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Critical Analysis of Orientalist Understanding of Polygamy Sharia

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Abstract

Polygamy is a term that contains various meanings, often exciting men's imaginations as an ideal while triggering deep emotions in women. Many women, naturally jealous and reluctant to share their husband's love, oppose polygamy. Despite this, some extraordinary women accept it patiently. On one side, critics link polygamy to gender inequality and discrimination against women, while supporters believe it can reduce infidelity and prostitution. Misconceptions about polygamy, often fueled by anti-Islamic sentiment, have influenced Muslim society, leading some to view it negatively and others to defend it as a part of Islamic perfection. This research then aims to find out how orientalists criticize polygamy law and refute orientalist understanding of polygamy law. This research method will be carried out using a qualitative approach. The data used in this research comes from the results of a literature study of previous literature and research that is still relevant. The results of this research then found that the polygamy law in Islam has a strong historical basis, aiming to protect and regulate the practice of polygamy with the principles of justice and responsibility. Islam sets strict limits and conditions to ensure that polygamy is not abused and that women's rights are protected. Misinterpretations by Orientalists often ignore this context and spread biased views regarding polygamy law. Despite challenges and criticism of the practice of polygamy, education and fair enforcement of the law can provide significant social and individual benefits.

Keywords: Polygamy, Islam, Orientalism, Wife, Women.

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A. INTRODUCTION

Polygamy is a term that contains various meanings. For some men, this term has a very positive connotation and excites the imagination. The desire to have more than one wife is often considered the highest ideal. Beautiful images of polygamous life often haunt their minds. In contrast, for women, this term triggers deep and painful emotions (Naseer & Malik, 2022). It is not surprising that first wives do not want polygamy, because Allah has bestowed jealousy on them. It is also natural for wives to feel reluctant to permit their husbands to remarry because this means having to share their love and affection with other people. Sharing a beloved husband is not easy. Despite this, there are still extraordinary women who are firmly and patiently ready to accept polygamy (Zahirinia et al., 2024).

Polygamy is very controversial. One side opposes polygamy for various reasons, including linking it to the emergence of gender inequality. Many Western writers say that the teachings of polygamy originally came from the Islamic religion which was very discriminatory towards women. On the contrary, polygamy is promoted because it is considered to have clear and firm support. Groups that

support polygamy believe that allowing this can help reduce rampant infidelity and prostitution (Renner & Krieger, 2023).

A mosque imam in New York named Syahmi Alam stated that there are four ways in which the United States and the Western world carry out Islamophobia against Muslims. First, there is a group of people, both from the government and NGOs, who control the media and use it to promote negative perceptions about Islam, including terrorism and discrimination against women's rights. Second, the government sees Islam as a threat to their power because they use religion as a political tool. Third, Western society's knowledge about Islam is very limited and is exacerbated by their habit of learning about it from media that contains anti-Islamic doctrine. Fourth, some parties are afraid that Islam will become a big religion and dominate the world (Sonrexa et al., 2023).

Muslim society has adopted a negative view of polygamy. Now, some Muslims are quick to believe that polygamy is a false teaching and is considered a teaching related to lust. On the one hand, anti-Islam Western orientalists spread hatred. Orientalists have instilled their understanding in the Muslim community. Thus, many of the Islamic generation of Muslim academics and scholars are powerless. So many Muslims have become agents and distributors of Orientalism in their respective countries to spread the virus of error and the poison of their skepticism (Habibullah, 2021).

