

The Implementation of The Concept of Fairness of One Roof-Polygamous Family in The Perspective of Imam Syafi'i

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Abstract:

Polygamy is legal in Islam, but the husband must be able to treat all his wives fairly. Husbands must only be fair in living (food, clothing, and housing) and time division. If all the husband's wives agree, then Islamic law makes it possible to gather all his wives in one place. This article investigates case fairness in three polygamous families living under one roof in Jrengik Sampang. This article aims to discover how polygamy practitioners perceive justice and how it is applied in one-roof polygamous families using the concept of Imam Shafii's fairness. This research is empirical with a qualitative approach. Primary data sources are interviews with informants. secondary data. Sources are books and journals on the justice of polygamy, according to Imam Shafii. This article used data editing, classification, verification, analysis, and field conclusions. Based on the findings of this article, practitioners of polygamous marriages view justice in polygamous families as a necessity and generalize everything outwardly to all wives without exaggerating. The implementation of justice in one-roof Polygamous families in Jrengik District has been going well in their respective ways.

Keywords: Implementation; the concept of fairness; one roof polygamy.

Introduction

Polygamy has always been regarded as part of the Islamic religion. However, the truth is that it has been done for ages before Islam.¹ Islam does not prohibit the practice of polygamy, but it requires husbands to be fair and not persecute their wives. Suppose there are concerns about the possibility of persecution and breaking away from the possibility of the feared sin. It is recommended and suggested to have only one wife. Thus, the guarantee of fairness and the absence of fears of mistreatment of wives are the

¹ Muhammad Arif Mustofa, "Poligami dalam Hukum Agama dan Negara," *AL-IMARAH: Jurnal Pemerintahan dan Politik Islam*, no. 01 (2017): 54.
<https://doi.org/http://dx.doi.org/10.29300/imr.v2i1.1029>.

main conditions for polygamy in Islam. Islamic law regulates polygamy based on the fulfilment of fairness and mutual benefit between the parties concerned.

According to Islamic law scholars, polygamy is only allowed in an emergency; for example, sterile (unable to produce offspring), the wife has diseases that cause her inability to fulfil her obligations. Other Islamic scholars, such as Wahbah Az-Zuhaili argues, that Allah obliges people to marry only one woman if they are concerned about their ability to carry out their obligations as husbands in an unfair way.² Another opinion from a fiqh expert, such as Imam Shafii, refers to surah an-Nisa (3) According to him, a husband is only fair to tangible things such as a living (nafkah), which includes the wife's living expenses, clothing, housing, services, health care, and all expenses that support household welfare. The division of time between wives does not relate to fairness in an emotional sense.³ Allah said in surah an-Nisa (129):

“And you will never be able to be equal [in feeling] between wives, even if you should strive [to do so]. So do not incline completely [toward one] and leave another hanging. And if you amend [your affairs] and fear Allah - then indeed, Allah is ever Forgiving and Merciful.” (QS. An-Nisa': 129).⁴

Husbands must implement fairness for their wives in polygamous marriages by equalizing them without impartiality. One of the husband's duties in the family is to provide a suitable and safe place to live for each wife to maintain the welfare of her wife without causing jealousy or conflict according to the husband's ability. Polygamy can be a problem in the household, especially if they are gathered in one house.⁵ According to Imam Shafi'i, gathering all wives in one house is forbidden unless they are willing.⁶ If the wife is unwilling to be gathered under one roof, then the husband is obliged to provide a house for each wife as an obligation that must be fulfilled.

In connection with the previous problem, this article found a case of one-roof polygamy among the people of Jrengik district, namely in Jungkarang and Bancelok villages. One-roof polygamous marriages occur among a small number of people in the Jrengik district, especially in Jungkarang and Bancelok villages. As a result, public opinion about polygamy in one house is still odd. This article particularly examines how husbands in polygamous marriages implement the concept of fairness by gathering all wives under one roof. This article also wants to know whether fairness can be successfully served by gathering all the wives or not.

