

## Polygamy in Perspective of Islamic Law Hermeneutics

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### Abstract

This article examines the legal verses of polygamy from a hermeneutical perspective. The third verse of surah al-Nisa is often understood as a verse commanding polygamy, because it contains recommendations to marry more than one woman, namely: two, three and four. The data used in this article are divided into two categories. The collected data were then analysed using the hermeneutic theory of Emelio Betti, Martin Heidegger, Hans Georg Gadamer and Paul Ricoeur with a descriptive method. The results of the research based on the hermeneutic theories above show that the third verse of surah al-Nisa which is usually used as the argument for polygamy from the Koran actually reinforces the recommendation of monogamy because according to Betti the purpose of marriage is *sakinah mawaddah wa rahmah*, this goal is difficult to realize in polygamy. Then according to Heidegger the verse above talks about justice for orphans. Furthermore Gadamer that polygamy is carried out with 2 conditions; (1) the 2nd, 3rd and 4th wives are widows who have orphans; (2) there must be a feeling of worry that they cannot do good and justice to orphans except by marrying their mothers. Finally, Ricoeur is of the view that the verse above is an order to act fairly in protecting the assets of orphans. The conclusion is that the third verse of surah al-Nisa is a recommendation for monogamy, not an order for polygamy.

**Keywords:** Polygamy; Marriage; Islamic Law

## Introduction

Polygamy is defined as the marriage of a husband with more than one wife.<sup>1</sup> This tradition is not a new matter in human life. History has shown that before Islam came,<sup>2</sup> people from various nations rehearsed it.<sup>3</sup> Polygamy is a common and ordinary custom and is accepted by many nations.<sup>4</sup>

The Ulema argue that polygamy is also part of Islamic teachings so this religion is often identified with polygamy.<sup>5</sup> Not a few Muslims speak the Sunnah which is understood as the Sunnah of polygamy.<sup>6</sup> This does not just appear, there are things behind this kind of understanding, one of which is the interpretation of the three surah al-Nisa or what is commonly used as an argument for the permissibility of polygamy. Allah's Word in the Alquran:

وَأَنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَىٰ وَثُلَّةَ وَرُبْعَ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ۚ ذَٰلِكَ أَدْنَىٰ أَلَّا تَعُولُوا<sup>٧</sup>

*And if you are afraid that you will not be able to do justice to (the rights of) orphaned women (if you marry them), then marry (other) women who you like: two, three, or four. if you are afraid that you will not be able to do justice, then (marry) only one, or the slaves you have. That way is closer to not doing wrong.*

Classical Islamic scholars interpret the above verse as permissibility to have more than one wife.<sup>8</sup> Ibn Katsir in his interpretation says the meaning of the sentence (مَثْنَىٰ وَثُلَّةَ وَرُبْعَ) is to marry the woman you like two, three to four as the expression (مَثْنَىٰ وَثُلَّةَ وَرُبْعَ) in surah Fathir verse 1 which means angels have

<sup>1</sup> 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>.

<sup>2</sup> Nur Sa'adah, Fitrah Fitria, and Kurni Widiastuti, "Poligami Dalam Lintas Budaya Dan Agama: Meta-Interpretation Approach Nur Sa'adah," *Ay-Syir'ab* 49, no. 2 (2015): 479–99.

<sup>3</sup> Hervin Yoki Pradikta, Hasanuddin Muhammad, and Musda Asmara, "Poligami Di Malaysia Dan Indonesia Serta Relevansinya Dengan Pemenuhan Hak Gender," *Al-Istinbath: Jurnal Hukum Islam* 5, no. 2 (2020): 213, <https://doi.org/10.29240/jhi.v5i2.1932>.

<sup>4</sup> Sarah M S Pearsall, *Polygamy* (Yale University Press, 2019), <https://doi.org/10.2307/j.ctvmd8530>.

<sup>5</sup> Aurangzaib Alamgir, "Islam and Polygamy: A Case Study in Malaysia," *Procedia - Social and Behavioral Sciences* 114 (2014): 889–93, <https://doi.org/10.1016/j.sbspro.2013.12.803>.

<sup>6</sup> Diana Farid et al., "Interfaith Marriage: Subjectivity of the Judge in Determination of No. 454/Pdt.p/2018 Surakarta District Court," *Al-Istinbath: Jurnal Hukum Islam* 7, no. 2 (2022): 347–62.

<sup>7</sup> QS: al-Nisa 3/3.

<sup>8</sup> Danial, Mahamatayuding Samah, Munawar Rizki Jailani, "Quo Vadis Acehese Shari'a: A Critical Approach to the Construction and Scope of Islamic Legislation," *Al-Jami'ah: Journal of Islamic Studies* 60, no. 2 (2022): 621–54, <https://doi.org/10.14421/ajis.2022.602.621-654>.

wings of two, three and four.<sup>9</sup> Imam Syafi'i added that this verse emphasizes the permissibility of polygamy and it is not permissible for other than the Prophet to be polygamous with more than four wives.<sup>10</sup> Contemporary Islamic scholars also allow polygamy for men on the condition that they can act fairly.<sup>11</sup>

Today, there have been significant changes in understanding the scriptures. This phenomenon occurs in various religious communities, including Muslims themselves. One of them is the hermeneutical method. Hermeneutics is a way of interpreting verses by looking at the text and focusing on contextual, historical, and social conditions when the text was revealed. Previous studies have looked at the third verse of Surah An-Nisa as an argument for the permissibility of polygamy. Such as the study conducted by Muhammad Arif Mustofa with the theme "Polygamy in Religious and State Law",<sup>12</sup> then Bustamam Ahmad with the title "Polygamy According to Fiqh Perspective (Case Study in Pidie District, Pidie District, Aceh)"<sup>13</sup>, then Romlah Widayati with the theme "Understanding Interpretation of Polygamy Verses through the Qur'anic Qiraat Approach: Interpretation of Qs. An-Nisa Verse: 3".<sup>14</sup> Therefore the study focuses on interpreting the third verse of Surah An-Nisa, according to the hermeneutical method initiated by Emelio Betti, Martin Heidegger, Hans Georg Gadamer, and Paul Ricoeur.

