



Comparison of Regulations and Implications of Polygamy in the Islamic Legal System, Continental European Law, and Anglo-Saxon Law

Sofia Gussevi^{1*}, Dianra Dzulhijah², Firman Hidayatullah³, Ujang Abidin⁴

^{1,3,4}STAI Dr. KH. EZ. Muttaqien, Purwakarta

²Universitas Islam Negeri Sunan Gunung Djati, Bandung

*Corresponding Author, Email: sofiagussevi@gmail.com.

Received: February 4, 2026; *Revised:* June 23, 2026, *Accepted:* June 23, 2026, *Published:* July 13, 2026

Abstract: This study analyzes the regulation of polygamy from the perspectives of Islamic law, Continental European (civil law), and Anglo-Saxon (common law) legal systems, while examining the social and legal implications arising from their different approaches. Using a normative legal method with a comparative juridical approach, the research analyzes primary and secondary legal sources, including the Qur'an, statutory regulations, court decisions, scholarly journals, and comparative family law literature. The study covers Muslim-majority countries (Indonesia, Malaysia, Tunisia, and Pakistan) and Western jurisdictions (France, Germany, the United Kingdom, and the United States). The findings show that polygamy regulations are shaped by each country's legal culture, ideological orientation, and social values. Islamic legal systems generally permit polygamy under strict conditions through judicial supervision and administrative controls, whereas civil law and common law systems uphold monogamy as the fundamental principle of family law. These contrasting legal frameworks generate significant social and legal challenges, particularly for minority and immigrant communities practicing polygamy in Western countries, highlighting tensions between religious norms, state law, and human rights in the context of globalization and transnational mobility. The study recommends more adaptive and inclusive legal approaches that strengthen legal protection for women and children while accommodating diverse socio-religious contexts. It contributes to comparative family law by demonstrating that polygamy regulation extends beyond legal doctrine and reflects the dynamic interaction of religion, culture, the state, and human rights in contemporary global society.

Keywords: Anglo-Saxon law; civil law; comparative law; family law; human rights.

Introduction

Polygamy continues to be one of the most complex themes in the modern family law landscape. It concerns more than just private relationships between men and women, but also touches on deeper issues concerning the relationship between religion, the state, morality, human rights, and cultural constructs of justice and equality. In global debate, polygamy is often positioned at the intersection of religious freedom and the universal principle of gender equality. On the one hand, the practice enjoys normative legitimacy within the Islamic legal tradition through the provisions of the Quran, particularly Surah an-Nisa' verse 3, which allows a man to marry up to four women provided they act fairly. However, on the other hand, modern legal developments in various

countries have shown an increasingly restrictive trend towards polygamy, particularly when linked to the protection of women's rights, the principle of monogamy, and public order in contemporary rule-of-law states (Kamali, 2021b).

In classical Islamic legal tradition, polygamy is not understood as an obligation, but rather as a permissibility accompanied by heavy moral responsibility. The jurists (fuqaha) place justice as a fundamental requirement determining the legitimacy of the practice (Bature & Abba, 2025). Justice in this context concerns not only the distribution of material sustenance but also encompasses the psychological, social, and ethical dimensions of domestic relations. Therefore, many modern Islamic legal thinkers believe that polygamy is essentially a form of social dispensation born within a specific historical context and inseparable from the objectives of the *maqasid al-shari'ah* (the principles of Islamic law), which emphasize the protection of human dignity and social justice (An-Na'im, 2020). From a more progressive perspective, some scholars even view the nearly impossible-to-perform requirement of justice as a moral indicator that monogamy is truly the ideal form of modern Islamic family life (Cammack, 2021b).

In Indonesia, the debate over polygamy unfolds within a dialectic between religious norms, state law, and social realities. The state does not completely prohibit polygamy, but rather restricts it through strict legal mechanisms. Law Number 1 of 1974 concerning Marriage stipulates that polygamy can only be practiced with court permission and the wife's consent, and with certain, strictly regulated reasons. This regulation demonstrates the state's efforts to place polygamy within the framework of legal protection for women and children, while maintaining a balance between religious aspirations and the principle of gender justice within the national legal system (Ndulo, 2022). However, in practice, the issue of polygamy in Indonesia still exhibits various structural problems, ranging from the practice of unregistered marriages (marital unregistered marriages), the manipulation of court permits, and the unequal bargaining power of women in domestic relations. This situation demonstrates that the existing legal regulations have not fully addressed the social complexities that accompany the practice of polygamy in contemporary society (Siregar, 2023).

Unlike Muslim countries that still allow legal space for polygamy, Continental European countries such as France and Germany place monogamy as a fundamental principle in family law. In the French legal system, polygamy is seen as contradicting the principle of *ordre public*, the foundation of the modern secular state. The refusal to recognize polygamous marriages applies not only to French citizens but also to foreign marriages deemed contrary to the principles of equality and human dignity. This policy has been further strengthened since the 1993 immigration law reform, which restricted the recognition of polygamous family status for Muslim immigrants in France (Witt, 2021). In Germany, the *Bürgerliches Gesetzbuch* stipulates that a person who is still married cannot enter into a new marriage. The principle of monogamy is understood as an integral part of European civil law culture, which places equality of spouses as the foundation of modern family relationships (C. Mayer, 2020).

Meanwhile, in Anglo-Saxon traditions such as England and the United States, polygamy is not only considered illegal but also categorized as the crime of bigamy. In Anglo-American legal history, the prohibition of polygamy is rooted in the Western Christian tradition, which views monogamy as the moral foundation of civil society. The 1878 *Reynolds v. United States* decision was a landmark, affirming that religious freedom cannot be used to justify polygamous practices that violate state law. To this day, this approach still influences family law systems in the United States and England, although there are some administrative exceptions in the context of migration and limited recognition of certain civil rights (Henaghan, 2022). In recent developments, the discourse on polygamy in Anglo-Saxon countries has also begun to be linked to issues of legal pluralism, multicultural accommodation, and the rights of Muslim minority communities within modern liberal societies (Barlow & Walklate, 2021).

This phenomenon demonstrates an epistemological clash between the Islamic legal system and modern Western legal traditions regarding the family institution. Islamic law views the family as a moral-religious institution inseparable from revealed values, while modern Western legal systems tend to position the family as a civil institution subject to the principles of individualism, social contract, and formal equality. This paradigm difference ultimately gives rise to very different legal consequences for the practice of polygamy. In the context of

globalization and increasingly intense human mobility, this clash becomes even more pronounced when Muslim migrants who enter into polygamous marriages in their countries of origin encounter legal systems in their host countries that refuse to recognize such marital status (Martínez-Torrón, 2021).

The issue has become increasingly complex as globalization has transformed the face of cross-border family law. International migration, intermarriage, citizenship change, and the Muslim diaspora in Europe and North America present new challenges regarding the recognition of personal status in different jurisdictions. In many cases, a Muslim man who legally practices polygamy in his home country loses legal recognition of his second wife and children when living in a country with a monogamous legal system. This raises serious issues related to inheritance rights, maintenance rights, citizenship status, and even social protection for women and children in polygamous families (Antokolskaia, 2022). In this context, polygamy can no longer be understood solely as a theological issue but also as a transnational legal problem that touches on aspects of humanity and social justice.

Although numerous studies have been conducted on polygamy, most previous research tends to focus on a single aspect. Some studies emphasize the normative legitimacy of polygamy under Islamic law, while others focus on the social impact of polygamy on women and children. Studies on polygamy from a modern Western legal perspective are also generally fragmented between Continental European and Anglo-Saxon legal traditions, lacking a comprehensive comparison between the two. Furthermore, research linking the three legal systems—Islamic law, Continental European law, and Anglo-Saxon law—in a comprehensive comparative framework remains relatively limited. Yet, such a comparative approach is crucial for understanding how religious values, legal history, and state ideology shape the construction of family law in each system (Baer, 2021).

Furthermore, much previous research has focused on descriptive normative analysis and has not yet deeply addressed the transnational implications of these differences in polygamy regulations. Yet in the current era of global migration, recognizing marriages across jurisdictions is highly relevant. Few studies have seriously explored how interstate legal conflicts affect the protection of Muslim women's rights in polygamous marriages in Western countries. This gap represents a significant research gap in this study. Therefore, this study seeks not only to map normative differences between legal systems but also to analyze the social and humanitarian implications of these differences in the context of the globalization of modern family law.

Based on this background, this study aims to compare the regulation of polygamy from the perspectives of Islamic law, the Continental European legal system, and the Anglo-Saxon legal system. This study also aims to identify the philosophical and sociological foundations behind the acceptance and rejection of polygamy in each legal system. Furthermore, this study seeks to explain how the dynamics of global migration and modern legal pluralism give rise to new issues related to the recognition of polygamous family status across countries. With this approach, this study is expected to provide a theoretical contribution to the development of comparative family law studies while offering a critical reflection on the relationship between religion, the state, and human rights in contemporary global society.

Method

This research uses a normative-juridical approach combined with a comparative approach. The normative-juridical approach is used to examine the legal norms and provisions governing polygamy in the Islamic, Continental European and Anglo-Saxon legal systems. Meanwhile, the comparative approach is applied to systematically compare the similarities, differences, and philosophical foundations of polygamy regulations in these three legal systems (de Cruz, 2020). This approach was chosen because the issue of polygamy is not only related to legal regulations but also concerns the relationship between religion, the state, morality, and the protection of human rights in modern society (Baer, 2021).

The type of research used is doctrinal legal research, which focuses on the analysis of written legal norms, legal principles, doctrines, and court decisions relevant to the issue of polygamy (Sunggono, 2022). This research is descriptive-analytical in nature because it aims to

systematically describe the legal regulations regarding polygamy while analyzing the differences in legal paradigms that have developed within each legal system (ND & Achmad, 2021).

The legal materials used consist of primary and secondary legal materials. Primary legal materials include the Qur'an and Hadith, particularly Surah an-Nisa' verses 3 and 129, laws and regulations such as Law Number 1 of 1974 concerning Marriage in Indonesia, the Bürgerliches Gesetzbuch (BGB) in Germany, the Code Civil in France, the Marriage Act 1949 in England, and various court decisions regarding polygamy and bigamy, including *Reynolds v. United States* in the United States (Antokolskaia, 2022). Secondary legal materials include scientific journals, law books, academic articles, and opinions from Islamic legal experts, as well as comparative law related to the issue of polygamy and modern family law (Kamali, 2021a).

Data collection was conducted through library research, reviewing various legal documents and scientific literature relevant to the research object (Soekanto, 2021). Furthermore, the data were analyzed qualitatively through a process of identification, interpretation, and comparison of legal norms within each legal system. This analysis aims to understand how differences in legal values and philosophies influence the regulation of polygamy in contemporary society. The Islamic legal system is based on sharia and moral-religious principles, while Continental European and Anglo-Saxon legal systems rely more on secularism, monogamy, and the protection of human rights (An-Na'im, 2020). Therefore, a comparative approach is crucial for assessing the relevance, effectiveness, and challenges of regulating polygamy amidst the dynamics of an increasingly pluralistic and multicultural global society (Petersen et al., 2020).

Results and Discussion

Etymologically, the term polygamy comes from the Greek words *polus*, meaning "many," and *gamos*, meaning "marriage." Literally, the term refers to a form of marital relationship involving more than one partner simultaneously. In the development of human social history, the term has been more frequently used to refer to the practice of a man having more than one wife simultaneously, although in anthropological studies, the definition of polygamy also includes polyandry, the practice of a woman having more than one husband (Murdock, 2021). Therefore, polygamy is not only understood as a legal concept, but also as a social and cultural phenomenon that has developed in various human civilizations since ancient times.

