



Graduate School of Development Studies

**THE DISCOURSES ON POLYGYNY:  
A Contemporary Debate in Indonesia**

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## **Abstract**

The notion of polygyny was being debated publically in Indonesia since 2006 until now when the Indonesia government wanted to apply laws to ban men from marrying more than one wife. This debate involved many actors to deliberate their perspective on the issue; some of them are Political groups, Islamist groups and women's groups.

Power, intersectionality and public sphere are the chosen conceptual tools to analyze the debate on polygyny in the Indonesia public sphere. This research argued that the debate did not express women and Islam interest, but rather to search power in the Indonesia public sphere.

Discourses which are used by the chosen actors regarding to the debate are various, however the Islamic discourse is the most popular one as debating on polygyny, like debating on the family law in the Muslim countries, should in term of Islam. Different perspectives within groups acknowledge in this research, but the differences are sometimes not representing the class background of the chosen actors.

## **Chapter 1 Introduction**

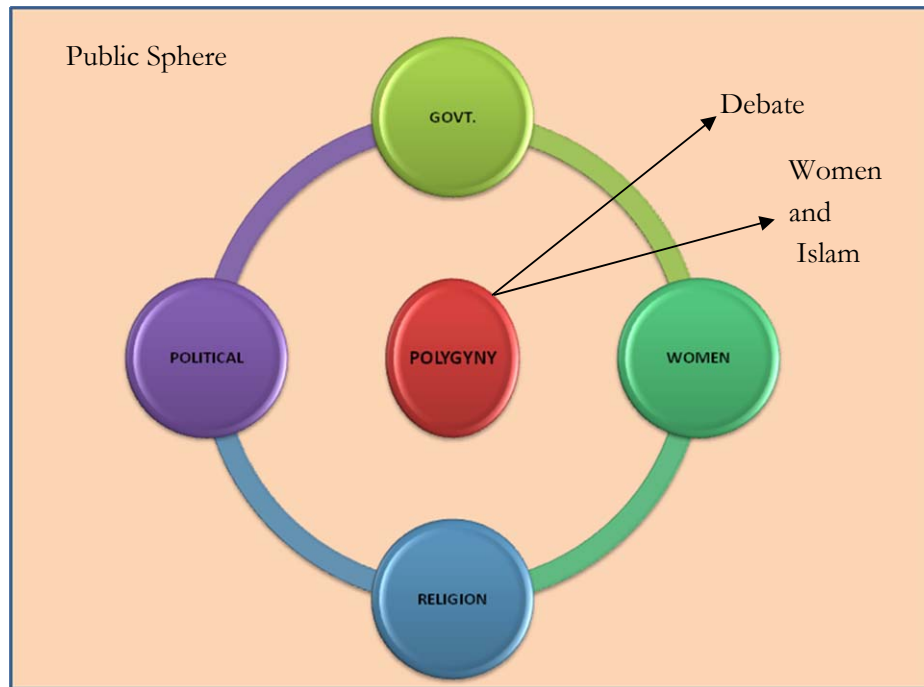
The notion of polygyny came up in 2006 when the government wanted to apply laws to ban men from marrying more than one wife. This was not only for civil servants but also for the public. This has been publically debated in Indonesia up to the present day. Some of the actors engaged in the debate such as the political party, Islamist organizations and women organizations were using Islam and women interests to justify their course. However, the reality is that they were not using those interests, but rather searching for political power in the Indonesia public sphere.

This research therefore, has not only provided an analysis about the debate on polygyny, but also gives an analysis about the positions taken by different actors regarding to the issue. By framing the given discourses, this research reveals the similarities, differences, and how the discourses used by different actors are dynamic in nature.

### **1.1 Background**

The notion of polygyny has been debated publicly in the Indonesia public sphere when the governments wanted to apply laws to ban men from marrying more than one wife. This creates a new sphere in Indonesia which can be seen through figure 1 below:

**Figure 1:  
The Debate in the Indonesia Public Sphere**



Polygyny has been used by some actors to legitimize their position in the Indonesia public sphere and expressed through the women and Islam interests. The reason of the Indonesia government to ban polygyny because it harms women’s rights and this is supported by women’s groups. The Religious groups, which will be called Islamist groups in this research further, oppose the government’s idea with the reason that polygyny is a matter of Islam and it has been regulated in the Qur’an, thus government does not have to regulate it again. Political party gives their perspective as well regarding to polygyny. However, the debate should be seen as something broader. There is a political interest of the engaged actors in it, thus this research is not seeing what ‘correct’ of interpretations on polygyny, but rather implying the meaning to what the actors said regarding to polygyny.

Indonesia having been colonised by the Dutch, the Constitution of the Netherlands left Indonesia in a segmented legal system. This segmented legal system separated the court system based on the population division: “Europeans, Natives and Foreign Orientals” (Katz and Katz 1975: 654). The distinction of the legal systems was formalized by the Colonial legal scholarship into three types of law. One; “the positive law of statutes taken from the



French-Dutch civil law tradition; two; the customary law (*adat*) valid in each of the many 'adat circles' in the Indies; and three; Islamic law, which by the late 1930s had been limited to adjudicating marriage, and divorce cases and with varying degrees of jurisdiction across the archipelago" (Bowen 2001: 5).

The current legal systems which are still carried out by the Indonesian government are the State Laws inspired from the Dutch legal system which regulates the social life of the Indonesian community. These include; civil, criminal law; and the Shari'a law which regulates the gender relations, sexuality, marriage, family and legacy.

Polygyny is regulated in the family law which is usually called Marriage law. This family law has different regulation for public and civil servants (Act no. 1, 1974 and the Government Regulation no. 10, 1983). Both laws give some requirements for men to have more than one wife. However, these laws tend to be stricter on civil servants than the public.

The requirements for the public to practice polygyny, is stipulated in Act no. 1, 1974. The Act stipulates that a man who desires to practice polygyny has to inform the Court about his livelihood. That is, where he lives and must have one of the alternative reasons given. One; the wife cannot fulfil her duty as a wife, two; the wife suffers from disability or a disease which cannot be cured, and three; if the wife cannot bear children. He has to have the agreement from his wife (wives), he must give an assurance that he can maintain his wives and children financially, and he must be fair to his wives and children as well.

The Government Regulation no. 10, 1983, tends to strict the civil servants who want to have more than one wife. This is arranged in the Government Regulation, article 4 - article 6<sup>1</sup>. There are some levels of regulation which have to be applied by the civil servants, for instance to get the functionary's and higher functionary's written permission.

These laws show that the Indonesian government is serious regarding to restricting men's access to polygynious marriage. However, there are some weaknesses in these laws too. In the statute no. 1, 1974 said that the husband

can have more than one wife as long as his wife/wives agree, but in another article (4:2), the statute gives the permission if the husband has one of the reasons which are given.

The Government Regulation no. 10, 1983, allows the civil servants to have more than one wife as long as he can fulfil the requirements. However, there is another law which still exist in Indonesia which is not regulated by the government, but legitimate according to the Shari'a law regarding to marriage, called '*nikah sir'i*' or secret marriage.

### ***1.1.1. Polygyny in Indonesia Public Sphere***

Polygyny is taken from the Greek words '*polus*', meaning many, and '*gune*', meaning women (<http://www.merriam-webster.com/dictionary/polygyny>), polygyny means 'the state or practice of having more than one wife or female mate at a time.' The term of polygyny is rarely used by people. The term polygamy is more well-known than polygyny, which actually has different meaning. Polygamy is 'marriage in which a spouse of either sex may have more than one mate at the same time' (<http://www.merriam-webster.com/dictionary/polygamy>). The term polygamy is used by Indonesian people to refer to a man who has more than one wife. What the Indonesian people mean with polygamy is actually polygyny.

Before the Dutch colonialized Indonesia, Polygyny existed and was practiced by Indonesian aristocrats. An aristocrat would choose one woman to be his wife, and would choose several others to be his mistresses. During the Dutch colonialization, as well as the beginning of Indonesia independency, polygyny was not controlled. The issue came up for the first time and was debated when the First Indonesian Women Congress was held in 1928 by *Aisyiyah*.

