

Regulating Polygamy in Muslim States: A Normative and Comparative Study of Marriage Law and Justice

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Abstract	<i>Polygamy remains one of the most dynamic and contested issues in Islamic family law, with regulatory frameworks varying significantly across Muslim states. This article examines the regulation of polygamy in the marriage laws of Muslim countries, with a primary focus on Asia and Africa, in order to identify prevailing patterns of restriction, conditional authorization, and prohibition. Employing a normative and comparative legal approach, the study draws on national legislation, judicial decisions, and relevant scholarly literature from journals and academic books. The analysis is conducted through a descriptive-analytical method by examining the principles of Islamic law and their implementation within the positive legal systems of different states. The findings demonstrate that polygamy regulation in Muslim countries generally falls into three dominant models: permissibility subject to strict legal limitations, conditional permissibility under strong judicial supervision, and total prohibition. These regulatory models reflect ongoing efforts by Muslim states to reconcile the normative legitimacy of Shari'ah with the demands of gender justice and contemporary family law reform. This study argues that the maqāsid al-Shari'ah approach plays a pivotal role in the transformation of modern Islamic family law by reorienting marriage law policies toward substantive justice and the protection of women's rights.</i>
Keywords	<i>Polygamy, marriage laws, Muslim countries, Islamic Family Law</i>

Introduction

Polygamy has long occupied a central and controversial position in Islamic family law, particularly in the context of modern Muslim-majority states (Ibrahim, 1985). While the practice is doctrinally recognized within classical Islamic jurisprudence (Nasir, 2009), its contemporary legal regulation reflects far more than theological considerations alone. Polygamy today stands at the intersection of religious authority, state governance, gender justice, and human rights discourse (Welchman, 2007). As Muslim societies continue to undergo social transformation, the regulation of polygamy has become a key indicator of how Islamic law is interpreted, institutionalized, and reformed within modern legal systems (Esposito, 2001).

In classical Islamic legal thought, polygamy was neither introduced nor promoted as a normative marital ideal. Rather, it was regulated as a pre-existing social practice prevalent in pre-Islamic Arabian society, where marriage often functioned as a symbol of social status and political alliance (Coulson, 1964). Islamic law intervened by imposing ethical limitations and moral conditions, particularly emphasizing justice and responsibility. This regulatory approach illustrates that Islamic family law historically operated as a system of moral governance rather than mere permissibility (Nurlaelawati, 2013).

The Qur'anic foundation for polygamy, particularly as articulated in Qur'an 4:3, explicitly conditions its permissibility upon the husband's ability to uphold justice among wives. This conditionality has generated extensive juristic debate regarding the nature and attainability of justice (*'adl*) in marital relations (Adesola, 2019). Classical jurists largely interpreted justice in formal and material terms, such as equal financial support and time allocation. However, contemporary scholars increasingly argue that substantive justice—including emotional well-being and human dignity—must be taken into account when assessing the legitimacy of polygamy (Nasir, 2009).

The transformation of polygamy from a juristic concept into a matter of state regulation marks a critical shift in Islamic legal history. With the emergence of modern nation-states, Islamic family law became subject to codification, bureaucratization, and judicial oversight (Afandi, 2022). This process fundamentally altered the nature of Islamic law, relocating authority from individual jurists to legislative and judicial institutions. Consequently, polygamy is no longer regulated solely by religious doctrine but by statutory law shaped by political, social, and ideological considerations (Ibrahim, 1985).

Muslim-majority states have adopted diverse legal strategies in regulating polygamy, reflecting differing approaches to the relationship between Islamic law and modern legal systems. In some jurisdictions, such as Saudi Arabia, polygamy remains broadly permissible under classical *fiqh* frameworks with limited administrative intervention (Mawardi, 2023). In others, including Indonesia and Malaysia, polygamy is permitted only under strict judicial supervision, requiring court authorization, proof of necessity, and spousal consent (Ibrahim, 1985). These variations highlight the adaptability of Islamic family law within different governance models.