To find out the authenticity of this research, several previous studies with the same theme as this article will be presented. It aims to seek originality and update the research conducted. First, research in the form of a thesis conducted by Teti Arini a student of the Faculty of Sharia and Law at Raden Fatah State Islamic University Palembang in 2016 with the title "Konsep keadilan sebagai syarat poligami menurut mazhab Syafi'i".⁷ In this article, the main topic of discussion is the explanation of the

² Riyan Erwin Hidayat, "Poligami Menurut Wahbah Az-Zuhaili dan Muhammad Syahrur," *Tana Mana*, no. 2 (2020): 46 <https://doi.org/10.33648/jtm.v1i2.107>.

³ Mochamad Toyib dan Sudiwan, "Konsep Adil dalam Poligami Perspektif Imam Syafi'i," *Al-Wasith*, no. 1 (2017): 32 <https://jurnal.unugba.ac.id/index.php/wst/article/view/80/41>.

⁴ <https://corpus.quran.com/translation.jsp?chapter=4&verse=129> diakses 13 juni 22 21:23.

⁵ Gibtiah, *Fikih kontemporer*, (Jakarta: prenada media group, 2016), 147-148.

⁶ Iim Fahimah dan Wahyu Abdul Jafar, "Filosofi Makna Adil dalam Pernikahan Poligami," *Tafaqquh*, no. 2(2019): 13 <https://doi.org/1052431/tafaqquh.v7i2.204>.

⁷ Teti Arini, "Konsep keadilan sebagai syarat poligami menurut Mazhab Syafi'i" (Undergraduate thesis, Universitas Islam Negeri Raden Fatah Palembang, 2016), <http://repository.radenfatah.ac.id/14378/>.

concept of fairness of Imam Shafi'i and what aspects of fairness must be applied to the concept of fairness of Imam Shafi'i. This article only explains the concept of fairness.

Second, research in the form of a thesis conducted by Budi Irawan, a student of the Faculty of Sharia and Law, Sultan Syarif Kasim State Islamic University Riau, in 2021, with the title "Tinjauan hukum Islam terhadap penerapan konsep adil dalam poligami studi kasus pasangan poligami di desa Kualu kecamatan Tambang kabupaten Kampar."⁸ The discussion of this research is related to the focus of the review of Islamic law on the application of the concept of fairness in Kualu village, Tambang district, Kampar regency. This article does not focus on fairness according to Imam Syafii but on Islamic law in general.

The third is thesis research conducted by Jamiatun Nissa, a student of the Sharia Faculty, Antasari State Islamic University, in 2021, with the title "Pelaksanaan hak dan kewajiban poligami satu atap (studi kasus di kecamatan Haruai kabupaten Tabalong)."⁹ In this article, the subject of the discussion is the implementation of rights and obligations in one-roof polygamous families in Tabalong district. This thesis does not focus on the concept of fairness of Imam Shafii but on the rights and obligations of husband and wife polygamy under one roof in terms of Islamic law and positive Indonesian law.

Method of Reasearch

This article belongs to the type of sociological empirical research using a sociology of law approach to article how the rules are applied in society by analyzing the relationship between law and society.¹⁰ The data sources used in this article are primary data sources and secondary data sources. The primary data source in this article is information obtained through direct interviews with the community families and related parties. Secondary data sources are information relevant to the research object, obtained from literature/books, articles, previous research related to polygamy and books written by Imam Syafii. The collected data is then analyzed using the theoretical studies listed in the literature review and linked to the facts that have been obtained related to family conflicts.¹¹ The method used in determining the subject is purposive sampling or what is called the purposeful sampling technique, namely by determining certain criteria or considerations for the research subject to be carried out on the research object.¹² In this article, the research subject was a one-roof polygamous family in Jrengik sub-district. The reason for choosing the research subject is because research on the concept of fairness in one-roof polygamous families is rarely carried out and the location has not been widely studied and researched.

One-Roof Polygamy Practitioners' Views on Polygamy Fairness

⁸ Budi Irawan, "Tinjauan hukum Islam terhadap penerapan konsep adil dalam poligami studi kasus pasangan poligami di desa kualu kecamatan tambang kabupaten Kampar" (Undergraduate thesis, Universitas Islam Negeri Sultan Syarif Kasim Riau, 2021), <http://repository.uin-suska.ac.id/52681/>.

