



## POLYGAMY AND DIVORCE TRENDS AMONG CIVIL SERVANTS OF JAMBI PROVINCE

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Article history:		Abstract:
<b>Received:</b>	14 <sup>th</sup> December 2023	This research aims to examine trends in polygamy and divorce among civil servants in Jambi Province. This research approach uses descriptive qualitative research methods with the technique of determining research objects carried out purposively. The data collection techniques used were observation, interviews and documentation. Meanwhile, the data analysis technique uses a flowing data analysis model, which includes: data reduction, data presentation, and drawing conclusions/verification. The results of this research found that civil servant divorces that occur in several Religious Courts in Jambi Province from year to year show significant numbers, both talak divorces and contested divorces. The phenomenon of the divorce rate being contested is higher than the divorce divorce rate, the reasons are very varied, starting from the problem of neglect of husband's responsibilities, economics, sexual needs, neglect of the rights of one partner, child problems, infidelity, forced marriage, arranged marriage, Old Love Springing Again ( CLBK) and others. Of the many reasons for the high rate of civil servant divorce and polygamy in Jambi Province, these are husband's negligence, economics, sexual needs, child problems, infidelity, forced marriages, arranged marriages, and CLBK.
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### INTRODUCTION

Marriage is an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the belief in the Almighty God (UU Article 1 No. 1 of 1974). Islam has made a legal marriage bond based on the Koran and Sunnah the only means of building a family. The goal of forming a *sakinah, mawaddah, wa rahmah* family can be achieved perfectly if the other goals can be met. In other words, the other goals are complementary to fulfilling this main goal. By achieving the goals of reproduction, fulfilling biological needs, maintaining honor and worship, peace, love and affection will automatically be achieved (Khairuddin Nasution: 2005). To achieve the goal of a more perfect life, there is a legitimate relationship to give each other love in household life, namely through marriage. With marriage, a *sakinah mawaddah wa rahmah* family can be formed and is an institution carried out by a person to achieve the goals of the Shari'ah, namely benefit in life (Zaeni Asyhadi: 2020).

Based on Law Number 1 of 1974 article 1, it reads: "marriage is an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the belief in the Almighty God." Meanwhile, regarding the validity of marriage in Law Number 1 of 1974 article paragraph 1, namely: "marriage is valid, if it is carried out according to the laws of each religion and belief" (M. Nurul Irfan: 2011).

Article 1 of Law Number 1 of 1974 includes: the definition of marriage, the goals achieved in marriage, and the principles or basis of marriage. The majority of Indonesia's population is Muslim, so marriages between men and women are not only valid for physical (physical) relations. However, marriage is a physical and spiritual relationship between the husband and the wife as a sacred act in accordance with religious demands. The true purpose of marriage is to achieve an eternal happy life for family couples. Happiness and eternity in marriage is the "sectarian" point of view of Islamic society. In the Shi'ite intellectual tradition, there are marriages that are carried out during a certain time (*mu'aaqt*), namely *mut'ah* marriages (Ayatullah Sayyid Muhammad al-Musyri: 2021).

The 1945 Constitution in article 28 b paragraph 1 emphasizes that the human right of every citizen, in this case, is the marriage of a man and a woman to continue their offspring. More clearly, article 28 b paragraph 1 reads: every person has the right to form a household and continue their offspring through a valid marriage (Harun Al-Rashid: 2004).

Even though marriage is a human desire and is sacred (sacred), everyone can be restricted from getting married and must comply with applicable laws and regulations such as minors. Where after the marriage is carried out for Muslim couples, a marriage certificate is issued by the KUA. The registration after the wedding is intended so that the administration of the wedding can be properly archived. This is a form of a country in responding to neatly stored marriage documents to control marriage issues so that conflicts do not occur in the future (Muchsin: 2008). In this case, it could happen if a husband asks where the marriage certificate document is, and the husband has also married another woman. This requires good marriage registration so that it does not harm either party in the future. In the absence of registration of marriages by authorized officials, it results in breakdowns and it is difficult to find a solution if problems occur between husband and wife.

Marriage between a man as husband and a woman as wife is not only to fulfill sexual needs, but the most important thing is to cultivate and instill a feeling of mutual love, affection, a comfortable life, mutual respect, mutual protection, mutual attention and so on (Mufidah CH: 2008). With a concept like this, marriage can create a family that is full of grace, happiness, harmony so that a *sakinah mawaddah wa rahmah* family can be achieved in domestic life. Furthermore, apart from marriage having the most sacred (sacred) value, it also has the value of private relationships within the family. Where, every marriage is registered in accordance with the applicable statutory regulations (Article 2 paragraph 2 of Law Number 1 of 1974). A marriage is said to be legal and valid if it is recorded by an authorized party, such as a marriage registration officer at the KUA.

One very important thing is to recognize the validity of a man's marriage to a woman with proof of marriage, namely a marriage certificate. This is closely related to the status of the children and property of the husband and wife. When a marriage is declared legal according to the state, the position of children and assets becomes clear and firm for both parties. It is emphasized that marriage is said to be legal, if it is carried out in accordance with the laws of each respective religion and belief (Article 2 paragraph 1 of Law Number 1 of 1974).

