

**CONCEPTION OF POLYGAMY: COMPARATIVE STUDY OF
MUHAMMAD 'ABDUH AND FAQIHUDDIN ABDUL KODIR**

UNDERGRADUATE THESIS

BY:

MUTIARA BALQIS NABIELAH RAHMI

SIN 210201110039



**ISLAMIC FAMILY LAW STUDY PROGRAM
SHARIA FACULTY
STATE ISLAMIC UNIVERSITY OF MAULANA MALIK IBRAHIM
MALANG
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2025

STATEMENT OF THE AUTHENTICITY

In the name of Allah,

With consciousness and responsibility toward the development of science, the writer declares that thesis entitled:

CONCEPTION OF POLYGAMY: COMPARATIVE STUDY OF MUHAMMAD 'ABDUH AND FAQIHUDDIN ABDUL KODIR

is truly the writer's original work which can be legally justified. If this thesis is proven result of duplication or plagiarism from another scientific work, it will be legally invalid as a precondition for the degree.

Malang, March 7, 2025

Writer,



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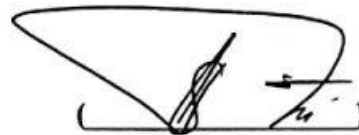
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MOTTO

رَبَّنَا إِنَّكَ مَنْ تُدْجِلِ النَّارَ فَقَدْ أَخْزَيْتَهُ^ط وَمَا لِلظَّالِمِينَ مِنْ أَنْصَارٍ

“Our Rabb! Those to whom You will cast into the Fire will be in eternal shame:
and there shall be no helper for such wrongdoers.”

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In the name of Allah, the Most Gracious, the Most Merciful.

Praise be to Allah, the All-Knowing, who with His help and power has willed me to write a research entitled "Conception of Polygamy: Comparative Study of Muḥammad ‘Abduh and Faqihuddin Abdul Kodir".

Peace and blessings be upon our great king, the Prophet Muḥammad (peace and blessings be upon him), who showed us the way from darkness to light, the religion of Islam. He came with messages of humanity, teaching the principle of egalitarianism for all of nature. May we be among those who are interceded for on the last day, amen ya rabb al-'alamin.

I would like to express my gratitude to those who have continuously prayed for me, given me support, guidance, and love, and I dedicate the following to:

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3. Erik Sabti Rahmawati, M.A. M.Ag, is the Head of the Islamic Family Law Program at the Faculty of Sharia at Maulana Malik Ibrahim State Islamic University in Malang.
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May Allah repay all the infinite kindness from all of you with thousands of blessings and may we gather in His heaven later, aamiin ya rabb al-'alamin.

Finally, the writing of this thesis cannot be separated from its shortcomings so that the author expects criticism and suggestions in order to develop the quality of the author. Thank you.

The Author

TRANSLITERATION GUIDE

A. Consonant

The list of Arabic letters and their transliteration into Latin letters can be seen on the following page:

Arab	Indonesia	Arab	Indonesia
أ	`	ط	t
ب	b	ظ	z
ت	t	ع	‘
ث	th	غ	gh
ج	j	ف	f
ح	h	ق	q
خ	kh	ك	k
د	d	ل	L
ذ	dh	م	m
ر	R	ن	n
ز	z	و	w
س	S	ه	h
ش	sh	ء	’
ص	s	ي	y
ض	d		

Hamza (ء) at the beginning of a word follows its vowel without any sign. If the hamza (ء) is located in the middle or end, it is written with a sign (’).

B. Vowel

Arabic vowels, like Indonesian vowels, consist of single vowels or monoftongs and double vowels or diphthongs.

Single Arabic vowels whose symbols are signs or harakat, are transliterated as follows:

Arabic Characters	Name	Latin Characters	Name
اَ	Fatḥah	A	A
اِ	Kasrah	I	I
اُ	Ḍammah	U	U

Arabic double vowels whose symbols are a combination of harakat and letters, transliterated in the form of a combination of letters, the transliteration is as follows:

Sign	Name	Latin Characters	Name
أَيَّ	Fatḥah and ya	Ai	A and I
أَوْ	Fatḥah and wau	Au	A and U

Example:

كَيْفَ : *kaifa*

هَوَّلَ : *haulā*

C. Maddah

Maddah or long vowels whose symbols are harkat and letters, transliteration in the form of letters and signs, namely:

Harkat and Letters	Name	Letters and Sign	Name
أَ اِ	Fatḥah and alif or ya	ā	a and the line above

ي	Kasrah and ya	ī	i and the line above
و	Ḍammah and wau	ū	u and the line above

Example:

اجْتِهَاد : *ijtihād*

تَجْدِيد : *tajdīd*

خُصُوصِيَّة : *khuṣūṣiyyah*

تَفْسِيرُ الْمَنَار : *Tafsīr al-Manār*

D. Ta Marbūṭah

There are two transliterations for *ta marbūṭah*: *ta marbūṭah* which is alive or received the harakat *fathah*, *kasrah*, and *dammah*, is transliterated as [t]. Whereas *ta marbūṭah* which is dead or received the harakat sukun, the transliteration is [h].

If the word ending in *ta marbūṭah* is followed by a word that uses the article *al-* and the two words are read separately, then *ta marbūṭah* is transliterated with *ha* (h). Example:

رِسَالَةُ التَّوْحِيد : *Risālah al-Tauhīd*

مَصْلَحَة : *Maṣlahah*

قِرَاءَة مُبَادَلَة : *Qirā'ah Mubādalah*

E. Syaddah (*Tasydīd*)

Syaddah or *tasydīd* which in the Arabic writing system is symbolized by a *tasydīd* sign (ّ-), in this transliteration is symbolized by a repetition of letters (double consonants) marked with a *syaddah*. Example:

صَلَّى اللّهُ : *ṣallallāhu*

الدَّرُّ الْمُخْتَار : *al-Durr al-Mukhtār*

وَسَلَّمَ : *wasallama*

If the letter with *tasydīd* at the end of a word and is preceded by a letter with kasrah (ِ-), it is transliterated as *maddah* (ī). Example:

وَلِيَّ : *walī* (and not *waliyy* or *waly*)

عَلِيَّ : *‘Alī* (and not *‘Aliyy* or *‘Aly*)

F. Article Words

The article in the Arabic writing system is symbolized by a letter (alif lam ma'rifah). In this transliteration guideline, the article is transliterated as usual, al-, both when it is followed by a syamsiah letter and a qamariah letter. The article does not follow the sound of the letter directly following it. The article is written separately from the word that follows it and is connected with a horizontal line (-). Example:

الْمِفْتَاحُ لِبَابِ النِّكَاحِ : *al-Miftāḥ li Bāb al-Nikāḥ* (and not *an-Nikāḥ*)

فَتْحُ الْقَرِيبِ الْمُجِيبِ : *Fath al-Qarīb al-Mujīb*

G. Hamzah

The rule of transliterating hamza letters into apostrophes (‘) only applies to hamzahs located in the middle or end of words. However, if the hamzah is located at the beginning of the word, it is not symbolized, because in Arabic writing it is an alif. Example:

قِرَاءَةٌ : *Qirā’ah*

دَرْعُ الْمَفَاسِدِ : *Dar’u al-mafāsīd*

أَهْلُ الْكِتَابِ : *Ahl al-kitāb*

H. Writing Arabic Words Commonly Used in Indonesian Language

Arabic words, terms or sentences that are transliterated are words, terms or sentences that have not been standardized in Indonesian. Words, terms or sentences that are already common and part of the Indonesian language repertoire, or are often written in Indonesian, are no longer written according to the above transliteration method. For example, the words Quran (from *al-Qur'ān*), sunnah, hadis, nikah, khusus and umum. However, when these words are part of a series of Arabic texts, they should be transliterated as a whole. Example:

al-Miftāḥ li Bāb al-Nikāḥ

Tafsīr al-Qur'ān al-Hakīm

I. *Lafz al-Jalālah* (الله)

The word “Allah” preceded by particles such as *jarr* and other letters or as a *muḍāfilaih* (nominal phrase), is transliterated without the letter hamzah. Example:

رَضِيَ اللهُ عَنْهُمْ : *raḍiyallāhu ‘anhum*

As for the *ta marbūṭah* at the end of a word in reference to *lafz al-jalālah*, it is transliterated with the letter [t]. Example:

فِي رَحْمَةِ اللهِ : *fī raḥmatillāh*

J. Capital Letter

Although the Arabic writing system does not recognize capital letters (All Caps), in transliteration the letters are subject to the provisions on the use of capital letters based on the applicable Indonesian spelling guidelines (EYD). Capital letters, for example, are used to write the initial letters of proper names (person, place, month) and the first letter at the beginning of a sentence. When a proper name

is preceded by an article (al-), the initial letter of the proper name is capitalized, not the initial letter of the article. If it is located at the beginning of a sentence, then the letter A of the article is capitalized (Al-). The same provision also applies to the initial letter of the reference title preceded by the article al-, both when it is written in the text and in the reference notes (CK, DP, CDK, and DR). Example:

Anna Rasulallāh ṣallallāhu ‘alaihi wasallama

Imām al-Zamakhsharī

Jamāl al-Dīn al-Afghānī

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ABSTRACT

Mutiara Balqis Nabelah Rahmi, SIN. 210201110039, 2025, Conception of Polygamy: Comparative Study of Muḥammad ‘Abduh and Faqihuddin Abdul Kodir, Skripsi, Program Studi Hukum Keluarga Islam, Sharia Faculty State Islamic University Maulana Malik Ibrahim Malang, Supervisor: Dr. Jamilah, MA.

Keywords: Polygamy; Thoughts; Muḥammad ‘Abduh; Faqihuddin Abdul Kodir

Polygamy is often considered a recommendation (sunnah) due to the historical fact that the Prophet Muḥammad *ṣallallāhu ‘alaihi wasallam* practiced polygamy. 899 polygamy permits were recorded in the Religious Courts (PA) throughout Indonesia with 150 permits canceled and 711 decided. However, this action also causes household disharmony. Reality shows that many wives feel treated unfairly by their husbands who have more wives. Based on data from the Central Statistics Agency (BPS), 447,743 divorce cases were recorded, one of which was caused by polygamous husbands. Polygamy is one of the most common reasons for divorce based on data from PA Lubuklinggau in 2013-2015 as many as 88 cases (0.6%) and 3 divorce cases. Despite this harsh reality, pro-polygamists argue that the practice actually adds to happiness, because polygamy is needed if the first wife is unable to provide offspring, has a serious illness, or is unable to serve her husband.

The discourse of polygamy in Islamic law certainly has diverse views. Muḥammad 'Abduh and Faqihuddin Abdul Kodir are two figures known for their gender-friendly paradigm for understanding fiqh *munākaḥāt*, especially polygamy. Both are contemporary scholars who have different backgrounds. This study aims to analyze the thoughts of Muḥammad 'Abduh and Faqihuddin Abdul Kodir as well as the similarities and differences in their views on polygamy. The research method used is descriptive-analytic which explains the *ijtihād* background of each figure with a comparative approach.

The results show the similarities between 'Abduh and Faqihuddin in three categories: the style of interpretation is *tafsīr bi al-ra'y*, the dominant method of interpretation is *munāsabah al-āyah* with verses 2 and 129 of al-Nisā' and includes women's experiences, and both forbid polygamy that causes harm. The differences are also divided into three categories: 'Abduh's paradigm is *al-ādābī wa al-ijtimā'ī* while Faqihuddin's is *mafhūm mubādalah*, 'Abduh correlates verse 3 of al-Nisā' with verses 2 and 129 while Faqihuddin's is with verses 2, 128, 129, and 130, and the difference in writing characteristics of 'Abduh who tends to interpret words and Faqihuddin who tends to interpret the verse as a whole.

ABSTRAK

Mutiara Balqis Nabelah Rahmi, NIM. 210201110039, 2025, Conception of Polygamy: Comparative Study of Muḥammad ‘Abduh and Faqihuddin Abdul Kodir, Skripsi, Program Studi Hukum Keluarga Islam, Fakultas Syariah Universitas Islam Negeri Maulana Malik Ibrahim Malang, Pembimbing: Dr. Jamilah, MA.

Kata Kunci: Poligami; Pemikiran; Muḥammad ‘Abduh; Faqihuddin Abdul Kodir

Praktik poligami seringkali dianggap sebuah anjuran (sunnah) karena fakta sejarah Nabi Muḥammad *ṣallallāhu ‘alaihi wasallam* melakukan poligami. Tercatat 899 perizinan poligami di Pengadilan Agama (PA) seluruh Indonesia dengan keterangan 150 perizinan dibatalkan dan 711 diputuskan. Namun aksi ini juga menimbulkan ketidakharmonisan rumah tangga. Realitas menunjukkan banyak istri yang merasa diperlakukan tidak adil oleh suaminya yang beristri lebih. Berdasarkan data Badan Pusat Statistik (BPS), tercatat 447.743 kasus perceraian salah satunya disebabkan karena suami yang berpoligami. Poligami adalah salah satu alasan terbanyak terjadinya perceraian berdasarkan data di PA Lubuklinggau pada tahun 2013-2015 sebanyak 88 kasus (0.6%) dan 3 kasus perceraian. Di samping kenyataan pahit itu, pro-poligami berpendapat bahwa praktik tersebut justru menambah kebahagiaan, karena poligami dibutuhkan jika istri pertama tidak mampu memberikan keturunan, punya sakit parah, atau tidak mampu melayani sang suami.

Diskursus poligami dalam hukum Islam tentu memiliki pandangan yang beragam. Muḥammad ‘Abduh dan Faqihuddin Abdul Kodir adalah dua tokoh yang dikenal karena paradigma ramah gender untuk memahami fikih *munākaḥat*, terkhusus poligami. Keduanya adalah ulama kontemporer yang memiliki latar belakang berbeda. Penelitian ini bertujuan menganalisis pemikiran Muḥammad ‘Abduh dan Faqihuddin Abdul Kodir serta persamaan dan perbedaan pandangan mereka tentang poligami. Metode penelitian yang digunakan adalah deskriptif-analitik yang menjelaskan latar belakang *ijtihād* masing-masing tokoh dengan pendekatan komparatif.

Hasil penelitian menunjukkan persamaan ‘Abduh dan Faqihuddin dalam 3 kategori; corak penafsiran yakni *tafsīr bi al-ra’y*, metode penafsiran yang dominan yaitu *munāsabah al-āyah* dengan ayat 2 dan 129 al-Nisā’ serta menyertakan pengalaman perempuan, dan sama-sama mengharamkan poligami yang menimbulkan mudarat. Perbedaannya juga terbagi menjadi 3 kategori; paradigma ‘Abduh adalah *al-ādābī wa al-ijtimā’ī* sedangkan Faqihuddin *mafhūm mubādalah*, ‘Abduh mengkorelasikan ayat 3 al-Nisā’ dengan ayat 2 dan 129 sedangkan Faqihuddin dengan ayat 2, 128, 129, dan 130, serta perbedaan karakteristik penulisan ‘Abduh yang cenderung menafsirkan perkata dan Faqihuddin yang cenderung memaknai redaksi ayat secara keseluruhan.

ملخص البحث

موتيارا بلقيس نبيلة رحمي، الرقم الجامعي. 210201110039، 2025، "مفهوم التعدد: دراسة مقارنة بين نظرية محمد عبده و فاقه الدين عبد القدير"، البحث الجامعي، قسم الأحوال الشخصية الإسلامية، كلية الشريعة، جامعة مولانا مالك إبراهيم الإسلامية الحكومية مالانج، المشرف: الدكتورة جميلة الماجستير.

الكلمات المفتاحية: التعدد؛ المفهوم؛ محمد عبده؛ فاقه الدين عبد القدير.