Conversely, a number of Muslim states have chosen to prohibit polygamy altogether as part of comprehensive family law reforms. Tunisia and Turkey represent prominent examples where polygamy is criminalized on the grounds that the Qur'anic requirement of justice cannot be fulfilled in contemporary social realities. Such reforms signal a shift toward monogamy as a legal norm and reflect the prioritization of gender equality and women's rights within national legal policies (Mulia, 2021a). These prohibitions have sparked ongoing debates regarding the boundaries of Islamic legal reform.

The diversity of regulatory approaches to polygamy reveals that Islamic law is not applied monolithically across Muslim states. Instead, it is mediated through historical experiences, colonial legal legacies, political ideologies, and socio-cultural contexts. In Sub-Saharan African countries such as Nigeria and Sudan, polygamy continues to be legally recognized under plural legal systems that combine Islamic law, customary law, and state legislation (Adesola, 2019). This pluralism illustrates how local traditions and social realities shape the implementation of Islamic family law (Charrad, 2020).

Within this diversity, the concept of *maqāṣid al-sharī'ah* has emerged as a crucial analytical framework for understanding contemporary reforms in Islamic family law. By emphasizing the higher objectives of Islamic law—such as justice, welfare, and human

dignity—*maqāṣid* theory provides normative justification for both restricting and prohibiting polygamy. Many Muslim states invoke *maqāṣid* reasoning to legitimize reforms that limit traditional practices in favor of broader social interests (Ghofur, 2022).

By employing *maqāṣid al-sharī'ah* as an interpretive lens, this study demonstrates how Muslim states reconcile the theological legitimacy of polygamy with modern legal imperatives (Aisyah, 2022). The analysis shows that restrictions and prohibitions are increasingly justified not as departures from Islamic law, but as its ethical fulfillment. This perspective challenges simplistic narratives that frame legal reform as inherently secular or anti-Islamic. Ultimately, this study contributes to broader discussions on the evolution of Islamic family law in the modern world. By situating polygamy within comparative legal governance and normative theory, it advances an understanding of how Islamic law continues to adapt to contemporary demands for justice and equality. The findings of this research are expected to inform future legal reforms and scholarly debates on the role of Islamic law in regulating family relations in Muslim societies.

Research methods

This study employs a normative and comparative legal research design to examine the regulation of polygamy in Muslim states' marriage laws. The normative approach is used to analyze legal norms governing polygamy as articulated in statutory provisions, judicial decisions, and authoritative interpretations of Islamic law (Sebyar, 2022). This approach allows the study to assess how polygamy is conceptualized within formal legal systems rather than focusing on empirical practices at the societal level. The comparative method is applied to identify similarities and differences across jurisdictions, enabling a systematic evaluation of how Muslim states regulate polygamy within distinct legal and institutional frameworks (al Hanif, 2019).

The primary legal materials analyzed in this study consist of national marriage laws, family law codes, and relevant court decisions from selected Muslim-majority countries in Asia and Africa, supplemented by comparative references to other Muslim states where relevant (Nasri, 2021). Secondary legal materials include scholarly works such as journal articles, monographs, and authoritative commentaries on Islamic family law, gender justice, and legal reform. These sources are selected based on their relevance to polygamy regulation and their contribution to understanding the normative foundations and reform trajectories of Islamic family law in contemporary contexts.

Data analysis is conducted through a qualitative doctrinal analysis combined with a structured comparative framework. Legal provisions are examined to identify regulatory patterns, which are then categorized into dominant models of polygamy regulation. The analysis is further informed by the *maqāṣid al-sharī'ah* perspective to evaluate the normative justifications underlying legal restrictions and prohibitions. By integrating doctrinal analysis with comparative reasoning, this methodology enables a comprehensive assessment of how Muslim states reconcile Islamic legal principles with modern demands for gender justice and family law reform.