This is confirmed by Article 5 Paragraph 1 of the KHI, which reads: so that marriage order is created for the Muslim community or community, where every marriage needs to be recorded. Meanwhile, paragraph 2, reads: the registration of marriages in paragraph 1 is carried out by VAT as regulated in Law Number 22 of 1946 as well as Law Number 32 of 1954, which reads: "Marriages carried out according to the Islamic religion, hereinafter referred to as marriages, are supervised by a marriage registrar appointed by the Minister of Religion or by an official appointed by him." Furthermore, it is further explained that all marriages take place and are carried out under the supervision of Marriage Registrar Employees (article 6 paragraph 1). Meanwhile, paragraph 2 reads: marriages carried out outside the supervision of Marriage Registrar Employees have no legal force.

Based on Government Regulation Number 9 of 1975 concerning marriage contained in article 3 is as follows:

1. Every person who is going to get married must first notify the registrar of their wishes at the place where the wedding will take place.
2. The notification referred to in paragraph 1 is made at least 10 working days before the marriage takes place.
3. The exception to the time period referred to in paragraph 2 is due to an important reason, given by the sub-district head (on behalf of) the local regional regent.

Based on the description above, it is necessary to register a marriage that has already taken place, which is a VAT task authorized by the superior as an administrative requirement so that the registration of the marriage can be carried out properly. Failure to register the marriage properly can cause problems with the validity of the marriage. Furthermore, if done well, it can reduce errors regarding the terms and conditions of marriage based on applicable regulations. As what happens if a marriage is not carried out well has bad consequences for the husband and wife who are used by other parties to gain advantage.

Marriage law in Indonesia does not limit a husband's right to enter into a polygamous marriage, as long as a husband has fulfilled the requirements for entering into a polygamous marriage. Where the purpose of marriage between a man and a woman as life partners is to create a harmonious life in the household. If the marriage cannot be maintained, the husband and wife may divorce through the process stipulated in the applicable law.

Divorce is the dissolution of the marriage bond or the dissolution of the marriage relationship. Marriage Law No. 1 of 1974 defines divorce as the dissolution of a marriage. Article 38 states that a marriage can be dissolved due to death, divorce, or a court decision (Armia: 2016).

Divorce (*thalaq*) in *munakahat fiqh* is the husband's unilateral authority, and does not require the wife's consent. Divorce can be final and valid even if it is announced unilaterally by a husband, and the wife refuses to object to the divorce. Even declaring the vow of *thalaq* will result in divorce. However, *munakahat fiqh* also provides the wife with the opportunity to file a divorce suit, namely through *khuluk* and then the court can give a legal decision regarding the divorce suit filed by the wife. Divorce in *munakahat fiqh* is seen more from the substance of the divorce act (*thalaq*), while the formal legality of the court (court decision document) is only an administrative legal effort to have the power of legal certainty in this administrative action which is also important as in the terminology of *ushul fiqh* (Islamic legal theory), this anticipatory action falls into the category of *sad dzariah*, namely closing all opportunities for *madlarat* disasters to occur in the future. Therefore, administrative efforts to document court decisions in marriage decision cases can be categorized as legal actions that must be fulfilled by the husband or wife (Ali Imron: 2017).

Divorce is considered legal if it is carried out by people whose actions can be held legally responsible (human responsibility). People whose actions can be held legally accountable are called mukallaf. Husband and wife who are going to divorce must be mature enough, have been subject to legal burdens/taklif/ and there is no element of coercion/ikrah. Sayyid Sabiq regulates divorce with limitations, namely divorce as a last alternative action, an emergency solution and there is no longer any gap in saving the marriage bond. Divorce can only be done if it is forced (emergency), for example if the husband suspects his wife of committing adultery or infidelity.

This legal opinion is quite moderate, meaning that there is an effort to avoid divorce, because divorce can only be permitted in emergency situations. However, there is no definitive formula for determining the level of this emergency and it only considers the interests of men, and does not consider the interests of women's welfare (Ali Imron: 2016).

Polygamy is a marriage in which a man enters into a marriage contract with a woman other than his wife or several women at different times. Carrying out a polygamous marriage is a shame for a husband who has many wives, by analogy many people have a negative perception of this man. Moreover, a woman feels her dignity is low. In religion it is not prohibited for a man to have more than one wife. However, people think that polygamy only harms women and husbands feel they benefit (Sonny Dewi Judiasih: 2018).

Masjufuk Zuhdi in his book *Masa'il Fikhiyah* says that the implementation of a polygamous marriage carried out by a husband has many disadvantages compared to the good things in married life. This is because women or wives are jealous, do not want to lose, do not want to share affection, and so on (Cabtiah: 2018).

Civil servants as ordinary humans have the same psychological and biological instincts as other humans, only because their status differentiates them from other citizens. Therefore, it is very human to have the desire to get married and divorce, sometimes even deviating from the applicable provisions (Rismiati: 2010). Civil servants themselves are the backbone of government in carrying out national development as well as being an example for society. All matters relating to Civil Servants are regulated by law. Regarding divorce for Civil Servants, implementation is regulated in Government Regulation Number 45 of 1990 concerning amendments to Government Regulation Number 10 of 1983 concerning Marriage and Divorce Permits for Civil Servants (Rismiati: 2010).

Based on data obtained from PTA Jambi, in 2020 there was 1 application for a polygamy permit submitted, in the name of Muhammad Ikhsan bin Sustami as the appellant/plaintiff and Aisyah Nilan Zahira binti Sopandi as the appellant/defendant. The legal basis for polygamous marriage in Indonesia, namely Law Number 1 of 1974, is contained in article 3 paragraph 2, which reads: a husband can marry more than one person if there is approval from the first wife through a court decision (Law of the Republic of Indonesia concerning Marriage Number 1: 1974)

Based on data obtained from PA Jambi, in 2019 there were 4 cases of polygamy that had been decided, in 2020 there were 2 cases of polygamy that had been decided, in 2021 there was 1 case of polygamy that had been resolved, and in 2022 there were 2 cases of polygamy that had been decided.