يعتبر تطبيق التعدد دائما احدى من سنة لأن في التاريخ عمل النبي صل الله عليه وسلم هذا التطبيق. من ناحية البيانات لشؤون التحكيم الإسلامي بإندونيسيا مكتوبا أن هناك 899 تعددا بعدد التعدد المردود 150 وعدد التعدد المقبول 711. هذا العمل يؤثر إلى عدم الإطمئنان في الحياة الزوجية. في الحقيقة أكثر من زوجة تشعرون بغير العادل من زوجه الذى عمل التعدد. بالنسبة إلى البيانات من المكتب الإحصائي المركز، توضح أن هناك 447.743 طلاقا بسبب التعدد من زوج. التعدد احدى من حجج تسبب طلاقا مثل ما قد حدث في التحكيم الإسلامي بلوبوكلينجاو عام 2013-2015 أن هناك 88 مشكلة (6,0%) و 3 مشكلات طلاقية. بجانب ذلك، رأي المتوافقون بالتعدد أن هذا العمل محتاجا بسبب عدم القدرة على إعطاء ذرية من زوجة أولديها سقم شديد أوعدم قدرتها على خدمة زوج. المناقشة عن التعدد تتوافر رؤيتها في الشريعة. محمد عبده وفاقه الدين عبد القدير وجيهان مشهوران. لأنهما فاقهان في فقه المناكحات، ولاسيما التعدد. هما عالمان متخران بالخلفية المختلفة. هذا البحث يهدف إلى تحليل الأفكار تحت ضوء نظرية محمد عبده وفاقه الدين عبد القدير مع مساواتهما واختلافهما عن التعدد. طريقة البحث المستخدمة هي وصفي تحليلي يبين خلفية اجتهادهما بمدخل المقارنة.

توضح نتائج البحث أن لديهما مساواة في ثلاث النواحي؛ الأسلوب المستخدم هو التفسير بالرأي، أما طريقة التفسير المسيطرة هي مناسبة الآية بين الآية 2 و 129 في سورة النساء مع خبرة المرأة، وكلاهما يحرمان طلاقا يشكل مضره. واختلافهما أيضا ينقسم إلى ثلاثة أقسام؛ رؤية عبده هي الأدبي والاجتماعي، أما فاقه الدين هي مفهوم المبادلة. عالق عبده بين الآية 3 من سورة النساء والآية 2 و 129 من نفس السورة. أما فاقه الدين عالق بين الآية 2 و 128 و 129 و 130 مع اختلاف خصائص الكتابة. عبده يفسر الآية كلمة بكلمة وفاقه الدين يفهم مضمون الآية كاملا.

CHAPTER I

INTRODUCTION

A. Research Background

Polygamy has always been a contemporary Islamic discourse where its practice is hotly debated. The basis for polygamy is always considered final because it is so clearly stated in the Qur'an - Q.S. al-Nisā' (3): 3 —as well as several hadiths which show the historical fact that the Prophet Muḥammad *ṣallallāhu 'alaihi wasallama* practiced polygamy makes it a permissible sunnah - some people even say it is recommended to follow it. There is a crucial requirement that polygamists often ignore to acting fairly, which is considered too difficult to do because of its abstract meaning. This has led to many cases of divorce, in reality, due to polygamy. Of course, those who feel most disadvantaged by this practice are women.

The recapitulation of data on the types of polygamy permit cases in Religious Courts of Indonesia in 2022 shows that there were 899 polygamy permits in Indonesia, with details of revoked in 150 cases and decided in 711 cases.¹ Based on the recapitulation of mediation of polygamy permit cases throughout the Indonesia Religious Courts in 2022, the total number of mediations were 502 cases with 26

¹ “Rekap Data Jenis Perkara Izin Poligami Peradilan Agama Tahun 2022,” *Subdit Statistik dan Dokumentasi*, accessed September 24th 2024, https://kinsatker.badilag.net/JenisPerkara/perkara_persatker/341/2022

“successful with deed of peace”, 15 cases “successful with revocation”, 84 cases “partially successful”, 373 cases “unsuccessful”, and 4 cases “unimplementable”.²

The 2022 Central Bureau Statistics (BPS) report stated that 447.743 divorce cases were recorded in 2021. This figure increased compared to the previous year, which amounted to 291.677 cases. The Religious Court looked at the data and stated that one of the factors for divorce in Indonesia is polygamy.³ One of the highest factors causing divorce, according to research data from the Lubuklinggau Religious Court from 2013-2015, was unhealthy polygamy with 88 cases (0.6%). Polygamy also contributed to 3 divorce cases in Mungkid Magelang Religious Court in 2023.⁴

These facts of divorce due to polygamy are indicators of unsuccessful polygamy due to unfair treatment between wives and neglect. Some research suggests that polygamy can lead to violence and injustice against wives. This injustice generally takes the form of unequal nightly allotments. The Indonesian Survey Institute (LSI) stated that in 2011, 52.9% rejected polygamy, 32.9% strongly opposed polygamy, 14.2% agreed to polygamy, and the rest abstained.⁵

On the other hand, people who support polygamy argue that polygamy is a solution for husbands whose wives are unable to provide offspring due to illness,

² “Data Mediasi Perkara Izin Poligami seluruh Peradilan Agama Tahun 2022,” *Subdit Statistik dan Dokumentasi*, March 24th 2023, accessed September 24th 2024, https://kingsatker.badilag.net/Pencarian_smart/direktoriDataset_newtab

³ Lisanatul Layyinah, “Poligami dalam Perspektif Hadis (Telaah Hadis Tematik)”, *El-Nubuwwah: Jurnal Studi Hadis*, no. 1 (2023): 4 <https://doi.org/10.19105/El-Nubuwwah.v1i1.8412>

⁴ Logo Igo Karmed, “Meninjau Alasan Penyebab Cerai di Kabupaten Magelang”. *RISOMA: Jurnal Riser Sosial Humaniora dan Pendidikan*, no (4) 2024: 18 <https://doi.org/10.62383/risoma.v2i3.111>

⁵ Rico Setyo Nugroho, “Praktik Poligami dan Tujuan Pernikahan dalam Rumah Tangga”, *ICHES:*

International Conference on Humanity Education and Society, no. 1 (2024): 8

which can then be a reason for its validity in Law No. 1/1974 concerning Marriage article 3 paragraph (2). Pro-polygamists claim that polygamy can add to the happiness of the household as the second wife can help take care of the first wife and provide offspring.⁵ An interview with informant MBS, a polygamist practitioner, revealed that his married life was more blessed, better and calmer because he followed religious guidance. However, he did not deny conflicts in the first and second years. Likewise, informant ADN admitted that there were minor conflicts at the beginning of polygamy practice, which he called normal, but gradually, the conflicts could be reduced, and the quality of his life improved.⁶

The differences between scholars regarding the legal status of polygamy and its requirements and practices have given rise to many conceptions regarding polygamy itself over the centuries, both *salaf* (classical) and *khalaf* (contemporary) scholars. From these many opinions, there are also new concepts that can be used to legitimize and support polygamy law, all of which have a frame of mind and background that influences the results of their respective *ijtihad*. Among these contemporary Muslim figures are Muḥammad ‘Abduh and Faqihuddin Abdul Kodir. In general, both of them are Muslim figures who actively fight for women from Islamic discourses.

Muḥammad ‘Abduh was born on 1849 in Mahallat Nashr, al-Buhairah, Egypt. He is one of the modern Islamic thinkers. Muḥammad ‘Abduh grew up in the care of his parents and was educated to memorize the Qur'an. He completed

⁵ Rico Setyo Nugroho, “Praktik Poligami dan Tujuan Pernikahan dalam Rumah Tangga”, *ICHES: International Conference on Humanity Education and Society*, no. 1 (2024):

⁶ Rico Setyo Nugroho, “Praktik Poligami dan Tujuan Pernikahan dalam Rumah Tangga”, *ICHES: International Conference on Humanity Education and Society*, no. 1 (2024): 10-11

memorizing up to 30 juz when he was 12 years old. In addition, he was also educated in religious knowledge by a teacher at the Thantha Mosque to Sheikh Ahmad in 1862⁷ Moreover, continued his education at al-Azhar, here he gained much insight into Islam and modernity. ‘Abduh once served as the rector of al-Azhar University and was a revolutionary because he included a philosophy curriculum that was previously prohibited from being studied. According to M. Quraish Shihab, Muḥammad had two main ideas: freeing the mind from the grip of blind imitation which caused the stagnation of Muslim thinking, and improving the use of Arabic as a formal language in government offices and the mass media.⁸

Meanwhile, Faqihuddin Abdul Kodir was born in Cirebon on December 31 year 1971. He is a writer and lecturer at IAIN Syekh Nurjati Cirebon, the Fahmina Institute of Islamic Studies (ISIF), and Deputy Director of Ma'had Aly Kebon Jambu Cirebon. His educational history is dominated by religious studies, such as Dar al-Tauhid Arjawinangun Cirebon Islamic Boarding School in 1983-1989. His undergraduate degree at Damascus University, Syria, simultaneously took the Abu Nur Da'wah Faculty and the Sharia Faculty. He continued his Masters at the International Islamic University Malaysia, specifically the Faculty of Islamic Knowledge and Human Sciences. After his formal education, Faqihuddin focused on community service and joined various organizations that uphold gender-friendly Islam. Muḥammad ‘Abduh and Faqihuddin Abdul Kodir are progressive Muslims

⁷ Muhsin, Achmad Ruslan Afendi, “Upaya-upaya Pembaharuan dan Modernisasi Islam Muhammad Abduh”, *Al-Ilmi: Jurnal Pendidikan Islam* no. 2 (2022): 108. <https://doi.org/10.32529/alilmi.v5i2.1993>

⁸ Rukamana Prasetyo, dkk. “Kebangkitan Ijtihad di Zaman Modern: Analisis Kontribusi Pemikiran Muhammad Abduh dalam Pembaharuan Hukum Islam”, *Jurnal Hikmah* no. 1 (2023): 155-156. <https://doi.org/10.53802/hikmah.v20i1.229>

who defend women, so the researcher is interested in finding the starting point for each figure's paradigm, background, similarities, and differences.

Several previous studies which have a similar focus to this research include the journal article “Rasionalitas Perintah Ayat Poligami: Kajian Pemikiran Tafsir Muḥammad ‘Abduh” by Supiatul Aini and Abdurrahman in 2021, the thesis “Konsep Poligami dalam Pemikiran Faqihuddin Abdul Kodir Perspektif Mubadalah” by Dewi Sundari UIN Prof. K.H. Saifuddin Zuhri in 2022, and the journal article “Interpretasi Poligami dalam Qs. Al-Nisa’ Ayat 3 dan 129: Studi Perbandingan antara Penafsiran Muḥammad Syahrur dan Muḥammad ‘Abduh” by Fauzi Fathur Rosi and Daafiqin Syaqq Maulana in 2023.

These previous studies have some relevant themes to current research. The Researcher uses these studies as sources for data and analysis for consideration and comparison with current research. The difference with the Researcher's research is that this research is more focused on comparing the thoughts of Muḥammad ‘Abduh and Faqihuddin Abdul Kodir regarding the concept of polygamy and then analyzing the similarities and differences. So far, no research has been carried out to compare the thoughts of these two figures in the polygamy discourse, so it is novel.

B. Problem Formulations

1. What are the thoughts of Muḥammad ‘Abduh and Faqihuddin Abdul Kodir about polygamy?
2. What are the differences and similarities in thoughts between Muḥammad ‘Abduh and Faqihuddin Abdul Kodir regarding polygamy?

C. Research Purposes

1. To analyze Muḥammad ‘Abduh and Faqihuddin Abdul Kodir's thoughts about polygamy.
2. To analyze the differences and similarities in thoughts between Muḥammad ‘Abduh and Faqihuddin Abdul Kodir regarding polygamy.

D. Research Benefits

This research is expected to contribute to both academics and society in general. There are two types of benefits that the author wants to target:

1. Theoretical Benefit

The theoretical benefit is in the scientific corridor. Hopefully, this research can expand scientific horizons, be a source of academic reference, and add to the wealth of literature, especially in the discipline of munakahat fiqh and *ijtihad* of contemporary Muslim figures. In addition, this research is expected to be helpful as a scientific development in the field of *al-aḥwāl as-shakṣiyyah*.

2. Practical Benefit

- a. For the community, this paper can be a reference to the practice of polygamy whether it will be carried out or not, because this research describes the views of two contemporary Islamic scholars who can be a reference in fiqh law. As well as educating the conditions of polygamy for the sake of justice and the realization of a household that is *sakīnah*, *mawaddah*, and *raḥmah*.

- b. This paper can serve as a reference or comparative information for future researchers for future researchers, enabling more developed research results.

E. Operational Definition

1. Polygamy

Polygamy combines two words, "*poly*" and "*gamous*", which are derived from Greek. "*Poly*" means "many", and "*gamous*" means "wife". So "polygamy" means having many wives. In terms of terms, it is "a man who has more than one wife" or "a man who has more than one wife but is limited to a maximum of four."⁹

F. Research Methodology

1. Type of Research

The research entitled "Conception of Polygamy: Comparison of the Thoughts of Muḥammad ‘Abduh and Faqihuddin Abdul Kodir" is legal research. This research is descriptive-analytic in nature because it explains in detail Muḥammad ‘Abduh and Faqihuddin Abdul Kodir's thoughts on polygamy as a whole and their *ijtihad* regarding polygamy law in Islam.

⁹ Muh. Yunan Putra, Merry Lestania, "Konsep Adil Berpoligami dalam Kitab *Bulughul Maramin Adillatil Ahkam* Karya Ibnu Hajar al-Asqalany", *Sangaji: Jurnal Pemikiran Syariah dan Hukum* no 1 (2023): 54 <https://doi.org/10.52266/sangaji.v7i1.1314>

2. Approach

An approach is a researcher's perspective on selecting a spectrum of discussion space that is expected to provide clarity in describing the substance of a scientific work.¹⁰ This research will use a comparative approach. A comparative approach is usually used to analyze points of similarity and difference in a concept being studied, in this case, Muḥammad ‘Abduh's and Faqihuddin Abdul Kodir's thinking. This approach aims to find these similarities and differences to be applied in reality.

3. Legal Materials

Normative research uses legal materials, which are secondary research data. The main legal materials used in normative research are primary legal materials, secondary legal materials, and tertiary legal materials. The following is a description of the legal materials used in this research:

a. Primary Legal Materials

The primary legal materials used in this research are the Qur'an, Hadiths, the works of Muḥammad ‘Abduh including: *Tafsīr al-Qur’ān al-Hakīm (Tafsīr al-Manār)*, *Risālah al-Tauḥīd*, and other writings of his that are relevant to the topic of polygamy and Faqihuddin Abdul Kodir's works which touch on polygamy include: *Sunnah Monogami: Mengaji al-Qur’an dan Hadis*, *Qirā’ah Mubādalāh: Tafsir Progresif Keadilan Gender dalam Islam*, and his other writings.

