



## **JUDICIAL CONSIDERATION IN GRANTING A FOURTH WIFE PERMIT: A MAQĀṢID AL- SHARĪ'AH PERSPECTIVE ON THE DECISION OF THE RELIGIOUS COURT OF MALANG**

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**Abstract:** The practice of polygamy, especially in the form of marriage applications for fourth wives, still raises legal and ethical debates in Indonesian society. The Malang City Religious Court Decision Number 1471/Pdt.G/2024/PA.MLG is an interesting case. Which granted the application. This study aims to analyze the judge's reasoning in the decision through the perspective of Maqāṣid al- Shari'ah according to Imam al-Syātibī, to evaluate the extent to which the decision is in line with the five main objectives of the Shari'ah (al-kulliyyāt al-khamsah). The research method used is qualitative with a normative juridical approach, focusing on analyzing legal documents, court decisions, and relevant literature. The results showed that although the petition was granted formally, not all aspects of maqāṣid, such as the protection of the soul (ḥifẓ al-nafs), offspring (ḥifẓ al-nasl), and property (ḥifẓ al-māl) were fulfilled thoroughly. The application of maqāṣid is still partial and tends toward administrative justification. The implications of this finding emphasize the importance of comprehensively strengthening the maqāṣid al-shari'ah approach in family law considerations so that the policies taken are not only legally valid but also reflect the value of justice and substantial benefit as the main objectives of Islamic law.

**Keywords:** Polygamy, Maqāṣid al-Sharī'ah, Court Decision, Beneficence

### **A. Introduction**

Polygamy, in the form of polygyny, a man has more than one wife at the same time, is a form of marriage that is still practiced in many parts of the world today. Although, from a global perspective, this practice is a minority, with only around 2% of the world's population living in polygamous households, its existence cannot be ignored, given the strong cultural, religious, and social structure roots behind it in several regions. The phenomenon of polygamy tends to be more prevalent in developing countries, especially



in Sub-Saharan Africa, where customary norms and traditional community values still play a significant role in shaping family patterns.

In the region, around 11% of the population undergoes polygamous marriages, with the highest rates found in countries such as Burkina Faso (36%), Mali (34%), and Nigeria (28%) ("Polygamy Is Rare around the World and Mostly Confined to a Few Regions," 2020) which suggests that despite the low global statistics, the practice remains regionally significant. Not only in Africa but also in several countries in the Middle East and South Asia still maintain this form of marriage, albeit with various regulations and legal interpretations that vary according to the local context and legal system.

In Indonesia, polygamy is strictly regulated through Law No. 1/1974 on Marriage and the Compilation of Islamic Law (KHI). Nevertheless, the practice of polygamy still generates controversy, especially regarding issues of justice and protection of women and children. In the last five years, the practice of polygamy in Indonesia has shown varying trends. According to data from the Surabaya Religious Court, in the first quarter of 2025, there were four applications for polygamy permits, down from five applications in the same period the previous year (Agency, n.d.). Most of the applicants were from the upper middle class and had obtained consent from the first wife. The main reason for applying for polygamy is to get offspring. However, the COVID-19 pandemic is suspected to be one of the factors influencing the decline in the number of polygamy license applications (P. F. Rahman, 2024).

However, data from the National Commission on Violence Against Women (Komnas Perempuan) noted that in 2022, there was an increase in polygamy permit cases to 850 cases from the previous year's 682 cases ("Komnas Perempuan Sebut Kasus Cerai Dan Poligami Naik Gegara Pandemi," 2023), which is the primary reference in the administration of family law for Muslims. The regulation stipulates that a husband can only have more than one wife if he fulfills certain stringent conditions, including the consent of the first wife, the husband's ability to be fair, and the existence of valid reasons such as the wife cannot carry out her obligations as a wife, is physically disabled, or cannot bear offspring. Despite these normative restrictions, in practice, polygamy still generates considerable controversy in society.

