ABSTRACT

Objective: This research aims to determine the perspective based on the study of the classic book Adabul Islam Fii Nidzomil Usroh regarding the practice of polygamy where polygamy is a form of marriage that has become controversial in society because it is considered a form of oppression against women. Apart from that, some people consider Islam to be the precursor to polygamy which already existed before, even though polygamy does not only occur in Islam.

Methods: The type of research carried out by researchers is library research which is presented qualitatively. The data collection technique used is documentation of relevant library materials.

Result: The results of the research state that because there are more women than men, to maintain balance the practice of polygamy is permitted, but polygamy is limited to a maximum of four women. However, there are things that must be paid attention to to determine whether the phenomenon of polygamy is halal or haram to practice.

Conclusion: This research concludes that: 1) polygamy in Islamic law is permitted, provided that you must pay attention to several predetermined rules and procedures; 2) in Sayyid Muhammad’s view, there are two laws for polygamy; 3) in Sayyid Muhammad’s view, another law is that polygamy is permissible and the method of polygamy is open to both men for the benefit of women. It is also haram if a polygamist tends to commit crimes against women or hurt them because of hatred.

Keywords: polygamy, Sayyid Muhammad Bin Alawi Al-Maliki, Adabul Islam Fii Nidzomil Usroh.
PERSPECTIVAS DO FENÔMENO DE POLIGAMIA DE SAYYID MUHAMMAD BIN ALAWI AL-MALIKI (UM ESTUDO DO ISLÂ DE ADABUL) FII NIDZOMIL USROH (LIVRO CLÁSSICO)

RESUMO

Objetivo: Esta pesquisa visa determinar a perspectiva baseada no estudo do livro clássico Adabul Islam Fii Nidzomil Usroh sobre a prática da poligamia, onde a poligamia é uma forma de casamento que se tornou controversa na sociedade, porque é considerada uma forma de opressão contra as mulheres. Além disso, algumas pessoas consideram o Islã como o precursor da poligamia que já existia antes, mesmo que a poligamia não só ocorra no Islã.

Métodos: O tipo de pesquisa realizada por pesquisadores é a pesquisa de biblioteca que é apresentada qualitativamente. A técnica de coleta de dados utilizada é a documentação de materiais de biblioteca relevantes.

Resultado: Os resultados da pesquisa afirmam que, por haver mais mulheres do que homens, para manter o equilíbrio, a prática da poligamia é permitida, mas a poligamia é limitada a um máximo de quatro mulheres. No entanto, há coisas que devem ser prestadas atenção para determinar se o fenômeno da poligamia é halal ou haram para praticar.

Conclusão: Esta pesquisa conclui que: 1) a poligamia na lei islâmica é permitida, desde que você tenha que prestar atenção a várias regras e procedimentos predeterminados; 2) na visão de Sayyid Muhammad, há duas leis para a poligamia; 3) Na visão de Sayyid Muhammad, outra lei é que a poligamia é permitida e o método de poligamia é aberto para ambos os homens em benefício das mulheres. Também é haram se um poligamista tende a cometer crimes contra as mulheres ou prejudicá-las por causa do ódio.


1 INTRODUCTION

Polygamy is one of the issues in the study of Islamic Family Law which is still interesting to discuss (Ashidiqie, 2021). The problem of polygamy ethics in Indonesia is always interesting (Santoso & Nasrudin, 2021). Marriage is a fitrah, Allah prescribes marriage and is made a strong foundation for human life because there are several high values and several main good goals for human life, creatures that are glorified by God. To achieve a happy life and stay away from inequality and deviation, God has provided Islamic sharia and laws well. Marriage in Islam is not only at the limit of fulfilling biological desires or fulfilling sexual desires but has important goals related to society, psychology, and religion. Al-Ghazali explained several benefits of marriage, including marriage can refresh the soul, calm the heart, and strengthen worship. Marriage can also protect humanity and distance itself from violations that are forbidden by religion (Hawwas et al., 2011).
Marriage is prescribed in Islam for the sake of creating a pious family, which is an essential foundation in people’s lives. Seeing the family begins with marriage and bodily relations between husband and wife, then the results of the relationship between the two produce offspring. As the word of God means: “...(as) one descendant of which some are (derivatives) from others.” (QS. ‘Ali Imran: 34)

So that in turn from the marriage process a family harmony is formed consisting of a father, mother, children, and grandchildren. Islam instructs marriage to strengthen the family and limit free relations between men and women through marriage because if this is not so, there will be a lot of free sex, which is prohibited by the Shari’a (Zuhaily, 2013).

