

REINTERPRETATION OF POLYGAMY VERSES: ANALYSIS STUDY OF MAQASHIDI'S INTERPRETATION

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Keywords : <i>Polygamy; Monogamy; Tafsir Maqashidi.</i>	Abstract <i>Maqashidi interpretation is able to provide new breakthroughs in the approach to understanding the Qur'an. The development of this study continues to be of interest. Maqashidi interpretation as a philosophy of interpretation will give a new spirit, not only in the product of the interpretation of the Qur'an, but also in the process of interpretation. The term maqashidi is not a new term because it was previously used in relation to shari'ah (maqashid as-Shari'ah). This is very much in accordance with the statement of the Qur'an which is pious kulli zaman wa makan. Maqashidi interpretation is generally used in interpreting legal verses. In this article, we discuss two focuses. First, how is the commentator's interpretation of the QS. An-Nisa'[4] verse 3, 128-130. Second, how is the application and analysis of maqashidi interpretation in QS. An-Nisa'[4] verses 128-130. The method that the author uses is the thematic method, which is discussing the verses based on a set theme. Aims to gain a focused understanding of the reinterpretation of polygamous verses with a review of maqashidi interpretations. This article is expected to be able to contribute to the Indonesian Muslim community in understanding the verses about the law contained in this polygamy and monogamy theme.</i>
Kata Kunci : <i>Poligami; Monogami; Tafsir Maqashidi.</i>	Abstrak <i>Tafsir maqashidi mampu memberikan terobosan baru dalam corak pendekatan untuk memahami al-Qur'an. Perkembangan kajian ini terus diminati. Tafsir maqashidi sebagai filsafat tafsir akan memberikan spirit baru, bukan hanya dalam produk penafsiran al-Qur'an, tetapi juga dalam proses penafsiran. Term maqashidi ini bukan istilah yang baru karena mengingat sebelumnya dipakai terhadap kaitannya dengan syari'at (maqashid as-Syari'ah). Ini sangat sesuai dengan pernyataan al-Qur'an yang shalih kulli zaman wa makan. Tafsir maqashidi umumnya dipakai dalam menginterpretasikan ayat-ayat hukum. Dalam artikel ini membahas dua fokus. Pertama, bagaimana interpretasi mufassir tentang QS. An-Nisa'[4] ayat 3, 128-130. Kedua, bagaimana aplikasi dan analisis tafsir maqashidi dalam QS. An-Nisa'[4] ayat 128-130. Metode yang penulis gunakan adalah metode tematik, yaitu membahas ayat-ayat berdasarkan tema yang ditetapkan. Bertujuan untuk mendapatkan pemahaman yang fokus terkait interpretasi ulang ayat-ayat poligami dengan tinjauan tafsir maqashidi. Artikel ini diharapkan dapat memberikan konstribusi kepada masyarakat muslim Indonesia dalam memahami ayat-ayat tentang hukum yang terdapat dalam tema poligami dan monogami ini.</i>

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Introduction

Discourse regarding polygamy and monogamy is a discussion that has always been problematic until now. The polygamy verse is very well known to many people, especially those who are interested in polygamy. In fact, if you pay attention to this verse, this verse is the only place in the Qur'an that gives the authority to polygamy. This verse is even often the prima donna when it comes to polygamy. Not only that, this verse is always being reproduced and carried everywhere with great enthusiasm to voice that polygamy is the Shari'a of Allah SWT which is a guidance of the Qur'an. In fact, it is clear that those who don't accept

polygamy are rejecting the Shari'a of Allah and the Sunnah of the Prophet, or those who are reluctant to have polygamy are disobedient to the guidance of the Qur'an.¹

This statement is also supported by one of the contemporary scholars in Indonesia. Among them there are those who prefer polygamous marriage over monogamy. Other than based on the verse of the QS. An-Nisa '[4]: 3, hadiths, statements of classical scholars, arguments about self-incapacity and concerns about adultery are reasons to legitimize the permissibility of polygamy. As emphasized by Ustadz Muhammad Talib, for example, a prolific scholar and writer, that a capable Muslim should practice polygamy. In Talib's view, polygamy is a personality trait of a Muslim who is responsible for managing family affairs. A Muslim man who is able to control several wives is better than one who is able to live with one wife. This is very relevant to the religious understanding that is developing in several Arabian Peninsula countries where the benchmark for a person's religiosity is seen from his ability to practice polygamy.²

Contrary to the statement made by a figure and scholar of contemporary interpretation, namely Izzat Darwazah. He firmly rejects the concept of polygamy in the Qur'an. By using historical analysis or a historical approach in studying the verse, he tries to trace the context behind the verse. According to him, text and context cannot be separated because both have a dialectical relationship. In his book *at-Tafsir al-hadith*, Darwazah refuted the previous commentators who made this verse a claim for the recommendation of polygamy. He said that this verse should be read comprehensively, not only read partially.³

In the author's opinion, the two commentators who are contradictory in understanding the verse each have an argument that is academically acceptable, because indeed this verse contains interpretations which then give rise to varied meanings. Departing from this problem, the writer wants to explore and try to reinterpret polygamous verses using *maqashidi* interpretation. In addition to exploring the views of the scholars of interpretation in these verses, this study also tries to explore the *maslahah* contained in these verses so that they have a complex and comprehensive meaning from a perspective.

