

**A Review of Islamic Law on the Practice of Polyandry:
Contextual and Juridical Analysis**

Nailur Rahmi

Universitas Islam Negeri Mahmud Yunus Batusangkar, Indonesia

Article Information

Article history:

Received August 13, 2024

Revised October 20, 2024

Accepted January 28, 2025

Keywords

Islamic Law;
Legal Socialization.
Lineage;
Marriage;
Polyandry;

Correspondence

Nailur Rahmi

Faculty of Sharia,
Universitas Islam Negeri
Mahmud Yunus Batusangkar,
Indonesia

E-mail:
inelzena02@gmail.com

A B S T R A C T

This study aims to understand the perspective of Islamic law on the practice of polyandry, focusing on contextual and juridical analysis. The method used is a literature review with a descriptive qualitative approach. Data were collected from relevant books and scientific articles, then analyzed through steps of data reduction, display, and conclusion drawing, as well as validation through source triangulation and cross-checking. The results of the study indicate that from the perspective of Islamic law, polyandry is strictly prohibited as it contradicts the principles of lineage (nasab) and inheritance law. This prohibition aims to maintain the purity of lineage and legal certainty for children. Additionally, the study identifies factors that lead to the occurrence of polyandry, such as marital status uncertainty and socio-economic conditions. Strong and consistent law enforcement, along with education and socialization by the government and religious institutions, are effective measures to prevent polyandry. The conclusion of this study is that the prohibition of polyandry in Islamic law is based not only on theological considerations but also on social and juridical ones, highlighting the importance of a holistic approach to address this phenomenon.

1. Introduction

Polyandry is a marriage system where a woman has more than one husband at the same time (Azam, 2015). Although this phenomenon is rare and contrary to dominant social and religious norms, it can still be found in some contemporary societies (Luintel, 2004). In the context of Islam, polyandry is considered an illegitimate practice and is strictly prohibited. This is due to various negative implications, particularly related to the legal status of children born from such unions and the clarity of lineage (Hamsah & Rahmi, 2023). The background of this study focuses on understanding why polyandry is prohibited in Islam and how this view is formed based on religious texts.

Historically, Muslim societies have upheld family values and either monogamy or polygyny as legitimate forms of marriage. Polygyny, where a man has more than one wife, is permitted under certain conditions (Qurtuby, 2022). However, its opposite, polyandry, has never gained legitimacy in Islamic law. This is because polyandry creates ambiguity in lineage, which is a crucial aspect of Islamic law. Clear lineage is necessary to determine inheritance rights, legal status, and family responsibilities. Thus, the prohibition of polyandry in Islam is based not only on theological rules but also on complex social and juridical considerations.

The study of polyandry from the perspective of Islamic law is important to understand the theological and juridical reasons behind its prohibition and to provide guidance for societies that may encounter similar situations (Juhani & Tahmid, 2022). This study is also important to understand how societies practicing polyandry can be integrated into the existing legal framework. By examining this phenomenon from a broader perspective, this research hopes to provide deeper insights into the interaction between religious law and social practices in different contexts.

Various studies have explored the concept of polyandry and its implications in society. For instance, Maswandi et al. (2020); Syarif (2016); and Hudodo et al. (2023) states that from a juridical perspective, polyandry contradicts the principle of monogamy emphasized in Islamic law, where a wife can only marry one husband. Another study by Madjdian (2018); Montle (2021); Mukherjee & Das (2014); and Rahimzadeh (2023) reveals that factors triggering polyandry include economic aspects, distance from the husband, and lack of religious understanding. Maswandi (2023); Syarifuddin (2009); and Azam (2015) emphasizes that judges in polyandry cases often consider the welfare of the child and use the Quran and Hadith as the basis for making fair legal decisions.

Although there has been research discussing polyandry from various perspectives, there is still a gap in comprehensive analysis that combines contextual and juridical aspects. This study attempts to fill that gap by examining the phenomenon of polyandry not only from the textual standpoint of Islamic law but also by considering the social and cultural contexts in which polyandry cases occur. This research provides a new contribution by offering an in-depth analysis of how Islamic law is applied in contemporary polyandry cases and its impact on society. The research addresses several key issues: the perspective of Islamic law on the practice of polyandry in modern society, the factors contributing to the occurrence of polyandry today, the application of Islamic law in resolving polyandry cases, and the implications for the legal status of children and the clarity of lineage.

The objectives of this study are to provide a deeper understanding of the perspective of Islamic law on polyandry, focusing on contextual and juridical analysis. This research also aims to identify the factors influencing the occurrence of polyandry in society and to evaluate the application of Islamic law in resolving polyandry cases. Thus, it is hoped that this research can contribute to the development of Islamic family law and help society understand the legal implications of polyandry practices.

2. Method

This study is a type of library research conducted by examining various reference books and previous research results relevant to obtain a theoretical basis for the problem under study. The research uses secondary data sources, including books and scientific articles related to the topics of polyandry and divorce. The research design is descriptive qualitative to understand the phenomenon of polyandry from the perspective of Islamic law. Data is collected through library research by reading, noting, and reviewing books and articles relevant to the discussed topic (Denzin & Lincoln, 2009).

