

Polygamous Marriage in Java and Marriage Law: Psychological Perspective

Ahmad Muhammad Diponegoro

Abstract—Polygamy may seem to be an interesting topic. In contemporary multicultural Java, Indonesia since independence from Dutch rule, civil order has been enhanced (rather than disrupted) by allowing the large Muslim population the right to their own marriage laws. Many Indonesian women have opposed polygamy. The Indonesian Government legalized the Marriage Law of 1974. Among the government's purposes in proposing the marriage legislation was to limit polygamy. The new factor brought by the Indonesian Marriage Law is that, although polygamy is still a possibility, there are restrictions on it. The new state norms of marriage were set forth and developed in Indonesia's new legal system. But the practice of polygamy has not vanished in modern Indonesia and seems flourishing. Some women promote anti-polygamy sentiments that inform public policy against polygamy, but another group of women support it. A different view of polygamy has begun to emerge. Several psychologists showed the benefits of polygamy too.

Keywords—Polygamy, Java, Marriage Law, Modern Indonesia.

I. INTRODUCTION

THIS Polygamy was practiced in the past and the Bible mentions that most prophets had more than one wife [1]. It must not be forgotten that it is not only within Islam that marriage to more than one wife has been, or still is in some instances, allowed. According to the Old Testament of the Christian Bible, prophets had many wives; indeed [2]. The Mosaic Law encouraged it and most of their famous Prophets had more than one wife: Prophet Ibrahim had two wives. Prophet Yaqub had four and Moses had four wives. Prophet Dawud (David) had more than five wives and a King up to eighteen" [3]. Polygamy is regularly practiced in Africa, the Middle East, and Asia [4]. Some people say that women in polygamous marriage experienced more abuse than women are in monogamous marriages.

Before Islam, polygamy was practiced in all levels of the society, such as king, religious leaders, community leaders and also the common people. The number of wives a man could have was not restricted. Women were nothing more than goods that could be traded or sold. Islam addressed these issues and states in the Koran importance of taking care of orphans, widows and women through polygamy. The intention was to limit marriage to 4 wives at the most.

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II. CONCEPTS OF POLYGAMY

There are two types of multiple partnership in marriages system: polygyny (one husband married to two or more wives; hereafter referred to as polygamy) and polygynandry. Polygamy is derived from the Greek word *gamia*, the act of marrying, and so literally means many acts of marriage, either for a man or woman. To distinguish these, the more technical terms polygyny, many wives, and polyandry, many husbands, are also used, although polygamy is still the most widely used term ... polygamy is still the most widely used term even though multiple wives are far more common than multiple husbands [4]. The term "Polygamy" comes from the Greek words "polus" (many) and "gamos" (marriage), literally a plural marriage [5]. Polygamy comes from a Greek word, poly or polus which means many and gamein or gamos which means marriage. This term has then been understood as a marriage between a man and several women. Anthropologists typically define polygamy as 'a marital relationship involving multiple wives'.

III. POLYGAMY IN JAVA

In Indonesia, polygamy has been mostly associated with Islam – even though it had been practiced in the Indonesian archipelago before the coming of Islam in the thirteenth century.

Observed polygamous wives In java may live together, although they most commonly have independent households, where they live with their children. Some findings have shown that in polygamous marriages, some women face difficulties and some easiness. There is competition among the wives to get affection and resources from their husband. Moreover some women found the relations in the family are more complicated. Patricia Dixon –Spear of Georgia State University had observed the importance of this woman among co-wives, especially during the prolonged absences of husbands. Women develop a strong interdependence with each other and in doing so create a large repertoire of domestic and mechanical skills. 'if one wife can't fix it, the other can', is a statement I heard repeatedly.

By contrast, monogamous women do not experience this type of shared skill set, especially if they are isolated from their friends, sisters, or community networks. Similarly, the South African women Anderson studied in 2000 perceived relationship with co-wives an an important source of economic

support, companionship, and assistance with child care[7].