⁹ Jamiatun Nissa, "Pelaksanaan hak dan kewajiban poligami satu atap (studi kasus di kecamatan haruai kabupaten Tabalong (Undergraduate thesis, Universitas Islam Negeri Antasari, 2021), <https://idr.uin-antasari.ac.id/16428/>.

¹⁰ Ujjianto Singgih Prayitno, *Sosiologi Pembentukan Peraturan Perundang-Undangan*, (Yogyakarta: Azza Grafika, 2011), 144.

¹¹ Lexy J. Moleong, *Metodologi Penelitian Kualitatif*, (Bandung: Remaja Rosdakarya, 2019), 217.

¹² Rahmadi, *Pengantar Metodologi Penelitian*, (Banjarasin: Antasari Press, 2011), 65.

Marriage in Islam advocates for monogamous marriage. It has more potential to create a harmonious family and mutual respect between the rights and obligations of husband and wife. Even so, polygamous marriages are still allowed in Islam, but the permissibility of polygamy is not absolute. The husband must act fairly and be able to fulfil the obligations or rights of his wife.¹³

Islam has regulated the practice of polygamy, which is a condition of the husband's ability to treat all his wives fairly and protect the rights of all wives. The fair conditions in polygamy show that the marriage of a husband with more than one wife does not only refer to sexual interests but is also accompanied by respect for the rights of the wife.¹⁴ The obligation to carry out fairness in polygamy in Islamic law shows a legal action that must be carried out. The consequences accepted if someone ignores them will be accounted for in the hereafter. Thus, in the Qur'an, it is recommended that if a person is unable to act fairly, only marry one wife.

Based on the legal basis in the Qur'an, hadith, and the explanations of the scholars, fairness must be done when the husband decides to have polygamy however, the implementation of fairness in polygamy is quite challenging to do. The statement of Imam Shafi'i in the book of al-Umm shows that someone who wants to be polygamous must be fair in terms of income and time division with his wives.

Many Islamic thinkers define fairness in polygamy; for example, al-Kasyani, a scholar from the Hanafi school, argues that fairness in polygamy includes fairness in the outer and inner life. According to him, it is an emergency obligation¹⁵ or his opinion of al-Qurtubi is that husbands who want to be polygamous must be fair in affection, biological relationships, and living¹⁶ or according to Ahmad bin Hanbal, a polygamous man must be fair, such as the division of turns between wives so that it is not permissible to lean on one wife.¹⁷ Based on the notion of fairness according to the scholars, it has different meanings however, in this article, this article focuses on fairness according to Imam Syafii in a polygamous family. He demanded fair polygamy in terms of spending money, rotating distribution, and housing.

Etymologically, polygamy comes from the Greek, *polus* or *poly* means many and *gamein* or *gamos* means marry or marriage. In Arabic, polygamy is called *ta'addud al-zawājah*. The legal basis for polygamy in the Qur'an is in the Surah an-Nisa verse 3. According to a fiqh expert, such as Imam Shafi'i, polygamy becomes a necessity under certain circumstances but can only be practised under certain conditions and with

¹³ Wirdyaningsih, "Konsep Keadilan Menurut Filsafat Hukum Islam Dalam Perkawinan Poligami," *Jurnal Hukum & Pembangunan*, no. 3(2018): 618 <http://dx.doi.org/10.21143/jhp.vol48.no3.1752>.

¹⁴ Faridy, "Problematika Praktik Poligami di Desa Karanganyar Paiton Probolinggo dalam Tinjauan Islam dan Undang-Undang No. 1 Tahun 1974," *Nusantara Journal of Islamic Studies*, no. 1(2021): 195 <http://ejournal.kopertais4.or.id/tapalkuda/index.php/NJIS/article/view/4384>.

¹⁵ Fatmawati Nursinggih, Ahmad Faisal dan Hamid Pongoliu, "Pengaruh Poligami Tidak Tercatat di Kota Gorontalo," *AS-SYAMS*, no. 1 (2021), 7 <https://www.e-journal.iaingorontalo.ac.id/index.php/assyams/article/view/492>.

¹⁶ Wely Dozan, "Fakta Poligami Sebagai Bentuk Kekerasan Terhadap Perempuan: Kajian Lintasan Tafsir Dan Isu Gender," *Marwah: Jurnal Perempuan, Agama dan Jender*, no. 2(2020): 135 <http://doi.org/10.24014/Marwah.v19i2.11287>.