The data sources used are secondary sources, including books and scientific articles related to polyandry and Islamic divorce law. These books and articles are selected based on the relevance and credibility of the sources. Data is collected through library research techniques, which involve reading and noting important information from relevant books and articles. The collected data is then processed through selection and simplification to ensure the accuracy and relevance of the information.

The data collected is processed through data reduction steps, which involve selecting and simplifying raw data in written notes. The reduced data is then displayed to provide a clearer understanding of the information. After the data is displayed, the next step is to draw conclusions from the analyzed data. These conclusions are then used to present new findings from this research. To ensure data validity, this study uses source triangulation by comparing information from various references. Validity is also reinforced through cross-checking among the data sources used.

By using a descriptive qualitative approach through library research, this study seeks to understand and explain the phenomenon of polyandry from the perspective of Islamic law. Through systematic data collection and analysis techniques, this research aims to provide a significant contribution to the study of Islamic law related to the practice of polyandry.

3. Results and Discussion

3.1 Understanding and Legal Basis of Polyandry

Polyandry is a relatively rare marriage system compared to other forms of marriage such as monogamy and polygyny. Etymologically, the term polyandry comes from Greek, with "polus" meaning many, and "aner" or "andros" meaning man. Terminologically, polyandry is defined as a condition in which a woman has more than one husband simultaneously. This practice is found in some traditional societies worldwide, though it is very rare and often seen as an exception rather than the rule (Cassidy & Lee, 1989).

In anthropological studies, polyandry can be categorized into two main types: fraternal (or adelphic) polyandry and non-fraternal polyandry. Fraternal polyandry occurs when a woman marries several brothers, while non-fraternal polyandry happens when the woman

marries men who are not brothers (Rahimzadeh, 2020). The reasons behind this practice vary depending on social, economic, and cultural contexts. For instance, in some agrarian communities in Tibet and Nepal, fraternal polyandry is considered a way to avoid the fragmentation of family land, thus keeping the family estate intact and ensuring economic stability (Zhi-nong & Shu-qing, 2023).

Beyond the anthropological context, polyandry has significant legal and theological implications, especially within dominant religious and cultural contexts such as Islam. According to Islamic views, polyandry is strictly prohibited. Maswandi (2023), an Islamic legal scholar, explained that polyandry is a situation where a woman has more than one husband simultaneously, and this practice is not justified in Islamic law. This aligns with the majority view of scholars who base this prohibition on various religious texts and fundamental principles outlined in the Quran and Hadith.

In the Quran, the prohibition of polyandry can be found in several verses that emphasize the importance of clear lineage (*nasab*) and the responsibilities of the husband toward his wife and children. One of the often-cited verses is Surah An-Nisa' 24, which states that married women are forbidden for marriage except those whom their right hands possess. Zuhaili, (1418) explained that this verse indicates that a woman in a marital bond is prohibited from being proposed to by another man, whether directly or indirectly, even if she is to be married after a divorce and the completion of her waiting period (*iddah*).

In the positive law applicable in Indonesia, polyandry is also prohibited under the Marriage Law and the Compilation of Islamic Law. The Marriage Law No. 1 of 1974, which forms the legal basis for marriage in Indonesia, explicitly stipulates that a woman may only have one husband. Article 3, paragraph (1) states that in principle, in a marriage, a husband may only have one wife, and a wife may only have one husband. Additionally, the Compilation of Islamic Law, which serves as a guideline for Indonesian Muslims on issues of marriage, inheritance, and waqf, also reinforces the prohibition of polyandry (Rohbaniah & Muliya, 2016).

Nevertheless, in practice, cases of polyandry can still be found in society, particularly when there is uncertainty regarding the marital status due to the lengthy divorce process in court or when a husband leaves his wife for an extended period without divorcing her. In such situations, some women might feel compelled to remarry for economic or social reasons, even though their first marriage has not officially ended (Azam, 2015). Such marriages, from the perspective of Islamic law, fall into the category of prohibited polyandrous marriages. To address this issue, it is essential for the government and religious authorities to provide better understanding to the public about marriage laws and the implications of polyandry.

In a global context, the study of polyandry also offers valuable insights into the diversity of marriage practices across different cultures and societies. Although polyandry is rarely found, anthropological studies show that this practice can emerge under certain social and economic conditions that affect family structure. For instance, in some Himalayan societies, fraternal polyandry becomes a practical solution to avoid the division of narrow agricultural land, allowing families to maintain their wealth and economic stability (Luintel, 2004). In such societies, polyandry is not just an anomaly but an adaptation to harsh environments and limited resources.

However, despite polyandry's possible rationality in certain cultural and economic contexts, this practice remains contrary to the basic principles of Islamic law, which emphasize clear lineage, the husband's responsibilities toward his wife and children, and family stability and harmony. Therefore, a comprehensive understanding of polyandry requires an analysis that considers anthropological, legal, and theological perspectives. Through this holistic approach, we can better understand why polyandry is prohibited in Islam and how this prohibition contributes to broader goals in Islamic family law.