Polygamy is a form of marriage that often causes polemical in society, even though the concept of polygamy in Islamic law is permissible if the husband can act fairly (Jaman, 2020). One form of marriage that is often discussed in society is polygamy because it contains controversial views, polygamy has long been a social problem that is always hot and interesting to talk about, moreover, polygamy is often used as a tool to attack Muslims. The majority of Muslims accept polygamy as a religious doctrine and a sunnah of the Prophet whose truth is unquestionable (Hadiyanto, n.d.). It is true that in Islamic law a man is allowed to have more than one wife, as stated in the letter An-Nisa’ in the Koran, which means: “then marry other women whom you like, two, three, or four” (Al-Qur’an Dan Terjemahnya, 2022). In verse 3 it is stated that a Muslim man is permissible or permissible married more than one person, as long as they meet the specified conditions. Among the conditions specified is that he must be able to act fairly towards all the women who become his wives. In another sense, what is meant by the word being able to act fairly is being able to meet the needs of his wife and children, namely the needs of clothing, food, shelter, turn to visit, care, and education of children, their character and religion, not to cause continuous family chaos continuously and so on (Asy-Syakhsiyyah, n.d.). If a man is worried or unable to act fairly, he is not allowed to practice polygamy (Ali, 2017). The phenomenon of polygamy often occurs among Islamic boarding schools in the Indonesian context (Wajiran, 2018).

In the Prophet’s time, the two maslahats are maintained while the wisdom behind them is as follows: during the time of Musa a.s. The benefit of men takes precedence because the Pharaoh’s regime had killed male children and left many women. At the time of Jesus, the benefit of women won because Jesus was born without a father, then is it
worth it if in Jesus’ time, women had privileges? Meanwhile, at the time when the Sharia Muhammad (peace be upon him) was born, the wisdom of allowing four marriages was to gradually calm the psyche of Arab society at that time, which was still patriarchal and had many wives. So the main consideration is whether or not polygamy is permissible or permissible is the value of the benefit. The benefit is the central point in the parties’ research in making legal decisions.

Some scholars have different opinions on polygamy, some supported it and some did not support it. Some support it but give clear warnings that polygamy is difficult to do, but polygamy can be done if it is for the benefit of a woman. As stated by Sayyid Muhammad bin Alawi Al-Maliki in his book Adabul Islam Fii Nidzomi Usroh That polygamy is pride in Islam. After all, Islam can solve the problem of the imbalance between men and women, because Islam is balanced, but what happens is that there are more women than men, therefore Islam advanced the line at the forefront of solving this problem is polygamy (Muhammad bin Alawi Al-Maliki, n.d.).

Based on the descriptions that have been put forward about polygamy, it is still very important, regardless of the pros and cons regarding the practice of polygamy, it is a discussion that will not subside in the debate by the community.in various parts of the world (Rahmah et al., 2020), considering its existence is still very controversial in our society. Polygamy has repeatedly been a controversial issue in Indonesia (Sajadi, 2019). Like today in society, the attitude of polygamy for some men seems to be something that is considered easy to do because it only follows biological desires and does not follow the actual rules. Indeed, originally the law of polygamy was permissible if a husband was not worried about unjust to his wives. If you want to do some crimes, then a husband should have only one wife (Saipuddin, 2016).