On the other hand, this poison is considered sweet honey by some Muslims who disguise themselves as defending human rights. It is not surprising that, what is happening now, some Muslim brothers have concluded that polygamy is a negative concept in Islam. They spread the idea that polygamy is something disgusting and contrary to common sense. Polygamy, like it or not, is part of the perfection of Islam. Part of the greatness of Islam lies in the recommendation to live for more than one wife, a maximum of four wives. Well, it is precisely the beauty of Islam that is trying to be torn apart by those who don't like Islam. Orientalists never stop looking for loopholes to criticize Islam. The Sharia, which is already perfect, continues to be dissected, looking for flaws. Among the great and perfect Islamic laws that have always been targeted by orientalists to bring down and insult Islam is the law on polygamy. Even though the Prophet in recorded history did not only marry one woman. At the end of his life, he died as a polygamist with eleven wives. As for the wives of the Prophet who were married according to the contract and were intimated, there were eleven of them, namely: Khadijah bint Khuwailid, Saudah bint Zum'ah, Aisyah bint Abu Bakar, Hafshah bint Umar bin Khaththab, Zainab bint Khuzaimah Al-Hilaliyah; Umm Salamah bint Abi Umayyah, Zainab bint Jahsy, Juwairiah bint Al-Harits, Shafiah bint Huyay bin Akhthab, Umm Habibah bint Abu Sufyan, and finally Maimunah bint Harith. As for Raihanah bint Zaid and Mariah Al-Qibtiah, it is debated by scholars whether she is a wife who was sexually intimated based on a marriage contract or merely a wife who was sexually intimated as a slave, known as saariyah or sanaari.

The permissibility of polygamy with more than four wives is only exclusive to him, while his people are limited to four wives, and requires them to be fair to them in matters of food, shelter, clothing and shelter; or anything that is material in nature without distinguishing between rich and poor wives, those from high and low birth. It can be said that the polygamy law is tarnished by people who do not understand the beauty of this law (Noviana & Awaludin, 2022). So it could be said that the polygamy law is oppressed because people appear who hate the polygamy law. If those who hate Shari'a are orientalists then that is a normal matter, they have always tried to denounce this perfect religion. They carry out propaganda to specifically highlight the polygamy law with various pretexts that they state, such as injustice, gender equality, and other slanders that they express to tarnish the polygamy law (Sharifian, 2024).

Based on the description above, the author wants to know how orientalists criticize the polygamy law and refute the orientalists' understanding of the polygamy law.

B. LITERATURE REVIEW

1. Marriage

The definition of marriage is explained in Law No. 1 of 1974. This law does not only regulate civil relations, but this regulation is a legal basis that is very closely related to the basic rights of a human child, or more to the life of society as stipulated in the 1945 Constitution. The rights inherent in the constitution relate to the provisions of Article 5 paragraph (1), Article 20 paragraph (1) and Article 29 of the 1945 Constitution concerning the basic right to form a marriage bond. The formulation of Law No. 1 of 1974 in Article 1 is: "Marriage is a physical and spiritual bond between a man and a woman as husband and wife to form a happy and eternal family (household) based on the One Almighty God."

The definition above is the definition of marriage as referred to in Law No. 1 of 1974. This definition has a very good meaning and purpose as the nature of a human being who lives in society. Wirjono Prodjodikoro explains that marriage is a necessity of life that exists in society, so for marriage, clear regulations are needed regarding the requirements, implementation, continuation and termination of marriage.

This definition is not much different from the definition defined in Islamic teachings, namely defined by a strong contract between men and women in order to realize peace and happiness in family life filled with love in a way that is approved by Allah SWT. From the formulation of marriage in Article 1 of Law No. 1 of 1974, there is an intention that must be considered by the community: first, the meaning of physical and spiritual bonds. The physical and spiritual bond here is a bond where marriage is an agreement based on the physical and spiritual side. This means that marriage cannot be viewed as an agreement in general or an agreement that is purely a civil relationship, but rather marriage must be viewed more.

Second, Between Men and Women. This is the most important formulation in carrying out a marriage relationship, where marriage can only be carried out by men and women. Or in terms known as couples of different genders. With this provision, it is clear that Indonesia rejects marriages carried out by those of the same sex. If same-sex marriages are carried out in Indonesia, it can clearly be said that the marriage will not receive legal recognition in Indonesia, because it has no legal basis.

Third, the Husband and wife form a happy family (household). The word forming a family or household means that in marriage a man and woman do not just live together, but they must have a goal. The purpose of having a household is implemented by forming a family. Therefore, it is not permitted in Indonesia to practice marriage that is not aimed at having a household, such as the practice of contract marriage. It is clear that in a contract marriage, it is for some time according to the marriage contract. A marriage that has a period, then it is the same as not intending to have a happy and eternal household.

Fourth, based on God Almighty. This is the key to the marriage relationship, where this reason distinguishes between marriage and civil agreements. Marriage must be based on God Almighty, meaning that marriage is a sacred event until this act can be said to be an event in religion. Only with the belief of religious people who understand that the lawfulness of the relationship between men and women is united by religion ((Purwanto, 2023).