Results and Discussion

Models of Polygamy Regulation in Muslim States

Polygamy in family law in countries in Asia, Africa, Europe, and the Americas shows a diversity of approaches, ranging from strict restrictions to conditional recognition. In the context of modern Islamic law, countries in this region are seeking to integrate the principles of *maqāṣid al-sharī'ah* with the demands of gender justice and evolving human rights (Masud, 2021). In Indonesia, Islamic family law is regulated by Law No. 1 of 1974

and the Compilation of Islamic Law (KHI), which allows polygamy to a limited extent on the conditions of fairness, economic ability, and permission from a religious court (Subhan, 2020). This model demonstrates an effort to harmonize Sharia values and constitutional principles of justice, where justice is a material requirement that must be proven legally (Hidayati, 2023).

Malaysia adopts a similar system through *the Islamic Family Law (Federal Territories) Act 1984*, which requires husbands to obtain written permission from *the Sharia Court* before practicing polygamy. Meanwhile, in Singapore, *the Administration of Muslim Law Act (AMLA)* restricts polygamy with strict administrative provisions managed by *the Registry of Muslim Marriages (ROMM)*, emphasizing the principle of social and economic responsibility of husbands.

In Brunei Darussalam, *the Sharia Courts Act 2000* stipulates that permission for polygamy can only be granted if the court is convinced that the husband is capable of treating all wives fairly and providing for them adequately. This pattern shows similarities with Indonesia and Malaysia in placing polygamy as a conditional right, not an absolute right.

South Asian countries such as Pakistan, Bangladesh, and India also have similar regulations. Pakistan, through *the Muslim Family Laws Ordinance (MFLO) 1961* (Naz, 2022), requires written permission from *the Arbitration Council* for second marriages, and violations of this rule can result in criminal penalties. Bangladesh has adopted regulations that are almost identical to those of Pakistan, while in India, although Muslims are still subject to *Muslim Personal Law*, the courts have interpreted polygamy as a practice that is contrary to modern social justice (Mahmood, 2021).

Countries in the Middle East region display a wide spectrum of regulations. On the one hand, there are countries such as Saudi Arabia (al-Angari, 2022), which apply Islamic law literally and recognize polygamy as part of *fiqh al-nikāh* without administrative restrictions, as long as the husband is believed to be able to act fairly (al-Rasheed, 2019). However, in social practice, the younger generation in Saudi Arabia shows a decline in polygamy due to economic factors and changing family values. Egypt and Jordan have taken a moderate stance by granting wives the right to request *fasakh* (annulment of marriage) if their husbands remarry without their consent. This regulation is based on a progressive interpretation of *the Qānūn al-Aḥwāl al-Syakhsīyyah*, which places emotional and social justice as legal considerations (Zulficar, 2020).

In Morocco, major reforms were made through *the Mudawwanah al-Usrah* (Family Code) of 2004, which requires permission from a judge and the written consent of the first wife before polygamy can take place (Sadiqi, 2020). This law makes polygamy practically impossible, rendering it more symbolic than substantial. Meanwhile, in Tunisia, a total ban on polygamy was enforced through *the Code du Statut Personnel* (1956), which states that any form of multiple marriage is null and void and subject to criminal penalties. Tunisia became a pioneer in the Islamic world in making monogamy a principle of national family law (Nouira, 2021).

Countries such as Iran and Syria also regulate polygamy to a limited extent. Iran, through *the Civil Code of Iran* (1992 amendment), allows polygamy with court permission and proof of financial capacity, while Syria requires valid reasons and judicial permission before polygamy is legalized (Khosravi, 2022).

Nigeria and Sudan, the two countries with the largest Muslim populations in sub-Saharan Africa, still recognize polygamy in their Islamic and customary legal systems. In Nigeria, there is *a dual legal system* that separates Islamic and secular legal jurisdictions. In practice, Islamic law permits polygamy, but civil law does not formally regulate it (El-

Tayeb, 2020). Sudan, with a more dominant Islamic legal system, continues to allow polygamy as long as it does not conflict with the principles of justice and economic capacity. Social and cultural factors in Africa play an important role in maintaining the legitimacy of polygamy. In many Muslim societies on the continent, polygamy is still seen as a symbol of honor, social status, and economic solidarity (Muhammad, 2021). However, criticism from modern Muslim academics in Africa highlights that this practice often leads to gender inequality and the marginalization of women, which is contrary to the moral objectives of Islamic law (Adebayo, 2023).

