A Wife's Inability to Perform Marital Obligations as a Ground for Polygamy: An Analysis of Judicial Reasoning in Cases Involving Women with Disabilities

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Abstract: Article 57 of the Compilation of Islamic Law (KHI) permits polygamy when a wife is unable to fulfill her duties as a wife. A problem arises when such inability is associated with an illness or condition that may be categorized as a disability, since a medical condition is not necessarily synonymous with functional incapacity. This study aims to analyze the legal reasoning of judges (ratio decidendi) in applications for permission to practice polygamy based on the wife's disability before the Religious Courts. This study employs an empirical legal research method using a socio-legal approach and a case approach. Data were obtained through document analysis of court decisions sourced from the Supreme Court Decision Directory and copies of decisions from several Religious Courts in Indonesia, selected through purposive sampling.The findings show that all applications for permission to practice polygamy in the eight analyzed decisions were granted by the judges. Five of the eight decisions (62.5%) were supported by medical evidence, while three decisions (37.5%) relied solely on witness testimony. The conditions underlying the applications included physical, mental, and reproductive disabilities, as well as degenerative diseases. The evidence presented was generally sufficient to establish the existence of a health condition, but did not

consistently examine its severity, nature and persistence, prognosis, or impact on the wife's overall marital functioning. Judges tended to interpret Article 57 of the KHI broadly by linking the wife's disability to an inability to fulfill marital duties or reproductive functions as grounds for granting permission for polygamy. Judicial assessment of the wife's inability focused primarily on the relationship between the health condition and particular marital functions considered unfulfilled, rather than on a comprehensive assessment of her functional capacity. Consequently, impairment or a medical condition tends to serve as the starting point for establishing incapacity, without always explaining how the condition produces functional limitations that are legally relevant.

Keywords: Polygamy Permits; Women With Disabilities; Ratio Decidendi; Judicial Reasoning.

Introduction

Polygamy is a marital practice that is permitted under Islamic family law, subject to strict limitations and conditions. The primary legal basis for its permissibility is found in the Qur'an, particularly Surah al-Nisa' verse 3[1], which explicitly limits the number of wives to four and requires the husband to uphold justice (*al-'adl*) toward all wives, both in terms of material maintenance (*nafaqah zahir*) and conjugal treatment and rights (*nafaqah batin*).[2] If a husband fears that he will be unable to treat his wives justly, he is required to limit himself to one wife (monogamy), which is regarded in Islamic jurisprudence (*fiqh*) as the preferable (*afdal*) form of marriage.[3]

The adoption of the principle of justice in Islamic jurisprudence (*fiqh*) is implemented strictly through Law No. 1 of 1974 on Marriage and further elaborated in the Compilation of

[1] Nasaiy Aziz, Rispalman, and Tika Anggraini, "Polygamy in the Perspective of Tafsīr Al-Aḥkām and Islamic Law: An Examination of the Gayo Luwes Community in Aceh, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 3 (2023): 1682–1707, https://doi.org/https://doi.org/10.22373/sjhk.v7i3.20021.

[2] Muhammad Roihan Asmu'i, M. R. Nasution, and M. I. Harahap, "Konsep Keadilan Islam Pada Ranah Spesifik Poligami (Ta'adud Al-Zaujāt) Dalam Alquran Perspektif Mufassir Wahbah Al-Zuḥailī," *Kamaya: Jurnal Ilmu Agama* 7, no. 3 (2024): 76–89, https://doi.org/https://doi.org/10.37329/kamaya.v7i3.3477.

[3] Milawati, Mardan, and Muhammad Yusuf, "Rekonstruksi Tafsir Tematik Tentang Poligami Dalam Al-Qur'an: Telaah Keadilan Melalui QS An-Nisa Ayat 3 Dan 129," *Jentre* 6, no. 2 (2025): 111–17, https://doi.org/https://doi.org/10.38075/jen.v6i2.551.

Islamic Law (Kompilasi Hukum Islam, KHI), particularly Articles 56 to 59.[4] Indonesian positive law establishes judicial authorization for polygamy as a cumulative requirement that must be sought through the Religious Courts.[5] These requirements encomp ass two principal pillars. First, the substantive requirement, namely that the husband must be capable of ensuring adequate financial maintenance and housing for his wives and children. Second, the procedural and ethical requirements, most importantly, the written consent of the first wife and judicial verification of the husband's ability to treat all wives fairly.[6]

In addition to these cumulative requirements, Article 4 paragraph (2) of Law No. 1 of 1974[7] in conjunction with Article 57 of the Compilation of Islamic Law (KHI)[8] establishes three alternative grounds that may serve as the basis for an application for judicial authorization of polygamy: (a) the wife is unable to fulfill her duties as a wife; (b) the wife has a physical disability or an incurable illness; or (c) the wife is unable to bear children. These three grounds are alternative in nature, meaning that the fulfillment of any one of them is sufficient to establish a legal basis for the application, in contrast to the cumulative requirements, all of which must be satisfied.

Article 57 of the Compilation of Islamic Law (KHI) formulates the phrase "the wife is unable to fulfill her duties as a wife" as one of the alternative grounds that may serve as the basis for an application for judicial authorization of polygamy.[9] Conceptually, this phrase suggests that a condition experienced by the wife, whether in the form of illness, physical impairment, or disability,

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[4] Ahmad Rezy Meidina, "Granting of License Polygamy Perspective Maqasid: Analysis of Article 4 of Law Number 1 of 1974 and Article 57 of the Compilation of Islamic Law," *International Journal of Social Science and Religion (IJSSR)* 3, no. 3 (2022): 133–48, https://doi.org/https://doi.org/10.53639/ijssr.v3i3.73.

[5] Nabilla Waindasari Wazni, Muhammad Galang Asmara, and Any Suryani Hamzah, "Analysis Decision Court on Polygamy Studies Case Decision of the Religious Court of Kasongan, Indonesia," *International Journal of Judicial Law* 4, no. 3 (2025): 95–102, https://doi.org/https://doi.org/10.54660/ijjl.2025.4.3.95-102.

[6] M. Rafii Akbar, "Analisis Gender Terhadap Putusan Hakim Pengadilan Agama Sleman Tahun 2017 Tentang Izin Poligami," *Asy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum* 52, no. 2 (2025): 345–68, https://doi.org/, https://doi.org/10.14421/ajish.v52i2.507.

[7] Undang-Undang Republik Indonesia Nomor 1 Tahun 1974 tentang Perkawinan, Pasal 4.