So far, some of the literature on this study can be mapped into two parts, *First*, the data that wants to show the position of ideas related to the interpretation of the verses of polygamy perspective kitab *Tafsir al Wasit Li Al-Qur'an al-Karim* (Ali Hendri, 2018) and "Monogami dan Poligami dalam Islam (Perspektif Sejarah-Sosial Hukum Islam)". This research explains about polygamy and monogamy in the perspective of Islamic law (Akh Minhaji, 2019). *Second*, the data that want to show the position of the analysis related to *maqashidi* interpretation as well as journals "Tafsir Maqashidy: Mengenalkan Tafsir Ayat Ahkâm dengan Pendekatan *Maqâshid al-Syarî'ah*" (Ahmad Hidayat, 2015).

The Study of Tafsir Maqashid in the Interpretation of Al-Qur'an

¹ Faqihuddin Abdul Kodir, *Sunnah Monogami* (Yogyakarta: Sinau Umah Mubadalah, 2020), 93–94.

² Kodir, 95.

³ Syamsuri, *Tafsir di Era Revolusi Industri 4.0* (Jakarta: Kompas Gramedia, 2021), 192–93.

The interpretation of the Qur'an through the maqashid approach is one of the features in understanding the Qur'an. Maqashidi's interpretation is also a new alternative in understanding the Qur'an comprehensively. However, the term Tafsir Maqashidi is generally a new term in the scope of interpretation but does not call it new at all because it has previously been familiar with maqashid al-Shari'ah in Islamic law. It is necessary to distinguish the terms used in maqashid al-Qur'an covering many things from maqashid al-Syariah.⁴ Nashwan Abdo K formulates the difference between the study of maqashid al-Shari'ah and maqashid al-Qur'an, First, from the material aspect. Maqashid al-Qur'an is the result of instinct from the verses of the Qur'an, while maqashid al-Shari'ah is the result of instinctual teachings from sources of Islamic teachings, whether agreed or disputed. Second, from the aspect of its use, maqashid al-Shari'ah is related to Islamic law related to mu'amalat and morals, while maqashid al-Qur'an includes legal rules universally.⁵

In the Qur'an there are discussions about aqidah, morals, worship, muamalah, politics, economics, education, socio-culture, society, and various other aspects. As a result, the study of Maqashidi interpretation becomes wider than the study of Maqashid Syari'ah which is only oriented to the scope of the field of fiqh.⁶

The formulation of Maqashidi interpretation is important to mention, considering that there are some researchers who misunderstand Maqashidi interpretation, by assuming that Maqashidi interpretation is the same as maqashid al-syari'ah. Even though these two terms are two different things, not only in terms of the composition of the phrases, but also in terms of the meaning of the terms and concepts to be conveyed, even though they are related to one another. Based on various sources and literature that discuss Maqashidi's Tafsir, it can at least be divided into three ontological hierarchies, namely:

First, Tafsir Maqashidi as philosophy. Tafsir Maqashidi as the philosophy of interpretation. That is, maqashid values are here used as the basis for philosophy and spirit (*ruh*) in the dynamic process of interpreting the Qur'an. The assumption is that maqashid itself is always dynamic, it moves along with the dynamics of human civilization. In this case, the maqashid that the author means are universal moral ideal values (*al-maqashid al-'ammah*) which are the ideals of the Qur'an to realize *mashlahah* and reject *mafsadah*, such as human values (*insâniyah*), (*al-'adâlah*/ justice), equality (*al-musâwah*/ equality), (*al-taharrur*; liberation) and responsibility (*mas'ûliyyah*). As a consequence, the Qur'an must be understood not only from its linguistic structure, but also from the maqashid considerations behind its linguistic structure. In this case, the role of knowledge of Arabic is very important to know the purpose of the verses of the Qur'an which are interpreted in the internal text itself. Because it is impossible to understand the Qur'an properly, except by knowing the original language, namely Arabic with all its complexities.⁷

⁴Abdul Mustaqim, *Argumentasi Keniscayaan Tafsir Maqashidi Sebagai Basis Moderasi Islam* (Yogyakarta: UIN Sunan Kalijaga, 2019), 6.