2. Polygamy

Etymologically, the term polygamy comes from Greek and consists of two main words, namely Polu and Gamein. Polu means many, and Gamein means mating. So polygamy means multiple marriages. This etymological understanding can be explained and understood to mean that polygamy is a marriage in which one party (husband) marries more than one wife at the same time (Ameliah & Songgirin, 2023). This means that the wives are still under the husband's responsibility and have not been divorced and are still legally his wife. Apart from polygamy, there is also the term polyandry. Polyandry is a form of marriage in which one party (wife) has more than one husband at the same time. Compared to polyandry, polygamy is more widely practiced in society (Naseer et al., 2021).

In terms of Islamic jurisprudence books, polygamy is called ta'addud al-zaujat, which means many wives, whereas in terms it is defined as the ability to marry two, three, or four women if you can do it fairly. Most scholars limit polygamy to only four women. Even though there is a lot of polygamy in our society, research has never investigated the actual motives and causes, but in reality, most polygamy carried out by our society does not comply with all regulations, so the polygamy carried out is very far from the wisdom and secrets contained therein. In many cases, the ability to carry out polygamy according to Islam is often applied blindly, meaning as one wishes, without paying attention to and heeding the conditions that must be met (Rahmah et al., 2020).

Most of them do polygamy in a very easy way, in fact, in certain cases they do polygamy solely for personal gain, namely to satisfy their desires (lust). So it is not surprising that polygamy carried out like this will cause tragic calamities and disasters that hit him and society (Bradley et al., 2023).

Islam allows polygamy with a limited number of women and does not require its adherents to practice absolute monogamy in the sense that a man can only marry one woman under any circumstances and circumstances. Islam, in essence, adheres to a system of monogamy by making concessions to allow limited polygamy, in principle, a man only has one wife, and conversely, a wife only has one husband (Iman et al., 2023).

3. Orientalism

The word orientalism comes from the word "orient" which simply means east. Another word that is often attributed to Orientalism is "oriental" which means relating to or located in the East. East in the sense of geographic location covering Asia from the Himalayas and the Malay Peninsula to the west of Wallace. You will find variations in the linguistic meaning of the word orientalism if you look at the opinions of the figures (Moosavi, 2020). In the book entitled "Buhūth Fī at-Tabshīr Wa al-Istishrāq" (Discussion of Missionaryism and Orientalism) by Hasan Abdur Rauf, it is stated that the word "orientalism" generally refers to the activities of non-Arab people, especially Western scientists who study knowledge about the East, whether in terms of language, religion, history, customs, civilization, and customs. Especially people who study the Arab world, China, Persia, and India (Kay, 2024).

The next development of "orientalism", this word is synonymous with Christians who study Islam and the Arabic language. Then there is also a more general opinion, namely according to Affaf Sabrah who says that orientalism is a broad term that covers all the activities of groups that carry out oriental studies, including science, art, literature, religion, and history. One of the objects of study by Orientalists is the meaning and history of Islam (Sa'di, 2021). The meaning and history of Islam studied and written by these Orientalists caused controversy among Islamic academics. Starting from this problem, this article will try to explain and explain it using descriptive analysis to gain a comprehensive understanding of the true meaning of Orientalism and its views on Islamic history. Hopefully, the presence of this article can become a treasure of new references in contemporary Islamic thought (Badarussyamsi, 2023).

The character of Edward W. Said cannot be left out when discussing Orientalism academically. He was the first to discuss "Orientalism" comprehensively in his book Orientalism: Western Conceptions of the Orient. In the book, Said says that the perpetrators of Orientalism, or what are usually called Orientalists are anyone who teaches, writes, or does research about the Eastern world. As for 'orientalism', it is a bipolar style of thinking that divides the world into two parts, namely "East" and "West" which function as legal institutions to deal with the East (Wahid, 2024); which is interested in making statements about the East, justifying

views about the East, describing it, by teaching it, positioning it, dominating it: in short, Orientalism is the West's way of dominating, reorganizing and mastering the East." Indeed, in its early historical records, orientalism was the product of Western (especially European) intellectuals studying the East but was full of political interests in the mission of imperialist powers to conquer the East (Şahin et al., 2021).

