

## Intisari

Penelitian berjudul "Kritik *Feminist Legal Theory* Terhadap Regulasi Poligami Berdasarkan Undang-Undang Nomor 16 Tahun 2019" dilatarbelakangi oleh ketertarikan peneliti pada bidang feminisme khususnya teori hukum feminis yang mengkritisi diskriminasi gender dalam hukum yang mengatur tentang perempuan khususnya dalam regulasi poligami di Indonesia yang diatur oleh Undang-Undang Perkawinan Nomor 16 Tahun 2019. Penelitian bertitik tolak pada penerapan hukum positif poligami di Indonesia yang mendiskriminasi gender tertentu, dan kurang responsif gender, sehingga perlu dikaji lebih dalam dengan perspektif feminisme lewat teori hukum feminis.

Penelitian ini menggunakan kajian kualitatif melalui studi pustaka. Metode yang digunakan untuk menganalisa penelitian dalam tesis ini menggunakan hermeneutika filosofis dengan unsur metodis deksripsi, interpretasi, dan heuristika.

Hasil yang dicapai dari penelitian ini yaitu (1) landasan filosofis terbentuknya Undang-Undang Perkawinan Nomor 16 Tahun 2019 bahwa perkawinan merupakan hasil persetujuan bersama keduanya, yang memiliki hak dan kewajiban, berdasarkan keadilan. (2) Bentuk diskriminasi gender dalam regulasi poligami menurut Undang-Undang Perkawinan Nomor 16 Tahun 2019, Pasal poligami masih memberatkan satu gender yaitu perempuan, eksistensi perempuan dalam hukum perkawinan belum seimbang dengan laki-laki. (3) Konstruksi yang dibangun melalui cara pandang feminisme, pandangan *Feminist Legal Theory* dinyatakan bahwa hukum tercipta dari cara pandang laki-laki sehingga terciptalah hukum patriarkis yang berjalan tanpa pengalaman dari perempuan, untuk itu konstruksi yang dibangun harus sejalan dengan hak asasi perempuan untuk mewujudkan hukum berkeadilan gender.

**Kata kunci :** undang-undang perkawinan, poligami, diskriminasi gender, *feminist legal theory*

### *Abstract*

The research entitled "Feminist Legal Theory Criticism of Polygamy Regulation Based on Law Number 16 Year 2019 Concerning Marriage" is motivated by the interest of researchers in the field of feminism, especially feminist legal theory which criticizes gender discrimination in laws that regulate women, especially in the regulation of polygamy in Indonesia which is regulated by law. - Marriage Law Number 16 of 2019. The research is based on the application of positive law on polygamy in Indonesia which discriminates against certain genders, and is less gender responsive, so it needs to be studied more deeply with a feminist perspective through feminist legal theory.

This study uses a qualitative study through literature study. The method used to analyze the research in this thesis uses philosophical hermeneutics with methodical elements of description, interpretation, and heuristics.

The results achieved from this study are (1) the philosophical basis for the formation of the Marriage Law Number 16 of 2019 that marriage is the result of mutual agreement between the two, who have rights and obligations, based on justice. (2) The form of gender discrimination in the regulation of polygamy according to the Marriage Law Number 16 of 2019, the article on polygamy still burdens one gender, namely women, the existence of women in marriage law has not been balanced with men. (3) The construction that is built through a feminist perspective, the Feminist Legal Theory view is stated that the law is created from the perspective of men so that patriarchal law is created that runs without the experience of women, for that the construction that is built must be in line with women's human rights to realize the law. gender justice.

**Keywords :** marriage law, polygamy, gender discrimination, feminist legal theory