Thus, the practice of polygamy in the Middle East reflects the diversification of modern Islamic law: some maintain the *ta'abbudī* approach (as in classical Sharia texts), while others adopt the *ta'lilī* approach (based on public interest and social justice).

When viewed as a whole, South Asia, Southeast Asia, and the Middle East show a general pattern in which polygamy is no longer understood as an absolute right of men, but rather as a right limited by justice, public interest, and gender equality.²⁴ These differences in regulation not only reflect variations in legal systems, but also demonstrate the process of contextualizing Islamic teachings with contemporary social realities.

The dynamics of Islamic family law in Africa show that prohibiting or restricting polygamy does not necessarily mean rejecting *Sharia law*, but rather adapting to complex social realities. This contextual approach affirms the view that Islamic law is dynamic and always open to renewal, as long as it does not contradict the principles of justice and public interest.

European and American countries where polygamy exists reflect the encounter between *Islamic personal law* and modern secular legal systems. Although most of these countries do not legally recognize polygamy, the social practice continues to be found among immigrant Muslim communities and native-born Muslims (Menski, 2022).

In the United Kingdom, marriage law is governed by *the Marriage Act 1949* and *the Matrimonial Causes Act 1973*, which explicitly prohibit polygamy and only recognize monogamous marriages registered with civil authorities (Shah, 2020). However, in practice, some Muslim communities continue to conduct second or third marriages through *sharia marriages* without state registration. This raises legal problems, particularly regarding women's rights to inheritance and alimony. The UK government has responded by establishing *Sharia Councils* as mediation bodies, rather than formal legal authorities (Bano, 2018).

In France, the prohibition of polygamy is regulated in *the Civil Code*, reinforced by the 1993 immigration policy known as *the Loi Pasqua*. The government even refuses to grant residence permits to immigrants who have more than one wife (Amiriaux, 2019), based on the principle of equality among citizens (*égalité républicaine*). This policy highlights the tension between freedom of religion (*liberté de religion*) and the principle of secularism (*laïcité*) that forms the basis of the French constitution (Marzouki, 2020).

Meanwhile, in Germany, polygamy is not legally recognized, but in some court rulings, a second marriage that is legal according to the husband's country of origin is sometimes taken into consideration in inheritance or social security cases (Wagner, 2020). This approach shows limited tolerance for *legal pluralism* within a strict secular legal system.

Countries in the Caucasus region such as Chechnya, Dagestan, and Ingushetia exhibit unique dynamics. Formally, Russian law only recognizes monogamy based on *the Family Code of the Russian Federation* (1995). However, in Muslim-majority regions such as Chechnya, the practice of polygamy still occurs socially and has even received political support from local officials as part of "Islamic tradition" (Wanner, 2021). The federal

government does not legally recognize this practice, but it also rarely enforces it, creating ambiguity between state law and Islamic customary law (Malashenko, 2019).

Bosnia-Herzegovina, as a Muslim-majority country in Europe, has a more moderate approach. Its constitution affirms the separation of religion and state, but family law allows room for Islamic interpretation in certain matters (Caspersen, 2021). Although polygamy is prohibited by law, academic debates in Sarajevo show that some people still consider polygamy to be part of *Islamic identity*, rather than a moral violation (Suljagi?, 2020).

In the United States, polygamy is universally prohibited in all states based on *state laws* and *the Morrill Anti-Bigamy Act* (1862). However, the practice of polygamy is still found in certain Muslim communities and Mormon sects, which practice it as *a de facto religious marriage* (Cere, 2022). The government generally does not take action unless it involves exploitation or legal fraud (Bowen, 2020).

