

NEGLECTING WOMEN'S RIGHTS Indonesian YouTube Preachers' Legal Opinion on Polygamy

Mhd Yazid

Universitas Islam Negeri Imam Bonjol Padang, Indonesia

Email: mhd yazid@uinib.ac.id

Abstract

The internet has contributed to the rise of various authorities over religion and law, as a result of the widespread use of digital instruments by religious elites to transmit their knowledge of virtue. Therefore, religious-based legal opinions are easily disseminated through social media. This article discusses video content related to polygamy that is delivered by preachers on YouTube channels. The discussion revolves around the legal aspects of polygamy described by the YouTube preachers to see the extent to which the polygamous content provides an understanding to the Indonesian public about polygamy law and its relation to the protection of women's rights. Data was collected through content analysis of either monologue or dialogue from popular preachers. This article argues that classical *fiqh* narratives of polygamy remain the tenet of the content about the polygamy landscape on YouTube. It does not significantly represent Indonesia's marriage law and arguably has not provided progressive protection for women's rights. Most of the principles and arguments used lead to the nobility of polygamy, women's patience, maintaining the integrity of the household, and prohibiting breaking the Sharia.

[Internet telah berkontribusi pada munculnya berbagai otoritas atas agama dan hukum, sebagai akibat dari maraknya penggunaan instrumen digital oleh para elit agama untuk mentransmisikan pengetahuan mereka tentang kebajikan. Oleh karena itu, opini hukum berbasis agama mudah disebarluaskan melalui media sosial. Artikel ini membahas tentang konten video terkait poligami yang dibawakan oleh para da'i di kanal YouTube. Pembahasan mencakup aspek hukum poligami yang dipaparkan oleh para da'i YouTube untuk melihat sejauh mana konten poligami memberikan pemahaman kepada masyarakat

Indonesia tentang hukum poligami dan kaitannya dengan perlindungan hak-hak perempuan. Data dikumpulkan melalui analisis isi baik monolog maupun dialog dari da'i populer. Artikel ini berpendapat bahwa narasi fikih klasik tentang poligami tetap menjadi inti konten tentang poligami di YouTube. Itu sama sekali tidak merepresentasikan hukum perkawinan menurut negara dan bisa disimpulkan belum memberikan perlindungan yang progresif bagi hak-hak perempuan. Sebagian besar prinsip dan dalil yang digunakan antara lain kesabaran perempuan, menjaga keutuhan rumah tangga, dan melarang melanggar syariat—yang pada akhirnya, semua opini itu diarahkan untuk meluhurkan poligami itu sendiri.]

Keywords

Legal opinions, polygamy, YouTube preachers, women's rights

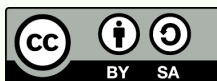
Article History

Received 11 April 2023

Approved for Publication 25 April 2023

To Cite this Article

Mhd Yazid, "NEGLECTING WOMEN'S RIGHTS: Indonesian YouTube Preachers' Legal Opinion on Polygamy," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 16, no. 1 (2023): 69-88, <https://doi.org/10.14421/ahwal.2023.16104>.



Copyright © 2023 by Author(s)
This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License.

Introduction

With the shift of preaching (da'wah) from traditional methods to digital media, YouTube has emerged as a strategic platform for conveying opinions on Islamic law. Notably, legal opinions on polygamy can be found on numerous channels of popular preachers with millions of subscribers, including Adi Hidayat, Abdul Somad, Das'ad Latif, Khalid Basalamah, Syafiq Riza Basalamah, and Felix Shiaw, as outlined in Table 1. The subject of polygamy has garnered interest among the public, leading to the emergence of several legal

opinions on the matter. These opinions address a range of topics, including "What if I am polygamous?", "This is a condition for polygamy," and "This is why God allows polygamy." The increasing presence of polygamy discourse on digital platforms, particularly on YouTube, has opened up a new arena for the public to seek guidance on Islamic law. Simultaneously, this development challenges traditional authority, as digital platforms are perceived as alternative sources of information. The rise of digital platforms can be attributed to their ability to address religious issues faced by society in a timely manner.¹ The abundance of information available in the digital space has been shown to impact the development of family law discourse in Indonesia. This phenomenon is exemplified in the case of the divorce trend, as demonstrated by Heaton et al.² The proliferation of digital media has allowed for the rapid dissemination of information, which has played a significant role in shaping public attitudes toward family law issues.

The diverse range of *fiqh* opinions has resulted in a variety of views held by preachers on the issue of polygamy. These views may be influenced by the interpretation of legal sources. This article aims to address two critical questions pertaining to these opinions. Firstly, to what extent do the legal opinions expressed by preachers regarding polygamy align with the legal regulations of marriage in Indonesia? Secondly, to what extent do these legal opinions reflect the protection of women's rights? These two inquiries are grounded in the fact that Indonesia has codified Islamic law in its Marriage Law and Compilation of Islamic Law (KHI), which stipulate the conditions and justifications for practicing polygamy.³ The regulation of polygamy by the state was met with resistance from orthodox groups. However, after a prolonged debate, the contestation was won by the modernist group that advocated for women's rights. Consequently, the practice of polygamy was

¹ Arif Zamhari and Muhamad Ibtissam Han, "Traditional Religious Authorities in New Media: A Study of the Cariustadz. Id Platform as an Alternative Cyber Fatwa and Da'wah Media among the Middle-Class Urban Muslims," *AHKAM: Jurnal Ilmu Syariah* 21, no. 1 (2021): 65–88, <https://doi.org/10.15408/ajis.v21i1.20300>.

² Tim Heaton and Mark Cammack, "Explaining the Recent Upturn in Divorce in Indonesia: Developmental Idealism and the Effect of Political Change," *Asian Journal of Social Science* 39, no. 6 (2011): 776–96, <https://doi.org/10.1163/156853111X619229>; Tim B Heaton, Mark Cammack, and Larry Young, "Why Is the Divorce Rate Declining in Indonesia?," *Journal of Marriage and Family* 63, no. 2 (2001): 480–90, <https://doi.org/10.1111/j.1741-3737.2001.00480.x>; Mark Cammack, "Legal Aspects of Muslimnon-Muslim Marriage in Indonesia," in *MuslimNon-Muslim Marriage: Political and Cultural Contestations in Southeast Asia* (Singapore: ISEAS, 2003), <https://doi.org/10.1355/9789812308221-007>.

