



Regulating Polygamy in Indonesia and Egypt Toward Greater Protection of Women

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Abstract

*This study examines the regulation of polygamy in Indonesia-Egypt and examines the extent to which these legal frameworks align with the protection of women within contemporary Islamic family law. The issue addressed arises from the persistent vulnerability of women in polygamous marriages, who are often exposed to economic insecurity, limited legal protection, psychological distress, and social marginalization. This study employs a normative legal research method using statutory, comparative, and conceptual approaches. Legal materials are analyzed through a qualitative normative analysis of marriage laws, judicial mechanisms, and Islamic legal doctrines governing polygamy in both countries. The findings indicate that the alignment of polygamy regulations toward women's protection can be assessed through three main dimensions: economic protection, certainty of justice, and state recognition. Indonesia adopts a preventive-administrative model by requiring court permission, proof of economic capability, and the consent of the wife prior to polygamy. In contrast, Egypt applies a remedial judicial model by allowing polygamy with fewer preconditions while providing post-marital legal remedies, particularly the right of wives to seek divorce on the grounds of harm. However, both systems remain limited in delivering substantive protection for women, as legal safeguards tend to emphasize formal compliance rather than addressing psychological and social harms. This research implies the need for polygamy law reform that moves beyond procedural legality toward substantive gender justice grounded in *maqāṣid al-sharī'ah*. The originality of this study lies in its integrated comparative analysis of normative, procedural, and protective dimensions of polygamy law in two Muslim-majority legal systems.*

Keywords: Polygamy Regulation; Women's Protection; Islamic Family Law; Comparative Law.

Abstrak

Studi ini mengkaji regulasi poligami di Indonesia-Mesir dan mengkaji sejauh mana kerangka hukum ini selaras dengan perlindungan perempuan

dalam hukum keluarga Islam kontemporer. Isu yang dibahas muncul dari kerentanan terus-menerus perempuan dalam pernikahan poligami, yang sering terpapar ketidakamanan ekonomi, perlindungan hukum yang terbatas, tekanan psikologis, dan marginalisasi sosial. Penelitian ini menggunakan metode penelitian hukum normatif dengan menggunakan pendekatan undang-undang, komparatif, dan konseptual. Materi hukum dianalisis melalui analisis normatif kualitatif hukum perkawinan, mekanisme peradilan, dan doktrin hukum Islam yang mengatur poligami di kedua negara. Temuan tersebut menunjukkan bahwa penyelarasan regulasi poligami terhadap perlindungan perempuan dapat dinilai melalui tiga dimensi utama: perlindungan ekonomi, kepastian keadilan, dan pengakuan negara. Indonesia mengadopsi model preventif-administratif dengan memerlukan izin pengadilan, bukti kemampuan ekonomi, dan persetujuan istri sebelum poligami. Sebaliknya, Mesir menerapkan model peradilan perbaikan dengan mengizinkan poligami dengan prasyarat yang lebih sedikit sambil memberikan upaya hukum pasca-nikah, terutama hak istri untuk meminta perceraian dengan alasan bahaya. Namun, kedua sistem tetap terbatas dalam memberikan perlindungan substantif bagi perempuan, karena perlindungan hukum cenderung menekankan kepatuhan formal daripada mengatasi bahaya psikologis dan sosial. Penelitian ini menyiratkan perlunya reformasi hukum poligami yang bergerak melampaui legalitas prosedural menuju keadilan gender substantif yang didasarkan pada maqāṣid al-sharī'ah. Orisinalitas penelitian ini terletak pada analisis komparatif terpadu dari dimensi normatif, prosedural, dan protektif hukum poligami dalam dua sistem hukum mayoritas Muslim.

Kata kunci: Regulasi Poligami; Perlindungan Perempuan; Hukum Keluarga Islam; Hukum Komparatif.