Canada has implemented a similar policy through *Criminal Code Section 293*, which prohibits polygamy. The ruling in *R. v. Blackmore and Oler (2017)* confirmed that this prohibition does not conflict with *the Canadian Charter of Rights and Freedoms*, as it aims to protect women's rights from practices that can lead to structural inequality (Bakht, 2018). On the other hand, legal experts such as Natasha Bakht argue that a total ban without a cultural approach could actually close the space for dialogue between state law and religious beliefs (Beaman, 2022).

From all these cases, it appears that Western countries generally do not recognize polygamy as a legal form of marriage, but their attitudes vary: some are *prohibitive*, while others are *tolerant*. The United Kingdom and Germany tend to use mediation and social protection approaches, while France, the United States, and Canada choose repressive approaches based on the principles of legal equality and secularism.

This phenomenon illustrates the existence of *juridical pluralism*, where Islamic norms encounter modern legal systems. From an Islamic legal perspective, this situation poses a challenge for Muslims in the West to reinterpret *maqāsid al-sharī'ah* in a different social context, namely justice that does not always have to be realized through formal legal forms, but through substantive protection of women's rights and dignity.

Table 1. Models of Polygamy Regulation in Muslim States (Comparative Overview)

Region	Country	Legal Status of Polygamy	Key Legal Instrument	Regulatory Model
Southeast Asia	Indonesia	Permitted with strict conditions	Law No. 1/1974; Compilation of Islamic Law (KHI)	Moderate (Conditional Permission)
Southeast Asia	Malaysia	Permitted with court approval	Islamic Family Law Act 1984	Moderate (Judicial Control)
Southeast Asia	Brunei Darussalam	Permitted with judicial approval	Sharia Courts Act 2000	Moderate
Southeast Asia	Singapore	Permitted with strict administrative control	AMLA; ROMM Regulations	Moderate–Restrictive
South Asia	Pakistan	Permitted with arbitration approval	MFLO 1961	Moderate (Sanctions-Based)
South Asia	Bangladesh	Permitted with arbitration approval	MFLO-based regulation	Moderate

Region	Country	Legal Status of Polygamy	Key Legal Instrument	Regulatory Model
South Asia	India	Formally permitted, judicially discouraged	Muslim Personal Law; Court Interpretation	Restrictive–Interpretative
Middle East	Saudi Arabia	Permitted without formal restriction	Classical Fiqh Application	Traditional
Middle East	Egypt	Permitted, wife may seek annulment	Qānūn al-Aḥwāl al-Syakhsiyah	Moderate
Middle East	Jordan	Permitted, conditional annulment rights	Personal Status Law	Moderate
North Africa	Morocco	Permitted but nearly impossible	Mudawwanah al-Usrah 2004	Restrictive–Moderate
North Africa	Tunisia	Totally prohibited	Code du Statut Personnel (1956)	Liberal (Prohibition)
Middle East	Iran	Permitted with court approval	Iranian Civil Code (1992)	Moderate
Middle East	Syria	Permitted with strict judicial reasons	Syrian Personal Status Law	Moderate
Sub-Saharan Africa	Nigeria	Permitted under Islamic/customary law	Dual Legal System	Traditional–Plural
Sub-Saharan Africa	Sudan	Permitted with justice & capacity	Islamic-based family law	Traditional–Moderate
Europe	United Kingdom	Prohibited (social practice exists)	Marriage Act 1949	Liberal–Tolerant
Europe	France	Strictly prohibited	Civil Code; Loi Pasqua	Liberal–Repressive
Europe	Germany	Prohibited, limited recognition	Civil Code; Court Decisions	Liberal–Pragmatic
Caucasus	Chechnya (Russia)	Socially tolerated, legally prohibited	Russian Family Code	Informal Traditionalism
Europe	Bosnia-Herzegovina	Prohibited, debated academically	National Family Law	Liberal–Moderate
Americas	United States	Strictly prohibited	Morrill Act; State Laws	Liberal–Repressive
Americas	Canada	Prohibited	Criminal Code s.293	Liberal–Rights-Based

Although polygamy contradicts Western family law principles, several countries have begun to show *legal pluralism*, namely recognition of religious legal norms within certain limits. An example is the United Kingdom, which allows *Islamic Arbitration*

Tribunals to resolve family disputes based on Islamic law, including cases of unregistered polygamy (Moors, 2021).