[8] Instruksi Presiden Republik Indonesia Nomor 1 Tahun 1991 tentang Penyebarluasan Kompilasi Hukum Islam, Kompilasi Hukum Islam, Pasal 57

[9] Ah. Kholish Hayatuddin Desti Widiani and Betty Eliya Rohmah, "Socio-Juridical Analysis on Polygamy Requirements in the Compilation of Islamic Law (KHI)," *Al-'Adalah* 19, no. 1 (2022): 195–222, https://doi.org/https://doi.org/10.24042/adalah.v19i1.10266.

has affected vital aspects of her physical or mental functioning, thereby preventing her from fulfilling the rights of her husband.[10] In the context of *fiqh*, a wife's duties encompass both material aspects, such as managing the household, and non-material aspects, including providing physical and conjugal services to her husband.[11]

The existence of these alternative grounds is philosophically intended to function as an "emergency exit" that should only be accessed under highly urgent and specific circumstances, rather than as an entry point that may be freely used.[12] However, these provisions are not accompanied by a clear operational definition of what constitutes "being unable to fulfill one's duties,"[13] how the degree of such inability should be assessed, or how it should be legally established through evidence.[14] This normative ambiguity has given rise to diverse interpretations in judicial practice.[15]

When disability occurs within a marriage, it creates a unique dynamic concerning the distribution of roles, responsibilities, and the requirements for obtaining judicial authorization for polygamy.[16] In *fiqh*, the objectives of marriage include the establishment of a family characterized by *sakinah* (tranquility),

[10] Deva Yulinda, Suci Ramadhani Putri, and Hüseyin Elmhemıt, "Injustice Legal System Ibuism in Indonesian Marriage Law: A Study on Polygamy for Childlessness Reasons," *Al-Manhaj: Journal of Indonesian Islamic Family Law* 7, no. 1 (2025): 1–23, https://doi.org/https://doi.org/10.19105/al-manhaj.v7i1.19515.

[11] Okti Nur Hidayah, Musyafangah, and Ahmad Rezy Meidina, "Analysis of the Rights and Obligations of Husband and Wife in the Compilation of Islamic Law: A Review from the Perspective of Gender Equality," *Legitima: Jurnal Hukum Keluarga Islam* 6, no. 1 (2023): 1–15, https://doi.org/https://doi.org/10.33367/legitima.v6i1.4148.

[12] Puput Putri Utami, Asep Saepullah, and Akhmad Shodikin, "Protection of Women's Rights in Polygamy in Indonesia," *Journal of Law and Social Politics* 1, no. 1 (2023): 1–16, https://doi.org/https://doi.org/10.46799/jlsp.v1i1.2.

[13] Aisudin Abdullah, Putu Ayu Sriasih Wesna, and I Wayan Kartika Jaya Utama, "Legal Consequences of Polygyny Marriage Based on a Compilation of Islamic Law (KHI) and Laws on Marriage," *Protection: Journal of Land and Environmental Law* 2, no. 1 (2024): 1–10, https://doi.org/https://doi.org/10.38142/pjlel.v2i1.1019.

[14] Ruslan Arifin, "Analisis Putusan Hakim Tentang Izin Poligami Dengan Dalih Post-Partum Depression Dan Anxiety Disorder (Studi Putusan No. 366/Pdt.G/2023/PA.Ska)," *Jurnal Darussalam: Jurnal Pendidikan, Komunikasi Dan Pemikiran Hukum Islam* 16, no. 1 (2024), https://doi.org/https://doi.org/10.30739/darussalam.v16i1.3218.

[15] Dahlia Haliah Ma'u and Wagiyem, "Memotret Praktik Pengurusan Izin Poligami Di Pengadilan Agama Kelas 1.A," *AL-HUKAMA'* 11, no. 1 (2021): 185–203, https://doi.org/https://doi.org/10.15642/alhukama.2021.11.1.185-203.

[16] St. Rahmawati, "Mainstreaming of Gender Equality in Islamic Family Law: Opportunities and Challenges," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 4, no. 2 (2020): 360–74, https://doi.org/https://doi.org/10.22373/sjhk.v4i2.8110.

mawaddah (affection), and *rahmah* (mercy and compassion).[17] However, when a wife experiences a disability that affects her ability to perform domestic roles, questions arise as to how the law should respond without compromising her fundamental rights as a human being and as a citizen protected by law.[18]

Disability is a concept that has undergone a significant paradigm shift over the past several decades.[19] In general, disability refers to a condition involving physical, mental, intellectual, or sensory impairments experienced by an individual.[20] Law No. 8 of 2016 on Persons with Disabilities defines a person with a disability as "any person who experiences long-term physical, intellectual, mental, and/or sensory impairments which, in interaction with the environment, may result in barriers and difficulties in participating fully and effectively in society on an equal basis with other citizens."[21]

In this study, the operational definition of disability is broadened to encompass the conditions cited as grounds for applications for judicial authorization of polygamy in the decisions analyzed. These conditions include: (1) physical conditions, such as stroke or post-stroke conditions resulting in paralysis; (2) mental health conditions, such as depression or mental disorders; (3) conditions affecting reproductive functions, such as infertility or uterine cysts; and (4) degenerative diseases, such as Ponto Cerebellar Degenerative Disease. These four categories of conditions were invoked by husbands as grounds for seeking

[17] Qodariah Barkah, "Abandonment of Women's Rights in Child Marriage; An Islamic Law Perspective," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (2022), https://doi.org/https://doi.org/10.19105/al-lhkam.v17i2.6725.

[18] H Asnawi and H Ismail, "Discrimination against Wife in the Perspective of CEDAW and Islam Mubādalah," *" Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 20, no. 2 (2020): 253–68, https://doi.org/https://doi.org/10.18326/ijtihad.v20i2.253-268.

[19] M. B. Santoso and N. C. Apsari, "Pergeseran Paradigma Dalam Disabilitas," *The Journal of International Studies* 1, no. 2 (2017): 166–76, https://doi.org/https://doi.org/10.24198/intermestic.v1n2.6.

[20] Ramadani Fitri Sihombing, Nurlaily, and Rina Shahriyani Shahrullah, "The Alignment of Indonesian Laws with International Legal Instruments on the Rights of Persons with Disabilities," *Nurani Hukum: Jurnal Ilmu Hukum* 5, no. 2 (2022): 106–18, https://doi.org/https://doi.org/10.51825/nhk.v5i2.17501.

[21]Undang-Undang Republik Indonesia Nomor 8 Tahun 2016 tentang Penyandang Disabilitas, Pasal 1 angka 1

judicial authorization for polygamy before the Religious Courts on the basis of limitations experienced by their wives.[22]

Research on polygamy within Islamic family law in Indonesia has been extensive. However, most studies have primarily focused on gender justice, judicial authorization procedures, or the general grounds for polygamy. Maftuhin and Cammack (2025), in their analysis of more than 200 Religious Court decisions issued between 2005 and 2023, identified a striking gap between the state's normative commitment under Law No. 8 of 2016 on Persons with Disabilities and its implementation in judicial practice.[23] Nevertheless, the construction of disability in judicial reasoning—particularly how judges interpret and assess a wife's "inability" when it results from disability or illness—remains insufficiently examined in depth.