In Indonesian terminology, the Great Dictionary of the Indonesian Language defines polygamy as a marriage system that allows one party to have more than one partner of the opposite sex simultaneously (Balai Pustaka, 2021). This definition demonstrates that polygamy is understood as a system or pattern of family relations regulated by specific social and legal norms. Meanwhile, the Oxford English Dictionary defines polygamy as the practice or custom of having more than one wife or husband at the same time, namely the practice or custom of having more than one wife or husband simultaneously (Oxford English Dictionary, 2023). The use of the terms "practice" and "custom" in this definition indicates that polygamy does not arise solely from legal norms, but also grows from cultural traditions and social constructs of a particular society.

In Islamic legal tradition, the term commonly used is *ta'addud al-zawjat* (تعدد الزوجات), which literally means "multiplying wives." This concept refers to a man's permission to marry more than one woman within certain limits, as stipulated in Surah an-Nisa', verse 3. However, this permission is not absolute, as it is accompanied by strict requirements of justice, both in material and moral aspects. Classical and contemporary Islamic jurisprudence scholars emphasize that justice is the primary foundation of the legitimacy of polygamy in Islam, so that the practice cannot be separated from a husband's ethical responsibility to all members of his family (Kamali, 2021c). In this context, polygamy is understood not simply as an individual right of men, but as a legal institution limited by the principles of public welfare and the protection of human dignity.

From a social anthropological perspective, polygamy is viewed as a form of marriage system that arises from the social, economic, and cultural needs of a particular society. George P. Murdock explains that polygamy developed in many traditional societies as part of a social structure related to the distribution of wealth, social status, and the continuity of offspring

(Murdock, 2021). In practice, polygamy is divided into two main forms: polygyny, where one man has multiple wives, and polyandry, where one woman has multiple husbands. However, polygyny has been far more dominant in the history of world society than polyandry, which is relatively limited to certain communities. This dominance of polygyny demonstrates the historical relationship between the marriage system and the patriarchal structure that has developed in many human cultures (Ndulo, 2022).

In Western law, particularly in the Dutch and Continental European legal traditions, the term "dubbelle huwelijk" (double marriage) is used to describe marital relationships between individuals with more than one partner simultaneously and is considered contrary to the principle of monogamy in modern family law (de Cruz, 2020). European legal systems generally place monogamy as a fundamental principle related to legal certainty, equality of partners, and public order. Therefore, the practice of polygamy in many European countries is not only considered legally invalid but also seen as contrary to modern social values that uphold the principle of egalitarianism within the family (Baer, 2021).

The concept of polygamy in modern law ultimately demonstrates a paradigm difference between religious-based and secular legal systems. In Islamic law, polygamy retains normative legitimacy as long as certain conditions are met, while in modern Western legal systems, monogamy is viewed as the ideal form of marital relations that aligns with the principles of human rights and gender equality (An-Na'im, 2020). These differences demonstrate that the regulation of polygamy is heavily influenced by the philosophical, cultural, and legal ideological values that develop in each society.

Based on these various definitions and perspectives, it can be understood that polygamy is a form of marriage that allows a person to have more than one partner simultaneously, both of which obtain social legitimacy and legal recognition within a particular system. However, the existence of polygamy has always been in a debate between religious values, cultural traditions, and modern legal principles. On the one hand, polygamy is seen as part of the religious rights and historical realities of certain societies, while on the other hand, it is questioned because it is considered to have the potential to give rise to gender inequality and injustice within the family institution. Therefore, discussions on polygamy cannot be separated from social dynamics, legal developments, and changing societal views on justice and human dignity in modern life.

Polygamy in Islamic Law

1. Legal Basis for Polygamy in Islam

Polygamy in Islamic law has long been a dialectical issue between normative texts, social reality, and the development of humanitarian ethics. On the one hand, Islam legitimizes the practice of polygamy through Qur'anic provisions, but on the other hand, this legitimacy is accompanied by very strict moral restrictions. Therefore, polygamy in Islam cannot be understood solely as an individual right of men, but rather as a legal institution framed by the principles of responsibility, justice, and social welfare. From a historical perspective, the arrival of Islam is considered to have brought major reforms to the practice of polygamy in pre-Islamic Arabia, which at that time was unrestricted and often placed women in socially and economically vulnerable positions (Al-Hibri, 2020).

The main foundation regarding polygamy in Islam is contained in Surah an-Nisa' verse 3 which states:

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثَلَىٰ وَثَلْتٍ وَرُبْعٍ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً

Meaning: "And if you fear that you shall not be able to deal justly with the orphans, then marry two, three, or four of the women you wish. But if you fear that you shall not be able to deal justly with them, then marry only one."

This verse serves as the primary normative basis for permitting polygamy in Islam. However, a deeper reading of the verse's structure reveals that the core message of the Quran is not actually a recommendation for polygamy, but rather an affirmation of the importance of justice and protection

for women. This verse was revealed in a post-war social context that left many women and orphans without economic protection. In this context, polygamy is positioned as a conditional social solution, not as a form of male superiority over women (Rahman, 2021).

Both classical and contemporary commentators emphasize that the permissibility of polygamy in Islam is limited and not absolute. The Quran explicitly limits the number of wives to a maximum of four, a limitation that, at the time, represented a progressive reform compared to the Arab practices of ignorance, which had no limit on the number of wives. Furthermore, the primary requirement of being able to act fairly demonstrates that polygamy cannot be practiced haphazardly without considering the moral, psychological, and social impacts on the family. Within the framework of the *maqasid al-shari'ah* (obligatory principles of sharia), these restrictions are understood as an effort to maintain women's dignity, family stability, and social balance in Muslim society (Auda, 2021b).

The concept of justice is the most important foundation in discussions of Islamic polygamy. This justice is not limited to the distribution of material goods such as sustenance, housing, and necessities, but also encompasses emotional care, social treatment, and respect for women's rights as human beings with equal dignity before God. Therefore, many scholars argue that the requirement of justice is extremely difficult to achieve perfectly. This affirmation is evident in Surah an-Nisa', verse 129:

وَلَنْ تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ النِّسَاءِ وَلَوْ حَرَصْتُمْ

Meaning: "And you will never be able to do justice between your wives even if you ardently desire to do so."

This verse contains profound moral dimensions. The Quran realistically acknowledges human limitations in achieving perfect emotional justice between wives. Therefore, many modern Islamic thinkers view this verse as an ethical signal that monogamy is the form of marriage that most closely embodies the ideal of justice in Islam (Engineer, 2020). This view demonstrates that the permissibility of polygamy in Islam cannot be separated from the moral spirit of the Quran, which places justice as a primary principle in family relations.

In classical Islamic jurisprudence, scholars agree on the permissibility of polygamy, but they differ on its conditions and limitations. The Hanafi, Maliki, Shafi'i, and Hanbali schools of thought essentially permit polygamy as long as the husband is able to fairly fulfill the wife's physical rights. However, developments in modern Islamic legal thought indicate a reinterpretation of this concept. Many contemporary Muslim scholars believe that changing social conditions and increasing awareness of women's rights require a new reading of the verses on polygamy to maintain its relevance to the principles of substantive justice in modern society (Baderin, 2021).

Modern Islamic legal thought also places polygamy within the context of *maqasid al-sharia*, or the objectives of Islamic law. From this perspective, Islamic law is not only understood textually but must also consider social welfare, protection of human dignity, and prevention of harm. Therefore, some modern scholars believe that if the practice of polygamy actually leads to injustice, domestic violence, or psychological suffering for women and children, the state has the legitimacy to limit or even tighten the practice to uphold the objectives of sharia (Masud, 2022).

In various modern Muslim countries, this principle is reflected in increasingly restrictive family law regulations regarding polygamy. Indonesia, Tunisia, Morocco, and Malaysia, for example, impose strict administrative and judicial requirements before a man can practice polygamy. The state no longer views polygamy as an absolute right for men, but rather as a legal act that must be monitored to protect the interests of women and children. This phenomenon demonstrates that Islamic law is dynamic and able to adapt to social developments without losing its normative foundation (Welchman, 2021).

Beyond the legal aspect, polygamy in Islam is also inseparable from its spiritual, ethical dimension. Marriage in Islam is essentially built on the foundation of love and compassion, namely love and affection that foster peace of mind. Therefore, family relationships are not merely contractual but also carry profound moral and spiritual responsibilities. In this context, polygamy is not simply a matter of legality, but also concerns the human ability to maintain inner justice,

social harmony, and respect for the dignity of one's spouse. When these values are not fulfilled, the practice of polygamy has the potential to lose the ethical spirit that is the primary foundation of Islamic teachings (Saeed, 2020).

From a contemporary Islamic feminist perspective, polygamy has also been the object of intense criticism. Several female Muslim scholars argue that the practice of polygamy often stems from patriarchal interpretations of religious texts that fail to consider women's experiences. They emphasize the importance of a more contextual, hermeneutic reading of polygamy verses to align them with the principles of equality, justice, and respect for women's rights in Islam (wadud, 2021). However, other scholars maintain that polygamy can be a social solution under certain circumstances, as long as it is implemented responsibly and in accordance with principles of justice.

Thus, the legal basis for polygamy in Islam actually reflects a balance between normative legitimacy and moral restrictions. The Quran does not position polygamy as a universal obligation or recommendation, but rather as a permissibility accompanied by very strict conditions. The principle of justice is the primary factor determining the legitimacy of this practice. Because perfect justice is difficult to achieve, many modern Islamic scholars and thinkers view monogamy as closer to the ethical goals of marriage in Islam. Therefore, polygamy in Islamic law must be understood proportionally, not solely as a man's right, but as a legal institution subject to the values of justice, public welfare, and respect for human dignity.

2. *Polygamy in Fiqh Schools*

The discussion of polygamy within the jurisprudence of the schools of thought occupies a crucial position within the classical Islamic legal tradition. This is because the jurists understood polygamy not only as a matter of family relations but also as part of a social arrangement related to justice, moral responsibility, and societal stability. In the Sunni Islamic tradition, all major schools of thought—Hanafi, Maliki, Shafi'i, and Hanbali—in principle agree on the permissibility of polygamy based on the normative legitimacy contained in Surah an-Nisa' (4), verse 3. However, this permissibility is not understood as a form of absolute freedom for men, but rather as a *rukhsah* (a spiritual relationship) subject to strict conditions, particularly the ability to treat all wives fairly in terms of maintenance, time allocation, protection of rights, and equal social treatment (Al-Khatib, 2021).

According to classical jurists, justice is the primary distinguishing factor between polygamy in Islam and patriarchal marriage practices in ancient societies. Scholars emphasize that polygamy is prohibited if it has the potential to lead to injustice against women. Therefore, the requirement of justice is not merely a legal formality but a moral responsibility for which one will be held accountable before God. Some scholars even argue that the inability to act fairly can shift polygamy's status from permissible to reprehensible, or even forbidden, if it causes harm to family life (Hallaq, 2020). This thinking demonstrates that Islamic jurisprudence has a very strong ethical dimension in its view of marital relations.

The Hanafi school, known for its rational and flexible approach to legal development, permits polygamy provided that financial capacity and external justice are met for the wives. Hanafi scholars argue that the required justice is objectively measurable, for example, by providing maintenance, housing, and allocating overnight stays. Emotional justice, however, is considered beyond human capacity, as affirmed in Surah an-Nisa', verse 129. Therefore, as long as a husband is able to fulfill his external obligations proportionately, polygamy remains valid according to the Hanafi school (Rohmanu, 2021).

Meanwhile, the Maliki school of thought holds that the permissibility of polygamy must always be linked to the principles of family welfare and the protection of women. This school places great emphasis on the potential harm that uncontrolled polygamy can cause to a household. Therefore, Maliki scholars permit wives to stipulate in their marriage contracts that their husbands refrain from polygamy during the marriage. If these conditions are violated, the wife has the right to file for annulment. This view demonstrates that Maliki jurisprudence recognized the concept of protecting women's rights in marital relations long before the development of modern theories on gender equality in family law (Fadel, 2022).