This marks the birth of a more adaptive legal model, in which religious practices are not automatically criminalized, but rather managed within the framework of *freedom* of religion. In this way, Western and Islamic law meet at the point of humanity: protection of human dignity and the right to choose a marriage system in accordance with one's beliefs.

Restrictions, Conditions, and Prohibitions on Polygamy

The debate over polygamy in contemporary Muslim societies is not only about whether it is permissible or not, but also about how the practice should be restricted and regulated in order to realize the values of justice and equality that are the spirit of Sharia law. In modern law, restrictions on polygamy are not considered a rejection of religious texts, but rather an effort to contextualize Islamic norms within a changing social structure (al-Qaradawi, 2018).

The concept of justice (*al-'adl*) is the main foundation that is a prerequisite for the permissibility of polygamy in the Qur'an, as stated in QS. *An-Nisa* 'verse 3. However, this verse is also accompanied by a warning that humans will not be able to be completely fair, as stated in QS. *An-Nisa* 'verse 129. In the context of modern law, many Islamic countries interpret these two verses integrally, so that justice becomes both a normative requirement and a factual requirement that must be proven legally (Wadud, 1999).

In Indonesia, Articles 4 and 5 of Law No. 1 of 1974 stipulate that courts can only grant permission for polygamy if the wife is unable to fulfill her obligations, is disabled or unable to bear children, and the husband can prove his ability to treat all wives fairly. Thus, Indonesian law explicitly changes polygamy from a private right to a conditional right supervised by the state.

In the modern legal paradigm, the state has the function of safeguarding social justice and protecting women's rights. Therefore, restrictions on polygamy are considered valid as long as they do not conflict with basic religious principles. Countries such as Morocco, Tunisia, and Egypt are prime examples of how Islamic legislation can be developed through the *maqāṣidiyyah* (legal objectives) approach (An-Na'im, 2008). In Tunisia, the total ban on polygamy is considered a form of implementing *maqāṣid al-sharī'ah*, namely the protection of honor (*ḥifẓ al-'ird*) and family justice (Nouira, 2021). Meanwhile, in Morocco, judges are given full authority to assess whether polygamy is appropriate or not, including considering the psychological and economic impact on wives and children (Sadiqi, 2020).

This system is referred to as a form of institutional *ijtihad*, in which the interpretation of Islamic law is not only carried out by scholars, but also by state institutions through positive legal instruments. Along with the development of international law, many Islamic countries face challenges in adjusting their polygamy practices to the principles of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which prohibits discrimination against women in any form (United Nations, 1979).

Several countries, such as Egypt, Jordan, and Algeria, have reformed their family laws by emphasizing women's right to refuse polygamy through marriage contracts (Zulficar, 2020). This pattern is in line with the view that polygamy can still be recognized, but only if it is based on agreement and legally measurable justice (Mir-Hosseini, 2022).

In international legal discourse, there is a notion that polygamy is a practice that can conflict with the principle of non-discrimination if it is not strictly regulated (Cook, 2021). However, this view does not necessarily negate Islamic law, because Islamic law

itself places justice as a universal principle that is parallel to modern human rights values (Abou El Fadl, 2020). The wave of Islamic family law reform since the mid-20th century shows that many countries are moving towards legal systems that restrict polygamy through the principles of *maslahat* and gender justice (Mulia, 2021b). The *maqāṣidiyyah* approach has become an important basis for the transformation of family law, especially in countries such as Morocco, Egypt, and Indonesia (Auda, 2008).

