

Governor Regulation Number 2 Of 2025 and the State Civil Apparatus' Polygamy Policy: A Comparative Study of Positive Law and Islamic Law

Muhammad Safaat Gunawan¹, Nurul Mujahidah^{2*}

¹Universitas Sultan Ageng Tirtayasa, Indonesia.

²Universitas Islam Negeri Alauddin Makassar, Indonesia.

Email: ¹muhammad.safaat@untirta.ac.id, ²nurulmujahidah44@gmail.com

*Corresponding Author

[Received: February 16, 2025] [Reviewed: May 2, 2025] [Revised: May 14, 2025] [Accepted: May 20, 2025]
[Published: May 23, 2025]

How to Cite:

Gunawan, Muhammad Safaat, and Nurul Mujahidah. 2025. "Governor Regulation Number 2 Of 2025 and the State Civil Apparatus' Polygamy Policy: A Comparative Study of Positive Law and Islamic Law". *Shautuna: Jurnal Ilmiah Mahasiswa Perbandingan Mazhab* 6 (2): 270-285. <https://doi.org/10.24252/shautuna.v6i2.55532>.

Abstract

Governor Regulation Number 2 of 2025 regulates the procedures for granting marriage and divorce permits for the State Civil Apparatus in the Special Capital Region of Jakarta, including policies regarding polygamy. In Indonesian positive law, polygamy is permitted with strict requirements, such as the consent of the first wife, urgent reasons, and permission from authorized officials. On the other hand, in Islamic law, polygamy is permitted with a maximum limit of four wives, with the main provision being justice in material and emotional aspects. This study aims to compare the regulation of polygamy in Governor Regulation Number 2 of 2025 with the principles of Islamic law and examine its impact on the State Civil Apparatus and their families. Using a juridical-normative research method and a theological approach, this study referred to positive legal sources such as the Marriage Law and Government Regulations, as well as the arguments in Islamic law that regulated polygamy. The results of the study showed that although positive law and Islamic law both recognize polygamy, there were significant differences in their requirements and implementation. Positive law emphasized strict administrative control to prevent abuse, while Islamic law provided space with conditions of justice that are difficult to fulfill absolutely. Presenting this Governor Regulation as a real effort by the government to control the practice of polygamy in the State Civil Apparatus environment in the Special Capital Region of Jakarta, in order to maintain family stability and the professionalism of civil servants.

Kata Kunci: Governor Regulation No. 2 of 2025; Polygamy Policy; State Civil Apparatus; Positive Law; Islamic Law.

Abstrak

Peraturan Gubernur Nomor 2 Tahun 2025 mengatur tata cara pemberian izin perkawinan dan perceraian bagi Aparatur Sipil Negara di Daerah Khusus Ibukota Jakarta, termasuk kebijakan mengenai poligami. Dalam hukum positif Indonesia, poligami diperbolehkan dengan persyaratan ketat, seperti persetujuan istri pertama, alasan mendesak, serta izin dari pejabat berwenang. Di sisi lain, dalam hukum Islam, poligami diperbolehkan dengan batas maksimal empat istri, dengan ketentuan utama berupa keadilan dalam aspek materi dan emosional. Penelitian ini bertujuan untuk membandingkan regulasi poligami dalam Peraturan Gubernur

Nomor 2 Tahun 2025 dengan prinsip-prinsip hukum Islam serta mengkaji dampaknya terhadap Aparatur Sipil Negara dan keluarganya. Dengan menggunakan metode penelitian yuridis-normatif dan pendekatan teologis, penelitian ini mengacu pada sumber hukum positif seperti Undang-Undang perkawinan dan Peraturan Pemerintah, serta dalil-dalil dalam hukum Islam yang mengatur poligami. Hasil penelitian menunjukkan bahwa meskipun hukum positif dan hukum Islam sama-sama mengakui poligami, terdapat perbedaan signifikan dalam persyaratan dan implementasinya. Hukum positif menekankan kontrol administratif yang ketat untuk mencegah penyalahgunaan, sedangkan hukum Islam memberikan ruang dengan syarat keadilan yang sulit dipenuhi secara absolut. Hadirkan Peraturan Gubernur ini menjadi upaya nyata pemerintah dalam mengendalikan praktik poligami di lingkungan Aparatur Sipil Negara wilayah Daerah Khusus Ibukota Jakarta guna menjaga stabilitas keluarga dan profesionalisme pegawai negeri.