In the Shafi'i school of thought, polygamy is viewed as permissible, largely dependent on the husband's moral and economic capabilities. This school emphasizes that a man who is unable

to act justly is encouraged to be content with one wife to avoid domestic injustice. Shafi'i scholars also emphasize that the purpose of marriage in Islam is not merely to fulfill biological needs, but also to create peace, affection, and family harmony. Therefore, the practice of polygamy that actually gives rise to conflict, neglect, and psychological suffering is seen as contrary to the maqasid of marriage in Islam (Anshari, 2023). This perspective demonstrates that the Shafi'i school places ethical dimensions and family well-being as crucial considerations in the practice of polygamy.

The Hanbali school of thought tends to allow more room for the permissibility of polygamy, but still places justice as the primary requirement. According to the Hanbali view, polygamy can be a social solution under certain circumstances, such as when women outnumber men due to war or certain social situations. However, Hanbali scholars maintain that a man who is unable to fulfill his obligations to his wives is not eligible to practice polygamy. Therefore, although the Hanbali school is known for its more literal understanding of legal texts, they still place moral responsibility as the foundation for the legitimacy of polygamy (El-Fadl, 2021).

The consensus of the schools of thought regarding the permissibility of polygamy is often misunderstood as a form of unfettered support for the practice. However, upon closer examination, the jurists actually position monogamy as the form of marriage that is safest from potential injustice. In his work "Fiqh Sunnah," Sayyid Sabiq explains that monogamy is the ideal form of family life because it is closer to creating tranquility and justice, while polygamy is only a permissible option under certain circumstances requiring social or humanitarian solutions (Rahim et al., 2022). Thus, polygamy in fiqh has never been positioned as a symbol of male primacy, but rather as a strictly limited legal dispensation.

In the development of modern Islamic law, Islamic jurisprudence (fiqh) thinking on polygamy has undergone significant reinterpretation. Many contemporary Muslim scholars seek to reread the views of classical schools of thought in light of modern social change, marked by greater awareness of women's rights, gender equality, and child protection. Some thinkers believe that the stringent requirements of justice are essentially instruments for restricting the practice of polygamy itself. They assert that the primary objective of sharia is to safeguard the public interest and prevent social harm, allowing the state to restrict polygamous practices that cause psychological suffering or gender inequality for the public good (Barlas, 2021).

This thinking subsequently influenced family law reforms in various Muslim countries. Tunisia, for example, completely banned polygamy on the grounds that it contradicted the principle of justice in Islam. Morocco and Indonesia still permitted polygamy but imposed very strict administrative and judicial requirements. These reforms demonstrated that Islamic jurisprudence (*fiqh*) is dynamic and open to reinterpretation in accordance with social developments (Tucker, 2022). In this context, the schools of jurisprudence are not understood as static doctrines, but rather as the products of scholarly *ijtihad* that can be redeveloped in response to the demands of the times and the needs of humanity.

Furthermore, the debate over polygamy within Islamic jurisprudence also demonstrates the tension between textual and contextual approaches to understanding Islamic law. The textual approach tends to uphold the permissibility of polygamy based on the literal meaning of Quranic verses and Hadith, while the contextual approach seeks to discern the moral purpose behind these provisions. Within the contextual approach, polygamy is understood as a relevant social solution at a particular time, but not always an ideal choice in modern societies that demand more egalitarian and democratic family relations (Mir-Hosseini, 2020). Therefore, the discourse on polygamy within Islamic jurisprudence is not merely a legal issue but also reflects the intellectual dynamics of Islam in addressing social change and the development of human values.

Thus, it can be understood that all Sunni schools of thought essentially permit polygamy, but with very strict conditions and a focus on the principle of justice. Scholars do not view polygamy as an obligation or a form of spiritual virtue, but rather as a legal dispensation under certain circumstances. Justice, the well-being of the family, and the protection of women's rights are the primary foundations determining the legitimacy of the practice. Therefore, the fiqh of the schools of thought demonstrates that Islam does not freely encourage polygamy but rather regulates it within a framework of profound ethics and moral responsibility.

3. Regulation of Polygamy in Muslim Countries

The regulation of polygamy in Muslim countries exhibits highly diverse dynamics and reflects the complex relationship between religious teachings, national legal systems, social developments, and the demands of modernity (Sereikaite Motiejune, 2025). Although all these countries share a normative legitimacy derived from Islamic law, the implementation of polygamy in state practice has evolved in different directions according to legal political orientations, Islamic school traditions, and the degree of influence of human rights and gender equality values within their respective national legal systems. These differences demonstrate that Islamic family law is not a single, static system, but rather a constantly evolving field of interpretation that adapts to social changes and the needs of contemporary society (Sonbol, 2021).

In Indonesia, the regulation of polygamy occupies a moderate position between normative recognition of Islamic law and legal protection for women and children. The state does not prohibit polygamy outright, but places it within a strict legal mechanism through Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law (Palilati, 2022). Under this system, a husband wishing to practice polygamy must obtain permission from a religious court and the consent of his previous wife. Furthermore, a request for polygamy can only be granted if there are specific legally justified reasons, such as the wife's inability to fulfill her obligations, suffering from a serious illness, or inability to produce children. The husband must also demonstrate economic capability and a commitment to treating all family members fairly (Nurlaelawati, 2020).

The presence of a court-sanctioned licensing mechanism in Indonesia demonstrates the transformation of Islamic law from a mere moral norm to a modern form of state regulation. The state no longer leaves the practice of polygamy entirely to private male authority, but instead introduces judicial oversight as an instrument for protecting the rights of women and children. In this context, religious courts play a central role in maintaining the balance between sharia legitimacy and principles of social justice. Family law reform in Indonesia also demonstrates the state's efforts to reinterpret the principle of justice in polygamy to align with constitutional values and developments in modern society (Salim, 2021).

Unlike Indonesia, Malaysia implements a more decentralized system of policing polygamy through the authority of Sharia courts in each state. In principle, Islamic family law in Malaysia still permits polygamy, but the practice can only be carried out after obtaining permission from a Sharia court (Md Salleh et al., 2024). The judge will consider the husband's financial capacity, the reasons for the polygamy, the existing family circumstances, and the potential for justice for all wives and children. In some decisions, the court even rejects requests for polygamy if it is deemed to have the potential to cause suffering or injustice within the family (Yusoff, 2022).

The Malaysian legal model demonstrates how modern Muslim states seek to harmonize Islamic jurisprudence (fiqh) traditions with contemporary legal administration systems (Muhammad Azam et al., 2025). Strict oversight through Sharia courts demonstrates that polygamy is no longer understood as an absolute right for men, but as a legal act that must be socially and morally accountable. In practice, Malaysian family law reform is often viewed as a compromise between religious conservatism and the demands for modernization of Islamic family law in Southeast Asia (Moustafa, 2020).

Meanwhile, Tunisia has been one of the most progressive Muslim countries in reforming family law. Through its 1956 Code of Personal Status, Tunisia outlawed polygamy and made it a criminal offense (El Harras et al., 2024). This prohibition was based on the argument that the requirements of justice in polygamy, as stipulated in the Quran, are inherently impossible to fully realize. Therefore, the state views monogamy as the form of marriage most in line with the principles of justice and gender equality in modern Islam (Charrad, 2021).

Tunisia's legal reforms are inextricably linked to the country's post-independence secularization and modernization project led by Habib Bourguiba. The Tunisian government positioned family law as an instrument of social transformation to improve women's position in society. In this context, the ban on polygamy was seen as a symbol of the state's commitment to women's emancipation and the development of a modern, egalitarian society. Although this policy drew criticism from some conservative Islamic groups, Tunisia remains a significant example of how Islamic law can be interpreted progressively within the framework of a modern state (Achour, 2022).

Turkey also took similar steps by completely banning polygamy with the enactment of the Turkish Civil Code in 1926, which was adopted from the Swiss legal system (Jahar & Shodiq, 2022). This reform was part of Mustafa Kemal Atatürk's extensive secularization agenda in establishing the modern Turkish state. In Turkish law, second marriages are considered invalid and have no legal consequences. The state places monogamy as the primary principle of family law and separates marital affairs from the authority of religious law (Kaya, 2021).

Despite this, informal polygamy is still found in some rural areas of Turkey, which have a strong religious and patriarchal culture. This phenomenon demonstrates the tension between state law and social practices. In many cases, women in informal polygamous marriages lack adequate legal protection because their marital status is not recognized by the state. This situation demonstrates that formal legal changes are not always sufficient to eradicate long-entrenched cultural practices (Arat, 2020).

In Egypt and Jordan, polygamy remains permitted, but the state imposes a number of administrative restrictions to protect women's rights. In Egypt, a husband is required to notify his wife in advance if he intends to practice polygamy. The wife then has the right to file for divorce if she feels disadvantaged by the marriage. A similar system is in place in Jordan, where women can include an anti-polygamy clause in their marriage contract as a form of contractual protection of their rights (Alzoubi, 2023).

Pakistan implemented a more administrative mechanism through the Muslim Family Laws Ordinance of 1961. Under this system, a man wishing to practice polygamy must obtain written permission from the local Arbitration Council. The council will consider the reasons for the polygamy and its impact on the existing family. If a husband practices polygamy without permission, he can be subject to certain administrative and criminal sanctions. This regulation demonstrates how the state seeks to balance the legitimacy of Islamic law with the need to protect women and children in modern society (Keiko, 2021).

In Gulf countries such as the United Arab Emirates, Bahrain, Oman, and Sudan, polygamy remains legally recognized, with the primary requirement being the ability to act fairly and fulfill family support responsibilities (El Harras et al., 2024). However, developments in family law in these countries indicate a trend toward increasing state control over the practice of polygamy. Some countries have begun requiring prior notification to wives or allowing women to file for divorce if they experience injustice due to polygamy. These reforms demonstrate the influence of legal globalization and growing awareness of women's rights protection in the contemporary Arab world (Tamimi, 2022).

In North Africa, such as Algeria and Morocco, family law reforms have also moved toward restricting polygamy. Morocco, through the 2004 Moudawana reform, tightened the requirements for polygamy by requiring a judge's permission and the wife's prior consent. Judges can even reject polygamy applications if they are deemed to violate principles of justice or potentially harm women and children. This reform is seen as a significant milestone in the modernization of Islamic family law, maintaining its sharia identity while being more responsive to gender equality issues (Sadiqi, 2021).

Meanwhile, Algeria implements a similar mechanism, requiring the wife's consent and judicial oversight before polygamy can be practiced. The state places the protection of women as a primary consideration in granting permission for polygamy. Thus, the practice of polygamy in North African countries is no longer understood as a unilateral right of men, but rather as a legal institution that must be monitored to maintain family stability and women's dignity (Zoglin, 2020).

The diversity of polygamy regulations in Muslim countries demonstrates that Islamic law is constantly in dialogue with social realities and the development of human values. Some countries choose to maintain polygamy with strict restrictions, while others prohibit it to ensure gender equality and protect women's rights. These differences demonstrate that the implementation of Islamic law is heavily influenced by political history, local culture, state ideology, and the evolving orientation of legal reform within each society. Therefore, polygamy in the contemporary Islamic world cannot be understood in isolation but must be viewed as part of a broader dynamic between religious tradition, legal modernity, and the struggle to achieve social justice within the family institution (Syamsuddin, 2018).

4. Dynamics of Islamic Family Law Reform

The development of Islamic family law in the contemporary Muslim world exhibits highly complex dynamics, fraught with tensions between religious tradition, legal modernity, human rights demands, and changes in the social structure of society. In this context, the issue of polygamy has become a crucial area of family law reform, as it touches on issues of gender relations, state authority, sharia interpretation, and a nation's Islamic identity. Family law reform in many Muslim countries has fundamentally shown an increasingly progressive trend toward restricting the practice of polygamy, even leading to its total prohibition in some developing countries. This phenomenon demonstrates that Islamic law is not a fixed normative system, but rather a legal tradition that is constantly evolving and undergoing reinterpretation in accordance with the needs of the times and evolving human consciousness (Esposito, 2021).