The recent debate on polygyny was different from the one which occurred during Soekarno's regimes. The previous debate took place between "the Christian organization and non-religious organization which regarded polygyny as unpardonable and humiliation for women, and the Islamic women's organizations. This, however, only wanted to improve the conditions

under which polygyny was allowed to occur, not to abolish the institution itself” (Wieringa 1985: 9). Based on the literature reviewed about the debate on polygyny in the Soekarno’s era, the actors were only using two discourses. One; women discourses used by the non-Islamist organizations and two; Islamic discourses, used by the opponents. While in the current debate, the actors were using many discourses to justify their perspective to the issue on polygyny.

## **1.2. Relevance of the Study**

Scholars have had debates about the family law reform, in terms of the positions taken by different actors. They argued that the debate engaging the actors are “eminently political” (Hammami 2004: 125) and “it has little to do with women” (Ahmed 1992: 2). Therefore, “in order to understand the debate, one should analyze it as a political phenomenon” (Buskens 2003: 71).

Women groups, Islamist groups and political groups are engaging in the debate with every faction fiercely defends its rights to speak in public about its proper understanding of Shari’a law (Buskens 2003: 72). Islamist groups used the debate to maintain their privilege rights regarding to family law, political groups employed the debate to gain more influence in the public sphere whilst women groups used the debate to get a little space to promote the gender relations.

Mild research has been done regarding the debate on polygyny in Indonesia. Thus, by looking at this issue, the study gives a new shed of light for other debates – such as pornography bill, domestic violence bill, and so forth – which emerge in Indonesia.

## **1.3. Research Objective and Research Questions**

The objective of this research is to shed new light on the debate on polygyny and conceptualize it.

The research question:

What are the discourses used by the actors regarding to polygyny?

Sub-questions:

- Who have been the actors on the debate on polygyny in Indonesia?
- What are the positions which are taken by the actors in the debate on polygyny?

#### 1.4. Methodology of the Research

Many actors from different background were engaged in the debate on polygyny in Indonesia: Islamists, Political party, Women's organization gave their perspective with different discourses. Those given statements were published in almost all media available in Indonesia, such as newspaper, TV, radio, internet even journals and books. However, this research does not cover all the actors engaged considering that not all actors are accessible in the internet and not influential enough to be listened to by others. Thus, it was only four actors who had been chosen as the target of the research: *Partai Keadilan Sejahtera* (PKS, Justice and Prosperity Party), *Muhammadiyah*, *Yayasan Jurnal Perempuan* (YJP, Women's Journal Foundation), and *Hizbut Tahrir Indonesia* (HTI), which were believed had power to be listened to by others, including the opponents and the Indonesian government.

Data was taken through the internet by looking at the chosen organizations' websites and searched to other websites providing the statements that related to the issue. Data was framed based on the given discourses.

The term discourse has many meanings and has been used by different disciplines: critical theory, sociology, linguistics, philosophy, so that sometimes it is left undefined. The obvious way to consult the meaning of discourse is through the dictionary which even gives more general meanings of the term. Many scholars argued and gave various meanings of this term based on what are their disciplinary backgrounds. For instance, David Crystal's notion of discourse is pinning down within linguistics and contrasting it to the use of the term 'text,' Emil Bevenstine contrasts discourse with 'the language system,' and some scholars contrast the term discourse with ideology, like Roger Fowler argues that:

“Discourse is speech or writing seen from the point of view of the beliefs, values and categories which it embodies; these beliefs etc. Constitute a way of looking at the world, an organization or representation of experience – ideology in the neutral non-pejorative sense. Different modes of discourse encode different representations of experience; and the source of these representations is the communicative context within which the discourse is embedded” (cited in Hawthorn 1992:48, cited by (Mills 2004: 5)

Based on the explanation above, discourse is different from ideology. Discourse is the way of giving point of view based on what the beliefs, values and categories which constitute to the way of looking at the issue. Basically, one’s point of view on issues arisen is based on her/his beliefs, values and categories toward it.

Thus, this research is using discourse in the way to frame what the actors belief about polygyny and using those discourses to analyse their backgrounds on giving the perspectives.

#### ***1.4.1. Sources of Data***

The sources of data for this study was taken from the available articles, documents published through internet or provided by libraries in the Netherlands, such as ISS library and Leiden University library.

### **1.5. Limitations of the Study**

The data sources regarding to this study are many and can be found through the internet. It was a bit difficult to determine the right data for this research, as all the data were considered important. However, it was only focusing on the three actors which were categorized into three groups, women groups, Islamists group and political group.

The study based on the availability of documents and articles through the internet and libraries is also considered as one of the limitations of the study. It cannot get input directly from the actors unless I did a field research. Yet, the articles and documents which were provided through internet and libraries gave rich and diverse data to be analyzed.

## **1.6. Organization of the Chapters**

Chapter one gives an introduction to the background of the study. Chapter two explores on the theoretical framework used for the research. Chapter three brings the background of the chosen actors and the debates on board. The thorough analysis based on the theories used for the research is put in chapter four. Chapter five gives the conclusion of whole the study.

## **Chapter 2 Theoretical Framework**

### **2.1. Introduction**

This chapter covers the conceptual framework used for this research and discusses on the related theoretical views which are given by many scholars. Following the literatures reviewed, this research is using the concept of power to analyze the political phenomenon in the debate, intersectionality to analyze the position of the actors regarding to the debate and the background statement given by the actors, and the concept of public sphere to show the new sphere which is created regarding to the debate.

### **2.2. Analytical Framework**

Buskens (2003:7) argued that “in order to understand Islamic family law, we should analyze it as a political phenomenon.” Buskens treated the debate happened in Morocco as an example of “how family law serves as powerful political symbols in the modern Muslim world.” In line with Buskens, Shehada (2005: 25) stated that “family law was no longer strictly a matter of gender, sexuality or religion; but rather, a metaphor used to express political and economic interests. Ahmed (1992: 2) also argued that “the debates were apparently encoded with political meanings and references that seemed to have little to do with women.” And “the mobilizations by non-state actors for legal reform are also eminently political” (Hammami 2004: 125). Parallel with those argumentations, this research treats the contemporary debate on polygyny in Indonesia as a political phenomenon as well, where the actors engaged are using the issue to gain more power in the Indonesia public sphere, and argues that the debate has nothing to do with women or religion; rather, it is the expression of the political interests of the actors. Like in other Muslim countries, “the national jurisprudential discussions about family law in Indonesia thus have taken place mainly within the framework of Islam” (Bowen 2001: 7).

Class is also considered as playing its role in the debate, as situated by Moors (2003: 10) “it would be a mistake to analyze the debates exclusively in

terms of gender; without differences between women which have also come to the fore.” Moors (2003: 10) continue to argue that “Whereas women professionals have often been most vocal with respect to reforming family law, the problems that lower-class women experience may be different, and both the language used in the debates and the settings in which these take place may be too far removed from the daily lives of these women.” In reference Moors argument, this research claims, in relation with the debate on polygyny, that sometimes different class cannot represent women perspective. Women from the same class also have different points of view.

Buskens (2003: 122) also stated in his article, “Recent Debates on Family Law Reform in Morocco: Islamic Law as Politics in an Emerging Public Sphere,” that “the family law debate should be understood as part of larger political developments...,” because it “has become a symbol of the place of Islam in society and of the right to participate in politics” (Buskens 2003: 122). Thus, the debate on polygyny should be treated as part of a larger development as well where a new sphere has been created and all actors consider themselves have right to engage in it. In his essay, “Shari’a, State that Social Norms in France and Indonesia,” Bowen (2001:3) argued that “in each country, only some public spaces (journals, broadcasts, government communiqués, and mosques) are available as sites for public deliberation. People who are able to acquire the credentials to join in public debates engage in certain specific processes of reasoning, justification and in doing so employ certain key concepts.” The debate is not a matter of what is right or wrong, yet it is about who is speaking, what are the discourses used, and how the actors use the discourses to justify their argumentation.

### **2.3. The Concepts**

This research is looking at the debate on polygyny in Indonesia by using power, intersectionality and public sphere.



### ***2.3.1. Power***

Based on what Buskens (2003), Shehada (2005), Hamammi (2004) and Ahmed (1992) argued that the debate on family law reform should be dealt with as a political phenomenon, this research is using power as one of its conceptual tools, as it is “the most central concept in the world politics” (Stoll and Ward 1989: 1) where politics are seen “as a struggle for power” (Stoll and Ward 1989: 3).