⁵ Arifin dkk., "Maqâshid Al-Qur'ân In The Interpretation of M. Quraish Shihab About The Verse of Social Media Usage," 45.

⁶ Ahmad Hidayat, "Tafsir Maqashidy: Mengenalkan Tafsir Ayat Ahkâm Dengan Pendekatan Maqâshid Syari'ah" 6, no. 2 (2015): 22.

⁷Mustaqim, *Argumentasi Keniscayaan Tafsir Maqashidi Sebagai Basis Moderasi Islam*, 33.

Maqashidi interpretation as a philosophy of interpretation, will give a new spirit, not only in the product of the interpretation of the Qur'an, but also in the process of interpretation. For example, if it used to be known that there were interpretive methods related to the *Asbâb Nuzûl* theory (the context of the revelation of the verse), namely the theoretical debate, *al-'ibrah bi khusûsh al-sabab* or *al-'ibrah bil umûm al-lafzh* (the consideration is the specificity or generality of lafazh), then the maqashidi interpretation confirms the philosophy that *al-'ibrah bi maqâshid al-syarî'ah*. This means that the basic principle that is taken into consideration when drawing a legal conclusion is to consider the objectives of Sharia.

Second, *Tafsir Maqashidi as methodology*. Maqashidi interpretation as a methodology necessitates the need for reconstruction and development of the interpretation of the Qur'an based on maqashid theory. An interpretive process and procedure that uses maqashid shari'ah theories as an analytical scalpel to understand the Qur'an. This means that the maqashidi interpretation will emphasize the importance of the maqashid al-syariah explanation in order to realize the benefit for humans. Maqashidi interpretation of this second model is usually focused on legal verses. Furthermore, methodologically to apply Maqashidi Tafsir does not have to abandon the methodical steps and approaches that have been designed by commentators. For example, considering the context of *asbâb al-nuzûl*, the context of *munasabah*, analysis of *'amm and khash*, *mutlaq-muqayyad*, and semantic analysis, while maintaining the linguistic features contained in the Qur'an. The following are some methodological principles that must be considered in Maqashidi Tafsir, including:⁸

- a). Understanding the Maqâshid al-Qur'an, including the values of personal benefit (*ishlâh al-fard*), local-social problems (*ishlâh al-mujtamâ'*) and global-universal benefit (*ishlâh al-'âlam*).
- b). Understanding the concept of maqashidi al-Shari'ah, namely realizing benefit (*jalb al-mashâlih wa dar-al mafâsid*), which is framed in *ushûl al-khamsah* (*hifdz al-din, al-nafs, al-'aql, al-nasl, al-mal*) and two more points, namely *hifdz al-daulah* (defending the country-homeland) and *hifzh al-bi'ah* (caring for the environment).
- c). Developing the maqashid dimension *min haits al-'adam* (protective) and *min haits al-wujûd* (produktive).
- d). Collecting thematic verses to find maqâshid (*kulliyah* and *juziyyah*).
- e). Consider the context of the verse, both internal and external, macro and micro, the past (*qadîm*) and present (*jadîd*) contexts.
- f). Understanding the basic theories of Uloomul Qur'an and Qawa'id Tafsir with all the complexity of the theory.
- g). Considering the linguistic aspects and features of Arabic (through *nahwu-sharaf*, *balaghah*, semantic, semiotic, pragmatic, and even 'hermeneutic' approaches).
- h). Distinguish between the dimensions of *wasîlah* (means) and *ghâyah* (goal), *ushûl* (principal) and *furu'* (branches), *al-tsawâbit* and *al-mutaghayyirât*

⁸ Mustaqim, 36.

- i). Interconnecting the results of interpretation with theories of social science-humanities and science, so that the conclusions of the interpretation products are more comprehensive and reflect the integrative-interconnective paradigm (read: *manhaj al-takāmul wal izdiwāj*).
- j). Always open to criticism and does not claim that the findings of his interpretation as the only truth.