¹⁷ Muhammad Farid Zulkarnain, "Adil dalam Poligami Menurut Imam Madzhab (Metode Istinbath Hukum dan Argumentasinya Masing-Masing)," *Al-Wathan: Jurnal Ilmu Syariah*, no 1(2020): 28 <https://jurnal.stisda.ac.id/index.php/wathan/article/view/1>.

restrictions. A man has been permitted to marry again if his wife is chronically ill and cannot fulfil the obligations of marriage or if she is unable to have children.

The legal basis for the command of fair obligations in polygamy is found in Surah an-Nisa (3). there are two words that contain the meaning of fair, *tuqsitu* and *ta'dilu*. The word *adil* comes from the Arabic word *adala ya'dilu adalan* refers to the noun *masdar* the word *adil* has the meaning:18 (1) *Al-inṣāfu*, the means is to give rights to those who are entitled and take rights to those who are not entitled. (2) *Al-miṣlu wa al-nazīr*, the means the similar and the same. (3) *Al-jazāu* the means is reply. (3) *Al-fidāu*, the means is hostage.

Among the scholars who give a view on the word *adil*, which refers to the *isim masdar*, there are three views in interpreting fairness.¹⁹ First *adil* means are balance and *istiqamah*. The second *adil* means are equality and impartiality. The third is *adil* means is to keep the right and give it to those who are entitled.

In the Qur'an, the word *al-'adlu* is found in the letter *al-Infithar*, verse 7. The word *'adala* means to balance, which means the balance of the perfect human body composition. The meaning of *'al-adlu* here is physical; that is, it leads to a balance in the composition of the human body. This body structure has its function and role according to its position. The word *al-adlu* in the surah *al-Maidah* verse 8, expressed by the word *ta'dilu*, interprets the *mufassir* to treat everyone the same based on a certain standard. Fair treatment here does not look at race, social stratification, or religion. One should not act unfairly because of hatred of a group or individual. It is further stated that fairness is closer to piety. It means that the truth must be upheld, and upholding the truth indiscriminately is a fair act. *Yuqsitu* comes from the Arabic *qasata yuqsitu* which shows two meanings, the first means fairness and help, and the second meaning is unfairness and oppression.²⁰ *Al-qisth* which means fair is in the surah *al-Hujurat* verse 9. Here *al-qisth* means doing fairness in giving and receiving, doing fairness in all situations and conditions.

This article concludes that the meaning of *tuqsitu* has the meaning of measurable fairness (distributive fairness) and *ta'dilu* has the meaning of doing fairness in all situations and conditions (fairness in all things) such as the opinion of Syahrur who distinguishes the difference between the words *al-qisth* and *al-'adlu*. *al-qasth* can be from one side only, while *al-'adl* must be from two sides.²¹

Some of the informants' answers regarding their views on fairness in polygamy are like Mr. R's answer who said that polygamy fairness is the attitude of a husband who treats all his wives equally in matters of living, giving and others, and he does not offend feelings.²² Mr. AH replied that fairness in polygamy is equalizing all wives in terms of income and time, and he alluded to the inability of humans to be fair in all

¹⁸ Rudi Irawan, "Analisis Kata Adil Dalam Al-Qur'an," *Rayah Al-Islam*, no. 02(2018): 233 <https://doi.org/10.37274/rais.v2i02.74/>.

¹⁹ Irawan. "Analisis Kata Adil Dalam Al-Qur'an.": 233-234.

²⁰ Mia Fitriah Elkarimah, "Upaya Kreatif Syahrur dalam Rangka Mengembalikan Posisi Poligami sebagai Problem Solver (Pendekatan Linguistik)", *TAJIDID: Jurnal Ilmu Ushuluddin*, no 2: 120. <https://doi.org/10.30631/tjd.v17i2.65>.

²¹ Elkarimah, "Upaya Kreatif Syahrur dalam Rangka Mengembalikan Posisi Poligami sebagai Problem Solver (Pendekatan Linguistik),":123.