Based on data obtained from PA Kuala Tungkal, in 2019 there were 2 cases of polygamy that had been decided, in 2020 there was 1 case of polygamy that had been decided, in 2021 there were 3 cases of polygamy that had been decided, and in 2022 there were 5 cases of polygamy which has been decided.

If a husband and wife's marriage cannot be maintained, a husband and wife can file for divorce. In Indonesia, divorce can be carried out based on Law Number 1 of 1974 contained in article 39 paragraphs 1 to 3, as follows:

1. A husband and wife can only apply for divorce in front of a court session after the court mediates between both parties.
2. Divorce can be filed for sufficient reasons, that the husband and wife cannot live in harmony.
3. The procedure for filing a divorce before the court is regulated based on statutory regulations.

Based on the 2019 High Religious Court Case Report of Jambi Province, the number of divorces, talak divorces and civil servant divorces in 5 regencies/cities of Jambi Province is still significant. In 2019 there were 66 civil servant divorce cases in Jambi City, 17 civil servant divorce cases in Batanghari Regency, 16 civil servant divorce cases in West Tanjab Regency, 4 civil servant divorce cases in East Tanjab, 4 civil servant divorce cases in East Tanjab Regency. In 2020 there were 66 civil servant divorce cases in Jambi City, 16 civil servant divorce cases in Batanghari Regency, 23 civil servant divorce cases in West Tanjab Regency, 7 civil servant divorce cases in East Tanjab, 22 civil servant divorce cases in Muaro Jambi Regency.

From the data above, it can be seen that divorce cases among the people of Jambi Province are still relatively high, so this is an important note for agencies that have the authority to decide divorce cases in order to reduce the divorce rate. However, the existence of regulations governing divorce can complicate the divorce process, so there are some civil servants who take shortcuts by carrying out unregistered marriages without going through the stages that civil servants should go through.

Even looking at the facts that exist in society and in religious courts, divorce cannot be restricted, this is because husband and wife cannot enjoy a happy and harmonious life. Even in family life, they often have quarrels and disputes, even over trivial matters. In Islamic law, divorce is legalized to avoid a life of harm.

In temporary observation through a grand tour:

1. Based on the general public's assessment, the civil servant profession is one where a person is at a good economic level, but apparently there is no guarantee of living in peace and harmony.
2. There are still civil servants who carry out divorces in court, either in the form of talak divorces or contested divorces.

3. There are civil servants who take shortcuts to end domestic conflicts by carrying out polygamous marriages.
4. The husband's coldness towards his wife makes the wife want to end the marriage.
5. Husband and wife who carry out their duties far apart until there is a protracted argument that ends in separation
6. The height of the husband's lust which the wife cannot fulfill causes the husband to look for another outlet
7. There are differences of opinion regarding children's education
8. The occurrence of polygamy by civil servants, but not providing reports and permission to superiors as should be done by civil servants who want to do polygamy.

Based on this grand tour, the author is interested in conducting research with the title: "Polygamy and Divorce Trends Among Civil Servants in Jambi Province".

### RESEARCH METHODS

This research approach is in the form of qualitative descriptive research, where the researcher focuses more on collecting data sources by conducting field studies, conducting interviews, and taking documents related to this study (Lexy J. Moloeng: 2013). Robert K. Yin, These five features and common practices notwithstanding, qualitative research remains a multifaceted field of inquiry, characterized by different orientations and methodologies. Important distinctions start with whether one assumes: a singular or multiple realities, the uniqueness or potential generalizability of human events, and the need to follow a particular methodological variation of qualitative research or ot (Robert K. Yin: 2011). Where descriptive research is research that describes events that occur in a certain area or certain population in the form of subjects such as institutions, institutions, groups and society. In descriptive research, there is no hypothesis so there is no formulating initial research that can conclude initial findings (Suharsimi Arikunto: 2010). The population in this study are people who have cases in the Jambi Province area based on annual data, namely Jambi City, West Tanjung Jabung, Muaro Bungo and Sarolangun. Area samples from 11 regencies/cities were taken in 4 regencies/cities using cluster sampling technique with the consideration that the sampling area was considered representative of the population. Besides the surprising number of events that occurred in the sample area in question. The sample for this event was taken as many as 40 people. Each district/city consists of 10 people based on the size of the event in the sample area. This regional sampling technique is often used in two stages, namely the first stage of determining the regional sample, and the next stage of determining the people in that area by sampling as well.

The social situation in the area where the researcher conducted the investigation was the Trend of Civil Servant Polygamy in Jambi Province. In the research, researchers looked at the activities of High Religious Court judges starting from procedures, trials and decision making regarding the settlement of civil servants' applications for divorce which were decided by judges at the Religious Courts. Apart from that, the researcher met the chairman and deputy judges, the Registrar, member judges, the head of the Ministry of Religion Office, the parties to the divorce, religious/community figures in Jambi Province such as Jambi City, West Tanjab Regency, Bungo Regency and Sarolangun Regency. The subjects of this research are many Civil Servants who filed for divorce in the form of talak divorce and contested divorce and polygamy at the Jambi City Religious Court, West Tanjab Regency, Bungo Regency and Sarolangun Regency. With the large number of respondents as informants being researched, the researcher took respondents, namely 1 Chief Judge of the Religious Court, 1 Deputy Chairperson of the Court, 2 Registrars, 5 Judges of the Religious Court, 1 head of the Ministry of Religion, 13 people involved in the divorce, 2 religious/community figures and people close to the perpetrator. Based on this, the determination of informants is felt to be in accordance with the purposive sampling technique, namely the technique of determining samples with certain considerations (Sugiyono: 2008).

