

MORAL JUSTICE AND SOCIAL TO CHILD IN FAMILY POLYGAMY IN PUBLIC MALAY CITY OF MEDAN

Sofyan Suri^{1*}, Pagar² & Mhd. Syahnan³
^{1,2,3}Universitas Islam Negeri Sumatera Utara, Indonesia.
*e-mail: sofiansuri@uinsu.ac.id

Received: 15/02/2023	Revised: 01/04/2023	Approved: 13/06/2023
--------------------------------	-------------------------------	--------------------------------

DOI: 10.32332/akademika.v28i1.6513



Moral Justice and Social to Child in Family Polygamy in Public Malay City of Medan
Licensed Under a Creative Commons Attribution-ShareAlike 4.0 International License

Abstract

This study aimed to view the natural moral justice and justice social to the child in the family results of polygamy. Data collection techniques used are observation and interviews. The informants in this study were only 50 people. The research findings in this article are the results of wedding polygamy; they have the right to moral justice because of a value of 68.78%. This fact means that the father already almost approaches perfection in fulfilling his obligations to the child's rights. Whereas in a manner justice social, according to children from wedding polygamy for Public Malays in Medan City yet Can apply fair to they as member family, because value obtained is 27.45%. According to the children, the father is still dominant on children, confident in giving the right child evenly. However, the fathers disputed this assessment because, according to the fathers, social injustice is not the same, but it provides services according to the needs and circumstances of the father.

Keywords: Children; Justice; Moral; Polygamy; Social.

A. Introduction

Islam forbids its followers to be single, meaning that the word is not married forever unless there is a reason justified by the Sharia, such as being impotent or unable to have sexual intercourse (Herlena & Hasri, 2020). Islam orders its mature and mature followers to get married immediately. It is just that the question that arises is how many wives can be married. This question is answered by Al-Qur'an Surah an-Nisa/4:3 as follows: Meaning: *And if you are afraid that you will not be able to do justice to (the rights of) orphaned women (when you marry them), then marry (other) women, that you like: two, three or four. Then if you are afraid that you will not be able to act pretty, (marry) only one.* This verse is the verse that limits the number of wives a Muslim can marry; that is, he may marry two, three, or four women. However, at the end of the verse, it is emphasized that if you are not sure or worried that you will not be able to do justice, then it is enough for one person to marry. Scholars have agreed that marrying more than four people is forbidden based on the verse above (Marzuki, 2005).

The revelation of the verse above is inseparable from the social context. Before the advent of Islamic teachings, when someone died, the guardians wanted to control the inheritance left by the husband or father of the orphan. They always want to control the treasure. The way they took to control the property was by marrying the wife of the deceased or the mother of the orphan (Fahimah, 2018). If the widow is beautiful, they will marry her to control the orphan's property. Meanwhile, if the widow is not beautiful, then they do not marry the widow and only control the assets of the orphan. The arrival of this verse actually has a social context to eradicate the habit of ignorance, that is, instead of marrying a widow who has orphans so you are acting unfairly, it is better for you to marry another woman, you can have one, you can have two, you can have three, but if you are afraid, you won't. If you do justice then it is enough for you to marry only one (Anah & Husna, 2022; Suryaningsih, 2022).

From the explanation above, it can be understood that the permissibility of polygamy in Islam was a social solution that existed at that time (Surahman, 2017). Instead of doing injustice to widows and orphans with wealth, it would be better to marry another woman. According to the author, this can be understood contextually from this verse. However, in *zahir* verse clearly allows polygamy. However, the polygamy permitted in the verse above is not without basis and conditions. The condition for the permissibility of polygamy in verse above is the belief in being fair. But the question that arises is whether to do justice to the wife or also to do justice to the children as a result of this polygamy (Hidayat, 2022; Muddin, 2022).

Muhamamd Sahrur, who once explained polygamy extensively, explained that this verse commands polygamy based on two reasons, as mentioned above. This will be able to describe the various social difficulties experienced by women in social life, including: *first*, with the existence of polygamy, a man on the side of a widow will be able to protect and care for her so that she does not fall into heinous acts. *Second* is the multiplication of safe shelters for orphans where they grow up and are educated. He will live beside his mother and a man who replaces his father's position. So, it's very natural for a father like this to be called a continuous father, it's not quite right to say a stepfather. *Third*, the mother's presence beside their orphaned children can always educate and look after them. This can protect and protect children from becoming homeless and avoid juvenile delinquency. Some shelters for orphans have indeed filled part of the shelter for them, but this can distance them and separate them from their biological mothers. This will not eliminate the importance of institutions and foundations in society that accommodate orphans who have lost parents or abandoned children. And this is where the role and purpose of adoption lies (Tobing, 2021).

These are the several reasons for the permissibility of polygamy, namely to solve existing social problems due to the existence of orphans and not to cause further social problems, namely the emergence of orphans who are neglected and poor because their mothers and fathers have spent their wealth, he continued. If polygamy like this emerges, it does not follow the social context in which it is permissible (Bustamam, 2017).

