The 2nd Proceeding
“Indonesia Clean of Corruption in 2020”

"Comparative Law System of Procurement of Goods and Services around Countries in Asia, Australia and Europe“

IMAM AS SYAFEI BUILDING
Faculty of Law, Sultan Agung Islamic University
Jalan Raya Kaligawe, KM. 4 Semarang, Indonesia

UNISSULA PRESS

ISBN. 978-602-1145-41-8
TABLE OF CONTENTS

Front Page ..............................................................................................................   i
Information of the International Seminar .................................................................  ii
Committee Composition ......................................................................................... iii
Preface...................................................................................................................   iv
Greeting From The Dean Faculty of Law ................................................................. vi

INDONESIA’S KPK AND NSW’S ICAC: COMPARISONS AND CONTRASTS
Prof. Simon Butt .....................................................................................................  1

CAN INDONESIA FREE ITSELF FROM CORRUPTION IN 2020?
Prof. Dr. Hikmahanto.,S.H.,LLM ...........................................................................  4

AN ACT TO ESTABLISH THE ANTI-CORRUPTION AGENCY, TO VEST POWERS ON OFFICERS
OF THE AGENCY AND TO MAKE PROVISIONS CONNECTED THEREWITH.
Rohimi Shapiee......................................................................................................  7

STRATEGY TO CREATE INDONESIA FREE CORRUPTION IN 2020
Dr. Jawade Hafidz, S.H., M.H ............................................................................... 11

THE NETHERLANDS INGLOBAL CORRUPTION
Siti Malikah Marlou Feer, M.A. .............................................................................. 28

ROBUST YET FRAGILE: EFFORTS IN COMBATING CORRUPTION IN INDONESIA
Laras Susanti.,S.H., LLM...................................................................................... 33

LEGAL STATUS OF AKTOR’S FOR CORRUPTION
(In the Perspective of Islamic Law)
Sumarwoto Umar .................................................................................................. 37

THE ROLE OF LAW IN THE POVERTY REDUCTION STRATEGY
Lantik Kusuma Aji .................................................................................................. 46

THE INDEPENDENCY OF THE INSTITUTION FOR THEPROTECTION
AND THE ESTABLISHMENT OF HUMAN RIGHTS TOWARDS
THE GLOBALIZATION ERA 2020
Khalid .................................................................................................................... 55

THE URGENCY OF ANTI CORRUPTION EDUCATION
FOR COLLEGES IN INDONESIA
Siska Diana Sari.................................................................................................... 62

THE PROBLEMS OF DIVORCE IN CUMULATION AT THE RELIGIOUS COURTS BASED ON THE
PRINCIPLES OF SIMPLE, FAST AND LOW COST
Elis Rahmahwati .................................................................................................... 78

DISPARITIES DECISION RELATED TO INTERPRETATION
OF ARTICLE 2 AND 3 CORRUPTION ERADICATION ACT
Agung Widodo ......................................................................................................... 87

DIVERSITY ADULT AGE LIMITS POSITIVE LAW IN INDONESIA
(Studies in Multidisciplinary Perspective)
Muhammad Andri .................................................................................................. 102