3.2 Prohibition of Polyandry in Islamic Law

From the perspective of Islamic law, polyandry is strictly prohibited as it contradicts the fundamental principles outlined in the Quran and Hadith. This prohibition aims to preserve the clarity of lineage (*nasab*), protect the rights of children, and ensure that the husband's responsibilities and obligations toward his wife and children are properly fulfilled. Polyandry, where a woman has more than one husband simultaneously, not only causes uncertainty in lineage but can also lead to various negative social and psychological implications (Juhanis & Tahmid, 2022).

The legal basis for prohibiting polyandry can be found in the Quran, specifically in Surah An-Nisa' verse 24, which states that married women are forbidden to be married by others except those whom their right hands possess. This verse emphasizes that a woman in a marital bond is prohibited from being proposed to by another man, whether directly or indirectly, even if she is to be married after a divorce and the completion of her waiting period (*iddah*). Zuhaili (1418) highlighted that this prohibition aims to maintain clear lineage and avoid conflicts in determining inheritance rights and family responsibilities.

Furthermore, the prohibition of polyandry in Islam is reinforced by various Hadiths of Prophet Muhammad SAW. In one Hadith narrated by Aisha RA, the Prophet SAW stated that a married woman is not allowed to marry again before a legitimate divorce from her first husband and after the completion of her *iddah*. This shows that Islam places great importance on the clarity of marital status and the lineage of children in maintaining order and justice in society.

The significance of maintaining clear lineage in Islam cannot be overstated. Clear lineage ensures that every child born has well-defined rights within the Islamic legal system, including inheritance rights, the right to care, and the right to receive protection and financial support from their biological father. In the Islamic legal system, a child in the womb has the right to a full share if the father passes away. If a woman has more than one husband simultaneously, it becomes very challenging to determine the biological father of the children born from such marriages. This uncertainty can lead to various legal and social issues, including in determining inheritance rights and family responsibilities (Maswandi et al., 2020).

From the perspective of Islamic law, marriage is a sacred bond that regulates not only the relationship between husband and wife but also the relationship between parents and their children. Therefore, maintaining clear lineage is one of the primary objectives of marriage in Islam. In classical fiqh books, such as Imam Malik's *Al-Muwatta'* and Imam Shafi'i's *Al-Umm*, it is explained that one of the conditions for a valid marriage is the clear marital status of both parties. If one party is still bound in marriage to another person, the marriage is considered invalid.

Additionally, the prohibition of polyandry is based on the principles of justice and family welfare. In Islam, the husband has significant responsibilities toward his wife and children, including providing financial support, protection, and guidance. If a woman has more than one husband, these responsibilities become blurred and challenging to fulfill properly. Moreover, the relationships between husbands and between the husband and wife can become very complex and potentially conflictual (Baderin, 2017). From a social perspective, the practice of polyandry can disrupt the stable and harmonious family structure, which is one of the main objectives of marriage in Islam.

In the positive law applicable in Indonesia, the prohibition of polyandry is also clearly regulated. The Marriage Law No. 1 of 1974, which forms the legal basis for marriage in Indonesia, explicitly stipulates that a woman may only have one husband. Article 3, paragraph (1) states that in principle, in a marriage, a husband may only have one wife, and a wife may only have one husband. Additionally, the Compilation of Islamic Law (KHI), which serves as a guideline for Indonesian Muslims on issues of marriage, inheritance, and waqf, also reinforces the prohibition of polyandry (Rohbaniah & Muliya, 2016).

Despite the strict prohibition of polyandry in Islamic law and positive law in Indonesia, this practice still occurs in some communities, particularly when there is uncertainty regarding marital status due to the lengthy divorce process in court or when a husband leaves his wife for an extended period without divorcing her. In such situations, some women might feel compelled to remarry for economic or social reasons, even though their first marriage has not officially ended. Such marriages, from the perspective of Islamic law, fall into the category of prohibited polyandrous marriages.

In a global context, the prohibition of polyandry in Islam also aligns with the fundamental principles upheld by many legal systems worldwide. Although some traditional societies still practice polyandry, most countries with modern legal systems prohibit this practice for reasons similar to those stated in Islamic law. Principles of justice, clear lineage, and family responsibility are universal values respected by many cultures and religions worldwide.

From a theological perspective, the prohibition of polyandry in Islam also reflects the view that marriage is a sacred and exclusive bond between one man and one woman. In Islam, marriage is considered one of the most important Sunnah of Prophet Muhammad SAW, and maintaining the integrity and harmony of marriage is one of the main objectives in family life. By prohibiting polyandry, Islam seeks to uphold these values and ensure that each marriage provides maximum benefit to all parties involved (Baderin, 2017).

In conclusion, the prohibition of polyandry in Islamic law is based on various theological, legal, and social reasons. Islam emphasizes the importance of clear lineage, the husband's responsibility toward his wife and children, and maintaining family stability and harmony. Although the practice of polyandry may emerge in certain cultural and economic contexts, this prohibition aims to protect children's rights, ensure justice in family relationships, and uphold the fundamental values held by Islamic law. Through education, socialization, and consistent law enforcement, it is hoped that the practice of polyandry can be minimized, and the sacred values of marriage can be maintained in Muslim communities.

