



## A Normative Study on Polygamy and Gender Justice in Islamic Family Law: Insights from ASEAN Jurisprudence

Khoiriyah Shofiyah Tanjung<sup>1</sup>, Ahmad Masum<sup>2</sup>, Nispan Rahmi<sup>3</sup>,  
Ibnatul Mardiah<sup>4</sup>

<sup>1</sup>University of Newcastle, Australia

<sup>2</sup>Universiti Islam Sultan Sharif Ali, Brunei Darussalam

<sup>3</sup>Universitas Islam Negeri Antasari, Banjarmasin, Indonesia

<sup>4</sup>Universitas PTIQ Jakarta, Indonesia

Email: [khoiriyah.tanjung@uon.edu.au](mailto:khoiriyah.tanjung@uon.edu.au)<sup>1</sup>, [ahmad.masum@unissa.edu.bn](mailto:ahmad.masum@unissa.edu.bn)<sup>2</sup>,  
[nispanrahmi@uin-antasari.ac.id](mailto:nispanrahmi@uin-antasari.ac.id)<sup>3</sup>, [ibnatulmardiyah@gmail.com](mailto:ibnatulmardiyah@gmail.com)<sup>4</sup>

Received 24-06-2025 | Revised 28-07-2025, 20-08-2025, 21-09-2025 | Accepted 21-10-2025

---

### Abstract

Polygamy (*ta'addud al-zawjāt*) in Islamic family law, though classically permitted under specific conditions of justice, presents significant challenges to gender justice in contemporary Muslim societies, particularly in ASEAN. This normative study examines the evolution of polygamy regulation in Indonesia, Malaysia, and Brunei, analyzing the interplay between classical Islamic jurisprudence and modern state legal frameworks. It highlights a critical tension between the permissibility (*ibāḥah*) of polygamy and the ethical responsibility (*'adālah*) of maintaining absolute justice, often leading to a preference for monogamy in classical interpretations. ASEAN jurisdictions have implemented statutory controls requiring court permission, consent, and financial capacity, aiming for procedural justice. However, the persistence of unauthorized polygamy and critiques from women's rights groups like Sisters in Islam reveal a persistent gap in achieving substantive gender equity. The report argues that a reinterpretation of Islamic family law through the lens of *maqāṣid al-sharī'ah* (higher objectives of Islamic law) and *ijtihād* (independent reasoning) offers a robust pathway for crafting gender-responsive interpretations that prioritize dignity, welfare, and fairness for all family members. This comparative analysis of ASEAN jurisprudence underscores the ongoing efforts to balance religious tradition, legal modernity, and constitutional rights in pursuit of a more just and equitable family law system.

**Keywords:** Polygamy, Islamic family law, Gender justice, Maqāṣid al-sharī'ah, ASEAN countries

### Abstrak

Poligami (*ta'addud al-zawjāt*) dalam hukum keluarga Islam, meskipun secara klasik diizinkan dengan syarat-syarat keadilan tertentu, menimbulkan tantangan signifikan terhadap keadilan gender dalam masyarakat Muslim kontemporer, terutama di ASEAN. Studi normatif ini mengkaji evolusi regulasi poligami di Indonesia, Malaysia, dan Brunei, dengan menganalisis interaksi antara fiqih Islam klasik dan

kerangka hukum negara modern. Studi ini menyoroti ketegangan kritis antara kelayakan (*ibāḥah*) poligami dan tanggung jawab etis (*‘adālah*) untuk menjaga keadilan mutlak, yang seringkali mengarah pada preferensi terhadap monogami dalam interpretasi klasik. Yurisdiksi ASEAN telah menerapkan kontrol hukum yang mengharuskan izin pengadilan, persetujuan, dan kemampuan finansial, bertujuan untuk keadilan prosedural. Namun, persistennya poligami tanpa izin dan kritik dari kelompok hak perempuan seperti Sisters in Islam menunjukkan kesenjangan yang terus berlanjut dalam mencapai keadilan gender yang substansial. Laporan ini berargumen bahwa penafsiran ulang hukum keluarga Islam melalui lensa *maqāṣid al-sharī‘ah* (tujuan utama hukum Islam) dan *ijtihād* (penalaran independen) menawarkan jalur yang kokoh untuk merumuskan penafsiran yang responsif terhadap gender, yang memprioritaskan martabat, kesejahteraan, dan keadilan bagi semua anggota keluarga. Analisis perbandingan yurisprudensi ASEAN ini menyoroti upaya berkelanjutan untuk menyeimbangkan tradisi agama, modernitas hukum, dan hak konstitusional dalam upaya mencapai keluarga yang lebih adil dan setara.

**Kata kunci:** Poligami, Hukum Keluarga Islam, Keadilan Gender, Maqāṣid al-Sharī‘ah, Negara-Negara ASEAN

## Introduction

Polygamy, known as *ta‘addud al-zawjāt* in Islamic legal discourse, is a classical practice permitted under specific conditions. Its foundational basis is found in Qur’anic verses, most notably Sūrah al-Nisā’ (4):3, which allows a man to marry "two or three or four" wives, provided he can "deal justly (with them)".<sup>1</sup> This permission is widely understood by Islamic scholars not as an unqualified right or an encouragement for men to marry multiple women, but rather as a restriction on the unlimited polygyny that was prevalent in pre-Islamic Arabian society. The historical context of this revelation is crucial for understanding its original intent. It emerged following periods of significant social upheaval, such as the Battle of Uhud, where many Muslim men were martyred, leaving numerous widows and orphans. In this context, polygamy served as a pragmatic social safety net, providing a means to protect vulnerable women and children by integrating them into new family structures, rather than primarily serving personal desire or unchecked male gratification.<sup>2</sup>

---

<sup>1</sup> Wikipedia, "Polygyny in Islam," July 30, 2025, [https://en.wikipedia.org/w/index.php?title=Polygyny\\_in\\_Islam&oldid=1303410547](https://en.wikipedia.org/w/index.php?title=Polygyny_in_Islam&oldid=1303410547).

<sup>2</sup> "Global Connections . How Many Wives? | PBS," accessed August 4, 2025, <https://www.pbs.org/wgbh/globalconnections/mideast/educators/women/lesson3a.html>.

