

Unveiling Legal Dimensions: Polygamy Permit Decisions No. 329/Pdt.G/2023/PA.Pdg in Padang Religious Courts

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ABSTRACT

This article analyzes the legal considerations behind granting a polygamy permit application by the Padang Religious Court in Decision No. 329/Pdt.G/2023/PA.Pdg. Under national legal regulations, polygamy is governed by Law No. 1 of 1974 on Marriage. The practice of polygamy in Indonesia carries legal consequences, including the potential for divorce from an existing wife. Despite being regulated by national legislation, divorce resulting from unwillingness to participate in a polygamous marriage is inevitable. However, in a particular decision of the Padang Religious Court, a polygamy license was granted without a prior divorce. Notably, the court granted the polygamy license solely based on Islamic law without considering national law. The research method employed is qualitative desk research, adopting a normative-juridical approach and utilizing secondary data sources, specifically court decisions. The analysis is grounded in Rafael Domingo's holistic legal theory. This article explains that Decision No. 329/Pdt.G/2023/PA.Pdg on a polygamy permit by the Padang Religious Court can be reviewed using a holistic legal approach. This review highlights two key aspects: first, the applicant's interaction with the legal system (judicial system) as a legal subject seeking a polygamy permit by upholding religious values as principles that do not harm anyone (other legal subjects) within the legal system itself. Second, there is a connection between religion and national law when applied in the judicial process. This is evident from the roles of the applicant and respondent, who act as a bridge that connects religion and the state in the judicial process. The judges' legal considerations in this decision also form a meta-dimensional legal framework between Islamic law and national law.

KEYWORDS *Polygamy Permit, Padang Religious Court, Judicial Practice, Holistic Legal*

INTRODUCTION

Factually, the practice of polygamy in Indonesia has had various legal consequences. One significant legal impact is the high rate of divorce that occurs due to factors related to polygamy filed by the applicant or husband. In 2023, it was documented that there were 738 divorce cases related to polygamy, according to Indonesia's Central Statistics Agency (BPS) (Wahyudi et al. 2024, 280). Similarly, Euis Nurlaelawati argues that polygamy has become a nationalized legal practice and is detrimental to first wives, making divorce based on disapproval of polygamy more likely (Nurlaelawati 2020, 295). However, polygamy permits in the Padang Religious Court, with disproportionate legal considerations between Islamic law and national

law, do not lead to divorce consequences or rejection of polygamy permits. This decision is found in case No. 329/Pdt.G/2023/PA.Pdg. The legal certainty of a polygamy license granted by the Religious Court as a state representative cannot be disputed. Thus, the practice of polygamy without a Religious Court decision can be termed a violation of marriage law (L. Santoso, Amaliyah, and Huda 2023, 168).

The persistence of polygamous marriage practices in Indonesia is based on three main reasons. *Firstly*, polygamy is a marriage practice prescribed by Islamic law. The legal basis of the Qur'an surah An-Nisa' verse 3 serves as a strong foundation for the perpetuation of polygamy among Muslims (Brenner 2006, 169). *Secondly*, the legal framework in Indonesia provides space for polygamy through legislation, namely Law

Number 1 Year 1974 on Marriage (Marriage Law) and the Compilation of Islamic Law (KHI). These two regulations constitute the national legal basis for the practice of polygamy authorized by the Religious Court. Articles 3 to 5 of the Marriage Law stipulate that polygamy can only be practiced with the consent of the first or previous wife. At the same time, similar provisions are mentioned in articles 55 to 59 of the KHI. *Thirdly*, the practice of polygamy among Muslims in Indonesia is based on an affective (emotional) approach, where the rationale of caregiving towards women and children has been normalized in requests for polygamy permission (D. Santoso and Nasrudin 2021, 131). These three reasons are exemplified in a decision by the Padang Religious Court, case No. 329/Pdt.G/2023/PA.Pdg, which granted polygamy permission to a husband who wanted to marry another woman on the grounds of fulfilling Islamic law, having obtained approval from his previous wife, and expressing concern for a woman and child.