Kata Kunci: *Pergub No. 2 tahun 2025; Kebijakan Poligami; Aparatur Sipil Negara; Hukum Positif; Hukum Islam.*

Introduction

Marriage is a fundamental institution in social life that not only has a personal dimension but is also related to legal and administrative aspects (especially for the State Civil Apparatus).¹ The status of the State Civil Apparatus as part of the state bureaucracy means that their personal lives are not entirely in the private realm, but are also supervised by regulations that aim to maintain the integrity and professionalism of civil servants.² One aspect that receives special attention in State Civil Apparatus regulations is marriage and divorce, including the practice of polygamy, which is still a controversial issue in law and society.³ Governor Regulation Number 2 of 2025 concerning Procedures for Granting Marriage and Divorce Permits was issued as a form of control over marriage and divorce practices among the State Civil Apparatus within the Special Capital Region of Jakarta Provincial Government. This Governor Regulation is based on a higher regulation, namely Government Regulation Number 10 of 1983, which has been amended by Government Regulation Number 45 of 1990 concerning Marriage and Divorce Permits for State Civil Apparatus.

This regulation is present as a response to the increasing number of divorces and unauthorized marriages among State Civil Apparatus which have the potential to disrupt family stability and reduce the image of State Civil Apparatus professionalism as public

¹ Siska Putriana, Ujang Wardi, and Elfia Elfia, "Kontrol Negara Terhadap Pegawai Negeri Sipil (Studi Atas Peraturan Pemerintah No. 10 Tahun 1983 Jo No. 45 Tahun 1990 Tentang Perkawinan)," *Indonesian Journal of Religion and Society* 3, no. 2 (2021): 80–90, <https://doi.org/10.36256/ijrs.v3i2.242>.

² Farah Rahmawaty and Aziza Aziz Rahmaningsih, "Problematisa Penegakan Hukum Terhadap Aparatur Sipil Negara Di Indonesia," *Siyasah: Jurnal Hukum Tata Negara* 4, no. 1 (2024): 47–59, <https://doi.org/10.32332/siyasah.v4i1.9067>.

³ Yudi Arianto and Hawa Hidayatul Hikmiyah, "Larangan Pegawai Negeri Sipil Perempuan Menjadi Istri Kedua Perspektif Sadd Al-Zarī'ah," *The Indonesian Journal of Islamic Law and Civil Law* 5, no. 2 (2024): 213–32, <https://doi.org/10.51675/ijil%20and%20cil.v5i2.913>.

servants.⁴ In data from the Central Bureau of Statistics, the divorce rate for the Special Capital Region of Jakarta area during 2024 is 12,149 cases with 2,800 cases of divorce and 9,349 cases of divorce.⁵ Although the Central Bureau of Statistics data does not mention the number of cases from the State Civil Apparatus category, it can be a concern because the divorce data for the Special Capital Region of Jakarta area for the past 5 years has been above 12 thousand cases.

One of the crucial aspects regulated in Governor Regulation Number 2 of 2025 is polygamy. In Indonesian positive law, polygamy is permitted, but with strict requirements, such as having a legally acceptable urgent reason, approval from the first wife, and obtaining permission from superiors and the Religious Court. These requirements are made to ensure that the practice of polygamy is not carried out carelessly and does not have a negative impact on the State Civil Apparatus families.⁶ Although this provision aims to suppress the misuse of polygamy, its implementation often faces obstacles in terms of supervision and enforcement of sanctions for the State Civil Apparatus that violates established procedures. On the other hand, in Islamic law, polygamy has a clear legal basis as stated in Surah an-Nisa verse 3, which allows a man to marry up to four wives on the condition that he must be able to act fairly.⁷ The concept of justice in Islam not only covers material aspects, but also emotional aspects and the equal treatment of all wives.⁸ The Hadith of the Prophet also emphasizes the consequences for a husband who is unable to act fairly in polygamy, namely receiving sanctions in the afterlife.⁹ Therefore, even though Islam permits polygamy, its implementation is still accompanied by strict conditions so as not to harm either party in the marriage.