¹⁰ I Made Pasek Diantha. *Metodologi Penelitian Hukum Normatif dalam Justifikasi Teori Hukum*. (Jakarta: Kencana, 2016), 156.

b. Secondary Legal Materials

Secondary legal materials in the narrow definition are in the form of legal books containing teachings (doctrines), articles about legal reviews (legal reviews), and descriptions of the meaning of terms, concepts, and phrases in the form of a legal dictionary or legal encyclopedia. The secondary legal material for this research is scientific journal articles and relevant books. The main journal articles used are “Rasionalitas Perintah Ayat Poligami: Kajian Pemikiran Tafsir Muḥammad ‘Abduh” by Supiatul Aini and Abdurrahman year 2021, “Konsep Poligami dalam Pemikiran Faqihuddin Abdul Kodir Perspektif Mubadalah” by Dewi Sundari year 2022, and “Interpretasi Poligami dalam Qs. Al-Nisa’ Ayat 3 dan 129: Studi Perbandingan antara Penafsiran Muḥammad Syahrur dan Muḥammad ‘Abduh” by Fauzi Fathur Rosi and Daafiqin Syaqq Maulana year 2023. Included in the secondary legal materials in this research are fiqh books that support the discussion which is the theme that discusses polygamy, such as *al-Miftāḥ li Bāb al-Nikāḥ* by al-Habib Muḥammad bin Salim bin Hafiz, *Fath al-Qarīb al-Mujīb fi Syarḥ Alfāzh al-Taqrīb* by Sheikh Muḥammad bin Qasim bin Muḥammad al-Ghazi, *Bulūgh al-Marām min Adillah al-Aḥkām* by al-Hafiz Ibn Hajar al-Asqalany, etc.

c. Tertiary Legal Materials

Tertiary legal materials are complementary and explanatory of previous legal materials. These legal materials include legal dictionaries and news

on the web or other online references such as Badan Peradilan Agama (Badilag) Mahkamah Agung site for gaining data and statistics.

4. Legal Material Collection Techniques

The method for collecting legal materials in this research will use library research. Library research involves collecting material by understanding and studying theories and various literature related to the research. These data are collected by searching for sources and constructing them from various sources, such as books, journals, and research that has been carried out.¹¹

5. Analysis of Legal Materials

The next stage after the legal materials have been collected is for the Researcher to analyze these materials using the following steps:

a. Data Checking (Editing)

The data contained in the reference legal materials is read, understood, reviewed and sorted thoroughly to ensure the objectivity of the content and relevance to the thoughts of Muḥammad ‘Abduh and Faqihuddin Abdul Kodir and their similarities and differences. Reviewing the content of reference legal materials will determine which conceptions need to be analyzed or included as theories in this research.

¹¹ Miza Nina Adlini, Anisya Hanifa Dinda, Sarah Yulinda, et al., “Metode Penelitian Kualitatif Studi Pustaka,” *EDUMASPUL: Jurnal Pendidikan* no. 1 (2022): 974-980
<https://doi.org/10.33487/edumaspul.v6i1.3394>

b. Classification

After the data has been carefully examined, the concepts contained in the reference legal materials are grouped into a certain classification, such as Muḥammad ‘Abduh and Faqihuddin Abdul Kodir’s backgrounds, their *ijtihād* methods, their view on polygamy, etc., to make it easier to classify existing conceptions. This is necessary to make it easier for researchers to explain the points clearly and make it easier for readers to understand the information objectively and quickly.

c. Verification

The Researcher needs to verify or reexamine the legal material used and the Researcher's analytical description to double-check its validity and suitability. In this case, the Researcher reexamines the references and sources of Muḥammad ‘Abduh and Faqihuddin Abdul Kodir’s thoughts regarding polygamy.

d. Analysis

This research uses descriptive analysis techniques, namely analyzing the basic concepts of polygamy in *fiqh* books, Muḥammad ‘Abduh's views, and Faqihuddin Abdul Kodir's views and then describing the relationship between them. This analysis process is based on legal materials read, understood, studied, interpreted, and verified to create a scientific conclusion.

e. Making Conclusions

The conclusion is the final step written after a series of data processing (editing, classification, verification, and analysis). In this study, the conclusion will be a summary of the discussions described based on the problem formulations.

G. Previous Research

Previous research is several data and information presented by the Researcher based on research that has been carried out previously. The purpose of presenting previous research is as a consideration and reference for the Researcher's research. Previous research has some similarities and differences with the Researcher's research which will be explained as follows:

First, a research by Supiatul Aini and Abdurrahman in 2021 took the form of a journal article entitled “Rasionalitas Perintah Ayat Poligami: Kajian Pemikiran Tafsir Muḥammad ‘Abduh” from Sekolah Tinggi Agama Islam Darul Kamal NW IT Kembang Kerang. This research uses a library research method with a hermeneutic approach. The data collection technique used is documentation. Furthermore, the data is analyzed following the narrative construction or textual description of what is being studied with calculations to answer the formulation of the problem and testing the hypothesis that will be proposed. The similarity between this study and the Researcher is examining the discourse of polygamy from the perspective of Muḥammad ‘Abduh. The difference is that this article does not

conduct a comparative study like the Researcher will do examining the thoughts of Muḥammad ‘Abduh and Faqihuddin Abdul Kodir on polygamy.

Second, a research by Dewi Sundari in the form of a thesis in 2022 entitled “Konsep Poligami dalam Pemikiran Faqihuddin Abdul Kodir Perspektif Mubadalah” from UIN Prof. K. H. Saifuddin Zuhri Purwokerto. This research method is library research with primary sources such as Faqihuddin Abdul Kodir's written works, and data collection is done using the documentation method. This research has similarities with the research that the Researcher will study, which is analyzing Faqihuddin Abdul Kodir's thoughts on polygamy, while the difference is that this research does not compare thoughts with other figures, especially Muḥammad ‘Abduh, as in the research that the Researcher will conduct.

Third, a research by Fauzi Fathur Rosi and Daafiqin Syaqiq Maulana in 2023 took the form of a journal article entitled “Interpretasi Poligami dalam Qs. Al-Nisa’ Ayat 3 dan 129: Studi Perbandingan antara Penafsiran Muḥammad Syahrur dan Muḥammad ‘Abduh,” from Institut Dirosat Islamiyah Al-Amien Prenduan. This type of research is literature review with descriptive-comparative analysis techniques. Comparative research requires exploring the similarities and differences in thinking between the figures studied. The similarity with the Researcher is that this article uses a comparative approach to find similarities and differences in the thoughts of two figures on polygamy and analyze their *ijtihad* methods, while the difference is that the figure to be analyzed by the Researcher is Faqihuddin Abdul Kodir and not Muḥammad Syahrur.

To facilitate a summary of the comparison between the Researcher's work and previous research, here is a table of similarities and differences between each:

Table 1.1 Similarities and Differences with the Previous Researches

No.	Title	Similarity	Difference
1.	Supiatul Aini and Abdurrahman, <i>Rasionalitas Perintah Ayat Poligami: Kajian Pemikiran Tafsir Muḥammad ‘Abduh</i> , Journal Article, 2021	The research that the Researcher will examine is the discourse of polygamy from the perspective of Muḥammad ‘Abduh.	This research does not conduct a comparative study like the Researcher will do examining the thoughts of Muḥammad ‘Abduh and Faqihuddin Abdul Kodir on polygamy.
2.	Dewi Sundari, <i>Konsep Poligami dalam Pemikiran Faqihuddin Abdul Kodir Perspektif Mubadalah</i> , Undergraduate Thesis, 2022	The research that the Researcher will examine is analyzing Faqihuddin Abdul Kodir's thoughts on polygamy as in this work.	This research does not compare thoughts with other figures, especially Muḥammad ‘Abduh, as in the research that the Researcher will conduct.
3.	Fauzi Fathur Rosi and Daafiqin Syaqq Maulana, <i>Interpretasi Poligami dalam Qs. Al-Nisa’ Ayat 3 dan 129: Studi Perbandingan antara Penafsiran Muḥammad Syahrur dan Muḥammad ‘Abduh</i> , Journal Article, 2023	This research uses a comparative approach with the aim of finding similarities and differences in the thoughts of two figures on polygamy and analyzing their <i>ijtihad</i> methods.	As this article researched, the research analyzed by the Researcher is Faqihuddin Abdul Kodir, not Muḥammad Syahrur.

Based on the table, it can be concluded that the differences between previous research and the research designed by the Researcher are as follows: *first*, between the research of Supiatul Aini and Abdurrahman entitled “Rasionalitas Perintah Ayat Poligami: Kajian Pemikiran Tafsir Muḥammad ‘Abduh” and the Researcher lies in this research does not conduct a comparative study like the Researcher will do examining the thoughts of Muḥammad ‘Abduh and Faqihuddin Abdul Kodir on polygamy. *Second*, Dewi Sundari's research entitled “Konsep Poligami dalam

Pemikiran Faqihuddin Abdul Kodir Perspektif Mubadalah” does not compare thoughts with other figures, especially Muḥammad ‘Abduh as the research that the Researcher will conduct. *Third*, Fauzi Fathur Rosi and Daafiqin Syaqq Maulana’s research entitled “Interpretasi Poligami dalam Qs. Al-Nisa’ Ayat 3 dan 129: Studi Perbandingan antara Penafsiran Muḥammad Syahrur dan Muḥammad ‘Abduh,” analyzes Muḥammad Shahrur and not Faqihuddin Abdul Kodir.

H. Systematics of Discussion

In the systematics of discussion, the thesis outline will be described in paragraph form so that it is easy to understand and systematic. There are four chapters in the thesis, each of which is described as follows:

Chapter I is the Introduction. The introduction in a normative research thesis consists of the background of the problem, formulation of the problem, research objectives, benefits of the research, research methods, previous research, and systematic discussion. Chapter I provides a general description so readers can easily see the thesis.

Chapter II is a literature review that describes the legal concepts that are the theoretical basis of the research questions, both substantively and using methods relevant to the research. These concepts and theories are then used to analyze the research questions.

Chapter III contains the research results and discussion. This chapter describes the data obtained from the research results originating from the literature which are then edited, classified, verified, and analyzed to answer the problem formulation described in Chapter I. This chapter is the core of the research findings

conducted because it contains analyses of previously described theoretical foundations.

Chapter IV is the conclusion which is also the last chapter. This chapter contains conclusions and suggestions. The conclusion contains brief answers to the formulation of the problems raised, so the number of points is by the number of formulations of the problems raised. Suggestions are proposals (feedback) submitted to relevant parties and those who have the researchers and are related to the theme of the thesis to gain benefits to the community, as well as proposals or recommendations for future researchers.

CHAPTER II

POLYGAMY IN ISLAMIC AND STATE LAW, REQUIREMENTS FOR FAIRNESS IN POLYGAMY, AND MUHAMMAD ‘ABDUH AND FAQIHUDDIN ABDUL KODIR’S THOUGHT EPISTEMOLOGY

A. Polygamy in Islamic and State Law

In Islamic law, polygamy is called *ta'addud al-zawāj / ta'addud al-zawjāt*. Polygamy jurisprudence is known as *rajulun yatazawwaju akthar min imra'atin ilā arba'ah niswah*, which means “a man marries more than one person”.

The main foundation for this act is Q. S. al-Nisā (4) verse 3:

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مِمَّنِّي وَتَلْتُمْ
وَرُبِعًا فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ۚ ذَٰلِكَ أَدْنَىٰ أَلَّا تَعُولُوا

“And if you fear that you will not be able to do justice to the rights of orphaned women (if you marry them), then marry any other woman you like: two, three or four. Then if you fear that you will not be able to do justice, then (marry) only one, or the slaves you own. That is closer to not doing wrong.”

Polygamy is considered to have benefits including: first, maintaining family honor because there is no infidelity. Second, as a solution when the wife cannot fulfill her obligations without divorcing. Third, to protect hypersexualized husbands from adultery. Fourth, keeping women whose population is more than men to be more honorable in marriage bonds. Fifth, to continue the offspring.¹² The imams of the four mazhabs have varying views on polygamy, although they all agree on its permissibility

¹² Suud Sarim Karimullah, “Poligami Perspektif Fikih dan Hukum Keluarga Negara Muslim,” *Maddika: Journal of Islamic Family Law* no. 1 (2021): 9
<https://doi.org/10.24256/maddika.v2i1.2118>

(*mubāḥ*). The Maliki *madhhab* has an explanation of fair behavior towards wives in the books *al-Muwaṭṭa'* and *al-Bayān wa al-Tashīl*, in the Hanafi *madhhab* also discusses similar themes in the book *Radd al-Mukhtār 'alā al-Durr Mukhtār*. Ibn Qudamah of the Hanbali *madhhab* states that a man may marry a maximum of four women. In the Shafi'i *madhhab*, one of the books that contains a chapter discussing polygamy is *Fath al-Qarīb al-Mujīb* While the Shi'ah *madhhab* interprets al-Nisā' verse 3 above with the meaning of the addition of numbers 2, 3, and 4 so that the maximum number of women who can be polygamized becomes 9.¹³

Al-Habib Muḥammad bin Salim bin Hafiz, in *al-Miftāḥ li Bāb al-Nikāḥ*, details that a free man may marry up to four women, while a slave man may only marry two. If the free man marries more than four women simultaneously, the consequences are divided into two situations. Firstly, if the marriage was entered into after the completion of four previous wives (*murattab*), then this latest marriage is automatically void; secondly, if more than four marriages were entered into in one contract, then the whole marriage is void.¹³

Indonesia has regulations on polygamy in Law No. 1/1974 on Marriage in article 3 paragraph (2) and the Compilation of Islamic Law (KHI) articles 55-59. In general, men who want to be polygamous must obtain permission from their first wife and the court. However, the granting of permission from the court must also be for clear reasons, such as the wife suffering from an incurable disease due to

¹³ Suud Sarim Karimullah, "Poligami Perspektif Fikih dan Hukum Keluarga Negara Muslim," *Maddika: Journal of Islamic Family Law* no. 1 (2021): 10 <https://doi.org/10.24256/maddika.v2i1.2118> ¹³ Al-Habib Muhammad bin Salim bin Hafidz, *al-Miftah li Bab al-Nikah* (t.tp.: Maktabah Maryamah, t.t.), 30.

infertility and being unable to carry out her duties as a wife. Although Article 3(2) states the validity of polygamy, Article 3(1) basically mentions monogamy.

Indonesian law implies a narrowing of the permissibility of polygamy. The requirements for polygamy indicate this. First, the consent of the first wife must be obtained. Second, the man must provide sufficient financial security. Third, he must be fair to his family. KHI provides an additional requirement of a maximum of four wives simultaneously.

B. Requirements for Fairness in Polygamy

According to historical records, polygamy existed long before Islam was present. In fact, the practice of polygamy at that time could be said to be quite rampant. This can be seen from the religious teachings brought by the prophets before the Prophet. Prophet Moses, for example, did not prohibit nor did he limit the number of women a man could marry. However, it is not only in Islamic countries that polygamy has a historical record, but polygamy also exists among the nations that lived during the Islamic era. among the nations that lived in ancient times.

Justice is something that should not be missed when discussing polygamy.

This is affirmed in Q. S. al-Nisā' verse 129:

وَلَنْ تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ النِّسَاءِ وَلَوْ حَرَصْتُمْ فَلَا تَمِيلُوا كُلَّ الْمَيْلِ فَتَذَرُوهَا
كَالْمُعَلَّقَةِ بِوَأَنْ تُصْلِحُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ عَفُورًا رَحِيمًا

“You will never be able to do justice between your wives, no matter how much you wish to do so. Therefore, do not be so inclined (to the one you love) that you leave the other hanging. If you make *iṣlāh* (amends) and preserve yourselves (from cheating), surely Allah is Forgiving, Merciful.”

The Prophet Muḥammad *ṣallallāhu ‘alaihi wasallama* was the fairest of men towards his wives. Several hadiths mentioned this:

عن عائشة رضي الله عنها قالت: كان رسول الله صلى الله عليه وسلم يقسم لنسائه, فيعدل, ويقول: اللهم هذا قسيمي فيما أملك, فلا تلمني فيما تملك ولا أملك, رواه الأربعة وصححه ابن حبان والحاكم ولكن رجح الترميذي ارساله.¹⁴

“Ā’ishah *raḍiyallāhu ‘anha* reported: The Messenger of Allah *ṣallallāhu ‘alaihi wasallama* divided his wives fairly. He said: ‘O Allah, this is my share according to what I have, and do not reproach me with what You have or do not have.’” (Hadith narrated by four Imams and authenticated by Ibn Hibban and Hakim, but Imām Tirmidhi has rendered it *mursal*).