The principle of *maqāṣid* places family welfare, child protection, and women's welfare as the main objectives of marriage law (Musfirah, 2023). Thus, polygamy in modern law is not merely a formally regulated practice, but a test of the Islamic legal system's ability to balance normative texts and social realities. The results of this study show that polygamy in the marriage laws of Muslim countries is a dynamic phenomenon, reflecting the interaction between Islamic teachings, national legal systems, and evolving social values. There is no uniformity in its regulation, as each country adapts Islamic law according to its historical and political context.

Countries in Asia and Africa show a tendency to maintain the legality of polygamy, but with strict restrictions through court permission and the consent of the first wife. These regulations signify an effort to harmonize *Sharia* teachings with the principles of gender equality demanded by modern law. Meanwhile, countries such as Tunisia and Turkey reject the practice of polygamy based on the argument of *maqāṣid al-syarī'ah*—that the main purpose of marriage is justice and welfare, not simply the number of partners. In contrast, countries in the Middle East such as Saudi Arabia and Yemen still practice polygamy based on classical *fiqh* interpretations. However, social and economic developments have led to a significant decline in the practice of polygamy, especially among the younger generation who are more oriented towards the modern monogamous family model.

Meanwhile, in Western countries and the United States, polygamy is legally prohibited on the grounds that it violates the principle of civil monogamy. However, the social practice is still found in Muslim minority communities, even though it has no legal recognition. This phenomenon confirms that the debate on polygamy is now not only a theological issue, but also part of the global discourse on human rights, equality, and plurality of legal systems.

From all of the findings, this study concludes that Islamic family law reform in various Muslim countries has moved towards a more contextual paradigm based on the principle of substantive justice. The *maqāṣid al-syarī'ah* approach has become a new framework for understanding polygamy not as an absolute right of men, but as a moral responsibility subject to social justice and family welfare.

Theoretically, this study emphasizes the importance of interpreting Islamic family law in the context of contemporary society. A purely *textual* approach is no longer adequate to address modern social complexities. Therefore, the *maqāṣidī* paradigm (based on legal objectives) needs to be prioritized in the formulation of family law regulations, so that the values of justice, equality, and benefit are maintained. In practical terms, this research can serve as a basis for policymakers in Muslim-majority countries to strengthen marriage law systems that are responsive to gender equality issues without neglecting *Sharia* principles. For academics and researchers of Islamic law, these findings also provide empirical evidence that Islamic law is not static, but rather continues to evolve according to the context of time and place.

Polygamy is not merely a matter of legality, but a reflection of ethical justice in modern Islamic law. Countries that are able to balance religious norms and human values will be more successful in developing a fair and civilized family law system.

Based on the regulations on polygamy in various Muslim countries in Asia, Africa, Europe, and America as described above, it can be concluded that the provisions on polygamy in the marriage laws of Muslim countries are not uniform, but rather form a variety of legal policies influenced by the social and political contexts and religious interpretations of each country. Conceptually, this diversity can be categorized into three broad models, namely the traditional model, the moderate model, and the liberal model.

The first pattern is the traditional pattern, namely countries that normatively still recognize the permissibility of polygamy as formulated in classical Islamic law, with relatively minimal restrictions. Countries in this pattern generally base the legitimacy of polygamy on the requirements of justice and financial capacity (), without strict state oversight mechanisms. This pattern is commonly found in a number of Middle Eastern and African countries that still place classical *fiqh* as the main reference for family law, such as Saudi Arabia and some Sub-Saharan African countries. In this context, justice is understood more as an individual moral responsibility, rather than a legal standard that is strictly measured by the state.

The second pattern is the moderate pattern, namely countries that continue to recognize polygamy as a legal institution, but implement state institutions through positive legal instruments and judicial mechanisms. Southeast Asian and South Asian countries such as Indonesia, Malaysia, Pakistan, as well as several modern North African and Middle Eastern countries fall into this category. In the moderate pattern, polygamy is no longer seen as the absolute right of the husband, but rather as a concession that can only be made after fulfilling administrative and substantive requirements, such as court permission, the wife's consent, and proof of certain reasons. This pattern reflects the state's efforts to balance religious norms with the principles of protecting women's rights and family justice.