Based on the results of temporary observations that researchers have conducted in the field, many wives do not get justice after marriage, and even children from polygamy also feel they do not get justice from their fathers. Before carrying out a polygamous marriage, prospective husbands often promise that one day after marriage they will be able to do justice to their wives. These promises make the wife allow her husband to carry out a polygamous marriage, or the second, third, and fourth wives are willing to marry, because the prospective husband believes he can do justice to them (Asmara & Sahara, 2022). One of the injustices felt by wives and children is that husbands or fathers

are often with certain families or always pay attention to the children of sure wives, while wives and children from other wives receive less attention. However, based on temporary observations, there is no guarantee that the husband will prioritize the first wife or other wives, especially since their children will cause justice and injustice. However, what is certain is that the children of polygamous marriage are often the victims (Hamdun & Ridwan, 2019).

Why did this happen? Because from the observations of temporary researchers who still need a more in-depth study that if a certain wife does not get love anymore or does not get justice, then she is divorced from her husband who married her in a polygamous marriage, and she remarries another man, while she will become a victim. He does not get complete affection from his mother anymore because he is married to another man who is not his father, and his biological father also ignores him because his mother is married to someone else, while his father still has another child from another mother. The biological mother and biological father each think about the biological child of their respective spouses so that the child from polygamy is neglected. Are situations and conditions like this permitted and expected by Islamic law, which permits polygamy? Of course, the answer is no; this still requires in-depth research. An injustice that arises as a result of polygamous marriages will create new social problems.

Unfortunately, some children from polygamy do not get any attention from their fathers. This is especially the case for polygamous marriages carried out in *sirri*, namely polygamy that is not registered at the District Office of Religious Affairs (KUA). This causes children to drop out of school, and some also reach the stage of using drugs. The children are looking for a way out to get peace because they don't get love from their father, even according to their confession, fights often happen between father and mother. Their father and mother often had quarrels at home based on the polygamy problem. Instead of listening to the constant bickering between father and mother, it is better to leave the house and do drugs; their father doesn't care about them either. This is certainly not following the permissibility of polygamy in Islamic teachings (Eka & Anwar, 2018).

However, based on temporary observations, not all children resulting from polygamy behave inconsistently with the laws and teachings of religion. There are also children from polygamy who behave according to religious and legal teachings, but according to their confession, their father is also unfair, even though they receive love, living expenses, and educational expenses. The father's order to provide for his children is regulated by Islamic law. A father is obligated by law to provide maintenance to his children. The command to provide maintenance to children is more important than providing maintenance to parents. The book of *fath al-muin* explains that if a person has a father, mother and children, he should first precede the maintenance of his young children, then the mother, then the father, and then the older children. This means that the father is obliged to provide for his children reasonably (Daulay, 2018).

The effect of this polygamy can solve existing problems if it is carried out following the provisions regulated by Islamic teachings. However, if these provisions are not implemented, new problems will arise. Problems that are not legally resolved will create new legal problems. This can be seen in polygamy if it is implemented not following Islamic teachings. However, many people still claim that polygamy is the sunnah of the Prophet, which must be followed without following the existing rules (Astuti dkk., 2022; Pawitasari, 2015).

So it is only natural what Wahidullah recommended in his dissertation that the permissibility of polygamy must continue to bring dignity to humanity for the wife and children, which is a legal substance, namely justice (Wahidullah, 2019). This means that

justice is not only for wives but also justice for children. There must be a belief that the prospective husband who wants to be polygamous must believe he can bring about justice for his wife and the children they will give birth to later. Indah Lestari and Abdul Halim have researched justice in polygamous marriages. This study aims to analyze the concept of fairness in polygamous marriages according to female judges in the Depok and East Jakarta Religious Courts. This article shows that justice in polygamy consists of fairness in distributing physical and mental income. Fair in the distribution of birth income is the ability to provide for his wife's and children's welfare. Meanwhile, spiritual maintenance is the applicant's ability to fulfill his inner needs through affection for his wife and children (Lestari & Halim, 2023). This research differs from studies researchers have conducted in implementing the meaning of justice. Indah Lestari and Abdul Halim's research emphasizes the meaning of fairness in theory, according to the judge, while studies conducted by researchers emphasize the meaning of fairness in the reality of polygamous marriages. Likewise, other studies only explain the concept of justice that should exist in polygamous marriages. Based on this fact, researchers feel interested in examining facts regarding moral and social justice for children from polygamous families.

B. Method

This study is field research, while the approach used is sociology and legal anthropology. Data collection techniques used in this study were observation, interviews, and documentation. Observations and interviews were conducted by observing the background of the natural atmosphere and the facts that appeared; this model is called the naturalistic setting (Mulyana, 2004). Alternatively, known terms with the naturalistic inquiry (Rakhmat, 1984). The informants in this study numbered fifty people because, according to the researchers, the degree of similarity in behavior patterns of justice for physical and spiritual maintenance for children resulting from polygamy was not much different. The criteria for selecting informants were parents and children who came from polygamous families and residents of the surrounding community who knew the conditions of the polygamous family. The interview technique in this study utilized free-directed interviews from one informant to another.

C. Findings and Discussion

1. Findings

Polygamy Phenomenon in Medan City Society

Before studying and analyzing justice for children from polygamous marriages in the Malay community in Medan City, one must know and understand the culture of the Malay community in Medan City. From the point of view of authenticity, the residents of Medan City can be categorized into two groups: the original residents of Medan City and residents who are migrants to Medan City. According to HT Lukman Sinar and friends, the original residents of Medan City are eight tribes, namely; (a) Malay, (b) Karo, (c) Simalungun, (d) Pakpak/Dairi, (e) Mandailing, (f) Batak Toba, (g) Pesisir Sibolga, and (h) Nias (Sinar, 1992). Thus, the Malay community in Medan is a native who has existed in Medan from ancient times. However, even so, one thing that needs to be known is what was conveyed by Judith A Nagata, *A Malay one who is a Muslim, who habitually speaks Malay, who practices Malay Adat, and who fulfills specific residence requirements* (Sinar, 1992).