Several studies have highlighted criticisms of Article 57 of the Compilation of Islamic Law (KHI), which has been considered insufficiently responsive to the rights and needs of women with disabilities and therefore requires revision to promote greater equality and inclusivity.[24] However, research specifically examining how judges construct their legal reasoning (*ratio decidendi*) in connecting a wife's disability to the alternative grounds for polygamy, as well as the extent to which judges assess the degree, nature, and functional impact of such inability, remains very limited. Addressing this gap is particularly important given that judicial decisions have a direct impact on the protection of the rights of women with disabilities.

This study aims to analyze the construction of a wife's inability in judicial reasoning in cases involving applications for judicial authorization of polygamy based on disability or illness. More specifically, it examines how judges interpret the phrase "the wife is unable to fulfill her duties as a wife" under Article 57 of the Compilation of Islamic Law (KHI) and the extent to which judges assess the degree, nature, and functional impact of the inability resulting from disability.

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[22] Amir Fiqih Alqadafi, "Juridical Analysis of Diffabel Wives in Article 57 Letter (B) Compilation of Islamic Law," *FALASIFA: Jurnal Studi Keislaman* 9, no. 2 (2018), https://doi.org/https://doi.org/10.36835/falasifa.v9i2.126.

[23] A. Maftuhin and M. Cammack, "Navigating Disability: Perspectives and Practices in Indonesian Religious Courts," *Ulumuna* 29, no. 2 (2025), https://doi.org/https://doi.org/10.20414/ujis.v29i2.1030.

[24] Asnawi and Ismail, "Discrimination against Wife in the Perspective of CEDAW and Islam Mubādalah."

Methods

This study employs empirical legal research using a *socio-legal* approach to analyze judicial practice in granting authorization for polygamy when the wife's health condition or disability is invoked as a ground for the application. A *case approach* is employed to identify and analyze the judges' *ratio decidendi*, particularly in examining how the wife's condition is connected to the alternative grounds for polygamy and the cumulative requirements that must be satisfied by the Applicant.

The research data are derived from Religious Court decisions obtained from the Supreme Court Decision Directory and copies of decisions obtained from several Religious Courts. Cases were selected through *purposive sampling* based on the criterion that the case involved an application for judicial authorization of polygamy in which the wife's health condition or functional limitations formed part of the grounds for the application and the judge's considerations. Of the cases that initially met the selection criteria, 10 decisions were identified. However, two cases were subsequently withdrawn and therefore could not be analyzed in terms of their *ratio decidendi* and operative parts of the judgments. Accordingly, this study analyzes eight decisions that were granted and met the research criteria.

The data were analyzed qualitatively through document analysis of each decision. The analysis systematically identified the grounds for the application, the wife's health condition or functional limitations, the evidence presented, the judges' legal reasoning, the application of the alternative grounds under Article 57 of the Compilation of Islamic Law (KHI), the fulfillment of the cumulative requirements, and the operative part of each judgment. The decisions were then compared to identify patterns in judicial reasoning concerning the construction of health conditions or disabilities as an inability to fulfill the duties of a wife, including the extent to which judges assessed the degree, nature, and functional impact of such conditions

Discussion

The Practice of Granting Polygamy Authorization Based on the Wife's Health Conditions and Inability in Religious Courts

This study analyzes eight applications for judicial authorization of polygamy that were granted by Religious Courts in several regions of Indonesia, on grounds related to the wife's health condition or limitations in fulfilling her marital duties. The decisions were obtained through searches of the Supreme Court Decision Directory and copies of decisions obtained from several Religious Courts, covering the period from 2015 to 2025. All eight cases analyzed resulted in the granting of the husbands' applications for judicial authorization of polygamy.

The wives' health conditions identified in the eight decisions varied considerably. Based on the characteristics of the conditions described in the judgments, the cases can be grouped into several categories. First, physical conditions involving stroke or post-stroke conditions. Second, mental health conditions. Third, conditions affecting reproductive functions. Fourth, degenerative diseases. In addition, one decision described the wife's condition simply as "illness" without providing a more specific medical diagnosis in the reasoning examined.

The judges' reasoning in cases involving applications for judicial authorization of polygamy based on the wife's health condition or functional limitations constitutes a chain of reasoning that connects the wife's condition to the legal grounds for polygamy and the requirements that must be satisfied by the Applicant.[25] This process includes examination of the wife's condition and the evidence presented, assessment of the alternative grounds under Article 4 paragraph (2) of the Marriage Law in conjunction with Article 57 of the Compilation of Islamic Law

[25] Mukhammad Nur Hadi, Latifatul Islamiyah, and C. Kurniawan, "Conservatism on Islamic Legal Maxims: Judicial Interpretation of Polygamous Marriage at the Religious Courts of Mojokerto," *Indonesia," JIL: Journal of Islamic Law* 4, no. 2 (2023): 172–85, https://doi.org/https://doi.org/10.24260/jil.v4i2.1637.

(KHI),[26] and examination of the cumulative requirements, namely the wife's consent, the husband's financial capacity, and his ability to treat all wives fairly.[27]

In Religious Court Decision No. 4173/Pdt.G/2025/PA.Clp of Cilacap, the application for judicial authorization of polygamy was based on the Respondent's condition of having suffered a stroke since approximately 2020, which was alleged to have rendered her unable to fulfill her duties as a wife. This condition was corroborated by a medical certificate issued by Bethesda Hospital. Thus, the claim was not based solely on the Applicant's assertions but was also supported by medical evidence.[28]

The judge considered that "the Respondent was in a sick/stroke condition and was no longer able to provide conjugal services to the Applicant." This reasoning demonstrates that the judge connected the diagnosis of stroke with a specific functional consequence, namely the inability to provide conjugal services. The medical condition was subsequently qualified under the alternative grounds provided in Article 4 paragraph (2) of the Marriage Law in conjunction with Article 57 of the Compilation of Islamic Law (KHI), particularly the ground that the wife is unable to fulfill her duties as a wife. Thus, the judge's reasoning proceeded from the medical fact, to its impact on marital functioning, and subsequently to its legal qualification as a ground for polygamy. The judge then examined the cumulative requirements, including the Respondent's consent, the Applicant's financial capacity to provide for the family, and his ability to treat both the first wife and the prospective second wife fairly.[29]

In Religious Court Decision No. 30/Pdt.G/2018/PA.Tlm of Tilamuta, the application for judicial authorization of polygamy was

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[26] Yuliatin, "Judges Considerations in Canceling Polygamous Marriages in Religious Courts," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 22, no. 2 (2022), https://doi.org/https://doi.org/10.30631/alrisalah.v22i2.124.

[27] Dri Santoso and M. Nasrudin, "Polygamy in Indonesia and Its Relevance to the Protection of Women and Children in the Perspective of Islamic Law Philosophy," *AKADEMIKA: Jurnal Pemikiran Islam* 26, no. 1 (2021): 121–36, https://doi.org/https://doi.org/10.32332/akademika.v26i1.2406.