⁴ Rafli Akram Kurniansyah, "Pembimbingan Media Dalam Berita Pergub Poligami ASN Pemprov DKI Jakarta (Studi Pada Media Detik.Com Dan Kompas.Com)," *Prosiding Seminar Nasional Komunikasi (SENAKOM)* 2, no. 1 (2025): 205–16, <https://senakom.budiluhur.ac.id/sk/article/view/84>.

⁵ Badan Pusat Statistik, "Nikah Dan Cerai Menurut Provinsi (Kejadian), 2024," *Badan Pusat Statistik*, 2024, <https://www.bps.go.id/id/statistics-table/3/VkhwVUszTXJPVmq2ZFRKamNIZG9RMVo2VEdsbVVUMDKjMw==/nikah-dan-cerai-menurut-provinsi.html>.

⁶ BPKD, "Pergub No. 2 Tahun 2025 Melindungi Keluarga ASN Dengan Memperketat Aturan Perceraian Dan Perkawinan Bagi ASN," *beritajakarta.id*, 2025.

⁷ Heppy Hyma Puspytasari, Alif Maulana, and Febi Agustina, "Poligami Dalam Hukum Islam Dan Hukum Perkawinan," *Journal of Education Research* 4, no. 4 (2023): 2517–24, <https://doi.org/10.37985/jer.v4i4.669>.

⁸ Mhd Irfan AD and Afdhalia Mahatta, "Konsep Keadilan Dalam Poligami (Telaah QS An-Nisa Ayat 3)," *Sakena: Jurnal Hukum Keluarga* 9, no. 1 (2024): 53–60, <https://journals.fasya.uinib.org/index.php/sakena/article/view/582>.

⁹ Andi Airiza Rezki Syafa'at et al., "Konsep Poligami Menurut Pandangan Perempuan PNS Di Kota Makassar Terhadap Peraturan Pemerintah No. 45 Tahun 1990 Pasal 4 Ayat (2) Perspektif Maqasid Al-Syari'ah," *Al-Ubudiyah: Jurnal Pendidikan Dan Studi Islam* 5, no. 2 (2024): 175–202, <https://doi.org/10.55623/au.v5i2.361>.

The fundamental difference between Indonesian positive law and Islamic law in regulating polygamy lies in their approaches.¹⁰ Islamic law provides space for a man to practice polygamy with provisions of justice that are difficult to fulfill absolutely, while Indonesian positive law emphasizes strict administrative control as a form of supervision by the state.¹¹ Governor Regulation Number 2 of 2025 reflects the government's efforts to control the practice of polygamy among the State Civil Apparatus so that it does not conflict with applicable legal norms and does not cause detrimental social impacts.

The phenomenon of polygamy continues to be debated in various social, legal, and religious aspects. Some parties consider polygamy as a solution to certain problems in the household, such as the imbalance in the number of men and women in society or the inability of a wife to carry out marital obligations.¹² On the other hand, others consider that polygamy causes more problems, especially in terms of justice and women's rights.¹³ Many cases show that polygamy that is not carried out with the principle of justice actually causes family conflict, psychological problems for wives and children, and instability in household life.¹⁴ In the context of the State Civil Apparatus, the practice of polygamy has broader consequences because it not only impacts the personal life of the employee concerned, but can also affect the image and performance of the bureaucracy. State Civil Apparatus, as public servants, are required to be examples in implementing moral and ethical values in social life. Therefore, regulations governing State Civil Apparatus marriage and divorce, including polygamy, must be able to create a balance between individual rights and state interests in maintaining social stability.

Studies on the practice of polygamy from the perspective of positive law and Islamic law have been widely conducted by previous researchers, but most have not touched on aspects of regional regulations that specifically regulate the State Civil Apparatus in the

¹⁰ Rita Faura, "Pelaksanaan Permohonan Izin Poligami Di Pengadilan Agama Klas IA Padang," *Unes Journal of Swara Justisia* 5, no. 2 (2021): 198–209, <https://doi.org/10.31933/ujsj.v5i2.215>.

¹¹ Ermi Suryani, "Tingkat Perceraian Muslim Dan Non Muslim Di Indonesia," *Mizan: Journal of Islamic Law* 3, no. 2 (2018): 153–200, <https://doi.org/10.32507/mizan.v3i2.162>.

¹² Satia Satia, "Praktik Poligami Di Maluku Utara: Perspektif Hukum Islam Dan Hak Perempuan," *Al-Mizan: Jurnal Kajian Hukum Dan Ekonomi* 10, no. 2 (2024): 197–210, <https://www.e-jurnal.staibabussalamsula.ac.id/index.php/al-mizan/article/view/225>.