Polygamy practices in Java are some said a result of patriarchal ideology, which is reproduced and maintained through cultural interpretation (Islamic interpretation). And Indonesian secular marriage law.

Polygamy as an issue, has increased in Indonesia in recent years. Polygamy has an extensive history as a subject of argument in Indonesia. Although there is little evidence that its prevalence has increased, after the collapse of the Suharto regime in 1998, a few public figures became polygamous husband [8]. It seems is becoming fashionable.

Contributing to this fashion are Islamic booklets which the merits of polygamy. Polygamy is God's order to solve social problems like free sex, adultery and so on.' Writes Mashadi in his booklet 'the marriage and a happy family in Islam'. He continues by saying polygamy is 'sweet' and 'if you do not believe it, ask those who carry out this divine order'. Another promoter of polygamy is Puspo Wardoyo. He is a businessman with four wives, he appointed himself as the President of MAPOLIN (Masyarakat Polygamy Indonesia- Indonesian Polygamy Society). He not only provides an example, but also persuades others to follow him by publishing books and by arranging polygamy awards for polygamists who are considered to have achieved success in their polygamous lifestyles. Therefore, recently the number of polygamous marriages has increased sharply [9]. With respect to marital status, the number of married adult females was higher than the number of married adult males. The difference, amounting to 424,588 persons, was in part due to the existence of polygamy. For Indonesia as a whole, 2.5 per cent of the men had more than one wife.

The largest percentage was in West Sumatra (almost 10 per cent) [10]. There is a new trend to marry several times to be like the Prophet. Five years ago, it would not have been that way. Islam has become a symbol. This is the current trend supported by politicians.' Psychology professor Sadly support Marcoe: 'Polygamy has become fashionable now in elite circles. Indeed In Indonesia the number of polygamous marriage increased from 67.894 and to 183.805 in 1999. Between 2000 and 2001, these were 145.609 polygamous marriages. a lavish award ceremony was held at a five- star hotel in Jakarta. At the Polygamy Awards, as it was called, the financial sponsor and master of ceremonies, a wealthy entrepreneur named Puspo Wardoyo [11].

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The source in Islam which can be seen to tolerate polygamy is averse in the Koran (An Nisa:3) which state:

And if ye fear that ye will not deal fairly by the orphans, marry of the women, who seem good to you, two or three or four; and if ye fear that ye cannot do justice (to so many) then one (only) or (the captives) you're your hands possess.

Thus it is more likely that ye will not do injustice.

Another verse in the Koran (An Nisa: 129) state:

Ye will not be able to deal equally between (your) wives, however much ye wish (to do so). But turn not altogether away (from one) leaving her as in suspense. If ye do good and keep from evil, lo! Allah is ever Forgiving, Merciful".

From early on, polygamy has been a controversial issue among Moslems. The controversy over polygamy is caused by differences in the interpretation of An Nisa: 3 and of An Nisa: 129 which talk about fairness.

IV. FAIRNESS IN POLYGAMOUS MARRIAGE

In order to be Islamic, polygamy has to be in line with Islamic law and characterized by fairness. Fairness is interpreted in different terms, it can be in forms of material, physical, and biological needs, or visits by the husband.

However, according to Faqih the definition of fairness as stipulated in Koran contains of two concepts; qashata concerning material things, and 'adala concerning love and compassion.

Fairness may, however, tend more to 'adala than to qashata. Surah an isaa 129 says *walan tasthathii'u an ta'diluu...which means: you will not act fairly to your wives although you very much want to*'. And this principle of justice/fairness is what should underlie.

V.INDONESIAN MARRIAGE LAW ON POLYGAMY

Indonesian marriage law applies to all Indonesian citizens permits polygamy under certain conditions. The certain conditions: a woman could not fulfill her duties as a wife, the wife had an infirmity or an incurable disease; the wife could not give birth [13]. Remarriage is also subject to the consent of the first wife from 1975, the civil code, KUHP, article 279 provided a prison sentence of five years for remarriage outside the legal rules.

