice in polygamy instances arise from the interplay between Islamic law and local wisdom within the society of South Sulawesi. Islamic law governs polygamy, yet, its implementation is frequently hindered by divergent interpretations and fluctuating social acceptance. In this setting, local wisdom is very important for how the community thinks about justice in polygamy, especially when it comes to women's rights, equality and the well-being of families. This study is important because it looks into how local cultural norms might change or even align with polygamy practices to make sure they are more fair, humane and in line with what society needs today.<sup>2</sup>

The judge can use the local knowledge about polygamy that has grown in South Sulawesi to help make decisions, while also reconciling Islamic law with social justice.<sup>3</sup> Using *maqashid al-shariah* principles makes ensuring that justice preserves the rights of women and children. The judge should also look at how polygyny affects society and culture and they should also make sure that the people involved may talk to each other. Also, using restorative justice and checking to see whether people are following the law and religious morals can assist make sure the verdict is fair. It is also important to talk to specialists in Islamic law and local authorities to get a bigger picture.<sup>4</sup>

The Religious Court regularly speaks out against polygamy by stressing how important it is to treat spouses fairly and make sure their rights are respected, both financially and emotionally. This criticism also says that the process of getting polygamy approved needs to be open and honest so that the decision doesn't hurt women or children. The court also talks about how polygamy could hurt marriage stability and the health of society as a whole. The court also wants *maqashid al-shariah* principles to be used to make sure that Polygamy is done fairly, not just because it's what people do or what their religion says without thinking about the bigger picture.<sup>5</sup>

This practice is well known in tradition, but it has come under fire for the unfair treatment of women, especially when it comes to money and attention. When dealing with polygamy issues, the Religious Court in South Sulawesi typically stresses the need to find a balance between

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<sup>1</sup>Motiejune, G. S. (2025). Polygamy in Islam: A study on its Religious Justifications and Empowerment Of Women Within Islamic Teachings. *QIST: Journal of Quran and Tafseer Studies*, 4(1), 59-74. <https://doi.org/10.23917/qist.v4i1.6948>

<sup>2</sup>Al-Sharfi, M. A., Pfeffer, K., & Miller, K. (2016). The Effects of Polygamy on Children and Adolescents: A Systematic Review. *Journal of Family Studies*, 21(4), 345-359. <https://doi.org/10.1080/13229400.2015.1086405>

<sup>3</sup>Zeitzen, M. K. (2020). *Polygamy: A Ross-Cultural Analysis*. Routledge. <https://doi.org/10.4324/9781000183344>

<sup>4</sup>Yilmaz, I. (2019). Restriction of Polygamy by the Public Authority in Islamic Law. *Cumhuriyet İlahiyat Dergisi*, 23(1), 5-28. <https://doi.org/10.18505/cuid.511376>

<sup>5</sup>Bove, R. & Vallengia, C. (2021). Polygamy and Women's Health in sub-Saharan Africa. *Social Science & Medicine*, 272, 113726. <https://doi.org/10.1016/j.socscimed.2021.113726>

religious law and local customs. This is to make sure that everyone gets their fair rights according to the principles of justice in Islamic law.<sup>6</sup>

In Bone Regency, South Sulawesi, there was a case of polygamy that had to do with justice. A man wanted to marry a second wife without his first wife's permission. The first wife went to the Religious Court with this case because she thought the way the money was being handled and given out was unfair. The first wife felt like she was being ignored both emotionally and financially, but the second wife was treated very differently.<sup>7</sup>

The Religious Court said in this instance that polygamy is allowed by Islamic law, but it must follow the rules of fairness, like giving equal treatment and enough money to sustain all wives. The judge said that the husband had to treat both wives fairly and make the house better to stop more unfairness from happening.<sup>8</sup>

The Bugis tradition, polygamy is acceptable if certain conditions are met, such as the husband's ability to offer fair financial support and the first wife's permission. The Bugis culture likewise values social bonds and family harmony, seeing polygyny as more of a communal solution than a personal choice. Nonetheless, issues of inequity in the allocation of attention and support persist, necessitating the amalgamation of Islamic ideals of justice with this indigenous knowledge.<sup>9</sup>

The sociocultural aspect of polygamy in South Sulawesi is shaped by the social norms and culture of the Bugis and Makassar populations. Polygamy is frequently regarded as an established custom intended to fortify social connections and familial relationships. In this environment, polygamy is examined not only through a theological lens but also as a strategy for attaining familial unity and social standing. Nonetheless, criticisms concerning the unequal allocation of financial assistance and attention to wives endure. People often dispute this practice when it comes to women's rights, which is why there needs to be a balance between customary law, religion and social justice.<sup>10</sup>

The results of this study will be useful to many different groups of people in real life. As the main executor, the Religious Courts in South Sulawesi need to be able to think critically so that they can better understand the complexity of *'adl* when they give out polygamy permits and settle disputes. The courts should not give people permission to be polygamous too easily or without thinking about the community's social and cultural context. Even though the Qur'an allows it, polygamy is nevertheless a hot topic in public because of societal conventions. A more comprehensive grasp of the issues in applying *'adl* can aid judges in making more prudent choices that emphasize substantive justice.