In this research, the types of data used are primary data and secondary data, primary data as the main data, namely data contained in literature, statutory regulations, jurisprudence, research documents, notes on the author's personal experience as a judge which are directly related to behavior of the community/parties in resolving disputes/cases of divorce and polygamy (Winarni Surahmat: 2013). Meanwhile, secondary data as data in this research is in the form of knowledge and views of the community (informants) in resolving divorce and polygamy cases. The data used in this research is data sourced from literature (library materials) consisting of statutory regulations, research results, scientific papers and manuscripts containing descriptions of Islamic Law, and from the field, namely obtained directly. from parties who have divorced, whether in divorce or talak divorce and polygamy, from the leadership of the Court, the Head of the Ministry of Religion, judges and clerks as well as structural and functional officials of the Jambi City Religious Court, West Tanjab Regency, Bungo Regency and Sarolangun Regency. In this research, researchers collected data using data collection techniques such as observation, interviews and documentation collection methods. In analyzing the data, researchers used a flowing model of data analysis. Where the model flows according to Huberman and Miles in Mukhtar, is as follows: (1) the first stage, the researcher collects data. (2) Reducing Data. (3) Displaying Data. (4) Verify data and draw conclusions (Mukhtar: 2010). To test the level of trustworthiness of the data, researchers have carried out data analysis during the research period carried out by researchers. The level of data reliability testing is carried out through stages, namely increasing the time the researcher is in the field, the researcher using data testing with triangulation, holding joint discussions with supervisors and colleagues, extending the researcher's presence in the field.

### RESEARCH RESULT

Based on research findings on Polygamy and Divorce Trends among Civil Servants in Jambi Province, the following researchers can describe the results of this research.

#### 1. Jambi City

Basically, husband and wife must get along as well as possible, love and care for each other. Husband and wife must be patient when they see something they don't like about their partner. Articles 30-34 of the Marriage Law explain the rights and obligations of husband and wife, namely:

- a. Husband and wife bear a noble obligation to uphold the household which is the basic pillar of the structure of society.
- b. The rights and position of the wife are balanced with the rights and position of the husband in domestic life and social life together in society
- c. Each party has the right to take legal action
- d. The husband is the head of the family and the wife is the housewife
- e. Husband and wife must have a permanent place of residence
- f. Husband and wife are obliged to love each other, respect each other, be loyal and provide physical and spiritual assistance to each other.
- g. The husband is obliged to protect his wife and provide all household necessities according to his ability
- h. The wife is obliged to manage household affairs as well as possible.

In the same article, paragraph 3, it is also explained that if the husband or wife neglects their respective obligations, then either party can file a lawsuit with the court. A *sakinah* family with *mawaddah warahmah* is everyone's dream. A *sakinah* family can be built if every element of the family, especially the husband and wife, understands the purpose of marriage and carries out their respective rights and obligations. They love each other, respect each other and help each other physically and spiritually. They understand each other and respect each other's position. If everything goes well, then a peaceful, happy family full of love and affection will automatically form in their family. The factors that cause civil servant divorces at the Jambi City Religious Court are as follows:

#### a. Factors of Negligence in Husband's Responsibilities

Based on the results of the research we conducted in the field, the researchers found out about the situation of the wife as the perpetrator of the claim for *madliyah's* livelihood without divorce. Many husbands neglect their responsibilities to their wives and children. From several cases found in this research, if a civil servant who has occupied a higher position is busy with external service and completing tasks in the office, this causes a wife to file a lawsuit on the grounds that her husband has neglected his responsibilities, where the child's school is a mess, things This is proven when family couples are too busy with work duties at the office, their children receive little attention and lack of love from their parents, and many of their children take actions that are not in accordance with religious and legal norms, when their husband neglects his responsibilities, a The wife certainly couldn't stand it like this, and finally filed for divorce at the Jambi City Religious Court.

#### b. Economic Factors

Economic difficulties in married life can cause the wife to lose trust in her husband. If this situation is allowed to drag on without understanding from her partner, it will encourage the husband and wife to file for divorce. Often couples cannot meet their household needs, so they decide to look for solutions with other people. In the Jambi City Religious Court, the number of civil servant divorces based on economic factors in 2022 is 77 cases that have been decided by the court. In cases of economic weakness, couples file a divorce suit in court.

#### c. Sexual Needs

Islam requires healthy and normal sexual relations between husband and wife through marriage and the intention to devote all time only to worship Allah SWT. It becomes *unshar'i* and Islamist if a husband and wife then distance themselves from this relationship. Because sexual relations between husband and wife function as differentiating types, breeding and fostering civilization. What has happened in a number of husband and wife divorce cases in Jambi City is very worrying and it seems as if divorce between husband and wife who are far from their respective partners has become a normal thing. Infidelity, having another dream woman or man seems very dominant for them when one of their partners is abroad. Without seeing the worst effects of the actions they take. The need for sex is the reason for respondents to divorce civil servants. The accumulation of differences and the distance between husband and wife live not only makes the sense of trust between them increasingly eroded but also provides wide opportunities for infidelity.