وعن ابي هريرة رضي الله عنه ان النبي صلى الله عليه وسلم قال من كانت له امرأتان فمال الى إحداهما جاء يوم القيامة وشقه مائل. رواه احمد والأربعة وسنده صحيح.¹⁵

“Abu Hurayrah *raḍiyallāhu ‘anhu* reported that the Prophet *ṣallallāhu ‘alaihi wasallama* said: ‘Whoever has two wives and tends to one of them will come on the Day of Resurrection with a lopsided body.’” (Hadith narrated by Ahmad and four Imams. The *sanad* is authentic).

وعن أم سلمة رضي الله عنها أن النبي صلى الله عليه وسلم لما تزوجها أقام عندها ثلاثا, وقال إنه ليس بك على أهللك هوان, إن شئت سبعت لك وإن سبعت لك سبعت لنسائي. رواه مسلم.¹⁶

“Umm Salamah *raḍiyallāhu ‘anhā* reported that the Prophet *ṣallallāhu ‘alaihi wasallama* married her and stayed with her for three days. Then he said: ‘You are not inferior in front of your husband; if you want I will give you seven days, but if you want me to spend seven days with you, then I will spend seven days with my wives.’” (Hadith narrated by Muslim)

The verse and hadiths above come as a warning of the unfair treatment that often happens to husbands who practice polygamy. The Hanafī *madhhab* states that

¹⁴ Ibn Hajar al-Asqalani. *Bulugh al-Maram: Min Adillah al-Ahkam* (Surabaya: Publisher Maktabah Auliya, without year), 228.

¹⁵ Ibn Hajar al-Asqalani. *Bulugh al-Maram: Min Adillah al-Ahkam* (Surabaya: Publisher Maktabah Auliya, without year), 228-229.

¹⁶ Ibn Hajar al-Asqalani. *Bulugh al-Maram: Min Adillah al-Ahkam* (Surabaya: Publisher Maktabah Auliya, without year), 229.

a polygamous person must be fair in treating his wives. The Shafi'i *madhhab* says the same thing, that he must be fair to his wives as a requirement for the permissibility of polygamy and is limited to a maximum of four. Fairness, according to the Shafi'i *madhhab*, is material fairness, including maintenance, night rations distribution, inheritance, and physical aspects.

The aspect of the heart's inclination is not regulated because it is difficult to know and measure the level. Imām Mālik mentions in his work "*al-Muwatta'*" that polygamy can only be practiced by free men with a maximum limit of four wives. In the Hanbali *madhhab*, there is an additional condition that the heart should not be inclined towards one of the wives.¹⁷

The word "*al-qisf*" and "*al-'adl*" used by the Qur'an has a different meaning according to some scholars. Prof. M. Quraish Shihab in Tafsir al-Misbah defines "*tuqsiṭū*" as "to be fair between two or more people with justice that makes both of them happy", while "*ta'dilū*" is "to be kind to others and yourself, but that justice may not please one party".¹⁸ Surah al-Nisa' verse 3 uses "*tuqsiṭū*" in talking about marrying orphans, and "*ta'dilū*" in talking about polygamous marriages. This implies the reality that polygamous marriages are often unable to provide equal justice between wives, which results in favoring one party and displeasing the other.¹⁹

¹⁷ Muh. Yunan Putra, Merry Lestania, "Konsep Adil Berpoligami dalam Kitab *Bulughul Maram min*

Adillatil Ahkam Karya Ibnu Hajar al-Asqalany', *Sangaji: Jurnal Pemikiran Syariah dan Hukum* no. 1 (2023): 52 <https://doi.org/10.52266/sangaji.v7i1.1314>

¹⁸ M. Quraish Shihab, *Tafsir al-Misbah vol. 2* (Jakarta: Lentera Hati, 2002), 338.

¹⁹ Lailatus Sa'diyah, "Pesan Monogami dalam al-Qur'an (Telaah Q. S. Al-Nisa' Ayat 3 Perspektif Faqihuddin Abdul Kodir)" (Undergraduate thesis, Universitas Islam Negeri Kiai Haji Achmad Siddiq Jember, 2022), http://digilib.uinkhas.ac.id/8619/1/Lailatus%20Sa%27diyah_U20181080.pdf

Sheikh Mustāfa al-Maraghi urges those who are going to practice polygamy to be sure that they can do justice. If there is still doubt about his ability to be fair, then he must take only one wife.²⁰ Furthermore, according to Mahmud Syaltut, with the hint that being fair is a tough thing to do in polygamy, this becomes a barrier to the permissibility of polygamy. He further states that the requirement of fairness must fulfill both material and immaterial aspects.²¹ This is similar to Sayid Qutb's opinion, with the additional note that it must be fair in visible matters such as maintenance, *mu'āmalah*, *mu'āsharah*, and *mubāsharah*.²²

It is obligatory for the husband to equalize the shifts between the wives. Fairness in turn is sometimes seen from the place and sometimes from the time. This means that the husband must pay attention to the place and time when rotating or taking turns. This is in accordance with the verse of the Quran surat al-Nisa' verse 4 which commands fairness in fulfilling the rights of a wife. Especially for someone who does polygamy. In addition, Wahbah Zuhaili argues that fairness in polygamy must equalize between wives in material aspects in the form of providing maintenance, good relations and housing.

One of the aspect of justly behaving towards polygamy is time-sharing. Time-sharing is the division of time with one wife each day or a husband giving time from one wife to another. For example, if a man has two wives, then the

²⁰ Asmu'i, dkk., "Konsep Keadilan Islam Pada Ranah Spesifik Poligami (*Ta'adud Al-Zaujat*) dalam Alquran Perspektif Mufassir Wahbah Al-Zuhaili", *Kamaya: Jurnal Ilmu Agama* no. 3 (2024): 81 <https://doi.org/10.1234/kamaya.v7i1.32>

²¹ Asmu'i, dkk., "Konsep Keadilan Islam Pada Ranah Spesifik Poligami (*Ta'adud Al-Zaujat*) dalam Alquran Perspektif Mufassir Wahbah Al-Zuhaili", *Kamaya: Jurnal Ilmu Agama* no. 3 (2024): 83 <https://doi.org/10.1234/kamaya.v7i1.32>

²² Asmu'i, dkk., "Konsep Keadilan Islam Pada Ranah Spesifik Poligami (*Ta'adud Al-Zaujat*) dalam Alquran Perspektif Mufassir Wahbah Al-Zuhaili", *Kamaya: Jurnal Ilmu Agama* no. 3 (2024): 83 <https://doi.org/10.1234/kamaya.v7i1.32>

husband divides two days for the first wife and two days for the second wife. The husband must be fair in dividing the time. Among the conditions for a man to engage in polygamy are that he must be just, able to provide for his wives and children and dependents (according to the customs of his community).

It is not permissible for a husband to visit his wife at night when he does not have a turn without a need to do so. If he visits her for a reason, such as visiting his sick wife and others, then he is not prohibited from entering her. But if he enters because he has a need, if he stays there for a long time, then he must make up the time that he stays from the turn of the wife that he visited. So if he had intercourse with a wife he visited who was not his turn, he must make up the period of intercourse, not the intercourse, unless the time is very short, in which case he does not have to make it up.

When a man who has several wives wants to travel, it is not permissible to choose only the wife he wants to take. Rather he must draw lots among his wives. Then the husband travels with the wife who won the lot. The husband who travels does not have to make up the period of travel for his wives who are not traveling and who are left at home. If he arrives at the destination and stay there, in the sense that he intends to stay that can change the status of the traveler at the beginning of the departure, when arriving at the destination or before arriving, then he is obliged to make up the time of his stay, if the wife who accompanied him on the trip also stay with him as the information submitted by Imam al-Mawardi. If not, then he does not have to make it up. As for the time of the return journey after his stay, then the husband is not obliged to make it up.

C. Muḥammad ‘Abduh’s Biography and Epistemology of Thinking

Muḥammad ‘Abduh bin ‘Abduh bin Hasan Khairullah, as known as Muḥammad ‘Abduh was born on 1849 in Mahallat Nashr, al-Buhairah, Egypt. He grew up in the care of his parents and was educated to memorize the Qur'an. He completed memorizing up to 30 juz when he was 12 years old. In addition, he was also educated in religious knowledge by a teacher at the Thantha Mosque to Sheikh Ahmad in 1862.²³ Moreover, continued his education at al-Azhar, here he gained much insight into Islam and modernity. At Al-Azhar, ‘Abduh met Sheikh Hasan at-Tawil and Muḥammad al-Basyuni who gave him insight into the basics of liberal, rational, linguistic and literary thought.²⁴ ‘Abduh once served as the rector of al-Azhar University and was a revolutionary because he included a philosophy and secular curriculum that was previously prohibited from being studied.

One of ‘Abduh's most popular teachers and one who influenced the basis of ‘Abduh's thought was Jamāl al-Dīn al-Afghānī. Al-Afghānī met ‘Abduh when he was a student at al-Azhar University, they discussed a lot about sufism, tafsir, as well as modern knowledge such as philosophy, law, history, constitutional science, and others. Muḥammad ‘Abduh admired Jamāl al-Dīn al-Afghānī’s thoughts so that he was always by his side.²⁵

²³ Muhsin, Achmad Ruslan Afendi, “Upaya-upaya Pembaharuan dan Modernisasi Islam Muhammad Abduh”, *Al-Ilmi: Jurnal Pendidikan Islam* no. 2 (2022): 108. <https://doi.org/10.32529/alilmi.v5i2.1993>

²⁴ Mansur Afifi, Syamsu Syauqani, “Menelisik Dimensi Kontemporer dari Tafsir al-Manar Karya Muhammad Abduh dan Muhammad Rasyid Ridha”, *Al-Tadabbur: Jurnal Ilmu Quran dan Tafsir* no. 1 (2024): 54. DOI: 10.30868/at.v9i01.5862

²⁵ Muhammad Abduh. *Risalah Tauhid* translation by Firdaus A. N. (Jakarta: Publisher PT Bulan Bintang, 1996), vii.

Jamāl al-Dīn al-Afghānī's spirit of *tajdīd* (renewal) immediately influenced 'Abduh in his view of Islamic law. Muḥammad 'Abduh read so many books of philosophy and rationalist Mu'tazilah thought that he was once accused by al-Azhar lecturers of having left the Ash'ari school. Because of the accusation, 'Abduh responded: "Clearly I have abandoned *taqlīd* to the Ash'ari, so why should I also *taqlīd* to the Mu'tazilah? I will abandon *taqlīd* to anyone, and only adhere to the arguments that are presented."²⁶ This statement shows 'Abduh's firmness against blind *taqlīd*.

The discussion about renewal in the Islamic world can never be separated from Muḥammad 'Abduh of Egypt. The foundation of Muḥammad 'Abduh's thought is rooted in the background conditions of that era when Islamic countries were slowly losing against Western imperialism. In addition to external factors due to Western colonization, the decline factor also occurs internally from Muslims themselves in the form of stagnation of thinking (*jumūd*). *Jumūd* occurs because of the assumption that Islamic law has been finalized in the books of previous scholars (especially the imams of the *madhhab*), so that the mind is not used creatively to deal with legal issues according to new times.

'Abduh argued that this thought stagnation could freeze the mind, resulting in the cessation of thought activity in Islam. If allowed to spread, the impact will be blind *taqlīd* to sheikhs and guardians (*walī*) without a clear foundation, as well as the complete surrender of all the provisions of this life to God through *qadā* and

²⁶ Muhammad Abduh. *Risalah Tauhid* translation by Firdaus A. N. (Jakarta: Publisher PT Bulan Bintang, 1996), viii.

qadar, so that Muslims are reluctant to try to rise. Meanwhile, according to ‘Abduh, revelation (*wahy*) and reason actually go hand in hand.²⁷

When someone wants to revolutionize thinking in the Islamic world, then the paradigm in viewing science should not be contradicted with religion. The main ideas of ‘Abduh are the teachings of returning to the Qur'an and hadith, encouraging the opening of the door to *ijtihād* which has been closed for centuries, leaving blind *taqlīd* in legal *istinbāṭ* to new cases according to the times.²⁸

According to M. Quraish Shihab, Muḥammad ‘Abduh had two main ideas: freeing the mind from the grip of blind imitation which caused the stagnation of Muslim thinking, and improving the use of Arabic as a formal language in government offices and the mass media.²⁹ H. A. R. Gibb stated that ‘Abduh's reform ideas were carried out in four main processes. First, cleaning religion from heresy and *khurafā t*. Second, reforming Al-Azhar's educational curriculum. Third, reformulating the true teachings of Islam and being open to modern thought. Fourth, protecting Islam from the negative influence of the West and Christianization.³⁰

One example of ‘Abduh's strong defense of Islam was when the French Foreign Minister at the time, Gabriol Hanotaux, wrote things that tended to insult

²⁷ Thori Maulana Suhendi. “Kedudukan Ilmu Pengetahuan (Sains) dan Agama dalam Perspektif Muhammad Abduh dan Blaise Pascal”. *Gunung Djati Conference Series* (without number) vol. 24 (2023): 627. <https://creativecommons.org/licenses/by/4.0/>

²⁸ Asmawi. “Epistemologi Hukum Islam Perspektif Historis dan Sosiologis dalam Pengembangan Dalil” *Tribakti: Jurnal Pemikiran Keislaman* no. 1 (2021): 70. <https://doi.org/10.33367/tribakti.v32i1.1393>

²⁹ Rukamana Prasetyo, dkk. “Kebangkitan Ijtihad di Zaman Modern: Analisis Kontribusi Pemikiran Muhammad Abduh dalam Pembaharuan Hukum Islam”, *Jurnal Hikmah* no. 1 (2023): 155-156.

<https://doi.org/10.53802/hikmah.v20i1.229>

³⁰ Thori Maulana Suhendi. “Kedudukan Ilmu Pengetahuan (Sains) dan Agama dalam Perspektif Muhammad Abduh dan Blaise Pascal”. *Gunung Djati Conference Series* (without number) vol. 24 (2023): 630. <https://creativecommons.org/licenses/by/4.0/>

Islam. He was challenged by Muḥammad ‘Abduh although later Gabriol seemed to apologize for writing again in *al-Mu’ayyad* magazine,³¹ whose editor was ‘Abduh himself. Apart from *al-Mu’ayyad*, ‘Abduh was also the editor of *al-Waqā’i’ al-Miṣriyyah* magazine, created his own magazine with his teacher entitled *al-‘Urwah al-Wuthqā*, and *Risālah al-Tauhīd*.³²

In 1895, ‘Abduh was appointed to the Administrative Council of Al-Azhar, which he used to incorporate radical reform ideas in Al-Azhar's educational curriculum. After that, ‘Abduh served as mufti of Egypt in 1899, which became one of the “containers” for his ideas on polygamy, inheritance, usury (*ribā*), marriage with *ahl al-kitāb*, and other legal issues. This position, according to ‘Abduh, did not limit him to answering questions only but as a medium to help Muslims. He held this mufti position until his death on July 11, 1905.³³

‘Abduh's thinking, epistemologically, opened up the breadth of thinking in Islamic law since its decline because the door to *ijtihad* was closed with a rationalist approach.³⁴ The Mu'tazilah school and ‘Abduh have several similarities, both of which provide ample room for reason in religion. Revelation (*wahy*) shows the mind how to worship and thank God, determines the good and bad of God's decrees

³¹ Muhammad Abduh. *Risalah Tauhid* translation by Firdaus A. N. (Jakarta: Publisher PT Bulan Bintang, 1996), xi.

³² Ahmad Nabil Amir. *Biografi Intelektual Muhammad Abduh*. (Kuala Lumpur: Publisher Guepedia, 2022), 22.