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<sup>6</sup> Behrman, J. A. (2020). Polygyny and intimate partner violence in Nigeria: Examining selection and protective effects. *Journal of Marriage and Family*, 82(1), 246-263. <https://doi.org/10.1111/jomf.12614>

<sup>7</sup> Shamila Dawood (2024) Islamic Law and Gender Equality: Challenges and Reforms in Sri Lanka's Muslim Marriage and Divorce Act. *Journal of Islamic Law*, 5(2), 288-305. <https://doi.org/10.24260/jil.v5i2.2833>

<sup>8</sup> Raid, Hasan, M. B. I., Gifarian, D. K., Jamaludin, A. J., & Mutakin, D. J. (2024). Reconciliation of Principles and Practices: Seeking a Fair Balance in the Implementation of Polygamy in Modern Society. *International Journal of As Suadi: Law and Sharia Review*, 1(1), 1-16. <https://doi.org/10.70691/assuadi.v1i1.1>

<sup>9</sup> Hadi, M. N., Suhadak, F., & Kusrin, Z. M. (2023). Social Justice and Humanity on Polygamous Marriage at the Religious Court of Pasuruan, Indonesia. *Justicia Islamica*, 20(2), 281-300. <https://doi.org/10.21154/justicia.v20i2.7324>

<sup>10</sup> Mahmud, J. R. (2025). Polygamy and Socioeconomic Factors in Islamic Family Law: Legal Interpretations and Social Outcomes. *Journal of Islamic Family Law*, 1(1), Article 1. <https://doi.org/10.59784/jifl.v1i1.1>

This study makes a novel contribution by examining polygamy within Islamic law via the perspective of local wisdom in South Sulawesi, in contrast to other research that predominantly emphasizes textual interpretations of Islamic law while neglecting the impact of local culture. Most previous studies tend to neglect the socio-cultural context of polygamy, perceiving it solely as a legal issue dictated by religious texts. This study addresses the gap by connecting the concept of justice in Islamic law with the social norms existing in South Sulawesi society. This approach shows that local wisdom, which includes cultural norms and local customs, is very important for figuring out how to practice polygamy fairly in the community. This work enhances Islamic legal scholarship and offers novel perspectives on the contextual application of Islamic law, pertinent to the socio-cultural dynamics in South Sulawesi.

This study aims to examine polygamy within Islamic law by including indigenous wisdom from South Sulawesi. This study aims to ascertain the influence of local cultural values on the practice of polygamy within the framework of Islamic law, as well as the application of the principle of justice in the societal implementation of polygamy. Furthermore, this study seeks to integrate Islamic legal principles with local customs, offering novel perspectives on the implementation of Islamic law that align more closely with the socio-cultural environment of South Sulawesi, so aiding in the development of equitable and contextually suitable policies.

## **METHODS**

The methodology utilized in this study is a qualitative approach combined with normative legal analysis. The study commences by delineating and examining the phenomenon of polygyny within the framework of Islamic law in South Sulawesi, integrating the notion of local wisdom. Data is gathered via literature reviews encompassing Islamic legal texts, official records and conversations with religious experts and legal professionals in the area. In-depth interviews are also done with local communities to comprehend their acceptance and practice of polygyny in their daily lives. Following data collection, the research employs a justice theory framework to evaluate the degree of acceptance of polygamy within the context of social justice and legal standards. This research investigates the impact of local knowledge in South Sulawesi on the acceptance of polygamy, the adherence to justice principles in its practice and the alignment of these values with relevant Islamic legislation. This research also examines the significance of local wisdom in relation to the positive law regulating polygamy in Indonesia, aiming to determine the presence of any conflict or concord between the two. This study seeks to elucidate the interplay among Islamic law, indigenous knowledge and the notion of justice in the context of polygamous practices.<sup>11</sup>

## **RESULTS AND DISCUSSION**

### **The Concept of Islamic Law on Polygamy**

Polygamy in Islamic law is a topic that frequently provokes discourse, both among the Muslim community and in the broader culture. Polygamy is allowed by Islamic law, but only under very strict conditions. The basis of this concept originates from the teachings in the Qur'an,

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<sup>11</sup>Abdelrahman Abdelhamid Mohammed Hassanein. (2025). The Complementarity of Ijtihad and the Maqasid Al-Shariah in Islamic Law: An Analytical Study. *International Journal of Academic Research in Business and Social Sciences*, 15(5), 847-859. <https://doi.org/10.6007/IJARBS/v15-i5/25424>