²² Mr. R, wawancara,(Sampang 15 Maret 2022).

respects, only that he tried to equalize all his wives according to his ability.²³ Mr. M replied that being fair in polygamy is not discriminating against all wives in matters of living.²⁴

Based on the answers of the three informants, the three informants interpreted that fairness leads to material, not feelings. Their answers are in line with the views of Imam Shafii. One of the informants even replied that humans could not ideally do fairness in polygamy because humans will not be able to act reasonably emotionally and materially. The informant's answer follows Imam Shafii's explanation of the Qur'an Surah an-Nisa verse 129.

This article concludes that the three informants have understood the meaning of fairness they have to do. So that through this research it can be seen whether the practice of fairness in one-roof polygamous families is in accordance with the notion of fairness for them or not. They also admit that fairness in polygamy is very difficult to do, but they still try to implement fairness to their wives according to their abilities.

A polygamous husband must be able to treat his wife fairly even though the act of fairness is difficult to carry out. Good practice in polygamy means giving proper treatment to each wife without discriminating against one another. One of them is the problem of housing for his wives. Provision of housing one of the things that the husband must fulfil is fairness in providing a comfortable place to live for his wife. The husband must be responsible for providing a place to live for each wife and their children to maintain the welfare of their wife without causing feelings of jealousy or conflict according to the husband's ability.

The gathering of several wives in one residence can cause jealousy, enmity, and conflict. If they get together will inflame discord and enmity, then gathering the wife in one house is an unfairness committed by the husband.

Implementation of the Concept of Fairness in One-Roof Polygamy

Imam Shafi'i did not spontaneously explain the implementation of the concept of fairness in a polygamous family however, he explains fairness in polygamy according to the husband's ability to maintenance, shelter, and divide time. The implementation of fairness in polygamy is quite challenging. Therefore, according to al-Nawawi (386 H), the law of monogamy is recommended to avoid unfairness to the woman he marries. al-Syahrani (386 H) also argue that monogamy is advisable, especially nowadays because fairness is hard to do. Researcher of this article argues that at that time the scholars recommended monogamy, especially now, women can be superior to men.²⁵

The researcher of this article conducted research on the implementation of the concept of fairness in a one-house polygamous family according to Imam Shafi'i in Jrengik district. The researcher of this article interviewed three families to get an idea of the concept of implementing one-house polygamy fairly in Jrengik district, Sampang regency. In this section, the This article analyzes the results of the interviews so that

²³ Mr. AH, wawancara,(Sampang 16 Maret 2022).

²⁴ Mrs. M, wawancara,(Sampang 16 Maret 2022).

²⁵ Fathonah Fathonah, "Telaah Poligini: Perspektif Ulama Populer Dunia (dari Ulama Klasik hingga Ulama Kontemporer)," *Al Hikmah: Jurnal Studi Keislaman*, No. 1 (2015) : 516 <https://doi.org/10.36835/Hjks.V5i1>.

conclusions can be drawn about the application of the concept of fairness in one-roof polygamy in Jrengik district, Sampang regency.

The implementation of fairness in the informant's family went smoothly because the findings and interviews with them showed that conflict rarely occurred in the informant's family. They stated that the dispute occurred because of the unfair practice of fairness in polygamous families. To facilitate the analysis of the application of the concept of fairness in one-roof polygamy in Jrengik district, Sampang regency, the this article will explain based on the fair criteria in polygamy as follows:

The first, maintenance. According to Imam Shafi'i's argument, maintenance one of the main references is the meaning of fairness. The husband must provide equal and impartial income to the wife. According to him in the *al-Umm*, a husband is obliged to provide for his wife if (a) Has been married to a woman. (2) Women do not refuse to have sex.

If the woman refuses to have sex, then the husband is not responsible for providing for her.²⁶ Imam Shafi'i is of the opinion that the husband must provide for his wife according to the custom in the area where they both live. The amount of income that must be given to the husband is the least amount of intake that can make his wife strong for daily activities. This means that the husband must provide a livelihood that allows him to provide nutritious food for his wife and family that can be used for activities. If the husband is not able to provide a living, the wife can ask for a divorce.²⁷

According to Imam Shafi'i, if the husband does not provide for his wife, then the woman may take money/food without her husband's knowledge in accordance with the amount that must be given to the wife.²⁸ This is in accordance with the hadith of the prophet:

“Take from his wealth which is enough for you and your child in a good way”

The researcher of this article asked to informants about the income for the wife who gathered the wives in one house. The three informants said that the distribution of income was adjusted to the husband's ability. The husband must also be ready if one of the wives needs a share. In interviews with three informants, one out of three people stated that they still give all their wives at a predetermined rate. Two other informants said that for basic needs such as clothing, or other gifts they gave the same amount, but their food distribution did not share their income with the two wives but only with one of them, who was given daily duty to prepare food. They also said that polygamy in one house is easier to reach because it only provides shopping for one family that everyone can enjoy.