The debate arises not only from academics or women activists but also from religious leaders and the general public, who question the extent to which the principle of justice can truly be upheld in polygamous household practices. These criticisms reflect deep concerns about the social and psychological implications of polygamy, particularly in the context of gender relations and power dynamics within the family. Sensitive issues such as potential discrimination against women, unequal power relations between husbands and wives, and children's vulnerability to internal conflict and emotional instability are often highlighted. This becomes even more problematic when polygamy is practiced without considering aspects of substantive justice as mandated by Islamic law itself, which basically places justice as the primary requirement and not just an administrative formality. In this context, the practice of polygamy that is not sensitive to the values of *Maqāṣid al- Shari'ah* can reduce the main objective of *sharia*, which is to create benefits and prevent damage (*mafsadah*) in family life and society at large, because *mashlahat* is part of *Maqāṣid al- Shari'ah*. (Rifah Yuliani et al., 2022)

One case that attracted attention was a polygamy license application for a fourth wife filed at the Malang City Religious Court. This court demonstrated its commitment to providing fair decisions through a local examination process to ascertain the real conditions that formed the basis of the judge's consideration ("PA Malang's Commitment to Providing Fair Decisions in the Settlement of Polygamy Permit Cases," 2024). The fourth wife permit application phenomenon presents a new problem that has not been widely described in previous studies. This gap is a significant research gap. Why is the case of a fourth wife of particular interest? Are there different motives, social impacts, or legal considerations compared to polygamy cases for second or third wives? This requires a more focused analytical study, not just the presentation of statistical figures.

In practice, judges' decisions regarding polygamy permits, especially the fourth wife, often present complex dilemmas. Moral factors, juridical considerations, and family psychosocial dynamics directly impact the decision's quality. However, previous research frequently only discusses legalistic or juridical-positive aspects without examining how judges' considerations embrace the dimensions of substantial justice and the protection of the welfare of family members, especially children, and women.

The formulation of the problem in this study focuses on several main questions, namely why the application for polygamy permission, especially for the fourth wife, has become a legal and social phenomenon that requires special study; what are the moral, legal, and sociological considerations of the judge in granting or rejecting the application; and how *Maqāṣid al-Sharī'ah* according to the thought of Imam Syāṭibī can be used as an analytical tool to assess the extent to which the judge's decision is in line with the protection of the five main aspects, namely religion (*ḥifẓ al-dīn*), soul (*ḥifẓ al-naḥs*), offspring (*ḥifẓ al-nasl*), intellect (*ḥifẓ al-'aql*), and property (*ḥifẓ al-māl*).

In this context, it is essential to analyze the judges' considerations in granting polygamy permits from the *Maqāṣid al-Sharī'ah* perspective, especially according to Imam Syāṭibī's thoughts. Imam Syāṭibī is known as the pioneer of the systematic concept of *Maqāṣid al-Sharī'ah*, which emphasizes that the primary purpose of *Shari'ah* is to realize the benefits of humanity in various aspects of life. According to him, *Shari'ah* was revealed not just to be followed literally but to realize noble values that protect and develop the quality of human life. The *Maqāṣid* concept he developed includes five main objectives (*al-kulliyat al-khams*): protecting religion (*ḥifẓ al-dīn*), protecting the soul (*ḥifẓ al-naḥs*), protecting the intellect (*ḥifẓ al-'aql*), protecting offspring (*ḥifẓ al-nasl*), and protecting property (*ḥifẓ al-māl*) (Redaksi, 2024).

The theoretical framework does not merely introduce the concept of *Maqāṣid al-Sharī'ah* normatively but will be used critically and applicatively as the primary analytical tool. In this study, *Maqāṣid al-Sharī'ah*, especially the five main objectives (*al-kulliyat al-khamsah*), is used as a matrix for evaluating each judge's reasoning. Each reason and rationale for the decision will be systematically mapped into safeguarding religion, soul, mind, offspring, and property. This analysis aims to identify the extent to which the judge's decision accommodates holistic *maslahat* (benefits) or leaves gaps that threaten the preservation, justice, or protection of vulnerable parties in the family.

## B. Method

This research uses normative juridical research, which aims to analyze legal norms and judges' decisions related to polygamy permits, especially for the fourth wife, using

secondary data. The data analyzed includes laws and regulations, Religious Court decisions, literature, journals, and relevant legal theories.