³ Muhammad Isna Wahyudi, "Women Dealing with The Law in Religious Courts," *AHKAM: Jurnal Ilmu Syariah* 18, no. 2 (2018): 305–20, <https://doi.org/10.15408/ajis.v18i2.7491>.

subjected to regulation. As a result, the requirement for polygamy can be viewed as a means of reinforcing the position of women in the context of Indonesian marriage law.⁴

The regulation of polygamy in Indonesia does not signify the end of the debate surrounding the issue. Studies have revealed that judicial decisions related to polygamy have sparked discussions regarding women's rights. Nurlaelawati, for instance, found that judges in the Religious Courts were not inclined to favor women's rights in their interpretation of the reasons for polygamy.⁵ Moreover, several studies have examined the impact of polygamy on the domestic lives of polygamists. These studies have identified a range of effects, including implications for sexual justice and the economic welfare of women and children involved in such marriages.⁶ With the onset of the digital era, the discourse surrounding polygamy has expanded considerably. One area of study in this field has been the investigation of the ways in which polygamy is constructed and understood through digital media. Previous research has explored the portrayal of polygamy in Indonesian films, shedding light on the discourse surrounding this practice.⁷ In the context of social media and family law, other studies have delved into the construction of Islamic family law in the digital realm. For instance, Nisa's research examined the role of Instagram in shaping the discourse surrounding family law in Islamic contexts.⁸ Anshori and Handayani⁹ do also similar studies.

⁴ Jan Michiel Otto, *Sharia Incorporated: A Comparative Overview of the Legal Systems of Twelve Muslim Countries in Past and Present* (Leiden University Press, 2010), <https://doi.org/10.5117/9789087280574>.

⁵ Euis Nurlaelawati, "Expansive Legal Interpretation and Muslim Judges' Approach to Polygamy in Indonesia," *Hanwa* 18, no. 2–3 (2020): 295–324, <https://doi.org/10.1163/15692086-12341380>.

⁶ Nina Nurmila and Linda Rae Bennett, "The Sexual Politics of Polygamy in Indonesian Marriages," in *Sex and Sexualities in Contemporary Indonesia* (Routledge, 2014), 87–106, <https://doi.org/10.4324/9781315849805-13>; Nina Nurmila, "Polygamous Marriages in Indonesia and Their Impacts on Women's Access to Income and Property," *Al-Jami'ah: Journal of Islamic Studies* 54, no. 2 (2016): 427–46, <https://doi.org/10.14421/ajis.2016.542.427-446>.

⁷ Mukhammad Nur Hadi, "CONSERVATIVE MUSLIM ON THE SCREEN: The Narrative of Islamic Family Law in Indonesian Films," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 14, no. 2 (2021): 133–45, <https://doi.org/10.14421/ahwal.2021.14202>.

⁸ Eva F Nisa, "Female Voices on Jakarta's Da'wa'stage," *RIMA: Review of Indonesian and Malaysian Affairs* 46, no. 1 (2012): 55–81; Eva F Nisa, "Creative and Lucrative Da'wa: The Visual Culture of Instagram amongst Female Muslim Youth in Indonesia," *Asiascape: Digital Asia* 5, no. 1–2 (2018): 68–99, <https://doi.org/10.1163/22142312-12340085>.

⁹ Ansori and Muhammad Iqbal Juliansyahzen, "The Contestation of the Family Law Discourse in the Digital Age: Islam, State, and Gender," *Samarah* 6, no. 1 (2022): 244–72, <https://doi.org/10.22373/sjkh.v6i1.9128>; Yulmitra Handayani, "HUKUM PERKAWINAN ISLAM DI RUANG DIGITAL: Bias Gender Dalam Wacana Hukum Perkawinan Di Instagram," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 14, no. 2 (2021): 112–32, <https://doi.org/10.14421/ahwal.2021.14201>.

This article presents the findings of a study that examines polygamous content from popular preachers on YouTube. The sample of popular preachers (Table 1) is defined as those who have more than one million subscribers or views on their official channels. Additionally, their content is often re-uploaded by other accounts, which will also be used as a data source.

Table 1: Indonesian Popular Preachers on YouTube

No	Channel/Preacher	Number of Subscribers	Number of Viewers	Join Date
1	Adi Hidayat Official	3.01 million	194.447.806	28 Feb 2019
2	Ustadz Abdul Somad Official	2.83 million	200.819.165	25 June 2019
3	Das'ad Latif	2.42 million	246.984.098	11 October 2017
4	Khalid Basalamah Official	2.33 million	171.464.297	7 February 2014
5	Syafiq Riza Basalamah	1.2 million	116.179.601	18 Mei 2017
6	Felix Shiaw	1.23 million	54.857.572	3 January 2009

Source: youtube.com (accessed on 20 July 2022)

The article aims to explore several aspects related to the content of the preachers' legal opinions. The first section of the article discusses the concept of legal opinion in the digital world and its implications for women's rights, focusing on the general tendency of family law discourse in the digital realm. The following section presents the research findings, with a focus on the narratives surrounding polygamy in the preachers' videos. Finally, the article examines the representation of family law and the extent to which it protects women's rights in the analyzed content.

The Resurgence of Islamic Legal Opinions by Digital Media

In Islamic jurisprudence, legal opinions, or fatwas, can be conveyed by anyone who has the necessary knowledge and competence to do so. As Hasyim has noted, the term fatwa is often used interchangeably with legal opinion in Islamic discourse.¹⁰ In the realm of Islamic law, opinions regarding legal matters can be found in numerous sources. Such opinions may emanate from individual or collective sources. Kaptein posits that the authority to deliver a fatwa or legal opinion is primarily vested in individuals. Nonetheless, in the early

¹⁰ Syafiq Hasyim, "Fatwas and Democracy: Majelis Ulama Indonesia (MUI, Indonesian Ulema Council) and Rising Conservatism in Indonesian Islam," *TRANS: Trans-Regional and National Studies of Southeast Asia* 8, no. 1 (2020): 21–35, <https://doi.org/10.1017/trn.2019.13>.

twentieth century, the establishment of indigenous Islamic organizations introduced a collective mode of delivering fatwas.¹¹ In contemporary times, Islamic legal opinions can be derived from various collective sources. These sources include community organizations that are popular in Indonesia, such as the Indonesian Ulema Council, Nahdlatul Ulama, and Muhammadiyah. The Indonesian Ulema Council is equipped with a fatwa commission, while NU and Muhammadiyah have forums known as Bahtsul Masail and Majelis Tarjih, respectively. The forum engages in discussing legal cases, which are then used to formulate a fatwa.