Interviews with three respondents from one-roof polygamous families showed that the income given was in accordance with the ability of the husband. In Mr. R's family, fairness in earning a living is defined as providing a living according to their respective abilities. Mr R tries to provide what is needed according to his husband's ability, and if the husband is not there when his wife needs money, the husband can pick it up himself at the place determined by the husband. In terms of daily needs. Mr. R only gives money to one of them because Mr. R's gift will be made to meet the needs of the family, including Mr. R's two wives and Mr. R and their children.²⁹

²⁶ Muhammad ibnu idris asy-syafii, *Al-Umm*, (Mansurah: Dar el-wafa li an-Aashr at-tauzi', 2004), juz 6, 232.

²⁷ Asy-Syafii, *Al-Umm*, 235.

²⁸ *Ibid*, 275.

²⁹ Mr. R, wawancara,(Sampang 15 Maret 2022).

The second respondent, Mr. AH, said that fairness in earning a living should be given to both wives equally in terms of the husband's ability. No partiality. Sharing a living in Mr AH's family is more about earning a living for polygamy in general because Mr AH separates his two wives in a small hallway with furniture and equipment like a house. Mr AH earns a living every month based on his level of competence. He conveyed it without exaggeration to all his wives. Unless there is an additional need, he is ready to meet that additional need. The This article is of the opinion that the maintenance carried out by Mr. AH to his two wives is fair. Mr. AH also provides the same facilities to his two wives. According to the This article, the two wives who are separated by the hallway can be an example for those who want to unite the two wives so that there is no conflict. However, providing a living can be different from providing a living that will be felt by all families.³⁰ Respondent Mr. M three said that in earning a living, they work together to earn a living. Mr. R is a farmer who gives his harvest to meet the needs of his family. In addition, Mrs. J and Mrs. M work together to earn additional income by selling in the market. According to the This article, Mr. M has fulfilled his obligation to provide for his wife as well as possible.³¹

Based on the This article's interview with the informant, it was shown that the provision of a husband's support to his wife was in accordance with his ability. Two out of three informants only gave to one wife, not every wife, because they lived and ate together; they added that making a living in a polygamous house was easier because it was like giving to one wife only. The provision of one time income will be felt by all the wives without overestimating each other and for other purposes they divide equally among all the wives.

Income from one-roof polygamy, in this case, is of interest to this articles. According to This articles, spending money (daily food rations) in a polygamous family home will be more evenly distributed because everyone feels it immediately without being excessive. The husband gives the shopping money only to his wife, who is responsible for providing food for the family. This concept of fairness is more possible than polygamy with separate houses with different spending money.

The researcher of this article concludes that the three respondents from one-roof polygamous families already provide a living according to their husband's abilities. This shows that the husband has carried out his obligations to earn a living. In the case of polygamous families, sustenance will be easier to obtain because the husband will only provide a script that will be felt by everyone especially if it's difficult, everything will be felt.

The researcher of this article argues that the implementation of good maintenance in one polygamous family house is even more successful than two wives who are placed in different areas. Placing one wife in one house will maximize the concept of fairness because needs or needs are shared property. On the other hand, being placed in different areas will lead to different levels of livelihood provided by the husband. It is known that each region will have different situations and conditions, which results in the provision of different livelihoods between the two wives.

The second, residence. In the case of one house polygamy, the husband must give his wife one by one place to live so as not to cause jealousy. Ibn Qudamah explained that the gathering of two wives in one residence will cause harm, including enmity and

³⁰ Mr. AH, wawancara,(Sampang 16 Maret 2022).