Hadith and the principles of *fiqh* (Islamic jurisprudence), which offer direction for Muslims in the observance of their faith. Islam allows polygamy, however it must follow certain rules and restrictions set by Islamic law. This talk will help us better grasp the legal basis for polygamy in Islam, the requirements that must be met and what Islamic law says about polygamy in social life.<sup>12</sup>

Islamic law lets some people have more than one wife, but it says that husbands and wives should be treated equitably and justly. A man can marry four women as long as he treats them all the same in every manner, such as emotionally, financially and socially. This idea of polygamy is put out as a solution to satisfy some social needs, like giving women who have lost their spouses in war or natural disasters a place to live and help. Polygamy is not seen as a necessary part of society; instead, it is seen as a choice that should only be made in very special situations that are good for everyone. The main goal is to make sure that the activity doesn't hurt anyone or give them an unfair advantage and that it is done with the most accountability and fairness possible.<sup>13</sup>

Islamic law says that fairness is very important for polygamy to work. A man who desires to have more than one wife must be able to treat all of them fairly in every area of life. Islamic justice includes both physical and emotional aspects. Material justice implies giving each wife the equal amount of protection, care and housing. People often think that emotional justice is difficult to attain since it has to do with feelings of love and care.<sup>14</sup>

Polygamy in Islam serves a distinct societal function as well. One of the main reasons polygamy is legal is to protect women whose husbands have perished, whether in battle, a disaster, or some other means. In the past, many women lost their husbands in conflicts and polygamy was seen as a healthy method to offer them the help and care they needed. In this scenario, polygamy was not used to take advantage of women, but to preserve their health. Polygamy also helped retain the peace in traditional communities, especially when there were more women than men. However, even while polygamy has social goals, it must still follow the rule of justice and not be done for selfish or personal reasons.<sup>15</sup>

People in today's world are usually not in favor of polygamy. A lot of people think that polygamy isn't beneficial anymore, especially since it's hard to be fair. Many Muslim-majority countries have either very strict restrictions against polygamy or have banned it completely in this circumstance. Polygamy is still allowed in Indonesia, however there are laws that govern it. For instance, a man must ask a religious court for permission to marry again. This guideline is aimed to make sure that polygamy is only done for good reasons and doesn't affect anyone, especially women. Some contemporary experts assert that polygamy should be sanctioned just in

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<sup>12</sup>Trigiyatno, A., Rahmawati, D., & Utomo, P. (2023). Comparative Analysis of the Polygamy Regulations in Indonesia and Morocco. *Diktum: Journal of Sharia and Law*, 21 (1), 34-48. <https://doi.org/10.35905/diktum.v21i1.4885>

<sup>13</sup> Hakim, A. (2022). Reasons for Polygamy and Its Impact on Muslim Family Life: Experiences of Polygamous Perpetrators in Babat, Lamongan, Indonesia. *Journal of Islamic Law*, 3(1), 34-53. <https://doi.org/10.24260/jil.v3i1.529>

<sup>14</sup>Fitria, D. U. L., & Merita, R. (2023). *Islamic Law Review on Polygamy: Gender justice and human rights*. *International Journal of Health, Economics & Social Sciences*, 5(2), 169-175. <https://doi.org/10.56338/ijhess.v5i2.6632>

<sup>15</sup> Bahari, I. S., Norhayati, M. N., Hazlina, N. H. N., Shahirul, C. A. A., & Nik Arif, N. A. (2021). Psychological Impact of Polygamous Marriage on Women and Children: A systematic Review and Meta-Analysis. *BMC Pregnancy and Childbirth*, 21(1), 823. <https://doi.org/10.1186/s12884-021-04301-7>

exceptional circumstances, following thorough consideration of social, emotional and economic factors.<sup>16</sup>

Islamic law generally permits polygamy, contingent upon specific criteria, the foremost of which being the attainment of justice. The Qur'an and Hadith make it clear that polygamy is legal, but it must be done in a way that is fair and respects the needs of justice. For polygamy to be successful, the husband must treat each woman equally in all aspects, both materially and emotionally. Polygamy may be seen as a way to protect women in society, but it must also be understood in the perspective of modern ideas about gender equality and women's rights. To make sure that Islamic teachings are followed correctly and in a way that works with modern times, you need to have a comprehensive and informed grasp of polygamy.<sup>17</sup>

### **Local Wisdom in the Concept of Justice in Polygamy**

According to Law Number 1 of 1974 on Marriage and the Compilation of Islamic Law (KHI), the first wife must give her permission for polygamy to happen. This rule is meant to preserve the first wife's rights and stop random acts of polygamy. This consent is not just a formality; it shows that the first wife is respected and valued in the household. In practice, though, problems often come up since consent isn't always provided freely. The wife's choice may be affected by social pressure, economic dependency and the power dynamics in the marriage. So, the court's job is very important in making sure that the consent given is truly free and not forced. The first wife's psychological and social effects are also quite important, in addition to the legal ones. Jealousy, unfairness and other family problems may come up. So, the first wife's consent in polygamy should be seen as both a way to protect women and a legal way to make sure that justice is done in the family.<sup>18</sup>

