POLYGAMY; REANALYZING THE MUTFASSIR VIEWS OF ’ADL’

Ikhwanuddin Harahap
Institut Agama Islam Negeri Padangsidimpuan
Email: ikhwanuddinharahap@iain-padangsidimpuan.ac.id

Abstract

Polygamy discourse is always interesting to discuss. This is due to facts on the ground which show that polygamous wives are often treated unfairly. So the concept of ’adl still needs to be explored. This research is qualitative and library research. Primary sources are tafsir books. Data collected with documentation. The data collected was analyzed by content analysis. The results of the study show that there is ’adl among tafsir experts are both in terms of al-makan (place of residence/house), al-zaman (time/turn), mata’ al-makan (jewelry/ home furnishings, fair in terms of material things, namely equality, balance, equality in terms of the number of shifts to stay, livelihood which includes food, drink, clothing and housing, the husband must provide a house for each wife. Beside that, husbands may not take one wife on a trip except by lottery, husbands may not place their wives in one house except by agreement, husbands may not place their wives in one room, husband must mewathi’ his wife if there are no obstacles.

Keywords: Polygamy, Views, ’Adl

A. Introduction

Justice in polygamy is still an interesting debate to discuss. Although, most people consider it has been discussed and can not be contested anymore. As if it had become a consensus (ijma’ ummah), even the scholars also agreed to make justice a mandatory requirement in polygamy. That is why, so far there has been no work by both classical and modern scholars who discuss justice in polygamy independently and specifically, let alone question it. Some of the literature and history regarding justice in polygamy which has already been used as a "tool" for legitimacy, many of which do not have an accurate (reliable) source.

This has made the issue of ’adl in polygamy increasingly gaining significance and legitimacy in recent times. In connection with these matters, questioning the terms of
justice in polygamy, as has been assumed so far, does not seem easy, because it would be considered as having belittled religious teachings. However, scientifically there is nothing wrong if someone asks, is it true that Islam (the Qur'an) requires 'adl in polygamy? Or in another statement, is it true that justice is an absolute requirement in polygamy?

Islam is a religion that is a blessing to the universe (rahmatan lil alamin) and brings universal teachings (syumul) that apply to all humans at all times and in every place (salih li kulli zaman wa makan). One form of teaching that he brought was the teaching of marriage. Marriage is one of the most urgent teachings in the building of Islamic teachings. This can be seen from the holy Qur'an which is concerned with the issue of marriage. There are no less than 80 (eighty) verses that talk about marriage with various editors, using either the word nikah or tazwij. These verses provide guidance and instructions to mankind on how marriage should be carried out so that the institution of marriage can become a bridge that leads them to a life that is sakinah, mawaddah (peaceful, calm and happy). For this reason, Islam formulates a number of provisions that must be followed, including procedures for choosing a spouse, weddings, polygamy and so on.

Among the forms of marriage that are often discussed among Muslim communities is (ta'addud al-jauzat)/polygamy. Polygamy is a controversial and problematic issue among thinkers, interpreters and observers of Islamic law. The debate mainly lies in the "'adl" requirements for those who practice polygamy. This paper tries to examine the concept of justice in polygamous marriages according to experts.

B. Research Method

This research is a qualitative research. This research is library research. The primary sources in this research are tafsir books. While secondary sources are fiqh books. Data collection technique is documentation. the data collected was analyzed by means of content analysis.

C. Examining the Historicity of Verses on Polygamy

The verse that talks about polygamy (Sura An-Nisa: 3) was revealed in Medina after the Uhud war. As it is known that due to the carelessness and indiscipline of the Muslims in the war resulted in the defeat of the Islamic camp. Many Muslim soldiers died on the battlefield of Uhud. A further impact is that the number of widows and orphans in
the Muslim community has increased dramatically. Many orphans are in poor condition, but not a few of them have assets because they have inherited their parents' legacy. In this latter condition, bad intentions often arise from trustees, resulting in fraud and injustice in the management of assets and their maintenance. Especially for female orphans, many guardians marry them.