Another opinion, some say that orientalism is a word attributed to research carried out by Westerners on various Eastern disciplines, including language, religion, history, and socio-cultural problems of Eastern nations. Or, some say that Orientalism is a scientific discipline that discusses the East. If you look closely at the many opinions, almost all of them aim at the same goal even though with different editorials (Chande, 2023). Orientalism is an investigative or scientific activity carried out by Westerners towards the Eastern world in its various aspects, including the most striking is religion'. Initially, it could be agreed that this was the definition of Orientalism, but in the course of history, this definition shifted slightly. Even Najb al-'Aqqy included in his book the character Fazlurrahman, a Pakistani Muslim scholar, as an orientalist. Thus, orientalism can also be understood as an understanding that studies the Eastern world in its various aspects using a scientific Western framework of thought (Ranji, 2021).

4. Previous Research

Research by Nurus Syarifah (2023) entitled Polygamy in the Views of Mohammad Khalifa and Orientalists. This research presents some of Mohammad Khalifa's views on polygamy in his book entitled "The Sublime Qur'an and Orientalism" and also the views of Orientalists. The research method uses library research using analytical descriptive methods and documentation techniques. The results of this research state that according to Mohammad Khalifa, the practice of polygamy is specifically for widowers to help widows and orphans who are victims of natural disasters, famine, and other things. This is a form of responsibility to eradicate social problems that occur in society on condition that we can do good for them. Thus, the Prophet Muhammad directed the concept of polygamy more. Responding further to how orientalists view the Prophet's polygamy, some say it is only a means to channel their lust and some have a different opinion from other orientalists, namely that they say polygamy occurs so that husbands do not do deviant things to other women.

Research by Muspiroh (2023) entitled Polygamy in the View of Islamic Law (Criticism of the Prohibition of Polygamy in Turkish Law). In this research, Turkey's policy of prohibiting polygamy in its country is problematic because it conflicts with Islamic Law which of course justifies polygamy. This certainly cannot be used as a final policy that is only taken from the historical events of the founding of the country, but the provisions of Islamic Law must certainly be used as a basis in every aspect of life by considering the rights of women and men in marriage, both monogamous and polygamous. The research method uses qualitative methods in the form of a literature review. The main sources used in this research are KHI

(Compilation of Islamic Law) and the Turkish Marriage Law (The Turkish Civil Code 1926).

The results of this research state that the implementation of polygamy law in Turkey is based on the history of legal reforms carried out by Mustafa Kemal, massive changes have been made and made Turkey move towards western laws. The dark history of a government led by a king who believed in Islam but behaved far from Islamic teachings, created great disappointment in the hearts of his people, so when Mustafa Kemal introduced a new government system in the form of a republic and declared the principle of government for the people, the people were happy to accept Westernized culture. Therefore, even though the majority of Turkey's population is Muslim, the government and policies adopted are far from Islamic principles. Among them, Turkish marriage law states the rule of monogamy based on the 1951 Turkish Civil Code, which strictly prohibits polygamy and does not allow second marriages before there is proof of the dissolution of the first marriage. If a husband is proven to have committed polygamy, Turkish legislation strictly provides criminal penalties for anyone who violates it. Based on Turkey's ban on polygamy, is against the rules of Islamic law and is considered to have violated the rights of men and women.

Research by Zulkarnain Suleman (2019) entitled Criticism of Polygamy Jurisprudence: A Study of Siti Musdah Mulia's Thoughts. This research presents Siti Musdah Mulia's thoughts which are very interesting to study, especially since the ideas she conveys not only contradict the opinion of the majority of ulama but also the legal conclusions she formulates. Of course, this building of thought is based on theological arguments and how to read the text regarding the meaning of polygamy. The results of this research state that Siti Musdah Mulia's rejection of the institution of polygamy is based on the reality of the negative impact of the practice of polygamy. Therefore, she criticizes its normative provisions in Islamic law. According to him, the polygamy provisions in the Marriage Law and KHI need to be updated because they favor men's interests and ignore women. Apart from showing inconsistencies, these provisions have psychological implications for women; violence against women; and social towards society. These implications have had negative impacts such as the rise of unregistered marriages (sirri) or unregistered marriages, high rates of domestic violence, high cases of violations of children's rights, and abandonment of wives and children, especially psychologically and economically.