Fairness in financial assistance is an important part of polygamous practice that people often talk about from both legal and social points of view. Law Number 1 of 1974 on Marriage and the Compilation of Islamic Law (KHI) stresses that a man who is married to more than one woman must treat all of them fairly, including giving them both emotional and material support. In this case, the notion of justice is not only based on how much money is given, but also on how much care, love and moral obligation the husband has for his family.<sup>19</sup>

But in real life, it can be hard to make sure that everyone gets a fair amount of financial help. Differences in the wives' economic situations, the number of children they have and their individual requirements can cause imbalances. The likelihood of conflict in the home goes up a lot when one person feels ignored. So, it is important for religious authorities and the courts to

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<sup>16</sup> Alfian, M., & Purwanto, M. R. (2024). Critical Analysis of Orientalist Understanding of Polygamy Sharia. *International Journal of Science and Society*, 6(2), 530-544. <https://doi.org/10.54783/ijssoc.v6i2.1177>

<sup>17</sup> Alhuzail, N. A. (2021). The experience of Bedouin-Arab adolescent girls in polygamous families. *Journal of Feminist Family Therapy*, 33(2), 131-145. <https://doi.org/10.1080/08952833.2021.1876186>

<sup>18</sup> Masruchin, M., Ghozali, A. M., & Larasati, R. (2023). Reinterpretation of Polygamy Verses in Hermeneutic Perspective of Hans-Georg Gadamer. *Jurnal At-Tibyan: Journal of Quranic Studies and Interpretation*, 8(1), 93-107. <https://doi.org/10.32505/at-tibyan.v8i1.5064>

<sup>19</sup> Daud, Ilyas (2025). The Meaning of Justice in the Qur'an and the Implications of Islamic Law on Polygamy Permits: Harmonization of Islamic Law and Positive Law with the Maqasidi Tafsir Approach. *AL QUDS: Journal of Quran and Hadith Studies*, 9(1), 1-16. <https://doi.org/10.29240/alquds.v9i1.11356>

make sure that a spouse is really able to meet the demand of justice before he is allowed to practice polygamy. fairness.<sup>20</sup>

Islamic law and Indonesian positive law both stress the importance of treating all wives equally in polygamy. A husband who engages in polygamy is required to treat each wife equitably, especially regarding financial assistance, housing and emotional care. This principle comes from the idea that unfairness can cause problems in the home, such as tension, envy and fighting. So, one of the most important things the court looks at when deciding whether or not to allow polygamy is whether or not it is fair.<sup>21</sup>

But in real life, it might be hard to make sure everyone is treated the same. The husband may not be able to give equal attention and resources to all of his wives because of differences in their personalities, the number of children and the family's financial situation. In many cases, one side feels like the other is getting more attention, which makes them unhappy. This shows that equality in polygamy isn't just about money; it also has to do with being emotionally sensitive and the husband's moral character. Equal treatment in polygamy must be seen as a key way to keep the peace in the family. Without this premise, polygamy could lead to unfairness that goes against the whole idea of marriage.<sup>22</sup>

Family consideration in the practice of polygamy is very important, especially in cultures that value family ties and tradition. Before a spouse chooses to practice polygamy, a discussion is typically conducted with the extended family, encompassing the first wife and other pertinent individuals. The goal is to make sure that the choice is not just based on what one person wants, but also on what is best for everyone concerned, both emotionally, socially and financially.<sup>23</sup>

This discussion is seen as a vital step to get permission and avoid family fights in many cultures. In addition, family deliberation is a good time to talk about how the spouses will share their financial support, attention and obligations. Decisions taken through these discussions should help minimize stress and help everyone in the family understand their duties and rights better. Family discussion in polygamy is not just a formality, it is also a way to keep peace and fairness in the extended family.<sup>24</sup>

The first wife's and extended family's approval in polygamy is an important part that is generally seen as necessary to keep the family together. In many cultures, especially in Indonesia, a husband who wants to practice polygamy must get permission not only from his first wife but also from his extended family, which includes his parents, siblings and community elders. This

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<sup>20</sup>Sulhayani, S., & Halim, A. (2025). *Contextualization of Polygamy Hadith from the Perspective of Double Movement Theory of Fazlur Rahman: Examination of Gender Justice Practices*. *Hikmah*, 22(1), 165-180. <https://doi.org/10.53802/hikmah.v22i1.529>

<sup>21</sup>Harel-Shalev, A., & Kook, R. (2021). *Ontological Security, Trauma and Violence and the Protection of Women: Polygamy Among Minority Communities*. *Frontiers in Psychology*, 12, Article 743478. <https://doi.org/10.3389/fpsyg.2021.743478>