"Comparative Law System of Procurement of Goods
and Services around Countries in Asia, Australia and Europe"
<table>
<thead>
<tr>
<th>Title</th>
<th>Authors</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>THE APPLICATION OF BALANCE IDEA IN SETTLEMENT</td>
<td>Yati Nurhayati</td>
<td>111</td>
</tr>
<tr>
<td>MODERNIZATION LAW AS A CRIME CORRUPTION VERY EXCEPTIONAL</td>
<td>Dr. Sukresno, SH, M.Hum</td>
<td>118</td>
</tr>
<tr>
<td>THROUGH ENFORCEMENT OF ETHICS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CORRUPTION POTENCIES IN LAND USE POLICY</td>
<td>Haris Budiman</td>
<td>126</td>
</tr>
<tr>
<td>(A Case Study in Kuningan Regency)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CORRUPTION PREVENTION AND CONTROLS</td>
<td>INP Budiartha</td>
<td>133</td>
</tr>
<tr>
<td>ISLAMIC LAW VALUES TRANSFORMATION IN THE RECONSTRUCTION</td>
<td>Sri Endah Wahyuningsih</td>
<td>145</td>
</tr>
<tr>
<td>OF THE LEGALITY PRINCIPLE OF INDONESIAN CRIMINAL CODE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JUSTICE AND CHARITY IN JAKARTA’S NORTH COAST RECLAMATION PROCESS</td>
<td>Untoro</td>
<td>155</td>
</tr>
<tr>
<td>THAT WILL LEAD TO INDONESIA CLEAN OF CORRUPTION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CORRUPTION CRIMINAL SANCTIONS WITH VALUES OF JUSTICE-BASED</td>
<td>Zulfiani</td>
<td>162</td>
</tr>
<tr>
<td>THE REFLECTION OF ISLAMIC BANKING IN THEORY AND PRACTICE</td>
<td>Anis Mashdurohatun</td>
<td>171</td>
</tr>
<tr>
<td>THE IMPLEMENTATION OF LOCAL WISDOM SIRI’NA PACCE AS AN EFFORT</td>
<td>Muh. Afif Mahfud</td>
<td>181</td>
</tr>
<tr>
<td>OF CORRUPTION ERADICATION IN INDONESIA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DISCOURSE POLITICAL LAW IN INDONESIA</td>
<td>Adrianus M. Nggoro, SH., M.Pd</td>
<td>189</td>
</tr>
<tr>
<td>ON A COMPLETATION OF PLATO PHILOSOPHY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>STUDY OF INDONESIA’S PARTICIPATION IN ICSID</td>
<td>Agus Saiful Abib</td>
<td>202</td>
</tr>
<tr>
<td>NOTARY ROLE IN THE IMPLEMENTATION OF EXECUTION PROCUREMENT OF GOODS</td>
<td>Aris Yulia</td>
<td>211</td>
</tr>
<tr>
<td>AND SERVICES ARE FREE OF CORRUPTION BASED</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ON THE PRINCIPLE OF GOOD GOVERNANCE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ANALYSIS WIRETAPPING AUTHORITY UPPER KPK LAW ENFORCEMENT</td>
<td>Ariyanto, SH., MH</td>
<td>221</td>
</tr>
<tr>
<td>IN THE PERSPECTIVE OF HUMAN RIGHTS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SOCIAL WORKING PENALTY AS SOLUTION IN ERADICATING CORRUPTION IN</td>
<td>Desy Maryani</td>
<td>232</td>
</tr>
<tr>
<td>INDONESIA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LEGAL POLITICSOF EMPLOYMENT IN TERM OF PART OF TASK HANNOVER</td>
<td>Endah Pujjiastuti</td>
<td>244</td>
</tr>
<tr>
<td>TO OTHER COMPANIES IN INDONESIA</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
RESOLUTION OF DISPUTES OF OUTSOURCING WORK FORCE IN THE COMPANY EMPLOYING OUTSOURCING SERVICE
Pupu Sriwulan Sumaya ................................................................. 256

THE APPLICATION OF CORRUPTION LAW TO WARD CRIMINAL ACT IN THE FIELD OF FORESTRY
Ifrani ........................................................................................................ 267

THE EFFORTS OF ERADICATING CORRUPTION THROUGH INSTRUMENTS OF MONEY LAUNDERING LAW AND RETURN ACTORS’ ASSETS
Yasmirah Mandasari Saragih.............................................................. 276

AFFIRM ROLE OF EXISTENCE RECHTSVERWERKING TO ACHIEVING LEGAL CERTAINTY IN LAND REGISTRATION
Rofiq Iksamana, Setiono, I Gusti Ayu Ketut Rachmi Handayani, Oloan Sitorus........................................ 287

ANTI-CORRUPTION EDUCATION AT AN EARLY AGE AS A STRATEGIC MOVE TO PREVENT CORRUPTION IN INDONESIA
Ida Musofiana...................................................................................... 304

FREED INDONESIA’S CORRUPTION BETWEEN HOPE AND REALITY
Dr. Tongat, SH., MHum., Said Noor Prasetyo, SH., MH.......................................................... 313