A study by Kaptein revealed that Indonesian Muslims tend to rely on legal opinions issued within Indonesia. The authority of these fatwas typically starts at the national level and trickles down to the regional level.¹² However, Kaptein's study must be viewed in light of the fact that the digital era has emerged as a new arena for seeking legal opinions. With the advent of information technology, legal opinions are now easily accessible on various digital platforms. The monopoly of authority by specific religious organizations is no longer absolute. This space has been taken over by viral preachers on social media. The advantage of being viral provides certain benefits for these preachers, as they become easily known, followed, and watched through the use of smartphones. Consequently, legal opinion seekers can access the preachers' opinions on a specific case without having to meet them in person. This phenomenon is referred to as digital religion.¹³

Digital religion phenomena can be found in several digital media forms. As mentioned by Fakhruroji, religion began to be transmitted through applications.¹⁴ Among the applications used is the AA Gym application. Previously, websites were used to discuss religion from certain issues. Among these media are nu.or.id, islampos.com, and voa-islam.com. Recently, a form of media that is no less important as a medium of da'wah is social media. Social media is a very accessible platform. Dissemination of information through the sharing feature makes information more rapidly growing. Among the well-

¹¹ Nico J G Kaptein, "The Voice of Theulamâ': Fatwas and Religious Authority in Indonesia," *Autorités Religieuses En Islam*, no. 125 (2004): 115–30, <https://doi.org/10.4000/assr.1038>.

¹² Kaptein.

¹³ Moch Fakhruroji, "Digitalizing Islamic Lectures: Islamic Apps and Religious Engagement in Contemporary Indonesia," *Contemporary Islam* 13, no. 2 (2019): 201–15, <https://doi.org/10.1007/s11562-018-0427-9>.

¹⁴ Fakhruroji.

known platforms are Facebook, Instagram, and WhatsApp.¹⁵ The application has a "share" feature that can share all information from certain websites. Above all, the most popular media in Indonesia is YouTube.

YouTube users in Indonesia reached 127 million people. This data also states that 50% of the total population of Indonesia uses YouTube as a medium to obtain information.¹⁶ Among the information that many YouTube users are looking for is religious content. Many YouTube channels owned by well-known scholars have millions of subscribers and viewers. In addition to unique content, da'wah content is uploaded to Da'wah TV channels, such as YufidTV, RodjaTV, and AmmarTV. These channels have millions of subscribers. This fact confirms that Indonesian people can democratically choose the content they like. Freedom to choose content then spreads religious discourse on social media and creates a new authority. Ansori and Juliasyahzen¹⁷ found that authority was fragmented based on religious affiliation, and Akmaliah found that the use of Youtube, in particular, created a new authority dominated by Salafi and Wahabi both individually and collectively.¹⁸

Women's Rights in Digital Media

In the context of family law, gender justice is an important consideration in ensuring that both men and women have equal rights and opportunities. This concept is particularly relevant in Islamic family law, where women's rights have often been a subject of debate and controversy. As explained by Wadud, the social construction of gender in Arabia at the time of the revelation of the Qur'an played a significant role in shaping the roles and functions of men and women in society. The Arabic language, which distinguishes between male and female, also played a role in the formation of gender identities. Therefore, gender

¹⁵ Ahmad Muttaqin, "Women's Identity in the Digital Islam Age: Social Media, New Religious Authority, and Gender Bias," *QIJIS (Qudus International Journal of Islamic Studies)* 8, no. 2 (2020): 253–388, <https://doi.org/10.21043/qijis.v8i2.7095>. See also Muhammad Al-Atawneh, "Leisure and Entertainment (Malāhī) in Contemporary Islamic Legal Thought: Music and the Audio-Visual Media," *Islamic Law and Society* 19, no. 4 (2012): 397–415, <https://doi.org/10.1163/156851912X639932>.

¹⁶ Vika Azkiya Dihni, "Pengguna Youtube India Terbesar Di Dunia, Indonesia Urutan Berapa?" (blog), December 5, 2022, <https://databoks.katadata.co.id/datapublish/2022/05/12/pengguna-youtube-india-terbesar-di-dunia-indonesia-urutan-berapa>.

¹⁷ Ansori and Juliansyahzen, "The Contestation of the Family Law Discourse in the Digital Age: Islam, State, and Gender."

¹⁸ Wahyudi Akmaliah, "The Demise of Moderate Islam: New Media, Contestation, and Reclaiming Religious Authorities," *Indonesian Journal of Islam and Muslim Societies* 10, no. 1 (2020): 1–24, <https://doi.org/10.18326/ijims.v10i1.1-24>.

is not simply a biological category, but a socially constructed concept that is shaped by cultural norms and values. In order to achieve gender justice in family law, it is important to consider the cultural context in which Islamic law is applied and to ensure that women's rights are protected and respected.¹⁹ Patriarchy, as a cultural phenomenon, refers to the social and cultural position of men being higher than women, resulting in an unequal relationship between husbands and wives. Various theories have identified patriarchy as a cultural background that influences the roles of men and women in society. This cultural phenomenon has been criticized by scholars, including El Fadl, who argues that marriage should be based on companionship and compassion rather than on the notion of superiority and inferiority between partners.²⁰

Hosseini's criticism on the concept of *qiwama* highlights its impact on the relationship between men and women, particularly within the context of Islamic family law. *Qiwama* is considered the root cause of all the inequalities between men and women in Islam, according to Hosseini. The classical interpretation of fiqh legitimized the superiority of men over women, thus hindering women from becoming independent legal subjects. This perspective highlights the need to critically examine the traditional interpretations of Islamic law in relation to gender and ensure that women's rights are protected in family law.²¹ With the advent of the digital era, the discourse on gender inequality has expanded to include the opinions of popular preachers on social media. Muttaqin's research reveals that various forms of gender inequality can be found in the opinions of popular preachers regarding Muslim women's identity. These forms of inequality include marginalization, subordination, double burden, violence, and stereotype. The marginalization of women is evident in the preachers' frequent neglect of women's issues and lack of representation in their discourse. Additionally, subordination is perpetuated through the preachers' emphasis

¹⁹ Amina Wadud, *Inside the Gender Jihad: Women's Reform in Islam* (Oxford: Oneworld, 2006).