### 2. West Tanjab Regency

The number of divorce cases in West Tanjung Jabung has causal factors, namely husband and wife incompatibility, household economics, irresponsible husbands, domestic violence and some CLBK affairs (old love blossoms again. The factors that cause civil servant divorces at the West Tanjab Religious Court are as follows:

#### a. Economic Factors

Economic difficulties in married life can cause the wife to lose trust in her husband. If this situation is allowed to drag on without understanding from her partner, it will encourage the husband and wife to file for divorce. Often

couples cannot meet their household needs, so they decide to look for solutions with other people. In the West Tanjab Religious Court, the number of civil servant divorces based on economic factors in 2022 is 27 cases that have been decided by the court. In cases of economic weakness, couples file a divorce suit in court.

### **b. The Old Love Factor is Blossoming Again**

Everyone has a past and has the right to have a bright future and gain comfort in life in society and at home. However, if the bad things of the past continue to be brought up and not used as lessons, there is a big potential that we will fall back into the bad things of the past. With the sophistication of the times, past lives can be seen from various posts or past documentation that have been uploaded on social media. Likewise, gatherings are often held by school alumni, university alumni and, not to mention, reunions are often held between a man and a woman who previously had an affair or were in love. One of the factors that cause bickering and quarrels that end in divorce between husband and wife is the establishment of old love blossoming again.

### **3. Sarolangun Regency**

Data from the Sarolangun Religious Court (PA), the number of cases submitted from January to December 2020 was 556 cases. 318 of them were divorce cases. The details are divorce (husbands suing) 58 cases and divorce (wives suing) 266 cases. Apart from that, there are still 13 cases remaining in 2019. Of the 58 talak divorce cases submitted, 56 cases have been decided. Meanwhile for contested divorce, of the 266 cases, 262 of them have been decided. "There are a lot of lawsuits, namely 262 cases that have been resolved," he said, Friday (15/01). If combined, the number of divorce cases that have been decided is 318 cases. This means there are 318 new widows in Sarolangun. Of the 266 divorce lawsuits submitted, most of the lawsuits were filed by housewives. Namely 188 cases. Then there were 22 cases from civil servants/TNI/Polri, and the rest from the private sector and entrepreneurs. The factors that cause civil servant divorces at the Muaro Jambi Religious Court are as follows:

#### **a. Cheating Factor**

Having an illicit relationship with someone who is not an official partner is a bombardment for civil servants in Sarolangun. It all starts with an unfulfilled and unsatisfied inner need that requires you to look for an outlet in other people. It cannot be denied that a man wants his sexual desires to be fulfilled by his wife whenever and wherever her husband wants it, even when the wife feels tired after a day of activities.

#### **b. Economic Factors**

The reasons for divorce are economic problems and the wife's high lifestyle (Socialite). The husband's income and the wife's income should be sufficient for daily needs and the children's educational needs, but because of the wife's lifestyle and prestige, expenses are very large, so the husband often looks for loans to cover the shortfall. Not to mention the increasing price of basic necessities and the increasing costs of children's education, requiring husbands to look for loans to cover everything, while the wife's salary is never used for shopping for household needs.

#### **c. Forced Marriage Factor**

Domestic life will be harmonious if husband and wife love and understand each other. Husbands must accept their shortcomings and be grateful for the advantages their wives have, and vice versa, wives must be good at being grateful for having a husband who has married them and accepting their shortcomings. If you don't have a feeling of love and care for each other, your domestic life will be inharmonious and always be hit by issues and disputes that will lead to separation. In addition, if marriage is not based on consensual marriage, it means that they marry because of parental coercion.

### **4. Bungo Regency**

In Bungo Regency, the divorce rate among civil servants based on the Head of the Bungo Regency Personnel and Human Resources Empowerment Agency (BKPSDM) in the last six months recorded 30 civil servant divorces throughout 2022. This number has increased compared to 2021, which was previously 2021. 27 ASN divorce cases were recorded. Meanwhile, the reason that triggers divorce is due to incompatibility factors between husband and wife so that the relationship is not harmonious. Because the wife's treatment was wrong because she dared to play with the fire of love behind her husband's back. Another cause of divorce is past problems that husbands always bring up when there are arguments at home.

Polygamy is part of the history of human life and culture. The culture of polygamy exists in every nation in the world, including the Egyptians, Persians, Chinese, Indians, nations on the European continent such as England, Russia, the Netherlands, Germany, Arabia and others (Mustafa: 2019). Polygamy was known to pre-Islamic Arab society, long before the birth of the prophet Muhammad saw. At that time men were free to have more than one wife, in fact there was no limit on the number, men who had more than one wife were considered great because it was a status symbol. Polygamy is practiced by those who have power and material wealth. So that women only become objects, helpless and unable to refuse being married, even though this is against their wishes and conscience. On the other hand, women whose husbands have more than one wife feel proud because they feel honored and elevated in status by their husband's position (Danu Aris Styanto: 2017).

The practice of polygamy by the Arabs before Islam came down, there were no rules and no restrictions, polygamy was solely carried out at the will of the man, there were no regulations regarding living and there were no regulations regarding the rights and obligations of husband and wife, so that the dignity of women was not protected. . Likewise, in terms of quantity, there is no maximum limit. Islam was not the religion that first introduced the teachings of polygamy

to mankind, but Islam was born in the midst of Arab society which has had a culture of polygamy for generations and a strong culture of patriarchy. The presence of Islam in Arab society actually aims to protect and play a role in raising the dignity and status of women, as well as changing polygamous behavior in Arab society that has been hereditary, including by limiting and regulating polygamy. Islam does not encourage polygamy, nor does it prohibit it. Before Islam came, the number of women undergoing polygamy was not limited, and was done freely, without any conditions. So Islam changed the culture of polygamy which had been passed down for generations with the provision that polygamy was only an alternative and the amount was limited, and provided that it could be treated fairly (Makrum: 2016).