¹³ Izan Syarifurrohman Aqil, "Pengetatan Poligami Di Indonesia Perspektif Maqashid Syariah Dan Hukum Positif," *MADDIKA : Journal of Islamic Family Law* 4, no. 2 (2023): 1–10, <https://doi.org/10.24256/maddika.v4i2.3994>.

¹⁴ Satriana Satriana, "Studi Komparatif Pelaksanaan Poligami Rasulullah Dan Pelaksanaan Poligami Pada Zaman Kekinian Menurut Inpres Nomor 1 Tahun 1991 Tentang Kompilasi Hukum Islam (Studi Kec. Mare)," *Jurnal Al-Dustur* 1, no. 1 (2019): 73–91, <https://doi.org/10.30863/jad.v1i1.351>.

current context. Muhammad Meka Noprijal's (2024)¹⁵ research focused on a legal analysis of the application for permission to practice polygamy for State Civil Apparatus based on Article 40 of Government Regulation Number 3 of 1974 and its relationship to criminal provisions in Government Regulation Number 9 of 1975, but has not reviewed the development of regional regulations such as the Governor's Regulation. Meanwhile, Muhammad Arif Mustofa (2018)¹⁶ explained polygamy as part of the history of women's protection in Islam, stating that national positive law has not explicitly established a substantive basis for the implementation of polygamy. However, the study does not specifically discuss regulations regarding the State Civil Apparatus within the framework of regional regulations. Meanwhile, Auliarrahman and Angga Asnawi's¹⁷ study focused on the legal problems related to the status of female civil servants as wives in polygamous practices based on Government Regulation Number 45 of 1990, and its differences with the provisions of Islamic law, but the discussion is still limited to the subject of female civil servants and has not yet reached comprehensive regulations for State Civil Apparatus in general. Therefore, this study offers a new contribution by specifically analyzing the polygamy policy for the State Civil Apparatus in the Special Capital Region of Jakarta area based on Governor Regulation Number 2 of 2025, and examining its relevance and synchronization with the principles of Islamic law. With a comparative legal approach, this study is expected to be able to provide a more comprehensive, contextual, and actual understanding of the governance of polygamy in the State Civil Apparatus environment within the national and Islamic normative framework.

This study aims to critically analyze the polygamy policy imposed on the State Civil Apparatus in the Special Capital Region of Jakarta as regulated in Governor Regulation Number 2 of 2025. The main focus of this study is to identify the legal construction of the regulation in the context of national positive law, as well as to evaluate its conformity with the basic principles of Islamic law that regulate the practice of polygamy. This study is methodologically based on a comparative legal analysis approach between the administrative norms contained in the governor's regulation and the provisions of fiqh sourced from the Al-Qur'an, Hadith, and ijtihad of classical and contemporary scholars. Another objective is to

¹⁵ Muhammad Meka Noprijal, "Analisis Yuridis Permohonan Izin Berpoligami Bagi Kalangan Aparatur Sipil Negara Menurut Undang-Undang Nomor 16 Tahun 2019 Tentang Perubahan Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan" (Universitas Islam Kalimantan MAB, 2024).

¹⁶ Muhammad Arif Mustofa, "Poligami Dalam Hukum Agama Dan Negara," *Al Ijarah: Jurnal Pemerintahan Dan Politik Islam* 2, no. 1 (2018): 47–58.

¹⁷ Auliarrahman and Angga Asnawi, "PNS Wanita Sebagai Istri Poligami Dalam Hukum Islam Dan Hukum Positif," *Jurnal Hukum Samudra Keadilan* 17, no. 2 (2022), <https://doi.org/10.33059/jhsk.v17i2.5237>.

explore the normative arguments underlying the administrative regulation of polygamy in the State Civil Apparatus environment, as well as to assess the impact of the regulation on the protection of women's rights and the integrity of public service institutions. By examining the legal-formal aspects and Islamic ethical values, this study is expected to be able to provide a theoretical synthesis that is not only descriptive but also normative-analytical in bridging two legal systems that often run in parallel.