²⁰ Khaled Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority and Women* (Oxford: Simon and Schuster, 2014).

²¹ Lena Larsen et al., *Gender and Equality in Muslim Family Law: Justice and Ethics in the Islamic Legal Tradition* (London and New York: Palgrave Macmillan, 2013); Amina Wadud, "The Ethics of Tawhid over the Ethics of Qiwamah," in *Men in Charge*, ed. Ziba Mir-Hosseini, Mulki Al-Sharmani, and Jana Rumminger (London: OneWorld Publications, 2015), 256–74; Ziba Mir-Hosseini, "Muslim Women's Quest for Equality: Between Islamic Law and Feminism," *Critical Inquiry* 32, no. 4 (2006): 629–45, <https://doi.org/10.1086/508085>; Ziba Mir-Hosseini, "Women in Search of Common Ground: Between Islamic and International Human Rights Laws," in *Islamic Law and International Human Rights Law: Searching for Common Ground?*, ed. Anver M. Emon, Mark Ellis, and Benjamin Glahn, 1st ed. (Oxford: Oxford University Press, 2012), 291–303.

on women's obedience and subservience to men. The double burden is another form of inequality in which women are expected to fulfill both their domestic and religious responsibilities. The issue of violence against women is also largely ignored or minimized in the preachers' discourse. Lastly, preachers tend to perpetuate harmful stereotypes of women that reinforce gender inequality. These forms of gender inequality in popular preachers' discourse on social media highlight the need for critical engagement and reform within Islamic family law to ensure gender justice and women's rights.²²

Gender-Biased Legal Opinions on Polygamy

The dissemination of religious knowledge and authority through digital media, specifically YouTube, has raised concerns regarding gender inequality in Islamic legal opinions. The content on polygamy, in particular, has been predominantly sourced from classical *fiqh*, indicating that popular preachers' legal interpretations still rely on the legality of polygamy as a noble path accepted as divine law. However, this perspective requires the patience of women to maintain household integrity. Moreover, any challenge to polygamy is considered an act against Sharia. This section aims to describe the various forms of Islamic legal opinions present in the YouTube content of popular preachers, focusing on polygamy.

An examination of the content of some popular preachers on YouTube reveals that polygamy is presented as a solution permitted by Islam for men who are able to marry more than one woman. This view is derived from an understanding of An-Nisā verse 3, which is believed to be a divine grant that cannot be questioned and a unique aspect of Islam. Classical *fiqh* versions have also identified this verse as the source of the law on the legality of polygamy. Popular preachers do not reinterpret classical *fiqh* but tend to present it textually. Syafiq Riza Basalamah, for instance, has argued that Islam permits men to have lawful sexual relations with more than one wife. However, this traditionalist understanding of polygamy does not take into account the negative effects of polygamy on women's rights and gender equality, which is the tenet concern in modern Islamic family law discussions.²³

²² Muttaqin, "Women's Identity in the Digital Islam Age: Social Media, New Religious Authority, and Gender Bias."

²³ *Bagaimana Jika Aku Dipoligami?* - Ustadz Dr. Syafiq Riza Basalamah, M.A., 2019, <https://www.youtube.com/watch?v=GjMqRL5M0mA&t=14s>.

In Syafiq Riza Basalamah's view, polygamy is the only lawful solution for men with strong sexual desires outside of committing adultery. Despite acknowledging the challenges that polygamy poses for women, Syafiq sees it as the best solution provided by Islam, stating that " For women, it may be difficult to be polygamous, but Allah created polygamy as a beautiful solution." This perspective highlights the centrality of the classical fiqh interpretation that polygamy is a divine command that cannot be questioned, and Islam provides a lawful way for men to engage in sexual relations with multiple wives. However, this interpretation disregards the negative impact of polygamy on women's rights.²⁴

This approach to polygamy only focuses on men's sexual desires, without considering women's interests and rights. It neglects the fact that women can also have sexual desires and that polygamy can cause them emotional and psychological harm, as well as economic disadvantages. Furthermore, this perspective reinforces gender stereotypes and reinforces the notion that women are primarily responsible for managing men's sexual urges. It fails to acknowledge that both men and women have the responsibility to maintain healthy and respectful relationships with their partners.²⁵ This fact later became the basis for arranged marriages in Indonesia. This spirit of protecting women was found in efforts to codify Islamic law in Indonesia during the New Order era. However, the narrative of protecting women is unclear in the video content of some popular preachers who state polygamy is a solution for men when forced to remarry. This solution was delivered by several famous preachers, including Abdul Somad, Das'ad Latif, and Adi Hidayat. Polygamy is indeed considered a way, even if taken in an emergency. Polygamy is analogous to an airplane's emergency door, which, if it is urgent, can be opened.²⁶

The presence of polygamy as a solution confirms that polygamy, in the understanding of famous preachers, is a complete form of permissibility. This permissive view was also found in the video content of women preachers such as Oki Setiana Dewi. Oki stated that polygamy is a command from Allah in the al-Quran. Oki also legitimizes

²⁴ *Bagaimana Jika Aku Dipoligami?* - Ustadz Dr. Syafiq Riza Basalamah

²⁵ Nurmila, "Polygamous Marriages in Indonesia and Their Impacts on Women's Access to Income and Property."

²⁶ *Gerrrr!!! USTAD DAS'AD LATIF @Das'ad Latif NGOMONGIN POLIGAMI BARENG BAMSOET | NGOBRAS* (Part 1), 2020, <https://www.youtube.com/watch?v=LcBX14wQZMo&t=540s>; *Mau Poligami Tetapi Istri Minta CERAI || Ustadz Adi Hidayat Lc MA*, 2017, <https://www.youtube.com/watch?v=5Z32ESn7SWU>; *Hukum Istri Melarang Untuk Poligami - Ustadz Abdul Somad*, 2017, <https://www.youtube.com/watch?v=yD5eFb7CJ6Y&t=1s>.

the permissibility of polygamy by stating that polygamy is carried out for specific reasons. Among these reasons are women's conditions, such as illness and inability to have children. Besides that, Oki also added that men indeed want to avoid adultery through polygamy. The reason for avoiding adultery implies that there are men who have strong sexual desires, so they need polygamy as a solution.²⁷ Oki's perspective in this context does not entirely place the interpretation of the polygamy verse on the interests of women but also tends to the interests of men in practicing polygamy.