In contemporary Muslim societies, particularly within the diverse legal landscapes of the Association of Southeast Asian Nations (ASEAN), the practice of polygamy intersects with ongoing gender-sensitive legal reform initiatives, state regulatory frameworks, and constitutional principles that uphold human rights.<sup>3</sup> The discourse surrounding polygamy has evolved significantly, moving beyond mere theological permissibility to encompass broader considerations of human rights, women's empowerment, and the imperative for Islamic legal renewal. This evolution has brought the issue of gender justice in Islamic family law to the forefront of legal and social debates, demanding a nuanced approach that navigates the complexities between classical interpretations and modern conceptions of equality.<sup>4</sup>

Despite the classical conditions and contemporary legal constraints imposed on polygamy, its practice persists in ASEAN countries. This often gives rise to significant concerns regarding fairness, potential legal abuse, and the infringement of women's rights. A particularly pressing issue in some jurisdictions, such as Indonesia, is the prevalence of unregistered polygamous marriages, commonly known as *nikah siri*. These unions, while sometimes considered religiously valid by communities, lack formal legal recognition by the state, which exacerbates vulnerabilities for women and children involved. Without legal protection, women in such marriages frequently face financial insecurity, psychological distress, and a lack of recourse for their rights, while their children may encounter difficulties in obtaining birth certificates and accessing essential public services, leading to legal exclusion.<sup>5</sup>

The current situation highlights a critical need for a normative framework that can effectively reconcile classical Islamic doctrines, which permit polygamy under exceptionally stringent conditions of justice, with modern conceptions of justice and equality. This

---

<sup>3</sup> Abubaker Chiagozie and Akpofure Akpofure, "An Analysis of Islamic Law on Polygamy Without Court Permission: Legal, Ethical, and Social Perspectives," *SYARIAT: Akhwal Syaksyah, Jinayah, Siyasah and Muamalah* 1, no. 3 (2024): 156–64, <https://doi.org/10.35335/wh2zd103>.

<sup>4</sup> Anver M. Emon, "The Paradox of Equality and the Politics of Difference: Gender Equality, Islamic Law, and the Modern Muslim State," *SSRN Electronic Journal*, ahead of print, 2011, <https://doi.org/10.2139/ssrn.1758966>.

<sup>5</sup> Chiagozie and Akpofure, "An Analysis of Islamic Law on Polygamy Without Court Permission."

framework must move beyond mere procedural compliance to address the deeper imperative of substantive gender equity.<sup>6</sup> The challenge lies in translating the ethical ideals of Islamic justice into practical, enforceable legal mechanisms that genuinely protect all parties within a polygamous union and mitigate the inherent difficulties of maintaining true fairness and equality among multiple wives and their dependents. Without such a framework, the gap between legal intent and lived reality for women in polygamous marriages will continue to widen.

This study aims to achieve the following objectives:

1. To explore the classical *fiqh* foundations of polygamy in Islamic law, analyzing the textual sources and juristic conditions that govern its permissibility, and identifying the inherent tension within these normative bases.
2. To examine how ASEAN countries (specifically Indonesia, Malaysia, and Brunei) regulate and reinterpret polygamy through statutory family laws, identifying commonalities and divergences in their legal frameworks, conditions for approval, and judicial practices.
3. To assess how gender justice is normatively understood and applied in these contexts, particularly in relation to the implementation and outcomes of polygamy regulations, and to identify the gaps between procedural and substantive justice.

## **Methods**

### **Research Approach**

This study employs a normative legal research method, primarily grounded in doctrinal analysis and comparative jurisprudence. Doctrinal analysis involves a meticulous examination of primary Islamic legal texts, national statutes, and relevant judicial decisions to understand the "law as it is" regarding polygamy in Islamic family law within the selected ASEAN jurisdictions. This approach allows for a deep dive into the prescriptive aspects of the law,

---

<sup>6</sup> "Islam and the Question of Gender Equality," Musawah, 2017, <https://www.musawah.org/wp-content/uploads/2019/02/KnowledgeBuildingBriefs-3-Islam-and-the-Question-of-Gender-Equality-EN.pdf>.

identifying the rules, principles, and concepts that govern the practice of polygamy.

Comparative jurisprudence is utilized to systematically analyze and contrast the legal frameworks, regulatory mechanisms, and implementation practices concerning polygamy across Indonesia, Malaysia, and Brunei. This systematic comparison aims to identify commonalities in their approaches, significant divergences in their specific regulations, and the relative strengths and weaknesses in their respective legal responses to polygamy and its implications for gender justice. By examining how different jurisdictions within a shared cultural and religious context address similar legal issues, a richer understanding of the adaptability and challenges of Islamic family law reform emerges.

### Sources of Data

The data for this study are drawn from both primary and secondary sources to ensure a comprehensive and multi-faceted analysis.

Primary Sources:

- a. Qur'anic verses: Central to the study are verses such as Q.S. al-Nisā' :3 and Q.S. al-Nisā' :129, along with authentic Hadiths. These constitute the foundational textual basis for Islamic law and its rulings on marriage and polygamy, providing the divine injunctions and prophetic traditions that underpin the practice.<sup>7</sup>
- b. Classical *fiqh* manuals: Works from leading *madhāhib* (legal schools), including the Hanbali and Shafi'i schools, are examined to understand the historical juristic conditions, the spectrum of interpretations, and the ethical considerations that have shaped the understanding of polygamy over centuries.<sup>8</sup>
- c. Key State laws: The study analyzes specific national legislation governing polygamy in the selected countries. For Indonesia, this includes the Compilation of Islamic Law (KHI) and Law No. 1 of 1974 on Marriage.<sup>9</sup> For Malaysia, the Islamic Family Law (Federal

---

<sup>7</sup> Wikipedia, "Polygyny in Islam."

<sup>8</sup> Wikipedia, "Polygyny in Islam."

<sup>9</sup> Chiagozie and Akpofure, "An Analysis of Islamic Law on Polygamy Without Court Permission."

Territories) Act 1984 is scrutinized. For Brunei, the Islamic Family Law Order 1999 serves as a key primary legal document.

#### Secondary Sources:

- a. Academic literature: This encompasses scholarly articles, monographs, edited collections, and peer-reviewed journals that provide in-depth analysis of Islamic family law, gender justice, comparative law, and socio-legal studies specific to Indonesia, Malaysia, and Brunei.<sup>10</sup>
- b. Fatwas and legal commentaries: These sources offer contemporary religious opinions and interpretations, reflecting ongoing debates and evolving understandings of Islamic law.
- c. Reports from Muslim women's rights organizations: Materials from prominent advocacy groups, such as Sisters in Islam in Malaysia, are invaluable for capturing contemporary debates, advocacy efforts, and critical perspectives on current polygamy practices and regulations, reflecting the lived experiences and demands for reform from civil society.<sup>11</sup>

#### Analytical Tools

To rigorously analyze the collected data and address the research questions, three primary analytical tools are employed:

- a. Legal Hermeneutics: This approach is utilized to critically interpret legal texts, including Qur'anic verses and statutory provisions. It involves considering their historical context, linguistic nuances, and evolving contemporary understandings. This is particularly vital for navigating the complexities of Islamic legal concepts, which are often subject to multiple interpretations, and for understanding their application in diverse modern contexts. By delving into the interpretive methodologies, the study can unpack how legal meanings are constructed and contested.
- b. *Maqāṣid al-sharī'ah* (Higher Objectives of Islamic Law): This framework serves as a crucial lens to assess the underlying ethical and teleological goals of Islamic law. By moving beyond literal or

---

<sup>10</sup> Chiagozie and Akpofure, "An Analysis of Islamic Law on Polygamy Without Court Permission."