Foucault’s definition on power is very different with one of the feminisms; while feminisms consider “men’s power as repressive and illegitimate, Foucault moved towards a position which defined all power as productive – that is producing knowledge rather than repressions” (Ramazanoglu 1993: 21). Foucault argued that “it is not possible for power to be exercised without knowledge, it is impossible for knowledge not to engender power” (Mills 2003: 69). In other words, power and knowledge are depending on one another. It is not “a set of institutions and mechanisms that regulate the relation between the State and citizens, or as a mode of subjugation which has the form of rules, or as a general system of domination exerted by one group over another” (Shehada 1999: 20). For Foucault, power must be seen through the power relation, “rather than on the subjects related (sovereign-subject, bourgeois-proletarian),” (Sawicki 1991: 21) to analyse “how subjects are constituted by power relations” (Sawicki 1991: 21).

Power is also not primarily repressive, but productive. It will be difficult for us to explain power if we seen it as repressive and difficult for us to explain “how it has gotten such a grip on us” (Sawicki 1991: 21). It will lead us to the question “why would we continue to obey a purely repressive and coercive form of power?” (Sawicki 1991: 21)

Different from Foucault’s notion of power, Luke (1974) divides power into three elements, called “three-dimensions of power,” These include; (1) ‘The power to’ which defines power as “the capacity of an actor to affect the pattern of outcomes against the wishes of other actors and asks the question ‘who prevails in decision making?’” (Luke 1974: 15, cited by (Kabeer 2001: 224). This notion of power helps to analyse the debate on polygyny in

Indonesia which happened within the year 2006-2008 by seeing the capacity of the chosen actors affecting the outcomes of the government idea to ban polygyny. By answering the question on who has rights in making the decision, we can also answer another question on ‘who has the rights to engage in the debate?’

(2) ‘The power over’ which defines power as an acceptance or undisputable procedures within institution, “by demarcating decisionable from non-decisionable issues” (Kabeer 2001: 225), “systematically and routinely benefit certain individuals and groups at the expense of others” (Bachrach and Baratz 1962, cited by (Kabeer 2001: 225). This notion of power in relation to the debate brings us to the question “who is benefiting from the debate?”

(3) ‘The power within’ illustrates power as “the socially structured and culturally patterned behaviour of groups, and practices of institutions” (Lukes 1974: 22, cited by (Kabeer 2001: 227).

### ***2.3.2. Intersectionality***

Intersectionality is used to understand the perspective differences among the actors, not only based on their gender but also based on their class, geographical background and so forth.

This is in line with what Annelies Moors (2003: 10) argued that, “it would be a mistake to analyze the debates exclusively in terms of gender; and exclude differences between women which have also come to the fore”. Women from different class and geographical background have different perspective regarding to the debate.

The concept of intersectionality was coined by Kimberlè Crenshaw, a legal scholar, which emerged in the late 1980s and early 1990s to discuss the black women’s problems in America. It “underscores the ‘multidimensionality’ of ‘marginalized subjects’ lived experiences (Crenshaw 1989: 139, cited by (Nash 2008: 2). Intersectionality centres the differences of experiences of one group of women in experiencing one issue; this is a tool for “analysis, advocacy, and policy development that addresses multiple discriminations and

helps us to understand how different sets of identities impact on access to rights and opportunities” (Awid 2004: 1). Again, intersectionality is the way to understand and study how gender intersects with other identities and “how these intersections contribute to unique experiences of oppression and privilege” (Awid 2004: 1).

In the context of the debate on polygyny in Indonesia, the concept of intersectionality can be used to analyse different perspective of women regarding polygyny by answering the following questions: (1) who are those women engaging on the debate; (2) what are their backgrounds giving the perspectives?

### ***2.3.3. Public Sphere***

The concept of public sphere is used to analyze how the chosen groups enter the arena of debate on polygyny, what kind of political language, conflicts and negotiations are used to deliberate their rights and interests in this domain. Fraser (1993: 110) stated that the concept of public sphere in Habermas’s idea “designates a theatre in modern societies in which political participation is enacted through the medium of talk.” This sphere is the place where citizens deliberate their ideas which “conceptually distinct from the state and the site for the production and circulation of discourses that can in principle be critical of the state” (Fraser 1993: 110).

Habermas’s notion of public sphere highlighted “the structural transformation of the public sphere” (Fraser 1993: 112) which was “a body of ‘private persons’ assembled to discuss matters of ‘public concern’ or ‘common interest’” (Fraser 1993: 112). Habermas was referring to the bourgeois groups in the early modern Europe as “counterweights to absolutist states” (Fraser 1993: 112). Furthermore, Fraser (1993) argued that there are two levels of how public sphere is designated in the Habermas’s public sphere, first, it is designated for “rationalizing political domination by rendering states accountable to (some of) the citizenry” (Fraser 1993: 112). And second, it is designated to “a specific kind of discursive interaction” (Fraser 1993: 113). For Fraser (1993) the notion of public sphere which was illustrated by Habermas

was not “wholly satisfactory,” and it needed to be critically reconstructed as his definition about public is loose and general.

In the context of the debate on polygyny in Indonesia, the struggle between competing discourses in the public sphere brings out the importance of three issues: (1) who has control over the public sphere; (2) who is allowed to talk in the public sphere; (3) how to speak out in the public sphere, where in any debated issues, such as pornography bill, family law, there is a creation of hybrid public spheres which express a substantial amount of diversity in political sentiments.

## **2.4. Conclusion**

This chapter has covered the conceptual framework used to analyze the debate on polygyny and discussed on the theories which related to the chosen topic. Power, intersectionality and public sphere are relevant to be used as the conceptual tools for this research.

Ahmed (1992), Buskens (2003), Hammami (2004) and Shehada (2005) gave the same argumentation that the debate on the family law basically is a matter of politic and it does not have anything to do with religion, gender or sexuality and differences of perspectives within the groups also acknowledge. Thus, the conceptual tools which are used for this research are considered relevant.

## **Chapter 3 Polygyny in the Public Sphere: the debates and the actors**

### **3.1. Introduction**

This chapter is describing the background of the actors and what are their positions regarding to the debate on polygyny. It draws the statements which are produced by the actors to show their discourses on polygyny. The first section deals with the description and analysis of the chosen actors. The second part of this chapter addresses the argumentations which are given by the actors regarding to polygyny and the discourses which they used.

### **3.2. Actors**

Various actors played roles in the reaction to the decision made by the Indonesia government, applying the marriage law which bans polygyny not only for the civil servants but also for public. Even though there were many actors who were engaged in the debate, such as Nadhatul Ulama, Front Pembela Islam (FPI), this research only selected four actors that were considered the most accessible through the internet: *Partai Keadilan Sejahtera* (PKS, Justice and Prosperity Party), *Muhammadiyah*, *Yayasan Jurnal Perempuan* (Women's Journal Foundation), and *Hizbut Tabrir Indonesia* (HTI).

Because there was no direct access to the organizations and I did not get involved directly into the debate, this research can only analyze the actors on one level which is the way they present themselves and the way they make their statement accessible in the internet.

#### **3.2.1. *Partai Keadilan Sejahtera***

*Partai Keadilan Sejahtera* (PKS, Justice and Prosperity Party) was among the largest political parties after the fall of the New Order regimes. It was established on 20<sup>th</sup> April 2002, as the result of the merge between two parties, *Partai Keadilan* (Justice Party) and *Partai Keadilan Sejahtera* (Justice and Prosperity Party) which originated from the Islamic study group movements that grew in the universities in the 1980s and 1990s. By discovering the elements of the par-

ty through its website, we can illustrate some characteristics of it: (1) this is the party of universities and urban-middle class who most of them are still relatively young and fresh, yet has a capability to maintain a good political presentation; (2) most of the members of PKS are scholars who gain their influence through universities; (3) and some members of this party recently are very influential in the Indonesian political sphere, such as Hidayat Nur Wahid who is the leader of the Indonesian parliament - MPR (The Provisional People's Consultative Assembly). The movement of the party is based on the Shari'a law and they have a strong desire to transform Indonesia into an Islamic state. "It has adopted Islam as its official ideology and its platform involves promoting an Islamic approach to Indonesian politics" (Trotter 2006: 2).