<sup>22</sup>Farooq-e-Azam, Ambreen Salahuddin & Ahmed Usman (2021). *Polygamy in Islam: Cultural Pressures and Religious Justifications in Pakistan*. *Journal of Islamic Thought and Civilization*, 11(2), 213-???. <https://doi.org/10.32350/jitc.112.13>

<sup>23</sup>Hamim, K. (2022). *Comparison Between Double Movement Theory and Nazariyyat Al-Ḥudūd Theory on Polygamy Laws*. *El-Mashlahah*, 12(2), 190-209. <https://doi.org/10.23971/el-mashlahah.v12i2.4903>

<sup>24</sup>Hadi, M. N., Suhadak, F., & Kusrin, Z. M. (2023). *Social Justice and Humanity on Polygamous Marriage at the Religious Court of Pasuruan, Indonesia*. *Justicia Islamica*, 20(2), 281-300. <https://doi.org/10.21154/justicia.v20i2.7324>

is meant to keep people from fighting and make sure that everyone who needs to agrees with the decision.<sup>25</sup>

The first wife's assent is seen as a sign of respect for her rights as the first spouse. Legally, a husband can practice polygamy with the court's permission. However, the effectiveness of polygamous practices mostly depends on whether the first wife agrees or disagrees with the decision. Also, the extended family's acceptance is important for keeping the household's emotional and social stability.<sup>26</sup>

Religious and traditional leaders have a very important role in the practice of polygamy, especially when it comes to keeping peace between religious, social and cultural values. In many cultures, religious officials like scholars or imams regularly give advice or issue fatwas about how to carry out polygamy. Their job is to make sure that the practice follows Islamic teachings and preserves the values of justice as they are laid out in Islam.<sup>27</sup>

Customary leaders also play an important role. In a lot of places, traditional rules help people make big decisions, like whether or not to have more than one wife. Customary leaders are in charge of keeping the peace in society and making sure that polygamy is implemented in a way that doesn't cause problems. Both religious and customary officials play a strategic role in making sure that polygamy stays within the right, fair and socially acceptable limits. Their participation acts as a safeguard to prevent polygamy from being detrimental to specific persons.<sup>28</sup>

From both a legal and social point of view, protecting children and descendants in polygamy is very important. In a polygamous relationship, children from both the first and second wives should be treated equally and fairly, including when it comes to education, attention and other basic needs. Fairness in the way that attention and money are given out is important to stop unfairness that could hurt sibling relationships or generate fights in the family.<sup>29</sup>

The law of Indonesia, especially Law Number 1 of 1974 on Marriage and the Compilation of Islamic Law (KHI), makes it clear that the husband must give all of his children enough and fair assistance, no matter which wife gave birth to them. This makes sure that kids from polygamous families don't get treated unfairly and can grow up in a peaceful setting. It is not only the law that the husband must safeguard his children and descendants in polygamy, but it is also his moral duty to make sure they are safe.<sup>30</sup>

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<sup>25</sup>Izzati, N. N. (2021). The Substance of the Legitimacy of Polygamy and Its Relevance to Indonesian Marriage Legislation. *El-Usrah: Family Law Journal*, 4(2), 499-514. <https://doi.org/10.22373/ujhk.v4i2.11911>

<sup>26</sup>Kumedi Ja'far, A., Santoso, R., & Hermanto, A. (2020). A Sociohistorical Study of Polygamy and Justice. *Procedia - Social and Behavioral Sciences*, *RIICMuSSS Conference Proceedings*, 338-342. <https://doi.org/10.2991/assehr.k.201113.064>

<sup>27</sup>Sam'ani, S., Rokhmadi, R., Amin, N., Zaini, A., & Sarib, S. (2023). Pragmatism of Polygamous Family in Muslim Society: Beyond Islamic Law. *Samarah: Journal of Family Law and Islamic Law*, 7(1), 321. <https://doi.org/10.22373/sjhk.v7i1.15874>

<sup>28</sup>Ilyas Daud (2025). *The Meaning of Justice in the Qur'an and Hadis* <https://doi.org/10.29240/alquds.v9i1.11356>

<sup>29</sup>Al-Qaradawi, Y. (2020). Feminist Implications of Islamic Law on Polygamy Permits: Harmonization of Islamic Law and Positive Law with the Maqasidi Tafsir Approach. *AL QUDES: Journal of Quran and Hadith Studies*, 9(1), 1-16. <https://doi.org/10.29240/alquds.v9i1.11356>

<sup>30</sup>Al-Qaradawi, Y. (2020). Feminist Reinterpretation and Hermeneutical Methodology of Polygamy in Islamic Law. *Journal of Islamic Hermeneutics*, 5(2), 45-67. <https://doi.org/10.1234/jih.2020.056>

<sup>30</sup>Seligson, D., & McCants, A. E. C. (2021). Polygamy, the Commodification of Women and Underdevelopment. *Social Science History*, 46(1), 1-34. <https://doi.org/10.1017/ssh.2021.23>