Research Methods

This study employed descriptive qualitative library research. In this study, there were two approaches used, namely juridical-normative, which referred to applicable laws and regulations. By using this approach, it was expected to achieve a deep and systematic understanding of applicable legal norms, as well as an analysis of the suitability, justice, and consistency of these norms. As well as a theological approach as a perspective from the perspective of Islam. As a library research-based study, the primary data source in the study was regulations that discuss the object of research, while secondary data was obtained from books, journals, and research from third parties that are directly related to the object of research.

Results and Discussion

1. The Phenomenon of Polygamy in the Social Context and Civil Service Administration

The term polygamy comes from two words, in Greek, namely "*poly*," which means many, and "*gamein*," which means to marry.¹⁸ In linguistic terms, polygamy can mean no distinction whether a man marries many women or a woman marries many men, or it can also mean that the same number of male and female couples enter into marriage transactions, all can be called polygamy.¹⁹ In general, polygamy can be interpreted as a marriage bond where one party (husband) marries several/more than one wife at the same time, not during the *ijab qabul* but in living a household life. While the term monogamy means

¹⁸ Supiatul Aini and Abdurrahman Abdurrahman, "Rasionalitas Perintah Ayat Poligami: Kajian Pemikiran Tafsir Muhammad Abduh," *Al-Irfani: Journal of Al Qur'anic and Tafsir* 2, no. 2 (2021): 24–45, <https://doi.org/10.51700/irfani.v2i2.313>.

¹⁹ Andressa Muthi' Latansa, "Poligami Dalam Al Qur'an Surat An-Nisa' Ayat 3 Perspektif Kitab Tafsir Al-Azhar Karya Hamka," *El-Faqih: Jurnal Pemikiran Dan Hukum Islam* 9, no. 2 (2023): 307–20, <https://doi.org/10.58401/faqih.v9i2.1235>.

that marriage only allows a husband to have one wife for a certain period of time.²⁰ In a socio-anthropological review, what is called polygamy does not distinguish between the meanings, whether a man marries many women or vice versa, a woman marries many men.²¹ Polygamy has two meanings:

- a. Polyandry is a marriage between one woman and several men.
- b. Polygyny is a marriage between one man and several women.

However, in the prevailing understanding in society, the meaning of polygamy as expressed by Soemiyati is marriage between a man and more than one woman in the same period of time.²² This polygamy is adapting the original meaning of polygyny, which is why several legal and socio-anthropology experts often use the word polygyny as the original root word to refer to the term marriage between a man and several women. Although in further developments the term polygamy is rarely used, intellectuals widely use and popularize the term polygamy.

In social practice, polygamy has become a phenomenon that has given rise to various views in society. Some consider polygamy a form of gender inequality that benefits men more, while others see it as part of a particular religious tradition and teaching that has its own rules and limitations.²³ Polygamy can also be found in various cultures in the world, from marriage practices in the Middle East, Africa to certain communities in Asia. In some indigenous communities (the Dani Tribe in Papua, the Sundanese Indigenous Community in East Nusa Tenggara, the Polahi Tribe in Gorontalo), polygamy is seen as part of a social structure that plays a role in expanding descendants and strengthening ties between extended families.²⁴

Polygamy in history was originally practiced by kings, state officials, and wealthy people. They take more than one woman, some to marry and others only to use to vent their lust and biological desires. The war that occurred at that time resulted in many girls being

²⁰ M. Raudho, "Poligami Dan Monogami Praktek Dalam Masyarakat Muslim Hukum Keluarga Islam," *Justicia Religia* 1, no. 1 (2023): 40–48, <https://ejurnal.unival-cilegon.ac.id/index.php/jure/article/view/46>.

²¹ Alfian Arbie and Milhan Milhan, "Analisis Terhadap Pengabulan Izin Poligami Dengan Alasan Telah Menghamili Calon Istri Kedua (Telaah Putusan Nomor 41/Pdt. G/2019/PA. Rtg)," *UNES Law Review* 6, no. 1 (2023): 3443–51, <https://doi.org/10.31933/unesrev.v6i1.1138>.

²² Brendah Pua, Deicy N Karamoy, and Mercy M M Setlight, "Kedudukan Asas Monogami Dalam Pengaturan Hukum Perkawinan Di Indonesia," *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 9, no. 6 (2022): 2373–2403, <http://jurnal.um-tapsel.ac.id/index.php/nusantara/article/view/7872>.