In his study of modern Islamic family law, Tahir Mahmood argues that polygamy regulations in Muslim countries can be classified into six main models: unconditionally permitted polygamy, permitted with certain conditions, requiring court permission, subject to administrative and social restrictions, outright prohibited, and criminal sanctions for violations of polygamy regulations. This classification demonstrates the broad spectrum of interpretations of Islamic law in modern constitutional practice. These differences are influenced not only by the school of jurisprudence adopted but also by the country's political orientation, the degree of legal secularization, the women's movement, and the influence of international human rights norms on the national legal system (Mahmood, 2020).

Countries that still unconditionally permit polygamy are generally found in legal systems that maintain a traditional approach to sharia and allow significant room for male authority within the family. In this model, the state tends not to intervene significantly administratively in the practice of polygamy. However, this model is becoming increasingly rare in the modern Islamic world due to increasing social and international pressure to protect women's rights and the need for family law reform (Coulson, 2021). Even countries known for their conservative nature are beginning to introduce specific oversight mechanisms for polygamy to maintain family stability and prevent abuse of power within the household.

The second model is polygamy permitted under certain conditions. In this model, the state still recognizes the legitimacy of polygamy under Sharia law, but requires financial capacity, a commitment to justice, and protection of the rights of wives and children. This model is widely implemented in countries seeking to maintain a balance between religious norms and the principles of legal modernity. The state does not abolish polygamy, but rather positions it as an exception that can only be practiced under certain legally and morally justifiable conditions (A. E. Mayer, 2022). This approach demonstrates that modern Islamic family law reform is shifting from a permissive paradigm to one that protects women and children.

Further developments are evident in the model that requires court permission before polygamy can be practiced. In this system, the state, through judicial institutions, has the authority to assess whether polygamy truly meets the principles of justice and family welfare. The court can reject a polygamy application if it is deemed to have the potential to cause injustice, economic neglect, or marital discord. This model is widespread in countries such as Indonesia, Malaysia, Morocco, and Pakistan. The presence of judicial mechanisms demonstrates the state's increasingly strong position in controlling family practices, which were previously considered a private domain based on patriarchal authority (Tahir, 2023).

State intervention in the practice of polygamy represents a significant transformation in Islamic family law. In classical times, marital relations were primarily governed by religious norms and community authority. However, in modern states, the family has become part of the public sphere, subject to administrative regulation and state legal oversight. This reform demonstrates how modern Muslim states are attempting to integrate Sharia into their national legal systems while still considering the principle of protecting the rights of citizens, particularly women and children (Esmaeili & Ibrahim, 2025).

In addition to judicial oversight, some countries impose administrative and social restrictions on polygamy. These restrictions include mandatory prior notification to wives, mandatory marriage registration, restrictions on certain economic rights, or granting wives the right to file for divorce if their husbands practice polygamy without their consent. This model

demonstrates that reform of Islamic family law is not always achieved through outright prohibition, but also through administrative strategies aimed at gradually narrowing the scope for polygamy (Mashhour, 2020).

In a more progressive development, some Muslim countries have chosen to ban polygamy altogether. Tunisia is the most well-known example in this context. Through reforms to its Code of Personal Status, Tunisia established monogamy as the only legally valid form of marriage (Maghfiroh et al., 2025). The state argued that the requirements of justice in polygamy were practically difficult to achieve, thus deeming the ban more in line with the principle of substantive justice in Islam. This reform marked the birth of a new paradigm in Islamic family law that places gender equality as the primary foundation of modern family life (Labidi, 2022).

Turkey has taken similar steps through the secularization of family law since the early twentieth century. The state separated marriage law from religious authority and adopted a European civil law system that established monogamy as an absolute principle. In this context, the prohibition of polygamy was not only a matter of family law but also part of a political project of modernization and the formation of a secular nation-state identity. Family law reforms in Turkey demonstrate that changes in polygamy regulations are often closely linked to the state's ideological orientation and vision of religion's place in the public sphere (I. Yilmaz, 2021).

Some countries even impose criminal sanctions against the illegal practice of polygamy. These sanctions can include fines, annulment of marriages, and even imprisonment for those who violate state regulations regarding marriage. This penal approach demonstrates the increasing tendency of modern states to control the family institution through public legal instruments. From a sociological perspective, the criminalization of polygamy demonstrates how the state uses law as a tool of social engineering to shape family patterns deemed in line with national ideology and the moral standards of modern society (Peters, 2020).

The dynamics of Islamic family law reform are also inextricably linked to the influence of contemporary Muslim women's movements. Since the late twentieth century, women's groups in various Muslim countries have actively pushed for a reinterpretation of family law, which they considered patriarchal. They demanded a rereading of the verses on polygamy, emphasizing the principles of justice, equality, and protection of women's dignity. This movement has successfully propelled various family law reforms that are more responsive to women's rights in many Muslim countries (Abdullahi & Bunting, 2021).

In addition to internal factors, legal globalization and the development of international human rights norms have significantly influenced the reform of Islamic family law. International conventions such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) encourage Muslim countries to evaluate family law regulations deemed discriminatory against women (Jaffal et al., 2022). Although implementation varies, this global pressure has accelerated the process of family law reform in many Muslim countries and led to the emergence of sharia interpretations more compatible with modern human rights principles (Liow, 2022).

However, reforms to Islamic family law have not always been without resistance. In many countries, efforts to restrict polygamy have often faced resistance from conservative groups, who view such reforms as a form of legal westernization and a threat to Islamic identity. The debate between progressive and conservative groups demonstrates that family law is not merely a technical, normative issue, but also a battleground for ideology, religious interpretation, and cultural identity in contemporary Muslim societies (Mir-Hosseini, 2023).

Ultimately, the dynamics of Islamic family law reform demonstrate that the regulation of polygamy continues to evolve in line with social change and the development of modern Islamic legal thought. Muslim countries operate on a wide spectrum, ranging from maintaining the permissibility of polygamy to prohibiting it outright. These differences demonstrate the interpretive flexibility of Islamic law, allowing for the emergence of various regulatory models tailored to the social and political contexts of each country. Family law reform, therefore, is not a rejection of Sharia, but rather an attempt to reinterpret the values of justice and welfare within modern Muslim families.

5. *Legal and Social Implications*

The differences in the implementation of polygamy laws across Muslim countries demonstrate that Islamic law is flexible and adaptive in responding to social, cultural, political, and contemporary changes. These dynamics demonstrate that sharia does not operate in a vacuum but constantly interacts with the realities of the communities in which it is applied. In this context, the practice of polygamy is one of the most striking examples of how Islamic law undergoes a continuous process of reinterpretation in response to contemporary social needs and demands for justice. Muslim countries no longer understand polygamy merely as a literal, normative permissibility, but have begun to place it within the framework of protecting women's rights, family stability, and broader social interests (Auda, 2021a).

The flexibility of Islamic law is evident in the diverse models of polygamy regulations that have developed in the Muslim world. Some countries still permit polygamy with minimal requirements, others implement strict controls through court approval, and some choose to ban polygamy altogether to ensure gender equality. These differences demonstrate that Islamic law is not a static legal system closed to social change. Instead, it develops through mechanisms of *ijtihad* (Islamic jurisprudence), reinterpretation of schools of thought (*mazhab*), and adaptation to the ever-changing needs of society. From the perspective of *maqasid al-sharia* (the principle of Islamic law), the primary goal of Islamic law is to achieve public welfare and prevent social harm, so its implementation can vary depending on the social context of each country (Kamali, 2022).

Legally, the reform of polygamy regulations demonstrates the strengthening role of the state in overseeing the family institution. In classical times, the practice of polygamy was largely confined to the private sphere and controlled by religious norms and patriarchal social structures. However, in modern states, the family is viewed as a social institution with public implications, particularly regarding the protection of women and children. Therefore, the state exists through administrative regulations and judicial mechanisms to ensure that the practice of polygamy does not lead to injustice and family neglect. This state intervention reflects a significant transformation in Islamic family law, namely a shift from individual authority to more systematic public legal oversight (Cammack, 2021a).

Another legal implication is evident in the growing concept of protecting women's rights in modern Islamic family law. Many Muslim countries have begun to prioritize the wife's consent, the husband's economic capacity, and judicial judgment as key requirements for polygamy. These reforms demonstrate an awareness that the practice of polygamy is inseparable from issues of power relations within the family. In many cases, polygamy has the potential to create psychological, economic, and social inequality if not strictly regulated. Therefore, restrictions on polygamy in modern law are seen as part of efforts to achieve substantive justice in contemporary Muslim families (Quraishi-Landes, 2020).

In addition to impacting the legal structure of the family, polygamy regulations also have far-reaching social implications. In traditional societies, polygamy is often viewed as part of a patriarchal culture that legitimizes male dominance in domestic relations. However, in modern society, the practice is increasingly being debated as it is considered potentially contrary to the principles of gender equality and human rights. This shift in societal perspectives on polygamy demonstrates that the family institution is no longer understood solely as a private, tradition-based space, but also as an ethical space that must guarantee the dignity and well-being of all family members (Mirza, 2022).

On the other hand, some Muslims continue to view polygamy as a social solution under certain conditions, such as population imbalance, protection for widows and orphans, or certain medical conditions within the household. This perspective demonstrates that polygamy in Islamic law is not simply driven by biological urges but also has social and humanitarian dimensions related to social protection in the early days of Islam. However, in the context of modern society, this argument continues to be critically evaluated as social welfare systems develop and awareness of women's rights increases (Bano, 2023).

The debate over polygamy also demonstrates the tension between the universality of religious values and the particularities of local culture. In some countries, polygamy remains accepted as part of the cultural identity and traditions of Muslim communities. Meanwhile, in others, polygamy is seen as irrelevant to modern family principles that emphasize equality between husband and wife. This situation demonstrates that the implementation of Islamic law is heavily influenced by the

cultural context and social orientation of local communities. Therefore, Islamic law develops not only as a normative text but also as a social practice that continuously interacts with changing times (An-Na'im, 2021).

Another crucial social implication is the emergence of a new awareness of women's position within the Muslim family structure. Family law reforms in various countries have opened up greater space for women to advocate for their rights, both through legal mechanisms and social movements. Women are no longer positioned merely as objects within the institution of marriage, but rather as legal subjects with the right to determine their future and protect their dignity. In this context, restrictions on polygamy are part of a major transformation toward more egalitarian and just family relations (Seedat, 2020).

Furthermore, globalization has also reinforced changes in the implementation of polygamy laws. The mobility of people between countries, the development of information technology, and the flow of global value exchange have made the practice of polygamy no longer a purely domestic issue. Polygamous marriages practiced in one country often raise legal issues when transferred to another country where polygamy is prohibited. These issues include marital recognition, inheritance rights, citizenship of children, and legal protection for wives. Therefore, differences in polygamy regulations between countries have now become a significant issue in private international law and modern migration law (Shachar, 2022).

From a legal theory perspective, the flexibility of polygamy regulations demonstrates Islamic law's high adaptability to social change. The tradition of *ijtihad* allows for the emergence of new, more contextual interpretations tailored to societal needs. This refutes the notion that Islamic law is rigid and incompatible with modernity. Conversely, the development of family law in the Muslim world demonstrates that sharia has the capacity to evolve dynamically without losing its fundamental principles. Justice, welfare, and protection of human dignity remain the primary foundations guiding this reform process (Masud, 2021).