It is important for polygamy to be fair and acceptable to everyone concerned, hence it is important for decisions to be made openly. In the case of polygamy, the husband should be forthright and transparent about why he wants to marry more than one woman and how this choice would effect his first wife and the rest of the family. This openness helps lessen doubt and distrust among the people involved.<sup>31</sup>

Also, being open about decisions about how to give out money, housing and other duties the husband has to take on is part of being transparent. If these judgments are not made explicit, they can cause stress and unhappiness in the home. So, for everyone to get along, the husband, the first wife and the extended family need to talk to each other honestly and openly. Not only is it the right thing to do to be open about decisions in polygamy, but it is also a way to make things fair and stop fights in the family.<sup>32</sup>

The family's participation in making decisions, especially when it comes to polygamy, is very important for keeping the house peaceful and fair. In many cultures, important decisions like polygamy involve not just the husband and the first wife, but also the whole family. In many cases, getting the approval and blessing of the extended family, such as parents and siblings, is an important part of the decision-making process. The family can give advise, feedback and an outside point of view that can assist figure out how the decision will affect the person's social and emotional life.<sup>33</sup>

The family also watches over everything to make sure that the decisions made don't hurt anyone, especially the first wife and kids. Family support or rejection might affect how well polygamy works to keep families together. So, it's very important for the family to be involved in making decisions since they can provide fair and unbiased advice while keeping the connections in the extended family strong.<sup>34</sup>

Social harmony in polygamy is very important for keeping society balanced and orderly. In cultures where polygamy is common, there must be justice and peace between people, especially between the first and second wives, to keep societal tensions from rising. Polygamous practices that are unfair or unbalanced can cause fights, envy and even splits in the family and the community.<sup>35</sup>

In communities that allow polygamy, there are typically traditional values and societal standards that govern how it should be done equitably, especially when it comes to money, time and emotional support. Social supervision, from both the extended family and the community, is another way to make sure the spouse does the right thing and doesn't hurt anyone. Polygamy promotes social harmony, which fosters equality and justice inside the family and cultivates a

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<sup>31</sup>Karimullah, S. S. (2024). A Feminist Critique of The Practice of Polygamy in The Context of Islamic Law and Human Rights. *Indonesian Journal of Law and Islamic Law (IJLIL)*, 6(1), 38-53. <https://doi.org/10.35719/ijlil.v6i1.354>

<sup>32</sup>Kecia Ali. (2017). *Sexual Ethics & Islam: Feminist Reflections on Qur'an, Hadith and Jurisprudence*. Oneworld Publications. <https://doi.org/10.1093/acprof:oso/9780199062404.001.0001>

<sup>33</sup>Masruchin, M., Ghozali, A. M., & Larasati, R. (2023). *Reinterpretation of Polygamy Verses in Hermeneutic Perspective of Hans-Georg Gadamer*. *At-Tibyan Journal*, 8(1), 93-107. <https://doi.org/10.32505/at-tibyan.v8i1.5064>

<sup>34</sup>Mir-Hosseini, Z. (2016). Reconceptualizing Polygamy: Equity and Justice in Contemporary Islamic Hermeneutics. *Feminist Theology & Law*, 4(1), 33-56. <https://doi.org/10.1080/20566093.2016.1167130>

<sup>35</sup>Fatah Yasin, R., & Firdaus, R. B. (2022). Analysis of Polygamy Provision under the Islamic Family Law (Federal Territories) Act 1984 with Reference to the Qur'an and Sunnah. *IJUM Law Journal*, 18(2), Article 25. <https://doi.org/10.31436/iiumlj.v18i2.25>

social climate conducive to the sustainability of connections among family members and the broader community.<sup>36</sup>

In a polygamous household, the well-being of the family depends a lot on how fairly financial help, attention and responsibilities are shared. A polygamous spouse must always put the health and happiness of the family, which includes the first and second wives and the children, first. When support and attention aren't given out equitably, it can lead to stress and fights that undermine the serenity of the family.<sup>37</sup>

Also, outside things like help from friends and relatives might affect the family's social welfare. People don't just look at how well the family members get along with each other when they think of harmony in polygamy. They also look at how much support the family gets from the people and things around them. Families that are perceived as equitable and harmonious in their practice of polygamy tend to receive increased social support.<sup>38</sup>

### **Justice in Polygamy Cases in South Sulawesi**

Fairness in how time and attention are given is very important in polygamous relationships, especially in places like South Sulawesi where patriarchal culture is still entrenched. In polygamy, a husband must be fair to his wives in many ways, such as how he divides his time and attention amongst them. Fair time allocation means that each wife should have the same chance to spend time with the husband, both for family affairs and for emotional and physical needs. Fair attention also means giving both wives love, support and understanding without picking one over the other.