By basing it on legal principles of rejecting negative excesses (impacts) (mafsadat/mudharatan) rather than benefit; so Musdah Mulia concluded that polygamy could be declared (haram because of its activity) so that it was necessary to propose an absolute ban on polygamy because it was seen as a crime against humanity and a violation of human rights. Musdah Mulia reinterpreted the text which became the basis for scholars regarding the permissibility of polygamy in QS al-Nisa/4:3. By taking a thematic-holistic and contextual-historical approach, Musdah Mulia found that this verse is not a recommendation for polygamy, but

rather provides a solution so that guardians avoid doing injustice to orphans who are under their guardianship, namely with other women. Marrying another woman means automatically avoiding unscrupulous acts against orphans. This is because the guardians' motive for marrying orphans is simply to control their property. On the contrary, in QS. al-Nisa/4:3 This is a discussion about polygamy in one breath and the permissibility of having sex with female slaves without marriage.

The Koran does not expressly prohibit slavery the verse allows sexual intercourse with female slaves without marriage. Now slavery and sexual intercourse with female slaves without marriage are not practiced, while the verse is still clearly stated in the Koran. Because slavery is not practiced because it is considered a crime against humanity. Slavery is contrary to the true spirit and essence of Islamic teachings, which place humans as noble and dignified creatures. If slavery is prohibited and abandoned, while the verse allowing men to have sex with female slaves without marriage is still found in its entirety in the Koran, then polygamy is actually like that. Polygamy is prohibited and abandoned because of its bad impacts, even though the verse allows it. The Prophet's Rejection. If his daughter was married to Ali bin Abi Talib, his wife and children would suffer. Musdah Mulia understood the Prophet's disapproval. Above Ali ibn Abi Talib combined Fatimah bint Muhammad saw. A sign that polygamy has a negative impact.

Research by Rike Luluk Khoiriah (2018) entitled Polygamy of the Prophet Muhammad Became a Reason for Legitimacy for His People and the Response of Orientalists. In this research, we try to look back at the history of the Prophet's polygamy, which is still discussed by the public today, as well as providing light on the criticism of Orientalists regarding the practice of polygamy carried out by the Prophet. Apart from that, the author tries to examine the role of wives in the life of the Prophet who did not necessarily marry without any purpose, by collecting verses from the Koran or hadith related to this theme, as well as analyzing responses regarding the issue of polygamy.

The results of this research state that in adulthood, if you want to follow the Prophet, the ideal household to implement is monogamous. This was exemplified by the Prophet when he and Khadijah raised their sons and daughters as a sakinah family. If polygamy is carried out, it is also specifically for widowers to help widows and orphans who are victims of natural disasters, famine, and other things. This is a form of responsibility to eradicate social problems that occur in society on condition that we can do good for them. Thus, the Prophet Muhammad directed more towards the concept of monogamy than the concept of polygamy. Judging from a longer period, the Prophet practiced monogamy with Khadijah and he did not agree when Ali bin Abi Talib wanted to marry his daughter because it would hurt her, which is proof that there will be negative things that should be avoided and that will arise when a husband practices polygamy.

Then, during the time of the Companions, the Prophet limited that he could only have four wives and also indicated that he would be able to act fairly. It could be that the difference in the number of wives is because during the Friend era war

was no longer widespread. Then there is the role of the wife behind the husband, which the author deliberately explains so that readers know that at least the wife has a role in family life. Responding further to how orientalists view the Prophet's polygamy, some say it is only a means to channel their lust and some have a different opinion from other orientalists, namely that they say polygamy occurs so that husbands do not do deviant things to other women.

C. METHOD

This research uses a descriptive analysis method with a library research approach which contains various arguments from Orientalists regarding polygamy in Islam. In the process, this research collects and reviews literature related to the topic, including writings, articles, and books that contain orientalist views. After that, this research analyzed these arguments carefully, using rebuttals. With this approach, the research aims to provide in-depth and comprehensive clarification regarding polygamy law, as well as to clear up various misunderstandings that often arise in orientalist views (Sarosa, 2021).