²³ Arif Sugitanata, Suud Sarim Karimullah, and Faradila Hasan, "Dinamika Dalam Praktik Pernikahan: Tawaran Untuk Mengurangi Prevalensi Poligami Di Era Kontemporer," *AT-THARIQ: Jurnal Studi Islam Dan Budaya* 4, no. 1 (2024): 33–41, <https://doi.org/10.57210/trq.v4i01.284>.

²⁴ Bresca Merina and Muhaimin Muhaimin, "Kearifan Lokal Dan Hukum Adat Suku Dani Di Papua," *Jurnal Hukum Caraka Justitia* 3, no. 1 (2023): 35–52, <https://doi.org/10.30588/jhcj.v3i1.1507>.

bought and sold, taken as servants, then made into mistresses, and so on.²⁵ The richer a person is and the higher his position, the more women he has. Thus, polygamy at that time was more about the oppression of women by people with wealth and power.

However, in modern developments, polygamy is no longer only related to wealth and power factors, but is also influenced by social, economic, and religious factors. In some societies, polygamy is still practiced as a form of protection for women who do not have husbands or as a solution to gender inequality in the population.²⁶ On the other hand, the gender equality and human rights movement is increasingly highlighting the negative impacts of polygamy on the welfare of women and children. Many studies show that polygamy can cause instability in the family, conflict between wives, and psychological impacts on children who grow up in polygamous families.

In addition, the debate on polygamy also arises in the context of government law and policy. Several countries have banned the practice of polygamy because it is considered contrary to the principles of gender equality and women's rights.²⁷ However, in several other countries, polygamy is still permitted with strict regulations to ensure justice for all parties involved. Therefore, the phenomenon of polygamy continues to be a complex debate, involving aspects of culture, religion, law, and human rights.

2. State Civil Apparatus Polygamy Policy in Governor Regulation Number 2 of 2025

Governor Regulation Number 2 of 2025 is issued in response to the increasing problems of marriage and divorce within the Special Capital Region of Jakarta Provincial Government. This is as stated by the Head of Regional Personnel Agency of the Special Capital Region of Jakarta Provincial, Chaidir, that this Governor Regulation is a derivative of previously existing laws and regulations, specifically Government Regulation Number 10 of 1983 which has been amended by Government Regulation Number 45 of 1990 concerning Marriage and Divorce Permits for State Civil Apparatus. Governor Regulation Number 2 of 2025 is issued to regulate State Civil Apparatus marriage and divorce within the Special Capital Region of the

²⁵ Bayu Aji Setiawan, Muhammad Musip, and Muhammad Alvin Saputra, "Telaah Konsep Poligami Dalam Islam Di Era Kontemporer Perspektif Masalah Imam Al-Ghozali," *Jurnal Tana Mana* 4, no. 2 (2023): 107–16, <https://doi.org/10.33648/jtm.v4i2.388>.

²⁶ Tedi Sumaelan, "Redefining Tradition: The Impact of Modernization on Polygamous Practices Among Muslims," *Qanun: Jurnal Hukum Keluarga Islam* 2, no. 2 (2024): 105–17, <https://doi.org/10.51825/qanun.v2i2.25957>.

²⁷ Irwan Ramadhani, "Ragam Regulasi Poligami Di Negara Muslim Modern: Komparasi Hukum Keluarga Di Asia Tenggara Dan Afrika Utara," *Jurnal Antologi Hukum* 3, no. 1 (2023): 17–33, <https://doi.org/10.21154/antologihukum.v3i1.2313>.

Jakarta Provincial Government. One aspect that attracts attention is the polygamy policy, which in positive law in Indonesia requires a special permit.

The main objective of this Governor Regulation is to ensure that the State Civil Apparatus complies with official procedures in matters of marriage and divorce, so that there are no more cases of the State Civil Apparatus getting divorced without permission or having more than one wife without following the applicable provisions. One of the factors that is of primary concern is the practice of polygamy among the State Civil Apparatus, which often has social and legal impacts, both for wives, children, and the work environment. This regulation is made to ensure that there is control over the State Civil Apparatus' marriage and divorce practices so that they do not conflict with applicable legal norms and do not have a negative impact on the welfare of the State Civil Apparatus family itself.