The thing that must be considered in this research is the focus on the law of polygamy according to Sayyid Muhammad Bin Alawi Al-Maliki in his book entitled Adabul Islam Fii Nidzomil Usroh, he is an Islamic scholar in this decade without a doubt, he is the most beloved scholar in the holy city of Makkah. A spiritual leader of the highest caliber, a preacher of God’s way, and a person who does not give up on his faith in Islam. Of course, he has his own opinion about polygamy.
2 METHODOLOGY

The type of research conducted by the researcher is library research (*library research*), research on the results of the literature is the appearance of scientific reasoning arguments that present the results of studies and the results of researchers’ thoughts regarding a problem/topic of study (Sugiyono, 2013). Literature research generally uses qualitative methods, in qualitative research, the number of theories possessed by researchers is far more because they have to be adapted to developing phenomena, qualitative research. The type of research conducted by the researcher is library research (*library research*), research on the results of the literature is the appearance of scientific reasoning arguments that present the results of studies and the results of the researchers’ thoughts about a problem/study topic (Sugiyono, 2013). Literature research generally uses qualitative methods, in qualitative research, the number of theories owned by researchers is much more because they have to be adapted to developing phenomena, qualitative research is required to be able to dig up data based on what is said, felt, and done by sources data.

3 RESULTS AND DISCUSSION

3.1 SAYYID MUHAMMAD BIN ALAWI AL-MALIKI’S SHORT BIOGRAPHY

Abuya sayyid Muhammad Alawi Al-Maliki Al-Hasani is an educator *ahlussunnah waljama’ah* and light from the house of the Prophet (peace be upon him) in this era. He is a contemporary scholar in the science of hadith, a scholar who interprets the Qur’an, jurisprudence, faith, Sufism, and the Prophet’s head. Abuya Sayyid Muhammad Alawi Al-Maliki is a very respected person among the *Ahlussunnahwal Jama’ah* in the mother of all cities. Both his father and grandfather were priests and leaders of the priests as well as leaders of preachers in the holy city of Mecca (Mafahim et al., 2015). Reviewing the life journey of figures such as Abuya As-Sayyid Muhammad bin Alawi Al-Maliki Al-Hasani in full is not an easy matter. Not because of the scarcity of data sources. However, it is precisely because of the density of data from various aspects of the character’s life that it is like a treasure of *Majami’ Al-Khair* (the storehouse of all goodness), and all of them are interesting to examine. During limited space, writing by sorting out the sides of Abuya’s life, among the many sides of his life, certainly becomes a complication in itself (Tim Majelis Khoir Murotilil Qur’an Wattahfidh, n.d.).
And there are many more of his teachers from various parts of the world, such as Yemen, Hadramaut, Morocco, Tunisia, Algeria, Syria, India, Pakistan, and Indonesia. And also several great imams Abuya Sayyid Muhammad Bin Alawi Al-Maliki narrated from them namely: Shaykh Muhaddist Muhammad Zakaria Al-Kandahlawi, Professor of Hadith Science In India. Sheikh Muhaddist Habiburrohman Al-A’dzomai, Professor of Hadith. Sheikh Muhaddit Muhammad Yusuf Al-Bannuri, Karachi. Shaykh Muhammad Shafi’, Mufti of Pakistan. Sayyid Hasan Bin Ahmad Bin Abdul Bari Al-Ahdal Al-Yamani, Munshib Al-Muro’ah. Sayyid Musnid Al-Arif Billah Makki Bin Muhammad Ja’far Al-Kittani Ad-Dimasyqi. Shaykh Faqih, Grand Master of the Scholars Hasanain Bin Muhammad Makhluf, Mufti of Egypt. Shaykh Muhaddist Amin Bin Mahmud Khattbah As-Subki Al-Mashr Shaykh Muhammad Abdullah Arobi Al-Mashri, Known As Al-Aqquri, Disciple of Shaykh Al-Bajuri.