The method of writing this article uses a qualitative study with a descriptive approach.<sup>15</sup> This article examines the third verse of surah al-Nisa which is commonly used as a basis for polygamy from a hermeneutical perspective. The data used in this article is divided into two categories, the first is primary data, namely verses from the Koran on polygamy, and secondary data from classical and contemporary books and books related to polygamy in Islamic law.<sup>16</sup> The collected data were then analyzed using the hermeneutics of

<sup>9</sup> Ibn Katsir, *Tafsir Al-Quran Al-Karim* (Beirut: Dar al-Fikr, 2004).

<sup>10</sup> Ali al-Syarbaji. Mustafa al-Khin, Mustafa Dib al-Bugha, *Al-Fiqh Al-Manhaji 'ala Mazhab Al-Imam Al-Syafi'i* (Beirut: Dar al-Qalam, 2007).

<sup>11</sup> Wahbah Zuhaili, *Al-Fiqh Al-Islami Wa Adillatuhu* (Damaskus: Dār al-Fikr, 1989).

<sup>12</sup> Muhammad Arif Mustofa, "Poligami Dalam Hukum Agama Dan Negara," *AL-IMARAH: Jurnal Pemerintaban Dan Politik Islam* 2, no. 01 (2017): 47–58, <https://ejournal.iainbengkulu.ac.id/index.php/alimarah/article/view/1029>.

<sup>13</sup> Bustamam Usman, "Poligami Menurut Perspektif Fiqh (Studi Kasus Di Kecamatan Pidie, Kabupaten Pidie, Aceh)," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 1, no. 1 (2017): 276–88.

<sup>14</sup> Romlah Widayati, "Memahami Penafsiran Ayat Poligami Melalui Pendekatan Qiraat Al-Qur'an : Penafsiran Qs. An-Nisa Ayat : 3," *Alim | Journal of Islamic Education* 1, no. 1 (2019): 203–26, <https://doi.org/10.51275/alim.v1i1.125>.

<sup>15</sup> Munawar Rizki Jailani and Mohammad Taquiddin Mohamad, "Analisis Penerapan Syariat Islam Dalam Sektor Perbankan Pasca Pelaksanaan Syariat Islam Di Aceh, Indonesia," *Jurnal Syariah* 27, no. 2 (2019): 261–80, <https://doi.org/10.22452/js.vol27no2.3>.

<sup>16</sup> Cik Hasan Basri, *Metode Penelitian Fiqh*, 1st ed. (Bogor: Kencana, 2003).

Emelio Betti, Martin Heidegger, Hans Georg Gadamer, and Paul Ricoeur using descriptive methods.

## Discussion

### Hermeneutic Theory

Hermeneutics comes from the Greek word taken from the verb hermeneutic. Hermeneuein means, interpret, give understanding, or translate.<sup>17</sup> Schleiermacher argues that hermeneutics is a method or way of understanding and interpreting texts or verses.<sup>18</sup>

Hermeneutics has its charm. It is considered relevant to the present day because it can put back issues of principle and basis of interpretation and understanding that have so far been ignored or shifted to an inappropriate place.<sup>19</sup> Hermeneutics provides an appropriate interpretation of the intent and purpose of the text itself.<sup>20</sup> There are several major figures in hermeneutics including Emelio Betti, Heidegger, Gadamer, and Paul Ricoeur.

The keyword of Betti's hermeneutics is objectification, namely how to obtain an objective interpretation.<sup>21</sup> In Betti's hermeneutics, interpretation aims to find contemporary practical functional meanings. In interpreting a verse, according to Betti, one must look for the practical relevance of the verse to the present era, not to the past. So, the interpretation is applicable or can be applied in our contemporary era, here and now. In this case, the third verse of surah An-Nisa wants to be looked at again with its relevance to the current era.

The Heidegger school explores what is hidden behind the text or looks for what the text does not say.<sup>22</sup> According to him, interpretation is an attempt to dialogue with what appears in the text. The dialogue process is carried out by asking questions. Therefore, the interpretation process takes place on an

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<sup>17</sup> Rini Fitria, "Memahami Hermeneutika Dalam Mengkaji Teks," *Syar* 16, no. 2 (2016): 33–42.

<sup>18</sup> Richard E. Palmer, *Hermeneutics: Interpretation Theory in Schleiermacher, Dilthey, Heidegger and Gadamer* (Illinois: Northwestern University Press, 1969).

<sup>19</sup> Abdul Muaz, "Hermeneutika Dan Mewaktu Bersama Heidegger," *Jurnal Studi Hadis Nusantara* 2, no. 2 (2020): 142, <https://doi.org/10.24235/jshn.v2i2.7647>.

<sup>20</sup> Hendri Hermawan, "Yaumiddin Dalam Perspektif Emilio Betti," *Religia* 20, no. 2 (2017): 111–23.

<sup>21</sup> Emilio Betti, "On a General Theory of Interpretation: The Raison d'Être of Hermeneutics," *The American Journal of Jurisprudence* 32, no. 1 (January 1, 1987): 245–68, <https://doi.org/10.1093/ajj/32.1.245>.

<sup>22</sup> Marcella Horrigan-Kelly, Michelle Millar, and Maura Dowling, "Understanding the Key Tenets of Heidegger's Philosophy for Interpretive Phenomenological Research," *International Journal of Qualitative Methods* 15, no. 1 (2016): 1–8, <https://doi.org/10.1177/1609406916680634>.

understanding that includes pre-owned knowledge (*vorhabe*), pre-vision (*vorsivbt*), and the possibility of interpretive understanding (*vorgriff*).

As for Gadamer, understanding the text requires participation in the flow of tradition which combines the past and the present. The aim is to explain in what way the text speaks to current necessities. Understanding always includes application to the current situation.<sup>23</sup>

Meanwhile, Paul Ricoeur's hermeneutics is to compare the different uses of multiple meanings and various functions of interpretation through different disciplines. This means that symbols or texts must always be given new meanings and interpretations. To explore new interpretations, interpretation activities must be carried out at two levels which Paul Ricoeur called the first intentionality and the second intentionality. The first is to understand the literal meaning of a text, while the second is to explore the deepest meaning that is not mentioned in the text. Stagnation occurs when the interpreter only stops at the first intentionality, on the outward meaning of the text/on the grammatical-linguistic approach.<sup>24</sup>

School	Characteristic
<b>Emilio Betti</b>	The interpretation is applicable or can be applied in our contemporary era, here and now
<b>Martin Heidegger</b>	The interpretation is to explore what is hidden behind the text or look for what is not said by the text
<b>Hans-Georg Gadamer</b>	The interpretation is that understanding the text requires participation in the flow of tradition that combines the past and the present
<b>Jean Paul Ricoeur</b> <b>Gustave</b>	Interpretation is to compare the different uses of the numerous meanings and the various functions of interpretation across different disciplines.