The Religious Court establishes legal certainty through polygamy and permits decisions to support these reasons. Therefore, the polygamy license decision must also be examined through various approaches to uncover diverse meanings. Several studies have identified two broad categories in polygamy license decisions. The first category involves social influence and forms of justice in polygamy licenses. When such permission is not obtained through a religious court, unauthorized polygamy can lead to ambivalence towards the second and subsequent wives (Wirastri and van Huis 2021, 246). Additionally, permission for polygamy is often seen as failing to fulfill justice and humanitarian reasons, especially from the perspective of the fatwa of the Indonesian Women's Ulama Congress (KUPI), which emphasizes the principles of *ma'ruf*, *mubadalah*, and true justice (Hadi, Suhadak, and Kusrin 2023, 262). The practice of polygamy with the intention of sexual benefit is also considered a form of gender injustice towards the first wife who consents to polygamy for this reason (Supraptiningsih et al. 2023, 365). Furthermore, polygamy permits have the potential to create a loophole for divorce lawsuits by the first or previous wife, making the husband's desire for polygamy, when not approved by the first or previous wife, one of the factors causing divorce in Indonesia (Nurlaelawati 2020, 295).

The second category involves polygamy permits based on legal and economic

considerations. Polygamy permits are not solely based on the provisions of Islamic law (fiqh rules) as the primary reference in the practice of polygamy. The use of fiqh rules in determining polygamy permits must also consider national legal regulations that seek to protect vulnerable groups in polygamy practices, such as women and children (Hadi, Islamiyah, and Kurniawan 2023, 173). Polygamy permits in religious courts are interpreted as decisions that provide proportional justice under the applicant's specific circumstances (Masadah and Muhammad 2023, 12). The polygamy permit is a mandatory basis for establishing a valid polygamous marriage in Indonesia. Unregistered marriages (*siri*) conducted with the intention of polygamy are illegal from a gender justice perspective (L. Santoso, Amaliyah, and Huda 2023, 170).

Even in Islamic law, polygamy permission can only be granted if the husband can fulfill the financial needs of his wives and prospective wives. Polygamy permission is not granted if there are only affective (emotional) reasons for the applicant to practice polygamy (Ameliyah, Songgirin, and Ahmed 2023, 37). Additionally, polygamy permits in religious courts do not solely consider legal aspects but also non-legal factors that can influence the decision. One significant factor is the economic or financial ability of the applicant to support all wives and children simultaneously (Azwar, Firdaus, and Az Zarqy 2021, 163). The financial security provided by polygamy permits results from judges' considerations that realistically evaluate today's socio-economic conditions, recognizing them as essential factors in life (Syahrin, Sodikin, and Hakimi 2022, 208).

Based on the research above, the determination of polygamy permit No. 329/Pdt.G/2023/PA.Pdg in the Padang Religious Court has significant implications for gender injustice and neglects to consider financial capability. Additionally, in terms of national law, the Padang Religious Court, as a state representative, needs to review the disproportionality between Islamic law and national law, as these two sets of rules must function synergistically. However, given the decision to grant a polygamy permit, this article uses a holistic legal theory analysis to review the legal considerations in determining a polygamy permit, acknowledging the legal certainty provided by the Padang Religious Court. Rafael Domingo explains holistic legal as a common law study that emphasizes the

constant reciprocity between humans as legal subjects and the legal system. This reciprocity results in experiential legal changes from legal subjects to organized rules and legal stipulations, which can be seen in Decision No. 329/Pdt.G/2023/PA.Pdg (Domingo 2018, 234–235).

METHOD

This article employs library research methodology. According to Lexy J. Moleong, this research type involves gathering relevant information and data on the planned research topic or theme (Moleong 2004, 31). The writing style exhibits descriptive and analytical characteristics (Perecman and Curran 2006, 155; Nassaji 2015, 129–130). The research approach adopted is normative-judicial. The data source comprises secondary materials related to Polygamy Permit Decision No. 329/Pdt.G/2023/PA.Pdg at the Padang Religious Court (Hox and Boeijs 2005, 596–597). Documentation is the primary data collection technique dokumentasi (Arikunto 2006, 158), while the analysis in this article employs a holistic legal theory approach.