UTILIZATION OF INDONESIA’S MARINE RESOURCES IN AN EFFORT TO REALIZE INDONESIA TO WARD THE SHAFT OF THE MARITIME WORLD
Dr. Lathifah Hanani, SH., M. Hum., M. Kn. and Letkol (mar) MS. Noorman, S. Sos., M. Opsla..... 319

POTENTIAL CORRUPTION IN THE VALIDATION POLICIES ON ACQUISITION TAX OF LAND AND OR BUILDING
Lilik Warsito.......................................................................................... 325

THE EFFORT OF LAW ENFORCEMENT IN COMBATING CORRUPTION IN SOUTH SUMATERA
Sri Suatmiati.......................................................................................... 334

ETHICAL PERSPECTIVE AND THE MAPPING OF NORM IN CORRUPTION ACT
Siti Zulaekhah....................................................................................... 344

AN EXPANSION OF CONCEPT THE STATE ECONOMIC LOSS IN CORRUPTION IN INDONESIA
Supriyanto, Hartwiningsih, Supanto........................................................................ 354

JURIDICAL STUDIES ON SUBSTANCE AND PROCEDURE OF THE DISMISSAL OF THE PRESIDENT AND/OR VICE-PRESIDENT AFTER THE REFORMATION
Siti Rodhiyah Dwi Istinah........................................................................ 364

THE ROLE OF THE SHARIA SUPERVISORY BOARD IN THE FRAMEWORK ENFORCING SHARIA PRINCIPLES AT THE INSTITUTE OF ISLAMIC BANKING IN SEMARANG
Aryani Witasari....................................................................................... 376

SEMARANG CITY GOVERNMENT ROLE IN CONSERVATION AND ENVIRONMENTAL PROTECTION TO THE CAPITAL OF THE NATIONAL HERITAGE IN INDONESIA
Achmad J Pamungkas (Indonesia), Carlito Da Costa (Timor Leste) ........................................ 390

“Comparative Law System of Procurement of Goods and Services around Countries in Asia, Australia and Europe”
STUDYING THE WISDOM OF ZAKAT
Moch. Gatot Koco (Indonesia), Basuki R Suratno (Australia) .................................................. 398

HOMOLOGATION RECONSTRUCTION IN BANKRUPTCY THAT IS BASED ON
DIGNIFIED JUSTICE
Agus Winoto .................................................................................................................................. 410

RECONSTRUCTION OF EXECUTIVE AND LEGISLATIVE AUTHORITY
IN MAKING GOOD GOVERNANCE (GOOD GOVERNANCE) VALUES BASED ON
WELFARE
Mohamad Khamim ....................................................................................................................... 420

THE TASK RECONSTRUCTION AND BPKP’S AUTHORITY IN THE CASE
OF JUSTICE VAUE BASED CORRUPTION
Sarbudin Panjaitan .......................................................................................................................... 429

THE RECONSTRUCTION OF MADLIYAH AND IDDAH MAINTENANCE
AND MUT’AH IN DIVORCE CASE FOR JUSTICE AND WELFARE
Mustar ................................................................................................................................................. 438

JURIDICAL ANALYSIS OF THE ALLEGED CRIMINAL OFFENSE TO MANUFACTURE
A NOTARY DEED
Subiyanto .......................................................................................................................................... 446

REVITALIZATION DEAL IN AKAD HYBRIDS IN SHARIA BANKING VALUE BASED
ISLAMIC JUSTICE
Masduqi .............................................................................................................................................. 452

RECONSTRUCTION OF LEGAL PROTECTION DISTRICT HEAD IN THE ELECTION
IMPLEMENTATION OF VALUE-BASED JUSTICE
Kukuh Sudarmanto Alugoro ............................................................................................................ 462

ABUSE OF AUTHORITY OFFENSE THEOLOGICAL RECONSTRUCTION LAW
ERADICATION OF CORRUPTION (LAW NUMBER 31 OF 1999
JO. LAW NUMBER 20 OF 2001) BASED ON VALUE OF JUSTICE
As’adi M. Al-ma’ruf .......................................................................................................................... 472

RECONSTRUCTION OF THE DAILY PAID WORK AGREEMENT IN THE EMPLOYMENT
LAW BASED ON JUSTICE
Christina N M Tobing ...................................................................................................................... 479

THE LAW AND THE IMPACT OF MARRIAGE SIRRI
Sahal Afhami .................................................................................................................................. 489