D. RESULT AND DISCUSSION

1. First Syubhat: The accusation of the Prophet as Rajulun Syahwaani (A Man Who Worships Lust)

Those who doubt the personality of the Prophet say that he was a lustful person because he married up to nine women. To answer this accusation, it is important to understand the context of those who make these accusations. Orientalists, who often study Arabic, the science of hadith, and fiqh, do not study Islam in depth and adhere to it, but attack, ridicule, and challenge Islamic teachings with their versions. Their main goal is to shake the faith of Muslims so that they leave Islam and convert to their religion. This effort is often successful, especially for those who have a minimal understanding of Islam. These orientalists often manipulated Sharia law and spread various lies, one of which is the accusation that the Prophet Muhammad was a lustful person.

For Muslims, this accusation is very hurtful and baseless. If the Prophet Muhammad wanted to satisfy his lust, he would not have married widows or women who were older than himself. If his goal was lust, of course, he would have chosen young and beautiful girls. However, the reality is not like that. Of his nine wives, only Aisha was still a virgin. This marriage also took place by order of Allah Ta'ala. In a hadith narrated by Aisha, the Messenger of Allah said, "I saw you in my sleep for three consecutive nights. An angel came to me with your picture on a piece of silk and said, 'This is your wife.' When I opened the veil, your face appeared."

The marriage of the Messenger of Allah with Aisha radhiallahu 'anhaa contains many wisdoms, including:

a) Kinship with Abu Bakr: Continuing kinship with Abu Bakr radhiallahu 'anhu, a loyal friend of the Messenger of Allah.

b) Aisha's intelligence: Aisha was a very intelligent woman. Az-Zuhri mentioned that Aisha memorized more than twelve thousand verses of poetry. Abu Musa al-Asyari radhiallahu 'anhu also narrated that when there was a disagreement among the friends, they asked Aisha for her opinion.
c) Role in Da'wah: As a virgin wife, Aisha was very agile, nimble, and intelligent in supporting the Prophet's da'wah. Many hadiths were narrated from Aisha, making her one of the main narrators.

Another proof that shows that the Prophet was not a lust worshiper is his marriage to Khadijah. When he married Khadijah, the Prophet was only 25 years old, while Khadijah was 40 years old. This marriage lasted until Khadijah died, and during that time the Prophet did not marry another woman. This shows that he was not a man who worshipped lust, but rather a faithful husband. Thus, the orientalist accusation that the Prophet SAW was a lust worshiper has no strong basis and is contrary to historical facts and the purpose of his marriage.

2. Second Syubhat: Polygamy Sharia is Unfair

Orientalists accuse that polygamy only benefits men and is very detrimental to women. They also compare this issue to the issue of inheritance which is considered to be more beneficial to men. Orientalists question why in marriage it is the man who must propose and may marry up to four women, while women do not have the same rights. This accusation does not consider the basic nature of humans and their biological nature. Polyandry, where a woman marries several men, has the potential to endanger herself. For example, if her two husbands want to be served, while the woman also has to take care of the children and experience holidays such as menstruation and postpartum. By nature, a woman's womb is only intended for one man, showing the sanctity of women in Islam which aims to protect them.

If women practice polyandry, every time they give birth there will be confusion about who is the father of the baby. Human nature shows that women were created to have one husband. Even in the animal context, other creatures such as chickens, camels, and cats show similar patterns. Islam protects women and protects them from harm. Historically, when Muslims went to war, they often brought their wives to protect them from being captured and abused by the enemy. The presence of wives on the battlefield also gave the soldiers the spirit to fight for their religion, family, and property. The nature of Muslims is jealous, and many wars during the time of the Prophet and his companions began with women, either because of abuse, seizure, or release of female captives.

Modern Western culture is very different from the East. In the West, moral ethics and human nature are often ignored. Husbands are not jealous when their wives are kissed by other men in front of their eyes, and vice versa. They are proud when their wives show off their body parts to other men and live without the bonds of marriage. Their churches and leaders do not interfere with this behavior, and individual freedom is upheld. However, this individual freedom is not always the best, because it often degrades human dignity to that of animals. By nature, women

cannot possibly manage up to four men. The basic nature of women is that they are weak creatures. Taking care of themselves may still be difficult, let alone taking care of four men. Some narrations mention that women are creatures who lack reason and religion.