Introduction

The provision on polygamy is one of the family law issues that is in the spotlight in various legal systems in the world, especially because of its sharp implications for women's rights. Normatively, polygamy is often seen as a practice that is permitted in certain contexts by cultural traditions and religious interpretations. But on the other hand, it is also criticized for its potential discrimination against women (Sukiati & Nor, 2023). In many jurisdictions, including Indonesia and Egypt, polygamy is not only a normative issue but also a space for conflict between the value of gender equality and legal provisions that place women in different positions in marital relationships (Hamka Hasan, Asep S. Jahar, 2022). This reflects the

universal issue of how countries with a background in Islamic law balance women's rights with traditional interpretations of polygamy.

Although Indonesia and Egypt both have legal frameworks influenced by Islamic legal principles, there are important differences in the structure and implementation of polygamy rules that have different impacts on women (Rohmah & Budihardjo, 2021). In Indonesia, polygamy is strictly regulated in the Marriage Law, which requires the consent of the wife and the judge's consideration, while in Egypt, the regulations tend to give broader authority to husbands with different supervision mechanisms through the Sharia judicial system. These differences raise critical questions: the extent to which the two legal systems are parallel in protecting women's rights when polygamy is permitted, and how procedural and substantive differences affect women's position in each country (Zainuddin et al., 2022).

Several previous studies have examined aspects of polygamy from the perspective of religion, culture, and law in each country. Irsan explained that polygamy has complex consequences for the perpetrators (Irsan, Alaidin Koto, 2024). Hotnidah elaborated that the solution of inheritance issues in polygamous marriage in Indonesia is not only based on a compilation of Islamic law but also on civil law (Nasution & Muchtar, 2024). Damsir (2024), Egypt became the 3rd country to reform Islamic family law, including the issue of polygamy (Damsir, 2024). The implications of various interpretations of the law of polygamy affect the laws used in a country. Muslim countries in the world differ in applying the law of polygamy; some legalize it totally, prohibit it, and allow it with strict terms and conditions (Fuad, 2020). This gap suggests that the normative relationship between the principle of gender equality and the legal practice of polygamy in both countries has not been fully understood in a cross-jurisdictional comparative perspective.

Considering the complexity of the law and its impact on women's rights, a comparative study of the alignment of polygamy in Indonesia and Egypt is crucial to broaden academic and public policy understanding. This research not only contributes to the Islamic family law literature but also provides critical insights into legal reform efforts responsive to the principle of gender equality in countries with Islamic legal traditions. The novelty of this research lies in a systematic comparative approach to two legal systems, simultaneously exploring normative, procedural, and implementational dimensions to assess the extent to which they align with the protection of women's rights in the practice of polygamy.

Research Methods

This study uses a normative legal research method with a library research approach. Normative legal research was chosen because this study focuses on the analysis of legal norms, principles, and doctrines governing

polygamy in the Indonesian and Egyptian legal systems, particularly in relation to the protection of women's rights. Through this approach, the research does not rely on field data but on an in-depth study of relevant legal texts, policies, and academic thoughts. The approaches used in this study include a statute approach, a comparative approach, and a conceptual approach. A statutory approach is used to analyze positive legal provisions related to polygamy. A comparative approach is used to examine the structures, mechanisms, and substance of polygamous arrangements in the two countries, while a conceptual approach is used to examine the concepts of women's protection, gender justice, and *Maqāṣid al-Sharī'ah* (objectives of Islamic law) in the context of Islamic family law.

The data sources in this study include primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations, official legal documents, and court decisions that regulate or relate to polygamy in Indonesia and Egypt. Secondary legal materials include legal textbooks, articles from reputable scientific journals, prior research findings, and scientific papers on polygamy, Islamic family law, and women's rights. Data collection is conducted through a literature review, in which relevant literature is identified and classified according to the research focus. The collected data is then analyzed using the normative qualitative analysis method, namely by systematically interpreting legal norms and doctrines and comparing them across legal systems. This analysis is directed to assess the extent of the alignment of polygamy arrangements in Indonesia and Egypt in providing protection for women, as well as uncovering the fundamental differences that affect women's legal positions in polygamy practices (Airizal, 2016).