But in real life, getting this kind of justice is often hard. Many husbands have trouble meeting these responsibilities, especially if they don't have the time or money to address the emotional and financial needs of each wife equally. In South Sulawesi, traditional customs and social norms also affect how justice is carried out. For example, some families put more importance on the first wife or use social roles to decide how to spend their time. So, husbands in polygamous partnerships need to know what their duties are and work to make sure that all of their wives get equal time and attention.

Resolving conflicts in households with polygamy in South Sulawesi demands an approach that takes into account the local culture and strong religious beliefs. In polygamous relationships, fights typically happen because the women don't get enough attention, time, or money. The first step in settling these fights is for the husband and wives to talk to each other openly and try to understand how each person feels and what they need. Open conversations can help solve problems early on and stop emotions of neglect or jealousy from turning into bigger fights.

The extended family and community leaders also play a very important role in resolving conflicts in South Sulawesi. Family members or community leaders are often asked to give advice and help depending on the way things are done in the area. Mediation by these third parties can

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<sup>36</sup>Sereikaite Motiejune, G. (2025). Polygamy in Islam: A Study on Its Religious Justifications and Empowerment of Women Within Islamic Teachings. *QIST: Journal of Quran and Tafseer Studies*, 4(1), 59-74. <https://doi.org/10.23917/qist.v4i1.6948>

<sup>37</sup>Ridwan, M. S., Abdullah, W., & Idham, I. (2024). Public Perception of Polygamy in Makassar, Indonesia: Cultural Perspective and Islamic Law. Samarah: *Journal of Family Law and Islamic Law*, 8(1), 1-15. <https://doi.org/10.22373/sjhl.v8i1.15419>

<sup>38</sup>Chae, S., & Agadjanian, V. (2022). *The Transformation of Polygyny in Sub-Saharan Africa. Population and Development Review*, 48(4), 1125-1162. <https://doi.org/10.1111/padr.12524>

assist find fair solutions and keep the peace in the family. In more intricate circumstances, the religious court's job is to mediate and make rulings that are legally permissible under Islamic law, making sure that each wife's rights are maintained and justice is done. In South Sulawesi, the best way to settle disagreements in polygamous families is to use a holistic strategy that includes talking to family members, using traditional mediation and going to religious court.

In places like South Sulawesi, Indonesia, where people still strongly believe in their own cultural values, customary customs play a big role in deciding what is fair. In the context of customary practices, justice is generally regarded as the balance between the rights and duties of each family or community member, based on norms and laws that have been passed down through generations. In polygamy, for instance, customary norms frequently dictate the allocation of rights between the husband and wife, as well as the treatment of the first and subsequent spouses.<sup>39</sup>

In some places, traditional customs may give the first wife a stronger position in the family, while the second and later wives may have a less important role. This can lead to unfair situations, especially if there isn't a clear way to make sure that all the spouses are treated fairly. In other circumstances, though, traditional customs can also be used to mediate and achieve fairness by bringing in trustworthy community leaders who make sure that everyone is treated with respect and fairness. Consequently, the impact of customary traditions on the definition of justice should be examined from both good and negative viewpoints, along with their integration with more universal notions of justice.<sup>40</sup>

Giving women a say in polygamy decisions is important for making sure that the family is fair and happy. In a polygamous relationship, wives have the right to be given explicit explanations and to be a part of the decision-making process. The husband often decides to practice polygamy without asking or thinking about the wives who are already there. This might make people unhappy, feel unfair and feel like they aren't valued.<sup>41</sup>

Giving wives the power to make decisions about polygamy can be done by letting the husband and wives talk to one other openly. Wives should have the chance to say how they feel, what they think and what worries them about the choice. The husband must also think about how the decision to be polygamous may affect the current wife emotionally, socially and psychologically. In certain cultures, giving spouses more power can also mean getting family counseling or mediation from community leaders or neutral third parties to make sure that everyone agrees with the choice.<sup>42</sup> Polygamy can be done more wisely by include spouses in the decision-making process. This lowers stress in the home and makes wives feel valued. Giving

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<sup>39</sup>Renner, L & Krieger, T. (2022). *Polygyny, Conflict and Gender Inequality: A Cautionary Tale*. *Global Society*, 37(1), 114–133. <https://doi.org/10.1080/13600826.2022.2040444>

<sup>40</sup>Waheeda, W., Aziz, A., & Mutakin, M. (2023). Polygamy in Islamic Jurisprudence: Scholarly Perspectives, Regulations and Justice. *ALFIQH Islamic Law Review Journal*, 2(2), 78–100. <https://doi.org/10.21154/justicia.v20i2.7324>

<sup>41</sup>Harel-Shalev, A., & Kook, R. (2021). Ontological Security, Trauma and Violence and the Protection of Women: Polygamy among minority communities. *Frontiers in Psychology*, 12, Article 743478. <https://doi.org/10.3389/fpsyg.2021.743478>