In a hadith, the Messenger of Allah said, "I have not seen a creature whose intellect and religion are more lacking than one of you, O women." The women of the Companions asked, "What is meant by the deficiency of our religion and our intellect, O Messenger of Allah?" He replied, "Isn't the testimony of a woman half the testimony of a man?" They answered, "Yes." He said, "That is the deficiency of her mind. And when she menstruates, is it not the case that a woman does not pray and does not fast?" They answered: "Yes." The Messenger of Allah said, "That is what is meant by his lack of religion."

The shortcomings of religion are also seen in the absence of an obligation to make up for missed prayers when a woman is menstruating or in postpartum period. They are also given conveniences during pregnancy and breastfeeding, such as being allowed not to fast if it affects their health. This relief is a mercy and gift from Allah to women. When a woman reaches menopause, while her husband is still horny, or when her four husbands are horny at the same time while she is menstruating, this will cause many problems. Men who want to have many children will also have difficulty if they only have one wife, because women can only bear the seed of one man. Therefore, the law of polygamy is a just law from Allah who knows better the physical and psychological conditions of humans, both men and women, as well as its harms and benefits.

3. Third Syubhat: Prophet Muhammad shallallahu 'alaihi wa sallam forbade polygamy

Some opponents of polygamy argue that the Prophet Muhammad himself forbade polygamy, referring to a narration in which the Messenger of Allah forbade his son-in-law, Ali Ibn Abi Thalib radhiallahu 'anhu, from practicing polygamy. According to them, this shows that polygamy is not recommended in Islam. This accusation is usually based on a narration that tells that Ali Ibn Abi Thalib, who was married to Fatimah, the daughter of the Messenger of Allah sallallaahu 'alaihi wa sallam, wanted to propose to Abu Jahl's daughter as a second wife. The Messenger of Allah then refused the request because he was afraid it would hurt Fatimah's feelings.

To understand the context, we must look at the hadith in its entirety. The hadith narrated by Imam Bukhari and Muslim states: "Ali Ibn Abi Thalib already had a wife, Fatimah, the daughter of the Messenger of Allah sallallaahu 'alaihi wa sallam. Then Ali wanted to propose to Abu Jahl's daughter as a second wife. The Messenger of Allah sallallaahu 'alaihi wa sallam delivered a sermon in front of the audience and said: 'Indeed Fatimah is part of me and I fear that if Ali marries the daughter of Abu Jahl, my daughter will be hurt. By Allah, the daughter of the Messenger of Allah and the daughter of the enemy of Allah are not united by one man.'" In another narration,

the Prophet sallallaahu 'alaihi wa sallam said: "Indeed Fatimah is part of me, and I fear that Fatimah's religion will be slandered." So, Ali did not propose to Abu Jahl's daughter (HR Al-Bukhari no. 3729 and Muslim no. 2449). Explanation of the Hadith: Ibn Hajar Rahimahullah in his commentary explains that this is specific to the Prophet's family. He stated that the Prophet's daughter should not be united with the daughter of the enemy of Allah Azza wa Jalla in one marriage. This shows the wisdom of the Prophet in maintaining honour and peace in his family.

This hadith cannot be used as a legal basis to prohibit polygamy in general. The Prophet did not prohibit Ali from remarrying absolutely but rejected a specific marriage with the daughter of Abu Jahl to avoid slander and maintain the honour of the family. After the death of Fatimah, Ali bin Abi Thalib was known to be polygamous, which shows that the Prophet did not prohibit polygamy in principle. This incident was a special policy of the Prophet who considered the condition of the family and the welfare of the Muslim community. The prohibition was not intended to prohibit polygamy, but rather to avoid slander and maintain the honour of the Prophet's family. Thus, this hadith cannot be used as an argument to prohibit polygamy as a whole in Islam.