3.2 SAYYID MUHAMAD BIN ALAWI AL-MALIKI’S POLYGAMY PERSPECTIVES (A STUDY OF ADABUL ISLAM FII NIDZOMIL USROH CLASSICAL BOOK)

Islam also explains the reasons for the establishment of harmony and facilities creating beautiful associations. In the same way, Islam makes a strong palace of love between families that are built on the foundation of certain rights and obligations within the scope that has been outlined. If the boundaries are observed, then the Islamic household lives in an atmosphere of peace, prosperity, and happiness (Ridha et al., 2019). When God sent the Prophet Muhammad as the last Prophet, his sharia annulled adultery, and also everything that has the same meaning as adultery, and also various forms of marriage ignorance, as well as regarding women as goods or animals that are owned. Islamic Sharia here is not forbidding polygamy as long as it meets the requirements and also does not exceed the specified limit, and Islamic law does not approve of polygamous marriages that exceed four wives except the Prophet because he was special (Alawi Al-Maliki Alhasani, n.d.).

Polygamous people may not be more than four people, polygamy is allowed because there are problems in terms of heredity or social conditions. In this issue, it is also explained that people who practice polygamy must be ready, in what ways? Ready for the assets used to support, ready for the mental side (Alawi Al-Maliki Alhasani, n.d.). Wisdom is prohibited Marry more than four wives are:
a. The maximum limit of having wives for ordinary people is four wives. If there are more than four wives, it means exceeding the limits of ability, both in terms of physical, mental, and responsibility abilities, so that later it will bother itself, confuse itself, and in the end, it will cause mental disorders (stress).

b. Because he exceeds the limits of his ability, he will be dragged into committing tyranny (persecution), either against himself or against his wives.

c. An ordinary man is generally dominated by his lust, which tends to commit deviations so that he does not have the power to give his rights to his wives (Ghazaly, 2019).

God also requires fairness according to the ability between two wives or several wives, to prevent things from happening in the form of tyrannizing women. This is what leads a person who adheres to the Islamic religion, who adheres to Islamic law, and who is consistent with the rules of law, to only have one wife, except for emergencies because he is worried about committing injustice (Alawi Al-Maliki Alhasani, n.d.). 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 who you like: two, three, four. Then if you are afraid that you will not be fair, marry one wife only, or the slaves you have. That is closer to not doing injustice” (Al-Qur’an dan Terjemahnya, 2022).

The meaning of Al-’aul is deviating or unjust. Namely being content with one woman or through slave ownership, that is the closest means so that you all don’t fall into tyranny and abuse, things that prevent polygamy for people who are worried about falling into it. Thus, the verse shows that polygamy is unlawful for those who worry can’t be fair to his wife, especially if he intentionally hurts his wife because he does not love or dislike her (Muhammad bin Alawi Al-Maliki, n.d.). People who are worried that they will wrong one wife and overly like the other and prioritize the other wife overpowering the other (Ridha et al., 2019).

If the husband is worried about being unjust and unable to fulfill all of their rights, then he is forbidden to practice polygamy. If he is only able to fulfill the rights of his three wives, then it is forbidden for him to marry his fourth wife. If he is only able to fulfill the rights of his two wives, then it is forbidden for him to marry his third wife. And so on (Ghazaly, 2019). And this illegal polygamy law is even more directed if a husband intends to commit this tyranny. For example, by intending to hurt because of hatred for his wife. Regarding the issue of having to be fair to every wife, discussing fairness to wives is a
matter of affection and love, Abu Bakr bin Arabi said that this is beyond human ability because love is in the hands of God who can turn it around according to his will. Likewise with sexual relations, sometimes husbands are passionate about one wife, but not passionate about other wives. In this case, if it is not intentional, he is not subject to the law of sin because it is beyond his ability. Therefore, he is not forced to act justly (Ghazaly, 2019).