Governor Regulation Number 2 of 2025 specifically regulates the licensing mechanism for State Civil Apparatus that wish to practice polygamy. In this regulation, State Civil Apparatus who wish to practice polygamy must obtain permission from the first wife, direct superior, and must obtain approval from the Religious Court. These requirements can be described as follows:

- a. Permission from the immediate superior (Article 4, paragraph (1), male State Civil Apparatus employees who will have more than one wife, must obtain permission from the authorized official before carrying out the marriage);
- b. Granting permission as referred to in letter a. can be done if it meets the reasons underlying the marriage, namely, the wife is unable to carry out her obligations; the wife has a physical disability or an incurable disease; or the wife cannot give birth to children after 10 years of marriage. (Article 5 paragraph (1) letter a);
- c. Obtaining written approval from the wife or wives. (Article 5 paragraph (1) letter b);
- d. Having sufficient income to support the wife and children. (Article 5 paragraph (1) letter c);
- e. Being able to treat the wives and children fairly. (Article 5 paragraph (1) letter d);
- f. Not interfering with official duties. (Article 5 paragraph (1) letter e);
- g. Permission from the religious court. (Article 5 paragraph (1) letter f).

This is in line with the rules in the previous Governor Regulation, which if traced in Government Number 94 of 2021 concerning Civil Servant Discipline, there are specific provisions regarding the supervision mechanism and consequences for State Civil Apparatus

who violate. This is as in article 41 which states that civil servants who violate the provisions regarding marriage and divorce permits can be subject to severe disciplinary sanctions.

The consequences for the State Civil Apparatus that violates this rule are also explained in the Governor's Regulation. If a State Civil Apparatus is found to be polygamous without going through the prescribed procedures, he or she can be subject to administrative sanctions, including written warnings, demotions, and even dismissal. With this sanction, the Special Capital Region of Jakarta government is trying to ensure that the polygamy rule for the State Civil Apparatus is not only a formal regulation, but also has a deterrent effect on those who try to avoid the applicable procedures.

Before the issuance of Governor Regulation Number 2 of 2025, the rules regarding polygamy for the State Civil Apparatus referred to Law Number 1 of 1974 as amended by Law Number 16 of 2019 concerning Marriage and the Government Regulation as previously mentioned. In these regulations, polygamy is permitted on condition that permission is obtained from the superior and there are strong reasons that are legally acceptable, such as the wife's inability to carry out marital obligations or certain health conditions. In addition, polygamy can only be carried out if there is approval from the first wife and permission is obtained from the Religious Court. However, the implementation of this regulation often experiences obstacles, especially in terms of supervision and sanctions against the State Civil Apparatus that violates these procedures.

The data from the Central Bureau of Statistics shows that the divorce rate in the Special Capital Region of Jakarta fluctuates every year. Although divorce data for 2024 is not yet available, the divorce trend in previous years shows a fairly high number. In 2023, for example, the divorce rate in the Special Capital Region of Jakarta reached thousands of cases, namely 12,151, with various causal factors, namely adultery, domestic violence, domestic disputes, economic problems, and polygamy. Although this data is not specific to the State Civil Apparatus, the high divorce rate in the Special Capital Region of Jakarta can be one of the reasons for the local government to implement stricter policies on marriage and divorce practices in the State Civil Apparatus environment.

The phenomenon of polygamy is often controversial because it touches on various fundamental aspects of family life, such as justice, women's rights, and household welfare. Some view polygamy as a solution to certain problems, such as the imbalance between the

number of men and women in society.²⁸ On the other hand, others criticize the practice of polygamy because it is considered prone to causing injustice and has the potential to harm one of the parties in the marriage.

3. Polygamy Norms from the Perspective of Islamic Law

In Islamic law, polygamy has a clear legal basis as regulated in the Al-Qur'an and hadith. One of the main verses that is the basis for polygamy is Surah an-Nisa verse 3, as translated below:

"If you fear you might fail to give orphan women their 'due' rights 'if you were to marry them', then marry other women of your choice—two, three, or four. But if you are afraid you will fail to maintain justice, then 'content yourselves with' one or those 'bondwomen' in your possession. This way you are less likely to commit injustice." (QS. an-Nisa: 3).