Results and Discussion

Normative Framework of Polygamy Laws in Indonesia and Egypt

Polygamy in Islamic law is normatively rooted in religious texts, especially QS. al-Nisā' verse 3, which allows men to marry up to four women on the main condition that they are able to act fairly. This verse did not stand as a commandment from the beginning, but as a form of legal tolerance for certain social conditions in the early days of Islam (Zainuddin et al., 2022). The legitimacy of polygamy in Islam is conditional and fraught with ethical restrictions, especially with regard to justice for women (Maulida et al., 2022). Classical and contemporary interpretations show that the conditions of justice are central as well as problematic in the practice of polygamy.

In the context of the modern state, the normative provisions of Islam are not applied literally but are transformed into positive law through legislative mechanisms and state policies. Indonesia and Egypt, as countries with a Muslim majority, both recognize the normative legitimacy of

polygamy, but place it within a state-controlled family law framework. The role of the state becomes significant because it not only adopts religious norms but also interprets, restricts, and regulates them in the interests of law and order and the protection of citizens, especially women (Jumarim et al., 2024).

In Indonesia, the regulation of polygamy is explicitly contained in Law Number 1 of 1974 concerning Marriage, which emphasizes the principle of monogamy as a basic principle (Zuhriah, 2008). Polygamy is permitted only as an exception under strict conditions, such as court permission and the wife's consent. This provision demonstrates that the state does not view polygamy as an absolute right for men, but rather as a practice subject to legal and moral scrutiny. Thus, Indonesian positive law seeks to shift polygamy from the private sphere to the institutional control of the state (Septiandani & Astanti, 2021).

The Compilation of Islamic Law (KHI) then strengthens the normative framework by regulating, in greater detail, the grounds and procedures for polygamy (Fadhilah et al., 2023). In KHI, polygamy is justified if the wife is unable to carry out her obligations, suffers from incurable defects or diseases, or is unable to bear offspring. This formulation reflects a functional approach to marriage, in which women are often positioned as objects of judgment regarding the survival of the household. Although it is intended as a restriction, this formulation actually opens up problematic spaces related to women's subordination. The requirement for court permission in the Indonesian legal system is normatively intended as a protection mechanism for women. Judges are authorized to assess the husband's economic and moral capacity and to ensure that justice is served for the wives (Sukiati & Nor, 2023). However, in practice, justice assessments are often formal and administrative, so the substance of women's protection is not always optimally realized. This shows a gap between legal norms and their actual implementation.

In contrast to Indonesia, Egypt regulates polygamy within the framework of family law, which is strongly influenced by the Sunni *fiqh* tradition, especially the Hanafi's *mazhab* (school). Egyptian family law does not explicitly require the consent of the first wife as a prerequisite for polygamy. However, the state continues to intervene through the notification mechanism and the wife's right to file a divorce lawsuit if she feels harmed by the husband's polygamy practice. This approach shows that Egypt emphasizes repressive (remedial) protection of women rather than preventive. Sharia jurisprudence in Egypt played an important role in shaping the practice of polygamy (Irsan, Alaidin Koto, 2024). Sharia courts provide space for wives to prove the existence of *darar* (harm) due to polygamy, which can then be used as a basis for divorce. This concept of harm is an important tool for protecting women, although the burden

remains on the wife. Thus, women in Egypt are positioned as active subjects of the law, yet remain structurally vulnerable.

In comparison, Indonesia and Egypt both recognize the normative legitimacy of polygamy, but use different regulatory approaches. Indonesia places the state as the main filter before polygamy occurs, while Egypt provides a wider space for the practice of polygamy with legal control afterwards. This difference reflects the contrasts in the state's paradigm for balancing religious norms with the protection of women's rights. Indonesia tends to be preventive-administrative, while Egypt is judicial-remedial (Purwanto & Nurozi, 2021). From a normative perspective, both legal systems use justice-based arguments to justify restricting polygamy (Hakim, 2022). However, the concept of justice used is often abstract and difficult to measure, especially when translated into legal practice. The inability of man to act perfectly just, as hinted at in QS. al-Nisā' verse 129, is often not used as a basis for rejecting polygamy outright. As a result, the norm of justice serves more as a moral justification than as a real instrument of protection for women.