[28] Putusan Pengadilan Agama Cilacap No. 4173/Pdt.G/2025/PA.Clp

[29] Putusan Pengadilan Agama Cilacap No. 4173/Pdt.G/2025/PA.Clp

based on the Respondent's condition of having suffered a stroke for approximately three years. This condition was corroborated by a medical certificate from a community health center (*Puskesmas*) and evidence that the stroke had resulted in paralysis. Accordingly, proof of the wife's condition was supported by both medical evidence and evidence concerning its physical consequences.[30]

The judge considered that "the illness suffered by the Respondent rendered her unable to fulfill her duties as a wife because she had become paralyzed." This reasoning demonstrates that the judge connected the diagnosis of stroke to a functional consequence, namely paralysis, and subsequently linked that consequence to the inability to fulfill marital duties. The condition was then subsumed under the alternative ground stipulated in Article 4 paragraph (2) of the Marriage Law in conjunction with Article 57 of the KHI, specifically the ground that the wife is unable to fulfill her duties as a wife. In addition to assessing the alternative ground, the judge examined the cumulative requirements for polygamy, particularly the Applicant's financial capacity to provide for both wives and his ability to treat them fairly. [31]

In Religious Court Decision No. 4160/Pdt.G/2025/PA.Badg of Bandung, the application for judicial authorization of polygamy concerned the Respondent's mental or psychological health condition, namely depression. The condition was supported by a referral letter from the BPJS Primary Health Care Facility (FKTP) and a medical follow-up certificate from Hermina Hospital, providing documentary evidence that the Respondent's condition had received medical treatment. The judge also noted that the depression or mental disorder had persisted for more than approximately two years.[32]

The judge considered that "the Respondent did not fulfill the Applicant's needs due to the Respondent's mental/psychological health disorder." This reasoning indicates that the judge connected the Respondent's medical condition to a functional consequence,

[30] Putusan Pengadilan Agama Tilamuta No. 30/Pdt.G/2018/PA.Tlm
[31] Putusan Pengadilan Agama Tilamuta No. 30/Pdt.G/2018/PA.Tlm
[32] Putusan Pengadilan Agama Bandung No. 4160/Pdt.G/2025/PA.Badg

namely the failure to fulfill the Applicant's needs. The condition was subsequently qualified under the alternative ground stipulated in Article 4 paragraph (2) of the Marriage Law in conjunction with Article 57 of the KHI, specifically the ground that the wife is unable to fulfill her duties as a wife.

After considering the alternative ground, the judge also examined the cumulative requirements. The Respondent consented to the Applicant's intention to marry another woman, while the Applicant's financial capacity was assessed, among other factors, on the basis of his monthly income of approximately IDR 25,000,000 to IDR 33,000,000. The Applicant's ability to treat both wives fairly was also examined as part of the judicial assessment.[33]

In Religious Court Decision No. 432/Pdt.G/2025/PA.Smn of Sleman, the application for judicial authorization of polygamy was based on the absence of children during the marriage. Witness I testified that the Applicant sought authorization to marry another woman because he and the Respondent had not had children during their marriage, while the Applicant wished to have offspring. Unlike the preceding case, this decision contains no medical evidence concerning the Respondent's reproductive condition or the cause of the couple's childlessness. Accordingly, the evidentiary basis relied primarily on testimony presented during the proceedings.[34]

The condition was subsequently connected to the alternative ground stipulated in Article 4 paragraph (2) of the Marriage Law in conjunction with Article 57 letter (c) of the KHI, namely that the wife is unable to bear children. However, there is a distinction between the factual absence of children and biological inability to conceive or bear children. The decision does not indicate that any medical examination was conducted to establish whether the absence of children was attributable to the Respondent's reproductive inability. Accordingly, the judge's reasoning in this case appears to have been based more on the

[33] Putusan Pengadilan Agama Bandung No. 4160/Pdt.G/2025/PA.Badg
[34] Putusan Pengadilan Agama Sleman No. 432/Pdt.G/2025/PA.Smn

factual circumstances of the marriage and the Applicant's desire to have children than on medical evidence establishing the wife's reproductive condition.

The judge subsequently examined the cumulative requirements. The Respondent expressed her consent to the Applicant's intention to marry another woman and had signed a written statement of consent. The Applicant's financial capacity was also considered on the basis of an average monthly income of approximately IDR 20,000,000, accompanied by a written statement of his commitment to treat both wives fairly. Accordingly, the application was granted on the basis that both the alternative ground and the cumulative requirements had been satisfied.[35]

In Religious Court Decision No. 115/Pdt.G/2015/PA.Ktb of Kotabaru, the application for judicial authorization of polygamy concerned the Respondent's post-stroke condition with *hemiparesis dextra*, namely paralysis or weakness affecting the right arm and leg. The condition was further clarified through witness testimony indicating that, for approximately two years, the Respondent had frequently required assistance from her children or the Applicant in performing daily activities. In addition, the judge conducted a local inspection (*pemeriksaan setempat*) to assess the Respondent's condition. Thus, the evidence not only established her physical condition but also provided a more concrete picture of her activity limitations and reliance on assistance from others.[36]

These facts were subsequently connected to the Respondent's ability to fulfill her duties as a wife and placed within the framework of the alternative grounds for polygamy under Article 4 paragraph (2) of the Marriage Law in conjunction with Article 57 of the KHI. Unlike cases in which the judgment merely identifies a medical diagnosis, the reasoning in this case demonstrates a more concrete connection between the post-stroke condition, activity limitations, and the functions of marital

[35] Putusan Pengadilan Agama Sleman No. 432/Pdt.G/2025/PA.Smn
[36] Putusan Pengadilan Agama Kotabaru No. 115/Pdt.G/2015/PA.Ktb

life. The local inspection also indicates that the judge did not rely entirely on abstract descriptions of the Respondent's health condition but obtained a direct assessment of her actual circumstances. The judge then examined the cumulative requirements for polygamy, including the Respondent's consent, the Applicant's financial capacity to provide for the family, and his ability to treat both wives fairly.[37]

In Religious Court Decision No. 3058/Pdt.G/2023/PA.Smg of Semarang, the Respondent's condition involved Ponto Cerebellar Degenerative Disease. The condition was considered in relation to the Respondent's ability to fulfill her duties as a wife. Thus, the degenerative disease acquired legal relevance not merely because it constituted a medical diagnosis, but because it was connected to the Respondent's functional role within marital life.[38]

The judge also considered the Applicant's financial capacity to provide for his wife and children. In addition, the circumstances of the Applicant's relationship with the prospective second wife and the potential harm (*maḍarat*) that might arise if the marital situation were allowed to continue unresolved were also taken into consideration.

In Religious Court Decision No. 1851/Pdt.G/2024/PA.Bks of Bekasi, the Respondent's condition, namely a uterine cyst, was established through an Anatomical Pathology Laboratory Report. The judge considered that the Respondent had been diagnosed as unable to become pregnant due to the condition.[39] This medical condition was subsequently qualified under the alternative ground stipulated in Article 57 letter (c) of the KHI, namely the inability to bear children.