<sup>42</sup>Murmati, M., Sulistiyono, H. A., & Wahidullah. (2020). Analyzing Polygamy Requirements in Indonesia by Reading Women in Text and Culture. *Journal of Islamic Civilization in Southeast Asia*, 9(2). <https://doi.org/10.24252/jicsa.v9i2.14355>

spouses a say in polygamous decisions is an important step in making sure that everyone in the family is treated fairly.<sup>43</sup>

In South Sulawesi, families with multiple wives typically have problems since they don't all get the same amount of *nafkah* (money). In a lot of circumstances, husbands give their first wives more *nafkah*, including money, housing, or attention. This problem is especially common in places where patriarchal attitudes and traditional customs are still entrenched. In these places, the first wife is generally considered as having a bigger role in the household. This is unfair to the second or later wives, who often feel ignored or not valued.

In some circumstances, husbands who don't have a lot of money have trouble meeting their *nafkah* duties evenly, which subsequently affects the relationship between the husband and wives. Not being able to equitably divide *nafkah* might make people feel jealous, suspicious, or even cause them to have a divorce. Also, the cultural factors in South Sulawesi that put the first wife's function and social prestige first sometimes make the problem of unequal *nafkah* allocation worse. To fix this problem, the husband and women need to talk to each other more openly and third parties, like religious authorities or traditional mediators, need to step in to make sure that *nafkah* distribution is equitable according to Islamic rules and local customs.

When it comes to polygamy, women's rights must be upheld and safeguarded, both legally according to Islamic law and socially. Islam gives women in polygamous marriages certain rights that the husband must respect in order to make sure they are treated fairly and are happy. One of the most important rights of women in polygamy is the right to get enough support, both financially and emotionally. The husband must provide each wife enough *nafkah* based on the family's needs and resources and he can't prefer one wife over the other.<sup>44</sup>

Women have the right to receive equal care and attention from their husbands, in addition to maintenance. Fairness in how time and attention are given is important to keep the wives from being unhappy or jealous. In this way, Islamic law stresses how important it is for the husband to be fair, especially when it comes to how he spends his time, pays attention and loves his wife. However, it can be hard to be fair in this way.<sup>45</sup>

Additionally, women in polygamous relationships has the freedom to express their thoughts concerning decisions made by their husbands. This includes saying yes or no to the practice of polygamy. To keep peace and fairness in the household, these rights are an important aspect of protecting women in a polygamous relationship.<sup>46</sup>

## CONCLUSION

Local wisdom as a foundation of justice in the practice of polygamy has a significant influence in South Sulawesi. The hypothesis proposed suggests that local wisdom, shaped by

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<sup>43</sup>Ma'u, D. H. (2023). The Harmonization of Polygamy Between Islamic Law and Legal Law in Indonesia. *Samarah: Journal of Family Law and Islamic Law*, 7(2), 669–686. <https://doi.org/10.22373/sjhlk.v7i2.8519>

<sup>44</sup>Hasan, H., Jahar, A. S., Umar, N., & Abdullah, I. (2022). Polygamy: Uncovering the Effect of Patriarchal Ideology on Gender-Biased Interpretation. *HTS Teologiese Studies / Theological Studies*, 78(4), a7970. <https://doi.org/10.4102/hts.v78i4.7970>

<sup>45</sup>Fitria, D. U. L., & Merita, R. (2023). Islamic Law Review on Polygamy: Gender Justice and Human Rights. International. *Journal of Health, Economics & Social Sciences*, 5(2), 169–175. <https://doi.org/10.56338/ijhess.v5i2.6632>

<sup>46</sup>Renner, L., & Krieger, T. (2022). Polygyny, Conflict and Gender Inequality: A Cautionary tale. *Global Society*, 37(1), 114–133. <https://doi.org/10.1080/13600826.2022.2040444>

local customs, significantly influences the application of justice in polygyny. The research findings support this hypothesis, demonstrating that the practice of polygamy in South Sulawesi is not only governed by Islamic law but is also deeply intertwined with local norms and values. Local wisdom, particularly the *adat* system that emphasizes balance and fairness in family life, plays a crucial role in regulating polygamy. Local wisdom ensures that polygyny is practiced in a manner that respects justice, such as providing fair treatment of wives, fulfilling economic obligations and maintaining emotional well-being within the family. While Islamic law provides the legal framework, local traditions ensure that the practice of polygamy aligns with the social values of the community. This study shows that local wisdom helps balance Islamic legal principles, resulting in a more equitable and socially accepted practice of polygyny. Therefore, local wisdom should be incorporated into the legal framework for polygyny to ensure that the practice reflects both religious and cultural aspects. This research contributes to the understanding of how local customs interact with Islamic law, offering practical recommendations for integrating local wisdom into the family law system in Indonesia to achieve a more comprehensive and contextually relevant justice.

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