Pembagian Warisan dalam Budaya Poligini (Studi Kasus pada Komunitas Madura di Boto Putih, Surabaya)

Abstrak :

Abstract
This paper explains, in term of Legal Anthropology, the legacy of the Maduranese polygyny at Boto Putih, Surabaya. The legal of legacy is govern the rule of the transition of wealth left by someone who died. The research problems are: (1) how to process marriage of the legally and illegally polygyny in Boto Putih, (2) How the process of legacy in polygyny system according to the Islamic law and customary law in Boto Putih, , and (3) How they divide the legacy and the solution if there is no agreement between the first and second wives. This research uses case studies where carried out to know the deeper problems that exist, but could not become the benchmark patrimonies in other areas. The technique of collecting data through observation and in-depth interviews. The technique of determining the informant i.e. there are 7 informants. 1 informer is a village govern, 1 informant is RT, and 5 informants are women from polygyny which a women is a first wife from the legally polygyny and 4 women are legalls polygyny (2 informan are the first wive and the 2 other is the second wife). The results showed no difference in the division of the estate of marriage polygyny are legally and illegally. Polygyny is done legally, i.e. the process of marriage in accordance with the provisions of the marriage is recorded in the Court and KUA. Different things with his illegally polygyny which is where marriages are only recorded at KUA and attended the guardian of marriage only and there is no force of law. If it is legal then the division of inheritance are not subjected to the dispute. Unlike the illegal marriage, the division of inheritance can not run smoothly. In the division of his legacy, there are things that need to be done, including discussion between the two sides to give a fair decision. Completion of the form if there is no agreement between the first and second wives then conducted mediation where the parties to the dispute as a mediator selected third parties to take a decision. The mediator is the uncle of the deceased husband's family. In deciding the results of division of inheritance, the first wife and second wife to accept it. However, be advised that the division of the estate between the first and second wives in Boto Putih is divided fairly equally. The problem with such apportionment was not until heritage brought to the law but only with family deliberation only.

Keyword :
legacy, , heir, , poligyny

Daftar Pustaka :
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