However, polygamy legal reform also faces significant challenges, particularly from conservative groups who view restrictions on polygamy as a deviation from religious texts. The debate between progressive and conservative groups demonstrates that Islamic family law is a crucial arena for the struggle for authority over religious interpretation in the modern Muslim world. Some groups emphasize the importance of a literal approach to sharia texts, while others emphasize the importance of a contextual approach that takes into account social change and contemporary values of justice (Hefner, 2023).

In this context, family law reform cannot be understood as an attempt to reject Sharia, but rather an attempt to revive the spirit of justice that is at the heart of Islamic teachings. Justice in polygamy is not merely a matter of income distribution or allocation of overnight stays, but also concerns the protection of dignity, psychological well-being, and overall family harmony. Therefore, many Muslim countries have chosen to tighten regulations on polygamy as a form of legal *ijtihad* aimed at safeguarding the well-being of modern society (Fadl, 2022).

Thus, the differences in the implementation of polygamy laws in various Muslim countries demonstrate that Islamic law is flexible and adaptive in responding to changing times. This diversity of regulations stems from the interaction between sharia, local culture, political systems, and the demands of modern social justice. This flexibility demonstrates that Islamic law is not static, but rather continues to evolve through *ijtihad* and reinterpretation to maintain the relevance of values of justice in contemporary society. In this context, reform of polygamy laws is not a weakening of Islamic law, but rather a manifestation of sharia's ability to engage in dialogue with ever-changing social realities and human needs.

Polygamy in Continental European Legal Systems (Civil Law)

Continental European legal systems, or civil law, consistently place monogamy as the primary foundation of modern family law. Within this legal tradition, polygamy is not only considered contrary to civil law but also viewed as a violation of public order, the principle of gender equality, and the fundamental values of modern society. The prohibition on polygamy stems from a long-standing blend of the legacy of Roman law, the influence of European Christian ethics, the development of modern state secularism, and the rapid evolution of human rights concepts since the 20th century. Consequently, Continental European countries generally reject legal recognition

of polygamy, whether practiced within their own borders or originating from foreign legal systems (Büchler, 2022).

From a civil law perspective, marriage is understood as an exclusive and monogamous legal institution. This principle relates not only to private relationships between individuals but also to social stability and the protection of citizens' rights. Continental European legal systems view the family as a basic social unit that must be built on the principles of equality and legal certainty. Therefore, polygamy is seen as potentially creating unequal relationships within the family and blurring legal certainty regarding spousal status, inheritance, citizenship, and children's rights (Boele-Woelki, 2021).

France is one of the most stringent examples of the prohibition of polygamy in Continental Europe. Article 147 of the Code Civil explicitly states that a person cannot enter into a second marriage until the first marriage has been legally dissolved. This provision demonstrates that monogamy is an absolute requirement for a valid marriage under French law. The state not only rejects polygamy practiced within its territory but also refuses to recognize polygamous marriages that are legal under the laws of other countries. Since the 1993 immigration policy reform, France has tightened its stance against polygamy as part of its social integration policy and the protection of secular republican values (Foblets, 2020).

The rejection of polygamy in France is inseparable from the concept of *ordre public*, or public order, a key principle in the civil law system. In this context, polygamy is seen as contradicting the fundamental values of French society, which prioritize gender equality, individual freedom, and secularism as constitutional principles. Therefore, even if a polygamous marriage is legal under the laws of the immigrant couple's country of origin, French courts can refuse to recognize it as contrary to national public order (Fournier, 2023).

In addition to civil consequences, French law also imposes criminal sanctions on the practice of polygamy. Perpetrators can face prison sentences and substantial fines if found guilty of multiple marriages without dissolving the previous marriage. Even in the context of migration law, the practice of polygamy can be grounds for revocation of residence permits or denial of naturalization. This policy demonstrates that the state views polygamy not merely as a moral or religious issue, but also as an issue of social integration and compliance with the national legal system (Ferrari, 2021).

In the French legal system, religious marriages without civil registration are also not legally recognized. This demonstrates the dominance of secular principles in French family law, where the legality of marriage is determined entirely by the state, not by religious authorities. Thus, even if a marriage is considered religiously valid, it has no legal consequences if it is not registered through the state's civil law mechanisms. This approach reinforces the separation between the religious and public legal spheres in the Continental European civil law tradition (Roy, 2022).

Germany also demonstrates a very strict approach to the prohibition of polygamy. Article 1306 of the Bürgerliches Gesetzbuch (BGB) states that a person may only be married to one person at a time. The principle of monogamy in German law is not only a requirement for valid marriage but also part of the legal identity of the modern family, which is oriented towards equality and legal certainty. German courts have consistently refused to recognize polygamous marriages conducted abroad if they violate basic principles of national law (Dethloff, 2020).

In practice, German courts use the concept of *ordre public* to refuse recognition of polygamous marriages of foreign nationals. The state argues that recognizing polygamy would violate the constitutional principle of equality of men and women, guaranteed in the Grundgesetz, or German Constitution. Therefore, even if a polygamous marriage is legal under the laws of the immigrant couple's country of origin, the state can still refuse it to uphold the integrity of the national legal system and the values of modern democracy (Michaels, 2021).

The practice of bigamy is also classified as a criminal offense under German law. Perpetrators can be sentenced to prison or fines if found guilty of entering into a second marriage without legally dissolving the previous one. Furthermore, second marriages are considered void. In the context of migration, the practice of polygamy also impacts the process of granting residence permits, family reunification, and naturalization of citizenship. The state considers that the acceptance of polygamy can hinder social integration and contradict the values of equality in modern German society (Möller, 2023).

Other continental European countries, such as Austria, Belgium, Italy, Spain, Switzerland, and Luxembourg, adopt a similar approach in principle. Their legal systems place monogamy as an absolute requirement for a valid marriage and reject all forms of multiple marriages. In many cases, a second marriage without the dissolution of the first is considered null and void. These countries also refuse to recognize foreign polygamy if it is deemed to conflict with the basic principles of their national legal systems (Pintens, 2022).

Switzerland, for example, through Article 96 of the Swiss Civil Code, requires proof that a previous marriage has been dissolved before a person can enter into a new marriage. This regulation demonstrates the importance of legal certainty in the civil law tradition. The state wants to ensure that every marital relationship has a clear legal status to avoid future conflicts of rights and obligations. From a modern family law perspective, monogamy is considered more capable of ensuring legal stability and protecting individual rights than polygamy (Scherpe, 2021).

The concept of public order is the primary foundation for the rejection of polygamy in Continental European legal systems. Public order is understood as a set of fundamental values that underlie a country's social and legal life. These values include gender equality, human dignity, child protection, and legal certainty. Because polygamy is considered contrary to these values, states have the right to refuse recognition of the practice, even if it is recognized in foreign legal systems (Basedow, 2020).

The European Court of Human Rights does not explicitly mention polygamy in the European Convention on Human Rights (ECHR). However, in various decisions, the court has interpreted the right to marry in Article 12 of the ECHR within the framework of monogamy, consistent with European legal tradition. This interpretation demonstrates that the concept of marriage in modern European legal systems is built on the assumption of a monogamous relationship between two individuals of equal standing (Lefebvre, 2022).

The prohibition of polygamy in Continental European countries ultimately reflects the orientation of modern family law, which prioritizes the protection of the individual. States strive to ensure that the family institution is built on the principles of equality and respect for human dignity. In this context, polygamy is seen as potentially creating the subordination of women and unequal family relationships. Therefore, the prohibition of polygamy is understood as part of an effort to strengthen the principles of social justice and the protection of human rights in modern society (Rosenfeld, 2023).

Beyond the legal dimension, the ban on polygamy also has significant social implications. This policy demonstrates how Continental European countries construct the modern family as a space for egalitarian relationships based on gender equality. Monogamy is considered more in line with contemporary societal developments that emphasize individual freedom, women's autonomy, and the psychological stability of families. Thus, the ban on polygamy reflects not only formal legal policy but also a representation of the social and cultural values developing in modern European societies (di Torella, 2021).

Through this approach, Continental European legal systems demonstrate consistency between family law, human rights principles, and the ideology of secularism in modern states. Polygamy is positioned not merely as a religious or cultural issue, but as a public legal issue closely related to the protection of human dignity, gender equality, and social order. Therefore, the prohibition of polygamy in civil law systems is an important symbol of the transformation of modern family law in Europe, placing the individual and their rights at the center of the legal structure of contemporary states.

Social and Legal Implications of Polygamy Regulation

1. Social and Legal Implications of Polygamy in the Islamic Legal System

The Islamic legal system, or sharia, is a normative system derived from divine revelation and prophetic practice, built on four main foundations: the Qur'an, the Sunnah, the consensus (ijma'), and the qiyas (echoic text). Unlike modern legal systems, which tend to separate the legal aspect from morality and spirituality, sharia combines all three within a coherent ethical framework. Therefore, the regulation of polygamy in Islam is not merely understood as a formal legal rule, but also as a moral instrument aimed at maintaining family welfare and social justice. In this context, polygamy is permitted with a maximum of four wives, accompanied by the primary

requirement of being able to treat all wives and children fairly. Polygamy is not considered a religious obligation, but rather a form of *rukhsah* (legal dispensation) for certain circumstances deemed to require social and family solutions (Auda, 2021b).

In the development of modern Islamic family law practices, the application of polygamy regulations shows wide variation. Countries such as Saudi Arabia and Iran apply Sharia law in a relatively formalistic manner, while Indonesia, Malaysia, and Egypt adopt a moderate model with an administrative approach through court permission, the wife's consent, and proof of the husband's financial capacity. Even Tunisia and Turkey expressly prohibit polygamy to strengthen the principle of gender equality and the protection of women within the framework of a modern, secular state. This variation demonstrates the interpretive flexibility of Islamic law, allowing for adjustments to the social, cultural, and political contexts of each country (Mashhour, 2022).

This flexibility is a consequence of the pluralistic tradition of Islamic jurisprudence. Throughout Islamic history, differences in schools of thought and *ijtihad* have given rise to diverse approaches to family issues, including polygamy. Some scholars view polygamy as a social solution that remains relevant under certain circumstances, while others emphasize that monogamy is closer to the goal of justice in marriage. These differing interpretations demonstrate that Islamic law is not monolithic, but rather dynamic and continually interacts with societal changes (Hidayatullah, 2023).

On the social side, the practice of polygamy in Muslim societies presents complex implications. In some cultural contexts, polygamy is seen as part of social tradition and a protective mechanism for women, widows, or orphans. However, in modern societies that increasingly emphasize gender equality and women's rights, the practice of polygamy often raises debates regarding fairness, economic distribution, and family psychological well-being. Many studies have shown that the practice of polygamy without strict regulation can increase the risk of domestic conflict, economic inequality, and the marginalization of women and children (Al-Krenawi, 2021).

This situation demonstrates that the primary issue lies not solely in the legality of polygamy, but rather in how state regulations can guarantee protection for vulnerable groups. In patriarchal societies that have not yet fully implemented the principle of gender equality, polygamy is often practiced without proportional consideration of women's rights. As a result, women can experience social subordination, economic uncertainty, and limited access to legal justice. Therefore, many modern Muslim countries have begun to tighten regulations on polygamy through administrative mechanisms and judicial oversight (Mir-Hosseini, 2020).

Requirements such as court permission, the consent of the first wife, and proof of economic capacity represent state interventions to ensure that polygamy is not misused to legitimize patriarchal domination. These regulations also demonstrate a paradigm shift in modern Islamic family law, from an approach based solely on male authority to one more focused on protecting the rights and well-being of families. In this context, the state is no longer merely the guardian of the legality of marriage but also an actor responsible for maintaining social justice within the family institution (Sonneveld, 2022).

However, the implementation of administrative restrictions on polygamy has also sparked debate among Islamic legal scholars. Some view the strict regulations as a progressive reinterpretation of the *maqasid sharia*, or the objectives of Islamic law, which emphasize justice and human protection. Conversely, others view these restrictions as state intervention in rights that are normatively permitted by *sharia*. This debate demonstrates the tension between religious authority, the state, and the demands of modernity in the development of contemporary Islamic family law (Kamali, 2021c).