The position of women in the normative construction of polygamy in both countries still shows an asymmetrical pattern of relations. Women are more often placed as parties who have to adjust to polygamy decisions, either through formal consent in Indonesia or proof of harm in Egypt. This condition shows that the normative legitimacy of polygamy is still strongly influenced by patriarchal structures that are legitimized by the interpretation of religious law and state law. Nonetheless, efforts to restrict polygamy in both countries show a normative awareness to protect women, albeit to some extent. The state no longer allows polygamy as a free practice without regulation, but binds it to legal requirements (Nasution & Muchtar, 2024). This marks an important shift in contemporary Islamic family law, from mere normative recognition to state control over socially impactful religious practices. Thus, an analysis of the normative frameworks governing polygamy regulation in Indonesia and Egypt shows that although both draw on the same normative source, the regulatory outcomes differ in form and implications. These differences are an important foundation for assessing the extent to which the alignment of polygamy laws in the two countries actually favors women's.

Procedural and Substantive Protection of Women in Polygamous Marriages

The protection of women in the practice of polygamy is not only determined by its normative legitimacy, but is highly dependent on procedural mechanisms and substantive guarantees provided by law. In the context of modern family law, such protection includes arrangements that

prevent injustice before polygamy is committed, as well as legal instruments that restore women's rights when polygamy causes harm (Sari & Purwanto, 2023). Analysis of procedural and substantive aspects is important for assessing whether polygamy regulation actually functions as an instrument of gender justice. The procedural aspect concerns the procedures and legal requirements that must be met before or after polygamy. These requirements reflect the extent to which the state intervenes in private relationships in marriage in order to protect vulnerable parties, especially women. In this regard, Indonesia and Egypt take different approaches, both in the placement of judicial institutions and in the mechanism for obtaining wife approval. This difference affects the effectiveness of the legal protection that women receive in the practice of polygamy.

In Indonesia, the wife's consent is one of the main requirements that must be met by the husband to obtain a polygamy license from the court. This provision is intended to ensure women's participation in decision-making that directly impacts on their lives. Wife's consent is seen as a form of recognition of women's autonomy in marriage, as well as a preventive instrument to prevent arbitrary polygamous practices. However, in Indonesian legal practice, the wife's consent does not always reflect the woman's free will. Social, economic, and psychological pressures often influence the wife's decision to give formal consent. In many cases, such consent is given in conditions of unbalanced power relations, thus weakening its protection function. This shows that legal procedures that appear to protect women can lose substantive meaning when the social context is not taken into account (Marzuki, 2019)

The role of religious courts in Indonesia is central in assessing the feasibility of polygamy. Judges have the authority to examine the reasons for polygamy, the husband's economic ability, and the guarantee of justice for the wives. Theoretically, this authority enables the court to act as a guardian of gender justice (Hisyam, 1375). However, in practice, examinations are often administrative and oriented towards fulfilling formal requirements (Mawardi, 2020). The court's limitations in assessing women's psychological and social aspects are a challenge in itself. Assessments of the ability to act fairly are often reduced to financial aspects, while the emotional dimensions and mental well-being of wives receive less attention. As a result, the substantive protection expected from the judicial process is not fully realized (Irsan et al., 2022). This shows a gap between the court's normative mandate and the reality of legal practice. In the Egyptian context, the wife's consent is not a procedural prerequisite for the husband to engage in polygamy. The Egyptian legal system gives men greater freedom to marry more than one without having to obtain the wife's prior permission. However, the state provides an alternative legal

mechanism for women through the right to file for divorce if the polygamy causes harm. This approach places women's protection at the post-polygamous stage.

The role of Sharia courts in Egypt is more prominent in dispute resolution than in prevention. A wife who feels aggrieved must prove that there is material or non-material loss due to her husband's polygamy. The burden of proof is a big challenge for women, especially in proving psychological and social losses that are invisible in nature. Thus, access to justice often depends on women's capacity to face legal processes. In terms of guaranteeing economic rights, both countries regulate the husband's obligation to provide for their wives fairly. In Indonesia, the husband's economic ability is one of the main requirements assessed by the court before a polygamy license is granted. Meanwhile, in Egypt, the obligation of maintenance is affirmed as the husband's legal responsibility, enforceable through the courts. However, the fulfillment of women's economic rights in practice often faces obstacles to law enforcement.