The judge's reasoning focused on the relationship between the uterine cyst and the Respondent's reproductive inability, without elaborating on its impact on other aspects of marital functioning. Thus, medical evidence was used to substantiate the alternative ground, but the assessment remained limited to the

[37] Putusan Pengadilan Agama Kotabaru No. 115/Pdt.G/2015/PA.Ktb
[38] Putusan Pengadilan Agama Semarang No. 3058/Pdt.G/2023/PA.Smg
[39] Putusan Pengadilan Agama Bekasi No. 1851/Pdt.G/2024/PA.Bks

reproductive dimension. In addition, the judge examined the Respondent's consent, the Applicant's financial capacity to provide for his wives, and his ability to treat them fairly.[40]

In Religious Court Decision No. 1045/Pdt.G/2023/PA.Smn of Sleman, the Applicant alleged that the Respondent was ill and therefore unable to fulfill her duties as a wife. Unlike several other decisions that identify specific medical diagnoses, such as stroke, depression, uterine cysts, or degenerative disease, this case does not specify the type of illness suffered by the Respondent.[41]

The condition was also not supported by medical evidence. The documentary evidence submitted primarily concerned the parties' identities, marriage, the Respondent's consent, the Applicant's financial capacity, and his property and assets. The Respondent's health condition was supported only by the testimony of two witnesses, who stated that she was ill without explaining the type of illness, its severity, duration, progression, prognosis, or functional impact.

Nevertheless, the judge stated that "the Respondent was ill and therefore unable to perform her duties as a wife." Thus, the judge directly connected the state of illness to the inability to fulfill marital duties without first establishing a specific medical diagnosis. The condition was subsequently qualified under Article 57 letter (a) of the KHI, namely that the wife is unable to fulfill her duties as a wife.

The judge subsequently examined the cumulative requirements, including the Respondent's consent, the Applicant's financial capacity, and his ability to treat both wives fairly. The Respondent expressed no objection to the proposed polygamous marriage, while the Applicant's financial capacity was supported by a monthly income of approximately IDR 5,110,000 and evidence of ownership of property and assets. His commitment to treat both wives fairly was established through a written statement.[42]

[40] Putusan Pengadilan Agama Bekasi No. 1851/Pdt.G/2024/PA.Bks
[41] Putusan Pengadilan Agama Sleman No. 1045/Pdt.G/2023/PA.Smn
[42] Putusan Pengadilan Agama Sleman No. 1045/Pdt.G/2023/PA.Smn

This case demonstrates that the granting of the application was constructed through a combination of an alternative ground and the cumulative requirements. However, compared with the other decisions, the examination of the Respondent's health condition was the least rigorous, as there was neither a specific diagnosis nor medical evidence. The judge did not elaborate on the degree, nature, duration, progression, prognosis, or functional impact of the condition. Accordingly, this case demonstrates that the state of being "ill" may be directly constructed as an inability to fulfill a wife's duties under Article 57 letter (a) of the KHI, even though the relationship between the medical condition and the resulting functional inability was not subjected to in-depth judicial assessment.

Patterns of Judicial Reasoning in the Decisions

When the eight decisions are read as a single body of cases, it becomes apparent that the judges' reasoning generally follows a relatively similar pattern. The judges first identify the condition experienced by the Respondent through the parties' assertions, witness testimony, medical documents, local inspection, or a combination of several forms of evidence. The condition is then connected to one of the alternative grounds stipulated under marriage law. Subsequently, the judges examine the cumulative requirements, namely the wife's consent, the Applicant's financial capacity, and his ability to treat the wives fairly. This pattern indicates that the wife's health condition or inability constitutes one component within the overall structure of the *ratio decidendi*, but is not, in itself, the sole basis for granting the application.

Of the eight decisions, five cases were supported by medical evidence: Religious Court of Cilacap Decision No. 4173/Pdt.G/2025/PA.Clp, Religious Court of Tilamuta Decision No. 30/Pdt.G/2018/PA.Tlm, Religious Court of Bandung Decision No. 4160/Pdt.G/2025/PA.Badg, Religious Court of Semarang Decision No. 3058/Pdt.G/2023/PA.Smg, and Religious Court of Bekasi Decision No. 1851/Pdt.G/2024/PA.Bks. The medical evidence was utilized with varying degrees of depth. In some cases, the medical evidence established a relatively specific diagnosis, which the judges subsequently connected to a particular aspect of marital

functioning. The remaining three cases—Religious Court of Sleman Decision No. 432/Pdt.G/2025/PA.Smn, Religious Court of Kotabaru Decision No. 115/Pdt.G/2015/PA.Ktb, and Religious Court of Sleman Decision No. 1045/Pdt.G/2023/PA.Smn—do not indicate that medical evidence was used as the primary basis for establishing the Respondent's condition. The Kotabaru case placed greater emphasis on the local inspection and witness testimony concerning the Respondent's functional condition; the Sleman No. 432 case relied primarily on evidence concerning the absence of children; while the Sleman No. 1045 case relied on the allegation that the Respondent was ill and on general witness testimony.

With regard to the alternative grounds, conditions such as stroke, paralysis,[43] mental health disorders,[44] and degenerative diseases are generally qualified under the ground that the wife is unable to fulfill her duties as a wife, as stipulated in Article 57 letter (a) of the KHI.[45] In the Cilacap case, the stroke was linked to the inability to provide conjugal services; in the Tilamuta case, the stroke and paralysis were linked to the inability to fulfill the duties of a wife; in the Bandung case, the mental health disorder was associated with the failure to fulfill the Applicant's needs; in the Kotabaru case, the post-stroke condition and the Respondent's reliance on assistance in performing daily activities constituted relevant facts; while in the Semarang case, the degenerative disease was linked to the inability to fulfill marital duties. A similar pattern is evident in Sleman Decision No. 1045/Pdt.G/2023/PA.Smn, although the evidentiary basis was considerably less rigorous, as the mere condition of being "ill" was directly linked to the inability to fulfill the duties of a wife.

Meanwhile, conditions relating to reproductive functions are placed within the framework of Article 57 letter (c) of the KHI. The Bekasi Religious Court Decision connected the uterine cyst to the inability to become pregnant on the basis of medical evidence,

[43] Abdullah, Wesna, and Utama, "Legal Consequences of Polygyny Marriage Based on a Compilation of Islamic Law (KHI) and Laws on Marriage."
[44] Shanti Maharanti Rochi and M. Ali Mubarok, "Wife's Mental Disorders as a Reason for Polygamy: A Study of Islamic Law on Case Decisions at the Magelang Religious Court," *Al-'Adalah* 26, no. 2 (2023): 219–33, https://doi.org/https://doi.org/10.35719/aladalah.v26i2.352.
[45] Irsan, Alaiddin Koto, and Khairunnas Jamal, "Polygamy in the Law of the Republic of Indonesia Number 1 of 1974 and the Egyptian Family Law Number 100 of 1985 from the Perspective of Islamic Law and Maqashid Sharia," *Al-Majaalis: Jurnal Dirasat Islamiyah* 11, no. 2 (2024): 245–270, https://doi.org/https://doi.org/10.37397/amj.v11i2.480.

whereas Sleman Religious Court Decision No. 432/Pdt.G/2025/PA.Smn connected the absence of children to the Applicant's desire to have offspring. The difference between these two cases demonstrates a variation in the level of evidentiary scrutiny. In the Bekasi case, there was medical evidence that directly established a connection between the health condition and reproductive capacity, whereas in the Sleman case, the absence of children was not accompanied by a medical examination concerning the cause of childlessness or the Respondent's reproductive capacity.