Third, Tafsir Maqashidi as *a product* (as a product of interpretation). Tafsir maqashidi as a product of interpretation means a product of interpretation that tries to focus on discussing the maqashid of each interpreted verse of the Koran. This third level of Hierarchy of Tafsir Maqashidi is applied not only to legal verses, but also story verses, theological verses, amsal verses, socio-political verses. Unfortunately, the scholars generally, when applying the maqashidi theory, are more concerned with legal verses. In fact, the maqashid theory can also be applied to verses other than legal verses.⁹

Defenition of Polygamy and Monogamy

Polygamy comes from two Greek words, namely "poly" which means many, and "gamein" which means marriage. Meanwhile, according to the linguistic meaning, the definition of polygamy does not differentiate whether a man marries many women or a woman marries many men or it can mean that the same number of male and female pairs enter into marital transactions, and that is all included in the definition of polygamy.¹⁰ In Indonesian studies, polygamy is defined as a marriage system in which one party (both husband and wife) has or marries several members of the opposite sex at the same time. This means that the wives are still in the responsibility of their husbands and they are not divorced but are still legally wives.¹¹

On the other hand, the opposite of polygamy is monogamy. Monogamy is a marriage system in which the husband has only one wife. Monogamy is a natural form of marriage, because in it there is an exclusive spirit in bestowing affection, love and sexual service between a husband and wife without sharing it with others. On this basis, some scholars say that the principle of marriage in Islam is monogamy. Because this form of marriage is considered more appropriate and can form the purpose (maqashid) of marriage, namely *sakinah*, *mawaddah*, and *warahmah*.¹²

The practice of polygamy existed before the Prophet Muhammad did it and Islam allowed it. In the Qur'an and hadith, Islam does not prohibit polygamy but does not recommend it. Polygamy is only allowed with certain conditions. Islamic law is prescribed for humans for the benefit of mankind itself. According to Quraish Shihab that the permissibility of polygamy as a solution for human benefit; *First*, the fertile period of men is longer than the fertile period of women, while men have high sex power, while the wife is unable to compensate. *Second*, due to war, the number of women became more than men, to maintain their honor, polygamy was

⁹ Mustaqim, 41.

¹⁰ Muhamad Arif Mustofa, "Poligami Dalam Hukum Agama Dan Negara," *AL-IMARAH: Jurnal Pemerintahan dan Politik Islam* 2, no. 1 (2017): 48.

¹¹ Mahridha, "Poligami Dalam Kajian Hukum Islam: Studi Analisis Pandangan Hasbi Ash-Shiddieqy," *Jurnal Syari'ah: JURISPRUDENSI IAIN LANGSA* IX, no. 2 (2017): 54.

¹² Mahridha, 55.

allowed. *Third*, the wife is barren, while the husband wants children to continue their offspring.¹³

Mufasssir's View on Polygamy and Monogamy towards Q.S. An-Nisa'[4]: 3, 128-130

In Islam, monogamy and polygamy are based on the teachings of the Qur'an as well as the Sunnah of the Prophet, because it can be understood if some Muslims argue that normatively, monogamy and polygamy are both religiously legitimate institutions. (*a divine institution*).¹⁴ The verses that are often used as references in this problem are Q.S. An-Nisa'[4]: 3,

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَىٰ وَثُلَّةَ ۖ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ۚ ذَٰلِكَ أَذَىٰ ۖ أَلَّا تَعْدِلُوا ۗ - ٣

*And if you fear that you shall not be able to deal justly with the orphan-girls then marry (other) women of your choice, two or three, or four; but if you fear that you shall not be able to deal justly (with them), then only one or (the slaves) that your right hands possess. That is nearer to prevent you from doing injustice.*¹⁵

Sheikh Nawawi al-Bantani explained this verse discusses about the matters of orphans based on the narration of Urwa whom asked Aishah RA about the meaning of the words of Allah within the verse above. Aishah RA then replied "O my nephew! (This Verse has been revealed in connection with) an orphan girl under the guardianship of her guardian who is attracted by her wealth and beauty and intends to marry her with a Mahr less than what other women of her standard deserve. Later after marriage, she was treated with persecution because he knew she had no one to defend her. So they (such guardians) have been forbidden to marry them unless they do justice to them and give them their full Mahr, and they are ordered to marry other women instead of them."¹⁶

According to Wahbah az-Zuhailly, he explained that the theme of this verse was defined according to the reason for the revelation of the verse. That is about marrying women other than female orphans. That is, when there is a female orphan who is in his care, and wants to marry her, but is worried that she will not be able to do justice to her by not giving her a mitsil dowry (a dowry that is usually given to other women of the same level as her), then he should marry other women. , because there are many other women that he can marry and Allah does not narrow himself in choosing other women.¹⁷

Then stated to them (men) "*You shall not marry more than four women*" because they intend to marry woman to their will of nine to ten women. It was said that Qais Ibn Haris had eight wives. Therefore, Allah Swt. forbid them to marry more than four women. If you are worried (lit. scared) of not being able to act equally to the orphans when you marry them and treated them miserably or lowered their values, you may marry (*those you chose*) that is

¹³ Usman, "Perdebatan Masalah Poligami Dalam Islam (Kajian Tafsir Al-Maraghi QS. al-Nisa' ayat 3 dan 129)," *An-Nida': Jurnal Pemikiran Islam* 39, no. 01 (2014): 131.