³¹ Mr. M, wawancara,(Sampang 16 Maret 2022).

jealousy, but this can be done if both wives are equally pleased.³² The husband is obliged to provide a proper place to live for his wife after the marriage contract. Even in al-umm Syafi'i it is explained that if the area where both of them live requires a helper, then the house that must be provided by the husband must also have a maid. In his book of fiqh Fathul Mu'in, Sheikh Zainuddin al Malabari writes that a husband is obliged to provide a place of security and comfort for his wife, even if it is a loan or rent. If the wife needs a servant, then the husband is obliged to provide it.³³

The researcher of this article sought information from informants about the reasons for the gathering of all wives in one house. Regarding the reason for the gathering of their wives, they say that the gathering of two wives in one house is to live together and to look after at the same time without exaggeration. In the case in Jrengik sub-district, three families get along well. Background the husband gathers his two wives in a different house. The results of interviews with informants starting from family Mr R, the taking of the two wives did not occur after marriage but several years after polygamy. Mr. R's background gathered Mrs. S and Ms. N because he wanted to protect them and save on transportation. After all, they often change places. The second informant, the AH family, gathered Mrs F and Mrs NZ after a long time of polygamy. AH's father married NZ mother while working as a migrant worker in Saudi Arabia. Mr Ah brought Mrs NZ to Mr AH's house after several marriages with Mrs NZ. Mr AH's two wives are separated by a small hallway with the same household appliances. Mrs NZ was merged with Mrs F because Mrs Nz was from Kalimantan. Therefore, Mr. AH brought Mrs. NZ to Mr. ah's house. Although initially there were still disputes between the two wives, both of them were happy to be together in one place. In the family, Mr. M has gathered his two wives since the beginning of their marriage. M and J's mother, from the beginning of their marriage, both M and J knew they would be polygamous or become second wives

The answers from the three families indicated that they gathered two wives not without reason but to carry out the obligation to protect themselves from various evils when the husband was alone with another wife. Can also serve to provide fairness together by gathering the wives under one roof or close together will give the same time without any more or vice versa.

The researcher of this article concluded that the wives were willing to be collected into three families. In terms of housing, the husband also treats his wife fairly without hurting any of the wives. The placement of the two wives in one house will also provide equal treatment and do not differentiate between the first and second wives. The This article argues that a fair problem will be created in providing a decent shared house if both wives can and are willing to gather together when gathered in one house, problems that occur in polygamous families are more likely to cause disputes between wives. According to this articles, unions are more likely to let husbands be fair to their wives because all costs, changes in time can be discussed well, but it is created if the husband is firm and fair to his wife without taking sides. In addition, the wife's will and awareness is very influential so that the difference can be minimized.

³² Muhammad bin Sayyid Al - Khauli , Ensiklopedi Fiqih Wanita (Jakarta: Pustaka Imam Asy - Syafi'i , 2017), 475-476.

³³ Suryadi Arie Chayadi and Lia Nuraini, "Perbandingan Hukum Keabsahan Perkawinan yang Tidak Mendapat Izin Poligami Menurut Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan," *soj: student online jurnal*, no. 1 (2020): 550 <https://soj.umrah.ac.id/index.php/sojfisip/article/view/914>.

The third, division of time. One of the fairness that must be done by a man to his wife is the division of rotation. If he works during the day, he must divide the shift time at night and vice versa. If he works at night, he has to divide the shift time during the day. If a wife takes turns, then she is not allowed to enter another wife's house unless there is an urgent need, for example because her wife is seriously ill or in danger. Apart from urgency, he is guilty of having deviated from the appointed shift time.³⁴ The consequence was that he had to change times With his wife rotated, according to the opinion of the Shafi'i school. The husband still has to take turns with his wife even though they do not have a biological relationship because the division of turns is to foster good relations with the wife.

Prophet Muhammad SAW is an example of the practice of fairness in polygamy. He never deviates from his turn with his wives except for the wife's desire to give other wives a chance in terms of travel. If he wants to take one of his women on a trip, he draws first, and whoever wins the lottery is eligible to enter.³⁵

The implementation of fairness in the division of shift time in polygamous families is complicated because each man will be more likely to have another wife. But it's different if the wives are under one roof. The division of time, in turn, does not need to move from one wife's house to another because he is with both wives at the same time. The only time to sleep and travel together is during shifts.