DISCUSSION

A. Judicial Practices of Polygamy Permits in Indonesia

Polygamy is a marriage practice in which a man marries more than one woman simultaneously, with the women assuming the role of his wives in a plural capacity (Takyi, Altman, and Ginat 1998, 209; Krenawi 2020, 197). The legal foundation for polygamy is rooted in Islamic law, particularly Surah An-Nisa' verse 3, which is regarded as a sacred legal principle (Brenner 2006, 167; Firdaus et al. 2023, 86). Adhering to this provision, the majority of Muslims in Indonesia engage in polygamy as a component of practicing Islamic law. The state regulates polygamous practices as part of marriage law, necessitating a court order for implementation. In this context, Muslims can seek approval from the local Religious Court to ensure the legality of polygamy. Therefore, engaging in polygamy without permission from the Religious Court is deemed a legal violation (Wirastri and van Huis 2021, 246).

Polygamy is regulated by crucial provisions in legislation, specifically in Articles 3 to 5 of Law Number 1 Year 1974 on Marriage (Marriage Law). Article 3, paragraph (2) stipulates that the practice of polygamy must adhere to the

principle of consent from all parties in the previous marriage, implying an agreement between the husband and the previous wife. This underscores the significance of mutual agreement in executing polygamous unions. Such agreement must be based on specific conditions experienced by the wife, as delineated in Article 4, paragraph (2), encompassing situations where the wife is unable to fulfill her household duties, suffers from documented or life-threatening reproductive illnesses or faces infertility issues. Article 5(1) further underscores the necessity for a husband intending to practice polygamy to treat his wives and children with fairness.

This practice is prevalent among Muslim men in Indonesia as a means to showcase their societal standing (Nurlaelawati 2021, 92). Polygamy is often practiced among religious leaders and affluent individuals (Muzzammil et al. 2021, 131). It is governed by the Marriage Law to oversee polygamous unions and necessitates approval via a polygamy license from the Religious Court.

Frequently, the practice is unofficially conducted (unregistered) by the state, thereby administratively affecting civil registration for women and children in acquiring their civil rights (Nurlaelawati 2021, 91). These repercussions imply a form of injustice towards women and children (Anam 2020, 52). Polygamy permits can solely be acquired through a ruling from the Religious Court. The process also entails the division of assets from previous marriages to ensure equitable distribution among future wives of the same husband. This regulation is stipulated in Article 94 of the Compilation of Islamic Law (KHI).

The husband applies for a polygamy permit to the Religious Court, acting as the petitioner, with the former wife listed as the respondent. The participation of both parties in the trial process aims to ensure their understanding of the conditions surrounding polygamy in Indonesia, which is applied rigorously and selectively to Indonesian society (Halim 2020, 107). The judicial process also involves witnesses verifying that the husband treats his wives fairly if he intends to engage in polygamy, and the division of assets before the implementation of polygamy is addressed in the court proceedings (Rahman, Qamar, and Kamran 2020, 106).

Polygamy permits are issued by judges based on assessments of both national and

Islamic law, evaluating the suitability of the husband seeking polygamy. Throughout the judicial proceedings, the judge may evaluate the husband's capacity to engage in polygamy, considering factors such as fairness and financial stability (Ameliah, Songgirin, and Ahmed 2023, 37). Upon the granting of a polygamy permit, it is crucial to consider the fair treatment of wives and children by the husband, who serves as the head of the household. Indeed, specific instances of polygamy may result in divorce, with wives initiating legal action. These lawsuits often revolve around concerns regarding the husband's fairness and financial capability, which are perceived as lacking during the polygamous marriage (Syahrin, Sodikin, and Hakimi 2022, 208).