<sup>11</sup> "Malaysia's Sisters in Islam (SIS) | Religion and Public Life," accessed August 4, 2025, <https://rpl.hds.harvard.edu/religion-context/case-studies/gender/malaysias-sisters-islam>.

rigid interpretations of specific legal rulings, *maqāṣid* analysis aims to discern how legal provisions, including those on polygamy, are intended to serve broader objectives. These objectives include the protection of human dignity (*hifz al-'ird*), the promotion of welfare, the establishment of fairness (*adl*), and the preservation of lineage (*hifz al-nasl*) for all individuals within the family unit.<sup>12</sup> This teleological approach allows for an evaluation of whether current legal practices align with the ultimate ethical aims of the *sharī'ah*.

- c. Gender Equity Analysis: This analytical tool is systematically applied to evaluate how legal provisions concerning polygamy and their practical implementation affect women and men. It distinguishes between formal equality and substantive equity.<sup>13</sup> Formal equality implies treating everyone the same under the law, whereas substantive equity aims to address historical and systemic disadvantages to achieve genuinely equal opportunities and outcomes. This analysis is critical in identifying whether existing regulations genuinely promote justice for women in polygamous unions or inadvertently perpetuate inequalities, thereby revealing the true impact of legal frameworks on gender relations within families.

## Results and Discussion

### The Classical Legal Foundations of Polygamy

The classical legal foundations of polygamy in Islamic law are primarily derived from specific textual sources and are accompanied by stringent juristic conditions. The central textual basis is Qur'an, Sūrah al-Nisā' (4):3, which permits marrying "two or three or four" wives, but crucially adds a condition: "but if you fear that you shall not be able to deal justly (with them), then only one".<sup>14</sup> This verse is widely interpreted by scholars not as a blanket right or an encouragement for

---

<sup>12</sup> Muhammad Jazil Rifqi et al., "Children's Legal Identity at Stake: Reconstructing Maqasid al-Syari'ah through Marriage Isbat Applications by the Second Generation in Pasuruan," *El-Mashlahah* 15, no. 1 (2025): 125–48, <https://doi.org/10.23971/el-mashlahah.v15i1.9068>.

<sup>13</sup> Emon, "The Paradox of Equality and the Politics of Difference."

<sup>14</sup> *Wikipedia*, "Polygyny in Islam."

polygamy, but rather as a significant restriction on the unlimited polygyny that was common in pre-Islamic Arabia.<sup>15</sup> The historical context of its revelation, specifically following the Battle of Uhud where many Muslim men were martyred, leaving numerous widows and orphans, highlights polygamy's original role as a pragmatic social safety net. It served as a means to protect vulnerable women and children by integrating them into new family structures, rather than primarily serving personal gratification or unchecked desire.<sup>16</sup>

Classical jurists understood the term "justice" (*adl*) primarily in tangible, material terms. This encompassed the equal provision of spending, clothing, accommodation, and equitable distribution of time spent with each wife. Financial capacity to adequately support multiple households was also considered a key prerequisite for entering into a polygamous marriage.<sup>17</sup> Interpretations by leading *madhāhib* (legal schools) further elaborate on these conditions. While all four major Sunni schools—Hanafi, Maliki, Shafi'i, and Hanbali—acknowledge the legal permissibility of polygamy under the conditions of justice and financial capacity, some schools, notably the Hanbali and Shafi'i, go further to recommend monogamy. For instance, Ibn Qudamah of the Hanbali school explicitly stated it is "more appropriate to marry only one wife" based on the Qur'anic caution regarding justice.<sup>18</sup> Imam Shafi'i's concept of fairness in polygamy specifically includes fairness in giving livelihood, providing a place to stay, and ensuring equitable turns with each wife, demonstrating an attempt to concretize the abstract notion of justice.<sup>19</sup>

A critical examination of these classical foundations reveals a subtle but profound tension between the legal permissibility (*ibāḥah*) of polygamy and the stringent ethical responsibility (*‘adālah* or justice)

---

<sup>15</sup> "Global Connections . How Many Wives? | PBS."

<sup>16</sup> "Global Connections . How Many Wives? | PBS."

<sup>17</sup> "Polygyny in Islam - Islam Question & Answer," accessed August 4, 2025, <https://islamqa.info/en/answers/14022/polygyny-in-islam>.

<sup>18</sup> *Wikipedia*, "Polygyny in Islam."

<sup>19</sup> Siti Saidatina and Ahdiyatul Hidayah, "The Concept of Justice As A Requirement For Polygamy According To The Imam Syafi'i Mazhab," *Jurnal Al-Fikrah* 12, no. 2 (2023): 206–18.

it demands.<sup>20</sup> This tension is further amplified by Qur'an 4:129, which states, "You are never able to be fair and just between women even if that were your ardent desire". This subsequent verse introduces a profound ethical challenge, implying that perfect justice, especially emotional justice, is inherently difficult, if not impossible, for a human being to achieve. This textual juxtaposition suggests that while polygamy is not forbidden, it is not encouraged and should be considered an exception, a last resort, or even ethically discouraged due to the high bar of justice.<sup>21</sup> Scholars like Abdullahi Ahmed An-Na'im and Mohammad Hashim Kamali contend that achieving true justice in modern contexts is exceptionally difficult, thus advocating for polygamy to be treated as an exception rather than a norm.<sup>22</sup> This interpretation shifts polygamy from a mere "right" to a significant "responsibility" requiring moral discipline, financial capability, and emotional balance.

The convergence of textual caution and juristic preference creates a strong normative pull towards monogamy as the preferred, ideal state of marriage in Islam. The permissibility of polygamy is thus not a blanket right but a heavily qualified allowance, framed by specific social necessity, such as caring for orphans and widows after war, rather than individual desire or whim. The ethical bar for justice (*'adālah*) is set so high that it implicitly discourages the practice for most, transforming the tension between *ibāḥah* and *'adālah* from a mere theoretical point to a practical ethical hurdle. This indicates that classical *fiqh*, while legally permitting polygamy, implicitly discourages it by setting an almost unattainable standard of justice, positioning it as an exception rather than a norm.

### **ASEAN Legal Responses to Polygamy**

ASEAN countries have adopted diverse legal frameworks to regulate polygamy, reflecting their unique socio-legal contexts while grappling with shared Islamic principles.