The reason for the revelation of Sura An-Nisa verse 3 is as follows:

1. It was narrated by Bukhari and Muslim, Nasa'i, Baihaqi and others that Urwah Ibn Zubair asked the naib's wife, 'Aisyah Ummul Mukminin about Sura an-Nisa verse 3. Then 'Aisyah replied: O my niece, this orphan woman is in under the care of his guardian, he manages this woman's property and her wealth is mixed with the guardian's property, then he admires this woman's wealth and beauty and intends to marry her but does not give a suitable dowry. He did not give the dowry as usual, so other people stopped him and told him to marry another woman they liked either two, three or four.\(^1\)

2. Sa'id bin Jabir, Qatadah, al-Rabi' Dhahak and al-Suddiy said that they take care of the assets of orphans, and like women and marry women they like, sometimes they do justice but at other times otherwise they treat their wives unfairly. When they asked about orphaned women, Sura An-Nisa verses 2 and 3 came down.\(^2\)

3. Syu'bah narrated from Simak from 'Ikrimah, he said: a man has an orphan woman and is not an orphan, he manages his personal property and the orphan woman's property, so the Sura An-Nisa verse 3 is revealed.\(^3\)

Some key words in Sura An-Nisa' verse 3 will be described as follows: a. *tuqsitu*: it means to do justice, not tyrannize. *Tuqsitu* means to be fair between two or more people, justice that makes both of them happy. b. *Al-yatama*: comes from the word *yatim* which literally means alone. And in *syari'ah* means the person whose father died, which caused him to be separated from him. This applies to those who are still small or who are already large. However, custom shows that what is called an orphan is someone who has not grown up and was abandoned by his father. c. *Fankihu*: namely the order to marry. The command in this verse shows the law of mubah (*ibahah*) as Allah's command *kulu wasyrabu* (eat and drink), d. *Ma taba akum minannisa*: that is anything that inclines your heart, both young and old.

---


\(^2\) Wahbah al-Zuhaili, *Al-Tafsir* ... p. 233
women. e. *Masna wa sulasa wa ruba’*: namely two, three or four. This verse allows marrying a maximum of up to four people. f. *khiftum an la ta’dilu*: namely fear of not being able to do justice. Fair is to apply to both others and oneself, but justice can be displeasing to either party. g. *Fa wahidah*: it is just one wife

**E. Ijmalîy and Munasabah**

Sura An-Nisa` verse 3 was revealed after the verse which reported about the order to do justice to the orphans who are under the guardianship of their guardian. Orphans are very vulnerable to unjust treatment. This verse gives permission to husbands to marry more than one wife and is limited to four people. Based on the instructions of this verse it is understood that marriage with the fifth wife at the same time is unlawful. Permission to marry women up to four is not an obligation, but is an emergency for certain cases. For husbands who want to marry a second wife, they are required to act fairly and believe that they will not abuse their wives. 4 The justice that is conveyed by the verse is justice that makes it possible for humans to strive for and realize it. Beyond human ability, it is not obligatory to make it happen.

The verse regarding the permissibility of marrying more than one wife as stated in Sura An-Nisa` verse 3, is actually inseparable from the previous verse, namely Sura An-Nisa` verse 2. It means: and give it to orphans (who are mature) their wealth, do not exchange the good for the bad and do not eat their wealth with yours. Indeed, these actions (exchanging and eating) are a great sin. The verse above relates to a man who has orphaned and non-orphaned women. The man manages the orphaned woman’s property along with hers. So there was a mix-up of their assets and the man took the orphan woman’s property. Allah SWT gave a strong threat to the man’s actions.

After forbidding taking and abusing the property of orphans (Annisa verse 2), now what is forbidden is to abuse the orphans themselves (Annisa verse 3). It means:. and if you are afraid that you will not be able to do justice to (the rights of) orphaned women (if you marry them), then marry (other) women you like: two, three or four. then if you are afraid that you will not be able to act fairly, then (marry) only one, or the slaves you have. that is closer to not doing wrong.