As stated in QS. Al-Nisa':3: Meaning: And if you are worried that you will not be able to do justice to (the rights of) orphaned women (if you marry them), then marry (other) women that you like: two, three or four. But if you are worried that you will not be able to do justice, then (marry) just one person, or a female slave that you have. That is closer so that you do not do injustice.

The verse above does not contain an order for polygamy and does not contain a law regarding polygamy, but if polygamy is to be implemented, then the amount must be limited and the perpetrator must guarantee that it can be done fairly. Regarding the number of women who want to marry, scholars differ in opinion. According to Al-Râzi. There is one opinion which states that the maximum limit for polygamy is eighteen. The reason for this opinion is that the word *matsna* does not refer to *istnaini*, namely two, but *istnaini-istnaini*, namely two plus two: 4. *Tsulasa* does not mean *tsalasa*, namely three, but *tsalasa-tsalasa*, namely three plus three, namely 6. Likewise, *rubā* is not *arba'a*, namely four but *arba'a-arba'a* is 8. As for *waw* in Al-Nisa':3: it doesn't mean choice but means addition. So the maximum number is 18 (Abdul Moqsih: 2013).

Following the spirit of limiting and regulating polygamy as adhered to by Islamic teachings, Indonesia reformed family law by issuing Law Number 1 concerning Marriage in 1974. This law stipulates that polygamy is only permitted, among other things, on the grounds that the wife cannot give birth to children, cannot fulfill her obligations as a wife, and the wife has a physical disability and/or an incurable disease.

Law Number 1 of 1974 concerning Birth Marriage was pushed by elements of society, especially women's activists and women's organizations. They are concerned about the practice of polygamy that has occurred so far which tends to be wild, too easy and at will. As a result, marriage cannot achieve the ideals of the institution of marriage itself, namely the realization of bonds of affection within the family that can produce good offspring. Therefore, they demand that polygamy be regulated and limited, because the relatively loose regulation of polygamy causes people to take it for granted and tend to do it as they please (Daniel S. Lev: 1986).

The reform of family law in Indonesia was carried out by issuing Law Number 1 of 1974 concerning marriage, aimed at changing society's culture regarding marriage, one of which concerns the regulation and limitation of polygamy, so that Indonesian society respects the dignity and dignity of women, which is directly proportional to respect for humanity, more respect for the institution of marriage, which has a complex impact on human life, related to a *sakinah* family, pious and pious offspring, an established socio-economic life. In this case, reforming family law in Indonesia acts as a tool of social engineering, namely law as a means of changing societal culture (Satjipto Raharjo: 2000).

Classical scholars do not question the permissibility of polygamy, one of their discussions relates to the maximum number that can be married at one time, they differ in opinion regarding the limit on the number of women who can be polygamous at the same time. The differences of opinion between them are caused by differences of opinion in interpreting Surah al-Nisa' verse 3, and the Prophet's hadith relating to the practice of polygamy carried out by the Prophet Muhammad. The following is the opinion of classical scholars regarding restrictions on polygamy.

Among the *ulama* who allow polygamy to be carried out on more than four women are: *Ulama Zahiriah* and some Shia groups. They argue that polygamy can be carried out with more than four women. The basis put forward by this group is: In Surah al-Nisa verse (3). The terms used are general terms that cannot be determined by numbers (*matsna*, *tsulasa*, *rubā*), this is to show that a man can marry many women. Therefore, if there is a hadith that limits the number of women who can be married to four, then this cannot be accepted because the hadith cannot abolish the laws of the Koran.

Moreover, if it is true that the Prophet SAW. once asked several of his companions to divorce their wives, many of whom left only 4, so the context must be understood, it could be that the Prophet ordered his companions to divorce their wives for *syar'i* reasons, for example because of lineage relationships and because of sexual relations, which is an obstacle to marrying these women. Another argument of scholars who allow marrying more than four women is that the letter *waw* which carries the words *matsna*, *tsulatsa*, and *rubā* indicates addition, not selection (*al-takhyir*) therefore according to them the number of women who can be married is not only four, but it could be nine women. Al-Râzi mentioned an opinion which states that the maximum limit for women who can marry is 18, this is based on an analysis of the word *matsna*. *tsulatsa* and *rubā* according to them, the word *matsna* in the verse does not refer to the meaning *istnaini* which means two, but rather *istnaini istnaini*, namely two-two meaning four. Likewise, *tsulatsa* in the verse does not mean three (*tsalatsah*), but rather three-three (*tsalatsah-tsalatsah*) which if combined adds up to six, likewise in the word *rubā* means four-four which means eight, so that the total number of men can married to 18 wives simultaneously.

Al-Zamakhsyari in his interpretation of al-Kasyaf believes that the maximum number of women who can be married at one time is 9, not four. His opinion is based on the meaning of the letter *waw* in *matsna wa tsulatsa wa rubā'a*, the letter *waw* means addition to  $2+3+ 4=9$  (Imron Rosyadi Muhamad: 2017).