Thus, it can be understood that Malay culture is based on Islamic law. They will not accept a culture not supported by Islamic teachings, such as liquor and adultery

(Amrizal, 2016). Therefore, concerning polygamous marriages, why can the Malay community in Medan accept polygamous marriages? That is because polygamous marriages are supported by Islamic law. If polygamous marriages were prohibited by Islamic law, then perhaps polygamous marriages would not have become a culture in the Malay community of Medan City. Based on the observations made by the researchers, the Malay community in Medan City does not feel uncomfortable or guilty if one of their family members or their father enters a polygamous marriage. However, if someone commits an affair, cohabiting, or adultery, then the Medan City Malay community will reject it. Because it is against the teachings of Islam (Azmi & Azis, 2021). Moreover, based on observations made, no polygamous marriages were carried out in secret, so the first wife, children, extended family, and the community all knew that Fulan was carrying out a polygamous marriage. There are only unregistered polygamous marriages, and even then, according to them, because of administrative difficulties that must be taken, not because they intend to hide the existence of the marriage. The Malay community is a society that has traditional ties with the Islamic religion; therefore, gambling and prostitution must be kept away (Eriswan, 2012).

Based on the observations made in the Malay community of Medan City, it can be concluded that they accept polygamous marriages that occur in the community. They do not feel polygamous marriage is against the law, and even polygamous marriage is permitted by Islamic law. The culture that prevails among the Medan City Malays is a culture that follows Islamic teachings; if this culture conflicts with Islamic teachings, then according to them, it is not the culture of the Medan City Malay Community. Therefore, polygamous marriage follows the culture that lives in society. If one of the family members enters into a polygamous marriage, then according to them, it is not against Islamic religious norms, customary norms, and moral norms (Fauzan, 2020). However, if a family member commits adultery, according to the Medan City Malay Community, this violates the culture, customs and morals, and laws that apply in society, and even according to them, the family member must be expelled from the village. Thus, the Medan City Malay community accepts polygamous marriage because it does not conflict with Islam.

The Medan City Malay community can accept polygamous marriage, but it is very hard for women to feel. The consequences of this polygamous marriage are outlined in the lyrics of a song in the midst of Malay society titled *The Pain of Dimadu*. The lyrics of this song were written by Yan Juned and Rosnida, who come from Deli Malay, Medan City. If you pay attention to the lyrics of this song, this song actually tells about what has happened to polygamous marriages among the Malay community in Medan City. This is because the music that exists in the Malay community is one of them is narrative in nature, where it tells what is in the middle of the community or tells something (Dewi, 2014). This song illustrates to the public that polygamy is apparently very painful, because it will share affection and time. A day with the old wife and a day for the young wife. From this song, it can be seen that the husband is indeed fair in dividing his time, but he still does not bring peace. What is very sad is when the child starts commenting on his father who divides his time, as if the father doesn't feel at home, even though it's not because of that, but because he has to share his time. Polygamy is very painful for those who have experienced it, because it is more painful than a knife wound. This is what happens in the heart of a polygamous woman. Meanwhile, in domestic life, polygamy is like living in hell. Besides that, there is also a saying that lives and applies in the midst of the North Sumatran Malay community, namely; "it's a pity that the wife is left behind, it's a pity that the children are beaten." The meaning of this saying is that a husband who loves his wife always leaves

his wife, because he goes to sea or wanders to earn a living to provide for his family. If the husband goes abroad to a far country, it means that he will leave his wife and children. This is an opportunity for polygamy, because he will need a wife to accompany his life overseas (Abror, 2016). Thus, polygamous marriage is permissible according to the cultural customs of the Medan City Malay community, but has consequences.

In sociology, a very influential theory is the structural-functional theory. This theory pays attention to society at the macro level, where society has structures and functions. A society consists of structures, and each structure has its function. If there is a change in structure and function, it will cause changes in other structures and functions. With this theory, it will be understood that the changes that occur in society are based on the theory of social change, including the changes that occur in the Malay community of Medan City.

From the research results, there are many reasons why the Malay people of Medan City practice polygamous marriages. The results of this study align with research that has been conducted, where the factors that cause polygamous marriages are: first, because of being abandoned by the wife. When a wife leaves her husband without divorce, she is still the husband's wife. At times like this, many husbands remarry to other women without divorcing their previous wives. Second, the reason for polygamy is because of Destiny from Allah SWT. Many husbands are polygamous; when asked why they are polygamous; their answer is because of God's destiny. The third reason is biological needs, where the husband feels that one wife is not enough or the wife who is there is still lacking. The fourth reason is due to the opportunity factor. The husband admits that his second, third, or fourth wife was his ex-girlfriend before marrying the previous wife. The fifth reason is the economic factor. Many husbands claim that by getting married, they will become richer (Fadhli & Rahmi, 2020).