3.3 Legal Implications of Polyandry

Polyandry, where a woman has more than one husband simultaneously, is a practice prohibited in Islamic law. This prohibition is based not only on theological principles but also on deep legal and social considerations. In the context of Islamic law, the implications of polyandry are serious, as it can cause uncertainty in various legal aspects, especially those related to lineage (*nasab*), inheritance rights, and family responsibilities. This section will detail the legal implications of polyandry, focusing on the prohibition's objectives to preserve the purity of lineage and legal certainty for a child, and its impact on inheritance rights in Islam.

Certainty of Lineage in Islam

One of the primary objectives of prohibiting polyandry in Islamic law is to preserve the purity of lineage. Clear lineage is crucial in the Islamic legal system because many rights and obligations depend on the clarity of descent. For instance, inheritance rights, maintenance responsibilities, and other family-related rights all hinge on the clarity of *nasab*. The Quran and Hadith place significant emphasis on the importance of knowing one's ancestry to ensure these rights are fairly fulfilled.

In the context of polyandry, ensuring clear lineage becomes very difficult. When a woman has more than one husband, determining the biological father of the children born becomes highly complicated. This can lead to serious legal implications. For example, in matters of inheritance, a child without a clear lineage would not receive their full rights due to the uncertainty regarding their biological father. This could disadvantage the child and result in unfair distribution of the inheritance (Mukherjee & Das, 2014).

Inheritance Rights in Islam

In Islamic inheritance law, clear lineage is crucial because it determines who is entitled to a share of the estate. According to the Quran, a child still in the womb is entitled to a full share of the inheritance if their father passes away. However, in cases of polyandry, determining the biological father becomes very complicated, making it difficult to ensure a fair inheritance share for the child (Syarifuddin, 2009).

Classical fiqh books, such as Imam Malik's *Al-Muwatta'* and Imam Shafi'i's *Al-Umm*, assert that one of the conditions for a valid marriage is the clear marital status of both parties. If one party is still married to another person, the marriage is considered invalid. In cases of polyandry, the validity of the marriage is questioned, making it possible that children born from such marriages are considered illegitimate or without clear inheritance rights.

Social and Psychological Implications

Besides legal implications, polyandry also has significant social and psychological impacts. In societies that adhere to monogamy or polygyny, polyandry can cause instability and conflict within families. Children born from polyandrous marriages may face social stigma and discrimination due to the unclear lineage. Additionally, the relationships between husbands in a polyandrous marriage can be very complex and potentially lead to disputes.

From a psychological perspective, children growing up in a polyandrous environment may experience confusion and difficulty understanding their family relationships. They might feel deprived of attention and affection from their biological father due to the uncertainty

about who their real father is. This can negatively impact the psychological and emotional development of the children (Maswandi, 2023).

Family Responsibilities

In Islam, a husband has significant responsibilities toward his wife and children, including providing financial support, protection, and guidance. If a woman has more than one husband, these responsibilities become unclear and difficult to fulfill properly. Additionally, the relationships between the husbands and between the husband and wife can become very complex and potentially conflictual.

In the context of polyandry, the husband's responsibilities toward his wife and children cannot be optimally fulfilled. Husbands may be confused about their roles and responsibilities, which ultimately affects the well-being of the wife and children. In the long term, this can lead to fractures in family relationships and disrupt the stability and harmony of the household (Hamsah & Rahmi, 2023).

Role of Government and Religious Authorities

To address the issue of polyandry and its implications, it is important for the government and religious authorities to provide a better understanding to the community about marriage laws and the implications of polyandry. One effort that can be undertaken is through socialization and education on *munakahat* (marriage) laws to the community, especially prospective brides and grooms.

The Office of Religious Affairs (KUA), as the institution responsible for marriage administration in Indonesia, can play a key role in this matter. Through socialization programs and premarital counseling, prospective brides and grooms can gain a deeper understanding of marriage regulations in Islam, including the prohibition of polyandry and the negative impacts of this practice. Additionally, this socialization can help raise public awareness about the importance of clear lineage and children's rights in the Islamic legal system (Syarif, 2016).

Consistent Law Enforcement

Besides socialization and education, it is also important to strengthen law enforcement related to the prohibition of polyandry. The government, through judicial institutions and religious authorities, must ensure that every case of polyandry found in the community is handled firmly in accordance with applicable laws. Consistent and fair law enforcement will act as a deterrent for those attempting to violate the rules and provide legal protection for women and children who may be involved in polyandry cases.

Polyandry Cases in Society

Although Islamic law and positive law in Indonesia have strictly prohibited polyandry, this practice still occurs in some communities, especially when there is uncertainty about marital status due to the lengthy divorce process in court or when a husband leaves his wife for an extended period without divorcing her. In such situations, some women may feel compelled to remarry for economic or social reasons, even though their first marriage has not officially ended (Hudodo et al., 2023).

Such marriages, from the perspective of Islamic law, fall into the category of prohibited polyandrous marriages. To address this issue, it is important for the government and religious

authorities to provide a better understanding to the community about marriage laws and the implications of polyandry (Rohbaniah & Muliya, 2016).

Conflict with Local Cultures

Additionally, in some regions, polyandry may still be practiced due to cultural or traditional reasons. For instance, in some traditional communities in the Himalayan mountains, polyandry is practiced as a strategy to control population and keep family land intact. This practice contradicts Islamic law and positive law in many countries, including Indonesia.