The Prophet married more than four women, the prophet died having nine wives. By referring to the argument that the Prophet Muhammad was a role model for the people, they allow Muslims to imitate the Prophet to marry nine women at the same time. They base their argument on al-Ahzab verse (21) that in the Prophet there is a role model that his people should emulate. They reject the opinion which states that the Prophet's marriage to nine wives simultaneously was a specialty for a Prophet, according to them the claim that the Prophet had the privilege of marrying more than four women must have a proof. In fact, there is no Islamic law that is not based on valid arguments. Because there is no evidence that explains that marrying more than four wives was a specialty of the Prophet, then because the Prophet married nine wives simultaneously, this is also permitted to his people. After Khadijah died, the Prophet married many women, namely: Saudah bint Zam'ah, A'isyah bint Abu Bakr, Hafshah bin Umar bin Khatab, Zainab bint Khuzaimah, Ramlah bint Abu Sufyan alias Umm Habibah, Umm Salamah Hindun bint Abu Umayyah, Zainab bint Jahsy, Juwariah bint al-Haris ibn Abu Dhihar, Shafiah bint Huyay ibn Akhtab, Maimunah bint al-Harits, al-Aliyah bint Zhabyan, Asma bint al-Nu'man, Umrah bint Yazid (Abdul Moqsith: 2013).

In history, it is said that the Prophet was married to fifteen women who had relations with thirteen people, and eleven wives lived with the Prophet. Two of his wives were returned to their respective families, namely Umrah bint Yazid al-Ghifariyah, Asma bint al-Nu'man al-Kindiyah known as al-Syanba', and when he died the Prophet left behind nine wives. Jumhur Ulama is of the view that the maximum number of women who can be married at the same time is four. This is based on the word ruba in Surah Al-Nisa' verse 3, and is also based on the hadith of the Prophet who instructed Ghaylan Ibn Salamah al-Tsaqofi al-Damsiqy, to divorce six wives and keep four. The Prophet also ordered Nawfal ibn Muawiyah, who had five wives, to divorce one wife and keep four of them, Qais Ibn al-Harits, when he had just converted to Islam, had eight wives, he was also asked by the Prophet to keep four wives and divorce the others. Resisting groups who argue that polygamy is permissible for more than four members, the Ulama argue: The Prophet's marriage to more than four women was a specialty for the Prophet Muhammad saw. (Khususiyat al-Nabi) means that the Prophet's marriage to more than four women must not be imitated by his followers. Ibn Ka'sir quotes Imam Syafi'i as saying: The Sunnah of the Prophet, which comes from Allah, shows that apart from the Prophet, it is not permissible for a man to gather more than four people in marriage, this is what Syafi'i said then became the consensus of the ulama. (Abdul Moqsith: 2013).

This group does not interpret matsna as two or two which add up to four, but only two. Likewise with tsulatsa and ruba. In this way, the possibility of opening the polygamy faucet to up to 18 women at the same time is closed. Likewise, the letter waw conveys matsna watsulatsa wa ruba, which the first group interprets as lil muthlaq al-jami", so the majority of scholars interpret waw as li al-takhyir (choice). This has different legal consequences, waw which is interpreted as limuthkaq al-jami', has implications for the ability to marry 18 women at the same time. Meanwhile, those who interpret waw as li al-takhyir only allow a maximum of 4 women to be polygamous. Jumhur Ulama do not use linguistic ijthihad, they use the ijthihad bil ma'tsur method, precisely interpreting Surah Al-Nisa' verse (3) using the Prophet's Hadith. In al-Turmuzhi's history, it is explained that Ghilan Ibn Salamah Al-Tsaqafi began to embrace Islam and had 10 wives whom he married during the Jahiliah period. The Prophet ordered Ghilan to divorce the six and keep the four (Jaih Mubarak: 2015)

The number of matsna, tsulatsa, rubaa'a is a choice of two, three or four, so the maximum limit for polygamy is four people. The word order of scripture reinforces this understanding. It turns out that there is a word milk al-yamin which means it comes from lafazd ma thaaba lakum, which specializes in two things:

- a. Mukhasis are artiwi, khitab fa al-angkihu ma thaaba lakum are Muslims, and Muslims do not like things that are prohibited, and are prohibited from marrying more than four women;
- b. Mukhashis which are lafzdi in nature, which describe the words maa thaaba lakum min an-Nisa in the form of numbers matsna wa tsulatsa wa rubaa'a ". This is a single word used to indicate repeating numbers, marry a woman who is valid for you (two, three or four), and you cannot marry more than four women. Ibn Katsir is of the view that it is permissible to marry a maximum of four women at one time. Likewise, Qurthubi states that it is permissible to marry more than one woman with a maximum limit of four women (Mahmudin Bunyamin and Agus Hermanto : 2017).

Al-Syirazy in his interpretation stated emphatically that it is not permissible to marry more than four women at a time. This is based on the words matsna, tsulasa and rubaa', which mean quantity, namely two, three or four objects. Meanwhile, the connecting waw between matsna, tsulasa and rubaa', means or, so it is permissible to marry a woman in one period, two or three or four. The opinion regarding a maximum of 4 women for polygamy is the most famous opinion, and was the most widely practiced by friends. After the death of the Prophet Muhammad, peace be upon him, there was no friend of the Prophet who had more than four wives simultaneously.

## CONCLUSION

Civil servant divorces that occur in several Religious Courts in Jambi Province from year to year show a significant number, both talak divorces and contested divorces. The phenomenon of the divorce rate being contested is higher than the divorce rate, the reasons are very varied, starting from the problem of neglect of husband's responsibilities, economics, sexual needs, neglect of the rights of one partner, child problems, infidelity, forced marriage, arranged marriage, Old Love Springing Again ( CLBK) and others. Of the many reasons for the high rate of civil servant divorce and polygamy in Jambi Province, these are husband's negligence, economics, sexual needs, child problems, infidelity, forced marriages, arranged marriages, and CLBK.