¹⁴ Drs H Akh Minhaji, "Monogami dan Poligami dalam Islam (Perspektif Sejarah-Sosial Hukum Islam)," 2019, 2.

¹⁵ <https://quran.kemenag.go.id/sura/4>

¹⁶ Muhammad Nawawi, *Tafsir al-Munir (Marâh Labîd)*, trans. oleh Bahrûn Abu Bakar dan Anwar Abu Bakar (Bandung: Sinar Baru Algensindo, 2017), 516.

¹⁷ Wahbah Al Zuhailly, *Tafsir Al-Munir*, trans. oleh Abdul Hayyie Al Kattani (Depok: Gema Insani, 2018), 572.

the women of your choice (*two, three, and four*) and shall not marry more than four women. (*But if you fear that you shall not be able to deal justly*) between four wives of yours in term of spiritual and economic management, as you can never be able to act equally to multiple wives and can never treat and justice orphans' rights, (*then only marry one*) chose one woman and leave the others and shall never take the act of polygamy.¹⁸

According to other *Qira'at*, some also read as *Wâhidatun* with *rafa'* which means one wife is enough. (*Or the slaves you possess*) means the female slaves because it was not obligatory to have sexual liaison when a man marries them. (*The closest way to not act persecution*) is when a man chose to marry one free woman or female slave. It is the better so to not possess the forbidden tendency that might happen when marrying other than the two. This command revolves on the forbiddance of persecution and not on the reality of justice.¹⁹

Allah Swt. also explain in the next verse, Q.S. An-Nisâ' [4]: 128,

وَإِنْ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ وَأُخْضِرَتِ الْأَنْفُسُ الشُّحَّ وَإِنْ تُحْسِنُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا - ١٢٨

*And if a woman fears cruelty or desertion on her husband's part, there is no sin on them both if they make terms of peace between themselves; and making peace is better (for them). And human inner-selves are swayed by greed. But if you do good (relationship with your wife) and keep away from evil, verily, Allah is Ever Well-Acquainted with what you do.*²⁰

Imam Nawawi al-Bantani elaborated that if a woman (a wife) is scared or worried of her husband's *nusyuz* or cruel attitude either from his speech or act, or being ignorant toward her, then reconciliation must be arranged by both parties. For instance, the wife relinquishes all her *Mahr* (dowry) back to her husband, or she can renounce all obligatory financial and sexual liaison from her husband. All these are to protect the husband from divorcing the woman. This is part of the message of Allah Swt., He stated for those about the yet unspoken things within the verse.²¹

Sa'eed Ibn Jubair had quoted (lit. narrated) from Ibn Abbas that this verse was derived regarded with Ibn Abu Sa'ib. He had a wife who gave him many offspring from her relationship with him, but she was getting older. Ibn Abu Sa'id planned on divorcing her, and she said, "You shall keep me, let me take care of my children and give my days for only some nights in each month." He then replied, "If this is your will, then it will benefit me more." Ibn Abu Sa'id visited Rasulullah (S.A.W) and Allah Swt. derived His words, which is the verse in Surah An- Nisâ'.²²

This reconciliation is better than awful relationship or divorcement. (*Though basically greediness is part of the nature of human*) greed has always come and remains within the soul of human being. Therefore, greedy woman will never give away her rights to her husband and never be able to reach her wills. Meanwhile, greedy man is him who rejects

¹⁸ Nawawi, *Tafsir al-Munir (Marâh Labîd)*, 517.

¹⁹ Nawawi, 516-18.

²⁰ <https://quran.kemenag.go.id/sura/4>

²¹ Nawawi, *Tafsir al-Munir (Marâh Labîd)*, 662.

²² Nawawi, 662.

to keep his wife as she got older and became not as attractive because she can no longer fulfill his desire.²³

This verse also elaborated on the division of nights equally between the wife and co-wife, also in term of financial without hurting ones feeling. It was narrated that this verse was derived regarded with 'Amrah bint Muhammad ibn Maslamah, whose husband was Sa'ad Ibn Rabi'. Sa'ad married 'Amrah in her young age, but as she turns older and starts to grow grey hair, Sa'ad remarried with a younger woman. He often became inclined to his co-wife and disregarded 'Amrah. She then visited Rasulallah (S.A.W) and complained about her husband, and then this verse derived.²⁴

The next verse also explain regarding on husbands committing justice toward their wives, Q.S. An-Nisâ'[4]: 129,