---

<sup>20</sup> Halima Ibrahim Bature and Babangida Abba, "The Concept And Ethics Of Polygamy In Islamic Teachings," *International Journal of Education Effectiveness Research*, ahead of print, March 31, 2025, <https://doi.org/10.70382/hijeer.v06i8.017>.

<sup>21</sup> "Global Connections . How Many Wives? | PBS."

<sup>22</sup> Chiagozie and Akpofure, "An Analysis of Islamic Law on Polygamy Without Court Permission."

## Indonesia

Indonesia's approach to polygamy is primarily governed by Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law (KHI).<sup>23</sup> While the basic principle of marriage in Indonesia is monogamy, polygamy is permitted up to a maximum of four wives, but only with stringent prior court approval from the Religious Court. The law stipulates both optional and cumulative conditions that a husband must meet to obtain court permission. Optional conditions, of which at least one must be met, include the existing wife's inability to perform her obligations as a wife, an incurable disability or disease, or barrenness. Cumulative conditions, all of which must be met, require written consent from the existing wife (preferably confirmed verbally in the Religious Court session), certainty of the husband's financial capacity to support all wives and children (evidenced by income statements or tax certificates), and a written guarantee from the husband that he will treat all wives and children fairly.<sup>24</sup>

Despite these legal safeguards, a significant number of polygamous marriages in Indonesia still occur outside the formal legal system through unregistered marriages (*nikah siri*), effectively circumventing court approval. This prevalence of *nikah siri* is attributed to weak enforcement, religious justification, and social acceptance of polygamy. Studies indicate that this practice leads to severe consequences for women and children, including lack of legal protection, financial insecurity, and psychological distress.<sup>25</sup> Judicial trends in Indonesia often emphasize procedural justice—ensuring that the formal legal requirements are met—but critics argue they frequently fall short of ensuring substantive gender equity and genuine fairness in the lived experiences of polygamous families. Courts may consider social justice and the benefits/harms, but the practical outcome for

---

<sup>23</sup> Chiagozie and Akpofure, “An Analysis of Islamic Law on Polygamy Without Court Permission.”

<sup>24</sup> Desti Widiyani and Dwiky Bagas Setyawan, “Polygamy in Islamic Family Law in Indonesia (Comparative Study on Law Number 1 of 1974 and the Compilation of Islamic Law),” in *Proceedings of the 1st International Seminar on Sharia, Law and Muslim Society (ISSLAMIS 2022)*, ed. Putu Widhi Iswari et al. (Atlantis Press SARL, 2022), [https://doi.org/10.2991/978-2-494069-81-7\\_12](https://doi.org/10.2991/978-2-494069-81-7_12).

<sup>25</sup> Chiagozie and Akpofure, “An Analysis of Islamic Law on Polygamy Without Court Permission.”

women in such unions is often negative.<sup>26</sup> This persistent gap between legal regulation and social reality indicates that legal formalization alone is insufficient to address the underlying social and economic drivers of polygamy or to fully protect women's rights. It points to deeper, entrenched socio-cultural norms, significant enforcement challenges, and possibly a lack of public awareness or accessible legal recourse that collectively undermine the protective intent of the laws. This necessitates a multi-pronged, holistic strategy involving not only legal amendments but also robust enforcement, public education campaigns, and community engagement to shift societal attitudes and ensure that legal protections translate into tangible improvements in women's lives.<sup>27</sup>

### Malaysia

In Malaysia, Muslim men are permitted to practice polygamy (up to four wives) under the Islamic Family Law (Federal Territories) Act 1984. However, polygamous marriages strictly require explicit authorization from the Syariah Court. The court assesses if the proposed marriage is "just or necessary". Grounds for necessity typically include the existing wife's sterility, physical infirmity, physical unfit for conjugal relations, willful avoidance of an order for restitution of conjugal rights, or insanity. Crucially, the applicant must demonstrate sufficient financial means to support all wives and dependents as required by *Hukum Syarak*. The application process involves submitting a written declaration of grounds, income particulars, and details of commitments and dependents.<sup>28</sup>

Muslim women's rights groups, particularly Sisters in Islam (SIS), have been highly vocal critics of the regulation and practice of polygamy in Malaysia. They contend that the Islamic law code, as interpreted and applied by the *ulama* (religious scholars) and the Syariah courts, is discriminatory towards women.<sup>29</sup> SIS asserts that while Islam's core principles are justice and equality, the current *fiqh*

---

<sup>26</sup> Puput Putri Utami et al., "Protection of Women's Rights in Polygamy in Indonesia," *Journal of Law and Social Politics* 1, no. 1 (2023): 1–16.

<sup>27</sup> Rifqi et al., "Children's Legal Identity at Stake."

<sup>28</sup> *Polygamy In Malaysia*, n.d., accessed August 4, 2025, <https://hasrinahakimi.co/polygamy-in-malaysia/>.

<sup>29</sup> "Malaysia's Sisters in Islam (SIS) | Religion and Public Life."

(human interpretations and codified laws) often fails to reflect true shari'ah (the divine way of God).<sup>30</sup> They actively advocate for systemic change, public education, and robust evidence-based research to demonstrate the profound emotional and economic turmoil caused by polygamy when not practiced justly.<sup>31</sup> SIS notably promotes monogamy as a Qur'anic ideal.<sup>32</sup> The critique from SIS highlights a fundamental tension within the legal systems: the inherent difficulty of operationalizing the abstract and multifaceted concept of "justice" (especially emotional, social, and long-term well-being) into concrete, legally enforceable conditions. Courts, bound by codified laws and evidentiary requirements, may prioritize verifiable conditions (like formal consent, income statements) which are easier to prove procedurally, rather than the complex, subjective realities of emotional equity, equitable time distribution, and the potential for neglect of existing wives and children. The persistent critique from women's rights groups underscores that legal permission, even with procedural checks, does not automatically equate to ethical or equitable practice. This calls for a profound re-evaluation of what "justice" truly means in the context of polygamy, extending beyond mere procedural adherence to encompass substantive outcomes for all family members.

## **Brunei**

Brunei Darussalam's Islamic Family Law Order 1999 permits polygamy, but it is strictly regulated and requires prior written permission from a Syar'ie Judge. The application process involves stating the specific grounds for necessity or justice, providing detailed particulars of the applicant's current income, financial commitments, and number of dependents, and indicating whether the existing wife's consent or views have been obtained. The Syar'ie Judge grants permission only if satisfied that the application aligns with *Hukum Syara'* (Islamic Law).

Brunei's legal system is generally considered more conservative, characterized by a strong adherence to Islamic law and a

---

<sup>30</sup> "Malaysia's Sisters in Islam (SIS) | Religion and Public Life."