### Analysis of the Meaning of Polygamy Verses based on Hermeneutics

This sub-theme is the main sub-theme in this paper, in which in this theme the verses used by both classical scholars such as Ibn Kathir and Imam Syafi'I as well as contemporary scholars such as Wahbah Zuhaili understand the

<sup>23</sup> Hasyim Hasanah, "Hermeneutik Ontologis-Dialektis Hans-Georg Gadamer (Produksi Makna Wayang Sebagai Metode Dakwah Sunan Kalijogo)," *At-Taqaddum* 9, no. 1 (2017): 1–33.

<sup>24</sup> Abdul Wachid B.S. Wachid B.S., "Hermeneutika Sebagai Sistem Interpretasi Paul Ricoeur Dalam Memahami Teks-Teks Seni," *Imaji* 4, no. 2 (2006): 198–209, <https://doi.org/10.21831/imaji.v4i2.6712>.

verse above as a limitation for men in married or polygamous.<sup>25</sup> Furthermore, the verse is reinterpreted with the hermeneutic theory initiated by; Emelio Betti, Martin Heidegger, Hans Georg Gadamer and Paul Ricoeur to get more definite and correct answers in understanding the issue of polygamy in Islam. As mentioned above, the verse that is usually used to argue for polygamy is the Word of Allah SWT in the third verse of Surah An-Nisa:

وَأِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مِمَّا مَنَىٰ وَتِلْكَ وَرِيعٌ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ۚ ذَٰلِكَ أَذَىٰ أَلَّا تَعُولُوا<sup>26</sup>

*And if you are afraid that you will not be able to do justice to (the rights of) orphaned women (if you marry them), then marry (other) women who you like: two, three or four. then if you are afraid that you will not be able to do justice, then (marry) only one, or the slaves you have. that is closer to not doing wrong.*

The verse above, according to the understandings of classical scholars and we read briefly, shows the permissibility of a man to marry more than one woman. The limit of wives understood in this verse is four people. Therefore, this sub-theme will further explain the interpretation of this verse through the theories put forward by the four hermeneutic figures as follows;

### A. Emelio Betti

The key word of Betti's hermeneutics is objectification, namely how to obtain an objective interpretation. In Betti's hermeneutics, interpretation aims to find contemporary practical functional meanings. In interpreting a verse, according to Betti, one must look for the practical relevance of the verse to the present era, not to the past.<sup>27</sup> So, the interpretation is applicable or can be applied in our contemporary era, here and now. Because he has a legal background, according to him words contained in a text must be understood in a denotative sense, not connotative.<sup>28</sup> Thus, it can be objectified in the reality of life in order to regulate and control human behavior in society. The meaning that must be chosen from a text is one that has functional value or is more useful for humans now and here.<sup>29</sup>

If on this basis, Betti's hermeneutics is applied in understanding the verse above, then the permissibility and inability of polygamy depends on which one is more functional and useful in regulating people's behavior. If the reality

<sup>25</sup> Wahbah Zuhaili, *Subul Al-Istifadab Min Nawazil Wa Al-Fatawa Wa Al-'Amal Al-Fiqhy Fi Al-Tatbiqat Al-Mu'Asirab* (Damaskus: Dar al-Maktabi, 2001).

<sup>26</sup> QS: al-Nisa 3/3.

<sup>27</sup> Hermawan, "Yaumiddin Dalam Perspektif Emilio Betti."

<sup>28</sup> Betti, "On a General Theory of Interpretation: The Raison d'Être of Hermeneutics."

<sup>29</sup> Mahmudi, "Hermeneutika Emilio Betti Dan Aplikasinya Dalam Kajian Studi Keislaman," *El-Wasathiyah: Jurnal Studi Agama* 5, no. 1 (2017): 57–70.

shows that polygamy gives birth to benefits in building a family and society, then it is considered functional and beneficial for the family concerned and also society for a wider scope. Conversely, if polygamy creates damage and disharmony in a family and society, then polygamy must be prohibited.

The purpose of marriage is to build a family that is *sakinah*, *mawaddah* and *rahmah*.<sup>30</sup> This goal will be realized if family functions can be carried out effectively. Scholars and scholars have formulated that the family has theological, social, psychological, protective, educational and economic functions.<sup>31</sup> In order for all functions to be carried out properly in the life of a family, all things that disturb and damage and hinder the functioning of the things above must be avoided and anticipated. Both at the time of the commencement of a marriage until afterwards.<sup>32</sup>

To arrive at a conclusion about which interpretation or understanding is more functional cannot be based solely on the logical abstraction of the human mind or the interpreter. Rather it requires empirical data as an objective basis for an understanding. If empirical data shows that polygamy causes more harm, then it must be banned. On the other hand, if it creates benefit, then it is permissible. It is also possible to take a third alternative, permissible under strict conditions to prevent dysfunctional from the intended polygamous behavior. An important key to Betti's hermeneutic model is objectification, seeing which one is closest to objective conditions, both at the level of a polygamous family and society.

## B. Martin Heidegger

Heidegger's hermeneutics aims to understand the understanding of scholars or interpreters of this verse. The Heidegger school explores what is hidden behind the text or looks for what the text does not say. According to him, interpretation is an attempt to dialogue with what appears in the text.<sup>33</sup> The dialogue process is carried out by asking questions. Therefore, the interpretation process takes place on an understanding that includes pre-owned knowledge (*vorhabe*), pre-vision (*vorsicht*), and the possibility of interpretive understanding (*vorgriff*). The essence of Heidegger's hermeneutics in relation to the interpretation of the Alquran is to reveal the unspeakable meaning of the text. In expressing the hidden meaning, all interpreters cannot escape from pre-

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<sup>30</sup> Abd al-Rahman Al-Jazairy, *Al-Fiqh 'alla Al-Mazāhib Al-Arba'ah* (Beirut: Dar al-Kutub al-Ilmiyyah, 2006).