Women's economic rights in polygamous marriage are not always in line with the real well-being they feel. A formally fair distribution of alimony does not necessarily guarantee economic stability and a sense of security for wives (Febrianty et al., 2025). In many cases, women continue to experience economic dependency that weakens their bargaining position in the household. This condition shows that economic protection alone is not enough without broader social security. The psychological aspect of women is often the most overlooked dimension in the regulation of polygamy. Law tends to focus on formal and material aspects, while emotional impacts such as anxiety, jealousy, and feelings of marginalization are rarely legal considerations. In both Indonesia and Egypt, there is no legal mechanism that explicitly protects women's mental health in polygamous marriages. As a result, women's psychological suffering is often not accommodated in the legal system.

From the social side, the practice of polygamy also has implications for women's status and social relations. Women in polygamous marriages often face social stigma and cultural pressures that exacerbate their vulnerability (Sam'ani et al., 2023). Positive law in both countries has not fully addressed this social dimension, as legal protection is more focused on internal household relations. This shows the limitations of the law in reaching the social impact of polygamy. The comparison between Indonesia and Egypt shows that both countries have their own strengths and weaknesses in protecting women. Indonesia excels in the preventive aspect through strict procedural requirements, while Egypt provides remedial mechanisms through women's access to justice (Damsir, 2024). However, neither approach do not fully guarantee substantive protection for women.

This weakness lies in the legal's reliance on formal procedures without regard to the social context.

In the context of gender justice, legal protection for women should not be merely reactive or administrative. The law needs to ensure that women have an equal position in decision-making and effective access to justice. When legal procedures fail to address power imbalances, the law has the potential to reproduce women's structural vulnerabilities in polygamous marriages. Gender justice in the context of polygamy also requires an integration between legal protection and social awareness (Ulfa et al., 2023). Without a change in the social paradigm of the relationship between husband and wife, it will be difficult for the existing legal mechanism to achieve its protection goals. Therefore, the protection of women in the practice of polygamy must be understood as a shared responsibility between the state, society, and legal institutions. This approach is needed to holistically address the complexity of polygamy.

This analysis shows that women's protection mechanisms in Indonesia and Egypt still face significant structural challenges. Although both countries have enacted legal instruments to protect women, their effectiveness depends heavily on implementation and social context. The power imbalances between men and women remains the main factor hindering the achievement of substantive justice. Thus, polygamy rules in Indonesia and Egypt have not fully functioned as an instrument of gender justice. Instead of eliminating injustice, existing mechanisms risk legitimizing the practice of polygamy without adequate protection for women. These findings serve as an important basis for evaluating and reforming polygamy laws to be more responsive to women's needs and rights in complex social realities.

Alignment of Polygamy Regulations with Gender Justice and Islamic Legal Objectives

The analysis of the harmony of polygamy arrangements cannot be separated from the fundamental objectives of Islamic law and the principle of gender justice as contemporary normative standards. In this context, polygamy is not sufficiently assessed in terms of its formal validity, but rather in terms of the extent to which it realizes justice, benefits, and the protection of human dignity, especially for women (Liwa et al., 2022). Alignment evaluation is important to assess whether positive law in Indonesia and Egypt has moved beyond administrative legality toward substantive justice.

The first and subsequent marriages must be registered at the Office of the Marriage Registrar, provided a letter of permission from the Court is attached. In Egypt, marriages must also be recorded in a declaration

attached to the marriage registration, either with a notary or a marriage registrar.