In addition, government regulation No. 10 1983 which is applies to civil servants also tries to restrict polygamy practices [14]. Civil servant or a member of the police or the military, he needs similar permission from his superior.

Other requirements include agreement from his wife, ability

to support another wife economically and his guarantee that he will give equal and fair treatment to his wives [15].

Not all women against polygamy. There was Islamic women's organizations, such as Aisya, supported polygamy [16].

Polygamy is promoted openly by some groups and individuals in 2006 two high-profile cases of polygamy, one involving the charismatic celebrity preacher AA Gym and the other senior politician.

– Islam does not forbid polygamy so I have to accept it because by being virtuous wife I can go to Heaven said prominent woman in Indonesia. She reiterated this point of view: to raise good kids and support my husband, always to be optimistic and not to give up easily. According to PKS member of parliament Aan Rohana, one of the party goals is to 'familiarize or socialize the practice of polygamy among Indonesian muslims. Rohana sees polygamy as a tool to protect women and to pave a woman's road to heaven. During a televised debate, the other female pks member of parliament, yoyoh yusroh, defended having more than one wife as 'a social choice and solution. She considered the practice of great help to widows, since 'women need a husband and companion' they need to be guided and educated.'

In her view , polygamy opens up immense spiritual benefits to the husband since he can make his wives happy, help them, and bear responsibility [17] .

The Tablighis openly support and defend polygamy as it is, in their eyes, based on the model mode of Muslim behavior as set by the prophet. Polygamy is not, however, seen as an excuse for tanton sexual excess or to serve other lustful ends, but is rather cast as something noble, pious and righteous – particularly when the women married are those who arer themselves widows, orphaned or destitute [18].

On many occasions, lectures, sermons and classes where the practice of polygamy was staunchly defended by tablighis who felt that it was one such defender of polygamy.

Sometimes established wives encourage or even pressure a husband to add a wife to the family. Theis behavior reflects a communal basis for polygyny. In One University in Yogyakarta, for example, older wife encouraged a husband to marry a younger woman, who could assist with economic and household tasks and add to a senior wife's social status. Similiarly, PKS family values do not exclude the possibility of polygamy. PKS women were more willing to defend polygamy arguing that it can work in some relationships [19].

Some people suggested that polygamy could offer unmarried women the chance to marry by becoming a second wife. High levels of unemployment meant that some men might never be able tu support a wife, resulting in an imbalance of unmarried women. Making polygamy illegal, some said, would actually anger women who felt they were being deprived of their last chance in marry [20].

Similar to the expectant wife among the kikuyu of Africa sometimes encouraged a husband to add a new wife so that she

would have both a companion and someone to assist in managing domestic responsibilities. Similar motivations, including the desire of some women to have the support of co-wives when dealing with the husband, have been observed in other cultures [21].

VI. PSYCHOLOGICAL PERSPECTIVE

Using a social exchange model derived from economics, Miles is able to show ways in which polygamy can be viewed as beneficial by polygamous wives. When examined from the view of social exchange, she argues that polygamy is neither sexually exploitive not denigrating. Published in *Psychology Today* the article that told people Contrary to popular belief, most women benefit from polygynous society, and most men benefit from monogamous society. This is because polygynous society allows some women to share a resourceful man of high status. George Bernard Shaw (who was one of the founders of the London School of Economics and Political Science where I teach) put it best, when he observed, "The maternal instinct leads a woman to prefer a tenth share in a first rate man to the exclusive possession of a third rate one."

Many scientists now know, polygamy per se is not subversive of social order. Typically in polygamous societies the vast majority of marriages are monogamous, and the two forms of marriage have peacefully coexisted in almost every society in which polygamy has been socially acceptable. Many cultures of the world have found polygamy socially acceptable. In all such cultures there are healthy, happy, and socially good people who have grown up or lived in polygamous households [22].

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