

CHAPTER V

CLOSING

A. CONCLUSION

We have tried to analyze some problems related to polygamy and the method of Musdah Mulia's interpretation on polygamy verses. Those all explanations are really able to describe and understand how is the characteristic of Musdah Mulia in understanding Qurân, especially on polygamy verses. We may conclude as follows:

1. As we know that in her interpretation, Musdah Mulia concludes that polygamy is *harâm lighairihi* or forbidden because of the causes and the impact. She argued that the ideal marriage in Islam is only monogamy. Even in the content of Counter Legal Draft which arranged by the CLD-KHI team at 2004 which lead by her mentioned that the most ideal and right of marriage is monogamy. And in the next verse mentioned that the other marriage except monogamy is not legal.

This conclusion is not a surprised opinion, if we know and understand the background, works and the career journey of Musdah Mulia. As we know that Musdah Mulia is one of famous feminist in South-East of Asia, especially in Indonesia. She has writes and published some feminism books, and announces some radical opinion. Such as about homosexuality, wearing *jilbâb* and about his rejecting on pornography planned law. Actually she wants to make Islam seems acommodatively. But she always claimed that some groups which against her opinion (conservative scholars) is less deep in studying Islamic thought. Furthermore she said that when she studying Islam more deeply and more, she will find that Islam is a democratic religion.

She claimed herself using thematic method in interpreting polygamy marriage. It's important because the basic spirit of polygamy verse only can be understood

by interpreting all of marriage and related verses. Besides discussing some related verses, Musdah Mulia also considering the causes revelation and applying on the problems in this time.

2. The conclusion of Musdah Mulia that the law of polygamy is should be *haram lighairihi* is based on the interpretation on polygamy verses and based on the fact of polygamy. So after she interprets polygamy verses and analyzes it, she concludes that almost no one can be justice between wives and children. Besides those conclusion, Musdah Mulia also considering the fact of polygamy which caused some bad impact in a family. Based on her research in some institutions, she gets a fact that there are some bad impacts of polygamy, either for husband, wives or children.

Based on those facts, Musdah Mulia concludes that the law of polygamy is prefers be *haram lighairihi*, based on the Fiqh principle *dar'u al-mafasid muqaddamu 'ala jalbi al-mashalih*. Furthermore Musdah Mulia also proposes that the law of polygamy in Indonesia should be absolutely forbidden, like what was run in Tunisia.

3. As the implication of Musdah Mulia's interpretation, there are many groups which disagree with her. There are many groups, even Moslem scholar who dislike and claim her as a liberal thinker. In almost of Musdah Mulia's interpretation, we see that she has five basic arguments and principles. They are useful principle (*al-maslaha*), nationalism principle (*al-muwâthanah*), the human right principle (*huqūq al-ibâd*), and pluralism principle (*al-ta'aduddiyah*).

Most of her opinion is always based on human right and pluralism principle. So do in polygamy. She said that polygamy is only reducing and oppressing the husband on wife. And this is automatically not appropriate with the human right and useful principle, where according to her, polygamy is only bring the *mafsadah* for both of husband and wife, so that polygamy should be free and abolished.

The interpretation of polygamy by Musdah Mulia is emphasizes on the human right principle, especially on gender equality. She offers some solution for avoiding polygamy; it's by proposing a requirement before marriage and increasing the human quality and capability of women for reaching the women empowerment. There must some new law arrangement and deconstruction of culture to abolishing polygamy. Especially in Indonesia, Musdah Mulia advices that should there is a law deconstruction, as she done in CLD-KHI team at 2004.

Although CLD-KHI was failed to replace the old KHI, but as we know that lately there a same issue which emerge a new law proposal, it's called by RUU HMPA. In that draft mentioned that there is criminalization for who doing polygamy without obeying the requirements in marriage law. We can say that this is one step progress for Indonesian marital law. And if this law can get legalization in this country, it's not impossible to make Musdah Mulia's interpretation be relevance for our society in the future. Of course it's in order to make a justice and equal life in society.

Hence, we know that there are many negative impact of polygamy. But we also can't deny that polygamy is tradition since pre-Islam. And Islam comes with new strict requirements, not for abolishing polygamy. And this is also not means that Islam suggests and recommends the human for doing polygamy. But it means that polygamy is only in an emergency condition. Like Quraish Shihab said "some polygamy verses and prophet tradition is not means that Islam is allowing polygamy freely without requirements, but in one hand also not means that Islam is forbid polygamy. Polygamy is like an emergency door in a plane, which only can open in an emergency condition".¹

B. CRITIQUE AND SUGGESTION

¹Marwan Saridjo, *Cak Nur...* p. 114

As mentioned, that according to Musdah Mulia polygamy is forbidden (*harâm lighairihi*). But after we analyze her books carefully, we will find the inconsistency of her opinion, because in her book she also writes some solving problems in polygamy. Such as she mentioned that in polygamy, the wife should be the determiner of justice, not the husband, because the wife is more understand how justice for her is. From her statement we know that actually she is not totally and absolutely forbid polygamy, because she was offered the solution and advice in polygamy. The writer want to say that Musdah Mulia actually might be not agree with polygamy, but it's not an absolutely rejection. She might be can accept the polygamy but with a really strict requirements. Like Quraish Shihab said, "Only for emergency condition".

The other critique of her interpretation is the using of thematic method (*maudhu'i*). as we know there are some steps in using thematic method in interpretation, such as arranging the verses systematically and chronologically based on *asbabun nuzul*, knowing correlation (*munasabah*) of verses in each *surah*, and paying attention on the '*am, khos, muthlaq and muqayyad* verse. But I don't find those steps in Musdah Mulia's interpretation. She is only interpreting some related verses, considering the causes revelation at that time, and then try to apply with the problems in this time. Using term "thematic method" in her interpretation is not appropriate with her way in interpreting. The most appropriate with her way is the theory of Fazlur Rahman, it is "Double movement" method. As we know the theory of Fazlur Rahman means interpreting some theme or issues in Quran, and then analyzing the causes revelation, and then finally pulls and apply in the problems in this time. So that the most appropriate method for Musdah Mulia's interpretation is "Double Movement", not *maudhu'I* method.

Although there are some weaknesses and critique of her interpretation and method, but we should proud to Musdah Mulia for her struggle and strive in striving women rights and empowerment. But it should more struggle to realize it, and this is not only the duty of Musdah Mulia. This is our duty, we sould realize

the basic spirit of Qurân. It's for striving justice and gender equality in this life, because this struggle is still long.

C. CLOSING

Finally, to close this paper, there is no reason to forbid polygamy and also there is no reason to allowing polygamy freely. Polygamy is allowed only in emergency condition. In additional, the opinion of Shahrour that there is requirement that the next wives in polygamy is should a widow like Muhammad was done is can be the considerably requirements.

Not for other purpose, this what the writer wrote, what was Musdah Mulia and other feminist done is for maintaining the justice life. The important hope is that this paper will be useful for all human in gender equality maintenance and awareness. All in all, all praise is always for God the most justice.