<sup>31</sup> "Malaysia to Study Islamic Polygamy | HeraldNet.Com," accessed August 4, 2025, <https://www.heraldnet.com/news/malaysia-to-study-islamic-polygamy/>.

<sup>32</sup> *Wikipedia*, "Sisters in Islam," June 22, 2025, [https://en.wikipedia.org/w/index.php?title=Sisters\\_in\\_Islam&oldid=1296844840](https://en.wikipedia.org/w/index.php?title=Sisters_in_Islam&oldid=1296844840).

centralized legal system under the monarchy.<sup>33</sup> While the regulations require strict conditions, including the first wife's written consent and Syariah judge approval, concerns exist regarding the transparency and consistency of its implementation in practice.<sup>34</sup> Community perceptions of polygamy in Brunei are mixed; reasons for acceptance include reducing unethical activities or addressing barrenness of the first wife, while reasons for rejection frequently cite potential household chaos, detrimental effects on children, jealousy among wives, and fear of injustice.<sup>35</sup>

The following table provides a comparative overview of polygamy regulations across these three ASEAN jurisdictions:

Table 1. Comparative Overview of Polygamy Regulations in Indonesia, Malaysia, and Brunei

Feature	Indonesia	Malaysia	Brunei
Primary Legal Instrument(s)	Compilation of Islamic Law (KHI) & Law No. 1 of 1974	Islamic Family Law (Federal Territories) Act 1984	Islamic Family Law Order 1999
Basic Principle of Marriage	Monogamy (with exceptions)	Polygamy permitted (up to 4 wives)	Polygamy permitted (up to 4 wives)
Requirement for Court Permission	Yes, mandatory	Yes, mandatory	Yes, mandatory (prior written)

<sup>33</sup> Opik Roziqin and Ah. Fathonih, "The Evolution of Marriage and Inheritance Law in Brunei Darussalam: A Comparative and Historical Study," *Indonesian Journal of Advanced Research* 3, no. 11 (2024): 1675–88, <https://doi.org/10.55927/ijar.v3i11.12117>.

<sup>34</sup> Khadijatul Musanna et al., "Polygamy Legal Politics in Southeast Asian Muslim Countries: Legal Pluralism and Qur'anic Perspectives," *Jurnal Pere* 19, no. 2 (2021): 131–47.

<sup>35</sup> Syahirul Syazwan bin Rashid, *تعدد الزوجات في الإسلام: دراسة ميدانية على المجتمع البروناي*, 2022.

			permission from Syar'ie Judge)
Key Conditions for Permission	Wife's consent (written, confirmed in court); Husband's financial capacity; Guarantee of fair treatment; Optional: Wife's inability to perform duties, incurable disease, barrenness	"Just or necessary" grounds (e.g., wife's sterility, infirmity, insanity); Husband's financial means to support all wives/dependent	Grounds for necessity/justice; Applicant's income/commitments; Existing wife's consent/views
Noteworthy Legal/Social Challenges	Prevalence of unregistered marriages ( <i>nikah siri</i> ); Focus on procedural over substantive justice; Lack of legal protection for women/children in unregistered unions	Critiques from women's rights groups (Sisters in Islam) regarding discriminatory interpretations and lack of substantive justice; Call for evidence-based reform	Conservative application; Concerns about transparency in implementation; Mixed community acceptance/rejection based on perceived impacts

This table provides a clear and concise overview of the legal provisions and practical realities of polygamy across these three distinct jurisdictions. It facilitates a direct comparison, allowing for immediate identification of similarities and differences in regulatory approaches, conditions for approval, and the specific challenges faced in each country. By juxtaposing specific legal instruments and conditions, the table visually emphasizes how countries sharing a common Islamic legal heritage have adopted varying degrees of state intervention and unique socio-legal approaches to polygamy. For instance, it clearly

shows how Indonesia's "optional conditions" differ from Malaysia's "just or necessary" grounds, or how the role of consent is articulated across the nations. This structured presentation serves as a robust visual aid for the discussion on "ASEAN Legal Responses," enabling a more efficient and impactful analysis of the procedural versus substantive justice dilemma and the regulation-reality gap.

### **Gender Justice and Legal Reform**

The contemporary discourse on gender justice in Islamic law frequently revolves around the distinction between formal equality and substantive equity.<sup>36</sup> Formal equality dictates treating all individuals the same under the law, regardless of their background, situation, or personal characteristics. While foundational for constitutional provisions and preventing overt discrimination, it is often deemed insufficient for achieving genuine justice because it overlooks existing power imbalances, patriarchal structures, and historical disadvantages faced by women.<sup>37</sup> For instance, simply stating that men and women are equal before the law does not automatically dismantle inherent inequalities within family structures or address the "inferior position of women as witnesses" or "unquestioning obedience to men" as critiqued by groups like Sisters in Islam.

Substantive equity, also termed material or transformative equality, aims to go beyond treating likes alike. It seeks to achieve genuine equality in opportunities, processes, and outcomes by actively addressing and correcting historical and social disadvantages.<sup>38</sup> This approach advocates for gender-sensitive laws and policies that acknowledge differences and actively promote equality, recognizing that men and women may need to be treated differently in some instances to achieve true justice.<sup>39</sup> While classical notions of justice in Muslim traditions did not initially include gender equality in its modern sense, contemporary interpretations, often driven by ethical values in the Qur'an and Hadith, allow for its integration into laws and practices today.<sup>40</sup>

---

<sup>36</sup> Emon, "The Paradox of Equality and the Politics of Difference."

<sup>37</sup> "Islam and the Question of Gender Equality."

<sup>38</sup> "Islam and the Question of Gender Equality."

<sup>39</sup> Emon, "The Paradox of Equality and the Politics of Difference."

<sup>40</sup> "Islam and the Question of Gender Equality."