Polygamous marriages that have taken place in the Malay community of Medan City have their views on the community. Husbands see that with a polygamous marriage, there will be peace in sex because they have many wives to channel their sexual needs. With this polygamy, it will avoid infidelity and adultery, which are prohibited by religious norms and also the customary norms of the Medan City Malay community, although sometimes some informants stated that this polygamous marriage started with an affair that ended in marriage. Husbands also admit polygamous marriages are tiring and require much thought, energy, and money. Husbands feel calm, even though there is sometimes bickering and bickering between husband and wife, and they are also busy. According to husbands, the most frequent quarrels were in the early days of a polygamous marriage, whereas if this has been passed and the children have grown up, the fights can be eliminated, and the level of understanding of the wives and children has increased about the nature of polygamy. Alone. Due to the marriage with one wife, quarrels still exist; it is just that in polygamy, sometimes the quarrels spread, namely between the wives and children. Husbands also feel that from the perspective of sustenance, all husbands state that with polygamy, sustenance increases in quantity but varies significantly in quality.

In a polygamous marriage wife, the wife feels someone is protecting her and her family. With a polygamous marriage, there is a feeling of mental torment because there is jealousy but is protected from slander because there is a husband. For the Malay community in Medan City, if a girl does not marry until she is old, that is also a concern for family members. In a polygamous marriage, the husband's role in the household is less than perfect, so the wife must be able to be independent. The wife also admits that with polygamy, there is a little feeling of inferiority in society, but that

only happens at the beginning of the marriage. This happens because some people think that the second, third, and fourth wives are male thieves (*pelakor*), but after time has passed, these feelings disappear by themselves.

Polygamous marriages also affect children. The child feels jealousy of other siblings who are different, and the mother and child feel less affection from the father. One of the consequences of polygamous marriage for children is the child's feeling that their father lacks affection for them (Tinsi dkk., 2021). This causes behavior that does not follow indicators of a child's mental development. In addition, children also feel inferior in society. Children from polygamy feel a lack of affection from their father after their father is polygamous. These feelings can affect the child's behavior patterns and interactions with the environment and peers. As the children's confession from the results of this study, after their father committed polygamy, the children felt angry and rebelled against the children. They disapproved of their father entering into a polygamous marriage with another woman. The children feel that their father does not love them and their mother anymore, and the children's mood gets angry and rebellious toward the father because of the added explanation of the mother, who always blames their father for being polygamous.

Moreover, children often feel the effects of polygamous fathers, where spending money and children's time with their fathers is reduced. The child feels less time with the father, so the affection decreases (Ainiyah, 2017). This is also in accordance with the results of previous research that the child who was originally cheerful was cheerful as a result of polygamy, but after learning that his father was polygamous, the child often daydreamed and became quiet in school class. He is always acting up and rebelling. At first, the child was actively participating in lessons, and after learning that his father was polygamous, the child became lazy and rarely came to school. He often broke the rules and did not obey the school rules.

2. Discussion

Moral Justice for Children

The Malay community is a large ethnic group in the City of Medan. They are very influential on the culture that exists and develops in the City of Medan because they are huge. Goldsworthy explained: "*the three major North Sumatran ethnic groups are the Batak, coastal Malay, and Nias*. In his view, there are three major ethnic groups in Medan City: the Batak, Coastal Malay, and Nias (Goldsworthy, 1979). Therefore, ethnic Malays are one of the largest ethnic groups in Medan City. A large society with a culture will influence other existing cultures. Thus, this shows that Malay culture is very worthy of studying and discussion because it is a large ethnic group in the City of Medan. In this study, it was explained that what was studied was the Malay community in the City of Medan, namely people belonging to the Malay race, using Malay culture and various Muslims, and residing in the City of Medan.

One of the cultures of the Malay people of Sumatra is marriage. Their adage reads, "*the sign of a lucky man, living in a house and forested land*". This expression means it is not perfect if a person does not have a home. If he already has a house but does not have a spouse and family, that is also not perfect. However, if he already has a house and has a wife to fill the house, then he must also have a property in the form of land. This is just a lucky life in the view of the Malay community in Medan City (Azmi & Azis, 2021).

As explained above that the Malay community is a Muslim community. The Malay community in Medan City is very obedient to customs. Their proverb explains

that: " *people live in the womb of adat, people die in the womb of the land, children die in an upheaval in the same house, people die in the culture of countrymen. Let the child die instead of the customary death* (Sinar, 1992). That's how they respect the customs based on the Islamic religion. They really care about children because it is in Islamic teachings that children are a trust entrusted by Allah SWT.

From the indicators of justice for children from polygamous marriages for the Malay Community in Medan City and from the presentation of the data above, the question is, do children from polygamous marriages get justice? As explained above, justice for children from polygamous marriages consists of two types of justice: moral and social justice. Based on the data above, conclusions can be drawn as contained in the following table:

Table 1. Moral justice for children from polygamous marriages in the Malay community of Medan City

No	Moral Justice for Children from Polygamous Marriages for the Malay Community in Medan City	Remark
1	Right Child For life, grow and develop	90.20 %
2	Right For get name, lineage, identity, And Citizenship	78.64 %
3	Right get <i>aqiqah</i>	34.00 %
4	Right Foster	61.40 %
5	Right drink Milk Mother	82.00 %
6	Right decent clothes	92.60 %
7	Right place decent stay	100.00 %
8	Right Islamic religious education	39.80 %
9	Right education and teaching Skills life	72.40 %
10	Right For get Halal food/drinks and nutritious	90.24 %
11	Right For play	71.30 %
12	Right facility health	56.40 %
13	Right For married	18.96 %
14	Right, get treasure inheritance	75.00 %
Total value		962, 94 %