CRIMES AGAINST CHILDREN AS ACTORS
Muhammad Cholil .......................................................................................................................... 503

RECONSTRUCTION OF CRIMINAL PROCEDURAL LAW
(KUHAP) ABOUT THE DETENTION
Muhammad Khambali .................................................................................................................... 512
BASED ON JUSTICE
PROBLEMS OF DISPUTE RESOLUTION REGIONAL CHIEF ELECTION (GOVERNOR, REGENTS AND MAYOR)
Esti Ningrum ................................................................. 520

RECONSTRUCTION REGIONAL MINIMUM WAGE (UMR) IN RENEWAL OF EMPLOYMENT LEGAL REMEDIES BASED INDONESIA THE VALUE JUSTICE PANCASILA
Urip Giyono ........................................................................ 531

IMPLEMENTATION OF LAW AS TO MAINTAIN SECURITY IN THE CONTEXT OF PROFESSIONAL POLICE POLMAS (CASE STUDY IN LAMPUNG POLICE)
Muhammad Yaman ............................................................. 539

RECONSTRUCTION OF CRIMINAL SANCTIONS PENAL CODE ACTORS ON ABORTION CRIME BASED ON THE VALUE OF JUSTICE
Hanuring Ayu Ardhani Putri .................................................. 549

REGISTRATION FIDUCIARY GUARANTEE REALIZE LEGAL PROTECTION OF CREDITORS AND DEBTOR
Ansharullah Ida .................................................................. 556

RECONSTRUCTION OF LEGAL DISPUTES MEDIATION IN HEALTH CARE FOR PATIENTS HOSPITAL BASED ON THE VALUE OF JUSTICE
Teguh Anindito ..................................................................... 569

RECONSTRUCTION OF CRIMINAL SANCTIONS AGAINST CRIME OF ACTORS AND MURDER MURDER IN PLAN BASED ON VALUE OF JUSTICE CRIMINAL CODE
Maria Marghareta Titiek Pudji Angesti Rahayu Teguh Anindito .................................................. 579

IMPLEMENTATION OF PENAL MEDIATION IN CRIMINAL LAW
Aji Sudarmaji ......................................................................... 587

FAIR SETTLEMENT RECONSTRUCTION OF PROBLEMATIC CREDIT DISPUTE AT BANK RAKYAT INDONESIA (STUDY CASE AT MEDAN-SINGAMANGARAJA BRI BRANCH OFFICE)
Bachtiar Simatupang .................................................................. 594

RECONSTRUCTION OF THE WASTE MANAGEMENT LAW BASED ON WELFARE VALUE
M. Hasyim Muallim .................................................................. 616

RECONSTRUCTION LAW OF PUNISHMENT AGAINST CHILDREN NARCOTICS ABUSE-BASED PROGRESSIVE LAW
Salomo Ginting ...................................................................... 625

LEGAL PROTECTION PROBLEM OF WIFE AND CHILDREN OF POLYGAMY SIRRI IN INDONESIA
Muhlas .................................................................................. 639
IDEAL RECONSTRUCTION OF REHABILITATION PUNISHMENT FOR NARCOTICS ADDICTS AND ABUSER’S VICTIMS JUSTIFIED BASED ON THE LAW OF THE REPUBLIC OF INDONESIA NO. 35 YEAR 2009 (CASE STUDY IN SUMATERA UTARA PROVINCE) Ahmad Zaini ...................................................................................................................... 648

IMPLEMENTATION OF ACCELERATION SYSTEMATIC LAND REGISTRATION FULL IN HUMBANG HASUNDUTAN DISTRICT Ruslan .................................................................................................................................. 658

RECONSTRUCTION OF STATUS AND AUTHORITY OF THE SHARIA COURT IN THE NATIONAL JUDICIAL SYSTEM BASED ON JUSTICE Jufri Ghalib .................................................................................................................................. 667

RECONSTRUCTION OF LIABILITY NOTARY PUBLIC OFFICERS TO ACT AS A VALUE-BASED JUSTICE Elpina .................................................................................................................................. 679