³³ Rasam. “Muhammad Abduh dan Pemikiran-pemikirannya”, *ANSIRU PAI: Jurnal Pengembangan Profesi Guru Pendidikan Agama Islam* no. 1 (2021): 147. <http://dx.doi.org/10.30821/ansiru.v5i1.9802.g4591>

³⁴ Asmawi. “Epistemologi Hukum Islam Perspektif Historis dan Sosiologis dalam Pengembangan Dalil” *Tribakti: Jurnal Pemikiran Keislaman* no. 1 (2021): 70. <https://doi.org/10.33367/tribakti.v32i1.1393>

through commands and prohibitions, and empowers the mind to force people to obey the law.³⁵

Although he was critical of Sufism and favored rationality, he practiced the Shadziliyah order thanks to the upbringing of his uncle, Sheikh Darwish Khadr. Sufism gave ‘Abduh enthusiasm for religious knowledge and *zuhūd* behavior. Even so, it was Sheikh Darwish Khadr who later urged ‘Abduh to abandon the sufi life and study with Jamāl al-Dīn al-Afghānī.³⁶

Muḥammad ‘Abduh had a student and friend, Muḥammad Rashid Riḍa. Their relationship began with Rashid Riḍa's admiration after reading the writings of Jamāl al-Dīn al-Afghānī and Muḥammad ‘Abduh in *al-‘Urwah al-Wuthqā*, so he decided to study with him. *Tafsīr al-Qur‘ān al-Hakīm* or known as *Tafsīr al-Manār*, is the magnum opus of ‘Abduh and Rashid Riḍa's collaboration.³⁷

According to Al-Dhahabī, Muḥammad ‘Abduh is a pioneer of the style of interpretation *al-ādāb al-ijtimā‘ī* (social culture) in *Tafsīr al-Manār*. The *al-ādāb al-ijtimā‘ī* style was heavily influenced by Jamāl al-Dīn al-Afghānī who sensitized Muḥammad ‘Abduh who was not satisfied with the memorization method as the

³⁵ Rasam. “Muhammad Abduh dan Pemikiran-pemikirannya”, *ANSIRU PAI: Jurnal Pengembangan Profesi Guru Pendidikan Agama Islam* no. 1 (2021): 150. <http://dx.doi.org/10.30821/ansiru.v5i1.9802.g4591>

³⁶ Rasam. “Muhammad Abduh dan Pemikiran-pemikirannya”, *ANSIRU PAI: Jurnal Pengembangan Profesi Guru Pendidikan Agama Islam* no. 1 (2021): 146. <http://dx.doi.org/10.30821/ansiru.v5i1.9802.g4591>

³⁷ Mansur Afifi, Syamsu Syauqani, “Menelisik Dimensi Kontemporer dari Tafsir al-Manar Karya Muhammad Abduh dan Muhammad Rasyid Ridha”, *Al-Tadabbur: Jurnal Ilmu Quran dan Tafsir* no. 1 (2024): 56. DOI: 10.30868/at.v9i01.5862

only way to understand religion, neglecting critical thinking.³⁸ This style has nine main principles:

- a. Surah/verse of Qur'an is a harmonious unity;
- b. The verses in Qur'an are global and universal;
- c. The Qur'an is the main reference for 'aqīdah and sharia;
- d. Understanding Qur'an verses using rationality;
- e. Rejecting *taqlīd*;
- f. The issue of *mubham* (unclear) is not detailed;
- g. Being critical in reading the hadiths of the Prophet *ṣallallāhu 'alaihi wa sallama*;
- h. Being critical of *ṣaḥābah* opinions and rejecting *isrā'iliyāt*;
- i. Connecting the interpretation with social life.³⁹

Therefore, *Tafsīr al-Manār* contains many social dynamics that actually occur in society, such as people oppression, *khurafāt*, blind *taqlīd*, and the call for *ijtihād*.⁴⁰ These whole themes once again shows the existence of a Muslim thinking dullness so that *al-ādāb al-ijtimā'ī* style is needed to answer these problems.

D. Faqihuddin Abdul Kodir's Biography and Epistemology of Thinking

Faqihuddin Abdul Kodir was born in Cirebon on December 31, 1971. His education began at Kedongdong Elementary School (SD) and Diniyah-Ibtida'iyah

³⁸ Mohammad Fattah, et. al., "Corak Penafsiran Muhammad Abduh dan Muhammad Rasyid Ridha dalam *Tafsir al-Manar*", *Jurnal Reflektika* no. 1 (2023): 44. <http://dx.doi.org/10.28944/reflektika.v18i1.1136>

³⁹ M. Quraish Shihab. *Rasionalitas al-Qur'an: Studi Kritis atas Tafsir Al-Manar*. (Tangerang: Publisher Lentera Hati, 2006), 26.

⁴⁰ Mohammad Fattah, et. al., "Corak Penafsiran Muhammad Abduh dan Muhammad Rasyid Ridha dalam *Tafsir al-Manar*", *Jurnal Reflektika* no. 1 (2023): 45. <http://dx.doi.org/10.28944/reflektika.v18i1.1136>

Gintung Lor in 1977-1983. Madrasah Tsanawiyah Arjawinangun year 1983-1986, then Madrasah Aliyah Nusantara Arjawinangun year 1986-1989. These last two levels he did while studying religious knowledge at the Dar al-Tauhid Arjawinangun Islamic boarding school under K. H. Ibnu Ubaidillah Syathori and K. H. Husein Muhammad.⁴¹

Faqihuddin continued his undergraduate higher education at the University of Damascus, Syria, by taking a double degree program for the Faculty of Da'wah Abu Nur (1989-1995) and the Faculty of Sharia (1990-1996). In this country, Faqihuddin met Sheikh Ramadan al-Buṭi, Sheikh Wahbah Zuhaili, and Muḥammad Zuhaili, and practiced the Naqsyabandiyah tariqah under the guidance of Sheikh Ahmad Kaftaro.⁴² He continued his Masters at the International Islamic University Malaysia (IIUM). Here he studied fiqh in the field of developing the fiqh of zakat (1996-1999).⁴³ Faqihuddin was again active in organizations in Malaysia through his position as Secretary of the Special Branch of Nahdlatul Ulama / Pengurus Cabang Istimewa Nahdlatul Ulama (PCI NU).

Like most men born in a patriarchal world, Faqihuddin did not immediately take a gender-friendly perspective. His curiosity about justice for women has been nurtured deeply since he was in junior high school. Faqihuddin often witnessed how his female friends had difficulty with the rules of purification during menstruation in the fiqh books. And how he witnessed his friends who were

⁴¹ Faqihuddin Abdul Kodir. *Qira'ah Mubadalah: Tafsir Progresif untuk Keadilan Gender dalam Islam*. (Yogyakarta: Publisher IRCiSoD, 2019), 613.

⁴² Faqihuddin Abdul Kodir. *Qira'ah Mubadalah: Tafsir Progresif untuk Keadilan Gender dalam Islam*. (Yogyakarta: Publisher IRCiSoD, 2019), 613.

⁴³ Faqihuddin Abdul Kodir. *Qira'ah Mubadalah: Tafsir Progresif untuk Keadilan Gender dalam Islam*. (Yogyakarta: Publisher IRCiSoD, 2019), 613.

forced to marry when they were very young and cried bitterly while still dreaming of finishing school. At that time Faqihuddin felt that religion had failed to defend their rights. Faqihuddin stated, “I felt it was wrong, but I didn't know how to defend or accompany them. I empathize but discursively I don't know.”⁴⁴

The hijab issue that often appeared in women's discourse when Faqihuddin was an undergraduate in Damascus became the momentum for the question to arise in him, “Why is there so much attention when referring to women but little attention when it comes to issues that burden the public? The rules for women are detailed, complicated, difficult, while the public rules are just ignored or whatever.” He said.⁴⁵

His reflections on women's issues, which he considered often burdensome, increased over time. At the Second Indonesian Women Ulema Conference / Konferensi Ulama Perempuan Indonesia (KUPI) II at the Hasyim Asy'ari Islamic Boarding School, Faqihuddin began to express her interest in women's issues.⁴⁶ His teacher, K. H. Husein Muhammad gave a big contribution to the basis of his thinking related to gender equality. He often advised Faqihuddin to think critically, broadly, and not be rigid about the texts in the Qur'an, hadith, books, or books to be studied.⁴⁷

⁴⁴ “Faqihuddin Abdul Kodir, Ulama Lelaki, Pejuang Keadilan Gender” by Jasmine Floretta V. D. December 2, 2022. *Magdalene: Supporting Diversity, Empowering Minds* accessed November 21st, 2024 <https://magdalene.co/story/profil-kiai-faqihuddin-abdul-kodir/>

⁴⁵ “Faqihuddin Abdul Kodir, Ulama Lelaki, Pejuang Keadilan Gender” by Jasmine Floretta V. D. December 2, 2022. *Magdalene: Supporting Diversity, Empowering Minds* accessed November 21st, 2024 <https://magdalene.co/story/profil-kiai-faqihuddin-abdul-kodir/>

⁴⁶ “Faqihuddin Abdul Kodir, Ulama Lelaki, Pejuang Keadilan Gender” by Jasmine Floretta V. D. December 2, 2022. *Magdalene: Supporting Diversity, Empowering Minds* accessed November 21st, 2024 <https://magdalene.co/story/profil-kiai-faqihuddin-abdul-kodir/>

⁴⁷ Muhammad Rake Ramadhani, “Konsep Kepemimpinan Perempuan dalam Keluarga Perspektif Kompilasi Hukum Islam: Studi Menurut Teori Mubadalah Faqihuddin Abdul Kodir”,

Faqihuddin's magnum opus, *Qirā'ah Mubādalāh: Tafsir Progresif untuk Keadilan Gender dalam Islam*, is a work that discusses the interpretation of the main sources of Islam, especially the Qur'an and hadith, with an egalitarian and reciprocal perspective that upholds the spirit of interdependence and reciprocity (*mubādalāh*).⁴⁸ Faqihuddin applies the principle of tawhid firmly in the formulation of his *mafḥūm mubādalāh*. There are 3 crucial things Faqihuddin conveyed regarding the reading of the text equally in the opening of *Qirā'ah Mubādalāh*.

Firstly, the main texts (*naṣ*) of Islam are in Arabic, whose grammar is based on gender (*mudḥakkar-mu'annath*), which necessitates an understanding of gender bias in its grammar. Allah the Most Holy certainly cannot be wrong in his choice of language, but it is important to understand how the Arabic language constructs this gendered way so that the message of tawhid is conveyed. Second, the textual reading of the text as a precaution. This aspect needs to be carefully scrutinized because it can ignore the context even when this model of understanding is more reflective of women's humanity. Third, the patriarchal culture that is still very strong in Saudi Arabia not only in the past, but until now. Textual reading reflects the patriarchal perspective of Arab society during the early days of Islam because it is more likely to be applied according to local culture.⁴⁹

(Undergraduate Thesis, Universitas Islam Negeri Raden Intan Lampung, 2023), <https://repository.radenintan.ac.id/29839/1/bab%201%2C2%20dapus.pdf>

⁴⁸ Ulfah Zakiyah, "Posisi Pemikiran Feminis Faqihuddin dalam Peta Studi Islam Kontemporer", *The International Journal of PEGON: Islam Nusantara Civilization* no. 2 (2020): 125. <https://doi.org/10.51925/inc.v4i02.33>

⁴⁹ Faqihuddin Abdul Kodir. *Qirā'ah Mubadalāh: Tafsir Progresif untuk Keadilan Gender dalam Islam*. (Yogyakarta: Publisher IRCiSoD, 2019), 34.

The significance of *mafḥūm mubādalah* is manifested in the categorization of texts into three: *mabādi'*, *qawā'id*, and *juz'ī*. *Mabādi'* is a text that contains the basic principles of Islam that animates all religious teachings in any branch. Examples: creed, tawhid, *maṣlahāt*, *maqāṣid al-sharī'ah*, equality, and so on. *Qawā'id* is a text that contains basic Islamic values in certain branches of life. For example, in trade there are texts about the necessity of mutual willingness (*tarāḍīn*), honesty, mutual benefit, and so on. In marriage there are principles of *sakīnah*, *mawaddah*, *rahmah*, solid promises (*mithāqan ghalīẓan*), treating your partner well (*mu'āsharah bi al-ma'rūf*), and so on. *Juz'ī* is a text that discusses certain more specific behaviors, such as texts about giving alimony, fulfilling a partner's sexual needs, and so on.⁵⁰

The way to view these three types of texts is according to the hierarchy. This means that *qawā'id* texts should not be understood against *mabādi'* texts, and *juz'ī* texts should not be understood against *qawā'id* texts, especially *mabādi'*.⁵¹ If this principle is applied, then texts that are textually thick with patriarchy and gender bias can be contextualized and understood as a whole, not partially. The reading of texts cannot be simplified to purely textual because the time and place of the Muslim community cannot be generalized like Arab culture.

⁵⁰ Faqihuddin Abdul Kodir. *Qira'ah Mubadalah: Tafsir Progresif untuk Keadilan Gender dalam Islam*. (Yogyakarta: Publisher IRCiSoD, 2019), 34-35.

⁵¹ Faqihuddin Abdul Kodir. *Qira'ah Mubadalah: Tafsir Progresif untuk Keadilan Gender dalam Islam*. (Yogyakarta: Publisher IRCiSoD, 2019), 35.

CHAPTER III

POLYGAMY IN PERSPECTIVE OF MUḤAMMAD ‘ABDUH AND FAQIHUDDIN ABDUL KODIR AND THE SIMILARITIES AND DIFFERENCES OF THINKING

A. Polygamy in Muḥammad ‘Abduh’s Perspective

‘Abduh began his discussion of polygamy by reviewing the meaning of al-Nisā’ verse 2. This verse is a warning to be kind to orphans.

وَأْتُوا الْيَتَامَىٰ أَمْوَالَهُمْ وَلَا تَتَبَدَّلُوا الْحَسِيثَ بِالطَّيِّبِ وَلَا تَأْكُلُوا أَمْوَالَهُمْ إِلَىٰ أَمْوَالِكُمْ ۚ إِنَّهُ كَانَ
خُوبًا كَبِيرًا

“Give to the orphans (who have grown up) their property. Do not exchange good for bad and do not eat of their wealth with your wealth. Verily (the act of exchanging and consuming) it is a great sin.”

The word “orphan” means “one who loses his father before reaching an age when he can no longer provide for him” or “an animal that loses its mother when it is young, because the female of the animal is the mother of its young.”⁵² Orphans are a vulnerable group in society. Children who have not been able to take care of their own property are managed by guardians (*walī*) to take care of it properly, so that their property cannot be used carelessly before they mature (*balīgh*).

⁵² Muhammad Abduh, Muhammad Rasyid Ridha *Tafsir al-Qur’an al-Hakim as-Syahir bi Tafsir al-Manar* Vol. IV (Egypt: Dar al-Manar, 1367 H), 339.

At the beginning of this Surah, we said that it talks about family, relatives and spouses, and it continues like that until His words, “And worship Allah and associate nothing with Him.” (QS. A-Nisa': 36). Then he goes on to explain the rights of the weak, such as orphans, women, and young children, and commands them to fulfill these rights, saying: “And give to the orphans their lawful property”.

An orphan is one whose father has died in absolute terms, and according to the custom of the fuqaha', he is one whose father died when he was a child, so that when he reaches puberty, he is no longer an orphan. The meaning of giving an orphan's property is to make it his own and not to spend on it wastefully, i.e. to spend on them from his property until they grow up, in each case according to its own circumstances, and this is specific to the case of adults. This is not permissible, as they say, because a guardian who provides for an orphan from his own wealth is giving the orphan's wealth to the orphan. The purpose of this verse is clear, which is to protect the orphan's property and make it his own, and not to eat any of it, because the orphan is weak and unable to protect and defend it, hence His words: “And do not exchange the bad for the good”. The meaning of the bad is forbidden and the good is lawful, meaning that you should not enjoy the orphan's property in the same place and situation as you enjoy your own property, meaning that people are only allowed to enjoy their property in a lawful way.