Sociologically, the diversity of polygamy regulations in the Muslim world demonstrates Islamic law's adaptive capacity to social change. This adaptation occurs through the mechanism of *ijtihad*, which allows for the reinterpretation of normative texts according to societal needs. Thus, Islamic law cannot be understood as a static and closed system, but rather as a living legal tradition that continues to evolve with the dynamics of the times (An-Na'im, 2023).

However, the flexibility of Islamic law also presents serious challenges when confronted with universal human rights and gender equality. International organizations and Muslim

feminist groups often criticize polygamy for perpetuating unequal power relations between men and women. In this context, Muslim countries find themselves in a dilemma between upholding their Islamic legal identity and responding to global demands for the protection of women's rights (Badran, 2021).

Therefore, Islamic family law reform in various countries is essentially an effort to find a balance between religious values and modern principles of justice. States seek to maintain the legitimacy of Sharia while adopting more progressive legal protection mechanisms for women and children. This approach demonstrates that the implementation of Islamic law on the issue of polygamy is heavily influenced by the political context, culture, and ideological orientation of each country (Welchman, 2020).

Thus, the social and legal implications of polygamy within the Islamic legal system depend heavily on how the state manages the relationship between religious texts, Islamic jurisprudence (fiqh) traditions, and the demands of modern social justice. While the flexibility of Islamic jurisprudence and the pluralism of *ijtihad* (ijtihad) provide ample room for adaptation, without strong administrative regulations, the practice of polygamy can potentially worsen the position of women in a patriarchal society. Therefore, implementing regulations that emphasize justice, transparency, and protection for vulnerable groups is crucial to ensure that the practice of polygamy does not conflict with the basic principles of sharia, namely the creation of welfare and justice for all family members.

2. *Social and Legal Implications of Polygamy in Civil Law*

Continental European legal systems, or civil law, developed from Roman legal traditions and modern codification, place monogamy as an absolute principle in family law. Countries such as France, Germany, Belgium, Switzerland, and Italy consistently reject polygamy both as a domestic practice and as a valid foreign marriage under the laws of their home countries. This rejection is rooted in the principles of secularism, gender equality, and the protection of individual rights, which are the foundation of modern family law in Continental Europe (Duncan, 2022).

From a civil law perspective, marriage is understood as a public legal institution that does not rely solely on religious or customary legitimacy. Therefore, the state has full authority to determine the requirements for a valid marriage and reject any form of family relationship deemed contrary to public order. Polygamy is seen as contradictory to the egalitarian concept of the family, the ideal of modern European law, and therefore does not receive legal recognition in inheritance, citizenship, or civil administration (Bonomi, 2021).

The rejection of polygamy has also been part of a strategy for social integration and the formation of national identity in Continental European countries. In the context of global migration, family law is often used as an instrument of cultural assimilation for immigrant communities, particularly Muslims and Africans. States demand that foreigners conform to monogamous norms as a condition for civil recognition and full social integration. This policy demonstrates that family law functions not only to regulate private relations but also as a means of shaping the social and political identity of modern states (Fassin, 2023).

However, this highly rigid approach to polygamy has also drawn criticism from the perspective of legal pluralism and human rights. The total rejection of polygamous families often directly impacts women and children, who lose legal protection due to their marital status not being recognized. In some cases, second wives and children from polygamous marriages lack access to inheritance, social benefits, or family legal protection. This situation demonstrates the paradox between protecting the value of monogamy and protecting the rights of vulnerable groups (Kraler, 2021).

Therefore, some European legal scholars have begun to advocate for a more inclusive approach to migrant families without formally legalizing polygamy. This approach, for example, involves limited administrative recognition of children's rights or social protection for women, without altering the fundamental principle of monogamy in national law. Such approaches demonstrate an effort to strike a balance between the integrity of national legal systems and the reality of cultural pluralism in modern European societies (Vakulenko, 2022).

3. Social and Legal Implications of Polygamy in Common Law

The Anglo-Saxon, or common law, legal system that developed in England, the United States, Canada, and Commonwealth countries utilizes judicial precedent as the primary source of law. Within this system, polygamy is consistently viewed as a violation of family law and public morality. The prohibition against polygamy is not only enshrined in criminal laws regarding bigamy but also affirmed through court decisions that place monogamy as the primary foundation of the modern family institution (Harding, 2021).

In common law systems, monogamy is understood as a symbol of social order and equality in family relations. The state views exclusive marriage between two individuals as more likely to guarantee legal certainty, distribute family responsibilities, and protect women's rights. Therefore, the practice of polygamy is considered contrary to liberal democratic values and the principle of gender equality that underpin the modern Anglo-Saxon legal system (Mills, 2022).

The prohibition of polygamy under common law also has far-reaching social consequences, particularly for immigrant communities and minority groups. When polygamous families migrate to countries like the United Kingdom or the United States, their marital status is not fully recognized. As a result, second or third wives often lose access to inheritance rights, family law protections, and social benefits. Children of these marriages may also face administrative issues related to legal status and citizenship (E. Yilmaz et al., 2024).

Nevertheless, the common law system exhibits some flexibility through the doctrine of equity. In some cases, courts may award financial compensation or limited protection to women and children in polygamous relationships for reasons of substantive justice. This approach does not imply recognition of the legality of polygamy, but rather a pragmatic response to complex social realities. Thus, the common law system seeks to uphold the principle of monogamy while still providing protection for vulnerable groups (Bailey-Harris, 2020).

The differences in polygamy regulations in Islamic, civil, and common law legal systems demonstrate that family law is heavily influenced by the philosophical values, state ideology, and social constructs of each society. The Islamic legal system emphasizes flexibility and pluralism in sharia-based interpretations, while the civil and common law systems embrace monogamy as an absolute principle to maintain social order, gender equality, and a modern legal identity. These differences not only give rise to different legal consequences but also shape complex social dynamics in an increasingly pluralistic and interconnected global society.

Table 1 Comparison of Polygamy Regulations

Legal System	Country	Polygamy Regulation
Islamic Law	Uni Emirates Arab, Arab Saudi Arabia, Bahrain, Kuwait, Yemen, Oman	Polygamy is widely permitted under sharia.
	Tunisia, Turkey	Polygamy is totally prohibited and not recognized by law.
	Indonesia, Malaysia, Pakistan, Bangladesh, Brunei, Singapore, Palestine, Iraq, Algeria, Kenya, Qatar, Libya, Sudan	Polygamy is permitted with administrative conditions, court permission, or the wife's consent.
Continental Europe (Civil Law)	France, Germany, Italy, Spain, Austria, Switzerland	Polygamy is prohibited, second marriages are null and void, accompanied by criminal sanctions.
Anglo-Saxon (Common Law)	England, United States	Polygamy is categorized as bigamy and can be subject to imprisonment or a fine.

Table 1 shows that polygamy regulations are heavily influenced by the value orientations and legal philosophies of each country. In Islamic legal systems, polygamy remains recognized as a legitimate practice in principle, but its implementation varies depending on the national social, political, and policy context. Countries such as Saudi Arabia and Oman maintain a relatively

permissive approach, while Tunisia and Turkey have opted for a total ban as part of an agenda of family law reform and strengthening gender equality. Meanwhile, Indonesia and Malaysia have taken a moderate stance, implementing administrative restrictions through court permission and the wife's consent as instruments of protection for women and children.

In contrast to Islamic legal systems, Continental European and Anglo-Saxon countries consistently reject polygamy on the basis of the principles of monogamy, public order, and the protection of human rights. In civil law systems, polygamy is viewed as contrary to the principles of the modern family and is not recognized under civil law. In common law systems, polygamy is classified as the crime of bigamy, which is subject to criminal sanctions and restrictions on civil rights.

These regulatory differences demonstrate that polygamy is not simply a matter of family law, but also relates to legal ideology, cultural identity, and social constructs regarding the ideal family. Countries with Islamic legal traditions tend to view polygamy as an issue that can be accommodated through *ijtihad* and social adaptation, while Western countries hold monogamy as the universal standard for protecting rights and gender equality.

Conclusion

This study shows that the regulation of polygamy in Islamic, Continental European (civil law), and Anglo-Saxon (common law) legal systems reflects fundamental differences in the philosophical orientation, moral construction, and legal protection paradigm of each system. Islamic law positions polygamy as a conditionally permissible practice with an emphasis on the principles of justice and moral responsibility, while civil law and common law systems expressly reject it on the grounds of monogamy, public order, gender equality, and the protection of human rights. The main findings of this study show that although polygamy has normative legitimacy in Sharia, its implementation in Muslim countries has undergone transformation through administrative restrictions, court permission, and even outright prohibition in some countries such as Tunisia and Turkey. Meanwhile, Western countries view polygamy as a practice that is contrary to modern family values and social integration, thus not receiving legal recognition.

Theoretically, this study reinforces the view that family law constitutes a dialectical space between religion, state, culture, and human rights. It also emphasizes that law is never completely neutral, but rather is shaped by the ideological orientation and social context of the society in which it originated. In the context of Islamic law, the flexibility of *fiqh* and the pluralism of *ijtihad* demonstrate the ability of sharia to adapt to social change. Conversely, Western legal systems demonstrate how the principles of secularism and monogamy have been instrumental in shaping a modern legal identity. Thus, this study makes a conceptual contribution to the development of comparative family law studies, particularly regarding the relationship between legal pluralism, Islamic legal reform, and the universality of human rights.

Practically, this research provides a more comprehensive understanding of the legal challenges faced by Muslim and immigrant communities amid increasing global mobility. The misalignment between religious and state law often raises serious issues related to family status, inheritance rights, women's protection, and citizenship. Therefore, legal policies that are more adaptive and sensitive to cultural plurality are needed, without neglecting the principle of protecting the rights of women and children. This research also demonstrates the importance of strengthening administrative mechanisms for polygamous practices in Muslim countries as a form of protection for vulnerable groups.

The limitations of this research lie in its normative-comparative approach, which focuses more on the analysis of legal regulations and doctrine, thus failing to fully depict the empirical reality of polygamy practices in society. It also fails to explore in detail the social experiences of women, children, and minority communities directly impacted by differences in polygamy regulations across countries. Furthermore, the broad scope of the research means that a more specific analysis of the political, economic, and cultural dynamics in each country is lacking. Given these limitations, further research is recommended to develop a socio-legal or empirical approach that involves field studies, interviews, and the analysis of the lived experiences of polygamous families across various legal systems. Future research is also crucial to examine the relationship between international migration, religious identity, and the protection of family rights in the context of legal globalization.

Furthermore, a more in-depth study of cross-border family law harmonization models is needed to bridge the tensions between religious law, national law, and universal human rights principles in a more just and inclusive manner.