At the next stage, the overall pattern of judicial reasoning demonstrates that the wife's consent, the husband's financial capacity, and his ability to treat the wives fairly were positioned as important components of the cumulative requirements for judicial authorization of polygamy.[46] The wife's consent was generally established through her response during the proceedings and/or a written statement of consent.[47] Financial capacity was assessed on the basis of the Applicant's income, financial circumstances, or evidence of asset ownership,[48] while the ability to treat the wives fairly was generally demonstrated through the Applicant's written statement.[49] Thus, the wife's health condition does not, by itself, result in the granting of judicial authorization for polygamy but must be situated within the overall structure of the legal requirements examined by the judge.

However, a closer examination reveals a distinction between establishing the existence of a health condition and establishing the degree of inability resulting from that condition. Some decisions relied on medical evidence to establish the existence of a particular illness or diagnosis. However, evidence establishing the existence of an illness was not necessarily followed by an assessment of the extent to which the illness actually restricted the wife's ability to participate in marital life. This can be observed in cases involving

[46] Wazni, Asmara, and Hamzah, "Analysis Decision Court on Polygamy Studies Case Decision of the Religious Court of Kasongan, Indonesia,."
[47] Santoso and Nasrudin, "Polygamy in Indonesia and Its Relevance to the Protection of Women and Children in the Perspective of Islamic Law Philosophy."
[48] Alfitri, Rijal Imanullah, and Aulia Rahman, "Unregistered Polygamy Validation: Isbat Nikah, Polygamy Permit, and Due Process of Law in Indonesian Religious Courts," *Ulumuna* 28, no. 1 (2024): 313–44, https://doi.org/https://doi.org/10.20414/ujis.v28i1.639.
[49] Dahlia Haliah Ma'u, ""The Harmonization of Polygamy Between Islamic Law and Legal Law in Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 2 (2023): 669–86, https://doi.org/https://doi.org/10.22373/sjhk.v7i2.8519.

stroke, mental health disorders, degenerative disease, and uterine cysts. Even in Sleman Religious Court Decision No. 1045/Pdt.G/2023/PA.Smn, the existence of the illness itself was not established through medical evidence; rather, the state of being "ill" was accepted on the basis of the parties' assertions and witness testimony.

Accordingly, at this stage, it can be argued that the judges' reasoning was more consistent in addressing the questions "Does the wife have a particular health condition?" and "Can that condition be subsumed under one of the alternative grounds for polygamy?" than in addressing the more substantive question: "To what extent does the condition actually render the wife unable to fulfill her duties, what is the nature of such inability, and what are its implications for the overall functioning of marital life?"

This latter question is important because a medical diagnosis and functional inability are not necessarily synonymous. An individual who has a particular illness does not necessarily lose the capacity to perform all functions associated with marital life.[50] Conversely, a health condition may result in certain limitations without eliminating the individual's overall capacity to function as a wife.[51] Therefore, after examining how each judge constructed the *ratio decidendi* in the respective cases, further analysis is necessary to assess the depth of judicial scrutiny of the wife's inability.

The Construction of the Wife's Inability as a Ground for Judicial Authorization of Polygamy in Judicial Reasoning

Article 57 of the Compilation of Islamic Law (KHI)[52] establishes three alternative grounds that may serve as the basis for an application for judicial authorization of polygamy: (a) the wife is unable to fulfill her duties as a wife; (b) the wife has a physical disability or an incurable illness; or (c) the wife is unable to bear

[50] John S. Rolland, "Chronic Illness and Disability: A Multisystemic Practice Model," *Journal of Family Nursing* 31, no. 2 (2025): 63–74, https://doi.org/https://doi.org/10.1177/1074840725132969.

[51] Isabella C. Bertschi, Fabienne Meier, and Guy Bodenmann, "Disability as an Interpersonal Experience: A Systematic Review on Dyadic Challenges and Dyadic Coping When One Partner Has a Chronic Physical or Sensory Impairment," *Frontiers in Psychology* 12 (2021), https://doi.org/https://doi.org/10.3389/fpsyg.2021.624609.

[52] Presiden Republik Indonesia, *Instruksi Presiden Nomor 1 Tahun 1991 tentang Penyebarluasan Kompilasi Hukum Islam*, Buku I, Pasal 57

children. This provision is parallel to Article 4 paragraph (2) of Law No. 1 of 1974 concerning Marriage. [53]

The phrase "*the wife is unable to fulfill her duties as a wife*" in Article 57 letter (a) of the KHI constitutes a general legal norm that is not accompanied by a clear operational definition.[54] This normative ambiguity has given rise to diverse interpretations in judicial practice, as the provision does not expressly specify what constitutes the duties of a wife or the extent to which an inability may be categorized as a legitimate ground for polygamy.[55] In practice, judges have interpreted this provision broadly to encompass various conditions that are not explicitly mentioned in the statutory text.[56] Studies indicate that conditions regarded as constituting such "inability" include an elderly wife whose physical condition has become severely weakened,[57] a wife whose conduct is considered problematic,[58] and a wife who is unable to fulfill or meet her husband's biological needs.[59] This broader interpretation indicates that the duties of a wife are understood not only within the domestic sphere but also to encompass biological aspects of the marital relationship.[60]

Conceptually, a wife who is "unable to fulfill her duties as a wife" may be understood as one whose illness or disability has affected essential aspects of her physical or mental functioning, such as total paralysis or severe mental illness. By contrast, an illness that is "difficult to cure" still offers the possibility of recovery, although it may require a prolonged period of treatment and considerable patience.