Table 1.
Alignment of polygamy laws in Indonesia and Egypt towards women

No.	Components	Indonesia	Egypt
1.	Economy	There is certainty that the husband is able to provide for the needs of his wives and their children by showing a certificate of income	-
2.	Guarantee of the Implementation of Justice	Pre-marriage: Consent of the wife Post-marital: Criminal sanctions in the form of fines for husbands who violate the requirements	Pre-marriage: Make a declaration in the annex to the marriage registration containing the names of his wife and her place of residence. Post-marital: The notary public or marriage registrar must inform the first wife of her husband's marriage. a. The first wife has the right to divorce if her husband's polygamy causes her harm. b. The second wife has the right to seek a divorce if the husband did not inform her that he had

			previously been married.
3.	State Recognition	Request a polygamy license from the Religious Court and register the marriage at the Religious Affairs Office	Recording the marriage in the declaration letter in the attachment to the marriage registration marriage at a notary or marriage registration officer

Based on the comparison in the table, it can be seen that Indonesia and Egypt have different approaches in ensuring the protection of women in the practice of polygamy. Indonesia emphasizes preventive and administrative mechanisms through formally proven economic ability requirements, the obligation to obtain the wife's consent, and the active involvement of religious courts in granting polygamy licenses. This approach reflects strong state control before polygamy is implemented, although its substantive protection still depends on the effectiveness of judges' judgments. In contrast, Egypt does not require proof of economic ability or the consent of the wife at an early stage, but provides repressive and judicial protection after polygamy occurs, especially through the right of women to file for divorce in the event of loss (Taha, 2024). This difference shows that although both countries legally recognize polygamy, the level and model of protection for women is still partial and does not fully guarantee substantive gender justice.

The concept of *Maqāṣid al-Sharī'ah* provides a relevant normative framework for assessing the practice of polygamy. The main purposes of the Shari'a, such as the protection of religion (*ḥifẓ al-dīn*), the life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*), require that every provision of the law bring benefits and prevent harm (Nurul Ain Norman, 2022). In the context of polygamy, *maqāṣid* emphasized that the practice can only be justified if it does not damage the safety, dignity, and welfare of women. Thus, *maqāṣid* serves as an evaluative standard for regulating polygamy. The principle of gender justice demands equal rights, access, and legal protection for men and women in marital relationships. In family law, gender justice does not necessarily mean formal equal treatment, but rather fair treatment that takes into account women's structural vulnerabilities. Therefore, the regulation of polygamy must be tested to determine whether it is able to correct the imbalance of power relations or actually strengthen patriarchal dominance. This test is

the basis for assessing the alignment between positive law and substantive justice values.

In Indonesia, the restriction of polygamy through court permission and the consent of the wife is often seen as a progressive step in the framework of gender justice. Normatively, this mechanism shows the state's efforts to protect women from arbitrary polygamous practices. However, from the perspective of *Maqāṣid al-Sharī'ah*, the question arises whether the procedure is truly capable of preventing harm or merely meets the formal standard of legality. This evaluation reveals that procedural protection is not necessarily aligned with the substantive objectives of Sharia. The limitations of the administrative approach in Indonesia can be seen from its focus on fulfilling formal requirements, such as economic capabilities and approval documents. The emotional, psychological, and social justice aspects of women's lives are often not the main considerations in the judicial process. In fact, from the point of view of *maqāṣid*, psychological suffering and social insecurity are forms of harm that must be prevented (Maftukhatulosikhah & Rusydi, 2018). The absence of this consideration indicates a lack of synchronization between the purpose of Islamic law and the practice of law.

Egypt, meanwhile, adopted a different approach by giving greater space to the practice of polygamy, but providing a protection mechanism through women's right to file for divorce. This approach normatively recognizes women's right to protect themselves from harm, but the heavy burden of proof often undermines its effectiveness. From a gender justice perspective, these mechanisms tend to be reactive and put women in a defensive position. This suggests that the available protections are not yet fully aligned with the principle of substantive equality. Within the framework of *Maqāṣid al-Sharī'ah*, the Egyptian approach can be criticized for emphasizing recovery after harm rather than prevention. In fact, one of the main goals of Sharia is to prevent damage before it occurs. When women have to endure suffering before obtaining legal protection, the purpose of the benefit is diminished. This condition shows that the regulation of polygamy in Egypt has not been fully aligned with the preventive *maqāṣid*.