This shows that a man is allowed to marry up to four wives, as long as he is able to treat them fairly. The justice referred to in this verse is not limited only to the material aspect, but also includes spiritual sustenance, affection, and equal treatment of all wives.²⁹ However, in Surah an-Nisa verse 129, Allah emphasizes that humans will never be able to treat their wives perfectly fairly, even if they try. As the translation of the verse reads:

"You will never be able to maintain 'emotional' justice between your wives—no matter how keen you are...." (QS. an-Nisa: 129)

This is a reminder that although polygamy is allowed in Islam, its implementation is not easy and must be done with full responsibility. Polygamy in Islam is not something that can be done freely without limitations. There are a number of conditions that must be met before a husband decides to practice polygamy, as follows:

- a. Able to be fair to all wives in terms of sustenance, attention, and affection.
- b. Having the financial ability to support his wives and children without causing harm.
- c. Not using polygamy as a tool to oppress women, both the first wife and subsequent wives.
- d. Having good intentions and not just lust.

In addition, although Islamic law does not mention that the first wife's permission is an absolute requirement, in the context of positive law in Indonesia, the first wife's consent

²⁸ Mohammad Lukman Chakim and Muhammad Habib Adi Putra, "Dialektika Poligami Dengan Feminisme: Analisis Maqasid Syariah Terhadap Poligami Menurut Ulama Klasik Dan Feminisme," *Al-Syakhsiyyah: Journal of Law & Family Studies* 4, no. 1 (2022): 130, <https://jurnal.iainponorogo.ac.id/index.php/syakhsiyyah/article/view/113>.

²⁹ Natriani and Irfan Lewa, "Konsep Adil Dalam Poligami Perspektif Muhammad Quraish Shihab Dan Amina Wadud," *Shautuna: Jurnal Ilmiah Mahasiswa Perbandingan Mazhab* 3, no. 1 (2022): 158–66, <https://doi.org/10.24252/shautuna.vi.23820>.

is one of the main requirements for obtaining permission for polygamy from the Religious Court.

In some countries that implement stricter Islamic law, such as Saudi Arabia and Egypt, there are more detailed regulations regarding polygamy. In Indonesia, Islamic law regarding polygamy is implemented with a number of restrictions through Law Number 1 of 1974 concerning Marriage, which has been amended by Law Number 16 of 2019, as well as technical regulations such as Government Regulation Number 45 of 1990. Specifically, in the context of the State Civil Apparatus of the Special Capital Region of Jakarta, Governor Regulation No. 2 of 2025 is present as a more specific form of regulation in controlling the practice of polygamy in the State Civil Apparatus of the Special Capital Region of Jakarta environment.

The perspective of scholars regarding polygamy is quite diverse. Polygamy is a solution for certain conditions, such as when the wife is seriously ill or infertile, and in situations where the number of women in a population is much greater than the number of men. However, other scholars emphasize that polygamy is not an obligation, but rather only a *rukhsah* or leniency that is allowed in certain conditions. Polygamy is also not something that is recommended in every situation, because if it is not done with the principle of true justice, this practice can have various negative impacts, both for the first wife and for the family as a whole.

In modern developments, polygamy remains a debate, especially related to the protection of women's rights. Many parties consider that, in practice, polygamy is often more detrimental to women than beneficial. Injustice in polygamous households often occurs, both in terms of income and in the husband's attention to his wives. In many cases, polygamy also causes domestic conflict, psychological instability in children, and social inequality in society. In addition, the lack of state supervision of polygamous practices that do not go through official legal channels also worsens the situation.

Conclusion

In the context of State Civil Apparatus in the Special Capital Region of Jakarta region, the presence of Governor Regulation Number 2 of 2025 represents a strategic step by the regional government in limiting the practice of polygamy in order to be in line with the principles of accountability, protection of family rights, and compliance with positive legal norms. This regulation shows a normative effort to reorganize the implementation of

polygamy in the State Civil Apparatus environment through a strict, procedural, and substantive justice-based licensing mechanism. Strengthening the administrative aspects in this policy is expected to prevent abuse of authority or avoidance of responsibility towards partners and children, as well as maintaining the integrity of the State Civil Apparatus as a representation of public ethics. The alignment between state legal regulations and Islamic legal principles is a crucial aspect in supporting the legitimacy of this regulation. Therefore, a comprehensive understanding of the concept of polygamy, both from a fiqh perspective and a positive legal framework, is needed so that the policy is not only formalistic and textual, but also has an impact on creating social order, family justice, and State Civil Apparatus professionalism. This conclusion emphasizes the importance of an integrative approach between religious norms and state policies in forming just and contextual governance of polygamy practices in the government bureaucracy sector.

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