To resolve the conflict between religious and customary laws, a sensitive and inclusive approach is needed. The government and religious authorities can collaborate with traditional leaders and community figures to develop programs that educate the community about the negative impacts of polyandry and the importance of clear lineage in the Islamic legal system. Dialogue and good cooperation among various parties will help find solutions that respect local traditions while adhering to Islamic legal provisions (Hudodo et al., 2023).

Comparative Legal Approaches

From a comparative legal perspective, most countries with modern legal systems also prohibit polyandry. Principles of justice, clear lineage, and family responsibility are universal values respected by many cultures and religions worldwide. Although some traditional societies still practice polyandry, most countries prohibit this practice for reasons similar to those outlined in Islamic law.

For example, in Hindu law, polyandry is also prohibited, and only polygyny is allowed under certain conditions. In Western countries, marriage laws are generally based on the principle of monogamy, and polyandry is considered illegal. Thus, the prohibition of polyandry in Islamic law aligns with many internationally applicable legal principles (Zhi-nong & Shu-qing, 2023).

In conclusion, the legal implications of polyandry are serious and far-reaching, particularly in terms of preserving the purity of lineage and legal certainty for a child. The prohibition of polyandry in Islamic law is based on deep theological, legal, and social principles. By maintaining clear lineage, ensuring inheritance rights, and protecting family responsibilities, Islamic law seeks to create a just and prosperous society.

The government and religious authorities play a crucial role in educating the community about the negative implications of polyandry and ensuring consistent law enforcement. Through socialization, education, and firm law enforcement, it is hoped that the practice of polyandry can be minimized, and the sacred values of marriage can be maintained in Muslim communities. Empirical research and case studies can also provide valuable insights for developing effective strategies to address the issue of polyandry and its impact on society.

3.4 Perspective of Positive Law in Indonesia

In Indonesia, the prevailing legal system is a mix of customary law, Islamic law, and Western law introduced by the Dutch colonialists. One of the issues strictly regulated in Indonesia's positive law is marriage, including the prohibition of polyandry. Polyandry, which

means a woman having more than one husband simultaneously, is a practice prohibited not only under Islamic law but also under Indonesian positive law. Although the law clearly prohibits polyandry, cases still occur in society. This article will discuss the perspective of Indonesian positive law on polyandry, its legal basis, and the challenges in its implementation and enforcement.

Legal Basis of Positive Law in Indonesia

Positive law in Indonesia regarding marriage is governed by Law Number 1 of 1974 on Marriage and the Compilation of Islamic Law (KHI). This law regulates various aspects of marriage, including the conditions for marriage, the rights and obligations of husband and wife, and certain prohibitions in marriage. Article 3, paragraph (1) of the Marriage Law states that in principle, in a marriage, a man may only have one wife and a woman may only have one husband. This provision explicitly prohibits polyandry and emphasizes that marriage in Indonesia must be based on the principle of monogamy.

Additionally, the Compilation of Islamic Law (KHI), regulated by Presidential Instruction Number 1 of 1991, also prohibits polyandry. KHI serves as a guideline for religious courts in resolving cases related to Islamic family law, including marriage and divorce. Article 40 of KHI states that a woman still bound in marriage to a husband may not marry again before her previous marriage is legally dissolved. This provision reiterates the prohibition of polyandry in the context of Islamic law applicable in Indonesia (Burhanudin, 2019).

Cases of Polyandry in Society

Despite the clear regulations in the law prohibiting polyandry, this practice is still found in some areas of Indonesia. One of the main causes of polyandry cases is the uncertainty of marital status due to lengthy divorce proceedings in court. In some cases, the prolonged and complicated divorce process makes women feel trapped in uncertain situations. They may feel compelled to remarry for economic or social reasons, even though their first marriage has not been officially dissolved (Maswandi, 2020).

Moreover, there are cases where the husband abandons his wife for an extended period without divorcing her. In such situations, the wife may find it difficult to file for divorce due to the uncertainty of her husband's whereabouts. As a result, some women decide to remarry to ensure their financial and social security, although this contradicts the existing law.

Legal Implications of Polyandry

The legal implications of polyandry are severe and far-reaching. In the context of inheritance law, polyandry can lead to unclear lineage, which in turn affects children's inheritance rights. According to Islamic inheritance law, a legitimate child has inheritance rights from their father. However, if a child's lineage is unclear due to polyandry, their inheritance rights become uncertain. This can lead to family conflicts and injustices in the distribution of inheritance (Cassidy & Lee, 1989).

Furthermore, polyandry also impacts the validity of marriage and the rights of the spouses. A marriage conducted by a woman still bound in marriage to her first husband is considered invalid under Islamic law and Indonesian positive law. Consequently, children born from such marriages may not have clear legal status, and their rights may not be recognized by society and the law (Hudodo et al., 2023).

Challenges in Law Enforcement

One of the biggest challenges in enforcing the law regarding polyandry is the community's non-compliance with existing regulations. Although the laws and regulations clearly prohibit polyandry, many people do not understand or comply with these provisions. This is due to various factors, including a lack of socialization and education about marriage law, distrust in the judicial system, and social or economic pressures (Maswandi, 2020).

Additionally, inconsistent law enforcement also poses a challenge. In some cases, legal authorities may not take firm action against polyandry cases due to certain reasons, such as pressure from influential parties or a lack of strong evidence. As a result, the practice of polyandry can continue without clear legal consequences.