The meaning of “*Do not exchange good for bad and do not eat their wealth with your wealth*” according to Sa'id ibn Jubayr is that it is not permissible to exchange haraam wealth for halal. Mujahid, Sa'id ibn Jubayr, Ibn Sirin, Muqatil ibn Hayyan, As-Saddi, and Sufyan ibn Husain interpreted the prohibition of mixing

your wealth with the wealth of orphans as “separating our wealth from the wealth of orphans.”⁵³

Al-Qaffal said, the origin is “*tahawwub*” which means pain, so *al-haub* is doing what causes him pain. And (they are just) they are just in installments. It is said that a person is just if he makes installments, and it is said that he is just in making installments if he is generous. Allah Almighty says (9:49 And be just, Allah loves the just) and He says (5:72 As for *al-qasithun*, they are the firewood of Hell), and both are derived from “*al-qisth*”, which is justice. And He says (29:7 Say, “Say that my Lord commands justice, ‘O you who believe, be just in justice and equity.’”) In essence, *al-qisth* is a part of *al-'adl*. They say that “so-and-so's share is weighed and he sits - if he takes someone else's share and his share”. They say: He is just if he gives his share (*al-qisth*) and his share (*al-nasib*) to others.

In the wording of this verse it says exchanging something for something, because they are always used as a substitute for the orphan's property (good) for bad property (the guardian who mixes his property with the orphan's), so al-Raghīb compares it to “rusty iron.”⁵⁴ This action is prohibited because the property contains the property of orphans and is a great sin that will be punished in the hereafter. The discussion about the maintenance of orphans will have coherences (*munāsabah al-āyah*) with the next verse about polygamy.

⁵³ Dinni Ristianti, Rachmad Risqy Kurniawan. “Pemeliharaan Harta Anak Yatim oleh Wali dalam Q. S. al-Nisa Ayat 2”, *Ulumul Qur'an: Jurnal Ilmu Al-Qur'an dan Tafsir* without number (2022): 5. DOI: 10.31219/osf.io/vtsbc

⁵⁴ Muhammad Abduh, Muhammad Rasyid Ridha *Tafsir al-Qur'an al-Hakim as-Syahir bi Tafsir al-Manar* Vol. IV (Egypt: Dar al-Manar, 1945), 339.

The meaning of giving an orphan's property is to make it his own and not to waste it, i.e. to spend on them from his property until they reach adulthood, in each case according to its own circumstances, and this is specific to the case of adults. This is not permissible, as they say, because a guardian who supports an orphan from his own wealth is giving the orphan's wealth to the orphan. The purpose of this verse is clear, which is to protect the orphan's property and make it his own, and not to eat any of it, because the orphan is weak and unable to protect and defend it, hence His words: “And do not exchange the bad for the good”. The meaning of the bad is forbidden and the good is lawful, meaning that you should not enjoy the orphan's property in the same place and situation as you enjoy your own property, meaning that people are only allowed to enjoy their property in a lawful way.

Then ‘Abduh continued on the next verse as well as the discussion core, al-Nisā’ verse 3:

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَىٰ وَثُلَاثَ وَرُبْعًا ۚ
 فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ۚ ذَٰلِكَ أَزْوَاجٌ ۚ

“If you fear that you will not be able to do justice to the rights of orphans (if you marry them), marry any other woman you like: two, three, or four. But if you fear that you will not be able to do justice, (marry) only one or a female slave whom you own. That is closer to not doing injustice.”

The word “*mathnā, thulātha, rubā*” means two-two, three-three, four-four. This word is a singular form that is repeated so that it is plural in each number. The use of the terms “*mathnā, thulātha, rubā*” indicates an abbreviation so that the man who is getting married decides to marry two or three or four wives.

‘Abduh quoted Imām al-Zamakhsharī: "When it is said 'divide this thousand dirhams. If you say two dirhams two dirhams then each person gets two dirhams and not four dirhams. If you had said 'divide this wealth by two dirhams, or three dirhams, or four dirhams,' then you would have known that it is not permissible to divide it except by one of these types of division, and they should not combine it by making it double, triple, and quadruple, and the permissibility of combining the types of division implied by the letter 'waw' in the wording."⁵⁵ In fact, Imām al-Zamakhsharī considers polygamy to be a *rukḥṣah* like *jama' qaṣar* or breaking the fast due to *musāfir* when in a state of emergency.⁵⁶ The emergency in question is when a man has a higher sexual desire and there is a fear of committing adultery if he does not marry a wife who is equally reciprocal.

This is contrary to the opinion of some people who interpret the sentence to mean that one man may combine nine wives from the sum of two, three and four— as the Shi'ah argue, following the Prophet Muḥammad who married nine people— or 18 as the Khawarij argue.⁵⁷ The argument that it is permissible to marry nine or more people because of following the Prophet Muḥammad is refuted by scholarly *ijmā'* (consensus) because it is the Prophet's *khuṣūṣiyyah* and therefore does not apply to other Muslims.⁵⁸

⁵⁵ Muhammad Abduh, Muhammad Rasyid Ridha *Tafsir al-Qur'an al-Hakim as-Syahir bi Tafsir al-Manar* Vol. IV (Egypt: Dar al-Manar, 1945), 341.

⁵⁶ Isqi Dzzurriyyatus Sa'adah, Mohamad Sar'an. "Implementasi Praktik Poligami dalam Hukum Keluarga Islam: Analisis Terhadap Tafsir Al-Nisa Ayat 3", *Al-Mawarid: Jurnal Syari'ah & Hukum* no. 1 (2024): 57. <https://doi.org/10.20885/mawarid.vol.6.iss1.art5>

⁵⁷ Isqi Dzzurriyyatus Sa'adah, Mohamad Sar'an. "Implementasi Praktik Poligami dalam Hukum Keluarga Islam: Analisis Terhadap Tafsir Al-Nisa Ayat 3", *Al-Mawarid: Jurnal Syari'ah & Hukum* no. 1 (2024): 57. <https://doi.org/10.20885/mawarid.vol.6.iss1.art5>

⁵⁸ Muhammad Abduh, Muhammad Rasyid Ridha *Tafsir al-Qur'an al-Hakim as-Syahir bi Tafsir al-Manar* Vol. IV (Egypt: Dar al-Manar, 1945), 341.

'Urwah said, Sayyidah 'Aisha said, "Then, after this verse, people asked Rasūlullāh -*ṣallallāhu 'alaihi wasallam*- about them (orphan girls), then Allah revealed Q. S. al-Baqarah verse 127 Sayyidah 'Aisha said, "What Allah mentioned that was recited to you in the *Kitābullāh* is the first verse, which says, "And if you fear that you will not be just to the rights of orphaned women (when you marry them), then marry (other) women of your liking." Sayyidah 'Aisha said, "And Allah says in another verse, 'And you want to marry them,' meaning that one of you wants an orphan girl who is under his guardianship, but she has little wealth and beauty, so those who want her wealth and beauty are prohibited from marrying her, except in a fair manner."

In another narration in the Saḥīḥ book, the Prophet *ṣallallāhu 'alaihi wasallam* said: "It was revealed to the Prophet *ṣallallāhu 'alaihi wasallam* that a man had an orphan, and he was her guardian and heir, and he had wealth, and no one disputed with him, so he refused to marry her because of her wealth, and he beat and mistreated the orphan, and in another saheeh narration from him about the mention of this verse in another verse, "And what was recited to you in the Book (Al-Qur'an) about the orphaned women who have no share in the wealth given to them, and you wish to marry them. "

The Prophet *ṣallallāhu 'alaihi wasallam* said: "In this hadeeth it is mentioned about an orphan girl who was with a man, and he gave her his wealth, and she did not want to marry him, and he gave her his wealth, and she did not want to marry him, and he did not want to marry her to anyone else." The connection between the condition and the punishment in this narration of 'Aisha is clear, and

there is nothing in the narration of *al-'udl* (preventing them from marrying), unless they apologize for *al-'udl* because of the coldness of marrying them and stalling for time to marry them.

That is, if you fear that you will not be fair to the orphaned women, treating them as you treat other women in terms of dowry and so on, or better, then do not marry them, and marry women whom you like and who you think are better than other women. After quoting Sayyidah 'Aisha's statement, 'Abduh said: It is as if she is saying that if you want to marry an orphan and fear that the marriage will make it easier for you to eat her wealth, then leave her and marry a clever woman (*rashīdah*) you like.⁵⁹ *Rashīdah* is a fiqh term for women who are *mukallaf*, *ḥurrah* (liberated), and *tamyīz* (capable of financial spending).⁶⁰

'Abduh quoted Abu Ja'far (Ibn Jarir) as saying: "We say that this is the best interpretation of this verse, because Allah opened the previous verse by forbidding unjustly consuming the property of orphans and mixing it with other property, then Allah said 'And give to the orphans their property . . .'" He said that if they are afraid in this matter and fear Allah, they should also be ashamed and afraid in the matter of women as they are ashamed in the matter of orphans.⁶¹

He then explained that the answer to the condition in his words, "And if you fear that you will not be just to the rights of orphans (when you marry them),

⁵⁹ Muhammad Abduh, Muhammad Rasyid Ridha *Tafsir al-Qur'an al-Hakim as-Syahir bi Tafsir al-Manar* Vol. IV (Egypt: Dar al-Manar, 1945), 345.

⁶⁰ Fathonah K. Daud, Nurrohman Syarif. "Hak Cerai Perempuan dalam Hukum Keluarga Islam Maroko", *Al-Ahwal: Jurnal Hukum Keluarga Islam* no. 2 (2021): 169. <https://doi.org/10.14421/ahwal.2021.14204>

⁶¹ Muhammad Abduh, Muhammad Rasyid Ridha *Tafsir al-Qur'an al-Hakim as-Syahir bi Tafsir al-Manar* Vol. IV (Egypt: Dar al-Manar, 1945), 347.

then marry any other woman you please,” is his words, “So marry any other woman you please,” which include the phrase, “That is closer to not doing wrong.” This makes it clear that what is meant by Allah's saying, “Marry whatever women you please.” What is meant by His saying, “Marry such other women as you please,” is justice and fairness towards women. The warning against not doing justice to them is to be feared as much as not doing justice to orphans, for both are a corruption of the social order that incurs Allah's wrath and brings about His anger, and is confirmed by His words: “That is closer to not doing wrong.” Which we have explained in greater detail.

In this way, as chosen by Ibn Jarir, talking about justice to women, reducing the number of wives to marry with the belief in justice, is meant for its own sake, which is appropriate to the issue itself as it is one of the most important social issues, and it is very appropriate to be placed at the beginning of the surah called Surah al-Nisa. As for the view that Aisha said, the issue of polygamy came as a consequence, not because of its originality. Similarly, on the third view, which says that the intention was to prevent them from polygamy where they needed the property of orphans to support multiple wives, this is the weakest face, although al-Razi says that it is the closest.

There are also those who say that the verse can mean the totality of these meanings, such as the Shafi'is, who allow the use of the word general in all possible meanings, and the use of the word in both its actual and figurative meanings. What the author of these words said in the lesson of tafsir (thus, this verse is an indication to abolish all the misguided and unjust practices of the Jahiliyyah in the matter of

orphans and women, such as marrying orphans without equal dowry and marrying them for their property which is then eaten up by the man unjustly, as well as an indication to abolish the injustice of the Jahiliyyah in the matter of orphans and women, such as marrying orphans without equal dowry and marrying them for their property which is then eaten up by the man unjustly.

‘Abduh strongly emphasized the *munāsabah al-āyah* of verse 3 al-Nisā’ with verse 129, as they are related in a way that seems to imply that polygamists will not actually be able to be just.

وَلَنْ تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ النِّسَاءِ وَلَوْ حَرَصْتُمْ فَلَا تَمِيلُوا كُلَّ الْمَيْلِ فَتَذَرُوهَا
كَالْمُعَلَّقَةِ وَإِنْ تُصْلِحُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ عَفُورًا رَحِيمًا

“You will never be able to do justice between your wives, no matter how much you wish to do so. Therefore, do not be so inclined (to the one you love) that you leave the other hanging. If you make *iṣlāḥ* (amends) and preserve yourselves (from cheating), surely Allah is Forgiving, Merciful.”

Justice is the main requirement for the permissibility of polygamy. If one is unable to be just (*ẓālim*) then it becomes impermissible and therefore ‘Abduh makes “just” the *‘illah* of the law as well as emphasizing the obligation to be just. Meanwhile, verse 129 seems to state the impossibility of justice. The verse can be understood as the inclination of the heart, and this is still forgiven by Allah for the inability of His servant just as the Prophet Muḥammad *ṣallallāhu ‘alaihi wasallam* was more inclined to Sayyidah ‘Aisha than his other wives, but he did not give her special treatment.⁶²

⁶² Muhammad Abduh, Muhammad Rasyid Ridha *Tafsir al-Qur’an al-Hakim as-Syahir bi Tafsir al-Manar* Vol. IV (Egypt: Dar al-Manar, 1945), 348.

In the early days of Islam, polygamy had many benefits, the most important of which were the bonding of kinship and the multiplication of the ummah. At that time, religious values were still strongly held in the hearts of both men and women, so there was little injustice caused by polygamy. As for today, the corruption is “transmitted” to every member of the family and causes incitement to hostility and hatred. ‘Abduh even detailed the types of evils that polygamy causes in the long run, such as theft, adultery, lying, betrayal, falsification of lineage, and even murder between family members. Each of these events is a fact in court.⁶³

There is no other way to educate the ummah about the prevalence of polygamy except by obliging scholars to study this issue as their responsibility, because it is not denied that religion was revealed for the benefit and good of mankind, as one of the principles of religion is “rejecting harm and causing harm” (لا ضرر ولا ضرار). If there is a harm that has never existed before, then the law must be changed and applied to current conditions: using the rule “preventing harm must take precedence over bringing benefits”. (درء المفاسد مقدم على جلب المصالح). Thus, ‘Abduh emphasized that polygamy is absolutely forbidden when there is a fear of injustice.⁶⁴

Justice is the main keyword in ‘Abduh's interpretation of the verse on polygamy. ‘Abduh concludes that the implicit meaning of surah al-Nisā’ verse 129

⁶³ Muhammad Abduh, Muhammad Rasyid Ridha *Tafsir al-Qur’an al-Hakim as-Syahir bi Tafsir al-Manar* Vol. IV (Egypt: Dar al-Manar, 1945), 349.