This article tried to interview informants about the application of fairness in one-roof polygamous families. To find out the implementation of fairness in polygamous families, This articles interviewed informants about living daily life and implementing fairness in one-roof polygamous families. The results of the interview show that the wife reveals that her husband is relatively fair. In terms of taking turns spending the night and traveling, all wives said that their husbands walked alternately. The other two informants did not mention a specific time allocation, but it was up to the husband (with the main wife another night with the second wife or more than one night) but still doing the distribution. Their wives are willing about it. They even admitted that they often slept together.

The explanations of the three informants indicate that both of them do not implement the guidance taught by Islam, namely specifically dividing the bedtime shift schedule clearly so that there are no problems between the two. However, it is still fair for husbands to share sleep time with one of all wives. They also revealed that they often sleep together. According to Imam Syafii's practice of polygamy, apart from sleeping, the husband must also share the journey. Based on the results of the interviews, the three informants did not implement the lottery as was done by the Prophet Muhammad SAW when traveling. Three informants said that if they needed to bring one of their wives, the informants chose who was more interested. For example, if there is an invitation to the main wife's family, the main wife will accompany her husband and vice versa.

Interviews with informants showed that two out of three interviewees said that there was no specific schedule between their wives in terms of alternating sleep. The wives will be willing if the husband chooses between them however, husbands still take turns somewhat. They take turns sleeping together. Not infrequently even sleep together in one place in a state of mutual agreement. Another source said he halved his wife into

³⁴ Syekh Zainuddin bin Abdul Aziz al-Malibariy, *Fathu al-Mu'in*, terj. Abul Hiyadh, (Surabaya: Al-Hidayah, 1993), 129.

³⁵ Asy-Syafii, *Al-Umm*, 282.

three days and did not go to another wife when he was with his wife. The practice of fairness carried out by the three sources is different, but among the three sources there is only one source that follows the sunnah of the prophet, and the other two sources do not however, they are fair in turn because they are not leaning towards any of his wives.

The condition of the house greatly influenced the practice of taking turns between the three informants. Two out of three people who answered that they did not take turns sleeping occupy one house with all the rooms in one house. Unlike other sources, there are two hallways that separate the wives, complete with rooms and other furniture for each wife. the time division of the three resource persons went well, although two of them did not implement a fixed rotating schedule. The researcher of this article argues that the shift time must still be scheduled appropriately because it avoids feelings of jealousy that cause conflict in the family. Avoiding conflict is better than reconciling conflicts that have already occurred. Regarding going home with my husband, the three sources said there was never a problem. The three informants said they preferred to go alone without bringing their wives. If it was necessary to bring a wife, all the informants agreed that they would take all wives or bring a wife with greater importance. The researcher of this article agreed that the three informants had done fairness in taking turns, either taking turns sleeping or taking turns bringing their wives.

Conclusion

This researcher of this article concludes, After conducting research and analysis on the implementation of the concept of fairness in the perspective of one-roof polygamous marriage with Imam Syafii, that Islamic law allows polygamy but does not recommend it. A man who wants to be polygamous must be able to treat all his wives fairly in terms of living (food, clothing, and housing) and the division of time between wives. The results showed that the informants (one-roof polygamy practitioners) interpreted the concept of fairness in polygamy as a husband treating his wife equally (appearance only, not emotional). The first informant defines fairness in polygamy as requiring the same behaviour in life and other needs. The second informant defines fairness in polygamy as equalizing and fulfilling the husband's obligations to all wives according to the husband's ability. The third informant interprets fairness in polygamy as equal treatment of all wives in fulfilling obligations and attitudes. It follows the understanding of fairness from the point of view of Imam Syafii.

Implementing fairness in a one-roof polygamous marriage is good because of their statement that they have carried out their obligations fairly. In making a living, most of the informants stated that they collected sustenance for their wives, not dividing it between each wife. However, another informant stated that they still provide for their respective wives. Moreover, in the division of time between wives, most of them stated that they did not regulate the sharing of time together but at their will, but they still divided time with their wives. Moreover, their wives are willing to do so, but other informants are still scheduling distribution. In terms of travel, all informants stated that they did not draw their wives to accompany him to go but according to their needs.

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