

Pengaturan poligami : studi komparatif di Indonesia dan di Malaysia = The polygamy provision comparative study in Indonesia and in Malaysia

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Abstrak

Poligami yang sudah ada sejak lama dalam peradaban manusia, telah menjadi kontroversi yang menimbulkan perdebatan panjang di dunia, termasuk di Indonesia dan di Malaysia. Poligami kerap kali disalahpahami dan disalahgunakan dalam pelaksanaannya, sehingga menyebabkan kerugian terhadap para wanita dan anak-anak. Oleh karena itu, baik Indonesia maupun Malaysia, telah melakukan pengaturan terhadap Poligami, dalam aturan hukum positif masing-masing negara. Penelitian ini berupaya untuk memperbandingkan pengaturan Poligami di kedua negara, sehingga dapat lebih mudah untuk dipahami. Hasil penelitian menunjukkan bahwa pengaturan Poligami di Indonesia dan di Malaysia meliputi pengaturan mengenai kebolehan melakukan Poligami dengan disertai oleh batasan-batasan tertentu. Terhadap pengaturan batasan-batasan ini, terdapat sejumlah persamaan yang disebabkan oleh kesamaan kebutuhan kedua negara, serta terdapat pula sejumlah perbedaan yang disebabkan oleh perbedaan cara berfikir dan pandangan hidup masyarakat di kedua negara.

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Abstract

Polygamy that has been long existed in the human civilization, has been developed into a controversy that leads to the debates of it in all over the world, including in Indonesia and in Malaysia. Polygamy has been often practiced on the basis of misconception and misuse, so that it then caused disadvantages towards the women and children. Therefore, both Indonesia and Malaysia have enacted a number of provisions on Polygamy, in their respective law. This study attempts to do a comparison between the Polygamy provisions of both countries, so that it would be much easier to be comprehended. The study shows that the Polygamy provisions in Indonesia and in Malaysia comprises of the provisions on the permission to practice Polygamy along with its limitations. Towards these limitations, there are some similarities that were caused by the same needs of both country, and there are also some differences that were caused by the different mindset and worldview of the people in both countries.