⁶⁴ Muhammad Abduh, Muhammad Rasyid Ridha *Tafsir al-Qur’an al-Hakim as-Syahir bi Tafsir al-Manar* Vol. IV (Egypt: Dar al-Manar, 1945), 350.

is that humans will not be able to be fair, so this verse is Allah's warning to humans not to arbitrarily decide on polygamy, especially based on lust alone.⁶⁵ The limitation of the maximum number of wives in surah al-Nisā' verse 3 according to 'Abduh is not as if the verse prescribes polygamy, but this verse emphasizes an alternative measure to uphold justice in society, especially for orphaned women who became a weak group during the jahiliyah period.⁶⁶

Muḥammad 'Abduh's interpretation is a revolutionary interpretation of the polygamy verse from previous interpretations that were rigid in providing contextual considerations and the times. Generally, the old interpretations stipulate polygamy as something that has been fixed by the sharia normatively, but according to 'Abduh, this interpretation according to historical reality actually creates inequality in family life.⁶⁷

B. Polygamy in Faqihuddin Abdul Kodir's Perspective

Polygamy is indeed mentioned in the Qur'an, but it is not necessarily concluded as a recommendation, let alone as a command. Interpretation scholars in viewing verses are not contextual but are accompanied by other verses and Hadith as well as the science of language and other sciences. Reading and practicing the contents of the Qur'an in practice is reading and practicing interpretations that have existed since sixteen centuries ago. Surah Al-Nisa' Verse 3 has four fragments that

⁶⁵ Supiatul Aini, Abdurrahman. "Rasionalitas Perintah Ayat Poligami: Kajian Pemikiran Tafsir Muhammad Abduh", *Journal Al-Irfani: Studi Al-Qur'an dan Tafsir* no. 2 (2021): 40. <https://doi.org/10.51700/irfani.v1i01>

⁶⁶ Supiatul Aini, Abdurrahman. "Rasionalitas Perintah Ayat Poligami: Kajian Pemikiran Tafsir Muhammad Abduh", *Journal Al-Irfani: Studi Al-Qur'an dan Tafsir* no. 2 (2021): 40. <https://doi.org/10.51700/irfani.v1i01>

⁶⁷ Supiatul Aini, Abdurrahman. "Rasionalitas Perintah Ayat Poligami: Kajian Pemikiran Tafsir Muhammad Abduh", *Journal Al-Irfani: Studi Al-Qur'an dan Tafsir* no. 2 (2021): 40-41. <https://doi.org/10.51700/irfani.v1i01>

contain avoiding doing wrong to orphans by not marrying them, but can marry up to four other women, even with the condition of being fair because if you cannot be fair then just one wife is enough, one wife is safer from doing wrong. The four fragments are in the spirit of one verse as the basis for the permissibility of polygamy. Whereas the permissibility is anticipated by three fragments, namely avoiding wrongdoing, danger, and justice.

Faqihuddin in his book *Qirā'ah Mubādalah* brings together the discussion of polygamy and divorce in one special theme entitled "Crucial Problems of Marital Relations: Polygamy and Divorce". Unlike Muḥammad 'Abduh who only links verse 3 of al-Nisā' with verse 129, Faqihuddin correlated verse 3 with verses 128 (*nushūz*) and 130 (divorce). By placing polygamy as an "alarming" issue like *nushūz* and divorce, the Qur'an is understood to give a strict warning to do justice and if you cannot do justice, then marry only one wife.⁶⁸

Before situating the polygamy-monogamy discourse, Faqihuddin states three points that need to be conveyed according to his *mubādalah* perspective. First, patience is a glory in the sight of Allah and the main key in marriage. It is not only the wife who is required to be patient when her husband is polygamous, the husband must also be patient against his lust for more wives. Faithfulness is also something good, so both partners should always be faithful to each other. Patience and loyalty are universal values that are rewarded when practiced regardless of gender.

Secondly, women have the right to refuse polygamy on the basis of the fiqh principle of avoiding harm (*dar'u al-mafāsīd*) when it is feared that it will harm

⁶⁸ Faqihuddin Abdul Kodir. *Qirā'ah Mubadalah: Tafsir Progresif untuk Keadilan Gender dalam Islam*. (Yogyakarta: Publisher IRCiSoD, 2019), 419.

themselves and their families physically, mentally, economically, and socially. The foundation of this argument is found in Q. S. al-Baqārah verse 195 about not plunging oneself into destruction. The story of Sayyidah Fatimah r.a., the daughter of Prophet Muḥammad *ṣallallāhu ‘alaihi wasallam* who asked her father not to be polygamized by Sayyidina Ali ibn Abi Talib k.w. can also be used as a basis for this argument.

Third, women have the right to file for divorce due to polygamy. Al-Qur’an has regarded polygamy as a household problem since the days of jahiliyyah, so the right to divorce can be used with the argument of Q. S. al-Nisā’ verse 128-130. This is also reinforced by Faqihuddin's *mafhūm mubādalah* that a husband who cheats on his wife but covers it up with polygamy is considered *nushūz* of the husband towards the wife.⁶⁹

Faqihuddin explains the meaning of polygamy and its *istinbāṭ* in more detail in *Sunnah Monogami*. It is repeatedly explained in the book to always understand religious issues from a woman's perspective. Especially in matters of marriage where women are often only the object and men are the subject, as a result women are required to accept men's decision to be polygamous with the legitimacy of the Qur'an and hadith uncritically. An example of this is found in the opening of the book, which attaches the writing of Lies Marcoes Natsir who tells the real experiences of women whose husbands are polygamous for various reasons, which causes the warmth of their households to be destroyed because of the endless

⁶⁹ Faqihuddin Abdul Kodir. *Qira'ah Mubadalah: Tafsir Progresif untuk Keadilan Gender dalam Islam*. (Yogyakarta: Publisher IRCiSoD, 2019), 422-423.

heartache of the first wife.⁷⁰ By paying attention to reality, the interpretation will be more actual and in accordance with the needs of the community.

Faqihuddin criticizes those who claim that polygamy is preferable to monogamy, apart from the excuse of the Qur'an and hadith, as well as the reason for weakness in controlling lust and the fear of committing adultery. Some even argue that polygamy is a characteristic of a strong Muslim personality, responsible in managing the family, and polygamy is a way of worship to take blessings. This is exactly the view that developed in Peninsular Arabia when polygamy was used as a measure of one's religiosity.⁷¹

Not everything mentioned in the Qur'an is interpreted literally, for example, such as the command to fight the polytheists in Q. S. al-Taubah verse 36 and the command to kill unbelievers in Q. S. al-Baqārah verse 191. Both verses have to be interpreted with the Prophet's hadith. In fact, none of the mufassirs have taken the verse as an absolute legitimization of killing disbelievers without cause.⁷² Similarly, the verse on polygamy must be read in its entirety and its *munāsabah al-āyah*. The verse must also be understood in terms of language and the time and space in which it was revealed. In addition, it must put women and men in an egalitarian position as the main reference for interpretation.⁷³

⁷⁰ Faqihuddin Abdul Kodir, *Qira'ah Mubadalah: Tafsir Progresif untuk Keadilan Gender dalam Islam*. (Yogyakarta: Publisher IRCiSoD, 2019), 1-33.

⁷¹ Faqihuddin Abdul Kodir, *Sunnah Monogami: Mengaji Alquran dan Hadis* (Yogyakarta: Umah Sinau Mubadalah, 2017), 94-96.

⁷² Faqihuddin Abdul Kodir, *Sunnah Monogami: Mengaji Alquran dan Hadis* (Yogyakarta: Umah Sinau Mubadalah, 2017), 102.

⁷³ Faqihuddin Abdul Kodir, *Sunnah Monogami: Mengaji Alquran dan Hadis* (Yogyakarta: Umah Sinau Mubadalah, 2017), 105.

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَىٰ وَثُلَّةً وَرُبْعًا ۚ
 فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ۚ ذَٰلِكَ أَزْوَاجُ النِّسَاءِ ۚ

“If you fear that you will not be able to do justice to the rights of orphans (if you marry them), marry any other woman you like: two, three, or four. But if you fear that you will not be able to do justice, (marry) only one or a female slave whom you own. That is closer to not doing injustice.”

Explicitly shown in the verse is that the focus of the verse is on the recommendation to be fair to orphans and when polygamy must prioritize justice.

If you are unable to be fair, then just take one wife to avoid injustice and disgrace.⁷⁴

The majority of tafsir always quote Sayyidah Aisha r.a.'s statement to Urwah bin Zubair in this regard:

يا ابن اختي: هي اليتيمة تكون في حجر وليها تشاركه في ماله فيعجبه مالها وجمالها فيريد
 وليها أن يتزوجها بغير أن يقسط في صداقها فيعطيها مثل ما يعطيها غيره فنها أن ينكحهن
 إلا أن يقسطوا لهن ويبلغوا بهن أعلى سنتهن من الصداق وأمرنا أن ينكحوا ما طاب لهم
 من النساء سواهن.⁷⁵

“O my nephew! This verse is about an orphan girl who is in the custody of her guardian, and whose property has been mixed with that of her guardian. The guardian was attracted to her wealth and beauty, so he intended to marry her by not paying a fair dowry, as is the case with other women. Because of this dishonest intention, it is forbidden for him to marry the orphan unless he pays her a fair dowry as he would any other woman. Instead of following through with this dishonest intention, he should marry another woman.”

Sayyidah ‘Aisha linked the practice of polygamy with the care of orphans.

This is in line with the reality of how women and orphans are the most vulnerable to abuse in society. Faqihuddin emphasized that this verse emphasizes the

⁷⁴ Faqihuddin Abdul Kodir, *Sunnah Monogami: Mengaji Alquran dan Hadis* (Yogyakarta: Umah Sinau Mubadalah, 2017), 109.

⁷⁵ Ibn Hajar al-Asqalani, *Fath al-Bari Juz V* (Beirut: Dar al-Fikr, without year), 430.

importance of the morality of justice and honesty, because usually a guardian is more prone to abuse if the person he is guarding is in an unequal relationship such as women and orphans.⁷⁶

Faqihuddin includes several classical commentaries to affirm that al-Nisā' verse 3 is in no way an indication of the primacy of polygamy. Imām Ibn Jarīr al-Thabarī, for example, states that the verse is not a recommendation for polygamy. The verse relates to the behavior of guardians who are often unfair to them. Then the Qur'an mandates to be fair, which if he is still unable, then he is allowed to marry another woman so as not to oppress the orphans. However, if he is still unable to be fair, then marry only one and that is better.⁷⁷ Similarly, Imām al-Qurṭubī does not suggest that polygamy is preferable to monogamy.⁷⁸

As if continuing Muḥammad 'Abduh's quotation of Imām al-Zamakhsharī earlier in this section, Faqihuddin quotes the author of *al-Kashshāf* as follows:⁷⁹

وإن خفتم ترك العدل في حقوق اليتامى فتخرجتم منها فخافوا أيضا ترك العدل بين النساء فقللوا عدد المنكوحات لأن من تخرج من ذنب أو تاب عنه وهو مرتكب مثله فهو غير متخرج ولا تائب لأنه إنما وجب أن يتخرج من الذنب ويتاب عنه لقبحه والقبح قائم في كل ذنب. . . فالزموا واختاروا واحدة وذروا الجمع رأسا فإن الأمر كله يدور مع العدل فأينما وجدتم العدل فعليكم به.⁸⁰

“If you are afraid of not being able to do justice to the rights of orphans, then you should also be afraid of not being able to do justice to the women

⁷⁶ Faqihuddin Abdul Kodir, *Sunnah Monogami: Mengaji Alquran dan Hadis* (Yogyakarta: Umah Sinau Mubadalah, 2017), 109.

⁷⁷ Ibnu Jarir at-Thabari, *Jami' al-Bayan fi Tafsir al-Qur'an Juz III* (Beirut: Dar al-Fikr, 1978), 577-578.

⁷⁸ Abu 'Abdillah Muhammad bin Ahmad bin Abi Bakr al-Anshari al-Qurthubi, *al-Jami' li Ahkam al-Qur'an Juz V* (Beirut: Dar al-Kutub al-Ilmiyyah, 1993), 6-17.

⁷⁹ Faqihuddin Abdul Kodir, *Sunnah Monogami: Mengaji Alquran dan Hadis* (Yogyakarta: Umah Sinau Mubadalah, 2017), 116.

⁸⁰ Abu al-Qasim Mahmud bin Umar al-Khuwarizmi al-Zamakhshari, *Tafsir al-Kasysyaf Juz I* (Beirut: Dar al-Kutub al-Ilmiyyah, 1995), 457.

you are polygamous with. So reduce the number of women you marry. Because the one who fears a sin, or repents of a sin, but still commits a similar sin, is the same as the one who does not fear sin and does not repent of sin. Indeed, when a person is commanded to fear and avoid sin, it is precisely because of the evil that is in it. And that ugliness is in every sin. . . So be firm and choose only one wife, and abandon polygamy as soon as possible. Because the subject matter of this verse is justice. Where you find justice, then you should follow and choose it.”

Imām al-Zamakhsharī's argument is quite explicit about the warning for someone who is only afraid of not being fair to orphans but not afraid of not being fair to wives. His opinion does not get refuted by other scholars of tafsir, because of his strong basis, namely the Qur'an. In fact, his opinion became the general conclusion of the classical mufassirs through their books of tafsir.⁸¹

Formulating fiqh law must be done with a complete reading of the Qur'an, including in the context of polygamy. The first four verses in surah al-Nisā' have the same major theme of teaching the values of justice, willingness, and kindness.⁸²

When read carefully, the meaning of the four verses is as follows:

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً، وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ ۗ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا (١) وَأَتُوا الْيَتَامَىٰ أَمْوَالَهُمْ وَلَا تَتَبَدَّلُوا الْخَبِيثَ بِالطَّيِّبِ وَلَا تَأْكُلُوا أَمْوَالَهُمْ إِلَىٰ أَمْوَالِكُمْ ۗ إِنَّهُ كَانَ حُوبًا كَبِيرًا (٢) وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مِثْلَىٰ مِثْلَىٰ وَتِلْكَ أَوْلِيَّاتُ الْيَتَامَىٰ ۗ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةٌ أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ۗ ذَٰلِكَ أَدْنَىٰ أَلَّا تَعُولُوا ۗ (٣) وَأَتُوا النِّسَاءَ صِدْقَتِهِنَّ نِحْلَةً ۗ فَإِنْ طَبَّنَ لَكُمْ عَنْ شَيْءٍ مِّنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَّرِيئًا (٤)

- (1) “O mankind! Have fear of your Rabb, the One who created you from a single soul, from that soul He created its mate, and through them He spread countless men and women. Fear Allah, the One in whose name you demand

⁸¹ Faqihuddin Abdul Kodir, *Sunnah Monogami: Mengaji Alquran dan Hadis* (Yogyakarta: Umah Sinau Mubadalah, 2017), 118.

⁸² Faqihuddin Abdul Kodir, *Sunnah Monogami: Mengaji Alquran dan Hadis* (Yogyakarta: Umah Sinau Mubadalah, 2017), 118.

your rights from one another and the ties of relationship; surely Allah is watching you very closely.”

- (2) “Give orphans the property which belongs to them when they are able to handle it themselves and do not substitute your worthless things for their valuable ones; and do not cheat them of their possession through mixing it up with your own. For this would indeed be a great sin.”
- (3) “If you fear that you shall not be able to treat the orphans with fairness, then you should not marry the women with orphan children; marry other women of your choice: two, three or four. But if you fear that you will not be able to maintain justice between your wives, then marry only one or any slave girl you may own. That will be more suitable, so that you may not deviate from the Right Way.”
- (4) “At the time of marriage, give the women their dowries willingly as an obligation; but if they, by their own free will, give up to you a portion of it then you may enjoy it with pleasure.”⁸³

The four opening verses of surah al-Nisā’ above are the call to piety, good relations with the family, the care of orphans, and the value of justice in marriage and the woman's willingness when giving her dowry to be put to good use by her husband.⁸⁴ Therefore, one cannot quickly conclude that polygamy is the sole focus of the surah. The morality of justice and humanity is the main compass that the polygamy verse is aiming for.

Historical evidence also shows that Arab society since before the advent of Islam has practiced polygamy with an unlimited number of wives. Based on research, the purpose of polygamy was to multiply offspring as a symbol of tribal power, expand political power, and enslave women. It was very common at that time for women to be inherited and traded.⁸⁵

⁸³ Kementerian Agama Republik Indonesia, *Al-Qur'an*, 1972, v. 4:1-4

⁸⁴ Faqihuddin Abdul Kodir, *Sunnah Monogami: Mengaji Alquran dan Hadis* (Yogyakarta: Umah Sinau Mubadalah, 2017), 120-121.