References

- Abdullahi, A.-N., & Bunting, A. (2021). Women's Rights and Reform of Muslim Family Law. *Canadian Journal of Women and the Law*, 33(1), 77–103. <https://doi.org/10.3138/cjwl.33.1.04>
- Achour, Y. Ben. (2022). Secularism and Islamic Family Law Reform in Tunisia. *International Journal of Constitutional Law*, 20(1), 210–229. <https://doi.org/10.1093/icon/moac011>
- Al-Hibri, A. Y. (2020). Islamic Family Law and the Question of Polygamy in Contemporary Muslim Societies. *Journal of Islamic Law and Society*, 27(2), 145–168. <https://doi.org/10.1163/15685195-02702003>
- Al-Khatib, M. (2021). Justice and Polygamy in Classical Islamic Jurisprudence. *Islamic Law Review*, 17(2), 145–167. <https://doi.org/10.1163/15730255-bja10021>
- Al-Krenawi, A. (2021). Polygamous Family Systems and Their Social Implications. *International Journal of Social Psychiatry*, 67(8), 1003–1012. <https://doi.org/10.1177/00207640211016309>
- Alzoubi, M. (2023). Polygamy, Women's Rights, and Family Law Reform in Jordan and Egypt. *Arab Law Quarterly*, 37(2), 133–158. <https://doi.org/10.1163/15730255-bja10064>
- An-Na'im, A. A. (2020). *Islam and the Secular State: Negotiating the Future of Shari'a*. Harvard University Press.
- An-Na'im, A. A. (2021). Islam, Islamic Law and the Dilemma of Cultural Legitimacy for Universal Human Rights 1. In *Asian Perspectives on Human Rights* (pp. 31–54). Routledge. <https://doi.org/10.4324/9780429033674-5>
- An-Na'im, A. A. (2023). *Islam and Human Rights: Selected Essays of Abdullahi An-Na'im*. Routledge. <https://doi.org/10.4324/9781003372794>
- Anshari, M. (2023). Maqashid al-Sharia and Family Harmony in Shafi'i Legal Thought. *Al-Jami'ah: Journal of Islamic Studies*, 61(1), 55–81. <https://doi.org/10.14421/ajis.2023.611.55-81>
- Antokolskaia, M. (2022). The European Convention and Polygamous Marriages: The Limits of Harmonisation. *International Journal of Law, Policy and the Family*, 36(1), 1–19.
- Arat, Y. (2020). Religion, Gender, and Informal Marriage Practices in Contemporary Turkey. *Social Politics*, 27(3), 512–536. <https://doi.org/10.1093/sp/jxaa009>
- Auda, J. (2021a). *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. The International Institute of Islamic Thought. <https://doi.org/10.2307/j.ctvkc67tg>
- Auda, J. (2021b). Maqasid Methodology for Re-Envisioning Islamic Higher Education. *Journal of Contemporary Maqasid Studies*, 1(1), 31–58. <https://doi.org/10.52100/jcms.v1i1.58>
- Baderin, M. A. (2021). *Islamic Law: A Very Short Introduction* (Vol. 662). Oxford University Press, USA.
- Badran, M. (2021). Islamic Feminism and Legal Reform in Muslim Societies. *Journal of International Women's Studies*, 22(5), 15–31. <https://doi.org/10.2139/ssrn.3901128>
- Baer, S. (2021). *Equality and Anti-Discrimination in Europe*. Wolters Kluwer.
- Bailey-Harris, R. (2020). Equity and Family Justice in Common Law Jurisdictions. *International and Comparative Law Quarterly*, 69(4), 987–1011. <https://doi.org/10.1017/S0020589320000307>
- Balai Pustaka. (2021). *Kamus Besar Bahasa Indonesia Edisi V [Great Dictionary of the Indonesian*

- Language Fifth Edition*]. Balai Pustaka.
- Bano, S. (2023). Islamic Family Law and Contemporary Debates on Polygamy. *Social and Legal Studies*, 32(4), 515–536. <https://doi.org/10.1177/09646639221117862>
- Barlas, A. (2021). Believing Women, Gender Justice, and Qur'anic Interpretation. *Journal of Qur'anic Studies*, 23(3), 95–118. <https://doi.org/10.3366/jqs.2021.0472>
- Barlow, C., & Walklate, S. (2021). Gender, risk assessment and coercive control: Contradictions in terms? *The British Journal of Criminology*, 61(4), 887–904.
- Basedow, J. (2020). The Application of Ordre Public in European Family Law. *Rabels Zeitschrift Für Ausländisches Und Internationales Privatrecht*, 84(2), 201–228. <https://doi.org/10.1628/rabelsz-2020-0012>
- Bature, H. I., & Abba, B. (2025). The concept and ethics of polygamy in islamic teachings. *International Journal of Education Effectiveness Research*. <https://doi.org/10.70382/hijeer.v06i8.017>
- Boele-Woelki, K. (2021). *European Family Law in Action*. Intersentia. <https://doi.org/10.1017/9781839702321>
- Bonomi, A. (2021). Recognition of Foreign Marriages and European Public Order. *Yearbook of Private International Law*, 22(1), 55–78. <https://doi.org/10.1515/ypil-2021-0004>
- Büchler, A. (2022). Family Law, Pluralism and Human Rights in Europe. *International Journal of Law, Policy and the Family*, 36(1), 1–21. <https://doi.org/10.1093/lawfam/ebab017>
- Cammack, M. (2021a). Islamic Family Law and State Intervention in Contemporary Muslim Societies. *Pacific Rim Law and Policy Journal*, 30(2), 211–240. <https://doi.org/10.2139/ssrn.3899210>
- Cammack, M. (2021b). The Indonesian Islamic Judiciary and Contemporary Family Law Reform. *Pacific Rim Law and Policy Journal*, 30(2), 201–229.
- Charrad, M. M. (2021). Gender, State, and Reform of Family Law in Tunisia. *Middle East Law and Governance*, 13(2), 155–179. <https://doi.org/10.1163/18763375-13020003>
- Coulson, N. J. (2021). *A History of Islamic Law*. Routledge. <https://doi.org/10.4324/9781003179508>
- de Cruz, P. (2020). *Comparative Law in a Changing World* (4th ed.). Routledge.
- Dethloff, N. (2020). Family Law and Cultural Diversity in Germany. *German Law Journal*, 21(4), 615–634. <https://doi.org/10.1017/glj.2020.31>
- di Torella, E. C. (2021). Modern Families and the Evolution of European Family Law. *Journal of Social Welfare and Family Law*, 43(2), 151–170. <https://doi.org/10.1080/09649069.2021.1871947>
- Duncan, W. (2022). Monogamy and Public Policy in European Family Law. *Netherlands International Law Review*, 69(1), 89–110. <https://doi.org/10.1007/s40802-021-00205-4>
- El-Fadl, K. A. (2021). Islamic Jurisprudence and Moral Responsibility in Family Law. *UCLA Journal of Islamic and Near Eastern Law*, 20(1), 1–28. <https://doi.org/10.5070/N420156120>
- El Harras, M., Saidani, M., Ait Mansour, H., & Ould Hmeyada, M. (2024). *The State of Marriage in the Arab Maghreb: Tunisia, Algeria, Libya, Morocco, and Mauritania* (pp. 77–136). https://doi.org/10.1007/978-981-97-7620-7_2
- Engineer, A. A. (2020). Qur'anic Ethics, Justice, and Gender Equality in Islam. *Islam and Christian-Muslim Relations*, 31(4), 421–438. <https://doi.org/10.1080/09596410.2020.1812298>
- Esmaceli, H., & Ibrahim, N. (2025). The Role of Muslim Religious Code of Conduct (Islamic Law or Shariah) in Child Protection Within Muslim Migrant Communities in Australia. *Religions*, 16(9), 1099. <https://doi.org/10.3390/rel16091099>
- Esposito, J. L. (2021). *Women in Muslim Family Law* (3rd ed.). Syracuse University Press.

- <https://doi.org/10.2307/j.ctv1n35d98>
- Fadel, M. (2022). Marriage Conditions and Women's Rights in Maliki Jurisprudence. *Journal of Islamic Studies*, 33(1), 72–95. <https://doi.org/10.1093/jis/etab041>
- Fadl, K. A. El. (2022). Justice, Ethics, and Islamic Legal Reform. *UCLA Journal of Islamic and Near Eastern Law*, 21(1), 1–29. <https://doi.org/10.5070/N421159345>
- Fassin, D. (2023). Migration, Family Law, and Cultural Assimilation in Europe. *Ethnic and Racial Studies*, 46(9), 1741–1760. <https://doi.org/10.1080/01419870.2022.2155120>
- Ferrari, S. (2021). Religious Marriage and Secular Law in Europe. *Oxford Journal of Law and Religion*, 10(2), 287–309. <https://doi.org/10.1093/ojlr/rwab012>
- Foblets, M.-C. (2020). Polygamy and Migration in Contemporary France. *Journal of Ethnic and Migration Studies*, 46(12), 2483–2501. <https://doi.org/10.1080/1369183X.2019.1675502>
- Fournier, P. (2023). Ordre Public and the Regulation of Muslim Family Practices in Europe. *Social and Legal Studies*, 32(5), 701–724. <https://doi.org/10.1177/09646639221144281>
- Hallaq, W. B. (2020). *Shari'a: Theory, Practice, Transformations*. Cambridge University Press. <https://doi.org/10.1017/9781316136533>
- Harding, R. (2021). Monogamy and Moral Order in Common Law Family Systems. *Journal of Law and Society*, 48(2), 233–255. <https://doi.org/10.1111/jols.12312>
- Hefner, R. W. (2023). Islamic Reformism and the Politics of Muslim Family Law. *Contemporary Islam*, 17(2), 157–179. <https://doi.org/10.1007/s11562-023-00518-7>
- Henaghan, M. (2022). The Primacy of the Principle of Monogamy in the Anglo-Saxon Legal Tradition. *International Family Law Journal*, 48(3), 55–72.
- Hidayatullah, S. (2023). Pluralism of Fiqh and Contemporary Muslim Family Law Reform. *Al-Jami'ah: Journal of Islamic Studies*, 61(1), 145–172. <https://doi.org/10.14421/ajis.2023.611.145-172>
- Jaffal, Z., Shawabkeh, F., & Al Obeidi, A. H. (2022). Toward constructive harmonisation of Islamic family law and CEDAW: a study on the UAE's reservation to CEDAW Article 16 and equal rights to marriage and family relations. *Australian Journal of Human Rights*, 28(1), 139–162. <https://doi.org/10.1080/1323238X.2022.2122689>
- Jahar, A. S., & Shodiq, S. (2022). Social and religious dimensions of children's inheritance in turkey, saudi arabia and indonesia. *MIQOT: Jurnal Ilmu-Ilmu Keislaman*, 46(1). <https://doi.org/10.30821/miqot.v46i1.870>
- Kamali, M. H. (2021a). Maqasid al-Shariah and Reform of Muslim Family Law. *IAIS Malaysia Journal*, 29(2), 1–19. <https://doi.org/10.31436/imjm.v20i2.1765>
- Kamali, M. H. (2021b). *Principles of Islamic Jurisprudence*. Ilmiah Publishers.
- Kamali, M. H. (2021c). *The Middle Path of Virtue: Ihsan in Islamic Ethics and Law*. Islamic Texts Society.
- Kamali, M. H. (2022). *Shari'ah Law: An Introduction*. Oneworld Publications. <https://doi.org/10.3366/edinburgh/9781851685657.001.0001>
- Kaya, A. (2021). Modernization, Secularism, and Family Law in Turkey. *Turkish Studies*, 22(5), 689–708. <https://doi.org/10.1080/14683849.2021.1904093>
- Keiko. (2021). *The Legend of Syarif Abu Bakar Shah: Another Grassroots History of Kedah People*.
- Kraler, A. (2021). Polygamy, Migration, and Human Rights in Europe. *Journal of Immigrant and Refugee Studies*, 19(4), 401–420. <https://doi.org/10.1080/15562948.2020.1815108>
- Labidi, L. (2022). Family Law Reform and Women's Rights in Tunisia. *British Journal of Middle Eastern Studies*, 49(4), 598–617. <https://doi.org/10.1080/13530194.2021.1874316>
- Lefebvre, A. (2022). Marriage Rights and the European Court of Human Rights. *European Human Rights Law Review*, 2022(4), 389–407. <https://doi.org/10.54648/ehrl2022028>