<sup>31</sup> Asman Asman, "Pernikahan Di Bawah Umur Akibat Hamil Di Luar Nikah Dan Dampak Psikologis Pada Anak Di Desa Makrampai Kalimantan Barat," *Al-Istinbath: Jurnal Hukum Islam* 4, no. 1 (2019): 79, <https://doi.org/10.29240/jhi.v4i1.784>.

<sup>32</sup> Suud Sarim Karimullah, "Poligami Perspektif Fikih Dan Hukum Keluarga Negara Muslim," *MADDIKA: Journal of Islamic Family Law* 2, no. 1 (2021): 7–20.

<sup>33</sup> Horrigan-Kelly, Millar, and Dowling, "Understanding the Key Tenets of Heidegger's Philosophy for Interpretive Phenomenological Research."

understanding, namely the provisions and assumptions that have been previously owned. In other words, Heidegger's hermeneutics aims to understand the hidden meaning behind a text based on the pre-understanding of the interpreter.<sup>34</sup>

The commentators broadly divided into 2 versions in interpreting this verse. First, it concludes that the verse above allows polygamy on condition that it is able to treat wives fairly.<sup>35</sup> The verse must be understood in this way, because the text of the verse speaks explicitly about the permissibility of marrying more than one wife, accompanied by the condition of being fair. Second, those who conclude that the verse above adheres to the principle of monogamy; a man can only marry one woman. The reason put forward is the context of the revelation of the verse which relates to criticism of the polygamous behavior of the Arabs which gave rise to oppression and arbitrariness against not only wives, but also orphans who were left to die by their fathers. The following will examine the two opinions of the scholars by trying to understand the two versions of the results of the understanding of the scholars above.

Scholars who understand that the basic law of polygamy according to this verse is permissible on condition that they can act fairly base their understanding on the explicit explanation of the verse (*dhabir*). This verse explicitly expresses the permissibility of polygamy as seen in the words *mathnā* (two), *wa thulathā* (and three), *wa rubā'* (four). This word was previously accompanied by the command word (fi'il amar) fankihū (then marry). In Arabic rules, the original law of an order is obligatory, but because there is an explanation at the end of this verse about the necessity of being fair (*in khiftum an lā ta'dilū fawābidatan*) and a warning that marrying just one is closer to not doing wrong, the law changes. be mubah or may. This opinion is represented by 4 schools of thought, namely Hanafi, Maliki, Shafi'i, and Hambali.

While the scholars who argue that the verse above adheres to the principle of monogamy in marriage base their understanding on the history of the revelation of the verse in question and the vision of Islamic law to realize the benefit of humanity in the world and the hereafter.<sup>36</sup> The vision of this verse can be understood in a way; first, understanding the spirit contained in the entire text of the Alquran, especially the verses that talk about marriage. Second, understand the context. The spirit contained in the entire text of the Alquran is

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<sup>34</sup> Muhammad Arif, "Hermeneutika Heidegger Dan Relevansinya Terhadap Kajian Al-Qur'an," *Jurnal Studi Ilmu-Ilmu Al-Qur'an Dan Hadis* 16, no. 1 (2017): 85, <https://doi.org/10.14421/qh.2015.1601-05>.

<sup>35</sup> Sayid Muhammad Husain Thabathaba'i, *Tafsir Al-Mizān*, ed. Ilyas Hasan, 1st ed. (Jakarta: Lentera, 2010).

<sup>36</sup> Husein Muhammad, "Memilih Monogami," in *Faqihuddin Andul Qadir* (Yogyakarta: Pustaka Pesantren, 2005), 22–23.



masalahah. This means that masalahah is the vision of all the teachings of the Alquran. In realizing this vision, the scholars formulated 7 Islamic shari'ah missions, namely preserving religion, soul, mind, lineage, wealth, honor, and the environment. Any interpretation of the Alquran that contradicts this vision and mission is seen as not originating from Islamic law.

To Q.S. An-Nisa: 3 above, we can find that the vision of marriage, among other things, is to create harmony or happiness. Humans will be happy if all their needs, both physical and spiritual, are met. This condition will be realized if we understand the functions and existential needs of humans. Heidegger calls it existential analysis. In this regard, Q. S. Al-Hujurat: 13 introduces:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَىٰكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ ٣٧

*O mankind, We have indeed created you from a male and a female and made you nations and tribes so that you may know each other. Indeed, the most honorable among you in the sight of Allah is the most pious among you. Verily, Allah is All-Knowing, All-Knowing.*

The verse above explains that existentially humans are 3 (three) dimensional beings.<sup>38</sup> First, humans are biological beings (*min zakarín wa unthá*). As a biological creature, he needs biological needs which include clothing, food, housing, health, sexuality, and others. Second, humans are sociological creatures (*syn'ubán wa qabá'ilá*). Therefore, he needs to fulfill social needs or interact with other people in the public area. Third, humans are theological creatures (*inna akramakum 'inda Alláh atqáakum*). Thus, he needs to fulfill spiritual and mental needs which include education, opportunities to worship, and self-actualization as religious beings.

In the context of marriage, this need is referred to as *mawaddah* (physical-material) *wa rahmah* (mental-spiritual). This is explained in Q. S. Ar-Rum: 21:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ ٢١

*And among the signs of His power is that He created for you wives of your own kind, so that you are inclined and feel at ease to him, and made Him between you mawaddah and mercy. Indeed, in that there are signs for people who think.*

If the explanation of the two verses above is related to Q. S. An-Nisa: 3, then in practice since before the arrival of Muhammad SAW until now polygamy is seen as one of the factors that can interfere with efforts to fulfill all

<sup>37</sup> QS: al-Hujurat 49/13.

<sup>38</sup> Danial, *Filsafat Ilmu*, 1st ed. (Yogyakarta: Kaukuba, 2014).