B. Polygamy Permit Decision No. 329/Pdt.G/2023/PA.Pdg. at the Padang Religious Court

To explain the legal considerations and permit for polygamy in case No. 329/Pdt.G/2023/PA.Pdg. at the Padang Religious Court, this article will descriptively outline the procedural flow of the case. This approach provides a detailed explanation of how the decision can be analyzed using a holistic legal perspective. The critical points of this case include case identification, submission of requests, evidence, and legal considerations and decisions. The decision systematically discusses these four points, following the procedural flow during the trial. From these points, it can be explained that the applicant and respondent are present in the polygamy permit case and directly face the judge, who acts as the decision-maker and law enforcer. The following is the case flow in decision No. 329/Pdt.G/2023/PA.Pdg. regarding polygamy permit at the Padang Religious Court:

1. Case Identification

This case was registered on 6 March 2023, marked by an application submitted by the husband as the applicant and the first wife as the respondent. The applicant is a retired civil servant with a master's degree who lives in Padang City. Meanwhile, the respondent is also a retired civil servant with a bachelor's degree who lives in Padang City. The couple resides together in one house in Padang City. The applicant applied to the Padang Religious Court for a polygamy permit to marry another woman, also a bachelor's degree holder, who is a contract employee residing in Pesisir Selatan Regency. The prospective spouse is a widow who had been divorced by her former husband, who has

since passed away. The respondent approved the application and authorized the applicant to marry the woman. The applicant intended to pursue polygamy to fulfill the Islamic teachings on polygamy, which, according to the applicant, is encouraged by the religion.

In this case, the applicant relied solely on religious law principles (Islamic law) as the primary basis for applying for a polygamy permit. Interestingly, this application was accepted by the Padang Religious Court and proceeded to trial. This indicates that the Padang Religious Court, as a state representative, considers Islamic law principles as the primary basis for accepting cases, as demonstrated in this instance. With a normative review, the legal basis for accepting cases within the scope of religious courts is explained in Law Number 7 of 1989 concerning Religious Courts (Religious Courts Law) Article 2, which states that religious courts exercise judicial power for Muslims seeking justice in certain civil cases. However, the Religious Courts also indirectly incorporate other legal dimensions (Islamic law) as a basis for implicitly accepting cases (Yasa 2015, 101). From the beginning of case registration at the Padang Religious Court, this judicial institution has manifested a pluralistic approach to law, which can be seen as a metadimensional legal framework.

2. Filing of Case Application

The applicant's request included twelve points outlining the reasons for her request. These reasons were as follows; *firstly*, the applicant had married the respondent on 9 July 1983, as evidenced by Marriage Certificate Excerpt No. 72/5/VII/1983. *Secondly*, the couple had lived together in Padang City. *Thirdly*, they had four children. *Fourthly*, the applicant wished to practice polygamy to follow the law of Allah and the Prophet Muhammad. *Fifthly*, the applicant intended to marry a woman from South Pesisir Regency, born on 29 January 1981, who worked as a contract employee. *Sixth*, the woman the applicant intended to marry was a widow whose husband had passed away. *Seventhly*, the respondent had agreed to the applicant's polygamous marriage with this woman. *Eighth* and *ninth*, the couple owned joint property in the form of a house located on Jalan By Pass Koto Panjang RT.001 RW.004, Koto Panjang Ikuu Koto Village, Koto Tengah Sub-District, Padang City, West Sumatra Province. The land measures 300 m² and is certified in the applicant's name. They also own a house at Beringin Indah Lestari Complex, Block H 16,

Balai Gadang Village, Koto Tengah Sub-District, Padang City, West Sumatra Province. The land measures 72 m² and is certified in the respondent's name, and they own a car. The applicant requested the Padang Religious Court to determine this property as joint property between the applicant and the respondent. *Tenthly*, the applicant had an income of 12 million rupiah per month. *Eleventh*, the applicant was capable of being fair. *Twelfth*, the applicant would bear all court costs.

These twelve points became the basis for the judge to grant the applicant's request for a polygamy permit and to determine that the applicant's and respondent's joint property could not be divided as long as the polygamy permit was granted to the applicant. During the trial, the judge read out the applicant's request, and the respondent verbally confirmed all the reasons put forward by the applicant. The respondent also confirmed that no blood relationship or other reason would preclude marriage between the applicant and the prospective second wife. This assertion was under Marriage Law Article 8, the Compilation of Islamic Law (KHI) Article 39, and the prohibition of marriage outlined in the Qur'an, Surah An-Nisa', verse 23 (Hermanto 2017, 133).