To measure the percentage value of the Right to Moral Justice for Children from Polygamous Marriages for the Malay Community in Medan City, the sum of the values for the right to moral justice for Children from Polygamous Marriages for the Malay Community in Medan City obtained is divided by the total number of indicators of fairness as a whole. Because the number of indicators is 14 and each indicator has a maximum value of 100, the total indicator value is 14 multiplied by 100 to become 1400. Therefore, this can be formulated as follows:

$$NKmSU = \frac{I KmSU}{TIKmSU} \times 100 \%$$

Formula Description:

NKMSU	:	The Value of the Right to Moral Justice for Children from Polygamous Marriages for the Malay Community in Medan City
IkmSU	:	The total value of the Right to Moral Justice for Children from Polygamous Marriage Results for the

ICTmSU	:	Malay Community in Medan City obtained The total value of the Right to Moral Justice for Children from Polygamous Marriage Results for the Malay Community in Medan City obtained as a whole
--------	---	---

From the formula above, the Value of the Right to Moral Justice for Children from Polygamous Marriages in the Malay Community in Medan City is as follows:

$$\frac{962.94}{1400} \times 100 \% = 68.78 \%$$

Thus, the value of the Right to Moral Justice for Children from Polygamous Marriages in the Malay Community in Medan City is 68.78%. Indicators of moral justice for children from polygamous marriages in the Malay community in Medan City have high and low scores. A high value is a value that is above 40%, while a value below 40% is a very low value. The rights to Moral Justice with high scores are as follows:

Table 2. High Value of Moral Justice

No	Right to Moral Justice for Children	Remark
1	Children's rights to live, grow and develop	90.20 %
2	The right to get a name, lineage, identity, and citizenship	78.64 %
3	Custody	61.40 %
4	Right to drink Mother's Milk	82.00 %
5	Proper attire	92.60 %
6	The right to adequate housing	100.00 %
7	Right to education and teaching of life skills	72.40 %
8	The right to obtain halal and nutritious food/ drinks	90.24 %
9	Right to play	71.30 %
10	Health facility rights	56.40 %
11	The right to inherit property	75.00 %
Total value		962, 94 %

Meanwhile, the low value of Moral Justice is found in the following indicators:

Table 3. Low Value of Moral Justice

No	Right to Moral Justice for Children	Remark
1	Right get <i>aqiqah</i>	34.00 %
2	Right Islamic religious education	39.80 %
3	Right For married	18.96 %

From the data and indicators above, the researcher can conclude that children from polygamous marriages in the Malay Community in Medan City can obtain moral justice in their families even though the family has one father and more than one mother. This means that fathers can still fulfill their obligations to their children and provide for or meet their children's basic needs. Of the fourteen indicators, only three scored below 40%: the right to receive *aqiqah*, the right to receive Islamic religious education, and the right to marry.

Fathers in polygamous marriages in the Malay Community in Medan City do not carry out *aqiqah* for their children. For the Malay community, *aqiqah* is *circumcision*

muakkad; this means that *aqiqah* for children is highly recommended, and the community strongly supports fathers carrying it out. For the Malay community, *aqiqah* is a law that must be implemented, and the culture of the Malay community strongly supports the existence of *aqiqah* for children. If a child is born, the parents try to carry out the *aqiqah* and also hold an *aqiqah* party by inviting the family to eat together. From the results of interviews, fathers in polygamous families want their children to be *aqiqah*, but due to limited funds and more essential costs, such as family living expenses and school fees for other siblings, only 34% of the father who performs *aqiqah* for his children. They are very aware that *aqiqah* is important in carrying out children's rights, but because there is still something more important and the legal *aqiqah* is circumcision, while the funds available are limited, *aqiqah* for children is not carried out.

Furthermore, it relates to the implementation of Islamic religious education. From the results of the research that has been done, it can be obtained data that fathers do not provide Islamic religious education for children from polygamous marriages. Only 39.80 % of children have the right to receive Islamic religious education. Even though it is known that the Malay community in Medan City is very religious and recognizes that Islam is the religion that is adhered to by the Malay community, they admit that Islam is a religion adhered to by all ethnic Malays in Medan City, they did not provide Islamic religious education to their children at the time this research was conducted. This is a significant phenomenon for researchers, where it is found that there is a shift in motivation to get Islamic religious education in the Malay community in the City of Medan. Around the 1960s to 1980s, Islamic religious education for the Malay community was essential many of the Malay people were good at writing and reading Arabic Malay and not good at writing Latin. Many children learn in the morning, afternoon, and evening about the Koran in madrasas and mosques. Children learn about the Koran, Hadith, Arabic, and others in madrasas or mosques. Many of the children were good at singing *kasidah* songs containing verses from Islamic religious songs and *barzanji*. They get religious education in Madrasah and in the Mosque.