Even though it is in the interests of men, women should accept it gracefully. Polygamy talks addressed to women also revolved around patience in accepting the conditions of polygamy if polygamy was implemented correctly. Buya Yahya in Al-BahjahTv stated that women do not need to fight with their husbands when they find their husbands remarrying.²⁸ In this context, Khalid Basalamah also stated that most Muslim women view polygamy as only bringing benefits to men. This view, according to Khalid, is the wrong view. In this case, most women tend to look only at the biological side. Khalid emphasized that polygamy cannot be viewed as such because sexual intercourse takes an average of half an hour. After that, it is said that there are responsibilities and a living that the husband will fulfill. Khalid also explained that Allah knows better the benefit of humans.²⁹ Syafiq also said that wives are prohibited from filing for divorce from their husbands if they are polygamous because polygamy is part of Sharia. Syafiq said that a wife who asked for a divorce aimed for reasons that were not under the Sharia could not smell the aroma of heaven.³⁰

Syafiq advises polygamous wives to be patient because the husband, in this case, is not sinning. Polygamy is still considered an act that Sharia legitimizes. He also said that Allah would reward the wife's patience in accepting this fact hereafter with a considerable reward. The concrete form of this patience is that the wife is asked to pray for her husband to be fair in polygamy. In addition, Syafiq ordered polygamous wives to pray for their

²⁷ EPS 28 | "JIKA OKI SETIANA DEWI DI POLIGAMI" #CATATANUMMA, 2022, <https://www.youtube.com/watch?v=ntdLQUatKc&t=1469s>.

²⁸ *Sudah Punya Istri Tapi Melamar Wanita Lain - Buya Yahya Menjawab*, 2017, <https://www.youtube.com/watch?v=aRv05vQb-6E>.

²⁹ *Wanita Muslimah Inilah Surgamu - Kebijakan Islam Dalam Poligami (Part 1)*, 2021, <https://www.youtube.com/watch?v=-BqYoGPVaO0>.

³⁰ [Tanya Jawab] Bagaimana Cara Melatih Istri Agar Mengizinkan Suami Poligami?, 2018, <https://www.youtube.com/watch?v=aQQ67ZVzRTA>.

husbands' new wives to become pious women. According to Syafiq, the wife's patience will bring rewards and cause more significant benefits. Accepting polygamy, in this case, is considered to maintain the integrity of the household so that divorce can be avoided.³¹

In the context of maintaining household integrity, it is also conveyed by those men who must have conflict management skills.³² Conflict management capabilities aim to ensure that polygamy is carried out sustainably. Even though polygamy is considered an acceptable way, it must still be carried out in harmony. This harmony has emphasized the capability of men, that men must not oppress their partners in practicing polygamy. Adi Hidayat also stated that polygamy could not be done suddenly; there must be a process of education first for the wife.³³ On another channel, it is said that polygamy cannot be done unprogrammed, but it must be done with faith. Wives must be embraced together to carry out polygamy so as not to damage the integrity of the household.³⁴ Syafiq also said the same thing; men who practice polygamy are also recommended to be able to educate their wives' faith because if their wives are polygamous, they will prioritize feelings over thoughts. Syafiq said that most women could not be patient if their husbands practice polygamy.³⁵

Based on the explanation above, the talk on polygamy is not far from trying to defend Sharia as something that is taken for granted. Almost all popular preachers imply that polygamy is undeniable when it is practiced. This statement can be seen in Felix Shiaw's statement. "If you are against polygamy, then you are against sharia," Felix Shiaw stated in a video on December 18, 2018. In the 12-minute video, Felix is present with his wife, whom Ummi called to explain polygamy. Felix's explanation emphasizes that polygamy is a Sharia revealed by Allah SWT.³⁶ Consequently, whatever is prescribed by Allah SWT is declared to bring goodness. Not wanting or wanting to be polygamous is an option, but polygamy law should not be opposed. Khalid Basalamah conveyed similar speeches. Khalid Basalamah stated that Muslims must accept all of God's rules. In this

³¹ *Bagaimana Jika Aku Dipoligami? - Ustadz Dr. Syafiq Rizka Basalamah, M.A.*

³² *Haruskah Minta Izin Ke Istri Jika Ingin Poligami? - Ustadz Dr. Syafiq Rizka Basalamah, MA, 2017, <https://www.youtube.com/watch?v=rk7nu6rgTOg>.*

³³ *Mau Poligami Tetapi Istri Minta CERAI || Ustadz Adi Hidayat Lc MA.*

³⁴ *[Kiat 19-20] Cerai, Pertabankan Dan Poligami Pada Tempatnya, Ustadz DR Khalid Basalamah, MA, 2016, https://www.youtube.com/watch?v=_2mmSyGAoQ4.*

³⁵ *[Tanya Jawab] Bagaimana Cara Melatih Istri Agar Mengizinkan Suami Poligami?*

³⁶ *Minta Poligami - Felix Shiaw, 2018, <https://www.youtube.com/watch?v=Wm9k7pVB0jg&t=67s>.*

case, it also emphasized not hating polygamy. Hating polygamy is said to be the same as hating God's law.³⁷

The Absence of National Marriage Law and Women's Rights Protection in Popular Preacher's Content

As a medium for disseminating religious understanding, YouTube has created new problems in developing family law in Indonesia. Specifically, in polygamy content, this problem can be found in the relative lack of a statutory approach conveyed in YouTube content about polygamy. The Islamic legal doctrines described previously reflect that polygamy is not considered an emergency measure that can be taken in precarious and coercive conditions. Apart from emphasizing that the interpretation of Islamic law in social media tends to be conservative, this fact also pushes back the progress of family law in Indonesia. Therefore, social media, like films, contributes little to developing family law in Indonesia.³⁸

Insignificant does not mean it does not exist at all. Little content conveys polygamy from the perspective of Indonesian laws and regulations like Abdul Somad. Abdul Somad stated that in the Compilation of Islamic Law in Indonesia, it had been regulated that polygamy must be carried out with the wife's permission and ratified before the Court.³⁹ However, the delivery is not followed by conditions that are appropriate for the wife to be polygamous. This study finds that approaches towards men rather than women dominate the polygamous narrative built into popular preachers' YouTube content. Polygamy in popular preacher content on YouTube is the talk of men. Women, in this case, become antagonists who do not like polygamy. Some popular preachers' content clearly illustrates binary opposition in polygamy talks. The condition of men who have excessive sexual desire is considered a way to avoid adultery with the permissibility of polygamy. On the one hand, this emphasis places men as the determinants of polygamy. Meanwhile, the rules of polygamy in Indonesia emphasize more on women's aspects.