وَلَنْ تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ النِّسَاءِ وَلَوْ حَرَصْتُمْ فَلَا تَمِيلُوا كُلَّ الْمِيلِ فَتَذَرُوهَا كَالْمُعَلَّقَةِ وَإِنْ تُصْلِحُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ غَفُورًا رَحِيمًا - ١٢٩

*And you shall never be able to do perfect justice between wives even if it is your ardent desire, so do not incline too much to one of them (by giving her more of your time and provision) so as to leave the other hanging (i.e. neither divorced not married). And if you do justice, and do all that is right and fear Allah by keeping away all that is wrong, then Allah is Ever Oft-Forgiving, Most Merciful.*²⁵

Within this verse, Sheikh Nawawi al-Bantani outlined that a man will never be able to act justice toward their wives in terms of feeling and affection though it was his highest effort in committing justice on love and feeling. This is actually considered to be humane because this is beyond human capability to control. Hence, it is forbidden to expose diversity through either speech or action to his other wife, treating one unequally above the other causing one to feel as a widow, or according to *qira'at* of Ubay to feel like an imprisoned woman.²⁶

It will be better if this matter can be solved. Yet, if it cannot be, then Allah Swt. explained a solution in the verse below, Q.S. An-Nisâ'[4]: 130,

وَإِنْ يَتَفَرَّقَا يُغْنِ اللَّهُ كُلًّا مِّنْ سَعَتِهِ ۚ وَكَانَ اللَّهُ وَاسِعًا حَكِيمًا - ١٣٠

*But if they separate (by divorce), Allah will provide abundance for every one of them from His Bounty. And Allah is Ever All-Sufficient for His creatures need, All-Wise.*²⁷

The above became a solution that Allah Swt. provided for those husband-wife spouse that are unable to reunite (caused by inequality affection to one of the wives). Sheikh Nawawi interprets that if the two parties will their divorcement due to the failure of conciliation or other reason, then Allah Swt. will give sufficiency for both parties without

²³ Nawawi, 663.

²⁴ Nawawi, 662-63.

²⁵ <https://quran.kemenag.go.id/sura/4>

²⁶ Nawawi, *Tafsir al-Munir (Marâh Labîd)*, 664.

²⁷ <https://quran.kemenag.go.id/sura/4>

having to depend onto each other. It is by providing each party a better spouse and a better and healthier life as His grace of wealth and power.²⁸

Analysis of Maqashidi's Tafsir in the Interpretation of Polygamous Verses

The legality of polygamy is indeed mentioned in the Qur'an. Hence, not all the verses can directly be determined as an advice or guidance of the Qur'an. The verses derived cannot be understood only by parts, but obligated to be read as a whole with the sentences before and after it. Here, the writer tried to analyze by seeking for its *maqashid*. In this case, *Tafsir Maqashid* as methodology is the most suitable because it discussed juristic verses which concerns on polygamy and monogamy.

The correlation between verses provided by the writer was all much related to the matter or polygamy and monogamy (*munâsabah al-ayât*). In QS. An-Nisâ'[4]: 3, Sheikh Nawawi explained two highlighted matters. *First*, the practice of polygamy was textually related to the existence of orphans. This is for those under the nurture of their guardian and wills to marry with lower *Mahr* (dowry). Following their marriage, husbands treated them awfully because they know orphans had no one to defend them. *Second*, it also emphasized on the prohibition of marrying female orphans unless treating them equally and fulfills their dowries. It was also because of that men are commanded to marry other women. Evaluating from its *asbabun nuzûl*, the command on having four wives was due to the history of ancient Arab society. They have implemented polygamy and have more than 4 wives which then a *nash* appeared and restricted men to have more than four women. In the end of the verse, it explained that if a husband fears of not being able to act equally, then marry only one woman because this way will prevent husbands from performing persecution.²⁹

Based on the brief explanation above, it can be concluded that QS. An-Nisâ'[4]: 3 was not discussing about polygamy or even suggesting it. It explains about the possibility of arbitrary action of men toward women, either to female orphan, married woman, or polygamous woman. The highlight of this verse is actually on the importance of giving attention to woman as the victim of social system at the time.³⁰ QS. An-Nisâ'[4]: 128 is the verse that explains on the act of justice to one's wives. It is considered to be part of human nature when a man became inclined to one of his wives in term of affection and feelings, and they will never act equally to their wives. If the tendency of incline happens, jealousy will arise among wives and block the actualization of serenity and happiness within a family. As the target (*maqashid*) of marriage is to have affection and blessings (*sakinah mawaddah warahmah wa barakah*).

Another statement arose from QS. An-Nisâ'[4]: 129, which states that a husband will never perform justice in term of immaterial matters (intimacy, affection, attention). It is unlikely to be performed even with the highest intention and effort. It would be better if this matter can be solved. Yet, if it is unable then divorcement is the solution given in Islam as mentioned in QS. An-Nisâ'[4]: 130. This verse can be considered as a miracle since the

²⁸ Nawawi, *Tafsir al-Munir (Marâh Labîd)*, 665.