A review of all eight decisions demonstrates that the assessment of the wife's inability has not been conducted with a

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53 Meidina, "Granting of License Polygamy Perspective Maqasid: Analysis of Article 4 of Law Number 1 of 1974 and Article 57 of the Compilation of Islamic Law."
54 Abdullah, Wesna, and Utama, "Legal Consequences of Polygyny Marriage Based on a Compilation of Islamic Law (KHI) and Laws on Marriage."
55 Ma'u and Wagiyem, "Memotret Praktik Pengurusan Izin Poligami Di Pengadilan Agama Kelas 1.A."
56 Widiani and Rohmah, "Socio-Juridical Analysis on Polygamy Requirements in the Compilation of Islamic Law (KHI)."
57 Aziz, Rispalman, and Anggraini, "Polygamy in the Perspective of Tafsīr Al-Aḥkām and Islamic Law: An Examination of the Gayo Luwes Community in Aceh, Indonesia."
58 Aziz, Rispalman, and Anggraini.
59 Yulinda, Putri, and Elmhemıt, "Injustice Legal System Ibuism in Indonesian Marriage Law: A Study on Polygamy for Childlessness Reasons."
60 Rochi and Mubarok, "Wife's Mental Disorders as a Reason for Polygamy: A Study of Islamic Law on Case Decisions at the Magelang Religious Court."

uniform degree of depth.[61] Judges have generally identified the wife's health condition, the type of illness, or factual circumstances associated with her condition, and in several cases have also recorded the duration of the condition. However, the assessment of such inability has not consistently developed into a systematic evaluation of the degree, nature, and functional impact of the condition experienced by the wife.[62]

From the perspective of the degree of inability, most of the decisions merely identified the diagnosis or general consequences of the illness. In the Cilacap case, for example, the stroke was linked to the inability to provide conjugal services, but the decision did not specify the severity of the stroke. In the Tilamuta case, the stroke was stated to have caused paralysis, but the decision did not indicate which parts of the body were affected or the extent of the resulting limitation. In the Bandung case, depression was stated to have resulted in the failure to fulfill the Applicant's needs, but the decision did not specify the severity of the Respondent's psychological condition. In the Semarang case, Ponto Cerebellar Degenerative disease was linked to the inability to fulfill marital duties, but the decision did not explain the degree of degeneration or its functional consequences. In the Bekasi case, reproductive inability was linked to a uterine cyst, but its implications for other aspects of marital functioning beyond the ability to conceive were not further examined.

The Kotabaru Religious Court Decision provides a relatively more concrete description by identifying *hemiparesis dextra* and noting the Respondent's reliance on assistance in performing daily activities. These facts provide a more tangible picture of functional limitations than a mere reference to a medical diagnosis. Nevertheless, the decision still does not establish the medically assessed degree of the Respondent's inability. Meanwhile, Sleman Religious Court Decision No. 1045/Pdt.G/2023/PA.Smn occupies a different position because even the nature of the Respondent's medical condition cannot be clearly identified. The decision merely states that the Respondent was "in a state of illness" and then

[61] Peni Rinda Listiowati and Achid Ulfi Syukriya, "Judicial Review of Decisions of Polygamic Policy in Semarang Religious Court," *Jurnal Pembaharuan Hukum* 4, no. 3 (2017): 328–343, https://doi.org/10.26532/jph.v4i3.2319

[62] Euis Nurlaelawati, "Expansive Legal Interpretation and Muslim Judges' Approach to Polygamy in Indonesia," *Hawwa: Journal of Women of the Middle East and the Islamic World* 18, no. 2 (2020): 295–324, https://doi.org/https://doi.org/10.1163/15692086-12341380.

concludes that she was unable to fulfill her duties as a wife. Accordingly, this case demonstrates the most minimal form of scrutiny of the degree of inability, as neither a specific diagnosis nor an adequate description of functional limitations was established.

From the perspective of the nature of the inability, several decisions provide information concerning the duration of the illness. In the Bandung case, the Respondent was reported to have experienced depression for more than two years, while in the Tilamuta case, the stroke had reportedly been experienced for approximately three years. In the Cilacap case, the stroke was stated to have occurred since approximately 2020. Information concerning duration is important because it provides an indication of the persistence of the condition. However, duration does not, by itself, establish the nature of the resulting inability. The decisions do not consistently distinguish whether the limitations are permanent, progressive, temporary, rehabilitable, or potentially improvable through medical treatment.

These limitations are particularly evident in the Semarang case, which involved a degenerative disease. Given that such a condition is, by its nature, associated with changes in an individual's condition over time, the case could have warranted an assessment of the disease's progression, prognosis, and the possibility of changes in the Respondent's functional capacity. Nevertheless, these aspects were not specifically examined. Similarly, the Bandung case involving depression does not provide a clear account of the development of the Respondent's condition following treatment. Even in Sleman Religious Court Decision No. 1045/Pdt.G/2023/PA.Smn, the nature of the condition can hardly be assessed because neither the type of illness nor its duration was specified.

The third aspect concerns the functional impact of the wife's inability on marital life. This is where the clearest variation can be observed. Several decisions linked the wife's condition to specific marital functions, such as the provision of conjugal services in the Cilacap case; the fulfillment of marital duties in the Tilamuta and Semarang cases; daily activities in the Kotabaru case; reproductive functions in the Bekasi and Sleman No. 432 cases; and the fulfillment of the husband's needs in the Bandung case. In Sleman No. 1045, the functional impact was stated only in general terms through the conclusion that the Respondent was unable to fulfill

her duties as a wife, without explaining which duties or activities she was unable to perform.

Accordingly, there is a tendency for judges to assess inability based on the marital function identified as the basis of the Applicant's claim, rather than through a comprehensive assessment of the wife's overall functional capacity. When the application emphasizes the provision of conjugal services, the judicial reasoning focuses on that function; when the claim concerns childbearing, attention is directed toward reproductive function; when a physical condition results in dependence on assistance, the assessment focuses on daily activities; and when a mental health condition is invoked, attention is directed toward the failure to fulfill the Applicant's needs.

This pattern indicates that judicial scrutiny tends to be *relational and problem-specific*, insofar as the wife's limitations are assessed according to particular functions considered relevant to the application for polygamy.[63] Such an approach has the consequence that the aspects of the wife's remaining capacities do not necessarily receive equal consideration.[64] From a disability perspective, however, the existence of an illness or impairment does not, in itself, establish a person's overall inability.[65] What requires examination is how the condition interacts with activities, relationships, the environment, and support needs to produce particular functional limitations.[66]

The Kotabaru Religious Court case provides a relatively closer example of a functional assessment, as the judge did not merely accept the existence of the Respondent's post-stroke condition but also obtained a more concrete account of her need for assistance from others in performing daily activities through witness

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63 Peni Rinda Listiowati and Achid Ulfi Syukriya, "Judicial Review of Decisions of Polygamic Policy in Semarang Religious Court," *Jurnal Pembaharuan Hukum* 4, no. 3 (2017): 328–43, https://doi.org/https://doi.org/10.26532/jph.v4i3.2319.

64 Edi Gunawan and Faradila Hasan, "Divorce Lawsuit Due to Polygamy in the Manado Religious Court," *Al-Mizan (e-Journal)* 13, no. 2 (2017): 272–93, https://doi.org/https://doi.org/10.30603/am.v13i2.914.

65 Marguerite Schneidert, "The Role of Environment in the International Classification of Functioning, Disability and Health (ICF)," *Disability and Rehabilitation* 25, no. 11–12 (2003): 588–95, https://doi.org/https://doi.org/10.1080/0963828031000137090.