---

Because it is emphasized that and if you are afraid that you will not be able to treat orphans fairly, and are confident about women other than orphans, then it is recommended to marry what is pleasing according to the taste and lawful of the other women, if necessary. you can combine at the same time two, three or four but not more, then if you are afraid that you will not be able to act fairly in terms of wealth and outward treatment, not in terms of love if you gather more than one wife, then marry only one, or marry a servant girl the woman you have. That way, namely marrying other than orphans which results in injustice, and providing for one wife is closer to not doing wrong, that is, leading to justice, or to not having many children who have to bear their living expenses. Based on the information above, it can be understood that these two verses have munasabah, where the verse that talks about polygamy is in line with the warning to give the rights of orphans who are under the guardianship of their guardian.

G. 'Adl on Polygamy

Before discussing justice in polygamy, the author first discusses the law of marrying more than one wife according to commentators and jurists. Jumhur scholars agree that it is permissible to marry more than one wife (ibahah). However, according to Al-Maraghi, the ability that is meant is a very narrow ability such as a very narrow emergency exit (mudhiqun fiha asyaddu al-tadhyiq). Rasyid Ridho added that polygamy is one of the emergencies among those who really need it, provided that they have the belief that they will be able to act fairly and that they are sure that they will not commit persecution.

Al-Maraghi said that true happiness in the household is when a husband has a wife (monogamy), and this is the pinnacle of perfection of the happiness of life that humans seek, care for and desire. Wahbah al-Zuhaili stated that human glory and good name will be obtained if a man has a wife, because the desire for togetherness (ghirah musytarikah) will only be obtained from a husband and a wife, just as a husband desires his wife and vice versa a wife desires for her husband.

Nevertheless, Islam allows polygamy on condition that it is able to treat wives fairly. This capability is under the following conditions:

7 Ahmad Musthafa Al-Maraghi, Tafsir..., p. 104
8 Wahbah Zuhaili, Tafsir..., p. 242.
a. A man who wants to be polygamous marries an old woman (‘aqiran) because the man does not want children

b. His wife is old and old while her husband has biological needs, and he is able to provide a living for his second wife and their many children as well as their education.

c. The husband sees that a wife is unable to look after, care for and serve him because of his strong need for women, or his wife has a very long menstrual period of up to several months, so she has two choices: polygamy or adultery which in fact is contrary to religion, wealth and health.

d. The ratio between men and women is unequal, like a situation resulting from a war.  

Based on the explanation above, it can be concluded that the law of polygamy is the same as the law of marriage, namely that it is sometimes wajib, sunat, makruh, haram and mubah. It is wajib if the wife does not look after, look after and serve her husband, including in matters of husband and wife relations (jima’) while the husband's sexual needs must be channeled and the husband has the ability to act justly and it is feared that the husband will commit adultery if he does not marry a second wife. Sunat is when the wife is able to look after, look after and fulfill the husband's sexual needs (jima’) but the wife is unable to give birth or is unable to give birth, and of course on condition that the husband is able to do justice. It is haram if the wife is able to care for, look after and fulfill the husband's sexual needs (jima’), can give birth to offspring, the husband has bad traits such as hurting or abusing his wife, and does not have the ability to do justice.

It should be underlined that the verses that talk about polygamy do not make regulations about polygamy, because polygamy has been known and implemented by adherents of various religious laws, as well as community customs before the revelation of the verse. The verse does not oblige polygamy or encourage it, it only talks about the permissibility of polygamy and is a “emergency door” that can only be passed by people who really need it and with conditions that are not light. Thus, the discussion of polygamy in the view of the Qur’an should not be viewed in terms of ideals, or good and bad, but must be seen from the point of view of establishing laws in various conditions that may occur.