RECONSTRUCTION OF CONSUMER PROTECTION LAW IN MAKING THE BALANCE BUSINESS BASED BUSINESS AND CONSUMER VALUE OF JUSTICE Ramon Nofrial .................................................................................................................................. 693

RECONSTRUCTION OF LAND USED RIGHT EIGENDOM VALUES BASED ON JUSTICE AND LEGAL CERTAINTY Hakim Tua Harahap .................................................................................................................................. 706

RECONSTRUCTION OF DIVERSION CONCEPT IN CHILD PROTECTION OF CONFLICT WITH THE LAWS BASED ON THE VALUE OF JUSTICE Ulina Marbun .................................................................................................................................. 726

RECONSTRUCTION OF PARATE EXECUTION MORTGAGE RIGHTS TO LAND BASED ON THE VALUE OF JUSTICE Zaenal Arifin .................................................................................................................................. 740

THE RECONSTRUCTION OF DIVORCE DUE TO MARITAL STATUS UNDER THE UNAUTHORIZED GUARDIAN AS VALUE OF JUSTICE Abdul Kholiq .................................................................................................................................. 751

THE RECONSTRUCTION OF LEGAL AID LAW FOR CHILDREN WHO GET CONFLICT WITH LAW IN PROCESS OF JUSTIFICATION FOR CHILDREN BASED ON THE VALUE OF PANCASILA Adi Mansar .................................................................................................................................. 767

MEDIATION RECONSTRUCTION AS ONE OF THE ALTERNATIVE SETTLEMENT OF DECLINE IN THE COURTS BASED ON THE VALUE OF JUSTICE (Study at the Simalungun District Court) Mariah S.M. Purba .................................................................................................................................. 778

**LAW ENFORCEMENT AGAINST CORRUPTION IN PERSPECTIVE OF HUMAN RIGHTS IN INDONESIA**
Sekhroni .......................................................... 798

**THE PRINCIPLE OF NATURAL JUSTICE AND HUMAN’S RIGHT PROTECTION FOR CITIZENS IN ERADICATION OF CORRUPTION IN INDONESIA**
Indriyana Dwi Mustikarini ........................................ 809

**PREVENTING LAND MAFIA USING POSITIVE LAND REGISTRY SYSTEM**
Bambang Sulistywo Widjanarko ................................ 816

**UNRULY PASSENGER IN AVIATION: THE REGULATIONS AND CASES IN INDONESIA**
Adya Paramita Prabandari ........................................ 826

**EDUCATION ANTI-CORRUPTION IN INDONESIA: PROBLEMS, CHALLENGES AND SOLUTIONS**
Alwan Hadiyanto .................................................. 839

**SPIRITUAL URGENCY OF RELIGIOUS AND EXPENSES OF EVIDENCE IN COMBATING CORRUPTION IN INDONESIA**
Sulistyowati ......................................................... 852

**SUE FOR THE STATE ADMINISTRATION OF JUSTICE IN INDONESIA**
Sarjiyati ............................................................... 863

**CONSISTENCY MODEL OF COURT DESIGNATION TO FOSTER PARENT RIGHTS AUTHORITY DUE TO DIVORCE ON CHILDREN**
Erna Trimartini ...................................................... 873

**AN INVESTIGATION AUTHORITY OF CRIMINAL ACT ON CORRUPTION IN CRIMINAL JUSTICE SYSTEM IN INDONESIA**
Sukmareni ............................................................ 885

**PRO CONS THE EXISTENCE OF DEATH PENALTY IN CORRUPTION ACT OF 1999 IN INDONESIA**
Anis Rifai .............................................................. 903

**PENAL MEDIATION IN SOLVING MEDICAL MALPRACTICE CASES AS AN ALTERNATIVE OF PENAL SANCTIONS BASED ON LOCAL WISDOM**
Sri Setiawati .......................................................... 913

**SPECIAL PROTECTION OF CHILDREN IN CRIMINAL JUSTICE SYSTEM**
Achmad Sulchan .................................................... 922

**MORAL REFORM BUREAUCRACY AS PREVENTION OF ILLEGAL PAYMENTS TO INDONESIA CLEAN OF CORRUPTION**
Herwin Sulistyowati ............................................... 932

**STANCE AND AUTHORITY OF PEOPLE’S CONSULTATIVE ASSEMBLY DURING REFORMATION ERA 1945**
Ahmad Mujib Rohmat ............................................... 944