⁸⁵ Muhammad Jafar Shiddiq, “Sejarah Tradisi Budaya Poligami di Dunia Arab Pra Islam (Perspektif Tradisi Coomnas Mikhail)”, *Titian: Jurnal Ilmu Humaniora* no. 1 (2023): 5-6. <https://doi.org/10.22437/titian.v7i1.23588>

This habit was so deep-rooted that the companions of the Prophet also practiced it before the restrictions imposed by Islam came down. Examples include Sayyidina ‘Umar bin Khattāb r.a. who once had 5 wives plus 3 slave girls, Sayyid Hasan bin ‘Alī bin Abī Talib who was famous for marrying more than 90 women, and Ghīlān bin Salamah al-Thaqafī with 10 wives whose story is found in the Prophetic tradition who was later ordered to divorce 4 people.⁸⁶

عن ابن عمر أن غيلان بن سلمة الثقفي أسلم وله عشر نسوة في الجاهلية فأسلمن معه فأمره النبي صلى الله عليه وسلم أن يتخير أربعاً منهن. (رواه الترمذی)⁸⁷

“Ibn ‘Umar r.a. reported: Ghīlān bin Salamah al-Thaqafī entered Islam and had ten wives during the Jahiliyyah (pre-Islamic era), and they also entered Islam with him, so the Prophet told him to choose four of them.” (Hadith narrated by at-Turmudhi).

This change in the number limit was interpreted as Islam's protection of women, not as a pleasure for men to multiply Islam. Arab culture at that time was very difficult to change because it had been practiced for generations, therefore the newly arrived Islam did not immediately prohibit what had been established for centuries. Faqihuddin quotes Dr. ‘Aisha bint al-Syaṭī’; monogamy was still rare at that time.⁸⁸ This logic is similar to the method of prohibiting drinking wine which is done gradually by the Qur'an. Likewise, in the context of polygamy, it can be concluded that polygamy is not a recommendation by the Qur'an, but rather to reduce people who will practice it because it is followed by the threat of punishment for those who are unable to be fair.

⁸⁶ Faqihuddin Abdul Kodir, *Sunnah Monogami: Mengaji Alquran dan Hadis* (Yogyakarta: Umah Sinau Mubadalah, 2017), 131-133.

⁸⁷ Abu as-Sa’adat Mubarak bin Muhammad Ibn al-Atsir, *Jami’ al-Ushul min Ahadits ar-Rasul Juz XII*, (Beirut: Dar Ihya al-Turas, 1984), 164.

⁸⁸ Faqihuddin Abdul Kodir, *Sunnah Monogami: Mengaji Alquran dan Hadis* (Yogyakarta: Umah Sinau Mubadalah, 2017), 149.

Polygamy is not a form of worship. The simplistic assumption that all words of command (*fi'l amr*) are immediately understood as obligations or recommendations is a mistake. It is quite difficult to find references in tafsir books that affirm the worship value of polygamy, even though the main verse uses the wording of the command.⁸⁹ The books of fiqh and tafsir only mention marriage as something whose original law is permissible and can change its law depending on the condition of the person. This dynamic marriage law cannot be equated with polygamy and even considered an act of worship. Most realities show that polygamy brings mental pain to the wife and children, contradicting the universal Islamic values of doing good to the family.

Faqihuddin offers a revolutionary interpretation of the phrase *fankihu mā ṭāba lakum min al-nisā' mathnā wa thulātha wa rubā'*. While the popular translation is “marry any woman you like” which implies that women are free to marry or not marry whenever the man wishes, Faqihuddin interprets it as “marry any woman you like (for polygamy), two, three, or four”.⁹⁰ The argument is how Imām al-Qurṭubī presents several choices of meaning in the wording with: First, “marry women who are lawful for you, two, three, or four” and “marry those women with a good contract (method), two, three, or four”. In this second option, the diction “halal” used by Imām al-Qurṭubī means women as subjects, as well as the first option, namely the contract cannot be carried out by force but voluntarily.⁹¹

⁸⁹ Faqihuddin Abdul Kodir, *Sunnah Monogami: Mengaji Alquran dan Hadis* (Yogyakarta: Umah Sinau Mubadalah, 2017), 139-140.

⁹⁰ Faqihuddin Abdul Kodir, *Sunnah Monogami: Mengaji Alquran dan Hadis* (Yogyakarta: Umah Sinau Mubadalah, 2017), 164.

⁹¹ Faqihuddin Abdul Kodir, *Sunnah Monogami: Mengaji Alquran dan Hadis* (Yogyakarta: Umah Sinau Mubadalah, 2017), 157-159.

C. Similarities and Difference between Muḥammad ‘Abduh and Faqihuddin Abdul Kodir’s Thinking on Polygamy

When reading surah al-Nisā’ verse 3 some people often neglect to appreciate the words “*dhālika adnā allā ta’ūlū*” (so it [marrying one woman] is closer to not doing injustice [to women and orphans]) at the end of the verse. People who read textually only tend to affirm the unconditional permissibility of polygamy because of the wording “*fankiḥu mā ḥāba lakum min al-nisā’ mathnā wa thulātha wa rubā’*” without understanding the context, *munāsabah al-āyah*, and reality in society. Monogamy is the safest way of marriage according to ‘Abduh and Faqihuddin. For them, the third verse of surah al-Nisā’ is not a statement of recommendation for polygamy, but rather an alternative for the Arabs at that time to marry other free women rather than oppressing orphaned girls who were married to eat their wealth.

‘Abduh and Faqihuddin used the style of *tafsīr bi al-ra’y* which gives a large portion to reason (rationality) to interpret the verse. *Tafsīr bi al-ra’y* is a tafseer that results from the use of reason as the basis of *ijtihād* in tafseer.⁹² They both agree not to read the polygamy verse (al-Nisā’ verse 3) alone, it must be coupled with other verses that are related (*munāsabah al-āyah*). This correlation can be a logical correlation (*‘aqlī*) or a logical consequence in the form of cause and effect. It can be verse to verse or surah to surah.⁹³ They both understand the

⁹² Muhammad Shabrun Algifari, “Selayang Pandang Tafsir Bi Al-Ra’yi”, *Jurnal Iman dan Spiritualitas* no. 4 (2023): 634, <http://dx.doi.org/10.15575/jis.v3i4.31042>

⁹³ Mutiah, Dwi Noviani, Pebriyanti. “Munasabah Al-Ayah fi Al-Quran”. *RAUDHAH Proud To Be Professionals: Jurnal Tarbiyah Islamiyah* no. 2 (2022): 74. <https://doi.org/10.48094/raudhah.v7i2.203>

issue of the verse by reading verse 2 of surah al-Nisā' which contains the command to take care of orphans and manage their property properly, as well as verse 129 about the explicit statement that it is impossible for a man to be fair to his wives. Knowing that there are further explanations about the position of polygamy in other verses or hadiths, the inference of the law of polygamy is done with caution so that it is not necessarily considered a recommendation or an obligation, and the two figures even condemn polygamy that obviously causes harm.

Both figures give full attention to al-Nisā' verse 129 as an explicit statement that a man will not be able to do justice to each of his wives, and therefore polygamy obviously causes more harm than good. This led 'Abduh to rule polygamy forbidden because of the realities in the courts that show the long-term effects of polygamy are family disharmony-just like how Faqihuddin began his interpretation of polygamy in his book by including true stories of women who have been hurt and declaring polygamy forbidden for this reason.

Gender equality and egalitarianism are the main keys to 'Abduh and Faqihuddin's interpretations. Although they seem similar, they each have their own distinctive paradigm in carrying out their analysis. Muḥammad 'Abduh's *Tafsīr al-Manār* is *al-ādābī wa al-ijtimā'ī* which takes the culture of the local community into consideration. This style was born out of Muḥammad 'Abduh and Muḥammad Rashid Riḍa's concern over the stagnation of Muslim thinking. This stagnation of thinking is due to the method of continuous memorization in the education space

that kills critical thinking.⁹⁴ Meanwhile, Faqihuddin offers the concept of *mafhum mubādalāh*, which seeks to highlight partial texts on gender relations so that they do not contradict the main universal texts.⁹⁵

Another difference that can be found between the two figures is that Faqihuddin adds verses 128 and 130 of surah al-Nisā' as *munāsabah al-āyah* of polygamy in addition to verses 2 and 129, while 'Abduh only relates to verses 2 and 129. Verse 129 is enclosed by verse 128 which contains *nushūz*, and verse 130 about divorce. The juxtaposition of these three topics shows how polygamy is a serious problem and thus becomes an additional affirmation of how the Qur'an does not favor polygamous marriages over monogamy. Faqihuddin's expansion into one theme (*mauḍū'*) is revolutionary because it touches on the reality of cases of wives suing their husbands for divorce in religious courts and justified separating the two couples because of the husband's injustice in polygamy.

Tafsīr al-Manār as a result of the collaboration between Muḥammad 'Abduh and Muḥammad Rashid Riḍa is characterized by an interpretation that discusses the meaning of vocabulary, a method dominated by Riḍa who was influenced by 'Abduh as his own teacher.⁹⁶ This is indeed commonly found in the book of tafsir because mufassir usually starts the topic of a verse by placing the diction which is the keyword of the verse. Unlike Faqihuddin who tends to use the

⁹⁴ Mohammad Fattah, et al. "Corak Penafsiran Muhammad Abduh dan Muhammad Rasyid Ridha dalam *Tafsir al-Manar*", *Jurnal Reflektika* no. 1 (2023): 44.

⁹⁵ Moh. Nailul Muna. *Tafsir Feminis Nusantara: Telaah Kritis Qira'ah Mubadalah Karya Faqihuddin Abdul Kodir* (Tangerang: Lembaga Kajian Dialektika, 2023), 65.

⁹⁶ Mansur Afifi, Syamsu Syauqani. "Menelisik Dimensi Kontemporer dari Tafsir al-Manar Karya Muhammad Abduh dan Muhammad Rasyid Ridha", *Al-Tadabbur: Jurnal Ilmu Quran dan Tafsir* no. 1 (2024), 59-60.

meaning approach rather than linguistic and other approaches. Faqihuddin takes gender-friendly interpretation inspiration from the meanings of verses that can respond to the issue of gender inequality, the meanings of verses that involve the roles of men and women, even the way the Qur'an mentions male and female subjects is also taken into consideration.⁹⁷

The following is a table of similarities and differences in the views of polygamy according to Muḥammad ‘Abduh and Faqihuddin Abdul Kodir to summarize:

Table 1.2 Similarities between Muḥammad ‘Abduh and Faqihuddin Abdul Kodir on Polygamy

No.	Category	Muḥammad ‘Abduh	Faqihuddin Abdul Kodir
1.	Interpretation style	<i>Tafsīr bi al-ra’y</i>	<i>Tafsīr bi al-ra’y</i>
2.	Dominant interpretation method	<i>Munāsabah al-āyah</i> with Q. S. al-Nisā’ verse 2 and 129 and include stories of women's experiences.	<i>Munāsabah al-āyah</i> with Q. S. al-Nisā’ verse 2 and 129 and include stories of women's experiences.
3.	Law establishment	Has big potential to become haram.	Has big potential to become haram.

⁹⁷ Moh. Nailul Muna. *Tafsir Feminis Nusantara: Telaah Kritis Qira’ah Mubadalah Karya Faqihuddin Abdul Kodir* (Tangerang: Lembaga Kajian Dialektika, 2023), 69.

Table 1.3 Differences between Muḥammad ‘Abduh and Faqihuddin**Abdul Kodir on Polygamy**

No.	Category	Muḥammad ‘Abduh	Faqihuddin Abdul Kodir
1.	Paradigm	<i>Al-ādābī wa al-ijtimā’ī</i>	<i>Mafhūm mubādalah</i>
2.	<i>Munasabah</i> verses	Only associating with Q. S. al-Nisā’ verse 2 and 129.	Associating with Q. S. al-Nisā’ verse 2, 128, 129, and 130.
3.	Writing characteristic	Tend to interpret word by word.	Tend to interpret verses globally.

Based on the two tables above, the similarities between Muḥammad ‘Abduh and Faqihuddin Abdul Kodir interpret the verse of polygamy with the style of *tafsir bi al-ra’y*. Both of them read verse 3 of surah al-Nisā’ completely including explaining the *munāsabah al-āyah* found in al-Nisā’ verse 2 about being kind to orphans and 129 about the impossibility of a person being fair to his wives. ‘Abduh and Faqihuddin also read the verse contextually by including real-life stories of women victims of polygamy and jahiliyyah Arab society that made polygamy a culture. The conclusion of ‘Abduh and Faqihuddin's ruling is that polygamy can become haram if it causes real harm.

The difference that characterizes the uniqueness of each of these figures is that Muḥammad ‘Abduh uses the style of *al-ādābī wa al-ijtimā’ī* i.e. interpreting the text by following a more general social context, while Faqihuddin with his *mafhūm mubādalah* strongly suggests the invitation to see women and men equally because of his personal background as a Muslim feminist. Faqihuddin associates polygamy with *nushūz* found in Q. S. al-Nisā’ verse 128 and divorce in

verse 130-in addition to verse 2 on the safeguarding of orphans' property, while 'Abduh relates the polygamy verse to al-Nisā' verse 2 and 129 only. 'Abduh tends to explain the verse word by word in his tafseer, while Faqihuddin directly interprets the verse in general.

CHAPTER IV

CLOSING

A. Conclusion

Justice for women is often ignored as a vulnerable group, including in the institution of marriage. Lust and desire cannot be used as the only legitimization for the absolute permissibility of polygamy despite its redaction in the Qur'an. Both figures in this study-Muhammad 'Abduh and Faqihuddin Abdul Kodir-agree on the many harms of practicing polygamy without the morality of justice. The conclusions obtained from this research are presented as follows.

First, Muhammad 'Abduh viewed polygamy as not the primary normative rule affirmed in Q. S. Al-Nisā' verse 3, but rather the obligation to protect orphans whose property is managed by the guardian. With his personal background as a judge and mufti, 'Abduh witnessed first-hand how polygamy damaged the family order and the identity of Egyptian women. The crimes that resulted from the practice of polygamy in the long run are described in *Tafsīr al-Manār*; theft, adultery, lies, betrayal, falsification of lineage, and even murder between family members. All these realities cannot be ignored as if they never happened. 'Abduh mandated the obligation for every scholar to study this matter for the benefit of the people, and forbade the practice of polygamy if it actually caused harm. Faqihuddin Abul Kodir shares 'Abduh's view. A woman is a subject who has the right to determine her fate if she is polygamous. She has the right to file for divorce because a husband who turns away is considered *nushūz*. Al-Nisā'

verse 3 is present precisely to limit men from multiplying their wives as the chances of doing wrong are higher, and not to be interpreted as religious legitimization for men to indulge in every sexual libido.

Second, the similarity between Muḥammad ‘Abduh and Faqihuddin Abdul Kodir is that they have the same view on polygamy, that polygamy is a disadvantage that causes damage to the household so that it can be forbidden. They both read verse 3 of surah al-Nisā’ with *tafsīr bi al-ra’y* style and in full including explaining the *munāsabah al-āyah* found in al-Nisā’ verse 2 about being kind to orphans and 129 about the impossibility of a man being fair to his wives. ‘Abduh and Faqihuddin also read the verse contextually by including true stories of women victims of polygamy and the jahiliyyah Arab society that made polygamy a culture. The difference that characterizes the uniqueness of each of these figures is that Muḥammad ‘Abduh uses the *al-ādābī wa al-ijtimā’ī* style of interpreting the text by following a more general social context, while Faqihuddin with his *mafḥūm mubādalah* strongly suggests the invitation to see women and men equally because of her personal background as a Muslim feminist. Faqihuddin associates polygamy with *nushūz* found in Q. S. al-Nisā’ verse 128 and divorce in verse 130-in addition to verse 2 on the safeguarding of orphans' property, whereas ‘Abduh only associates the polygamy verse with al-Nisā’ verse 2 and 129. ‘Abduh tends to explain the verse word by word in his interpretation, while Faqihuddin directly interprets the verse as a whole and to the point.

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