Through the symbolic clothes, like *Baju Koko* (a shirt worn by some devout Muslim) and *kopiah* (the cap associated with Islam and with nationalism), they wanted to bring a new image to political party in Indonesia public sphere. PKS represents a new strategy in the Indonesian political sphere, which is *Dakwah* (preach), which becomes their characteristic and forms all the basis of their political movement because they believe that *dakwah* can improve the quality of Indonesian democracy as it will be able to overcome the many challenges faced by Indonesia

Some affiliations were established outside of Indonesia, for instance in Malaysia, Kuwait, Egypt, North America, Saudi Arabia, Australia and New Zealand, Japan, Germany, the United Kingdom and even in the Netherlands. Its members are assumed Indonesian who live in those countries – this can be seen through their websites which use the 'bahasa' language. They claimed that they are a 'self-financial' party which got the funds from the compulsory fund of the members. However, it needs to be analyzed further whether this party really does not accept other funds besides donations from its members.

In relation to the debate on polygyny, PKS believes that polygyny is a matter of Islam and the government does not have rights to control this issue. Their statements regarding to the issue will be discussed in the next subchapter 3.

### **3.2.2. Muhammadiyah**

*Muhammadiyah* is the oldest and the biggest Islamic organization in Indonesia after *Nadbatul Ulama*. It was established on 18<sup>th</sup> November, 1912 by Kiai Haji Ahmad Dahlan, one of Indonesian National Hero and was considered as “the movement of Islam modernization as it was established as an effort to accommodate the Muslim people to Modernization” (Giyanto and Gunawan 2007: 76). *Muhammadiyah* has many followers around Indonesia, mostly from the urban middle-class and rural and those who run the organization are coming from educated people religiously and academically, such as Amien Rais who achieved to get religious education in the *Muhammadiyah* School, got his PhD in political science in the Notre Dame Catholic University, Indiana, Chicago, and got the postdoctoral degree from the George Washington University, America (Simanulang 2002: 1).

This organization always maintained to play being in the middle, in other words they have never been taking an extreme position, whether they say yes or no, regarding to the arisen issues even though they never neglect problems faced by Indonesia, including those related to the political issues and actively engaged in finding the solution. They restrained themselves from being directly involved to the vivid debate on transforming Indonesia into the Islamic state. It is assumed that the role which they take to be in the middle is because they got aid from the government in terms of assets and funds.

During the regimes of Soekarno, *Muhammadiyah* involved itself in the political arena by joining the *Masyumi* Party, the biggest Islamist political Party. And after the fall of *Masyumi* in 1960, together with other Islamist organizations, they established another Islamist Political Party, *Parmusi*, which did not exist for a long period. Since then, *Muhammadiyah* took a decision to “depoliticizing itself” (Thohari 2005: 65) and gave most of their energy to and attention to the religious matter (Dijk 2005: 15).

Regarding to the debate on polygyny, *Muhammadiyah* has the same idea as PKS which argued that it is a matter of Islam. However, through its statement which will be discussed further, *Muhammadiyah* implicitly opposed the government’s idea banning polygyny.

### **3.2.3. Hizbut Tahrir Indonesia**

*Hizbut Tabrir Indonesia* is part of the global Muslim organization, *Hizbut Tabrir*, which was established in 1953, in Palestine, and came to Indonesia in 1980s through universities. The main goal of this organization is to raise the Muslim people globally and ask them to go back to the Islamic life by establishing the Islamic Caliphate, which is led by a chosen Caliph based on Shari'a law. They have an ambition to bring back the Golden Age of Islam in the world. *Hizbut Tabrir Indonesia*, as part of the global organization, has the same mission to transform Indonesia into the Islamic State.

*Hizbut Tabrir Indonesia* emerged through universities by arranging the religious meeting activities and gathered their followers from the urban middle-class people. They consider themselves as a political party which moves among the people to guide them into the right path based on the Qur'an and *Sunnah*. There was no further explanation about the structure of the organization, but this research was assuming that there are academicians and religious scholars who run this organization and the leader of this organization is a non-native Muslim. This assumption was made based on their activity which was published in their website and which illustrated that they were active in producing and publishing books and journals and considering that *Hizbut Tabrir Indonesia* is part of the global organization, *Hizbut Tabrir*.

Regarding to the debate on polygyny, *Hizbut Tabrir Indonesia* opposes the government's idea of banning it. They were even attacking other organizations, such as women's organizations, as part of Western pandering.

### **3.2.4. Yayasan Jurnal Perempuan (Women's Journal Foundation)**

At the beginning, when *Yayasan Jurnal Perempuan* (Women's Journal Foundation) was established in 1995, they only had a goal to fulfill the lack of knowledge about feminism in Indonesia and to provide the material course for feminist paradigm of the Literature Department of Indonesia University, like during the New Order regimes, all the organizations, including women's organization, in Indonesia were controlled. The government suppressed them not to get involved in the political arena and limited their movements only on



the level of academic or religious issues. However, they have a vision to raise the women's rights awareness through the publication of journals and books, aiming at the middle-class groups, such as activists, academicians, workers, and have a strong desire to make Indonesia to be more gender sensitive, especially in women's issues.

The groups of people who run this organization are the Indonesian feminist scholars who come from different cultural, political, economic and religious backgrounds. They were actively promoting women's rights and raising women's issues in the Indonesia public sphere through their programs, such as journals publications, books publications, radio programs, movie programs, women's journal online programs, and a training program for women in parliament.

Some Northern NGOs, for instance Ford Foundation, AUSAID (The Australian Government's Overseas Aid Program in Indonesia, TDH (Terre Des Homes) The Netherlands, Global Fund for Women, and ACILS (The American Center for International Labor Solidarity Indonesia) became their partners in promoting gender in Indonesia

YJP is the hardest organization opposing polygyny and supporting the idea to ban it.

### **3.3. The Debates**

The debate which arose in the Indonesia public sphere in the year 2006-2007 when Indonesian people, especially women, complained to the government about polygyny, after the "Polygamy Award" (which is given by a prosperous Indonesian businessman to those who succeed in practicing polygyny) was assigned and after the vice President during Megawati's regimes took his second wife. This debate became more intensive when the Indonesian famous preacher, Abdullah Gymnastiar, took his second wife. To avoid the chaos which caused by this issue, the Indonesian government discussed the plan to extend the PP (Government Regulation)<sup>2</sup> about polygyny not only for the civil servants but also for non civil servants. This plan attracted many actors to get involved in the debate to support or challenge it.

The research framed the debate based on the similarities and differences of the discourses given by the chosen actors. There were five discourses used by the actors to justify their perspective on polygyny as shown in the table 1.

**Table 1:  
The Discourses**

PKS	<i>Muhammadiyah</i>	YJP	HTI
Islamic Discourse	Islamic Discourse	Islamic Discourse Refer to Qur'an	Islamic Discourse Refer to Qur'an
Criticizing The Government Legitimacy	-	Criticizing The Government Legitimacy	-
Demographic Discourse	-	Demographic Discourse	-
Women as Vulnerable and Victim	-	Women as Vulnerable and Victim	-
Human Rights Discourse	-	Human Rights Discourse	-

### ***3.3.1. Islamic Discourse***

All the chosen actors were using Islamic discourse, although in different ways, as their main argumentations to justify their perspective on polygyny. Two actors, YJP and HTI referred to the Qur'an to emphasize their justification, while the other two, PKS and *Muhammadiyah* simply emphasized their argumentation by saying that polygyny is a matter of Islam.

PKS, through the previous leader – Hidayat Nur Wahid –, stated that:

For me polygyny is legal if we see it from the religious perspective. Religion does not absolutely forbid or allows it as long as it is appropriate with the regulation. It is true that the basic principle is one and one (one married couple, a husband and a wife). However, if you want more, there is a regulation for that, including fairness.

Further, PKS argumentation taken from its website written by Ustad Ahmad Sarwat, Lc (2006:4), said that:

Islam gives many requirements for people who intend to have more than one wife, such as fairness and ability to provide their family financially. And Islam

does not allow polygyny explicitly, because it allows men only to have maximum for wives. Islam acknowledges fair polygyny which gives well-being. The main requirement for polygyny is to be fair to the wives, in mind, material and care.