3. Judicial Evidence

Proof of the claim submitted by the applicant was also carried out by presenting evidence in the case process. During the trial, the applicant submitted evidence in the form of; *firstly*, a photocopy of Marriage Certificate Excerpt No. 72/5/VII/1983, dated 30-07-1983, issued by the Marriage Registrar of Pantai Cermin Sub-District, Solok Regency, which had been sufficiently stamped and notarized, matched by the Chairperson of the Panel with the original, and found to match. *Secondly*, a Statement of No Objection to Polygamy dated 09 February 2023. *Thirdly*, a Declaration of Fairness dated 09 February 2023. *Fourthly*, a Certificate of Income dated 09 February 2023. *Fifthly*, a Declaration of Provision of Assets with First Wife and Prospective Second Wife dated 09 February 2023. *Sixthly*, a photocopy of the Excerpt of the Death Certificate of the former husband of the woman to be married to the applicant, Number 1301-KM-06062022-0001, dated 06 June 2022, issued by the Civil Registration Officer of Pesisir Selatan, sufficiently stamped and notarized. In addition, there was testimony from two people closely known to the applicant, the respondent and the woman the applicant intended to marry. Both witnesses explained that the status of the

woman whom the applicant intended to marry was that of a widow because her husband had died. Their testimony was based on what they saw and experienced themselves. They confirmed that no party pressured them and, according to them, the applicant was capable of fulfilling his physical and mental obligations.

This proof is carried out as specified in the Civil Code (*KUH Perdata*) Article 1866, which explains that the means of proof include written evidence, witness evidence, testimony, confession, and oath. This proof is carried out in a polygamy permit case so that the judge obtains the normative truth, demonstrated through evidence such as various documents and testimonies. This indicates that the proof is authentic and fulfills the strength of external evidence, the strength of formal evidence, and the strength of material evidence (Ozora et al. 2024, 4).

4. Legal Consideration and Judgment

Based on the case identification, the applicant's petition, and the evidence presented during the trial, the judge thoroughly examined the case throughout the legal proceedings to determine the legal considerations and approve the application for a polygamy permit in case No. 329/Pdt.G/2023/PA.Pdg. The judge's legal considerations included Law Number 7 of 1989 (Religious Courts Law) Article 55, which stipulates that the judge must review the case during the legal process—furthermore, considering Government Regulation Number 9 of 1975 Article 40, which requires a husband intending to practice polygamy to submit a written application to the Court—all evidence, whether documentary or testimonial, was carefully considered. Article 49, paragraph (2) of the Religious Courts Law was also considered. The agreement between the applicant and the respondent regarding the division of joint property was also considered. Furthermore, the applicant's intention to provide for the orphans of the woman he intends to marry, with the respondent's consent, was taken into account. The judge also assessed the applicant's fairness towards his future wife, the respondent (first wife), and their children. Moreover, the principle of Islamic law in Surah An-Nisa verse 3, allowing polygamy, as interpreted by Tafsir Al-Maraghi, was considered. Based on these legal considerations, the judge granted the applicant's request for a polygamy permit with the intended woman and determined the division of joint property between the applicant and the

respondent before the applicant carried out the polygamous marriage.

In interpreting Islamic law, the judge seems to rely on the legal insights from *Tafsir Al-Maraghi* by Ahmad Musthafa Al-Maraghi, which elucidates that the polygamous situation sought by the applicant constitutes an emergency. The judge's interpretation was anchored in the applicant's rationale for seeking polygamy with a woman intending to care for an orphaned child under her guardianship since her ex-husband's demise. This legal consideration was deemed acceptable by the judge, viewing it as an action taken by a responsible individual capable of fair conduct in future polygamous practices, as supported by the interpretation of Surah An-Nisa' verse 3 in *Tafsir Al-Maraghi* (Maraghi 1986, 321). Normatively, the judge concluded the case by granting the applicant's polygamy request, thus reconciling the legal meta-dimension between Islamic law's rationale as a sound basis for the applicant and national regulations permitting multiple marriages as a reasonable administrative, legal basis when seeking polygamy permission from the Padang Religious Court.