<sup>39</sup> QS: al-Rum 30/21.

of these needs. Especially, when this verse includes the conditions for justice for orphans and wives as well. The determination of this condition and how difficult it is to realize it is confirmed by the last paragraph of this verse *zālika an-lā ta'ulū* (which is closer to not doing wrong). Even Q. S. An-Nisa: 129 emphasizes that husbands can never be fair to their wives if there is more than one. Here's the assertion:

وَلَنْ تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ النِّسَاءِ وَلَوْ حَرَصْتُمْ فَلَا تَمِيلُوا كُلَّ الْمِيلِ فَتَدْرُوهَا كَالْمَعْلَقَةِ ۚ وَإِنْ تَصِلِحُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ غَفُورًا رَحِيمًا<sup>40</sup>

*And you will never be able to act fairly between (your) wives, even though you really want to do so, so don't be too inclined (to the one you love), so you leave the others hanging, and if you carry out repairs and protect yourself (from cheating), then verily Allah is Forgiving, Most Merciful.*

The word *lan tastati'ū* grammatically means never being able to act fairly. Then, it is emphasized again with the word *law* which means it is impossible to be fair even though you really want to do so.<sup>41</sup>

Thus, the hidden meaning that Q. S. An-Nisa: 3 above wants to convey is that the verse adheres to the principle of monogamy. Because, only in the form of monogamous marriage, all needs and happiness can be realized more fairly. The question is, why does the Alquran use *fi'il amar* (command word) for marriage 2, 3, and 4. Doesn't the *Qawaid Fiqhiyyah* say: *Al-ashlu fi al-amr li al-wujub* (origin of the mandatory order) or at least the rule of *Al-ashlu fi al-amr li al-wujub illa dalat al-dalilu ila ghairih* (origin of mandatory orders being carried out unless there is evidence indicating something other than mandatory). Because there is a requirement to be able to act fairly, polygamy is not mandatory. If so, does it mean circumcision, so that anyone who does polygamy will receive a reward, and if he does not practice polygamy, he will not sin? The answer is that not all of these commands point to obligatory circumcision, in fact, some orders point to makruh or even haram.<sup>42</sup> As an example, let's look at the verses and hadith below:

وَقُلِ الْحَقُّ مِنْ رَبِّكُمْ ۚ فَمَنْ شَاءَ فَلْيُؤْمِنْ وَمَنْ شَاءَ فَلْيُكْفُرْ ۚ إِنَّا أَعْتَدْنَا لِلظَّالِمِينَ نَارًا أَحَاطَ بِهِمْ سُرَادِقُهَا وَإِنْ يَسْتَغِيثُوا يُغَاثُوا بِمَاءٍ كَالْمُهْلِ يَشْوِي الْوُجُوهَ ۚ بِئْسَ الشَّرَابُ وَسَاءَتْ مُرْتَفَقًا<sup>43</sup>

*And Say: "The truth comes from your Lord; So whoever wants (believes) let him believe, and whoever wants (disbelieves) let him disbelieve." Verily, We have prepared for the wrongdoers a hell whose turmoil surrounds them. and if they ask for a drink, surely they will*

<sup>40</sup> QS: al-Nisa 3/129.

<sup>41</sup> Muhammad Sayyid Tantawi, *Al-Tafsir Al-Wasit Li Al-Qur'an Al-Karim* (Cairo: Dar al-Sa'adah, 2001).

<sup>42</sup> Abd al-Karim Zaidan, *Al-Wajiz Fi Usul Al-Fiqh* (Cairo: Mu'assasah al-Risalah, 2001).

<sup>43</sup> QS al-Kahfi 18/29.

*be given water to drink with water like boiling iron that scorches their faces. It's the worst drink and the worst place to rest.*

This verse uses *lam amr* which carries the intention of commanding,<sup>44</sup> namely "So whoever wants (believes) let him believe, and whoever wants (disbelieves) let him disbelieve". but conceptually this verse should not be interpreted as an option, because it threatens painful retribution for those who commit injustice.

*Fa'alū mā syiktum fainnakum mayyitūn* (do what you like, then, in fact, you will become a corpse/ die). Even though this *hadith* uses the word command, it means a prohibition which refers to *haram*. Because every Muslim is obliged to do what Allah and Rasulullah SAW like, not what we like. In fact, according to some hadith scholars, this means the Prophet's warning to people who have repeatedly made mistakes after being warned.<sup>45</sup>

So, the hidden meaning and spirit that Allah wants to reveal in verse Q. S. An-Nisa: 3 is a sharp criticism of the phenomenon of polygamy around which this verse descends while at the same time offering the principle adhered to by Islam in marriage, namely monogamy. This conclusion is supported by the views of interpretation scholars and historical evidence. As-Samarqandy for example says:

People at that time married as many women as they liked, then this verse was revealed. The point of the verse is that if you are afraid that you will not be able to do justice to orphans, you should also be afraid that you will not be able to do justice to your wives if you are polygamous. Even though both have the potential for acts of arbitrariness and injustice. It is this fear of arbitrariness and injustice that this verse criticizes.

The same thing was also stated by Imam Baidhawī by saying that this verse came down to warn of the arbitrariness of Arab society toward polygamous behavior. Furthermore, Zamakhsyari links vigilance against monogamy with the management of orphans from the possibility of unfair behavior. Even more firmly, according to him, this verse commands him to marry only one woman. Because only with this one can avoid acts of injustice and mistreatment of partners.<sup>46</sup>

The two views of the scholars above depart from and are influenced by pre-understanding, before they interpret verses that talk about this theme. *The first* view at least departs from pre-understanding; first, we may not interpret the verse out of the text that is mentioned explicitly, but only based on what is externally revealed by the verse above. *Second*, the husband has the right to marry

<sup>44</sup> 'Abd al-Karīm Zaidan, *Al-Wajīz Fi Usul Al-Fiqh*.

<sup>45</sup> Muhammad, "Memilih Monogami."

<sup>46</sup> Karīmullah, "Poligami Perspektif Fikih Dan Hukum Keluarga Negara Muslim."

more than one because it was justified by Rasulullah SAW, through his practice of polygamy. *Third*, this interpretation still has a very strong patriarchal cultural bias at the time this verse was revealed. While the second understanding has a pre-understanding that; *First*, we may interpret verses and hadiths outside of their textual meaning, because what Allah SWT aims for is not the mere outward meaning, but the benefit of a marriage in creating a happy and prosperous life (both physically and mentally). According to this opinion, polygamy is an act that can threaten the intended happiness and well-being. *Second*, the focus of the conversation in the verse above is caring for orphans. The Prophet married more than one wife motivated by the desire to support orphans who had been abandoned by their fathers. So it can be seen that apart from 'Aisyah, his wives are widows who have been abandoned by their husbands, not virgin women. In contrast to the practice of polygamy which was carried out by his followers at a later date. *Third*, the fact shows that polygamy can threaten the harmony of a family in achieving happiness and prosperity in life which is the true goal of a marriage. In short, polygamy is factually more likely to cause harm than good.<sup>47</sup>

Based on that, it can be understood that the focus of discussion in verse 3 of Surah an-Nisa is not about polygamy, but about justice for both orphans and polygamous wives. Therefore, the verse invites us to be consistent with the choice of monogamy and leave polygamy.<sup>48</sup> This spirit of justice is read from Q. S. An-Nisa verses 1-4. The themes raised by these four verses, as we can read together, are about piety to Allah, harmonious family relations, concern for orphans, the morality of justice in marriage, and the principle of willingness when you want to take advantage of a woman's property. This is the hidden meaning revealed by the verse which is the focus of our study above.