Before the Indonesian government came up with the idea of banning polygyny, YJP had published some articles related to polygyny and interviewed one of the religious experts<sup>3</sup> regarding to polygyny who said that:

Polygyny is '*haram*' (forbidden by the religion) whether from the perspective of '*dalil*' (evidence), history or Islamic theology. The verse which is talking about polygyny and usually is used as the basis for the issue is An-Nisa par 3. It discusses about marrying women whom you like, two, three, or four. But if you are afraid that you cannot be fair, one is enough. The text actually tries to see the reality at that time when the people actively practiced polygyny without limitation. For instance, like what the Prophet's friends did, they had 10 wives. Even when this verse arose, the Prophet himself had 11 wives. It was amazing, and this verse emerged to make a satire related to the reality at that time. So, it does not mean that religion ask you to practice polygyny, but it shows the reality and then the satire is coming at the end of the verse which is saying that, "if you cannot be fair, just one." And in the same verse in paragraph 129 is asserted that, "If you want to be fair, you cannot be fair!" This statement is the core of the satire which explicitly talks about the polygyny reality. From this verse I can see that polygyny actually does not have justification, even in the Islamic theology. (Basya 2003: 2)

For HTI, polygyny is allowed based on the Qur'an, An-Nisa verse 4. They stated that:

Islam is allowing men to have more than one wife, but it is limited to four wives, and forbid to get more than that. This is based on the oracle said that: "Marry women whom you like two, three, or four – then if you fear that you cannot be fair, marry one – or marry your slaves; it is a better way to avoid violence" (An-Nisa [4]) (Saidah 2007: 3)

*Hizbut Tabrir Indonesia* gave an analogy about the statement mentioned previously. It said that:

The verse above can be analogized to another matter, we can say like this, "Please share these cookies two each." By only saying this we will understand that those cookies are distributed two for each person not more than that (Saidah 2007: 3)

A different statement was given by Din Syamsuddin, the leader of *Muhammadiyah*. The statement was published online by a famous newspaper in

Indonesia named Kompas (<http://www.korantempo.com/korantempo/2006/12/07/headline/krn.20061207,9.id.html>). He said that:

Polygyny is a matter of controversy in Islam; it is related with the Qur'an interpretation. This is a religious matter.

The concept of fairness in Islam was also mentioned by some actors' argumentation regarding to polygyny. For instance *Hizbut Tabrir Indonesia* argued about it in one of their article on their website. This statement was given by one of the HTI women members, Najmah Saidah. She referred in her statement to the Qur'an and said that:

Fairness is not an absolute requirement to practice polygyny. This is depicted in the verse of the Qur'an: ... marry the women whom you like - two at a time, or three or four ... This verse defines that polygyny is absolutely allowed. This verse ends (as the complete verse, red.). The verse further states that: if you fear that ...this is not a requirement, because it is not fused into – or as part of – the previous sentence, but only as the sequel. If fairness as the requirement, it must be said: *Fankibû mâ thâba lakum min an-nisâ' matsnâ wa tsulâtsâ wa rubâ'a in adaltum* (marry the women whom you like – two at a time, or three or four if you can obtain the fairness – as one sentence. However, it is not like that. So the concept of fairness is not as one of the requirements for polygyny.

Further she said that:

Fairness is commanded in many aspects in Islam, such as when a judge resolves a case, he has to be fair, not only polygyny. This means that Allah SWT knows that people can be fair. If there are some groups who consider that people cannot be fair, then they despise Allah SWT. It needs to be understood that the fairness in polygyny is not meant only for the Prophet, but applies to all Muslim.

Fairness which is demanded from a husband to his wives is no absolute fairness, but the fairness within their capacity – as human being. This is mentioned in the Qur'an also: Allah will not burden someone with more that it can bear. (Al Baqarah [2]: 286). Fairness in other matters, such as financial, shifting, are obligatory for a husband to fulfil, but fairness in affection and voluptuous feeling is not obligatory as it is difficult to be embodied.

On the contrary, YJP is using the concept of fairness in Islam in a different way to emphasize their argumentation. It said that:

Fairness which was stated by the 'ulama is the quantitative fairness which is changeable. The quantitative fairness can be seen in the fiqh<sup>4</sup> regulation about polygyny, such as the financial distribution among wives, the distribution of days (alternation). The 'ulama does not remark the qualitative aspects which are very

decisive, for instance, love, impartial, treated equally. The qualitative fairness should be the main priority. People who can be quantitative fairness do not mean that they can be qualitative fairness (Nurohmah 2003: 7)

The Islamic Discourse apparently is the most efficient way to give an argumentation regarding to polygyny. Referring to Buskens's argumentation about the debate on Family law in Marocco (2003), where he found that it was impossible to talk about family law outside of Islam. In Indonesia more or less the same the condition is found which was described and what makes it impossible to discuss polygyny, as part of family law, outside of Islam.

Interestingly, the Islamic discourse in the debate showed differences or in other words, it is not monolithic. The actors, including among the Islamist groups, gave different points of view regarding to the polygyny based on Islam, for instance they gave various definitions for the concept of fairness. The statements above illustrated the plurality and complexity of Muslim Indonesia which assimilates Islam with the local or traditional culture and comprehension.

### ***3.3.2. Criticizing the Government Legitimacy***

Government discourse is also used by some actors to undermine the government legitimacy, explicitly and implicitly, regarding to polygyny.

PKS argued that:

The government is not in the position to forbid polygyny, especially for public. Besides that, there are many other problems which have to be considered by the government, such as human trafficking, corruption, Lapindo case.

*Muhammadiyah* argued that:

The development of the discourse forbidding polygyny put people in the controversial situation which is not productive. I regret that this issue becomes big. Be careful to conclude this issue, don't be trapped into two extreme points, support or challenge it. The religious leaders do not have to react in this issue.

Meanwhile, YJP argued that:

Even though Indonesia has ratified the International Convention about the abolition of all types of discrimination against women; the government does not put themselves in the position to protect the women's rights as the victims of polygyny. Government should make a law which explicitly punishes the

polygynous groups. For women who refuse to be polygynised and choose to be divorced, they do not get an explicit guarantee that their husbands still have obligations to maintain them and their children financially. It is really comfortable to be an Indonesian man, and it is really unfortunate for women to have husbands who are unfaithful. Women are in the very powerless position. The economical dependency is one of the causes which make them unable to do anything except to accept the reality that their husbands marry again (Yenny 2006: 1)

The given statement regarding to the capacity of government in relation to polygyny showed how much power the actors have. PKS got their power to undermine the government legitimacy through their former leader, Hidayat Nur Wahid, who became the leader of MPR (the highest rank of an Indonesian parliamentary). YJP's resource of power came from their alliance with Northern NGOs which support them in promoting gender equality in Indonesia. Even though *Muhammadiyah* was considered to have enough power to oppose the government's idea to ban polygyny, yet they did not say it explicitly. This is because the relation between *Muhammadiyah* and the Indonesian government are very strong, where actually the government itself became one of their power resources to control other religious leaders. *Hizbut Tahrir Indonesia* did not give any statement to undermine the government legitimacy regarding to the issue, considering that they did not have enough power to do so. This can be seen through their background as part of the global organization which is believed as a threat in some countries.

### ***3.3.3. Demographic Discourse***

Demographic discourse was used by two actors, PKS and YJP, to give evidence about differences in the number of residents between men and women. This discourse was used by PKS to emphasize on the need for polygyny to solve the problem of women who want to find a household partner, while YJP used the discourse to argue the statement given by the Islamist groups.

PKS, represented by the previous leader, Hidayat Nur Wahid, is saying:

Everybody knows that psychological fact state that the number of women is more than men.

YJP has its own argumentation about this matter:

The religious leader in their sermon always said that polygyny can be practiced in Indonesia because the population proportion of women and men is 3:1, and that is not true. If we see the Indonesian population data we can see that the Indonesian population number right now, based on 2006 data of BPS (Statistic Indonesia), is 245.452.739 with the composition between gender: age 0-14 28,8 % (consist of men: 35.995.919 and women: 34.749.582), age 15-64 65,8 % (consist of men: 80.796.794 and women: 80.754.238) and age 65-above 5,4% (consist of men: 5.737.473 and women: 7.418.733). Based on those data women should practice polyandry, because the productive age composition shows that there are more men than women (Yenny 2006: 2).

PKS used the demographic discourse vaguely where they only stated that the numbers of women are more than men without any further explanation. PKS assumed that everybody has known about this fact. YJP in their statement analyzed the data from Statistic Indonesia to compete the Islamists groups' statement regarding to it and argued that it should be women who get the privilege to have more than one man.

### ***3.3.4. Women as Vulnerable and Victim***

Women discourse was also used by PKS and YJP to emphasize their argumentation on whether polygyny can benefit women or not.