When this research was conducted, many children were no longer studying Islamic religious education at madrasah, maktab, Arabic, or *Koran schools*. From the research results, children in the Malay community of Medan City have studied general education at school compared to Islam at Madrasah. There are several reasons that researchers have found why children in the Malay community no longer like to attend Islamic religious education at Madrasah, namely:

- a) It has limited Islamic religious education facilities. Based on the observations that have been made, there are many madrasas in the Malay community in Medan City built by the al-Jam'iyatul Washliyyah organization.
- b) The interest of the Medan City Malay community has diminished in entering madrasah, because, according to them, the quality of education in madrasas is below that of the existing public schools. Many madrasas available in the village are not attractive to students and parents; they prefer public schools in cities to madrasas in villages. Thus, they have learned very little about Islam because the content at school is that they only learn a little about Islam.
- c) Lack of guarantees for achieving the future when studying at madrasas. One of the reasons why Malay children in Medan do not choose to study at madrasas is because they are worried about the quality of what is in madrasas, especially at Madrasah Aliyah. The students believed that graduation from tertiary institutions came from public schools, not madrasahs.

- d) Lack of interest in studying Islam at madrasas because working will get money faster than studying at madrasas. Statements like this were obtained from children who were in coastal areas. Malay ethnic children in the City of Medan on the coast's outskirts prefer to work at sea or migrate to other areas rather than study at school or madrasa, because if they work, they can earn money and buy what they need, such as buying mobile phones. And the packages and the needs of motorbikes and so on are needed by young people.

Malay children have progressed concerning marriage. They have started to open themselves up to marrying other tribes because the Malay area has been used as a place to migrate for other tribes in the City of Medan. Concerning matchmaking, the Malay children of Medan City dare to choose their mate, no longer having arranged marriages by their parents or other families. Parents play more of a role as guardians of marriage for daughters and provide costs for weddings, while matchmaking is left to the child concerned.

Social Justice for Children

Social justice is the second type of justice for children from polygamous marriages for the Malay community in Medan City. This is very important because a child in a polygamous family is a member; he must get justice as a family member and other family members.

Table 4. Social justice for children from polygamous marriages In Medan City Malay Community

No	Right Justice Social for Child	Remark
1	Right, get the same opportunity as dad	25.00 %
2	Right, get food same quality	62.80 %
3	Right, get the right clothes same quality	11.20 %
4	The right place stays the same quality	18.40 %
5	Right same Islamic religious education	25.00 %
6	Right education Skills, same life	25.00 %
7	Right facility, same health	28.80 %
8	Right, accept the same gift	0.00 %
9	Right service same marriage	3.31%
10	Right as an expert, the same heir	75.00 %
Total		274.51 %

To measure social justice for children resulting from polygamous marriages for the Malay community in Medan City by measuring the indicators of social justice received by children divided by the total number of indicator values in Medan City multiplied by one hundred. The total number of social justice indicators for children is the total number of indicators multiplied by one hundred. The number of social justice indicators is 10, each with a maximum of 100. Therefore, the total social justice indicator is 10 x 100, which is 1000. So, to measure social justice for children from polygamous marriages in the Malay Community in the City, This field can be formulated by the following formula:

$$NKsSU = \frac{I KsSU}{TIKsSU} \times 100 \%$$

Formula Description:

NksSU	:	The Value of the Right to Social Justice for Children from Polygamous Marriages for the Malay Community in Medan City
IksSU	:	The total value of the right to social justice for children from the results of polygamous marriages for the Malay community in Medan City obtained
ICTmSU	:	The total value of the Right to Social Justice for Children from the Results of Polygamous Marriages for the Malay Community in Medan City obtained as a whole

From the formula above, the Value of Social Justice Rights for Children from Polygamous Marriage Results for the Malay Community in Medan City is obtained as follows:

$$\frac{274.51}{1000} \times 100 \% = 27.451 \%$$

From the above formula, the value of social justice for children from polygamous marriages in the Malay Community in Medan City is only 27.45%. This is a tiny indicator. From the data above, there are several conclusions obtained. The conclusion is as follows.

- a) The highest social justice right children receive is the right to an heir. This shows that the heir receives the same rights as his father. This right is exercised after the father dies because if it is not fair, it will cause conflict in the extended family. That is why the distribution of inheritance must be implemented fairly even though it is not carried out according to Islamic law. The implementation of the division of inheritance is carried out by deliberation to reach a consensus. All children are involved in the distribution of inheritance, and it is carried out based on deliberation. Family members do this to avoid conflicts between family members. One of the characteristics of Malay people in Medan City is that they do not like conflicts in the household. They are better off giving in than fighting or having conflict in the household.
- b) The lowest value of social justice is the right to receive equal gifts from the father. All children stated that the father was unfair in the matter of giving grants or gifts to children. The children judge that their father is always unfair in giving them shopping money, buying household items, buying houses, buying clothes, and so on. When explored further, to whom is the father more dominant to give? The children's answers varied; some said that the father gave more often to the children of his first wife, and some answered that the father gave more to the children of the youngest wife because the father was with him more often and for a long time. The low value of social justice is also related to marriage services. The father is fair in matters of guardianship in marriage for daughters, but in matters of marriage services, according to the father's children it is unfair, because the father holds large wedding parties for the children of the first wife, while the children of the second, third and the fourth was not as rousing as the child from the first wife. Fathers spend more on wedding expenses for the first wife's children than the wedding expenses for the children of the second, third and fourth wives. When the father was confirmed about his children's answers,