66 Liz Carlin, Gayle McPherson, and Richard Davison, "The International Classification of Functioning Disability and Health Framework (ICF): A New Approach to Enhance Sport and Physical Activity Participation among People with Disabilities in Scotland," *Frontiers in Sports and Active Living* 6 (2024), https://doi.org/https://doi.org/10.3389/fspor.2024.1225198.

testimony and a local inspection. By contrast, Sleman Religious Court Decision No. 1045/Pdt.G/2023/PA.Smn presents the opposite position. In that case, there was neither medical evidence nor a concrete description of the Respondent's functional limitations. The state of being "ill" was directly translated into an inability to fulfill the duties of a wife. This contrast demonstrates the varying depth of judicial scrutiny across the eight decisions analyzed.

On this basis, it can be argued that the judicial reasoning in these cases has moved beyond merely identifying an illness toward recognizing its functional consequences; however, this shift has not yet resulted in a comprehensive assessment of inability. Medical evidence more often served to confirm the diagnosis, while assessment of the degree, nature, prognosis, and functional consequences of the condition was not consistently incorporated into the *ratio decidendi*.[67]Indeed, Sleman Religious Court Decision No. 1045/Pdt.G/2023/PA.Smn demonstrates that, under certain circumstances, a medical diagnosis did not form part of the evidentiary process at all.

These findings also reveal a distinction between illness as a medical condition and disability as a functional condition. In several decisions, an illness or health condition was used as the point of departure for determining the existence of the wife's inability.[68] However, the relationship between impairment and disability was not always explicitly articulated.[69] In other words, judges generally identified a "health condition" and certain "limitations," but did not consistently articulate the reasoning process demonstrating how that condition concretely resulted in barriers to the performance of marital functions.[70]

his distinction is important because the grounds for polygamy under Article 57 of the KHI do not merely require the existence of

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[67] Nurlaelawati, "Expansive Legal Interpretation and Muslim Judges' Approach to Polygamy in Indonesia."

[68] Listiowati and Syukriya, "Judicial Review of Decisions of Polygamic Policy in Semarang Religious Court."

[69] Muhammad Kifli and Abd. Rouf, "Reconstructing Justice in Marital Property Division for Persons with Disabilities in Indonesian Marriage Law," *INTEGRATION: Journal of Multidisciplinary Studies* 1, no. 2 (2026): 475–490, https://doi.org/https://doi.org/10.65881/integration.v1i2.105.

[70] Muhammad Hafiz Antassalam and Ibnu Radwan Siddik Turnip, "Perspective of Medan City Scholars on the Law of Wives Who Demand Divorce from Husbands with Disabilities Due to Accidents," *Justitia Jurnal Hukum* 8, no. 2 (2024): 83–99, https://doi.org/https://doi.org/10.30651/justitia.v8i2.24130.

an illness. Rather, the provision employs specific legal categories, such as the inability to fulfill the duties of a wife or having a physical disability or an incurable illness. Therefore, the existence of a medical diagnosis should not, in itself, be regarded as equivalent to the satisfaction of an alternative statutory ground. An assessment is required of the relationship between the condition and the legally relevant inability. Sleman Religious Court Decision No. 1045/Pdt.G/2023/PA.Smn illustrates this issue most clearly, as an illness that was not medically identified was directly subsumed under the category of inability to fulfill the duties of a wife.

Of the eight cases analyzed, this study not only identifies a pattern in which the wife's health condition may serve as a basis for granting judicial authorization of polygamy, but also reveals varying degrees of judicial scrutiny of such conditions. At the most basic level, judges establish or accept the existence of a health condition.[71] At the next level, judges connect the condition to a particular marital function.[72] At a more concrete level, as illustrated by the Kotabaru case, judges also consider the impact of the condition on the wife's ability to perform daily activities.[73] However, at the more substantive level—namely, assessing the degree of inability, its nature, persistence, potential for recovery, and its overall functional impact on the wife's life—judicial reasoning remains relatively limited.[74]

Accordingly, the analysis of the eight decisions demonstrates that the standard of judicial scrutiny is stronger in identifying the legal grounds for polygamy than in substantively assessing the wife's inability underlying those grounds. Judges are relatively consistent in determining whether the wife's condition can be subsumed under one of the categories stipulated in Article 57 of the KHI and whether the cumulative requirements have been satisfied.

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71 Rochi and Mubarok, "Wife's Mental Disorders as a Reason for Polygamy: A Study of Islamic Law on Case Decisions at the Magelang Religious Court."

72 Rini Erlina, Yaswirman, and Mardenis, ""Judges' Considerations in the Cancellation Decision of the Marriage Establishment (ITHBAT) of Polygamy (The Analysis of Supreme Court Decision No. 351/K/Ag/2016)," *International Journal of Multicultural and Multireligious Understanding* 6, no. 2 (2019): 164–75, https://doi.org/https://doi.org/10.18415/ijmmu.v6i2.662.

73 Ihdi Karim Makinara, Jamhuri Ungel, and Fitrah Arrazi, "Physical Handicap as a Reason for Divorce: Case Study at the Sharia Court, Banda Aceh, Indonesia," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (2023): 318–34, https://doi.org/https://doi.org/10.22373/ujhk.v6i2.7836.

74 Kifli and Rouf, "Reconstructing Justice in Marital Property Division for Persons with Disabilities in Indonesian Marriage Law."

However, the depth of scrutiny concerning whether the condition actually results in significant inability, whether such inability is permanent or progressive, and whether it affects marital functioning more broadly does not exhibit the same degree of consistency.

The subsequent analysis therefore needs to move beyond the question of whether the wife's condition satisfies an alternative ground for polygamy and instead address the question of the extent to which the judicial process substantively assesses that condition as a form of inability, and whether such construction adequately distinguishes between illness, impairment, functional limitation, and disability within the context of Islamic family law.

Conclusion

The pattern of judicial reasoning shows that the judges' reasoning moves from the wife's health condition toward her inability to fulfill her marital obligations, and subsequently toward the legal grounds for polygamy. However, this relationship is not always established with the same degree of rigor. Some decisions rely on medical evidence accompanied by explanations of the functional impact of the condition, while others rely primarily on statements from the parties or witnesses. Moreover, in Decision of the Sleman Religious Court Number 1045/Pdt.G/2023/PA.Smn, the wife's condition of being "ill" was accepted as a basis for her inability to fulfill her marital obligations without adequate diagnosis or medical evidence. The evidence used in general was sufficient to establish the existence of a health condition, but it did not consistently examine the severity, nature and persistence of the condition, its prognosis, or its impact on the overall functioning of marital life.

The judges' assessment of the wife's inability was more commonly directed toward the relationship between the illness and particular marital functions that were considered unfulfilled, rather than toward a comprehensive assessment of the wife's overall functional capacity. Consequently, the existence of an illness or impairment tended to become the starting point for concluding that an inability existed, without always explaining the reasoning process through which the condition produced a functional limitation that was legally relevant. Thus, the distinction

between a medical condition, functional limitation, and disability has not yet been explicitly constructed within the judges' *ratio decidendi.*

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