### **C. Hans Georg Gadamer**

According to Gadamer, understanding the text requires participation in the flow of tradition which combines the past and the present.<sup>49</sup> The aim is to explain in what way the text speaks to current conditions. Understanding always includes application to the current situation. Like Heidegger, he also views that the interpretation of a text including the Alquran cannot be separated from the interpreter's understanding. With this method, Gadamer offers the possibility of finding common ground between the past and the present. This same basis, in

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<sup>47</sup> Ahmad Fauzi, "Pemikiran Ibn Hazm Tentang Keberadaan Wali Nikah Dalam Perkawinan Janda," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 8, no. 2 (2014): 300–333, <https://doi.org/10.19105/al-lhkam.v8i2.352>.

<sup>48</sup> Thabathaba'i, *Tafsir Al-Mizan*.

<sup>49</sup> Hasanah, "Hermeneutik Ontologis-Dialektis Hans-Georg Gadamer (Produksi Makna Wayang Sebagai Metode Dakwah Sunan Kalijogo)."

the terminology of ushul fiqh is called *'illat* law (logical ratio).<sup>50</sup> To understand the past, we need a historical approach to see how the context of this verse came down. Meanwhile, exploring contemporary meanings necessitates a study of the language used in the Alquran as well as a reading of contemporary realities. Based on this argument, Gadamer's hermeneutics is applied to understand the interpretation of the scholars regarding the verse above.

Historically, this verse was revealed in the context when Rasulullah SAW was sent,<sup>51</sup> the Quraysh were still practicing their previous traditions, namely, polygamy. The Prophet only ordered or forbade an action, without mentioning the polygamous tradition that had taken place in Arabia. Once they asked the Apostle about how to treat orphans. Previously they had also asked about how to treat their wives. So this verse came down which confirms that their treatment of wives is no different from that of orphans, both of them are ordered to act fairly. To realize this justice, the apostle limited polygamy to only 4 wives. Thus, this verse is not an order for polygamy, but a prohibition against marrying more than 4 wives. When commenting on this verse, Ibn Abbas emphasized that just as you are afraid that you cannot be fair to orphans, then - if you marry more than one - you must also be afraid if you cannot do justice to your wives. According to al-Tabari, this verse cannot be understood as legitimacy regarding the permissibility of polygamy. However, it must be understood as a prohibition against the unfair treatment of orphans and wives. If this verse is linked to the previous verse (Q. S. an-Nisā: 2), and after (an-Nisā: 6), or with other verses that talk about the theme of orphans (Q.S. al-Kahf: 82, and al-An'am: 152) further reinforces that the main theme of Q. S. an-Nisa: 3 above is about orphans who have lost their fathers, while their mothers are still alive. What about children who have lost both parents or their mother? With the death of his parents, the theme of polygamy fell. Likewise with the death of a mother, while the husband is still alive. If the husband remarries another woman, then the second wife or the marriage is not included in the category of polygamy, as explained in several verses above. Q. S. Nisā: 3 talks about orphans who have lost their fathers. Through this verse, Allah SWT commands us to do good and justice to them and to take care of their property, by giving back their property when they grow up. How to implement this? Is it by taking these orphans from their mothers' care to our homes and educating them by separating them from their biological mothers? Or leave them at home alone and fully entrust the necessities of life to be handled by themselves? The latter thing may happen, but there is another fact that we cannot carry out God's commands properly. In this context, namely the concern that justice will not be

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<sup>50</sup> Abu al-Abbas Syihab al-Din Ahmad Ibn Idris Al-Qarafi, *Syarh Tanqih Al-Fusul Fi Itbtisar Al-Mahsul Fi Al-Usul* (Beirut: Dar al-Fikr, 2004).

<sup>51</sup> Sa'adah, Fitria, and Widiastuti, "Poligami Dalam Lintas Budaya Dan Agama: Meta-Interpretation Approach Nurur Sa'adah."

realized for orphans by God's commandments in the verse above, the verse above allows polygamy through marriage to their widowed mothers. This was also practiced by Rasulullah SAW by marrying more than one wife. Apart from Aisha, the wives of Rasulullah SAW were widows who were left behind by their husbands, both those who died in battles to defend Islam or because of other causes. The spirit is not a desire to be polygamous, but rather to support orphans who have been left to die by their fathers who are husbands of these widows.<sup>52</sup>

The description above indicates that polygamy is carried out with 2 conditions; (1) the 2nd, 3rd, and 4th wives are widows who have orphans, (2) there must be a feeling of worry that they cannot do good and justice to orphans except by marrying their mothers.

In the present reality, we see that the background of the phenomenon of polygamy is the desire to have multiple wives, even in certain contexts with sexual orientation. Not the desire to sympathize with orphans. Several research results reinforce this view. Most husbands who are polygamous choose a second wife and so on with the following criteria; (1) virgin; (2) younger than the previous wife; (3) not having orphans; and (4) more beautiful than the previous wife. There are even some cases where a husband has more than four wives. The problem is the impact arising from polygamy, both psychologically, economically, physically, and so on. The consequences will be even worse, because most of the cases of polygamy are carried out under the hands or not recorded at the Office of Religious Affairs. This phenomenon does not only result in violations of the rights of the wife, but also of the rights of the child. For example, a child's right to a birth certificate is a condition for entering school or becoming a civil servant. Children cannot get all of this because their parents do not have a marriage book as one of the requirements for obtaining a birth certificate. Thus, the impact of this kind of polygamy can destroy the future of a society and even a nation.

Q. S. An-nisā: 129 emphasizes that *"you cannot be fair to your wives, even though you want it. So don't tend to be excessive (to one of your wives) so that (the other wife) you leave and drift away"*.