The research approach used is a statute approach and a content analysis approach to the judge's decision, which is the object of the research. This approach examines the normative, moral, and sociological aspects contained in the decision. Because this study is interpretative and requires an in-depth understanding of the meaning of the decision text, the data analysis technique is descriptive qualitative with a hermeneutic approach. The hermeneutic approach allows researchers to interpret the normative meaning and legal purpose behind the judge's consideration.

The data analysis technique is carried out systematically by reading and describing the contents of the court decision in depth to identify elements of the judge's consideration related to polygamy permits. Then, classify and map the consideration into the framework of the five principles of *Maqāṣid al-Sharī'ah* according to Imam al-Syāṭibī, namely; *ḥifẓ al-dīn* (protection of religion) *ḥifẓ al-naḥs* (protection of the soul) *ḥifẓ al-aql* (protection of reason) *ḥifẓ al-nasl* (protection of offspring) *ḥifẓ al-māl* (protection of property). It then evaluates the extent to which the judge's decision aligns with these *Maqāṣid* goals. It examines the moral, legal, and sociological aspects underlying the reasoning behind the decision. It compares the analysis results with legal theories and applicable norms to produce valid and logical conclusions.

To maintain the validity of the research, researchers used primary data sources in the form of official court decisions and secondary data sources from credible literature and legal documents. The researcher also acknowledges the limitations of this study, namely that it only analyzes decisions from one particular court area, so the study results may not fully represent conditions in other areas.

With this more detailed and structured explanation of data analysis techniques, the research is expected to produce an in-depth, objective, and transparent understanding of the application of *Maqāṣid al-Sharī'ah* in the fourth wife polygamy permit decision.

This explanation includes essential elements such as the type of research, approach, and method of analysis (hermeneutic and content analysis), how *Maqāṣid al-Sharī'ah* is integrated as the primary analytical tool, and the validity and limitations of the data.

## C. Result and Discussion

### Polygamy

Polygamy is a marriage practice that allows a man to marry more than one woman at the same time. In Islamic law, this practice is allowed under certain conditions as stipulated in the Qur'an surah An-Nisa' verse 3 which reads:

وَأِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانْكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَىٰ وَثُلَّةَ وَرُبْعَ ۚ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ۚ ذَلِكَ أَدْنَىٰ أَلَّا تَعْوِلُوا

"If you fear that you will not be able to do justice to (the rights of) orphaned women (when you marry them), marry any (other) woman you like: two, three, or four. But if you fear that you will not be able to do justice, marry only one, or a female slave whom you own. That is closer to not doing injustice." (QS. An-Nisa' [4]: 3) ("Qur'an Kemenag," n.d.).

However, the justice in question is not only material, such as equality in provisioning or time-sharing, but also includes much more complex emotional and psychological

aspects, such as feelings of security, peace of mind, and being valued by one's partner. In practice, these non-material aspects are often challenging to realize perfectly because they involve inner dynamics, emotional sensitivity, and interpersonal relationships that cannot always be measured or regulated by rigid, positive laws (Izzati, 2021).

In the Compilation of Islamic Law (KHI), the rules regarding having more than one wife are listed in Chapter IX, namely Articles 55 to 59. KHI represents Islamic law, which can be understood as *fiqh* with local Indonesian characteristics in a narrow context. It is because the contents of KHI are sourced from the postulates of Islamic law formulated through the process of *ijtihad* and contemporary legal thinking. The main objective of KHI is to unify the provisions of Islamic law so that they apply uniformly to Muslims in Indonesia, to social conditions, and community needs. The unification effort is based on the thoughts of Islamic jurists who consider the importance of transforming Islamic law into a form of national positive law to realize uniformity in the application of Islamic law, especially in dealing with religious issues in the field of *muamalah* (Puspytasari et al., 2023).

Furthermore, the regulation of polygamy in Indonesia can be understood as a form of the state's systematic efforts to balance the religious values recognized in Islamic law with modern legal principles that uphold justice, gender equality, and the protection of human rights. Although Islam theologically provides room for the practice of polygamy, in its implementation, the practice is strictly limited to prevent the emergence of injustice, both in the form of discrimination against women, neglect of children, and other social damage that can arise from unequal relations in the family. Therefore, Indonesian positive law makes the principle of monogamy the fundamental principle in the institution of marriage and only provides tolerance or dispensation for polygamy in certain circumstances that have been regulated very rigidly, including the requirements of financial capability, emotional justice, and consent from previous wives (Nurul Fadila et al., 2024).