“Comparative Law System of Procurement of Goods and Services around Countries in Asia, Australia and Europe”
TAXES AND ALMS SEEN FROM ISLAMIC LAW
Mohammad Solekhan ................................................................. 954

DIVERSION IN COURT (Case Studies in Karanganyar District Court)
Anita Zulfiani ............................................................................. 964

International Seminar
Photos....................................................................................... 971
POLYGAMIC POLICY IN INDONESIA

Warman
Student of Doctoral Program Faculty of Law Sultan Agung Islamic University
Email: spmnasionalpwt@gmail.com

Gunarto
Doctoral Program Faculty of Law Sultan Agung Islamic University
Email: gunarto@unissula.ac.id

Akhmad Khisni
Doctoral Program Faculty of Law Sultan Agung Islamic University
Email: khisni@unissula.ac.id

ABSTRACT

In essence, marriage is a sense of love, obligation, the fulfillment of sexual desire and resuming the descent. In Islam, a sense of love is the first pillar of a marriage. One principle of marriage is monogamy principle, where a man can have only one wife and vice versa (in time). Monogamy principle here is open or not absolute. These properties are not absolute monogamy principle set forth in article 2, paragraph 2, 4 and 5 of paragraph (1) of Law No. 1 of 1974 concerning marriage and regulated in article 55, paragraph 56 (1), 57 Compilation of Islamic Law; in fact, regulated, also in the Koran, that Q.S. An-Nissa paragraph 3. The term of polygamy itself is a term that is often present in everyday life. The term polygamy has a close relationship with marriage, both in new families and families who have been doing weddings

Formulation of the problems discussed in this dissertation as follows: 1) How does the construction of polygamy laws and procedures set out in the legislation in Indonesia since the year 1959 to 2015? 2) How does the practice of polygamy since 1959-2015? 3) How is the reconstruction of polygamy ideal setting in the future?

The method used in this research is using socio legal reseach method or can be called a sociological juridical approach. Constructivism paradigm is the paradigm of a social reality where truth is seen as socially constructed, and the truth of a social reality is relative.

The results of this study were 1) the provisions laid down concerning the setting of polygamy in Indonesia as the basis of the implementation of polygamous marriage contained in the Act No. 1 Year 1974 on Marriage, KHI and government regulation No. 9 of 1975 concerning the Implementing Regulations of Law No. 1 Year 1974 on Marriage, then it is very optimistic and believes that the prospect of polygamy is getting better, and opens the possibility of polygamy for highly skilled and have a sincere intention for happiness and prosperity. 2) The debate is getting better when the draft law on marriage proposed to become law. Finally, after a long debate, monogamous finally set to be one of the principles but with an exception for people who are under the law and allowed to take more of a religion. 3) The doctrine of polygamy after the entry of the Prophet Muhammad and Islam became more orderly and has provisions in its implementation. A husband and wife have a maximum of only limited amounts to four people with the terms and conditions when it is able to be fair and able to provide maintenance to his wives. If a husband is not able to be fair and not be able to give birth to a living wives then it is better for a man married is only one person.

Keywords: Polygamy, Polygamy Rules, Practice Polygamy in Indonesia
A. Background

In essence marriage is a sense of love, obligation, fulfillment of sexual desire and continuation of descent. In Islam, love is the first pillar of a marriage.\(^1\) Meanwhile, according to Imam Syafi’i marriage itself is a contract with which to be lawful sexual relations between men and women and according to the meaning majazi marriage means sexual intercourse.\(^2\)

One principle of marriage is the principle of monogamy, in which a man may only have a wife as well as vice versa (within a certain time). The principle of monogamy here is open or not absolute. As with the provisions of the Civil Code, the principle of monogamy is absolute.\(^3\) The principle of monogamy is not absolute means that a husband can have more than a wife, if desired and in accordance with the husband’s religious law.

The term polygamy itself is a term that is often present in everyday life. The term polygamy has a close relationship with marriage, both in new families and families who have long engaged in marriage. Polygamy has also taken place long before the coming of Islam. The Europeans we now call Russia, Yugoslavia, Germany, Belgium, the Netherlands, Denmark, Sweden and England are all polygamous nations.