³⁷ *Wanita Muslimah Inilah Surgamu - Kebijakan Islam Dalam Poligami* (Part 1).

³⁸ Hadi, "CONSERVATIVE MUSLIM ON THE SCREEN: The Narrative of Islamic Family Law in Indonesian Films."

³⁹ *Hukum Istri Melarang Untuk Poligami - Ustadz Abdul Somad*.

In Law No. 1 of 1974, women are concerned about the reasons for polygamy in Indonesia.⁴⁰ Three conditions that need to be considered are that the wife cannot carry out her obligations, the wife has a disability or an incurable disease, and the wife does not have children. The reasons for polygamy are barely touched by popular preachers in their narration of talks on polygamy.⁴¹ The lack of terms and reasons for polygamy makes polygamous content on YouTube not directly proportional to the spirit of reforming Islamic law in Indonesia. This fact then increases a long list of obstacles in reforming Islamic family law so that it is sensitive to gender justice. Several studies have stated that the practice of resolving family law cases is faced with the inadequate efforts of judges in realizing gender justice; even female judges are also not optimal in protecting women's rights.⁴²

This research further confirms that the interpretation used in digital media regarding polygamy is still based on patriarchal ideology. These interpretations are found in many *tafsir* books circulating in Indonesia.⁴³ As a result, the objective of polygamy has not touched on the crucial aspects of polygamy, namely, the welfare of women and children. This aspect is essential because, in almost every research, women and children are often the victims. The gender approach in this article successfully illustrates that the interpretation of polygamous texts carried out on YouTube is not reinterpreted using a contextual approach. The influence of textual interpretation thus becomes dominant in reproducing perspectives on the practice of polygamy in Indonesia. This condition is also worsened by the rise of polygamy, which is then carried out without records or is illegal.⁴⁴

⁴⁰ Eva F. Nisa, "The Bureaucratization Of Muslim Marriage In Indonesia," *Journal of Law and Religion* 33, no. 2 (2018): 291–309, <https://doi.org/10.1017/jlr.2018.28>; Simon Butt, "Polygamy and Mixed Marriage in Indonesia: Islam and the Marriage," in *Indonesia, Law and Society*, vol. 1 (Federation Press, 2008), 266, <https://ssrn.com/abstract=1401135>.

⁴¹ Arif Rohman, "Reinterpret Polygamy in Islam: A Case Study in Indonesia," *Robman, Arif.(2013). Reinterpret Polygamy in Islam: A Case Study in Indonesia. Int J Hum & Soc Sci Inv* 2, no. 10 (2013): 68–74, <https://doi.org/10.2139/ssrn.2258284>.

⁴² Euis Nurlaelawati and Arskal Salim, "Gendering the Islamic Judiciary: Female Judges in the Religious Courts of Indonesia," *Al-Jami'ah: Journal of Islamic Studies* 51, no. 2 (2013): 247–78, <https://doi.org/10.14421/ajis.2013.512.247-278>.

⁴³ Hamka Hasan et al., "Polygamy: Uncovering the Effect of Patriarchal Ideology on Gender-Biased Interpretation," *HTS Teologiese Studies/Theological Studies* 78, no. 4 (2022): 9, <https://doi.org/10.4102/hts.v78i4.7970>.

⁴⁴ Nurmila, "Polygamous Marriages in Indonesia and Their Impacts on Women's Access to Income and Property."

Consequently, the presence of digitally gender-insensitive legal opinions with easy access to such content on YouTube will further strengthen the *status quo* of male domination in family law in Indonesia. Therefore, the laws and regulations in Indonesia fail as a tool of social engineering.⁴⁵ Existing studies describe how women are constructed in digital media, such as the studies of Handayani and Muttaqin. This paper confirms the research on family law on social media by Handayani, which states that there is a bias in the discourse of polygamy on Instagram.⁴⁶ Then this study also confirms the study of Muttaqin, which reveals forms of female identity that are biased in digital media.⁴⁷ This study enhances the ranks of digital media that create marginalization of women.

In order to realize follow-up efforts, this research can be a basis for the government to focus on developing family law discourse in digital media. Even though family law discourse on social media is only in the form of legal opinions, the public can access these opinions easily. This convenience allows the state to develop a family law discourse that aligns with gender justice and the spirit of family law renewal. This effort is needed to balance the classical discourse of Islamic law

Conclusion

The emergence of digital platforms has brought significant changes to the discourse on Islamic family law, including the issue of polygamy. The findings reveal several key points related to polygamy as presented by popular preachers on this platform. Firstly, polygamy is glorified as a solution for men with excessive sexual desire, with Quranic verses cited as evidence of its legitimacy. Secondly, women are often advised to be patient when their husbands practice polygamy without their consent, with little consideration given to their rights or interests. Thirdly, the potential negative impacts of polygamy on the household are often overlooked or downplayed. Finally, the commandment to practice polygamy is often presented as an unquestionable aspect of Sharia law that should not be opposed.

⁴⁵ Theresia Dyah Wirastris and Stijn Cornelis Van Huis, "The Second Wife: Ambivalences towards State Regulation of Polygamy in Indonesia," *The Journal of Legal Pluralism and Unofficial Law* 53, no. 2 (2021): 246–68, <https://doi.org/10.1080/07329113.2021.1912579>.

⁴⁶ Handayani, "HUKUM PERKAWINAN ISLAM DI RUANG DIGITAL: Bias Gender Dalam Wacana Hukum Perkawinan Di Instagram"; Muhammad Jihadul Hayat, "Preaching Islamic Legal Rules on Screen: Conservatism on Islamic Family Law in Digital-Based Dakwah Program Mamah Dan Aa Beraksi," *Al-Jami'ab: Journal of Islamic Studies* 60, no. 2 (2022): 427–66, <https://doi.org/10.14421/ajis.2022.602.427-466>.