²⁹ Zuhaily, *Tafsir Al-Munir*, 571-72.

³⁰ Kodir, *Mengaji Al-Qur'an dan Hadits*, 111.

15th century for woman as it gives the privilege to liberate herself from an awful and cruel relationship, those which cannot be solved through regulations of the religion.

The writer assumes that the verses above pictured the reality of ideal concept of marriage in Qur'an, both monogamy and polygamy. If observed from the perspective of *maqashid*, then it refers to *Maqashid al-Syari'ah*, implement *maslahat* and prevent *mafsadat*/harm. These were summarized in *ushûl al-khamsah* (*hifdz al-din, al-nafs, al-'aql, al-nasl, al-mal*). Protecting the religion / *Hifdz al-Dîn* is one of the goals of *Maqashid al-Syari'ah* to protect and guard the religion of a Muslim. In discourse concerns on justice in polygamy, it discusses on the context of its *maslahat*. Allah Swt. permit a man to marry more than once (two, three or four times) as long as he maintain justice among all his wives. Yet, polygamy is not permitted for men who are unable to perform justice, and shall marry to only one woman as this is by far advisable and easier for men to accomplish and provide justice.³¹

Islam will never effortlessly permit Muslims to practice polygamy. There even values of justice involved as the highest value in a family because it has strong relation with woman's dignity as a wife with full rights of her husband's justice. Although Allah Swt. legalized His people to practice polygamy, this statement is in strict discourse and can only be an acceptable option in a crisis situation; this is *maqashidi hifdz ad-Dîn*. This justice referred in Islam is in term of immaterial matters (affection, intimacy, attention) which relate to ones feelings. According to the reasons of the revelation of QS. An-Nisâ'[4]: 3, this verse is related to the rights of orphans. The legality of polygamy in the Qur'an is closely related with the obligation of supporting orphans. It is required to be in a specific social situation in order to understand the content of this verse, at which the practice of polygamy cannot be abandoned by the Arab society and in this case both legal and moral approaches are required. This verse legally limits the number of polygamous wives, but when seen from the aspect of moral message, polygamy was the spirit to support the economy and as a solution for orphans and widows, as well as upholds justice. If justice cannot be performed, then Qur'an commands to marry only one woman.

In addition to *hifdz ad-Dîn*, this verse also involves *hifdz an-Nafs*. This is the needs which will result *mudhorot* or harm (*mafsadah*) in human life if not fulfilled. However, this can bring problem to himself. Yet, if a husband cannot provide justice, then it is forbidden (*haram*) to practice polygamy and can cause harm/*mafsadah* in life.

The next *maqashidi* analysis is *hifdz al-'Aql*. In this case, intellect is the central matter of life, where everything was done based on the performance of intellect. The feelings of comfort and peace either individually or socially (lit. society) can be achieved through the intellect of human. The value of justice in term of immaterial matter must be upheld, especially for the psychology of polygamous wives. The intellect of comfort and peace will help human mind to remain productive to maintain the ability to think logically in their lives. Along with that, it can be achieved by practicing monogamy. Yet, it does not mean these intellects cannot be achieved through polygamy, but monogamy is the solution to accomplish *hifdz 'aql*. The following *maqashid* against the sunnahs of polygamy is to always protect

³¹ Ahmad Makki, "Konsep Keadilan dalam Poligami Perspektif Maqasid as-Syari'ah Menurut al-Syathibi" (Malang, Pascasarjana UIN Maulana Malik Ibrahim Malang, 2017), 74.

human offspring/ *hifdz an-Nasl* from their *mafsadah*. That is, when a man practices polygamy by performing justice, the biological needs from each party will be fulfilled in a lawful and *halal* way. According to the reasons of Q.S. An-Nisâ'[4]: 129 revelation, it explains that polygamy is permitted when a wife is no longer able to serve her husband's desire because this causes *dharuriyyah*.