For the Indonesian nation, polygamy is not only a religious issue but a state, the role of the state is needed in the effort to solve the problems that arise as a result of polygamy committed by its citizens. Therefore, the author is interested in taking the title: POLYGAMIC POLICY IN INDONESIA (Analysis of Polygamic Arrangements and Practices 1959-2015).

B. Research Results

Reconstruction of an Ideal Polygamy Arrangement in the Future

Apart from that in the era of globalization is mainly the emergence of feminist movement then at least need a review of the status of polygamy or reforms are intended to reach and answer the challenges of the times to be responsive and not anachronistic. The motivation of this effort arises from the background of internal and external factors. How these two things encourage the birth of reforms can at least be seen in two things: The

---

3. See Article 27 of the Civil Code, At the same time, a man may only be married to one woman; And a woman with only one man

---
existence of changes in legal fatwa from time to time and state policy intervention on the substance of Islam.

In the same case the effort to renew the Law on Family Islamic Law, especially the issue of polygamy considered extreme is also influenced by internal and external factors. So in this context there are at least two forms of the nature of reform that is; Intra doctrinal reform and extra doctrinal reform. The first is done by combining the opinions of some schools or taking other opinions from the adhered schools, while the latter by way of giving the interpretation that exists. In addition to these two forms there are actually two other reformation character things: regulattory reform or legislation and codification. These last two traits tend to the process of mating; Organize administration, and codify existing laws. Thus the last two properties are the nature of the process by which the formula is enacted.

Apart from that, it is undeniable that there is a dilemma to be faced when the reform is done that this effort will confront the two extreme opinions of those who want to keep Islam and the opinion that says there needs to be total change. Then how these two interests are bridged and accommodated in the legal reforms undertaken. In Anderson's observation, there are at least four methods that can be used to solve this problem:

a. Procedural: focusing on procedural issues by abandoning the subject of the substance of the law in its entirety.

b. Make compromise between schools of law in order to complete or make the Act. This method is famous for the term talfiq.

c. Provide a new interpretation of the existing text, to discover new laws. This path is taken if the efforts of takhayyur are not effective. In Islam this business is commonly called ijtihad.

d. Combine or combine the above methods for later enforcement of the selected law. The more popular these efforts are called legislas.4

This fourth point is a significant step in which the legal legislation provides the force for the rules applied so that it is capable and has legal consequences (legal sanctions)

---

implemented. This legislation can take the law in the form of family law (Especially regarding the status of polygamy).

Analysis of Tahir Mahmood, in general madhhab law adopted by a Muslim country used to solve legal problems. It's just that in certain cases different from that majority school, then the method of Islamic renewal in this case should be adapted. In amatannya at least there are several methods that can be used are: Takhayyur, talfiq, siyasah, syar'iyyah and ijtihad.⁵

Fundamental paradigm Anderson and Tahir Mahmood will be seen that the method used to reform the legal status of polygamy with modifications here and there, can be read and understood. Even if carefully observed the process and background formation of each law is step by step using a combination of two schemes model of this method. Perhaps what distinguishes one from the other is proportion: the dominance or absence of one method is used.

C. Cover.
1. Conclusion
   a. The ideal polygamy setting in the future is:

   Polygamy prior to the entry of Islam in principle long before the presence of Islam then the earlier human beings have practiced polygamy system in their married life. Polygamy carried out prior to the entry of Islam among the former people is not limited to the number of wives. Some reach 50 (fifty) wives even up to 100 (one hundred) wives for one husband. Thus it can be said that before the inclusion of Prophet Muhammad SAW as the carrier of Islam to the world with the teachings of polygamy then the previous people have practiced polygamy in their lives with no

⁵ Tahir Mahmood, Personal Law In Islamic Countries, (New Delhi: Academi Of Law and Regilion, 1987), page 11-12
restrictions and seem to have no clear rules so that women at that time really like neglected His rights in polygamous marriage before the entry of the teachings of Prophet Muhammad SAW and Islam about polygamy which has the terms and conditions and the number of wives who are limited to a maximum of four people in doing polygamy.