⁴⁷ Muttaqin, "Women's Identity in the Digital Islam Age: Social Media, New Religious Authority, and Gender Bias."

These views are highly male-oriented and do not necessarily reflect the laws and regulations regarding polygamy in Indonesia. While some protections for women are mentioned, they are often contingent upon the fair and just behavior of men, and the realities of polygamy in Indonesia are not fully represented in this discourse.

References

- Abou El Fadl, Khaled. *Speaking in God's Name: Islamic Law, Authority and Women*. Oxford: Simon and Schuster, 2014.
- Akmaliah, Wahyudi. "The Demise of Moderate Islam : New Media , Contestation , and Reclaiming Religious Authorities." *Indonesian Journal of Islam and Muslim Societies* 10, no. 1 (2020): 1–24. <https://doi.org/10.18326/ijims.v10i1.1-24>.
- Al-Atawneh, Muhammad. "Leisure and Entertainment (Malāhī) in Contemporary Islamic Legal Thought: Music and the Audio-Visual Media." *Islamic Law and Society* 19, no. 4 (2012): 397–415. <https://doi.org/10.1163/156851912X639932>.
- Ansori, and Muhammad Iqbal Juliansyahzen. "The Contestation of the Family Law Discourse in the Digital Age: Islam, State, and Gender." *Samarah* 6, no. 1 (2022): 244–72. <https://doi.org/10.22373/sjhc.v6i1.9128>.
- Bagaimana Jika Aku Dipoligami? - Ustadz Dr. Syaifiq Riza Basalamah, M.A.*, 2019. <https://www.youtube.com/watch?v=GjMqRL5M0mA&t=14s>.
- Butt, Simon. "Polygamy and Mixed Marriage in Indonesia: Islam and the Marriage." In *Indonesia, Law and Society*, 1:266. Federation Press, 2008. <https://ssrn.com/abstract=1401135>.
- Cammack, Mark. "Legal Aspects of Muslimnon-Muslim Marriage in Indonesia." In *MuslimNon-Muslim Marriage: Political and Cultural Contestations in Southeast Asia*. Singapore: ISEAS, 2003. <https://doi.org/10.1355/9789812308221-007>.
- Dihni, Vika Azkiya. *Pengguna Youtube India Terbesar Di Dunia, Indonesia Urutan Berapa?* (blog), December 5, 2022. <https://databoks.katadata.co.id/datapublish/2022/05/12/pengguna-youtube-india-terbesar-di-dunia-indonesia-urutan-berapa>
- EPS 28 | "JIKA OKI SETLANA DEWI DI POLIGAMI" #CATATANUMMA, 2022. <https://www.youtube.com/watch?v=ntdLQUatlKc&t=1469s>.
- Fakhruroji, Moch. "Digitalizing Islamic Lectures: Islamic Apps and Religious Engagement in Contemporary Indonesia." *Contemporary Islam* 13, no. 2 (2019): 201–15. <https://doi.org/10.1007/s11562-018-0427-9>.
- Gerrrrr!!! USTAD DAS'AD LATIF @Das'ad Latif NGOMONGIN POLIGAMI BARENG BAMSOET | NGOBRAS (Part 1), 2020. <https://www.youtube.com/watch?v=LcBX14wQZMo&t=540s>.
- Hadi, Mukhammad Nur. "CONSERVATIVE MUSLIM ON THE SCREEN: The Narrative of Islamic Family Law in Indonesian Films." *Al-Ahwal: Jurnal Hukum Keluarga Islam* 14, no. 2 (2021): 133–45. <https://doi.org/10.14421/ahwal.2021.14202>.

- Handayani, Yulmitra. "HUKUM PERKAWINAN ISLAM DI RUANG DIGITAL: Bias Gender Dalam Wacana Hukum Perkawinan Di Instagram." *Al-Abwal: Jurnal Hukum Keluarga Islam* 14, no. 2 (2021): 112–32. <https://doi.org/10.14421/ahwal.2021.14201>.
- Haruskah Minta Izin Ke Istri Jika Ingin Poligami? - Ustadz Dr. Syafiq Rizka Basalamah, MA, 2017.* <https://www.youtube.com/watch?v=rk7nu6rgTOg>.
- Hasan, Hamka, Asep S Jahar, Nasaruddin Umar, and Irwan Abdullah. "Polygamy: Uncovering the Effect of Patriarchal Ideology on Gender-Biased Interpretation." *HTS Teologiese Studies/Theological Studies* 78, no. 4 (2022): 9. <https://doi.org/10.4102/hts.v78i4.7970>.
- Hasyim, Syafiq. "Fatwas and Democracy: Majelis Ulama Indonesia (MUI, Indonesian Ulema Council) and Rising Conservatism in Indonesian Islam." *TRaNS: Trans-Regional and-National Studies of Southeast Asia* 8, no. 1 (2020): 21–35. <https://doi.org/10.1017/trn.2019.13>.
- Hayat, Muhammad Jihadul. "Preaching Islamic Legal Rules on Screen: Conservatism on Islamic Family Law in Digital-Based Dakwah Program Mamah Dan Aa Beraksi." *Al-Jami'ah: Journal of Islamic Studies* 60, no. 2 (2022): 427–66. <https://doi.org/10.14421/ajis.2022.602.427-466>.
- Heaton, Tim B, Mark Cammack, and Larry Young. "Why Is the Divorce Rate Declining in Indonesia?" *Journal of Marriage and Family* 63, no. 2 (2001): 480–90. <https://doi.org/10.1111/j.1741-3737.2001.00480.x>.
- Heaton, Tim, and Mark Cammack. "Explaining the Recent Upturn in Divorce in Indonesia: Developmental Idealism and the Effect of Political Change." *Asian Journal of Social Science* 39, no. 6 (2011): 776–96. <https://doi.org/10.1163/156853111X619229>.
- Hukum Istri Melarang Untuk Poligami - Ustadz Abdul Somad, 2017.* <https://www.youtube.com/watch?v=yD5eFb7Cj6Y&t=1s>.
- Kaptein, Nico J G. "The Voice of Theulamâ': Fatwas and Religious Authority in Indonesia." *Autorités Religieuses En Islam*, no. 125 (2004): 115–30. <https://doi.org/10.4000/assr.1038>.
- [Kiat 19-20] *Cerai, Pertahankan Dan Poligami Pada Tempatnya, Ustadz DR Khalid Basalamah, MA, 2016.* https://www.youtube.com/watch?v=_2mmSyGAoQ4.
- Larsen, Lena, Ziba Mir-Hosseini, Christian Moe, and Kari Vogt. *Gender and Equality in Muslim Family Law: Justice and Ethics in the Islamic Legal Tradition*. London and New York: Palgrave Macmillan, 2013.
- Mau Poligami Tetapi Istri Minta CERAI || Ustadz Adi Hidayat Lc MA, 2017.* <https://www.youtube.com/watch?v=5Z32ESn7SWU>.
- Minta Poligami - Felix Shiam, 2018.* <https://www.youtube.com/watch?v=Wm9k7pVB0jg&t=67s>.
- Mir-Hosseini, Ziba. "Muslim Women's Quest for Equality: Between Islamic Law and Feminism." *Critical Inquiry* 32, no. 4 (2006): 629–45. <https://doi.org/10.1086/508085>.