The Role of the Government and Religious Authorities

To address the issue of polyandry and enhance compliance with marriage laws, the government and religious authorities need to collaborate in socializing and educating the community. The Office of Religious Affairs (KUA) and related institutions can play a crucial role in providing better understanding about marriage laws and the implications of polyandry. Socialization programs and premarital counseling can help prospective couples understand the legal provisions and the importance of clear lineage in the Islamic legal system (Syarif, 2016).

Moreover, strengthening the judicial system and consistent law enforcement are also vital. The government must ensure that every polyandry case found in society is handled firmly according to the prevailing legal provisions. Fair and consistent law enforcement will deter those who attempt to violate the rules and provide legal protection for women and children who may be involved in polyandry cases.

Approach to Customary and Local Law

Apart from national and religious laws, customary law also plays an important role in Indonesian society. In some areas, customary law remains strong and influences marriage practices. Some traditional communities may have different views on polyandry and marriage in general. Therefore, an inclusive and sensitive approach to local culture is necessary to address the issue of polyandry.

The government and religious authorities can collaborate with local leaders and community figures to develop programs that educate the community about the negative impacts of polyandry and the importance of clear lineage. Good dialogue and cooperation between various parties will help find solutions that respect local traditions while still adhering to national and religious legal provisions.

The perspective of positive law in Indonesia on polyandry is firm and clear: polyandry is prohibited according to the Marriage Law and the Compilation of Islamic Law. Nonetheless, cases of polyandry still occur in society due to the uncertainty of marital status and social or economic pressures. The legal implications of polyandry are serious, especially regarding the clarity of lineage and children's inheritance rights.

To address this issue, the government and religious authorities need to collaborate in socializing and educating the community and ensuring consistent and fair law enforcement.

Additionally, an inclusive and sensitive approach to local culture is necessary to find solutions that respect local traditions while adhering to national and religious legal provisions. Research and case studies on polyandry can provide deeper insights and help develop more effective strategies to tackle this issue (Syarifuddin, 2009).

With coordinated and comprehensive efforts, it is hoped that the practice of polyandry can be minimized and the sacred values of marriage and the importance of clear lineage in the Islamic legal system can continue to be upheld in Indonesian society.

3.5 Impact and Prevention of Polyandry

Polyandry, the practice where a woman has more than one husband simultaneously, has various negative implications in legal, health, and social contexts. Although it is prohibited under Islamic law and Indonesian positive law, polyandry still occurs in some communities. This article will thoroughly discuss the impacts of polyandry and the efforts made by the government and society to prevent this practice.

Impacts of Polyandry

One of the main impacts of polyandry is the uncertainty of a child's lineage. Under Islamic law and Indonesian positive law, lineage must be clear to determine inheritance rights, family relationships, and parental responsibilities. In cases of polyandry, a child born to a woman with more than one husband faces uncertainty in identifying their biological father. This can lead to various issues, including unclear inheritance rights and questions about the child's legitimacy. This ambiguity can affect the child's social status and their rights within society. Without certainty regarding their biological father, these children might experience discrimination and social rejection, negatively impacting their psychological and emotional development. This situation can also disrupt child-rearing and education processes due to differing views and responsibilities among the husbands. The uncertainty of a child's lineage also affects the legitimacy of their future marriage, as unclear lineage can become a barrier in the marriage process in societies that prioritize lineage (Hudodo et al., 2023).

Polyandry increases the risk of transmitting sexually transmitted infections (STIs). With sexual relations involving more than one partner simultaneously, the risk of spreading diseases such as HIV/AIDS, syphilis, and gonorrhea becomes higher. These diseases not only impact individual health but can also spread more widely within the community, placing a greater burden on public health. This is particularly problematic in areas with limited access to healthcare services and sexual health education. Lack of knowledge and adequate healthcare facilities exacerbates this condition, leading to faster and wider spread of STIs. In the long term, this can lead to increased morbidity and mortality rates in the community, as well as a significant economic burden on the country's healthcare system. Education on sexual and reproductive health becomes crucial in preventing the spread of STIs, but in polyandrous practices, such education is often neglected (Cassidy & Lee, 1989).

Polyandry can also cause psychological and social problems. Children growing up in polyandrous families may face social stigma and discrimination. They may feel confused about their identity and have difficulty establishing healthy social relationships. Additionally, conflicts among husbands in polyandrous families can create an unstable and stressful family environment. This can affect the psychological well-being of the children and spouses

involved in the marriage. Children may experience feelings of isolation and low self-esteem, impacting their academic performance and social development. Conflicts between husbands can also lead to domestic violence, negatively affecting the mental and emotional health of all family members. Living in a family filled with disputes and tension can make children feel unsafe and unloved, leading to serious developmental disorders. Moreover, women involved in polyandrous marriages may experience significant mental stress due to the need to adjust to the demands and expectations of multiple husbands, potentially resulting in stress, anxiety, and depression.