Dawuh Fadhilatus Syaikh Muhammad Ali Shabuni in “Tafsir Ayatil Ahkam”: every human being must know that allowing polygamy is something to be proud of because it can solve problems. Because actually, polygamy can be a solution to the serious problems of some of the most difficult problems that many people and society suffer today. They did not find a solution except by referring to Islamic law and using Islamic rules. Many compelling or urgent causes make a husband have to be polygamous, such as the wife’s infertility and the wife’s illness that cannot be cured, or an illness that causes harm to the wife when having conjugal relations (Alawi Al-Maliki Alhasani, n.d.) as a form of keeping oneself from forbidden acts. Similarly, there are other reasons that we will not touch on now, but we will give a signal on important points that one can easily know. Indeed, a community in the Islamic view is like a balance that must balance both scales. And to maintain this balance, the number of men must be equal to the number of women. If the number of men exceeds women or vice versa, then how do we find a solution to this problem?

And we also quote here a brief sentence about polygamy that we took from a scientific forum that took place between a group of senior Saudi Arabian clerics and another group of statutory figures in Europe. They said: “As for matters related to polygamy, Islam was not the first to open this door. Precisely that door had previously been opened without limits and conditions, even since Judaism which is the origin of Christianity. And as it is understood among the two religions that polygamy has occurred between the Prophets mentioned in the Torah, since Ibrahim Alaihissalam was the father of the Prophets for Arabs, Jews, and Muslims. Polygamy also practically unofficially takes place among those who forbid it, as is well known, and in a form that brings enormous material, spiritual and social harm to each husband, wife, and child. Therefore Islam came to handle this condition. First by forbidding more than four wives. Thus Islam closes the door that was previously open without limits. And it was the “first reform” of Islam. As for the “second reform”, Islam requires husbands in polygamy to do justice to
the rights of their wives, in this case, to refer to the court when injustice occurs, for the sake of seeking justice or fasakh (marriage cancellation) (Ridha et al., 2019).

That should be understood and indeed polygamy on behalf of the new wife is polygamy with her own free will to become a legitimate wife who can enjoy the rights of husband and wife. This is instead of being a dishonorable dark lover in social life. The new wife is the owner of this choice, to save herself from adultery and save the unfaithful man. Preventing the new wife from all that is a clear injustice against the woman’s right as a legal wife. It’s just that polygamy is good for the first wife, so what happens a lot is not with this pleasure. Therefore, she has the right during the marriage ceremony to require the right to divorce herself if her husband practices polygamy without her permission. And this is the “third reform” in Islam on the theme of polygamy. Islam has carried out the formulation of polygamy, as we can see, for the sake of maintaining the benefit of society, in the form of husbands, wives, and children, so that they live together in the territory of husband and wife according to syara’ and their rights, as a substitute for the confines of sexual freedom as well neglect of honor and rights. Islam dares to limit polygamous marriages with certain requirements so that there is no inequality and also prevents doubts due to the absence of restrictions in polygamous marriages so that people live according to the guidance of the Sharia that has been included (Alawi Al-Maliki Alhasani, n.d.).

The majority of scholars argue that the law of polygamy is allowed, but neither obliges nor prohibits it. However, the scholars also set conditions for a husband to enter into a polygamous marriage, the arguments for determining the permissibility of polygamy were taken by the scholars from the basis of Islamic law, namely the Al-Qur’an, Al-Hadith, As-Sunnah, but the ijma’ of a friend can be made the basis of law while Qiyas and others are methods for issuing legal content contained in the Al-Qur’an and Al-Hadith. The provisions or conditions set by scholars in polygamous marriages are fair. For husbands who are going to enter into a polygamous marriage, they must be fair to their wives. In terms of fairness, this is divided into two, namely quantitatively fair (such as problems of clothing, food, and place) and qualitatively fair (ie taste or love). The interpreters agreed that what is meant by fairness in the verse explaining polygamy is fairness quantitatively, such as fairness in dividing shifts, clothing, and food. Because according to the interpreter, one cannot be qualitatively just because such a just nature belongs only to Allah.
Regarding Sayyid Muhammad bin Alawi’s opinion about polygamy, he said in his book that the practice of permissible polygamy is one of the points of pride of some Islamic pride. The problem is the most difficult problem that many people and society suffer from today, and those people who reject polygamy do not find a solution except by referring to Islamic law and using Islamic rules. However, this cannot be a reference for a man to practice polygamy for this reason, but must still comply with the conditions and regulations that have been determined. Sayyid Muhammad’s opinion about polygamy was adjusted to the conditions of his time and the times after him later. Sayyid Muhammad argued: the number of men and women is unequal, there are more women. Because according to him Sayyid Muhammad, the community in the view of Islam is like a balance that must be balanced between the two weights. In the sense that the number of women and men must be the same. Because when it happens inequality between the number of men and women will cause a problem. The book of Adabul Islam Fii Nidhamil Usroh is one of several books written by Sayyid Muhammad which discusses family, but this book is more specific about household ethics and also discusses household issues which often become controversial in society at that time, these times.