PKS stated that:

We also find - I am sorry for this statement - that many women become widows or divorce. How we solve this problem? It needs a solution from the state. And from those who totally do not agree with polygyny, they should give an answer how to come up with equity. I agree with the effort to raise women's dignity and not to make them as objects and divergence. That is why with the law which cares about women is something that has to be noticed. That is the spirit of laws which do not absolutely forbid or allows polygyny.

In the meantime, YJP argued that:

Polygyny discourse which propagates in Indonesia is more protecting the polygynous groups, while the victims who are women and children are invisible. Polygyny can be categorized as a domestic violence which has been legalized in the law no. 23, 2004, which says that domestic violence includes physical, psychological, sexual and economical violence. Polygyny will become a tool to dismantle Indonesian women's rights to enjoy their marriage lives if it is permitted.

Both PKS and YJP saw women as a victim from different perspective. PKS argued that women will experience suffer if polygyny is banned, on the

contrary YJP claimed that polygyny can cause women's suffering and categorized polygyny as part of domestic violence.

However, PKS used the discourse vaguely only by showing the fact that there are many women who had been left because of death or divorce, which considered as a social problem, and polygyny as a one way to help the problem.

### ***3.3.5. The Discourses of Western's Human Rights as Universal versus Local***

YJP shows their support regarding to the Western concept of human rights, especially women rights, and using their language to engage in the debate on polygyny in Indonesia.

YJP stated that:

Polygyny can be categorized as a domestic violence which has been legalized in the law no. 23, 2004, saying that domestic violence includes physical, psychological, sexual and economical violence... On the International level, polygyny is a violation of Universal Human Rights Declaration and International Convention on the abolition of all types of discrimination against women which has been ratified by Indonesia in the law no. 7, 1984. Polygyny also becomes a type of gender based violence according to UN which defines gender based violence as against the rights of all human beings in the world to feel safe, to be free from abuse, the rights to make a decision, and to be free from engendered power control, even though with the relevant agreement. The concept of gender based violence forces us to see the power relation in polygyny, whether is a woman under pressure choosing polygynous life, is she in powerless condition or does she understand the effect.

On the contrary, PKS is attacking Western by saying that:

The law and moral system of Western people allow adultery, homosexual, lesbians, and exchange partners. This is the type of another polygyny called informal polygyny. Western people who are against polygyny, allow free sex and they protect and respect it as part of human rights. It is a paradox because polygyny is not allowed in most of Western countries, yet they allow, protect and respect free sex which is actually a type of informal polygyny.

In another part of their publications, *Hizbut Tabrir Indonesia* expressed their perspective about Western culture which was accused of having a mission to separate the Muslim community in the world. They claimed that Western countries had two strategies to hamper the solidity of Muslim community: (1)



the discourse strategy which was given to undermine the Muslim leadership. They used Nationalism, human rights, equality and liberation discourses to create conflicts among Muslim communities; (2) political strategy by co-opting almost all Muslim countries and put their agents as the leaders of the countries.

What is the notion of human rights for Islamists groups who dispute the idea of human rights given by the Western? The Islamist groups' perspective on human rights generally based on the notion given by the Hanafi school about rights where the Jurists have defined human rights as 'right of man' which "consists of the attraction of benefit and the prevention of evil" (Lubis 2008: 161) and it is illustrated by the transactions with others which include "the contractual rights, political rights, social rights and property rights" (Lubis 2008: 161). The notion of rights is understood in the Islamic Jurisprudence with the reference to God and it is usually followed by the duty of the person. And since the duty to Allah is different from the duty to the state, "an act could be the duty to Allah and simultaneously be a right against the state" (Lubis 2008: 163), thus according to the Islamists it is not a prerogative of the state to forbid or to prevent of such rights, including the rights to have more than one wife for men.

### **3.4. Conclusion**

This chapter underlines and frames different discourses which are used by the actors to legitimize their perspective on polygyny.

The arenas or spheres of dispute which were used to deliberate the competing statement were specifically the media, such as internet, newspaper, TV, and radio. Mostly the chosen actors have their own sphere to deliberate their perspectives in their own journals and website.

All the chosen actors were using Islamic discourse more effective than other discourses to justify their perspectives regarding to polygyny. It seems this is the best way to be heard by others. However, the Islamist groups' statements illustrated their passiveness on women's problems regarding to polygyny. The discourses on Islam used by the actors illustrated that the Islamic discourse is not monolithic.

The legitimacy of the government is also questioned, not only by those who believe that polygyny is a matter of Islam, but also by those who believe that polygyny is against human rights, especially women's rights. Those actors used their resource of power to undermine the legitimacy of the government.

The discourses which are used in the debate illustrated how power was used by the chosen actors to legitimize their perspective on polygyny and how the chosen actors are struggling to gain more power in the public. Political groups give ambiguous statements, whether they supported or challenged the issue. There was a negotiation in their statement to appeal the governments and the public as well. The Islamist groups did not oppose the government explicitly, however tried to get support from other Muslim leaders to challenge it in a different way. Women's groups supported the government's idea of banning polygyny, to get more attention from the government, so they will get more space in the policy planning regarding to the family law.

Different actors have different perspectives on the same discourses which illustrated that those perspectives were produced based on their backgrounds; including for those who had the same point of view on polygyny were having different understanding on the discourses. For instances, the concept of fairness given by PKS and *Hizbut Tahrir Indonesia* showed the differences between them.

## Chapter 4 Analysis

### 4.1. Introduction

This chapter covers further analysis on the given discourses by relating it to the conceptual frameworks which have been discussed in chapter 2. The first section will illustrate the power struggle of the chosen actors in debating polygyny, where they used the issue only as the medium to gain more influence in the Indonesia public sphere. The second section will discuss the relationship among actors, how they engage themselves in the arena of the debate and how media plays its important role in the debate.

This chapter also analyzes the political strategy of some actors by using the issue and discusses the different classes of the actors, especially women, who sometimes cannot represent the differences of perspectives and positions. It draws the changes of the Indonesian public sphere as an effect of the globalization as well.

### 4.2. Power Struggle in debating polygyny discourse

As has been discussed before, the concept of power is used to analyze the debate on polygyny, as it is assumed that the actors engaged in the debate have their political interests. The issue here was only a medium for them to get more space in the political arena in the Indonesian public sphere. Political groups tried to get more attention to gain more influence, Islamist groups tried to maintain their authority regarding to the Shari'a law and Women's groups tried to expand their space in promoting gender equality in Indonesia.

The engagement of the actors and also actors outside of Indonesia is also addressed in this research. *Partai Keadilan Sejahtera's* affiliation outside of Indonesia can be agents for this organization to get support from other countries, especially the Indonesian Muslims who live outside of Indonesia. *Muhammadiyah*, considered as the oldest organization, which played a crucial role in the development of Indonesia, tried to maintain their legitimacy by asking other Muslim leaders to support them. *Yayasan Jurnal Perempuan* through

the support of Northern NGOs tried to get more space in the Indonesian public sphere to promote women's rights and gender equality and tried to gain influence by supporting the government's idea. *Hizbut Tabrir Indonesia*, with their limited influence in the Indonesia public sphere, tried to gain more influence by engaging into the debate.

The concept of power illustrated by Luke in his three-dimensions of power helps us to understand the nature of the debate on polygyny in Indonesia. The actors engaging in the debate have their own capacity to affect the outcomes of the government ideas of banning polygyny against the wishes of other actors. PKS with their capacity as a prominent political party had a great influence regarding to the issue. And in line with *Muhammadiyah* and other Islamist groups argued that polygyny had been controlled in Qur'an and Hadith. Women's groups with their capacity to use the opportunity to gain support among Indonesian women who are not satisfied with the current phenomenon, where almost all Indonesian Muslim men practise polygyny and justify it as being part of their submission to the God, were promoting the gender equality and women's rights by using the issue as the medium. All the actors claimed their rights to engage in the debate and claimed that their perspectives are the most valid.

The next question to be answered that is "who is benefiting from the debate?" can have two possible answers. Firstly, if the government idea to ban polygyny would be applied in the Indonesia, then the women movement, in promoting gender equality, achieved their goals and they would get more spaces to apply human rights discourse and gender discourse in other elements, including policies. Secondly, if this idea would not be applied then the Islamist groups could maintain their legitimacy in the Indonesian society as the determination of policies in Indonesia.