The teachings of polygamy after the entry of Prophet Muhammad SAW and Islam became more orderly and have provisions in implementation. A husband is only limited to have a maximum wife of four people with the terms and conditions if able to be fair and able to provide for their wives. If a husband can not afford to be fair and unable to provide a living for his wives, it is better to have a husband with only one person. In other words, Islamic teachings in polygamy have strict conditions and provisions in implementing polygamy. It aims to protect the rights of women who carry out polygamous marriages so that these rights are not neglected or harmed by the marriage of polygamy. Islam sees a woman with a very noble view, so that in marriage marriage polygamy of woman as wife that dipoligami by her husband must be protected in accordance with provisions of applicable law. Polygamy marriages do not result in the rights of women being neglected or harmed by husbands who engage in polygamy marriages.

D. Suggestion
1. The view of polygamy in Indonesia is still a lot of pros and cons among the community.

The regulation on Polygamy in Indonesia has been in existence since 1975, where the regulation is contained in Article 40 of Government Regulation No. 9 of 1975 stating that if a husband intends to have more than one wife, he shall submit a written application to the court. However, there are still many people who do not understand the regulations on polygamy in Indonesia. In addition, the requirements of polygamy are also
very strict for the State apparatus (Civil Servants). When referring to Islamic law of course also very clearly arranged about polygamy for a husband with the condition must be fair and limited to a maximum of 4 wives. Certainly in the construction of polygamous law in Indonesia the good alangka is based on the clear Islamic law regarding the regulation of Polygamy.

2. Polygamy in Indonesia has occurred since the time of President Soekarno where in the era of 1950, of course at that time regulation on Polygamy still not regulated in Law or in Government Regulation. The practice of polygamy from time to time does reap a lot of pros and cons, as for people who reject and protest about polygamy that is by women's organizations in Indonesia. Changes in attitudes and regulations about polygamy again surfaced during the New Order era. Government Regulation no. 10 of 1983 on Marriage and Divorce Licenses for Civil Servants, which includes polygamy should be abolished. The abolition of Government Regulation No. 10 of 1983 certainly also raises the Pros and Cons even to date polygamy practices exist in Indonesia but are still lacking approval by the women where polygamy is in their opinion is one of the things that are not fair and do not protect and respect women.

3. Government regulations on polygamy have existed since 1952, but until now polygamy in Indonesia is still seen as one of the most adverse actions for women. Polygamy is still regarded as one of the things that do not respect the rights of women, whereas in the context of Islamic religion has also been explained about polygamy from the time of Prophet Muhammad SAW. Polygamy is one of the answers for the past because they are far from respecting women altogether, but polygamy after the Islamic period comes very regularly and conditioned. Polygamy is one of the actions that aims to glorify women's position and avoid the act of adultery. Polygamy in Islam is limited to certain conditions. That is the number of polygamous wives is limited to four women and can be fair to his
wives and children Islam allows certain men to practice polygamy as an alternative or a way out to overcome male sex needs or other disturbing causes. His inner calmness in order not to fall into the valley of adultery or prostitution that is clearly forbidden religion.

**BIBLIOGRAPHY**

**Books:**


Syeikh Ahmad Jurjawi, *Hikmah al-Tasyri’ wa falsafatuhu* Translated by Hadi Mulyo and Shobahussurur with Title : “Falsafah dan Hikmah Hukum Islam”, Asy-Syifa’, Semarang, 1992


**Journals:**


Legislation:
Undang-Undang No 1 tahun 1974 tentang perkawinan.
Undang Undang No. 7 Tahun 1989 tentang peradilan agama yang diubah dengan
Undang-Undang Nomor 3 tahun 2006 dan Perubahan Kedua dengan Undang-Undang Nomor 50 Tahun 2009.
Peraturan Pemerintah Nomor 9 tahun 1975 tentang pelaksanaan Undang-undang Nomor
1 Tahun 1974 Tentang Perkawinan.
Kompilasi Hukum Islam (KHI) Intruksi Presiden Republik Indonesia No 1 Tahun 1991
tanggal 10 Juni 1991.

Internet:
tanggal 21 Juli 2016.
http://www.matadunia.net/2015/05/sejaran-lahirnya-aturan-poligami-di.html (diunduh
Pada tanggal 10 Agustus 20016 pukul 20.00 WIB).