Prevention Efforts by Government and Society

The government, through the Office of Religious Affairs (KUA), has undertaken various socialization and educational efforts regarding marital laws and regulations for the public. This socialization is mainly targeted at prospective couples to ensure they understand the prohibition of polyandry in Islam and Indonesian positive law. KUA conducts pre-marital guidance that includes materials on the importance of clear lineage, the negative impacts of polyandry, and the significance of sexual health. With proper education, it is hoped that prospective couples can make informed decisions and comply with the applicable legal provisions. These pre-marital guidance sessions not only provide information but also facilitate discussions and Q&A sessions, enabling prospective couples to understand the legal and social consequences of their actions (Syarifuddin, 2009).

In addition to government efforts, religious and customary institutions also play a crucial role in preventing polyandry. These institutions have strong authority and influence in their communities. Through sermons, seminars, and community programs, they can disseminate information about the negative impacts of polyandry and the importance of following legitimate marriage laws. Community-based approaches are effective in addressing resistance to change and promoting better practices. The role of religious and customary leaders in providing education and advice is essential because they are often regarded as role models in the community. Collaboration with religious and customary institutions also helps build community trust in the information provided.

Robust and consistent law enforcement is also vital in preventing polyandry. The government must ensure that every case of polyandry found in society is dealt with firmly in accordance with applicable laws. This includes imposing clear and strict sanctions on those who violate the law. Strong law enforcement will provide a deterrent effect and demonstrate that the government is serious about maintaining the integrity of the marriage system. With strict sanctions, it is hoped that society will comply with the law and avoid practices that violate regulations. Additionally, transparency in law enforcement is crucial to ensure that every case is handled fairly without abuse of power.

To address health issues related to polyandry, the government also needs to improve public access to health services and counseling. Quality sexual health services can help prevent the spread of STIs and provide necessary reproductive health support. Moreover, counseling services can assist couples involved in polyandry to understand the risks and consequences of their actions and provide the necessary psychological support. Improving access to healthcare should be accompanied by educational campaigns explaining the importance of routine health check-ups and the use of STI prevention methods. Available counseling services should be

friendly and open to all, so that couples in need do not feel ashamed or afraid to seek help (Maswandi, 2023).

Given Indonesia's cultural diversity, inclusive and culturally sensitive approaches to customary and local laws are also important in preventing polyandry. The government and religious authorities need to collaborate with traditional leaders and community figures to develop programs that educate the public about the negative impacts of polyandry. By respecting local traditions while adhering to national and religious legal provisions, this approach can be more effective in reducing polyandry practices in various regions. Integrating local cultural values into educational campaigns can make messages more acceptable and understandable to the community. Collaboration with traditional leaders and community figures can also help identify hidden cases of polyandry and provide solutions that align with the local cultural context.

4. Conclusion

This study has comprehensively examined the practice of polyandry from the perspective of Islamic law, focusing on contextual and juridical analysis. Polyandry, etymologically derived from Greek meaning a woman having more than one husband, is explicitly prohibited in Islamic law. This prohibition is based on verses of the Qur'an and hadiths, which emphasize the importance of maintaining clarity of lineage and the rights of children within the family system.

This research found that the prohibition of polyandry in Islamic law aims to preserve the purity of lineage and ensure legal certainty for a child. In cases of polyandry, the uncertainty of lineage can lead to various legal issues, including inheritance rights and the social status of the child. Additionally, polyandry can increase the risk of sexually transmitted infections due to sexual relations with multiple partners.

In the context of Indonesian positive law, polyandry is also prohibited under the Marriage Law and the Compilation of Islamic Law. Nevertheless, cases of polyandry are still found in society, especially in situations where there is uncertainty regarding marital status or due to prolonged divorce processes in court. This indicates gaps in law enforcement that need to be addressed.

The negative impacts of polyandry, from legal, health, and social perspectives, underscore the importance of effective preventive measures. The government, through the Office of Religious Affairs (KUA), has been conducting socialization and education on marital laws and regulations for the public. This education and socialization aim to enhance public understanding of the dangers and prohibition of polyandry in Islam and positive law.

This research contributes significantly to the development of Islamic family law by providing an in-depth analysis of how Islamic law is applied in contemporary cases of polyandry. It also emphasizes the need for an inclusive and culturally sensitive approach to addressing polyandry issues. Hence, this research is expected to help society understand the legal implications of polyandry and promote more fair and consistent law enforcement.

Overall, this study asserts that the prohibition of polyandry in Islam is not only based on theological rules but also on complex social and juridical considerations. A comprehensive and coordinated approach between the government, religious authorities, and society is

essential to prevent and address the practice of polyandry, thereby preserving the sanctity of marriage and clarity of lineage within the Islamic legal system.