---

9 Ahmad Musthafa Al-Maraghi, *Tafsir...* p. 104
It is natural for a law, let alone a religion that is universal and applies to any time and place to prepare legal provisions that may occur at one time, even though that event is only a possibility. Doesn't reality prove that the number of men is less than the number of women. In addition, the average age of women is longer than that of men, while the potential for fertilization for men is longer than that of women, not only because women experience menstruation, but also because women experience menopause, while men do not experience menstruation. both of them. Hasn't the war, which until now cannot be prevented, has claimed the lives of more men than women. Isn't infertility or other serious illness a possibility that isn't strange and can happen everywhere. What solutions can be suggested to husbands who are facing such cases? How should he channel his biological needs or obtain his desire in offspring? Polygamy at that time was the most appropriate solution. But this is not a recommendation, much less means an obligation. This verse only provides a place for those who want it, when facing certain conditions or cases such as the conditions above.11

The word 'adl 12 in polygamous marriages as in Sura An-Nisa` verse 3. Muhammad Mutawalli al-Sya'rawi in interpreting 'fair in the verse as he wrote in the book of Tafsir Ayat al-Ahkam said that fair is meant for a wife who has more than one wife. one is the obligation to give equal shares to the wives (al-qasamah bi al-sawiyah), both in terms of al-makan (place of residence/house), al-zaman (time/turn), mata' al-makan (jewelry/home furnishings).13 These parts must be given equally or equally among the wives, one wife may not exceed the other wife.

Al-Sya'rawi added that the justice required of a husband who has a wife of one is justice that the husband is able to strive for or justice limited to the husband's ability, such as treating fairly in terms of housing along with jewelry or furniture, time/turn, and so on. Meanwhile, things that are beyond the ability of the husband are not required to be carried out/realized because Allah SWT does not burden his people with anything beyond his

---

11 M. Quraish Sihab, Tafsir Al-Misbah; Pesan, Kesan dan Keserasian Al-Qur’an, Volume 2, (Jakarta : Lentera hati, 2002), p. 341-342
12 The word rooted from 'adl consists of 28 mentions in the Qur’an and as a noun 14 times. While from the word q-s-th as much as 25 times and as a noun as much as 25 times. ‘Adl is expressed in several words, namely ahkam, gawwam, amsal, iqatasha, shadaqa, shiddiq or barr. Dawam Raharjo, Ensiklopedi Al-Qur’an, Jakarta : Paramadina, 2002), p. 369-373

108
ability (لا يكلف الله بها). Included in this is inclination (mail al-qolb) and affection (hubb al-nafs).  

Wahbah al-Zuhaili said that being fair to wives as meant in the verse is fair in terms of material things, namely equality, balance, equality in terms of the number of shifts to stay, livelihood which includes food, drink, clothing and housing. Meanwhile justice literally or matters of the heart is a tendency and love/affection is not something that is required of a polygamous husband.  

The reason is that love and inclinations are not within the realm of man (was'u al-insan) and they are beyond the limits of human ability. The argument made to support this is that Prophet Muhammad SAW had a strong inclination and love for his wife `Aisyah r.a. among his wives. In his prayer, Prophet Muhammad SAW asked Allah SWT:

ا للهم هد قسمي فيما املك فلا تؤواخذني فهما املك

Meaning: O Allah, this is the distribution of turns that I can fulfill and do not criticize what I am unable to do.

Al-Jashssash when interpreting fa in khiftum anla ta'dilu begins with "indeed Allah knows the meaning best" saying that what is meant by justice in the verse is al-adl fi al-qasmi bainahunna (equal share of the wives). This is closely related to justice as contained in Sura An-Nisa verse 129. Meaning:. and you will never be able to act fairly between (your) wives, even though you really want to do so, therefore don't be too inclined (to the one you love), so that you leave the others adrift. and if you carry out repairs and protect yourself (from cheating), then verily Allah is Forgiving, Most Merciful. Furthermore, Al-Jashssash said that the intended justice is justice that is possible to be carried out, attempted and strived for by human beings. Justice that is impossible for humans to strive for is not required to be realized.