### **Maqāṣid al-Sharī'ah**

Imam Abu Ishāq Ibrāhīm ibn Mūsā Syāṭibī (d. 790 AH) is one of the leading scholars in the field of *uṣūl al-fiqh*, who is widely known for his contribution to systematically formulating and compiling the theory of *Maqāṣid al-Sharī'ah*, an approach to Islamic law that emphasizes the importance of the purpose and wisdom behind every provision of *Shariah*. According to Syāṭibī, all Islamic laws were revealed with the intention of realizing the benefit (*maṣlaḥah*) of humanity comprehensively and sustainably.

These benefits are divided into three levels of needs, namely *ḍarūriyyāt* (primary needs that are vital for human survival and societal order), *ḥājjiyyāt* (secondary needs that are necessary to eliminate difficulties), and *taḥṣīniyyāt* (tertiary needs that serve to perfect life and bring glory). This classification is an essential foundation for understanding the purpose behind the application of Islamic law. It becomes a measuring tool for determining the relevance and flexibility of law in various social and cultural contexts (Kurniawan & Hudafi, 2021).

In the *ḍarūriyyāt* category, there are five main objectives (*al-kullīyya t al-khamsah*) that must be maintained, namely; *ḥifẓ al-dīn* (Guarding Religion): Guaranteeing freedom of religion and the implementation of worship, *ḥifẓ al-naḥs* (Guarding the Soul): Protecting human life from danger and damage, *ḥifẓ al-'aql* (Guarding the Intellect): Keeping the mind from things that damage it, such as alcohol and narcotics, *ḥifẓ al-nasl* (Keeping

Descendants): Preserving offspring through legal marriage and avoiding adultery, *ḥifẓ al-māl* (Preserving Property): Protecting property from theft, fraud, and other damage (T. Rahman & Su'ud Ma'adi, n.d.).

The application of *Maqāṣid al-Sharī'ah* in family and marriage law plays a crucial role in maintaining that the family institution is not only formally legal but also functions according to the noble values for which Islamic *Shari'ah* was established. One example is the marriage age restriction policy in Indonesia, which substantively reflects the state's efforts to protect the fundamental rights of children and adolescents from the adverse effects of early marriage.

This policy can be analyzed as a real implementation of the protection of the soul (*ḥifẓ al-nafs*), protecting the intellect (*ḥifẓ al-'aql*), and protecting offspring (*ḥifẓ al-nasl*), because marriage at an early age has great potential to cause health risks, hamper intellectual development, and disrupt the sustainability of a healthy and empowered generation. Thus, the Maqāṣid approach not only provides theological justification for the policy but also strengthens the position of family law to create a more just and civilized social order, as affirmed in the main principles of *Maqāṣid al-Sharī'ah*, which emphasize the importance of protecting fundamental aspects of human life (Kadarisman et al., 2021).

Similarly, in the case of polygamy, the application of *Maqāṣid al-Sharī'ah* can be used to assess whether the practice fulfills the objectives of *Shari'ah* or contradicts them. Suppose polygamy is practiced without fulfilling the requirements of justice and financial capability. In that case, it may harm the wife and children, thus contradicting the principles of *ḥifẓ al-nasl* and *ḥifẓ al-māl*.

#### **The decision of the Religious Court of Malang City Number 1471/Pdt.G/2024/PA.Mlg**

In Case No. 1471/Pdt.G/2024/PA.MLG, a man, applied to the Malang City Religious Court to obtain permission to marry his fourth wife. This application was filed against the fact that the applicant already had three legally and religiously valid wives. Nevertheless, the applicant felt that his physical and mental needs had not been fully met (*Putusan\_1471\_pdt.G\_2024\_pa.Mlg\_2024*, 2024). In his application, the applicant stated that he had the physical and mental capacity to be fair to his wives. He also emphasized his readiness to provide for his wives and children without neglecting his previous obligations (*Putusan\_1471\_pdt.G\_2024\_pa.Mlg\_2024*, 2024).