The application of *maqāṣid al-sharī'ah* (higher objectives of Islamic law) is not merely an academic exercise but a powerful normative tool that shifts the discussion of gender justice from a rigid, literalist interpretation of *fiqh* (which often perpetuates patriarchal norms) to a more dynamic, ethical framework. It provides the theological and legal justification for prioritizing substantive equity over formal equality in family law reform. *Maqāṣid al-sharī'ah* refers to the overarching goals and objectives of Islamic law, which are fundamentally oriented towards securing benefits (*masāliḥ*) and preventing harm (*mafasid*) for humanity.<sup>41</sup> The essential interests traditionally protected by *maqāṣid* include faith (*hifz al-din*), life (*hifz al-nafs*), lineage (*hifz al-nasl*), intellect (*hifz al-'aql*), and property (*hifz al-mal*). Beyond these five, broader objectives like justice (*adl*), compassion (*rahmah*), guidance (*huda*), dignity (*hifz al-'ird*), welfare, and fairness are central to the *maqāṣid* framework.<sup>42</sup> By focusing on these higher-order principles that transcend specific historical interpretations, *maqāṣid* provides a legitimate internal mechanism for reform. It allows for a re-evaluation of *fiqh* interpretations that may have become misaligned with these higher objectives. Applying *maqāṣid* to family law allows for a reinterpretation that moves beyond literal or rigid interpretations of classical *fiqh* to ensure that legal provisions genuinely serve the welfare and dignity of all family members. For instance, the preservation of lineage (*hifz al-nasl*) and safeguarding of dignity (*hifz al-'ird*) are being reshaped through judicial interpretation and community practice in contexts like unregistered marriages, where children's legal identity and rights are at stake.<sup>43</sup> This approach can justify reforms that promote gender equality and challenge patriarchal constructs embedded in traditional interpretations, asserting that "the values of gender justice are inherent in *maqāṣid al-sharī'ah* itself". This enables a "value-based and ethical Islamic exegesis" that can "reconstruct the understanding of gender relations in Islam in a more just and equitable manner".<sup>44</sup> It legitimizes challenging

---

<sup>41</sup> Mohammad Hashim Kamali, "'Maqāṣid Al-Sharī'ah': The Objectives Of Islamic Law," *Islamic Studies* 38, no. 2 (1999): 193–208.

<sup>42</sup> Rifqi et al., "Children's Legal Identity at Stake."

<sup>43</sup> Rifqi et al., "Children's Legal Identity at Stake."

<sup>44</sup> Abdullah Affandi et al., "Maqāṣidī Exegesis: A Path for Promoting Gender Equality in Contemporary Islamic Discourse," *QOF* 9, no. 1 (2025): 61–80.

patriarchal interpretations from within the Islamic tradition, making reforms more acceptable to Muslim communities, fundamentally transforming the debate from a perceived conflict of "Islam versus gender equality" to a constructive inquiry into "how to best realize gender equality through and within Islamic principles," offering a powerful pathway for progressive legal change.

ASEAN countries, with their diverse legal systems, colonial legacies, and socio-cultural contexts, offer a rich environment for observing how Islamic family law adapts and responds to the demands of modern governance and human rights standards. The evolution of Islamic law in these nations reflects a dynamic process of adapting Islamic texts to local customs and integrating influences from other legal traditions.<sup>45</sup> This has resulted in varying national approaches to polygamy regulation: Malaysia tends to be more structured and centralized in its Sharia courts, while Indonesia is more flexible, often incorporating customary law and experiencing challenges with decentralized enforcement.<sup>46</sup> Brunei, with its strong adherence to Islamic law and a centralized system under the monarchy, tends towards a more conservative application.<sup>47</sup> A key challenge across the region lies in balancing adherence to Islamic law with modern human rights standards, particularly concerning women's rights. Strategies proposed and adopted include reinterpreting Islamic law in a way that is consistent with modern human rights standards, developing new laws and policies that are informed by Islamic principles but also respect contemporary human rights, and promoting education and awareness.<sup>48</sup> Legal pluralism, which acknowledges the presence of multiple legal systems (Islamic, secular, customary) within a single jurisdiction,

---

<sup>45</sup> Sarah Lee, "Islamic Law in Asian Governance," accessed August 4, 2025, <https://www.numberanalytics.com/blog/islamic-law-asian-governance>.

<sup>46</sup> Ade Khoirunnisa et al., "Comparison of Islamic Family Law in Malaysia and Indonesia," *An-Nisa: Journal of Islamic Family Law* 2, no. 2 (2025): 109–20, <https://doi.org/10.63142/an-nisa.v2i2.226>.

<sup>47</sup> Roziqin and Fathonih, "The Evolution of Marriage and Inheritance Law in Brunei Darussalam."

<sup>48</sup> Lee, "Islamic Law in Asian Governance."

presents an opportunity for the peaceful coexistence and integration of these diverse legal frameworks.<sup>49</sup>

The need for *ijtihad* (independent reasoning) in crafting gender-responsive interpretations is paramount for Islamic law to remain relevant, just, and responsive in a rapidly changing world.<sup>50</sup> *Ijtihad* is the dynamic intellectual force that ensures Islamic principles of justice can be continuously applied to new challenges and evolving societal norms. It enables scholars and legal practitioners to engage in independent reasoning to derive new rulings or reinterpret existing ones in light of changing social and economic realities, without abandoning the foundational principles of Islam.<sup>51</sup> This process involves a critical distinction between shari'ah (the divine way, immutable and eternal principles) and *fiqh* (human understanding and interpretation of shari'ah, which is dynamic, fallible, and context-dependent).<sup>52</sup> This distinction is crucial because it allows for critique and reform of *fiqh* without challenging the sanctity of shari'ah. By challenging patriarchal *fiqh* interpretations that are no longer tenable or are perceived as contrary to the egalitarian spirit of Islam, *ijtihad* can lead to reforms that reflect modern conceptions of gender equality.<sup>53</sup> Through *ijtihad*, scholars can address contemporary issues like women's significant economic contributions and the resulting gender inequality in traditional inheritance distributions. It provides the intellectual justification for "policy revisions that recognize women's economic contributions and normalize equal inheritance rights".<sup>54</sup> It also empowers women's rights advocates to challenge interpretations that deny Muslim women justice and dignified choices.<sup>55</sup> This

---

<sup>49</sup> Roziqin and Fathonih, "The Evolution of Marriage and Inheritance Law in Brunei Darussalam."

<sup>50</sup> Zanariah Noor, *Gender Justice And Islamic Family Law Reform In Malaysia*, n.d.

<sup>51</sup> Ziba Mir-Hosseini, "Towards Gender Equality: Muslim Family Laws and the Shari'ah," *Wanted: Equality and Justice in the Muslim Family*, Musawah Petaling Jaya, 2009, 23–63.

<sup>52</sup> "Malaysia's Sisters in Islam (SIS) | Religion and Public Life."

<sup>53</sup> Mir-Hosseini, "Towards Gender Equality: Muslim Family Laws and the Shari'ah."

<sup>54</sup> Herianto Putra and Desi Anwar, "Muhammad Shahrur's Perspective on Gender Equality in Inheritance Distribution," *Indonesian Journal of Islamic Law* 6, no. 2 (2023): 56–72, <https://doi.org/10.35719/ijil.v6i2.2018>.