Al-Qurthubi interprets justice as in the verse fa in khiftum anla ta'dilu with al-mail (inclination of the heart), al-mahabbah (love and affection), al-jima` (intimate relationship), al-'isyrah (treatment/ association), and al-qasmi bain al-jauzat (equality). He also added that the law to realize justice is mandatory. Ali al-Sayis also interprets 'just in this verse not to do inclination or inclination towards one wife more than another

---

14 Muhammad Mutawalli al-Sya’rawi, Tafsir... p. 365  
15 Wahbah Zuhaili, Tafsir... p. 235  
16 Abu Bakr Ahmad Al-Razi Al-Jashsash, Ahkam al-Qur’an... p. 82.  
18 Abu Bakr Al-Qurthubi, Al-Jami’..., p. 37
wife. When this tendency occurs, it is obligatory to limit the wife to only one wife. Al-Dhahhak interprets *fa in khiftum anla ta’dilu* with *al-mujama’ah* (hang out) and *al-hubb* (love/affection), *al-mail* (inclination of the heart), *al-’isyrah* (treatment/association) between 4 or 3 or 2 wives.

Rasyid Ridho stated that the justice referred to in this verse is justice that allows humans to try and strive for it, so that what is beyond human ability will be forgiven by Allah SWT, such as inclinations and feelings. The reason for supporting this is that Prophet Muhammad SAW had a strong inclination and love for his wife `Aisyah r.a. among his wives. This did not get the blessing, permission or ridho of his other wives. In his prayers, Prophet Muhammad Saw asked Allah SWT: *Allahumma haza qasmiy fi ma amliku, fa la tuakhizni fi ma la amliku.* Meaning: O Allah, this is the distribution of turns that I can fulfill and do not criticize what I am unable to do. This is what is meant by *mail al-qalb* (inclination of the heart).

Ibn Hatim argued that being fair in *fa in khiftum anla ta’dilu* is not to lean towards one wife among several wives. Al-Tabari argues that the justice referred to in the verse is justice in giving dowry to the wives who are married.

Muhammad bin Ali al-Syaukani in the Tafsir Nailul Authar said that it is not obligatory for husbands to do justice (equally) in impossible things such as love and the like. However, the majority of scholars require husbands to be fair (equal) in rotating their wives.

A slightly different opinion was expressed by Ibn Kathir. When interpreting the verse *fa in khiftum anla ta’dilu fa wahidah*, he says that realizing equality and equality between wives is not something that is "*wajib*" by law, but *mustahhab*. Therefore, whoever is able to do it or bring about justice between wives, then that is very good. However, if the husband is unable to do so or bring about justice between the wives, then that is not a mistake. Ibn Hazm said that it is fair between wives the law is mandatory.

---

19 Muhammad Ali Al-Sayis, *Tafsir....*, p. 203-204
24 ولا يجب على الزوج التسوية بين الزوجات فيما لا يملكه كمالية ونحوها لحديث عائشة الأئتي وقد ذهب أكثر الأئمة إلى وجوه
القسم بين الزوجات
especially in terms of distribution the night and *nafkah.*\(^{26}\) Shaykh Mustafa al 'Adawi justice in terms of love in the heart and attitude and treatment in sexual intercourse.\(^{27}\)

The form of justice that must be realized by the husband according to Karam Hilmi Farhat is as follows:

1. The husband must provide a house for each wife
2. Husbands may not take one wife on a trip except by lottery
3. Husbands must be fair to wives who are Muslim and religious
4. Husbands may not place their wives in one house except by agreement
5. Husbands may not place their wives in one room
6. The husband must *mewathi’* his wife if there are no obstacles
7. Husbands are given rewards/sanctions if they come to their wives without lust/enthusiasm
8. Husbands must act fairly towards wives who are sick, menstruating, postpartum even though they cannot be together.
9. Husbands must act fairly towards wives who cannot give birth/are infertile
10. Husbands may visit other wives outside of their time for a need such as providing maintenance or asking for something.\(^{28}\)

In the perspective of hadith experts, Muhammad bin Ali bin Muhammad al-Syaukani in the book *Nail al-Authar* in the chapter *ma la yajibu fihi al-ta’dil baina al-jauzat wa ma la yajibu* says that the husband is obliged to act fairly on things that are in his power such as giving clothes, food and so on. Meanwhile, in matters beyond his reach, the husband is not obligated to give it equally to his wives, because it is clear that he cannot do it, such as giving understanding, love, affection and so on.\(^{29}\) In the hadith narrated by Aisha, it is stated that: “The Messenger of Allah did not give preference to some of us over others in the share of getting a turn with him. Every day, the Prophet would visit us all.”