This verse warns emphatically that the psychological aspect, namely the inclination of the heart and affection often results in the treatment and abuse of the wife. This verse is criticizing the practice of polygamy which creates injustice. Similar criticisms are expressed in Q. S. An-Nisā: 3, but in this last verse the cause of this injustice has not been explained. Verse 129 emphasizes that injustice is often caused by psychological aspects that everyone has difficulty controlling.

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<sup>52</sup> Abu Ja'far Muhammad bin Jarir Al-Thabari, *Jami' Al-Bayan 'an Ta'wil Al-Quran* (Beirut: Dar al-Fikr, 2005).

If so, then the Alquran is more in favor of monogamous marriage than polygamy. Because monogamy brings a person closer to not being tyrannical (*ẓālika adnā allā ta'ūlū*). In addition, monogamous marriages are also strengthened by Q. S. An-Nur: 32 thus:

*"(O saints) marry (your daughters) to those who do not have a partner."*

Literally this verse encourages someone to marry someone who does not have a partner. At this point, it can be concluded that the Qur'an advocates monogamy, not polygamy.<sup>53</sup>

If all of the above explanations are examined in the perspective of Gadamer's hermeneutics, then there is one legal ratio of polygamy discussed in paragraph 3 of an-Nisa' letter, namely sponsorship for orphans. At the time when this verse was passed, the state system and social institutions were not as sophisticated and complete as they are now, especially for orphans and a budget allocation system for those in need. Thus, the sponsorship for orphans was initiated by the Prophet himself which was then followed by his companions. Meanwhile, in the current era where the government system, socio-economic conditions, and social institutions are complete and diverse, the legal ratio for polygamy is no longer valid. This is in accordance with the rules of fiqhiyah which affirms: *Al-hukmu yadūru ma'a 'illatifti wujūdan wa'adaman* (Law exists because there is a cause, if the cause does not exist then the law does not exist). Because there are many alternatives for sponsoring orphans, polygamy is no longer necessary.

#### **D. Paul Ricoeur**

The task of hermeneutics is to compare the different uses of multiple meanings and the various functions of interpretation across different disciplines. This means that symbols or texts must always be given new meanings and interpretations.<sup>54</sup> To explore new interpretations, interpretation activities must be carried out at two levels which Paul Ricoeur called the first intentionality and the second intentionality. The first is to understand the literal meaning of a text, while the second is to explore the deepest meaning that is not mentioned in the text. Stagnation occurs when the interpreter only stops at the first intentionality, on the outward meaning of the text/on the grammatical-linguistic approach.

The question is, how many verses of Q.S. An-Nisa: 3 talk about the permissibility of polygamy? And is it true that Islam legalizes polygamy? There are at least 2 opinions of scholars in responding to this question.

<sup>53</sup> 'Abd al-Karim Zaidan, *Al-Wajiz Fi Usul Al-Fiqh*.

<sup>54</sup> B.S., "Hermeneutika Sebagai Sistem Interpretasi Paul Ricoeur dalam Memahami Teks-Teks Seni."

*First*, a group that understands that any number of marriages is permissible in Islam. The argument is; (1) the sentence *an-nisā* (women) in the verse shows the understanding that a large number is unlimited. (2) the sentences *mathnā* (two-two), *thulathā'* (three-three), and *rubā'* (four-four) in these verses are not worthy of being used as a reason to quantify (limit) the number of women who may be married to from the word *an-nisā'* (female) which includes the word *ām* (showing common numbers). Because by only specifying a part mentioning 2, 3, and 4), it doesn't mean that the other partial laws (numbers greater than 4) are no longer valid. (3) the letter waw in the verse above shows the addition so that you can marry up to nine (2 + 3 + 4) or even eighteen (2 + 2 + 3 + 3 + 4 + 4). (4) This reason is reinforced by the hadith which recommends always following what the Prophet SAW did. Even though the Prophet married more than 4. Thus, marrying more than 4 is a sunnah recommended by the Prophet himself.<sup>55</sup>

This second opinion limits the permissibility of marrying only four women. They base their argument on the story of a friend named Ghailān. Before embracing Islam he had 10 wives. Then after converting to Islam, Rasulullah SAW ordered to divorce 6 of his wives, and only 4 was left. The apostle said, "take only four, and separate the others."<sup>56</sup>

The two opinions above have the same understanding and conclusion, namely that the verse above allows polygamy. Even though they continue with the frills as long as they fulfill the conditions set out in the Alquran, namely being able to act fairly.

It is the two opinions above that have influenced and colored the interpretation of the legal verse on polygamy. The popular view is that the verse refers to the permissibility of polygamy. Now it is added to the demographic argument that this ability is supported by the fact that the number of women is greater than that of men. Then, how is the interpretation of this verse in Paul Ricoeur's school of hermeneutics?

Polygamy has been known and practiced by pre-Islamic human society. In the old agreement, it is told that Prophet Sulaiman a.s. had 700 royal wives and 300 concubines (Old Testament, Kings I-11-4).<sup>57</sup> Polygamy was widespread not only among the ignorant Arab community but also among the Hebrew and Sicilian peoples. This region later gave birth to most of the peoples of Russia, Lithuania, Poland, Germany, Switzerland, Belgium, the Netherlands,

<sup>55</sup> Abu Fadal Sihāb al-Din al-Sayyid Mahmud Affandi al-Alūsī Al-Bagdadi, *Rūb Al-Mā'ani Fi Syarb Al-Qur'an Al-'Azīm Wa Sab'i Al-Masāni*, 2nd ed. (Beirut: Dar al-Fikr, 2003).

<sup>56</sup> Malik ibn Anas, *Al-Muwatta'* (Beirut: Dar al-Fikr, 1989); Abi 'Abdillah Muhammad Ibn Ahmad al-Ansari Al-Qurtubi, *Al-Jami' Li Ahkam Al-Qur'an* (Beirut: Dar al-Fikr, 2005).

<sup>57</sup> Sa'adah, Fitria, and Widiastuti, "Poligami Dalam Lintas Budaya Dan Agama: Meta-Interpretation Approach Nurur Sa'adah."



Czechoslovakia, England, Denmark, Yugoslavia, Sweden, and Norway. The Church in Europe also recognized polygamy until the end of the XVII century/beginning of the XVIII century AD. For example, Charlemagne had more than one wife. There are many other cases that can be described at length. However, it is here to show that polygamy is widely known and practiced by human society.<sup>58</sup>

Then, how does Islam view this case of polygamy? Some scholars or Muslims view that Islam also recognizes and even encourages polygamy. We can use 3 patterns of fiqh reasoning to understand the verse of Q. S. An-Nisa': 3, namely bayāni and ta'lili reasoning patterns.