he replied that he had tried to be as fair as possible to his children because they were all children, he gave birth to, even though they had different mothers. He pampers everything he loves without discriminating, including in terms of gifts. It's just that, the gift is usually adjusted to the needs of the child, not based on the same amount, but based on the needs of the child. For example, problems with spending money, housing, food, and child marriage problems. All children are sent to school, given groceries and pocket money through their mothers, and given houses and clothes. All children get their rights, but the father recognizes the number or quantity is not the same because the first wife's children are usually older and more numerous, so their needs will be greater than that of a young wife. The first wife's house is more significant than the young wife's because more family members are there, and guests visit the first wife's house more often. Giving objects is adjusted to the child's needs, but the child still feels it unfair because, according to the child, justice is equal, whereas according to the father, justice is giving something to the child according to the child's needs. Regarding the matter of procreating children, according to the father, it depends on the child's sustenance because at the time of proposing a certain child, the father's sustenance is still a lot, and he is still young and strong to find sustenance so that he can make a big party, and maybe for other children the sustenance of the father and child has declined so the party is small and not even a party. But all of that was not because my father did not want to do justice but because the condition of his fortune had changed.

- c) The right to be together with the father, clothing, housing, religious education, life skills, quality of housing, and health facilities are almost the same, with the value interval from 10% to 30%. This means some children feel that the father is still fair in fulfilling their rights like other siblings.

D. Conclusion

From the presentation of the data and graphs above, the objective of this research has been answered, namely how is the reality of justice for children from polygamous marriages for the Malay community in Medan City. According to the children from polygamous marriages, they have obtained the right to moral justice because the value is 68.78%. This means that the father is almost close to perfection in carrying out his obligations to fulfill the child's rights. Meanwhile, regarding social justice, according to children from polygamous marriages in the Malay community in Medan City, they cannot be fair to them as family members because the value obtained is 27.45%. According to the children, the father is still dominant in certain children in giving children's rights evenly. However, the fathers disputed this assessment because, according to the fathers, social injustice is not the same, but it provides services according to the needs and circumstances in the father.

E. Acknowledgements

The researchers express his deepest gratitude to the Medan City State Islamic University's Chancellor, who has supported this research. Thanks to all colleagues, especially the lecturers at the Medan City State Islamic University and the informants, who have helped collect data for this research.

F. Author Contributions Statement

The author consists of three researchers who have their roles. The three authors

lived together in Medan City. Sofyan Suri initiated the study, compiled and designed the analysis, and proposed joint research with partners. Pagar and Md. Syahnan works together to develop research instruments and data collection, work on reference management, data contribution, or analysis tools. All authors cooperated in collecting data, analyzing data, and reading through to agree on the final manuscript.

G. References

- Abror, K. (2016). Poligami dan Relevansinya dengan Keharmonisan Rumah Tangga (Studi di Kelurahan Rajabasa Bandar Lampung). *Al-'Adalah*, 13(2), 227-238. <https://doi.org/10.24042/Adalah.V13I2.1141>.
- Ainiyah, Q. (2017). Poligami di Indonesia dalam perspektif CEDAW dan mazhab Shafi'i. *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan*, 17(1), 61-84. <https://doi.org/10.18326/IJTIHAD.V17I1.61-84>.
- Amrizal, A. (2016). Dimensi Sufistik dalam Pandangan Hidup Orang Melayu. *Akademika: Jurnal Pemikiran Islam*, 21(2).
- Anah, I. ', & Husna, N. (2022). Poligami dalam Perspektif Al-Qur'an. *El-Mu'jam. Jurnal Kajian Al Qur'an dan Al-Hadis*, 2(1), 50-61. <https://doi.org/10.33507/EL-MUJAM.V2I1.541>.
- Asmara, M., & Sahara, L. (2022). Problems with choosing a mate in Islam for people who choose a mate through Social Media. *NUSANTARA: Journal Of Law Studies*, 1(1), 40-49.
- Astuti, D., Nurhayati, W., & Oktavia, N. T. (2022). Relevance Of Al Mawardi's Reflection In The Development Of Islamic Economic Activities. *Nusantara Economy*, 1(1), 48-58.
- Azmi, A., & Azis, A. C. K. (2021). Perubahan Masyarakat Melayu di Kota Medan: Suatu Kajian tentang Tradisi Membangun Rumah Tinggal. *Gorga: Jurnal Seni Rupa*, 10(2), 478-485. <https://doi.org/10.24114/GR.V10I2.31020>.
- Bustamam, U. (2017). Poligami Menurut Perspektif Fiqh (Studi kasus di Kecamatan Pidie, Kabupaten Pidie, Aceh). *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 1(1), 275-288. <https://doi.org/10.22373/SJHK.V1I1.1578>.
- Daulay, N. J. (2018). Nafkah Anak Dalam Al Qur'an Dan Penafsiran Ulama. *Jurnal Al-Muqaranah: Jurnal Perbandingan Hukum dan Mazhab*, 5(1).
- Dewi, H. (2014). Musik, Lagu, dan Tari Melayu dari Sumatera Utara. *Criksetra: Jurnal Pendidikan Sejarah*, 3(2). <https://doi.org/10.36706/JC.V3I2.4759>.
- Eka, H., & Anwar, H. (2018). Kriteria Poligami serta Dampaknya melalui Pendekatan Alla Tuqsitu Fi al-Yatama dalam Kitab Fikih Islam Wa Adillatuhu. *Syariah: Jurnal Hukum dan Pemikiran*, 17(1), 64-85. <https://doi.org/10.18592/SY.V17I1.1967>.
- Eriswan, E. (2012). Islam dan Budaya Melayu: dalam Mewujudkan Visi Institut Seni Indonesia (Isi) Padangpanjang. *Ekspresi Seni: Jurnal Ilmu Pengetahuan dan Karya Seni*, 14(1). <https://doi.org/10.26887/EKSE.V14I1.176>.
- Fadhli, A., & Rahmi, F. (2020). Ijtihad Hakim Pengadilan Agama pada Perkara Poligami. *Juris (Jurnal Ilmiah Syariah)*, 19(2), 215-229. <https://doi.org/10.31958/JURIS.V19I2.2429>.
- Fahimah, I. (2018). Poligami dalam Perspektif Ushul Al-Fiqh. *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi, dan Keagamaan*, 4(2), 99-110. <https://doi.org/10.29300/MZN.V4I2.1014>.
- Fauzan, F. (2020). Progressive Law Paradigm in Islamic Family Law Renewal in Indonesia. *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi, dan Keagamaan*, 7(2), 187-202. <https://doi.org/10.29300/MZN.V7I2.3617>.