Specifically regarding rotating wives, the law on rotating wives is mandatory. This is based on the hadith of Prophet Muhammad SAW: He always acts fairly in distributing his wife’s turn. This hadith is used as the basis for the husband’s obligation to rotate his

---

\(^{26}\) Haris Hidayatullah, “Adil Dalam Poligami Perspektif Ibnu Hazm”, *Religi: Jurnal Studi Islam*, Volume 6, Nomor 1, April 2015. P. 207-236


\(^{28}\) Karam Hilmi Farhat, *Ta’addud al-Jauzat….* p. 43-44

wives fairly. Justice in giving the wife's turn is 7 (seven) days for the wife who is still a girl and 3 (three) days for the wife who is a widow. This is based on the hadith narrated by Anas as the author quotes on the previous page, namely: "according to the sunnah (Prophet Muhammad) if someone marries a girl then he must stay by her side for 7 days and then it is arranged in turn. And if someone marries a widowed woman then he stays by her side for 3 days and then it is arranged in turn. Based on this hadith, it can be understood that justice in rotating wives does not have to be the same number of days, but the number of days must be different between wives who are married with girl status and wives who are married with widow status. Wives with girl status have priority over widowed wives in terms of the number of shifts, namely 7 days at the girl's wife's house and 3 days at the widow's wife's house.

Al-Syaukani's opinion is in line with the opinion of Ibn Hajar Al-Asqalani in Chapter al-qasmi in the book Bulug al-Maram min Adillah al-Ahkam. He said that the husband has shift rights over his wives. This is based on the hadith of the Prophet Muhammad which was narrated from Aisha as mentioned in the previous section), namely: allahumma hadza qasmi fi ma amlku, fala talumni fi ma la amliku. This hadith is used as the basis for the obligation to rotate wives. While the obligation to do justice between wives is based on a hadith narrated by Abu Hurairah: that the Messenger of Allah said: whoever has two wives but he condescends to one of the wives, while the other does not, then later on the Day of Resurrection he will come with side tilt.

H. Analysis

Many people have the wrong perception about polygamy. They think that polygamy is known after Islam. They think that it was Islam that brought the teachings about polygamy, even more extreme views that if it were not for Islam, polygamy would not have been known in human history. Such an opinion is certainly wrong, the truth is long before the arrival of Islam, humans have known and practiced polygamy. Including in the Arabian peninsula itself, where the people have practiced polygamy and even unlimited polygamy. A number of narrations state that the average tribal leader at that time had several wives and even dozens. When Islam came, the habit of polygamy was not immediately abolished. However, after the revelation of the verse which alluded to polygamy, the Prophet Muhammad made fundamental changes in accordance with the

---

30 Muhammad bin Ali bin Muhammad al-Syaukani, Nail..... p. 241
instructions of the verse, namely first, limiting the number of wives to only four, and second, setting strict requirements for polygamy, namely that they must be able to act 'adl.

The command to do justice to wives is fair treatment in accordance with human capabilities, namely fair in outward terms such as fair in allotment of overnight or overnight stays, fair in giving maintenance, fair in giving clothes, food, shelter and so on. Meanwhile, in matters that are beyond human ability, Islam does not oblige it, such as love and affection. The words 'adil and qisth are translated into Indonesian to be 'adl. However, there are some scholars who distinguish between the two words by saying that, the word 'fair' is applied to both others and oneself, but justice may not please either party. While the word qisth is 'adl between two or more people, justice that makes both of them happy.