In comparison, Indonesia and Egypt both show normative efforts to limit polygamy, but with different orientations. Indonesia emphasizes administrative control before polygamy is carried out, while Egypt emphasizes judicial settlement after polygamy occurs (Demery, 2023). These two approaches reflect different legal strategies, but both face the same challenge of achieving substantive justice for women. This comparison confirms that alignment depends not only on the form of regulation, but also on the protection paradigm used. From a progressive Islamic perspective, the interpretation of polygamy needs to be placed in a

contemporary social context that demands equality and the protection of human rights. Progressive Islam holds that religious texts should be interpreted contextually, emphasizing universal values such as justice, compassion, and human dignity. Within this framework, polygamy is not a legal goal, but rather a very limited dispensation. Therefore, state regulations should move towards stricter restrictions or even moratoriums when justice cannot be guaranteed.

International human rights standards, particularly the principle of non-discrimination against women, provide an additional lens in assessing the legal alignment of polygamy (Ahmad & Wangenheim, 2021). The practice of polygamy is often seen as contrary to the principle of gender equality due to its disproportionate impact on women. When state law still legitimizes the practice without adequate protection, there is a tension between human rights commitments and domestic legal norms. This tension poses a serious challenge for Muslim countries, including Indonesia and Egypt. Efforts to harmonize polygamy law with *Maqāṣid al-Sharī'ah* and human rights require more substantive legal reform. The reform does not have to deny Islamic values, but can actually strengthen the purpose of the sharia in protecting the vulnerable (Yusuf et al., 2024). For example, strengthening the standard for proving justice, involving psychologists and social experts in the judicial process, and tightening the requirements for polygamy can be concrete steps towards better alignment. These measures show that Islamic values and gender justice are not two contradictory things. Legal reform also requires a shift in law enforcement officials' understanding of polygamy. Judges and judicial institutions need to see polygamy not only as a husband's legal right, but as a practice that has the potential to create structural injustice. With a *maqāṣid* perspective and gender justice, courts can play a more active role in preventing women's harm. This paradigm is important to ensure that the law is not just a tool of formal legitimacy.

In Indonesia and Egypt, opportunities for legal reform are emerging in line with the development of progressive Islamic discourse and gender awareness (Febri & Saputra, 2025). The state has room to reinterpret polygamy policy without having to leave the framework of Islamic law. Precisely with the *maqāṣid* approach, the state can show that the restriction of polygamy is a form of obedience to the goals of the sharia. This approach can be a bridge between religious values and the demands of modern justice. Thus, the level of alignment of polygamy arrangements in Indonesia and Egypt is still partial and does not fully reflect gender justice and *Maqāṣid al-Sharī'ah*. Existing regulations tend to stop at the administrative and remedial levels, without guaranteeing substantive protection for women. These findings underscore the importance of reforming polygamy law that is more oriented towards the benefit and dignity of women, as part of efforts to align Islamic law with the value of universal justice.

Conclusion

This study concludes that polygamy laws in Indonesia and Egypt both recognize the normative permissibility of polygamy while simultaneously attempting to regulate it through state controlled legal mechanisms. However, the alignment of these regulations with the protection of women remains partial and largely procedural. Indonesia adopts a preventive-administrative approach by requiring judicial authorization, proof of economic capacity, and the consent of the wife prior to polygamy, whereas Egypt emphasizes a remedial judicial approach by allowing polygamy with fewer preconditions but granting wives post-marital legal remedies, particularly the right to seek divorce based on harm. Despite these differences, neither legal system has fully ensured substantive protection for women, as existing safeguards tend to focus on formal legality rather than addressing the psychological, social, and power related dimensions of women's vulnerability in polygamous marriages. The limitation of this research lies in its normative legal approach, which relies primarily on statutory analysis and doctrinal interpretation without incorporating empirical data on judicial practices or women's lived experiences. Consequently, the findings reflect the design and intent of legal norms rather than their full implementation in social reality. Future research is recommended to adopt socio-legal or empirical approaches in order to examine how polygamy regulations operate in practice and how women experience legal protection within these frameworks. From a policy perspective, legal reform is needed to strengthen substantive safeguards for women by integrating gender justice and *maqāṣid al-sharī'ah* into judicial assessment, expanding the consideration of psychological and social harm, and enhancing the role of courts in preventing structural inequality in polygamous marriages.

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