- Goldsworthy, D. J. (1979). *Melayu Music of North Sumatra; Continuities and changes*. Disertasi Doktoral Monash Unbiversity.
- Hamdun, I., & Ridwan, Muh. S. (2019). Tinjauan Hukum Islam tentang Dampak Poligami Terhadap Istri di Kabupaten Gowa. *Qadauna: Jurnal Ilmiah Mahasiswa Hukum Keluarga Islam*, 1(1), 34-49. <https://doi.org/10.24252/Qadauna.V1I1.11426>.
- Herlena, W., & Hasri, M. (2020). Tafsir QS. An-Nur: 32 Tentang Anjuran Menikah (Studi Analisis Hermeneutika Ma'na Cum Maghza). *Al-Dzikra: Jurnal Studi Ilmu al-Qur'an dan al-Hadits*, 14(2), 205-220. <https://doi.org/10.24042/AL-DZIKRA.V14I2.7010>.
- Hidayat, R. E. (2022). Implementasi Nilai-Nilai Keadilan dalam Keluarga Poligami. *Syakhshiyah Jurnal Hukum Keluarga Islam*, 2(1).
- Lestari, I., & Halim, A. (2023). Konsep Adil dalam Perkawinan Poligami menurut Hakim Perempuan dalam Putusan di Pengadilan Agama. *Jurnal Justitia: Jurnal Ilmu Hukum Dan Humaniora*, 7(2), Article 2. <https://doi.org/10.31604/justitia.v7i2.444-457>.
- Marzuki, M. (2005). Poligami dalam hukum Islam. *Jurnal Civics: Media Kajian Kewarganegaraan*, 2(2). <https://doi.org/10.21831/CIVICS.V2I2.4376>.
- Muddin, M. I. (2022). Inheritance System Mayorat on the Komerling Tribe in Urf Perspective. *Nusantara: Journal Of Law Studies*, 1(1), 21-32. <https://doi.org/10.57144/HI.V45I3.491>.
- Mulyana, D. (2004). *Metode Penelitian Kualitatif; Paradigma Baru Ilmu Komunikasi dan Ilmu Sosial Lainnya*. Remaja Rosadakarya.
- Pawitasari, E. (2015). Manfaat Pernikahan Poligini bagi Kaum Perempuan. *Al-Tahrir: Jurnal Pemikiran Islam*, 15(2), 451-474. <https://doi.org/10.21154/AL-TAHRIR.V15I2.273>.
- Rakhmat, J. (1984). *Metode Penelitian Komunikasi Dilengkapi Contoh Analisis Statistik*. Remaja Rosadakarya.
- Sinar, H. T. L. (1992). *Sistem Pengendalian Sosial Tradisional Masyarakat Melayu di Sumatera Utara*. Departemen Pendidikan dan Kebudayaan Direktorat Jenderal Kebudayaan.
- Surahman, C. (2017). Poligami menurut Nasr Hamid Abu Zayd: Studi atas pengaruh pemikiran tafsir terhadap penetapan hukum. *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan*, 17(2), 155-174. <https://doi.org/10.18326/IJTIHAD.V17I2.155-174>.
- Suryaningsih. (2022). Impact of Gadget Addicts on Family Harmony Perspective of Islamic Law. *NUSANTARA: Journal Of Law Studies*, 1(1), 50-64. <https://doi.org/10.18326/JUNA.V22I2.1567-230>.
- Tinsi, N., Nurlaili, N., & Syahbudin, R. (2021). Dampak Poligami terhadap Perkembangan Jiwa Anak di Seluma Selatan. *Al-Fitrah: Journal Of Early Childhood Islamic Education*, 5(1), 1-9. <https://doi.org/10.29300/ALFITRAH.V5I1.5144>.
- Tobing, R. S. L. (2021). Pengangkatan Anak dalam Kajian Perspektif Hukum Islam. *Solusi*, 19(3).
- Wahidullah. (2019). *Rekonstruksi Persyaratan Poligami dalam Perkawinan Indonesia Berbasis Keadilan, Disertasi*. Program Pascasarjana Universitas Islam Sultan Agung Semarang.