### **4.3. The Relationship among the actors**

Since the beginning of the Republic of Indonesia in 1945, Islamist groups had contributed to the development of political system, law and societal norms which were limited during the New Order Regimes and increased again

since the fall of Soeharto. “Many of the top and strategic positions in the Indonesian government and at the provincial and local levels are now filled by Islamic party leaders” (Rohmaniyah 2007: 262). A conclusion was made regarding to the contribution of the Islamists groups in shaping “either the development or the eradication of Indonesian democracy”(Rohmaniyah 2007: 262). In the joint conference sponsored by the US-Indonesia Society and the Asia Foundation in Washington D.C. was stated that “democratisation will not proceed in Indonesia until it is actively supported by the Islamic community and until the values of democracy are explicitly articulated as compatible with Islamic doctrine” (cited by (Rohmaniyah 2007: 262). The contribution of the Islamist groups in Indonesia to some degrees has created a modern society and has been “successful in accommodating religious and secular views within the political system” (Rohmaniyah 2007: 263). The three parties, Western, were assumed to have undirected relation to the debate on polygyny. Women’s groups, moving in human rights and gender fields, were referring the Western’s definitions on human rights and gender. The Indonesian government who ratified CEDAW since 1995, active in MDGs, was also bound to the requirements of human rights and gender equality among the nation. *Hizbut Tabrir* as the global Muslim organization also played its role in shaping the perspective of *Hizbut Tabrir Indonesia* members not only on the issue of polygyny, but also in the perspective of the Islamic state.

Media is playing an important role to publish given statements by the actors. Even though the chosen actors were not engaged directly to each other in one space, however the condemnation and harsh statement given showed that there was a relation among them. All the actors claim their rights to speak in the arena by engaging themselves in the debate.

#### **4.4. Polygyny as a political strategy**

Polygyny apparently does not only become a big issue in Indonesia, but also a political strategy of the chosen actors, even though some of the members challenge the idea, but they refer their argumentation to the political issue of

the party. The statement was found in the Indonesian website [www.inilah.com](http://www.inilah.com) where one of the members of the party revealed the idea of polygyny in PKS.

It said that:

There are three reasons why PKS allows its members to practice polygyny. Firstly, it is to gain more participants by marrying more than one woman and to gain future cadres by having more children. Secondly, they are allowed to do polygyny based on the reason that the female population outnumbers the male population. Thirdly, it is better than adultery.

On the contrary, another PKS member argued that:

The polygyny phenomenon will loose PKS in procuring women's voices, as most of Indonesian women against this issue. This will give other parties an opportunity to win in the general election.

The statements above illustrate that there is no unified opinion among members of the chosen groups, not only among PKS members, but also among members of *Muhammadiyah*, *Hizbut Tabrir Indonesia* and YJP even though their website showed the unified perspective in the organizations.

Technologies, such as internet and the freedom of speak give the members an opportunity to speak on behalf of themselves. Even though there is a space provided by the organization to speak about the members' perspectives, it is impossible to show differences in public.

#### **4.5. Different class equal to different position?**

Differences between women's perspectives related to polygyny exist, but class sometimes cannot determine different perspectives of women on this issue. There are different discourses also among women professionals and among women from the lower-class. Some female professionals are contesting polygyny based on the human rights discourse, for instance in 2004 the Ministry of Religious Affair launched a legal draft amendment to the 1991 Compilation of Islamic Laws compiled by a team led by a female legal expert, Siti Musdah Mulia. Yet the legal draft invited resistances from the Islamst groups and was totally rejected; while others supporting polygyny, based on their religious belief, using it as their strategies to achieve their goals in their careers and to be free from their duties as wives. This is illustrated in the data

taken from a thesis which was written by Anne Louise Dickson<sup>5</sup>. One example from her thesis, taken from a professional woman statement, said that:

The goodness about polygyny which becomes her reason to choose this path is 'to get closer to God....makes me not always depend to my husband...I can be independent, and all my life is for Allah,' she said. Gina Puspita and other wives live together in one house. They are always eating together, and can be cared by other wives when get ill. If Gina is busy, she said that, 'I feel glad...because there is someone who replaces my duty toward my husband.'

Another example taken from her thesis:

Dihan Fahimsyah, whose husband is practicing polygyny, is also enjoying the benefit of polygyny in her household. According to Dihan, the wives whose husbands are practicing polygyny can be more independent and have more time to achieve their own goals because there is more than one wife to bear the domestic works. She cannot depend on her husband, yet she has to maintain her own identity because her husband is always not at her side.

This is also illustrated in many argumentations which are stated by HTI in their website. Most of the HTI members, especially women, are coming from the upper-class background. They were attacking the feminist discourses on human rights, liberalization, and so forth, by saying that the discourses are coming from Western culture which are trying to alienate all Muslim societies in the World<sup>6</sup>.

They stated that:

In their struggle, feminists always accuse Islam to be the barrier for equality and women development. The concept of feminism seems influenced by the liberalization concept which is developed by James Cone in the end of 1960s. The concept of liberalization is using the same paradigm as the socialist feminism, but the approach that is used by the feminists focuses on changing the religious discourse. But these two ideologies have the same goal that is the structural changes to achieve gender equality and social justice. This feminism concept grows in most of religions, such as Christian, Jewish and Islam. According to feminist, those religions always define in patriarchal ways which always put women into the corner. Islamist Feminists are those who try to find the context and the background of the verses in the Qur'an and Hadits which relates to women. Their objective is to oppose the interpretation and well established fiqh which are considered harmful for women.

HTI also stated that feminists were not reasonable in giving examples of women problems, because they gave many examples about women who suffered rather than those who succeeded.

They also said that:

Feminism idea is secularist, which comes from the concept of separation of religion from existence. The feminists give solutions for women's problems based on the intellect analysis and using rational methodology. It does not give a solution but it creates a new problem. The Islamist feminists, who are trying to justify the feminism ideas into Qur'an version and hadits, actually do not make the postulations as their basis of feminism ideas. They take the feminists assumptions and find the verses or hadits to justify it. If there are verses or hadits which are not appropriate with the concept of gender equality, then the interpretation should be changed to suit with the concept. When they find the verses and hadits which are not appropriate with the concept of gender equality, such as polygyny or the prohibiting of women become leaders, the Islamist feminists 'rape' the verses and hadits to suit with what they want.

Based on the data above, the upper-class women, who agree with polygyny, use polygyny as their strategy to free themselves from the domestic work and become active in the public sphere.

Other data show that another women group opposes the idea of human rights, gender equality and social justice which come from Western world. They are attacking the idea by giving another discourse about the feminist movements.

Interestingly, the perspective which came from some women from the rural area, who are considered to be more submissive than women from the urban, showed that they opposed polygyny. Two cases were shown in Inayah Rohmaniyah's article, "Religion, Culture, the State and Women: Women's Issues and Polygamy in Indonesian Legislation." She gave two examples, first, the case of Abdullah Gymnastiar (AA Gym) who had been left by his followers because of his second marriage. Second, the case of *pesantren* (religious school) in Majenangan, Central Java, when "the members of a female religious gathering proposed to the kiyai (traditional Muslim leader) that either he did not talk about the verse on polygyny or they would never attend the gathering again" (Rohmaniyah 2007: 267).

#### **4.6. The Changes of Indonesia Public Sphere**

Since the fall of New Order regimes, media diversity in Indonesia has increased significantly. The new law gave a wide opportunity for people to establish their own media, such as radio, TV, magazines and Newspapers. These gave some opportunities also to some organized groups to use those media for their



objective, for instance influencing others, because media is a powerful tool to do that as what Roger Silverstone argued:

We study the media because we are concerned about their power: we fear it, we decry it, and we adore it – the power of definition, of incitement, of enlightenment, of seduction and of judgment. We study the media because of the need to understand how powerful the media are in our everyday lives; in the structuring of experience; on the surface and in the depths. And we want to harness that power for good rather than ill (Silverstone 1999:143, cited by (Kitley 2008: 213).

Polygyny issue was debated openly after the fall of the New Order regimes in Indonesia, where the freedom of speech and voicing ideas arose. However, not all actors engaged in the debate were heard by others as the way to speak about it should be in the context of Islam and those actors should have capacity to be heard. There are differences on the perspectives, as well as regarding to the issues, not only between the opponents groups, but also within the groups even though what is presented in their websites is homogeneity of the groups.