The trial process was conducted in the presence of the relevant parties, including the applicant's wives. The judge heard testimony from the parties and assessed the evidence presented during the trial. In his consideration, the judge referred to the provisions of Article 4 paragraph (2) and Article 5 paragraph (1) of Law Number 1 Year 1974 concerning marriage, which stipulates that a husband may have more than one wife if he fulfills certain conditions, such as the existence of justifiable reasons and the ability to be fair (*Putusan\_1471\_pdt.G\_2024\_pa.Mlg\_2024*, 2024).

In Case No. 1471/Pdt.G/2024/PA. The mediation process was conducted but was declared a failure. This is explicitly stated in the document:

“Bahwa terhadap perkara a quo telah dilakukan mediasi namun dinyatakan gagal sebagaimana ternyata dari akta mediasi Nomor 1471/Pdt.G/2024/PA.Mlg, tertanggal 28 Februari 2024.”

In this fourth marriage license case, the Malang City Religious Court has done mediation procedures according to the applicable regulations. Mediation is a stage of dispute resolution in court that aims to bring the parties together to reach an amicable agreement without proceeding to a lengthy litigation process.

As stated in the Deed of Mediation dated February 28, 2024, mediation was declared a failure. This failure indicated that the husband, the applicant, and the wife, the respondent, had agreed regarding the proposed polygamy license application. As a result, the case proceeded to the evidentiary stage until finally decided by the Panel of Judges.

The judge considered that the reasons put forward by the applicant, in terms of biological, psychological, and social needs, were well-founded and acceptable. In addition, the applicant was considered capable of carrying out his responsibilities towards his family fairly and proportionally. Thus, the judge decided to grant the application and give permission to the applicant to marry his fourth wife (*Putusan\_1471\_pdt.G\_2024\_pa.Mlg\_2024*, 2024).

The judges' verdict ultimately granted the applicant's request and permitted them to remarry. The judge also emphasized that the applicant was still obliged to carry out obligations towards all of his wives and children reasonably, according to the principles of justice in Islamic law and applicable statutory provisions (*Putusan\_1471\_pdt.G\_2024\_pa.Mlg\_2024*, 2024).

### **Analysis of the Decision in the Perspective of *Maqāṣid al-Sharī'ah***

In the fourth polygamy case, as stated in Decision Number 1471/Pdt.G/2024/PA.Mlg, the Applicant filed a petition because "his three wives could no longer serve his biological needs," and he was worried that he would fall into adultery if he did not remarry immediately. This statement aims to maintain honor and avoid religious prohibitions, which in *Maqāṣid al-Sharī'ah* is included in the categories of *ḥifẓ al-naḥs* and *ḥifẓ al-dīn*.

According to Imam Syātibī's thought, the benefit that is the basis of the *Sharī'ah* law must be universal and not limited to partial aspects. From the *Maqāṣid al-Sharī'ah* perspective, Islamic Sharia law is designed to achieve the overall and universal benefit of the people and to reject various forms of damage that can potentially harm the community. This approach emphasizes that every *Sharī'ah* regulation should not only focus on partial interests or particular aspects. However, it must consider all aspects of human life, from protecting religion, soul, mind, and offspring to property.

In this context, the use of biological needs as a basis for marrying a fourth time can be understood as part of an effort to fulfill one of the main objectives of sharia, namely *ḥifẓ al-naḥs* (protection of the soul). In *Maqāṣid al-Sharī'ah*, the fulfillment of legitimate biological needs is a form of safeguarding human nature and preventive measures so that individuals remain within the corridors of the law. It is done with the right intention and clear responsibility and upholds the household's principles of justice and harmony. This reason can be considered a form of implementing the values of benefit recognized in Islamic law.

*Maqāṣid*, as an ethical and methodological foundation in Islamic law, emphasizes fulfilling individual needs and considers its impact on social harmony and protecting vulnerable parties. Imam Syātibī explicitly warned that *Sharī'ah* law cannot legitimize actions where the *ḍarūriyyāt* is only derived from personal desires. *Sharī'ah* -authorized

maslahat must be objective, universal, and measurable in its impact on the benefit of the people, not based on subjective considerations wrapped in religious justification.