References

- Azam, H. (2015). *Sexual Violation in Islamic Law: Substance, Evidence, and Procedure*. Cambridge University Press.
- Baderin, M. A. (2017). *Islamic Law in Practice: Volume III*. Routledge.
- Burhanudin, A. A. (2019). Konsep Perjanjian Perkawinan Dalam Perspektif Perbandingan Hukum: *El-Faqih: Jurnal Pemikiran Dan Hukum Islam*, 5(2), 112-125. <https://doi.org/10.29062/faqih.v5i2.69>
- Cassidy, M. L., & Lee, G. R. (1989). The Study of Polyandry: A Critique and Synthesis. *Journal of Comparative Family Studies*, 20(1), 1-11. <https://www.jstor.org/stable/41601990>
- Denzin, N. K., & Lincoln, Y. S. (2009). *Handbook of Qualitative Research*. Pustaka Pelajar.
- Hamsah, Y., & Rahmi, I. N. (2023). The Practice of Polyandry Marriage in Wolwal Village in the Perspective of Sociology of Islamic Law. *Al-Usroh*, 3(2), 151-162. <https://doi.org/10.24260/al-usroh.v3i2.2019>
- Hudodo, S. N. M. A., Kasim, N. M., & Kamba, S. N. M. (2023). Analysis of the Legal Consequences of Legalizing Polyandry Marriages in the Gorontalo Religious Court Area. *Estudiante Law Journal*, 5(3), 730-741. <https://doi.org/10.33756/eslaj.v5i3.24033>
- Juhanis, H. bin, & Tahmid, M. (2022). Public Perception of Early Marriage in Enrekang Regency Based on a Review of Islamic Law in Baraka District. *Journal of Family Law and Islamic Court*, 1(1), Article 1. <https://doi.org/10.26618/jflic.v1i1.8464>
- Luintel, Y. R. (2004). Agency, autonomy and the shared sexuality: Gender relations in polyandry in Nepal Himalaya. *Contributions to Nepalese Studies*, 31(1), 43-84. <https://go.gale.com/ps/i.do?p=AONE&sw=w&issn=03767574&v=2.1&it=r&id=GALE%7CA143241451&sid=googleScholar&linkaccess=abs>
- Madjdian, D. S. (2018). 8. Gender, intra-household food allocation and social change in two Himalayan communities in Nepal. In *Diversity and change in food wellbeing*. Brill. https://doi.org/10.3920/978-90-8686-864-3_8
- Maswandi, Asmuni, & Pagar, H. (2020). Penal Code Enforcement Against Polyandrous Spouse Among Muslims. *European Science Review*, 11-12, 31-37. <https://doi.org/10.29013/ESR-20-11.12-31-37>
- Maswandi, M. (2020). *Pertanggungjawaban Pidana Atas Terbitnya Akta Nikah Karena Poliandri Di Sumatera Utara Dalam Perspektif Hukum Islam (Studi Kasus Putusan Pengadilan Agama Pematang Siantar No. 141/Pdt.G/2011/PA.PSt)* [Doctoral, Universitas Islam Negeri Sumatera Utara]. <http://repository.uinsu.ac.id/9751/>
- Maswandi, M. (2023). Community Views On Polygamy And Polyandry Islamic Legal Perspective. *International Asia Of Law and Money Laundering (IAML)*, 2(4), 163-168. <https://doi.org/10.59712/iaml.v2i4.73>
- Montle, M. E. (2021). Appraising the Motion for Polyandry in the South African Context Through the Selected Episodes of Generations the Legacy. *E-Bangi: Journal of Social Sciences & Humanities*, 18(7). <http://ejournal.ukm.my/ebangi/article/view/50754>
- Mukherjee, K., & Das, K. (2014). *Polyandry Practiced among Jaunsari of Uttarakhand: Scope for Futuristic Study*. <http://imsear.searo.who.int/handle/123456789/176311>

- Qurtuby, S. A. (2022). Between Polygyny and Monogamy: Marriage in Saudi Arabia and Beyond. *Al-Jami'ah: Journal of Islamic Studies*, 60(1), 29–62. <https://doi.org/10.14421/ajis.2022.601.29-62>
- Rahimzadeh, A. (2020). Fraternal Polyandry and Land Ownership in Kinnaur, Western Himalayaa. *Human Ecology*, 48(5), 573–584. <https://www.jstor.org/stable/45382535>
- Rahimzadeh, A. (2023). When A Woman Is Married to Multiple Brothers: Land, Climate and Cultural Changes in Western Himalaya. *Anthropology Now*, 15(1), 38–53. <https://doi.org/10.1080/19428200.2023.2230094>
- Rohbaniah, A. L., & Muliya, L. S. (2016). The Legal Status of Women Who Has Two Husband (Polyandry) Based on Law Number 1 of 1974 on Marriage and the Compilation of Islamic Law In Conjunction with Court Decision Number 35/Pdt.G/2011/PA.Pdn. *Prosiding Ilmu Hukum*, 2(1), Article 0. <https://doi.org/10.29313/.v0i0.2836>
- Syarif, M. (2016). Poliandri Pada Masyarakat: Studi Kasus Pengadilan Agama Pariaman. *Kafa'ah: Journal of Gender Studies*, 6(2), 179–200. <https://doi.org/10.15548/jk.v6i2.149>
- Syarifuddin, A. (2009). *Hukum Perkawinan Islam Di Indonesia, Antara Fiqih Munakahat Dan Undang-Undang Perkawinan*. Kencana Prenada Media.
- Zhi-nong, L., & Shu-qing, H. (2023). Chapter 11 Tradition, Habitat, and Well-Being: Polygamous Marriage in a Tibetan Village. In *Rural Life in Late Socialism*. Brill. https://doi.org/10.1163/9789004528062_012
- Zuhaili, W. (1418). *Tafsir al-Munir fi al-Aqidah wa al-Syari'ah*. Dar Al-Fikr.