In this book, Sayyid Muhammad provides a good way for men who are going to be polygamous and also states the reasons for polygamy from his point of view and provides rebuttals for those who think that polygamy in Islam is something of violence for a woman. then Sayyid Muhammad also explained that his words about polygamy were a way out, the reason he said this was due to several reasons. First: the number of men and women is unequal, that is, there are more women. second: what should we do if the number of women is multiplied by the number of men? Do we have to prevent women from having the pleasure of having a husband and wife? Or we will let a woman whose number is multiplied compared to men and because of that, they don’t get a partner and then fall into the despicable path. It was from this direction that he gave a good way and gave his opinion that polygamous marriage was not a prohibition but had to be done for the benefit of women by explaining the reasons that the author described above. However, a man still has to be careful in deciding because a polygamous marriage involves a lot of feelings. And after a man carries out a polygamous marriage, he has to be fair between his wife or several wives according to their level of ability.

In the case of polygamy, Sayyid Muhammad bin Alawi Al-Maliki gave two legal rulings, namely that it is permissible on conditions for the benefit of a woman, not just
for mere lust. Second: polygamy will become unlawful for a man who is worried that he will do injustice to women or will only hurt them because he hates women. In this regard, he also gave an explanation that explained from the woman’s side that is, if the number of men and women is not balanced, and the only way out is polygamy while the woman is reluctant to be polygamous, then the woman has the right to choose as long as the woman that could save her from adultery. And the woman must also be willing to not feel the joy of being married and being a mother.

Taking a closer look at the issue of polygamy, a man who is going to practice polygamy should understand how polygamy should be, from a legal standpoint, other terms and conditions, and not draw conclusions from just one legal explanation. Because nowadays polygamous marriages often occur, and the man ignores the provisions in the polygamous marriage itself, causing a lot of controversy in society about polygamy because of the actions of some irresponsible people. The reality in today’s society is the rampant practice of unhealthy polygamy, many polygamists do without providing a living for their wives and are not responsible for the lives of their children. This situation is understandable because the perpetrators of polygamy prefer to do it secretly, which has unwanted implications and tarnishes the noble image of the polygamous marriage itself (Elkarimah, 2018).

4 CONCLUSION

Polygamy (ta’addud al-zaujat) in fiqh is generally understood as a husband at the same time who gathers two to four wives. Sayyid Muhammad believes that the permissibility of the practice of polygamy is a pride of several Islamic prides. Because polygamy can be a solution to the most difficult problems that people and society suffer today. Sayyid Muhammad also believed that polygamy was a way out for the benefit of a woman because according to him a community in an Islamic view was like a balance that had to balance the two weights and to maintain this balance it was obligatory to have an equal number of men and women. Meanwhile, there are currently more women. Therefore, Islam allows polygamy, with the condition that polygamous marriage is limited to a maximum of four wives, to be fair to the size of the man’s ability. Don’t let a polygamous marriage make a man do injustice to a woman. If you are worried that you will hurt your wife or commit injustice, then polygamy is not permissible. Then the man’s law changed to become unlawful. Sayyid Muhammad bin Alawi’s opinion regarding the
permissibility of the practice of polygamy is also the same as the opinion of the scholars who also stipulate the law is permissible in polygamous marriages, provided that the husband who is going to enter into a polygamous marriage can treat his wives fairly.
REFERENCES