4. **Fourth Syubhat: Polygamy Is Haram Because A Husband Cannot Possibly Be Fair**

Some argue that polygamy is haram because a husband cannot be just. They cite two verses in the Qur'an to support their claim:

a) "Then marry women of your choice, two or three or four. Then if you fear that you shall not be able to be just, then only one or (marry) the slaves whom your right hands possess. That is nearer to refraining from injustice." (Surat an-Nisa': 3)
b) "And you will never be able to be just between wives, even if it is your ardent desire. So do not incline too much toward the one you love, leaving the other hanging. And if you reform and guard yourselves, then surely Allah is Oft-Forgiving, Most Merciful." (Surat an-Nisa': 129)

They conclude that since the justice that is a condition of polygamy is impossible to achieve, polygamy is impossible to implement and is haram. This view contradicts the correct understanding of the two verses, as well as the practice of the Prophet Muhammad (peace and blessings of Allah be upon him) and his companions. The following are points that refute this claim:

a) The Practice of Polygamy by the Messenger of Allah and His Companions: The Prophet Muhammad (peace and blessings of Allah be upon him) and his companions practiced polygamy, which shows that polygamy is a permissible and practiced practice in Islam. The companions understood the meaning and context of the verses of the Qur'an better than the misinterpretation of the opponents of polygamy.
b) Second: The Justice Meant in QS An-Nisaa': 3: The justice meant in the first verse (QS An-Nisaa': 3) is justice in terms of external sustenance, such as the

provision of a house, clothing, and food. Justice in this case is very possible for husbands to achieve. This verse emphasizes that husbands must ensure that each wife gets her material rights fairly.

c) Third: Justice as Meant in QS An-Nisaa': 129: The justice mentioned in the second verse (QS An-Nisaa': 129) that is impossible to achieve is justice in terms of love and feelings. The Prophet Muhammad sallallaahu 'alaihi wa sallam himself realized that the heart is not under full human control. As mentioned in a hadith: "O Allah, this is my share (i.e. a fair share relating to sustenance, house, clothing, food, lodging allowance), so do not blame me in matters that You control and I have no control over (i.e. matters of love and inclination of the heart)." (Narrated by Abu Dawud and At-Tirmidhi)
d) Fourth: Verse QS An-Nisaa': 129 Shows the Permissibility of Polygamy: Verse QS An-Nisaa': 129 does not prohibit polygamy. On the contrary, this verse guides how to practice polygamy fairly, especially in terms of emotional justice. Allah permits polygamy, but forbids a husband from being too biased towards one wife to the point of neglecting the others.
e) Fifth: Consistency of Law in the Qur'an: If Allah permits polygamy in the first verse (QS An-Nisaa': 3) and then forbids it in the second verse (QS An-Nisaa': 129) as they claim, this would create inconsistency in Allah's law. The Qur'an cannot possibly contain such a contradiction.
f) Sixth: Other Verses that Support Polygamy: Another verse that shows the permissibility of polygamy is QS An-Nisaa': 23 which prohibits a man from marrying two women who are sisters. This prohibition implicitly indicates that marrying more than one woman is permissible, as long as they are not siblings.

Polygamy in Islam is permitted on the condition that a husband can act fairly in terms of physical sustenance. The view that polygamy is forbidden due to the inability to be emotionally fair is a misinterpretation. Allah has determined the permissibility of polygamy with certain conditions, and the practice of the Prophet Muhammad sallallaahu 'alaihi wa sallam and his companions shows that polygamy is a legitimate and accepted practice in Islam. The accusation that polygamy is forbidden has no strong basis either in the Qur'an or in the practice of the Prophet's sunnah.

E. CONCLUSION

Polygamy law in Islam has a strong historical and contextual basis, aiming to protect and regulate the practice of polygamy with the principles of justice and responsibility. Historically, Islam regulated the practice that existed before its emergence by setting strict limits and conditions, to ensure that polygamy was not abused and that women's rights were protected. Misinterpretations by Orientalists often ignore this context and spread biased and inaccurate views regarding polygamy law. The ethical principles emphasized in Islamic law regarding polygamy, such as justice and the responsibility of husbands towards their wives,

show that the main goal of this law is the welfare and protection of the family. Although there are challenges and criticisms of the practice of polygamy in the modern context, with proper education and fair law enforcement, the practice of polygamy can provide significant social and individual benefits. Therefore, comprehensive understanding and correct application are essential to address existing misinterpretations and challenges, so that polygamy law can be seen in a more just and accurate light.

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