The psychological well-being of wives and children is also a focus of protection in contemporary *Maqāṣid*, especially related to *ḥifẓ al-nafs* and *ḥifẓ al-nasl*. Family psychology studies show that polygamous practices that do not consider the mental health of family members are prone to emotional distress, jealousy, anxiety, and even adjustment disorders in children (Shaiful Bahari et al., 2021). Therefore, indicators of psychological well-being such as feelings of security, fulfillment of affection, emotional stability of wives and children, and harmony of interpersonal relationships are recommended in the substantive assessment of polygamy permits. This is important in modern *Maqāṣid al-Sharī'ah* because *maslahat* is physical, material, social, and emotional.

Economic factors were one of the main reasons put forward by the applicant in his fourth polygamy request, as stated in Decision Number 1471/Pdt.G/2024/PA.Mlg. The applicant stated that he had a fixed income of Rp30,000,000 per month and several assets, such as a house, agricultural land, and an inn business, which he considered sufficient to support his four wives physically and mentally. The Panel of Judges also noted that "the Applicant can prove that he can fulfill the needs of his wives." On the face of it, this reason appears to fulfill the aspect of *ḥifẓ al-māl* (safeguarding property), one of the main objectives of sharia, which relates to the ability to provide maintenance

The minimum standard of economic sufficiency for a person who wants to engage in polygamy is an essential element in ensuring the fulfillment of the protection of the aspects of *ḥifẓ al-māl* and *ḥifẓ al-nafs* in *Maqāṣid al-Sharī'ah*. In Indonesia's positive law context, economic sufficiency is explicitly a requirement in Law No. 1/1974 and the Compilation of Islamic Law, but without an exact number. Academic literature recommends using economic indicators such as income equivalent to the regional minimum wage, family dependency ratio, and the ability to provide all family members with basic needs of food, clothing, shelter, health, and education.

This standard is in line with the *Shari'ah* objective of ensuring that the decision to engage in polygamy does not cause economic harm to the wife and children and prevents structural poverty in the family.

In this case, the requirement of "economic capability" in polygamy reflects a commitment to safeguard *ḥifẓ al-māl* (protection of property) within the framework of comprehensive responsibility. Economic capability includes fulfilling maintenance for the previous marriage's wives and children. The emphasis on this aspect shows that fair and proportional property management is part of the effort to realize the overall benefit of the family. With careful planning in the distribution of alimony, including allocations for education and the basic needs of children, the values of *Maqāṣid al-Sharī'ah* can be realized concretely in a harmonious and sustainable family life.

The applicant had 17 children from three previous marriages, namely 6 children from his first wife, 4 from his second wife, and 7 from his third wife. This number reflects the success in realizing the goal of *ḥifẓ al-nasl* (preservation of offspring) as one of the main aspects of *Maqāṣid al-Sharī'ah*. In this context, the existence of many offspring can have great potential to build a superior generation if accompanied by a commitment to their care, education, and fulfillment of their welfare. The focus on developing the quality of these children is also in line with the objectives of *ḥifẓ al-nafs* and *ḥifẓ al-māl*, as ensuring



that they grow up in a healthy, safe, and equitable environment is part of the real implementation of *Maqāṣid al-Sharī'ah* in family life.

The consent of the applicant's three wives in this fourth polygamy case was considered a supportive social factor by the Panel of Judges. The Respondents stated that they had no objection and gave permission for their husbands to remarry to maintain the integrity of the household and avoid divorce. This attitude reflects the agreement and harmony in the family and the spirit to peacefully maintain the stability of husband-wife relations. From the perspective of *Maqāṣid al-Sharī'ah*, especially *ḥifẓ al-naḥs* (protection of the soul) and *ḥifẓ al-'irdh* (preservation of honor), this agreement can be understood as a form of effort to maintain inner peace, family dignity, and continuity of relationships within the framework of *sharia*. With good communication and understanding between all parties, this decision can support the creation of a common good.