C. Holistic Legal Review of Polygamy Permit Decision No. 329/Pdt.G/2023/PA.Pdg at Padang Religious Court

With the issuance of polygamy permit No. 329/Pdt.G/2023/PA.Pdg by the Padang Religious Court, this decision should be reviewed using a holistic legal approach. This review will examine the decision regarding the applicants' interactions during the judicial process, including their rights as subjects under legislation and judicial proceedings (Domingo 2018, 11). It will also consider the applicants' rights in response to regulations (Domingo 2017, 80; Domingo 2014, 451-452) and how these rights influence outcomes in legal practice (Domingo 2016, 25). Furthermore, this research will explore how the applicant's involvement as a legal subject in the judicial process should not disadvantage or discriminate against other legal subjects (Domingo 2014b, 430).

Beyond these interactions, there are models of connectivity between religion and national legal systems. This includes how human spirituality is at the core of this connectivity (Domingo 2019, 337), the formation of morality that emerges from religious and national legal consciousness (Domingo 2014a, 246), and the integration of religious values as universal principles to shape morality within the legal system (Domingo 2014a, 239). This also involves

the inclusion of religious material into the legal system, creating a meta-dimensional legal framework (Domingo 2019, 326).

1. Interaction of Applicants in Judicial Practices

As a legal subject in this judicial practice, the applicant exercised his rights as a citizen to accommodate his religion. The applicant's application for a polygamy permit based on the teachings of Islam also illustrates the human rights derived from his religion. In addition, the applicant is also willing to share joint property with the first wife as one of the obligations in applying for a polygamy permit at the Religious Court. Another reason for requesting a polygamy permit was to provide for the orphaned children of the woman he would marry, demonstrating a commitment to family rights and responsibilities. By requesting a permit to engage in polygamy, the applicants are exercising their religious rights, as their deeply held beliefs preserve their dignity and self-respect as intelligent individuals. The state, represented by the Padang Religious Court, granted the applicants permits for polygamy, which was tantamount to recognizing their rights within the national legal system. The Padang Religious Court saw the applicants' efforts to express and practice their religious beliefs. Given the mutual agreement on the polygamy permit between the applicant and the respondent, any attempt to deny the application would only dehumanize the applicant and perpetuate inequality in the legal system.

While national law generally upholds the principle of monogamy, it must also ensure that everyone is treated equally before the law without discrimination. Denying an application for a polygamy permit solely because of the applicant's religious beliefs is an act of discrimination. Therefore, considering the applicant's rights will promote equality in the legal system. The applicant intends to marry and provide for the orphaned children of the woman he will marry, demonstrating a commitment to family rights and responsibilities. Considering these factors will ensure that the legal system recognizes the importance of family relationships and the applicant's obligations as a spouse and potential guardian. Therefore, the legal system must accommodate diverse religious and cultural practices as long as they do not conflict with fundamental legal principles or human rights.

On the other hand, the respondent implicitly participated in obtaining the polygamy permit

based on good faith toward the applicant. This was evident during the trial, where the applicant and respondent could present arguments, testify, and confirm certain statements. Of course, in this decision, the judge also recognized that the applicant and respondent had shown no indication of unfairness or discrimination towards either party or each other. The Padang Religious Court also considered the division of the joint property between the applicant and respondent and their mutual agreement on the division. This shows that the respondent's rights and interests were recognized and respected.

2. Polygamy Permits: The Connection Between Religion and National Law Systems

This decision reflects a pluralistic legal framework that recognizes and incorporates religious law and principles, particularly Islamic law, into the national legal system. This recognition is evident from the applicant's reliance on Islamic legal principles as the primary basis for applying for a polygamy permit. The Padang Religious Court, as a representative of the state, considered the principles of Islamic law as an important factor in accepting and adjudicating the case, highlighting the interrelationship between religious norms and national legal institutions. In this decision, reference was made to the Quran and commentaries from Tafsir Al-Maraghi in support of the applicant's polygamy permit application. This indicates the integration of religious principles and teachings into the legal reasoning and decision-making process, emphasizing the importance of religious norms in shaping legal outcomes.