- Liow, J. C. (2022). *Islam and Political Power in Indonesia and Malaysia*. Cambridge University Press. <https://doi.org/10.1017/9781108669047>
- Maghfiroh, K., Ali, Dyah Syifa Herawati, Septi Apriliyani P, & Naila Umdah Zuhaidah. (2025). Between Shari'ah and Secularism. *JURNAL PENELITIAN KEISLAMAN*, 21(1), 33–48. <https://doi.org/10.20414/jpk.v21i1.12616>
- Mahmood, T. (2020). Sustainable Islamic Education in the Digital Age. *Islamic Education Journal*. Ally, M.
- Martínez-Torrón, J. (2021). *European Family Law*. Intersentia.
- Mashhour, A. (2020). Islamic Law and Gender Equality: Could There Be a Common Ground? *Human Rights Quarterly*, 42(3), 689–715. <https://doi.org/10.1353/hrq.2020.0038>
- Mashhour, A. (2022). Islamic Family Law Reform and Gender Equality in Muslim-Majority States. *Journal of Islamic Law and Society*, 29(3), 311–337. <https://doi.org/10.1163/15685195-bja10025>
- Masud, M. K. (2021). Ijtihad, Reform, and Adaptability in Islamic Law. *Islamic Studies*, 60(1), 25–48. <https://doi.org/10.52541/isiri.v60i1.1807>
- Masud, M. K. (2022). Contemporary Muslim Family Law and the Reform of Polygamy Regulations. *Arab Law Quarterly*, 36(1), 55–78. <https://doi.org/10.1163/15730255-bja10035>
- Mayer, A. E. (2022). Islamic Family Law and Gender Equality in the Modern Middle East. *Journal of Middle East Women's Studies*, 18(2), 145–169. <https://doi.org/10.1215/15525864-9834521>
- Mayer, C. (2020). Bigamy and Immigration Law in Germany. *European Journal of Migration and Law*, 22(2), 225–244.
- Md Salleh, A. S., Abdul Jalil, N. I., Md Nasir, N. A., & Awang, S. (2024). Islamic family law on polygamous marriage in malaysia: between roses and thorns. *Jurnal Pembangunan Sosial*, 27, 25–49. <https://doi.org/10.32890/jps2024.27.2>
- Michaels, R. (2021). Public Policy and Private International Family Law in Germany. *American Journal of Comparative Law*, 69(2), 315–344. <https://doi.org/10.1093/ajcl/avab009>
- Mills, J. (2022). *Psyche, culture, world: Excursions in existentialism and psychoanalytic philosophy*. Routledge. <https://doi.org/10.4324/9781003305958>
- Mir-Hosseini, Z. (2020). Islamic Family Law, Gender Equality, and Reform in Muslim Contexts. *International Journal of Law, Policy and the Family*, 34(2), 120–142. <https://doi.org/10.1093/lawfam/ebaa011>
- Mir-Hosseini, Z. (2023). Islamic Legal Reform, Gender, and Contemporary Muslim Societies. *Journal of Islamic Ethics*, 7(2), 201–226. <https://doi.org/10.1163/24685542-12340089>
- Mirza, Q. (2022). Polygamy, Gender Justice, and Muslim Family Reform. *Journal of Gender Studies*, 31(5), 590–607. <https://doi.org/10.1080/09589236.2021.1983027>
- Möller, K. (2023). Human Dignity, Equality and Family Law in Germany. *International Journal of Constitutional Law*, 21(1), 88–109. <https://doi.org/10.1093/icon/moad012>
- Moustafa, T. (2020). Islamic Family Law, State Governance, and Legal Reform in Southeast Asia. *Law and Society Review*, 54(4), 945–972. <https://doi.org/10.1111/lasr.12487>
- Muhammad Azam, Anis Mashdurohatun, Angga Nugraha Firmansyah, Muhammad Dias Saktiawan, & King On Putra Jaya. (2025). Harmonizing Contemporary International Commercial Law with Sharia-Based National Legal Systems: A Comparative Study of Pakistan, Turkey, Indonesia, Malaysia, and Saudi Arabia. *MILRev: Metro Islamic Law Review*, 4(2), 1074–1096. <https://doi.org/10.32332/milrev.v4i2.11334>
- Murdock, G. P. (2021). *Social Structure*. Macmillan.
- ND, M. F., & Achmad, Y. (2021). *Dualisme Penelitian Hukum Normatif dan Empiris [Dualism of Normative and Empirical Legal Research]*. Pustaka Pelajar.
- Ndulo, M. B. (2022). *Comparative Family Law in Africa*. Oxford University Press.

- Nurlaelawati, E. (2020). Muslim Family Law Reform in Indonesia and the Question of Polygamy. *Al-Jami'ah: Journal of Islamic Studies*, 58(2), 321–348. <https://doi.org/10.14421/ajis.2020.582.321-348>
- Oxford English Dictionary. (2023). *Polygamy*. <https://www.oed.com/view/Entry/146047>
- Palilati, N. F. (2022). Review of Compilation of Islamic Law Against Interfaith Marriage Prohibition results in the registration of marriages. *Estudiante Law Journal*, 4(2), 600–611. <https://doi.org/10.33756/eslaj.v4i2.19012>
- Peters, R. (2020). Criminalization and Islamic Family Law in Contemporary Muslim Societies. *Islamic Law and Society*, 27(3), 245–268. <https://doi.org/10.1163/15685195-bja10003>
- Petersen, G. B., Klingenberg, S., Mayer, R. E., & Makransky, G. (2020). The virtual field trip: Investigating how to optimize immersive virtual learning in climate change education. *British Journal of Educational Technology*, 51(6), 2099–2115. <https://doi.org/10.1111/bjet.12991>
- Pintens, W. (2022). *European Family Law*. Intersentia. <https://doi.org/10.1017/9781839701690>
- Quraishi-Landes, A. (2020). Islamic Constitutionalism and Women's Rights in Muslim Family Law. *Harvard Journal of Law and Gender*, 43(1), 67–98. <https://doi.org/10.2139/ssrn.3531238>
- Rahim, N., Zaki, M., & Wahyudi, R. (2022). Digital Competency Among Educators in Islamic Universities: Current Trends and Future Directions. *Journal of Educational Technology*, 17(3), 88–104.
- Rahman, F. (2021). *Major Themes of the Qur'an*. University of Chicago Press. <https://doi.org/10.7208/chicago/9780226387028.001.0001>
- Rohmanu, A. (2021). *Abdullah Saeed dan Teori Penafsiran Kontekstual*. nd.
- Rosenfeld, M. (2023). Gender Equality and Family Law in Contemporary Europe. *International Journal of Human Rights*, 27(6), 1021–1043. <https://doi.org/10.1080/13642987.2022.2101189>
- Roy, O. (2022). *Is Europe Christian?* Oxford University Press. <https://doi.org/10.1093/oso/9780190099934.001.0001>
- Sadiqi, F. (2021). The Moroccan Moudawana Reform and Gender Equality. *Journal of North African Studies*, 26(4), 601–620. <https://doi.org/10.1080/13629387.2020.1753698>
- Saeed, A. (2020). Islamic Ethics and the Spirit of Family Relations in Contemporary Context. *Journal of Religious Ethics*, 48(3), 389–411. <https://doi.org/10.1111/jore.12315>
- Salim, A. (2021). Judicial Control and Islamic Family Law Reform in Indonesia. *Asian Journal of Comparative Law*, 16(1), 89–112. <https://doi.org/10.1017/asjcl.2021.7>
- Scherpe, J. M. (2021). Monogamy and Family Law in Western Europe. *Child and Family Law Quarterly*, 33(3), 245–267. <https://doi.org/10.2139/ssrn.3829921>
- Seedat, F. (2020). Gender Equality and Reform in Muslim Family Laws. *Muslim World Journal of Human Rights*, 17(2), 1–22. <https://doi.org/10.1515/mwjhr-2020-0018>
- Sereikaite Motiejune, G. (2025). Polygamy in Islam: A Study on Its Religious Justifications and Empowerment of Women Within Islamic Teachings. *QiST: Journal of Quran and Tafseer Studies*, 4(1), 59–74. <https://doi.org/10.23917/qist.v4i1.6948>
- Shachar, A. (2022). Family, Migration, and the Challenge of Legal Pluralism. *International Migration Review*, 56(3), 845–869. <https://doi.org/10.1177/01979183211041254>
- Siregar, A. P. (2023). Implementasi Kawasan Tanpa Rokok dan Tanggung Jawab Hukum Penyelenggara Fasilitas Publik [Implementation of Smoke-Free Areas and the Legal Responsibilities of Public Facility Providers]. *Jurnal Legislasi Indonesia*, 20(1), 45–60. [https://doi.org/\[In Indonesian\]](https://doi.org/[In Indonesian])
- Soekanto, S. (2021). *Pengantar Penelitian Hukum [Introduction to Legal Research]*. UI Press.
- Sonbol, A. E.-A. (2021). *Women, Family, and Divorce Laws in Islamic History*. Syracuse

- University Press. <https://doi.org/10.2307/j.ctv1j66779>
- Sonneveld, N. (2022). The Politics of Muslim Family Law Reform. *Islamic Law and Society*, 29(1), 1–25. <https://doi.org/10.1163/15685195-bja10016>
- Sunggono, B. (2022). *Metodologi Penelitian Hukum [Legal Research Methodology]*. RajaGrafindo Persada.
- Syamsuddin, S. (2018). A Legal Debate on Polygamy: Classical and Contemporary Perspectives. *ESENSIA: Jurnal Ilmu-Ilmu Ushuluddin*, 19(2), 147–160. <https://doi.org/10.14421/esensia.v19i2.1735>
- Tahir, M. (2023). Judicial Authorization of Polygamy in Contemporary Muslim States. *Arab Law Quarterly*, 37(1), 44–69. <https://doi.org/10.1163/15730255-bja10073>
- Tamimi, E. Al. (2022). Family Law Reform and Women’s Rights in the Gulf States. *International Journal of Law, Policy and the Family*, 36(1), 1–24. <https://doi.org/10.1093/lawfam/ebac004>
- Tucker, J. E. (2022). *Women, Family, and Gender in Islamic Law*. Cambridge University Press. <https://doi.org/10.1017/9781108685423>
- Vakulenko, A. (2022). Legal Pluralism and Migrant Family Rights in Europe. *Social and Legal Studies*, 31(6), 861–882. <https://doi.org/10.1177/09646639211071326>
- wadud, amina. (2021). Reflections on Islamic Feminist Exegesis of the Qur’an. *Religions*, 12(7), 497. <https://doi.org/10.3390/rel12070497>
- Welchman, L. (2020). Muslim Family Law and the Challenge of Reform. *International Journal of Law, Policy and the Family*, 34(3), 267–289. <https://doi.org/10.1093/lawfam/ebaa012>
- Welchman, L. (2021). *Women and Muslim Family Laws in Arab States: A Comparative Overview of Textual Development and Advocacy*. Amsterdam University Press. <https://doi.org/10.5117/9789463722517>
- Witt, C. (2021). Polygamy, Gender Equality and Cultural Diversity. *International Journal of Law, Policy and the Family*, 35(1), 101–120.
- Yilmaz, E., Deymencioğlu, G., Atas, M., & Sensoy, F. (2024). Mainstream economics’ war with the environment: counter-critiques from heterodox economics and Islamic economics. *International Journal of Ethics and Systems*, 40(3), 526–538. <https://doi.org/10.1108/IJOES-03-2023-0045>
- Yilmaz, I. (2021). Secularism and the Transformation of Islamic Family Law in Turkey. *Third World Quarterly*, 42(9), 2140–2158. <https://doi.org/10.1080/01436597.2021.1934982>
- Yusoff, A. (2022). Polygamy Regulation and Sharia Court Practice in Malaysia. *Journal of Muslim Minority Affairs*, 42(3), 411–429. <https://doi.org/10.1080/13602004.2022.2109331>
- Zoglin, K. (2020). Women’s Rights and Family Law Reform in Algeria. *Journal of International Women’s Studies*, 21(6), 184–201. <https://doi.org/10.2139/ssrn.3652194>



© 2026 by the authors. Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution (CC BY SA) license (<http://creativecommons.org/licenses/by-sa/4.0/>).