Furthermore, the value of *maqashid* that can be understood is *hifdz al-Mâl*. Husbands who marry to more than one woman will always be motivated to earn a living in order to maintain their existence in each family they built. This is actually related to the job to meet the primary and secondary needs of the family. Human life will be threatened and harmed if this is not fulfilled.³²

As for the *maqashid* analyzed by the writer above, it can be concluded that if the indicators of practicing polygamy are not included within *asbâb dharuriyyah*, then monogamy is the highest recommendation emphasized by the religion. This is because monogamy can prevent injustice and persecution acts that might occur in either between polygamous wives or their children. When tendency toward one party occurs, jealousy will arise between other wives. If this happens, the sense of comfort, happiness and peace cannot be actualized because the goal of marriage is to have *sakinah mawaddah wa rahmah*. In consequence to this, Fazlur Rahman also emphasizes by stating that suggested ideal marriage and basic law of marriage in Islam is monogamy. In order to support his argument, Rahman tried to observe the social condition (*asbab al-Nuzul*) occurred when the verse on polygamy derived, especially the condition of Arab society at the time. According to Rahman, the specific reasons of polygamy in the Qur'an were strongly influenced by the social condition and the history of this verse's revelation. Meanwhile, the legal principles are the social goals and moral principles applied in the regulation referred in the verse.

Moreover, Rahman revealed that polygamy is a common practice among the Arab society before Islam. The history of Islam development and the occurrence of war were the cause to arise many slaves, widows, and orphans. For these reasons, it is not surprising that the Qur'an permits polygamy at the time. Hence, Rahman eventually reasoned that polygamy is temporary and the final goal from the Qur'an is monogamy.³³

Hence, Rahman eventually reasoned that polygamy is temporary and the final goal from the Qur'an is monogamy. Marriage relationship that the Qur'an aspires is marriage that is strong, meeting each partners needs, and positively completing, sharing and treating each other in order to have a family that possesses *samaraba (sakinah mawaddah, rahmah wa barakah)*. Basing these noble values, Qur'an criticized the practice of polygamy (not in an urgent situation) which often became the medium of persecution against other's spouse. Thus, with the existence of these verses as criticize on polygamy, the Qur'an is actually considering more to monogamy.³⁴

The marriage relationship that the Qur'an aspires to is a strong marriage, meeting the needs of each partner, complementing each other, sharing and treating each other well in order to create an equal family (*sakinah mawaddah, rahmah wa barakah*). On the basis of

³² Makki, 75-80.

³³ Minhaji, "Monogami dan Poligami dalam Islam (Perspektif Sejarah-Sosial Hukum Islam)," 8.

³⁴ Minhaji, 8.

these great values, the Qur'an criticizes the practice of polygamy (if not in an emergency) which often becomes a medium of persecution against one's partner. Thus, that these verses are critiques of polygamy, it means that the Qur'an actually favors and advocates monogamy.³⁵

Conclusion

The maqashidi analysis of the law of polygamy and monogamy in this Tafsir *Marâh Labīd* which is dissected from the perspective of Tafsir Maqashidi, among others: *First, Hifdz ad-Din* is one of the goals of maqashid al-Shari'ah in order to maintain and protect the religion of a servant of Allah SWT. In the discourse on doing justice in polygamy, what is discussed is the context of the benefit. Allah swt justifies for a husband to marry more than one (two, three, four) as long as he is able to treat all his wives fairly, but if he is unable to act fairly, then polygamy is not justified and only one wife is enough, because that is more recommended and it is easier for him to do justice. *Second, Hifdz an-Nafs*, in the context of polygamy it is a need which if it is not fulfilled it will not result in harm or benefit in human life. *Third, Hifdz al-'Aql*. In this case, reason is central in life. Everything is done based on the performance of sense. With the human mind will get a sense of comfort, peace and a sense of peace both individually and socially (read; society). The value of justice in this immaterial case, especially for the psychology of polygamous wives, must be upheld. Because with a sense of security, and a sense of peace, the productivity of reason will also be maintained so that humans are able to think logically in living their lives. In the end, it can be achieved when doing monogamy, it does not mean when a husband does polygamy it is not realized but monogamy is a solution so that hifdz 'aql is more achieved. *Fourth, Hifdz an-Nasl*. The value of this maqashid is so that the descendants of humans in the world are always protected from their mafsadah. That is, when a husband does polygamy by applying justice, the biological needs of each party will be channeled in a lawful and honorable way. *Fifth, Hifdz al-Mâl*. Husbands who marry more than one wife will always be motivated to earn a living in order to maintain their existence in each of the families they foster. This is actually related to work to meet the needs of his family, both basic (read: primary) and secondary needs. If this is not fulfilled then human life will be threatened and cause harm.

Based on these maqashidi-maqashidi, if the indicators for polygamy aren't included in the asbab dharuriyyah then monogamy is a recommendation that is highly emphasized by religion, because monogamy can prevent unfair behavior and abuse, both among wives and children who are brought from polygamous wife. When there is a tendency to one partner, there will be jealousy among the other wives. If this has happened then serenity, happiness in the household will not be realized. Because the goal (maqashid) in marriage is the establishment of love (mawaddah wa rahmah) and peace (sakinah) in life.

³⁵ Minhaji, 8.

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