Imam Syāṭibī views that Islamic law is designed to maintain individuals' overall benefit and welfare, not just regulate formal or outward aspects. *Sharia* includes protecting a person's psychological and inner conditions, so the application of Islamic law must consider emotional and psychological impacts to create a fair and harmonious balance in individual life, both in this world and in the hereafter. (Mugni, 2020)

The religious reasons used as a basis by the applicant, namely that the fourth marriage is part of an effort to carry out the sunnah of the Prophet Muhammad SAW, normatively can be categorized in the realm of *ḥifẓ al-dīn* (protecting religion), because it reflects the desire to emulate Islamic law. The applicant argues that polygamy is part of the practice justified in Islam, as carried out by the Prophet Muhammad SAW in certain social conditions that emphasize the protection of women and the fulfillment of social responsibility. From the perspective of *Maqāṣid al-Sharī'ah*, especially according to Imam Syāṭibī, exemplification of the sunnah should not only be interpreted textually but also substantively, namely the extent to which the values of the sunnah can bring tangible benefits in individual and family life. Thus, if the implementation of polygamy is based on righteous intentions, accompanied by moral, spiritual, and social readiness, and based on the principles of justice and responsibility, then it can be a means to realize *Maqāṣid* values in a harmonious and worshipful home life.

Although theologically, the desire to remarry can be understood as a form of personal piety and the spirit of emulating the Prophet's sunnah, from the point of view of *Maqāṣid al-Sharī'ah*, such claims should ideally be placed within the framework of broader benefits. Imam Syāṭibī emphasized the importance of understanding Islamic law not only from the textual side but also based on the purpose of the law and its social context. The essence of *Maqāṣid al-Sharī'ah* is to realize real benefits in life, including in the family sphere, while maintaining a balance between spiritual values and the reality of life. Therefore, in the application of Islamic law such as polygamy, there needs to be a full consideration of the relevant social, psychological, and emotional aspects so that the law is not only valid in terms of *shar'i* but also reflects justice, equality, and benefits that are the essence of *Maqāṣid al-Sharī'ah* (Ilham Azis et al., 2024).

Thus, using the excuse of "following the Prophet's sunnah" as a basis for marrying a fourth time needs to be understood comprehensively within the framework of *Maqāṣid al-Sharī'ah*. Observance of the sunnah should not only be seen from the aspect of the formality of the action but also weighed in terms of the objectives and benefits to be

realized. In this context, the spirit of following the sunnah will be more valuable if accompanied by objective considerations based on the principles of justice, responsibility, and social balance. The *Maqāṣid* approach demands that every religious practice be able to reflect *ḥifẓ al-dīn* (preservation of religion) substantively, namely as a source of values that support family harmony, sustainability of life, and mutual benefit. Thus, sharia is not only a legal justification but also an ethical and moral guide that encourages the realization of mercy, justice, and nobility in family and community life.

#### D. Conclusion

The results of the analysis of the judge's consideration in granting permission for polygamy of the fourth wife at the Malang City Religious Court show that the decision taken normatively has fulfilled positive legal procedures. However, fundamental shortcomings still exist in integrating *Maqāṣid al-Sharī'ah* principles. In substance, *maslahat*, which is the main objective of *Sharī'ah*, especially the protection of the soul (*ḥifẓ al-nafs*), offspring (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*), has not been fully guaranteed objectively in the judge's decision. This is reflected in the absence of clear benchmarks for economic sufficiency standards, wives' and children's psychological well-being, and indicators of substantive justice that can be measurably tested. Thus, this finding implies the need for corrections and adjustments at the jurisprudential level so that the judges' consideration process in similar cases becomes more accountable, transparent, and oriented toward protecting the rights and benefits of all family members.

By referring to the concept of *Maqāṣid al-Sharī'ah* according to Imam Syāṭibī, this study recommends the establishment of objective and measurable parameters, such as minimum standards of economic sufficiency (e.g., based on minimum wage or family welfare indicators), as well as psychological welfare assessment instruments derived from academic literature and contemporary *Maqāṣid* approaches, to be used as guidelines in every polygamy examination and decision in religious courts. Policymakers and judicial officers are expected to rely on formal legality and textual religious reasons to fulfill the five main objectives of sharia in real and accountable practice.

Academically, this study contributes to criticizing the tendency of religious courts' formalistic approach through *maqāṣid* argumentation and offers a new, more comprehensive evaluation model in examining polygamy decisions. This model can be used as a precedent to reconstruct polygamy jurisprudence guidelines and a reference for further research in strengthening a more just, *maslahat*, and humanist Islamic family law in Indonesia.

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