The third pattern is the liberal pattern, namely countries that explicitly prohibit the practice of polygamy in their national legal systems. Tunisia is the most obvious example in the Muslim world, while a similar pattern can also be seen in the context of Muslim minority countries in Europe and America, where Islamic family law is subject to the secular legal systems of the local state. In this pattern, polygamy is seen as contrary to the principles of gender equality, civil monogamy, and human rights, so it is prohibited by law even though some communities still consider it normatively and religiously valid. This approach places state law above religious norms in the public sphere.

Table 2. Restrictions, Conditions, and Legal Rationales for Polygamy Regulation

Model	Countries (Examples)	Main Legal Requirements	Role of the State	Underlying Legal Rationale
Traditional Model	Saudi Arabia, Sudan, parts of Nigeria	Justice and financial capacity (moral obligation)	Minimal	Ta'abbudī fiqh approach
Moderate Model	Indonesia, Malaysia, Pakistan, Morocco, Egypt	Court permission, wife's consent, proof of justice and capacity	Strong (Judicial Oversight)	Maqāsid al-sharī'ah & gender justice
Restrictive-Moderate Model	Singapore, India, Jordan	Administrative control, judicial interpretation	Strong	Social justice & public interest

Model	Countries (Examples)	Main Legal Requirements	Role of the State	Underlying Legal Rationale
Liberal Model	Tunisia, France, USA, Canada	Total prohibition, criminal sanctions	Absolute	Gender equality & civil monogamy
Plural-Tolerant Model	UK, Germany, Bosnia	No legal recognition, limited social accommodation	Selective	Legal pluralism & social protection

Thus, differences in polygamy regulations in the Muslim world cannot be understood solely as differences in the interpretation of religious texts, but also as a reflection of each country's family law policies. The third pattern shows that polygamy regulations range from the preservation of Islamic legal traditions, moderate adaptation through legal institutions, to liberal transformation that eliminates the practice of polygamy in favor of the principles of gender equality and legal modernity.

Conclusion

This study demonstrates that the regulation of polygamy in Muslim states' marriage laws is neither uniform nor static, but rather reflects diverse legal strategies shaped by theological interpretation, state authority, and socio-political contexts. Through a normative and comparative analysis, this research identifies three dominant regulatory models: the traditional model that relies primarily on individual moral responsibility, the moderate model that conditions polygamy on strict judicial and administrative supervision, and the restrictive-prohibitive model that treats polygamy as incompatible with contemporary notions of justice and gender equality. These models confirm that polygamy in modern Islamic family law has been transformed from a presumed marital entitlement into a legally constructed institution subject to state regulation and normative evaluation.

The findings further highlight the central role of *maqāṣid al-sharī'ah* in contemporary family law reform across Muslim states. Restrictions and prohibitions on polygamy are increasingly justified not as deviations from Islamic law, but as ethical realizations of its higher objectives—particularly justice, human dignity, and family welfare. By integrating *maqāṣid* reasoning into statutory law and judicial practice, Muslim states demonstrate that Islamic legal principles can be reconciled with modern demands for gender justice without abandoning their normative foundations. This study therefore challenges reductive narratives that portray Islamic family law reform as either purely secular or inherently resistant to change.

From a theoretical perspective, this research contributes to the comparative study of Islamic family law by offering a structured typology of polygamy regulation grounded in normative legal analysis. Practically, the findings provide valuable insights for policymakers seeking to design marriage laws that balance religious legitimacy with social justice, and for courts tasked with translating moral principles into enforceable legal standards. Ultimately, this study affirms that the future of Islamic family law lies in its capacity to prioritize substantive justice over formal permissibility, positioning polygamy not as an absolute right, but as a morally contingent practice subject to rigorous legal and ethical scrutiny.

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