### **1. Technical Rules for Permitting Polygamy and Divorce for Civil Servants**

Government Regulation no. 45 of 1990 regulates marriage for civil servants which contains polygamy in articles 4, 9, 12 and 15. It is explained in article 4 that male civil servants who wish to have more than one wife are required to obtain prior permission from the official above them. must be submitted in writing and include complete reasons underlying the request for permission to have more than one wife. Meanwhile, female civil servants are not permitted to become second/third/fourth wives, which means that during their position as second/third/fourth wives they are prohibited from becoming civil servants.

### **2. The Role of Direct Superiors in the Process of Permitting Polygamy and Divorce for Civil Servants**

If you are a Defendant, civil servants receive a certificate to carry out a divorce. Following up on a letter requesting permission for a civil servant to divorce, every superior who receives a letter requesting permission to divorce must try to reconcile the husband and wife. So, Civil Servants are filing for divorce without official permission. So Civil Servants are sentenced to severe disciplinary sentences such as demotion, release from their positions and dismissal without their own request as civil servants.

### **3. Sanctions given to civil servants who violate the rules**

Criminal sanctions for polygamy without the wife's permission. Without the wife's consent or permission, the court will not grant the request for a polygamous marriage. That way, court permission will not be obtained. The law emphasizes that polygamous marriages without court permission have no legal force. This marriage is only considered valid religiously, but is not recognized by the state and has no legal force. In fact, the Marriage Law states that polygamous marriages without court permission can be annulled by the court. Apart from that, there will be criminal sanctions for people who carry out polygamy without their wife's permission. Carrying out polygamy without permission is a criminal offense as regulated in the Criminal Code (KUHP). Article 279 Paragraph 1 of the Criminal Code reads, "(1) Subject to a maximum imprisonment of five years: Any person who enters into a marriage knowing that his or her existing marriage or marriages constitute a legal obstacle to it; Whoever enters into a marriage knowing that the marriage or marriages of another party are an obstacle to that. (2) If the person who commits an act based on paragraph 1 point 1 conceals to another party that an existing marriage is a legal obstacle, he or she is threatened with imprisonment for a maximum of seven years.

### **4. Factors causing divorce and polygamy in Jambi Province civil servants**

Basically, the main factor that most often encourages civil servants to divorce or separate in their household is the negligence of the husband's responsibilities which causes one of the parties, either the husband or the wife, to sue for divorce. Due to the negligence of the husband's responsibilities, the husband is rarely at home and comes home late at night. What's worse, the husband has a lot of foreign service assignments so he rarely comes home. His wife does not accept her husband's job like that, where the child's school is a mess and the wife's inner needs are not optimal. In this situation, his wife tried to be patient, but over time the wife was unable to do so so she filed a lawsuit for divorce, especially since the wife also works as a civil servant. The next factor in the occurrence of divorce between civil servant couples is economic, where the wife is not in the same area where she works or is far from each other. Moreover, every month the wife asks her husband for shopping in a high voice, this makes the husband dizzy and emotional. It is indeed difficult, if the family economy is not strong even though the couple are both civil servants, but because they are so far apart, there are a lot of expenses incurred. Another factor is that the need for sex is the reason civil servant husbands and wives divorce. The accumulation of differences and the distance between husband and wife's place of residence and work, not only makes the sense of trust between them increasingly eroded but also provides wide opportunities for infidelity. The problem is that the biological needs (coitus) between husband and wife are not fulfilled properly, which has the potential to cause divorce between them. Apart from that, the causes of civil servant divorce are arranged marriages and forced marriages, there is no mutual love which causes the erosion of harmony in household relationships.

### **5. Implications**

Procedures and procedures for filing for divorce for civil servants are based on Government Regulation Number 10 of 1983 concerning marriage and divorce permits for Civil Servants as amended by Government Regulation Number 45 of 1990. The Procedure for Filing for Divorce includes two stages, namely: stage I: Head of Work Unit , after receiving a request for divorce from a Civil Servant in his Work Unit, he is obliged to provide guidance to both of them and make efforts to refer them; and stage II: from the results of the coaching, if the Civil Servant and/or their Husband/Wife still wish to divorce, then the Head of the Work Unit reports the request for divorce to the Regent, enclosing the results of the coaching.

Mediation is creating a faster and cheaper process for resolving cases or divorce, and can provide greater access to justice for the parties in finding a satisfactory divorce resolution and fulfills a sense of justice by using mediation, it is hoped that the parties will be stimulated or guided to find a win win solution that benefits the parties, which results from the parties' own discussions or dialogue, where the mediator's position is only to set the atmosphere and stimulate the parties to achieve the win win solution and not as the final person to determine the outcome of the mediation or impose an opinion on the parties . In divorce cases, the success of mediation is proven by the number of cases withdrawn, where with this understanding, one of the parameters of mediation success will be reflected in the number of cases withdrawn by the parties.

The mediation process is seen as a better way to resolve divorce. fast and cheap compared to the litigation process. In Indonesia, there is no research that proves the assumption that mediation is a faster and cheaper process

compared to the litigation process. However, if it is based on the logic as explained in the first reason that if the case is decided, the losing party often files legal action, appeal or cassation, so that the settlement of the case in question can take years, from the time the hearing is heard in court. first level up to the Supreme Court cassation level examination. On the other hand, if the case can be resolved by peace, then the parties can automatically accept the final result because it is the result of their work which reflects the mutual will of the parties. Apart from the logic as explained previously, the literature often states that the use of mediation or other forms of settlement which are included in the definition of alternative dispute resolution (ADR) is a quicker and cheaper divorce settlement process than the litigation process.

### AWARD

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