<sup>55</sup> Mir-Hosseini, "Towards Gender Equality: Muslim Family Laws and the Shari'ah."

transformative process, however, requires sustained advocacy, collaborative efforts, and inclusive dialogue among feminist scholars, activists, legal practitioners, and religious authorities, often facing significant resistance from conservative factions and institutional barriers.<sup>56</sup>

The following table illustrates the evolution of classical *fiqh* conditions for polygamy towards modern gender justice through the lens of *maqāṣid* and *ijtihād*:

Table 2. Classical *Fiqh* Conditions for Polygamy and Their Evolution Towards Modern Gender Justice

Classical Condition/Principle	Relevant Qur'anic/Hadith Basis	Classical Juristic Interpretation	Modern Interpretation/Challenge (via <i>Maqāṣid</i> & <i>Ijtihād</i> )	Implications for Contemporary Legal Reform
Justice in Material Terms (e.g., spending, accommodation, time)	Q.S. 4:3 ("deal justly"), Hadith on equitable treatment	Equal provision of financial support, housing, and time for each wife. Imam Shafi'i emphasized fairness in livelihood, dwelling, and turns.	Inclusion of emotional justice, which Q.S. 4:129 suggests is inherently difficult to achieve ("You are never able to be fair and just between women..."). Focus shifts to substantive equity,	Stricter court oversight beyond mere financial checks; emphasis on genuine consent of existing wife; re-evaluation of financial capacity to include all dependents'

<sup>56</sup> Leen Budustour, "The Role of Islamic Law in Modern Legal Systems in the Arab Region," accessed August 4, 2025, [https://www.americanbar.org/groups/international\\_law/resources/newsletters/role-islamic-law-modern-legal-systems-arab-region/](https://www.americanbar.org/groups/international_law/resources/newsletters/role-islamic-law-modern-legal-systems-arab-region/).

			recognizing the impossibility of true emotional equality.	holistic well-being.
Financial Capacity	Q.S. 4:3 ("if you fear that you shall not be able to deal justly"), Q.S. 24:33 ("find not the financial means")	Ability to provide mahr (dowry) and ongoing financial support for all wives and children.	Re-evaluation to ensure provision for all dependents' welfare and dignity, not just basic sustenance. Recognition of women's economic contributions and the potential for polygamy to worsen family economic conditions.	Enhanced scrutiny of husband's income; requirement for detailed financial guarantees; consideration of the economic impact on existing family members.
Social Necessity/Protection of Vulnerable	Historical context of Q.S. 4:3 revelation (e.g., Battle of Uhud, many widows/orphan s)	Polygamy as a social solution for vulnerable women (widows, orphans) and specific circumstances (e.g., barrenness of first wife). Not for personal desire.	Emphasis on the <i>maqāṣid</i> of preserving lineage ( <i>hifz al-nasl</i> ) and safeguarding dignity ( <i>hifz al-'ird</i> ) for all, including children from unregistered marriages. Polygamy as an	Legal reforms to address <i>nikah siri</i> and ensure legal identity/rights for children; shift towards monogamy as the ideal marital state, with polygamy reserved for extreme,

			exception, not a norm.	justifiable social needs.	
Permissibility ( <i>ibāḥah</i> ) vs. Ethical Responsibility ( <i>‘adālah</i> )	Q.S. 4:3 (permissibility), Q.S. 4:129 (difficulty of justice)	Legal permissibility, but with a strong ethical preference for monogamy (e.g., Hanbali and Shafi'i schools recommending monogamy). Polygamy categorized as merely "allowed" (	<i>mubah</i> ), not recommended.	<i>Maqāṣid</i> framework prioritizes justice, welfare, and dignity, which are often compromised in polygamous practices. <i>Ijtihād</i> challenges <i>fiqh</i> interpretations that contradict these higher objectives, advocating for substantive gender equity.	Legal frameworks to actively discourage polygamy as a default; increased judicial discretion to deny permits based on substantive justice concerns; public education to promote monogamy as the Islamic ideal.

This table clearly lays out the foundational classical normative bases for polygamy and then traces how these concepts are being reinterpreted through modern lenses of *maqāṣid al-sharī‘ah* and *ijtihād*. It visually demonstrates the intellectual journey from traditional interpretations to more progressive, gender-responsive ones. By showing the "before and after" of interpretation, it highlights the dynamism of Islamic legal thought. It explicitly brings to the forefront the tension between Q 4:3 and Q 4:129, and how *madhāhib* and modern scholars grapple with this, reinforcing the "ideal vs. permitted" dichotomy and the ethical burden of polygamy. This makes the core argument of the report more tangible and serves as a strong basis for arguments advocating for specific legal reforms, showing why certain interpretations are challenged and how new, more equitable understandings are being developed from within Islamic principles.

## Conclusion

Polygamy in Islamic law is normatively tied to the principle of justice, but its practical application in ASEAN jurisdictions raises complex gender and legal questions. The inherent tension between its legal permissibility (*ibāḥah*) and the stringent ethical imperative of absolute fairness (*‘adālah*), as highlighted in classical texts and reinforced by the Qur'anic caution against the impossibility of perfect justice, underscores its status as a qualified allowance rather than an encouraged practice. This normative ideal often positions monogamy as the preferred state, reflecting a deep understanding within classical jurisprudence that the conditions for true justice in a polygamous union are exceptionally difficult to meet.

Existing statutory regulations in Indonesia, Malaysia, and Brunei aim to control potential abuse by imposing conditions such as prior court permission, spousal consent, and proof of financial capacity. However, these regulations frequently prioritize procedural justice—ensuring formal compliance with legal steps—often falling short in addressing deeper substantive gender equity concerns. This gap is evidenced by the persistence of unauthorized marriages (like *nikah siri* in Indonesia), which leave women and children vulnerable, and by the critiques from Muslim women's rights advocates, such as Sisters in Islam in Malaysia, who argue that current legal interpretations and judicial practices are discriminatory and fail to uphold the true spirit of Islamic justice. The focus on procedural adherence, while important, does not fully capture the complex emotional, social, and economic realities of polygamous families, leading to outcomes that may not genuinely promote fairness or protect the well-being of all parties.

A *maqāṣid*-based reinterpretation—grounded in contextual *ijtihād* and informed by a commitment to substantive gender equity—offers a viable and religiously legitimate direction for legal reform. This approach allows for a dynamic understanding of Islamic law that prioritizes the protection of human dignity, welfare, and fairness for all family members, moving beyond rigid, patriarchal interpretations of *fiqh* to align with the higher objectives of shari'ah. By focusing on the overarching ethical aims of Islamic law, this methodology provides an internal mechanism for adapting legal norms to contemporary

challenges, ensuring that the law serves its ultimate purpose of securing benefits and preventing harm for individuals and society.

ASEAN jurisprudence, with its diverse national approaches to balancing religious tradition, legal modernity, and constitutional rights, provides a rich laboratory for rethinking Islamic legal norms in light of evolving gender paradigms. The ongoing efforts to integrate Islamic values with modern legal principles, while navigating colonial legacies and local customs, demonstrate the potential for progressive reform within the region. Continued advocacy, robust legal reform, effective enforcement, and comprehensive public education are essential to bridge the gap between legal intent and lived realities, ensuring that Islamic family law genuinely promotes justice and equality for women in the region and contributes to the well-being of all family members.