- . “Women in Search of Common Ground: Between Islamic and International Human Rights Laws.” In *Islamic Law and International Human Rights Law: Searching for Common Ground?*, edited by Anver M. Emon, Mark Ellis, and Benjamin Glahn, 1st ed., 291–303. Oxford: Oxford University Press, 2012.
- Muttaqin, Ahmad. “Women’s Identity in the Digital Islam Age: Social Media, New Religious Authority, and Gender Bias.” *QIJIS (Qudus International Journal of Islamic Studies)* 8, no. 2 (2020): 253–388. <https://doi.org/10.21043/qijis.v8i2.7095>.
- Nisa, Eva F. “The Bureaucratization Of Muslim Marriage In Indonesia.” *Journal of Law and Religion* 33, no. 2 (2018): 291–309. <https://doi.org/10.1017/jlr.2018.28>.
- Nisa, Eva F. “Creative and Lucrative Da’wa: The Visual Culture of Instagram amongst Female Muslim Youth in Indonesia.” *Asiascape: Digital Asia* 5, no. 1–2 (2018): 68–99. <https://doi.org/10.1163/22142312-12340085>.
- . “Female Voices on Jakarta’s Da’wa’sstage.” *RIMA: Review of Indonesian and Malaysian Affairs* 46, no. 1 (2012): 55–81.
- Nurlaelawati, Euis. “Expansive Legal Interpretation and Muslim Judges’ Approach to Polygamy in Indonesia.” *Hanwa* 18, no. 2–3 (2020): 295–324. <https://doi.org/10.1163/15692086-12341380>.
- Nurlaelawati, Euis, and Arskal Salim. “Gendering the Islamic Judiciary: Female Judges in the Religious Courts of Indonesia.” *Al-Jami’ab: Journal of Islamic Studies* 51, no. 2 (2013): 247–78. <https://doi.org/10.14421/ajis.2013.512.247-278>.
- Nurmila, Nina. “Polygamous Marriages in Indonesia and Their Impacts on Women’s Access to Income and Property.” *Al-Jami’ab: Journal of Islamic Studies* 54, no. 2 (2016): 427–46. <https://doi.org/10.14421/ajis.2016.542.427-446>.
- Nurmila, Nina, and Linda Rae Bennett. “The Sexual Politics of Polygamy in Indonesian Marriages.” In *Sex and Sexualities in Contemporary Indonesia*, 87–106. Routledge, 2014. <https://doi.org/10.4324/9781315849805-13>.
- Otto, Jan Michiel. *Sharia Incorporated: A Comparative Overview of the Legal Systems of Twelve Muslim Countries in Past and Present*. Leiden University Press, 2010. <https://doi.org/10.5117/9789087280574>.
- Rohman, Arif. “Reinterpret Polygamy in Islam: A Case Study in Indonesia.” *Rohman, Arif.(2013). Reinterpret Polygamy in Islam: A Case Study in Indonesia. Int J Hum & Soc Sci Inv* 2, no. 10 (2013): 68–74. <https://doi.org/10.2139/ssrn.2258284>.
- Sudah Punya Istri Tapi Melamar Wanita Lain - Buya Yahya Menjawab*, 2017. <https://www.youtube.com/watch?v=aRv05vQb-6E>.
- [Tanya Jawab] Bagaimana Cara Melatih Istri Agar Mengizinkan Suami Poligami?*, 2018. <https://www.youtube.com/watch?v=aQQ67ZVzRTA>.
- Wadud, Amina. *Inside the Gender Jihad: Women’s Reform in Islam*. Oxford: Oneworld, 2006.
- . “The Ethics of Tawhid over the Ethics of Qiwwamah.” In *Men in Charge*, edited by Ziba Mir-Hosseini, Mulki Al-Sharmani, and Jana Rumminger, 256–74. London: OneWorld Publications, 2015.
- Wanita Muslimah Inilah Surgamu - Kebijakan Islam Dalam Poligami (Part 1)*, 2021.

<https://www.youtube.com/watch?v=-BqYoGPVaO0>.

- Wahyudi, Muhammad Isna. "Women Dealing with The Law in Religious Courts." *AHKAM: Jurnal Ilmu Syariah* 18, no. 2 (2018): 305–20. <https://doi.org/10.15408/ajis.v18i2.7491>.
- Wirastri, Theresia Dyah, and Stijn Cornelis Van Huis. "The Second Wife: Ambivalences towards State Regulation of Polygamy in Indonesia." *The Journal of Legal Pluralism and Unofficial Law* 53, no. 2 (2021): 246–68. <https://doi.org/10.1080/07329113.2021.1912579>.
- Zamhari, Arif, and Muhamad Ibtissam Han. "Traditional Religious Authorities in New Media: A Study of the Cariustadz. Id Platform as an Alternative Cyber Fatwa and Da'wah Media among the Middle-Class Urban Muslims." *AHKAM: Jurnal Ilmu Syariah* 21, no. 1 (2021): 65–88. <https://doi.org/10.15408/ajis.v21i1.20300>.

Neglecting Women's Rights