The decision assessed the applicant's intention to provide for the orphaned children of his second wife-to-be as morally commendable. This illustrates how religious and ethical values can inform legal judgments and decisions, underlining the relationship between religious beliefs and legal principles. Religious beliefs shape an individual's moral consciousness and influence the applicant's actions in judicial proceedings. Therefore, national legal systems recognize and accommodate religious norms and practices. In this decision, the Padang Religious Court considered Islamic law principles as the primary basis for accepting and adjudicating the polygamy case. Integrating religious norms into the legal system has significance in promoting values in moral formation.

Religious texts and teachings can be interpreted and applied to promote these

universal principles within a legal framework. This requires a nuanced understanding of religious doctrines and their relevance to contemporary legal issues. Judges play an important role in this process by providing interpretations that uphold human rights and ethical standards. As society evolves, interpretations of religious teachings may also need to evolve to ensure relevance and legitimacy in a legal context.

Incorporating religious material into the legal system creates a meta-dimensional legal framework by integrating religious principles, teachings, and norms alongside secular legal principles. The state also recognizes and accommodates the influence of religion in legal matters, acknowledging the importance of religious beliefs and practices in shaping individual lives and societal norms. The legal system goes beyond purely secular considerations through religious materialization, embracing a multidimensional approach that reflects society's diverse cultural, social, and religious landscape. However, dematerializing the legal system away from religion as part of legal reform will also involve reducing or eliminating the influence of religious doctrines or beliefs in legal matters, thus promoting a more secular and inclusive legal system. When this occurs, the state should ensure equal treatment and protection under the law for all individuals, regardless of their religious affiliation or beliefs, by upholding fundamental human rights, promoting social justice, and encouraging pluralism and tolerance.

This dematerialization can promote greater legal certainty, consistency, and fairness by minimizing conflicts between religious law and secular legal principles. It allows for the development of laws that are more adaptable to society's evolving norms and values, thereby increasing the legitimacy and effectiveness of the legal system as a whole. Ultimately, whether to include or eliminate religious elements in the legal system depends on the cultural, historical, and societal context and the goals of comprehensive legal reform.

CONCLUSION

The decision from a case registered on 6 March 2023 at the Padang Religious Court, filed by a retired civil servant seeking permission for polygamy, offers insights into the legal dynamics between Islamic and national legal frameworks. The applicant's reliance on Islamic legal principles underscores the court's

acknowledgment of religious norms, aligning with Law No. 7/1989 on Religious Courts, which mandates judicial recourse for Muslims in civil matters. This comprehensive legal approach signifies a meta-dimensional legal framework that acknowledges religious and state legal systems. The applicant's polygamy application, supported by twelve detailed points, including spousal consent, property agreement, and financial capability, was granted after meticulous consideration of the evidence, including witness testimonies and documentary evidence, per the Civil Code. The judge's legal reasoning, guided by the Law of Religious Courts Procedure and Islamic jurisprudence, emphasized fairness, consent, and the welfare of all parties involved, particularly the applicant's intention to care for orphans. The judge's reliance on Tafsir Al-Maraghi to interpret Islamic law highlights the nuanced application of religious principles in a contemporary legal context. The court's decision reflects the harmonization of Islamic norms with national legal provisions, serving as a testament to the reconciliation of religious and state law in polygamy cases at the Padang Religious Court.

The Padang Religious Court's decision granting polygamy permit No. 329/Pdt.G/2023/PA.Pdg requires a comprehensive legal review, considering the applicants' interaction in the judicial process and the interplay between the religious and national legal systems. As legal subjects, the applicants exercised their rights to accommodate their religious beliefs, illustrating the importance of human rights derived from religion and commitment to family obligations. The court's recognition of these rights signals the integration of religious norms into the national legal framework, promoting equality and justice while respecting diverse cultural practices. The decision reflects a holistic approach to law, incorporating Islamic legal principles and moral considerations into legal reasoning, thus highlighting the interweaving of religious and secular values in legal judgment. However, the decision also raises questions regarding the dematerialization of the legal system away from religious influence, which could foster greater legal certainty and fairness while upholding fundamental human rights and promoting social justice. Ultimately, the inclusion or removal of religious elements in the legal system should be guided by societal norms, the cultural context, and the goal of comprehensive legal reform, which ensures the inclusion of religious elements in the legal system.

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