## Reference

- Ade Khoirunnisa, Retno Arimbi Dewi, Fatya Zahra Siahaan, Siti Samra, and Aulil Amri. "Comparison of Islamic Family Law in Malaysia and Indonesia." *An-Nisa: Journal of Islamic Family Law* 2, no. 2 (2025): 109–20. <https://doi.org/10.63142/an-nisa.v2i2.226>.
- Affandi, Abdullah, M Mu'tashim Billah, and Muh Syaifudin. "Maqāsidī Exegesis: A Path for Promoting Gender Equality in Contemporary Islamic Discourse." *QOF* 9, no. 1 (2025): 61–80.
- Budustour, Leen. "The Role of Islamic Law in Modern Legal Systems in the Arab Region." Accessed August 4, 2025. [https://www.americanbar.org/groups/international\\_law/resources/newsletters/role-islamic-law-modern-legal-systems-arab-region/](https://www.americanbar.org/groups/international_law/resources/newsletters/role-islamic-law-modern-legal-systems-arab-region/).
- Chiagozie, Abubaker, and Akpofure Akpofure. "An Analysis of Islamic Law on Polygamy Without Court Permission: Legal, Ethical, and Social Perspectives." *SYARIAT: Akhwal Syaksyah, Jinayah, Siyasaḥ and Muamalah* 1, no. 3 (2024): 156–64. <https://doi.org/10.35335/wh2zd103>.
- Emon, Anver M. "The Paradox of Equality and the Politics of Difference: Gender Equality, Islamic Law, and the Modern Muslim State." *SSRN Electronic Journal*, ahead of print, 2011. <https://doi.org/10.2139/ssrn.1758966>.

- “Global Connections . How Many Wives? | PBS.” Accessed August 4, 2025.  
<https://www.pbs.org/wgbh/globalconnections/mideast/educators/women/lesson3a.html>.
- Halima Ibrahim Bature and Babangida Abba. “The Concept And Ethics Of Polygamy In Islamic Teachings.” *International Journal of Education Effectiveness Research*, ahead of print, March 31, 2025. <https://doi.org/10.70382/hijeer.v06i8.017>.
- “Islam and the Question of Gender Equality.” Musawah, 2017.  
<https://www.musawah.org/wp-content/uploads/2019/02/KnowledgeBuildingBriefs-3-Islam-and-the-Question-of-Gender-Equality-EN.pdf>.
- Kamali, Mohammad Hashim. “‘Maqāṣid Al-Sharī’ah’: The Objectives Of Islamic Law.” *Islamic Studies* 38, no. 2 (1999): 193–208.
- Lee, Sarah. “Islamic Law in Asian Governance.” Accessed August 4, 2025. <https://www.numberanalytics.com/blog/islamic-law-asian-governance>.
- “Malaysia to Study Islamic Polygamy | HeraldNet.Com.” Accessed August 4, 2025. <https://www.heraldnet.com/news/malaysia-to-study-islamic-polygamy/>.
- “Malaysia’s Sisters in Islam (SIS) | Religion and Public Life.” Accessed August 4, 2025. <https://rpl.hds.harvard.edu/religion-context/case-studies/gender/malaysias-sisters-islam>.
- Mir-Hosseini, Ziba. “Towards Gender Equality: Muslim Family Laws and the Shari’ah.” *Wanted: Equality and Justice in the Muslim Family*, Musawah Petaling Jaya, 2009, 23–63.
- Musanna, Khadijatul, Aulia Fitri, Azhar Junaidi, and Akhmad Roja Badruzaman. “Polygamy Legal Politics in Southeast Asian Muslim Countries: Legal Pluralism and Qur’anic Perspectives.” *Jurnal Pere* 19, no. 2 (2021): 131–47.
- Noor, Zanariah. *Gender Justice And Islamic Family Law Reform In Malaysia*. n.d.
- Polygamy In Malaysia*. n.d. Accessed August 4, 2025. <https://hasrinahakimi.co/polygamy-in-malaysia/>.
- “Polygyny in Islam - Islam Question & Answer.” Accessed August 4, 2025. <https://islamqa.info/en/answers/14022/polygyny-in-islam>.
- Putra, Herianto, and Desi Anwar. “Muhammad Shahrur’s Perspective on Gender Equality in Inheritance Distribution.” *Indonesian*

- Journal of Islamic Law* 6, no. 2 (2023): 56–72.  
<https://doi.org/10.35719/ijil.v6i2.2018>.
- Rashid, Syahirul Syazwan bin. تعدد الزوجات في الإسلام: دراسة ميدانية على المجتمع البروناي. 2022.
- Rifqi, Muhammad Jazil, Nurul Asiya Nadhifah, Mukhammad Nur Hadi, Abdul Basith Junaidy, and Agus Solikin. “Children’s Legal Identity at Stake: Reconstructing Maqasid al-Syari’ah through Marriage Isbat Applications by the Second Generation in Pasuruan.” *El-Mashlahah* 15, no. 1 (2025): 125–48.  
<https://doi.org/10.23971/el-mashlahah.v15i1.9068>.
- Roziqin, Opik, and Ah. Fathonih. “The Evolution of Marriage and Inheritance Law in Brunei Darussalam: A Comparative and Historical Study.” *Indonesian Journal of Advanced Research* 3, no. 11 (2024): 1675–88.  
<https://doi.org/10.55927/ijar.v3i11.12117>.
- Saidatina, Siti, and Ahdiyatul Hidayah. “The Concept of Justice As A Requirement For Polygamy According To The Imam Syafi’i Mazhab.” *Jurnal Al-Fikrah* 12, no. 2 (2023): 206–18.
- Utami, Puput Putri, Asep Saepullah, and Akhmad Shodikin. “Protection of Women’s Rights in Polygamy in Indonesia.” *Journal of Law and Social Politics* 1, no. 1 (2023): 1–16.
- Widiani, Desti, and Dwiky Bagus Setyawan. “Polygamy in Islamic Family Law in Indonesia (Comparative Study on Law Number 1 of 1974 and the Compilation of Islamic Law).” In *Proceedings of the 1st International Seminar on Sharia, Law and Muslim Society (ISSLAMs 2022)*, edited by Putu Widhi Iswari, Andi Wicaksono, Qosim Khoiri Anwar, Al Farabi, Muhammad Hanif Al Hakim, and Sigit Arif Bowo. Atlantis Press SARL, 2022.  
[https://doi.org/10.2991/978-2-494069-81-7\\_12](https://doi.org/10.2991/978-2-494069-81-7_12).