Women's perspectives regarding to polygyny are also divided into two sides. This illustrates that even among women there are different points of view which sometimes cannot be referred to their classes. Women engaging in the debate are those who have capacity to influence other women and those who have legitimate power resources. Women movement based on the human rights perspectives accessed their power resources from the support of the Northern NGOs, while women movement based on the Islamic perspectives, which usually part of the big Islamic organization, get their power from the main organization. This raises a new question whether the women movements are expressing their own perspectives or they just follow what the proponent said.

A central feature of Indonesian politic after the fall of New Order regimes was the passion of the Indonesian people in discussing the government position as the decision maker in the Indonesia public sphere including every policy applied in 1990s. Every people who live in Indonesia can give their perspective and it is not restricted to professionals. It is within this context that the Women movement appeals for the equal rights for both genders. A new discourse was created and articulated as part of their

involvement in the social and political spheres. The women's movements showed their dissatisfaction with the gendered views and approaches of the governments who had been put women's interests to the bottom of the agenda. Issues that are religiously and culturally sensitive are starting to be debated publicly, such as homosexual, women's reproductive rights, including polygyny.

#### **4.7. Conclusion**

This chapter provided further analysis on the data by using the chosen conceptual framework.

The contribution of the Islamist groups in the Indonesian public sphere is obviously affecting the life of the Indonesian society. This is showing how much power they have in the political sphere of Indonesia. Every decision made by the government will be influenced by the Islamist groups' perspectives. For example one case currently happened in Indonesia was the legalization of the pornography bill, which is much influenced by the Islamist groups and the cancellation of the extension of the Government Regulation no. 10, 1983, regarding to polygyny which is considered as part of the Shari'a law. Women's groups, in their effort to find a space to promoting women's rights and gender equality, gave an ambiguous argumentation regarding to the issue.

Differences of perspectives within the groups are also acknowledged, even though they show the unified idea in their website regarding to polygyny. However, class differences sometimes cannot show the perspective differences among women. Media is playing an important role in distributing the actors' perspective on polygyny.

## Chapter 5 Conclusions

The diversity of Islam in Indonesia is not only because of the different interpretation of the Qur'an, but also because of the integration between Islam and local/traditional culture. "And Indonesia may be the only country which has different 'faces' of Islam" (Elisabeth 2007: 79). Moreover, the Indonesian Muslims are different from other Muslims in the world, including Malaysia, in terms of their plurality and complexity. "the Islamic community (*ummah*) is remarkably diverse, spanning a wide array of ethnic groups, socio-economic classes, political and doctrinal orientations, and cultural dispositions" (Fealy et al. 2006: 39). Fealy et al. (2006) categorized the Indonesian Islam into four categorizations: *abangan*<sup>7</sup>, *santri*<sup>8</sup>, traditionalist and modernist. The last two being subcategories of *santri*. 'Traditionalist' and 'modernist' have different doctrin about Islam which has socio-economic, political and cultural content. Traditionalists have two defining characteristic. "They seek to preserve the authority of medieval Islam scholarship, and they tend to be more tolerant of local customs" (Fealy et al. 2006: 40). In other words, "Traditionalists" adhere to the Sunni law Schools and they are willing to combine local mystical and spiritual practices with the more orthodox elements of Islam<sup>9</sup>. Modernists are often referred to as reformists. They see the theology and spiritual practices of traditionalists as "impure and a deviation from the original teachings of Islam"(Fealy et al. 2006: 40).. And they have two elements in criticizing the traditionalists:

"The first is that 'un-Islamic' accretions and innovations during the medieval and early modern periods had corrupted the faith and led Muslims into error. The second is that 'blind adherence' to medieval dogma had led to stagnation and atrophy, the consequences of which were apparent in the fact that, by the nineteenth century, much of the Muslim world had been subjugated by European colonial powers and Islam had lost the intellectual and scientific efflorescence of earlier century." (Fealy et al. 2006: 40)

Further, a Catholic priest, Neils Mulder, argued that "it was wrong to see Indonesia as a Muslim country as there are so many groups of Muslims" (Elisabeth 2007: 81) and divided Indonesian Muslims into four groups:

neo/new-santris, neo-revivalists, transformists, and neo-modernists (Mulder 2000:113-120, cited by (Elisabeth 2007: 81)<sup>10</sup>.

Indonesia adheres to the principle of human rights, democracy and social justice constitutionally. This was illustrated in the Constitution of 1945, article 27, stated that the mandatory of the Indonesia government is to provide equal access for both women and men to economic, social, political and cultural resources. And since 1995, Indonesia has ratified the Convention on Political Right of Women and Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which “its implementations encountered a series of sociological and political obstacles” (Farkha 2001:10, cited by (Rohmaniyah 2007: 269) where the government’s policies were not “in the light of the spirit of the political Convention” (Rohmaniyah 2007: 269).

Theologically, Islam influence every aspect of life of Indonesia community, including the relationship between the state and politics and the influence of religion in the Indonesia public sphere significantly contribute to shaping society’s ways of thinking and ways of speaking of the actors, including ways of debating polygyny. Further, because the majority of Indonesia people are Muslims, “their social majority should become the political majority as well” (Elisabeth 2007: 83). Discourses which are chosen by the actors mostly relate to the Islamic discourse. Even though there is interference from Western regarding to the regulation in Indonesia, yet sometimes they have to adjust their policies to make it compatible with the Islamic doctrine, especially in democracy.

The debate on polygyny in Indonesia showed some similarities and differences compared with the contemporary debate on the family law in the Middle East. Firstly, class differences sometimes cannot illustrate differences in women perspective; Secondly, the actors engaged in the debate on polygyny mostly should speak in the term of Islam. This is in line with the given argumentation by Buskens (2003) said that it is impossible to talk about family law outside of Islam. Thirdly, media plays an important role in distributing the given argumentations.

Different perspectives among women acknowledge eventhough sometimes it is hard to say that the differences existed based on their class. Some women from upper class agreed with polygyny as they believe that polygyny as part of their obedience to God, however polygyny can be their strategy as well to be free from their duty as a wife.

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## Notes



<sup>1</sup> The article 4 until 6 of the the Government Regulation no. 10, 1983 discuss about the procedur for the civil servants to have more than one wife. This means that it is not easy to have more than one wife for the Indonesian civil servants.

<sup>2</sup> PP no. 10, 1983 which was revised become PP no. 45, 1990, talking about polygyny for the civil servants.

<sup>3</sup> This was the interview between YJP and the leader of Islamic Discourse Department, Youth Islamic Study Club Al-Azhar, M. Hilaly Basya.

<sup>4</sup> Fiqh is “the system of jurisprudence: the legal foundation of Islamic religious, political and civil life” (<http://dictionary.reference.com/browse/fiqh?r=14>, retrived 11. 11.2008).

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<sup>6</sup> This can be seen in one of their articles discussing about Western stategy to separate Muslim community in their website <http://hizbut-tahrir.or.id>

<sup>7</sup> *Abangan* Muslims are nominal or less orthopactic Muslims. This category ranges widely, from those who seldom if ever attend to Islamic devotions to those who lead rich but highly syncretic religious lives in which Islam is blended with other religious or spiritual observances. These non-Islamic elements may be drawn from folk beliefs or from Hinduism and Buddhism, both of which had a strong presence in the archipelago before the arrival of Islam. Although the term *abangan* is only correctly applied to Muslims in Indonesia’s largest ethnic group, the Javanese, it is often used to refer to less observant Muslims in other ethnic groups (Geertz 1976; Ricklefs 2006; cited by (Fealy et al. 2006: 40).

<sup>8</sup> *Santri* Muslims are those who seek to adhere strictly to the ritual and legal requirements of Islam. They are likely to pray five times a day, fast during the holy month of Ramadhan, pay the wealth tax (*zakat*) and, if able, undertake the pilgrimage to Mecca. For these Muslims, Islam is a central if not defining part of their lives (Fealy et al. 2006: 39).

<sup>9</sup> Often the ‘local’ aspect includes the veneration of ‘saints’ (*wali*) and famous Islamic scholars (*kiai*) as intermediaries between God and humans; belief in the magical or supernatural powers of blessed individuals; and engagement with cultural or spiritual ritual designed to ensure communal and individual well-being (Fealy et al. 2006: 40).

<sup>10</sup> For further information, read a book section of “Democracy in Muslim Societies” edited by Zoya Hasan, title “The Indonesian Experience in Implementing Democracy,” by Adriana Elizabeth.