First, it is necessary to examine the grammatical or semantic aspects of this verse. Several keywords need to be underlined from the verse above, namely the words in *(if) kbiftum* (you are afraid) and *mā tāba lakum min an-nisā'* (then marry women you like). In the Alquran 3 words mean if in English, namely *in*, *izā*, and *law*. All three have different meanings, as the example will show below:

*"O you who believe, when (izā) you are going to pray, then wash your faces and your hands up to the elbows..."<sup>59</sup>*

If you use the word *izā* (if), then the word/sentence after this word must occur. The verse above confirms that if you want to pray, then purification is obligatory and certain. Thus, performing ablution' (washing the face and hands up to the elbows...) is obligatory, *izā* (if) you want to pray.

While *in* (if) indicates that words/sentences that are explained after *in* can occur. And the possibility is according to the scholars 50-50. Q. S. An-Nisa: 3 which talks about the necessity of treating orphans fairly (*in kbiftum anlā tuqsitū fi al-yatāmā*) and wives (*in kbiftum anlā ta'dilū*) illustrates that fathers (who have more than one orphan) and Husbands who have more than one wife have a 50% chance of being fair and a 50% chance of being unjust to them. Because the opportunity for harm (to do wrong) is so great, the act of having more than one wife must be avoided. Even though there is a 50% chance to do justice. Because there is a rule that says:

*"Rejecting harm or damage must take precedence over taking advantage or benefit"*

The human inability to act fairly with wives is strengthened by Q.S. an-Nisa: 129:

*And you will by no means be able to do justice between your wives, even though you so desire to do so, therefore do not be so inclined that you leave the others adrift. And if you make corrections and are pious, then surely Allah is Most Forgiving, Most Merciful."*

<sup>58</sup> Alamgir, "Islam and Polygamy: A Case Study in Malaysia."

<sup>59</sup> Q. S. Al-Ma'idah: 6.

Let's Look at the sentence used in the Alquran *mā tāba lakum min an-nisā* (then marry the women you like), even though it relates to a widow who has orphans who have lost their family's support, so that she is very forced to accept every proposal that came to him. We can perceive that Allah SWT uses words that are very subtle and full of feeling when referring to a widow as a form of respect for her and guarding her feelings as well as a form of respect for marital issues. In fact, in such a state of compulsion, Allah may say *fankibū māsyi'tum min an-nisā'i* (so marry the women you want). Here it is very clear the difference between the words *tāba* and *syā'a*.<sup>60</sup>

Second, it is necessary to look at the context in which this verse was revealed. There are several versions about the context in which this verse was revealed. The first version, the history of 'Aisyah who said that this verse was revealed to explain the existence of orphans who were abandoned because their father died on the battlefield. They need to be watched, protected, and empowered. Unfortunately, the ignorant people took advantage of this opportunity to exploit the wealth of the orphans. The method is very simple and easy, simply by marrying him with a substandard dowry.<sup>61</sup>

The second version, when Rasulullah SAW was sent, the Quraysh were still practicing their previous traditions, namely, polygamy. The Prophet only ordered or forbade an action, without mentioning the polygamous tradition that had taken place among the Arabs at that time. When commenting on this verse, Ibn Abbas emphasized that just as you are afraid that you cannot be fair to orphans, then - if you marry more than one - you must also be afraid if you cannot do justice to your wives.<sup>62</sup> According to al-Tabari, this verse cannot be understood as a legitimacy regarding the permissibility of polygamy. However, it must be understood as a prohibition against unfair treatment of orphans and wives. In fact, if this verse is linked to the verse before (Q. S. an-Nisā': 2), and after (an- Nisā': 6), or with other verses that talk about the theme of orphans (Q.S. al-Kahf: 82, and al-An'am: 152) further reinforces that the main theme of Q. S. an-Nisā': 3 above is about orphans who have lost their fathers, while their mothers are still alive. Through this verse, Allah SWT commands us to do good and justice to them and to take care of their property, by giving back their property when they grow up.<sup>63</sup>

From the explanation above, it can be understood that the third verse of surah al-Nisa which is usually used as an argument or at least used as an argument for marrying more than one woman turns out to be interpreted

<sup>60</sup> Muhammad Syahrur, *Nabw Usūl Al-Jadīdah Li Al-Fiqh Al-Islāmi*, ed. Syamsuddin dan Burhanuddin, 1st ed. (Yogyakarta: elSaq Press, 2004).

<sup>61</sup> Abdurrahmān Jalāl al-Dīn Al-Suyutī, *Al-Dur Al-Manthūr Fi Al-Tafsīr Al-Ma'thūr* (Beirut: Dar al-Fikr, 1983).

<sup>62</sup> Jalaluddin al-Mahalli dan Jalaluddin as-Suyuthi, *Tafsīr Al-Jalalain* (Beirut: Dar al-Fikr, 2005).

<sup>63</sup> Al-Thabari, *Jami' Al-Bayan 'an Ta'wil Al-Quran*.

through the hermeneutical theory initiated by Emelio Betti, Martin Heidegger, Hans Georg Gadamer, and Paul Ricoeur emphasizes having one wife or monogamy.

## Conclusion

Based on the description above, at least 2 conclusions can be drawn; *First*, hermeneutics is the science or method of interpreting verses or texts. *Second*, Emilio Betti's hermeneutical theory is that the interpretation of verses or texts is applicable or can be applied in our present era, here and now. Meanwhile, Martin Heidegger is the interpretation of verses or texts by exploring what is hidden behind the text or looking for what the text does not say. Then Hans George Gadamer Interpretation of verses or texts with the participation of currents of tradition that combines the past and the present. Meanwhile, Paul Ricœur interprets verses or texts by comparing the different uses of multiple meanings and the various functions of interpretation through different disciplines. *The third*, verse 3 of surah al-Nisa is not a verse that legalizes polygamy in Islam this verse emphasizes monogamy. From these conclusions, the authors would like to formulate 2 recommendations; *First*, it is better to reinterpret the verses of the Alquran using the hermeneutical method. *Second*, Muslims need to make verse 3 of surah al-Nisa as the argument for monogamy, not polygamy.

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