In connection with the notion of 'adl and qisth, the most basic thing in the context of polygamy is an attempt to obtain a balance of social-moral order. The Qur'an sees that in reality, polygamy often makes husbands tend to be unfair to their wives. It is true, the behavior of polygamy in general has tendencies towards acts of persecution. This is certainly contrary to the balance of the social-moral order above. However, it is not true that this means that polygamy is a condition of justice. This is because doing justice is the minimum standard for human behavior, whether he is a witness, a ruler, or an "ordinary person". As Allah emphasizes the same thing to a ruler or judge to do justice to anyone, anywhere and anytime. Therefore, the appeal to do justice is not only addressed to those who practice polygamy, but also to all mankind.

In the context of polygamy, this appeal is intended so that within the husband there is always a struggle (jihad) to treat wives fairly, and to make it a point of emphasis, but not a requirement. This means that even though justice in polygamy is emphasized by the Qur'an and is very important, the practice is left up to the individuals and the kindness of the husband. Because, justice in polygamy is actually a suggestion and suggestion that needs to be considered by anyone who wants to do polygamy, not as an absolute requirement or even a threat.

Especially when viewed from a normative point of view, justice for wives who have a weak position depends on the kindness of their husbands, although it will certainly be violated, because absolute justice cannot be realized. It is the individuals (husbands) who will be held accountable for their actions before God, not regulated by law. If it is

---

31 Ibnu Hajr al-Asqalani, Bulug al-Maram fi Adillah al-Ahkam, (Kair : Dar al-Fikr,)
analogous, justice in polygamy is like fasting and *tayammum*. He is the one who knows best about his condition, whether his illness will increase if he fasts or uses water. However, as a balance, Islam gives women (wives) the right to ask for help by filing for divorce, if there is abuse or cruelty by their husbands against them. And if the persecution drags on and there is no other way to prevent it, then the law may break the marriage tie with divorce.

Thus, the position of justice in polygamy is nothing more than ideal advice and suggestions. So, like an advice and suggestion, one need not be afraid, instead he must compete to spur himself to be closer to the ideal of justice desired by Allah or even to be the most accomplished before Allah than others. The goal is not to fall into acts of persecution as suggested in the Qur'an.

Karim Hilmi Farhat argues that, if husbands take the opportunities or permissibility given by God to practice polygamy—which incidentally is not a mandatory order—, then he must also be consistent with the justice given by God. He must try hard to make it happen. Justice is good in shifts of stay, cost of living, wathi, etc.

I. Conclusion

The issue of polygamy remains a discourse that leaves room for debate at every age and place. A condition and situation requires humans to practice polygamy, but in other situations it does not require humans to practice polygamy. The law of polygamy can become mandatory when the wife is unable to serve, look after and fulfill the husband's sexual needs (jima') and it is feared that the husband will commit adultery and the husband is able to do justice between his wives. Polygamy has illegitimate implications when the wife is still able to serve, look after and fulfill her husband's sexual needs (jima), there is no fear that the husband will commit adultery, the husband has bad traits such as the habit of hitting and abusing him and the husband is unable to do justice.

The condition for 'fair polygamy demanded by the verses of the Qur'an is justice that may be sought by humans, namely justice materially or outwardly such as shifts to stay, clothing, shelter, living or living expenses and so on. This may be attempted by humans to make it happen so that their wives and children get justice. Justice that is beyond the limits of human ability is not obligatory to be realized but is recommended, such as love and compassion.
BIBLIOGRAPHY


Al-Syaukani, Muhammad bin Ali bin Muhammad, *Nail al-Authar*, Volume VII, Kairo: Al-maktabah Musthaf

Al-Thabathaba’i, Muhammad Husain, *Al-Mizan fi Tafsir Al-Qur’an*


Haris Hidayatullah, “Adil Dalam Poligami Perspektif Ibnu Hazm”, *Religi: Jurnal Studi Islam*, Volume 6, Nomor 1, April 2015


Ridho, Rasyid, *Tafsir al-Manar*, Jilid IV, Mesir, 1947

115