



## WOMEN'S RIGHTS AND GENDER EQUALITY

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### Abstract

Women's rights and gender equality, especially in the current generation, face a lot of pros and cons due to the increasing number of women pursuing their careers, especially against older generations who speculate that women's duty is only at home, serving their husbands. They are not allowed to enter the workforce, politics, or even governance. This research utilizes a descriptive method through literature review of journals, websites, and books obtained via Google Scholar containing information regarding women's rights and gender equality from various perspectives including the four schools of thought, scholars, and societal views. The aim is for students to have a broad understanding and perspective on various third-party viewpoints in responding to current issues, enabling them to analyze and have a comprehensive view in addressing issues related to women's rights and gender equality incorporating various perspectives from the four schools of thought in addressing these issues and the various societal views regarding women's involvement in politics, social affairs, governance, and the workforce to pursue careers, especially in the current generation, which inevitably sparks controversy among scholars regarding gender issues between women and men. Additionally, there are societal views, particularly from older generations, that still hold a patriarchal perspective towards women. The Quran asserts in its verses the equality of men and women in terms of their rights, status, dignity, and humanity, both in terms of devotion and in terms of law.

Keywords : right, patriarchy, gender equality

### Abstrak

Hak-hak perempuan dan kesetaraan gender khususnya pada generasi sekarang karena banyaknya perempuan yang ingin mengejar karirnya menuai banyak pro dan kontra didalamnya, terlebih lagi terhadap golongan tua yang berspekulasi bahwa perempuan tugasnya hanya di rumah dan melayani suami saja. Tidak diperkenankan untuk memasuki dunia pekerjaan, politik bahkan pemerintahan. Penelitian ini menggunakan metode deskripsi melalui tinjauan literatur jurnal, website dan buku yang didapat melalui google scholar yang memuat informasi-informasi berkenaan tentang hak-hak perempuan dan kesetaraan gender berbagai perspektif empat Mazhab, para ulama hingga pandangan masyarakat di dalamnya. Bertujuan agar mahasiswa/i dapat mengetahui atau berpandangan luas melihat berbagai pandangan sudut ketiga dalam menanggapi permasalahan yang terjadi pada masa sekarang agar dapat menelaah dan dapat berpandangan luas dalam menanggapi isu-isu suatu permasalahan mengenai hak-hak perempuan dan kesetaraan gender yang memuat berbagai perspektif dari empat Mazhab dalam menanggapi permasalahan ini dan adanya berbagai pandangan di masyarakat terkait hak perempuan yang berkecimpung dalam urusan politik, urusan sosial, pemerintahan hingga dalam dunia pekerjaan untuk mengejar karir terutama generasi saat ini yang tentunya menimbulkan banyak kontroversial antar para ulama tentang permasalahan gender antara perempuan dan laki-laki. Juga adanya pandangan masyarakat khususnya golongan tua yang

masih berpandangan "patriarki" terhadap perempuan. Al-Qur'an menegaskan di dalam ayatnya tentang keberadaan laki-laki dan perempuan itu hak nya sama, baik dari segi status kejadian derajat dan kemanusiaan dari pengabdian maupun dilihat dari segi hukum.

Kata kunci : hak, patriarki, kesetaraan gender

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## Introduction

During the time of the Prophet Muhammad (SAW), he strived to elevate the status of women to be equal to that of men. In pre-Islamic Arabian Peninsula, women were at their lowest point, regarded as mere property and slaves, treated as symbols of misery, shame, and poverty. They had no rights to inheritance or family property, and could even be passed on to the eldest son or a relative of their deceased husband. The Qur'an and Hadith elevated women to a position of honor in Islam, without distinguishing their status from that of men. Islam emphasizes cooperation and mutual complementarity between women and men.

However, traditions and societal understandings often misinterpret these teachings, restricting women within certain limits and preventing them from moving freely like men. Some also misinterpret Islamic teachings as barriers to women's progress, although Islam does not hinder women from working outside the home, developing careers, or engaging in social and political activities. These differing viewpoints create issues of gender injustice and women's rights that need further examination.

## Method

The research subject aims to employ a qualitative research approach to gain a deep understanding and broad perspective on issues and rights of women and gender equality in areas such as worship, family, work, social life, and women's involvement in politics and government. This study utilizes data collection techniques involving reputable websites, journals, and books to analyze relevant data, which are identified and examined to obtain a comprehensive understanding.

The main goal is to identify challenges, trends and changes in perspectives on gender equality issues today, both from the views of different Islamic schools of thought and from society. This research hopes to provide insights and broaden the perspectives of readers, especially students of Ahwal Syakhshiyah, in addressing existing issues.

## Research Results and Discussion

## Sope of Rights and Gender Equality

According to Mushtafa Az-Zarqa', rights are interpreted as authority or responsibility established by Sharia law. This includes both power and legal obligations. Meanwhile, Abdul Madjid explains rights as specific entitlements held by an individual to manage a certain object or matter in accordance with Sharia law, provided there are no Sharia-based obstacles hindering it. This includes specific rights such as the seller's right to receive the price of goods and the buyer's right to receive the purchased goods. If there is no specific relationship with someone, it is not considered a right, but rather a general concession that applies to everyone.<sup>1</sup>

Talking about women's human rights cannot be separated from the discussion about human rights as a whole, constitutional rights, and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). For example, different treatment in wage distribution between female and male workers must be eliminated, and women should have equal opportunities with men in the political arena, both within political parties and in government. This results in recognizing individuals based on their achievements, not on their gender.

Maximum involvement of women is necessary in nation-building, global welfare, and peace efforts, based on the principle of equality with men. Women's significant contributions to family and childcare demonstrate the importance of sharing responsibilities between men and women in society, not as a basis for discrimination. Every individual has the right not to experience discrimination based on any grounds, and is entitled to protection from discriminatory treatment.<sup>2</sup>

The origin of the word "gender" comes from English, which means "jenis kelamin" in Indonesian. However, its actual meaning goes beyond mere physical differences between males and females. In the social and cultural context, gender encompasses

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<sup>1</sup>M Sarbini, "Jurnal Al Mashlahah Hukum Islam dan Pranata Sosial Islam; *Hak-hak Wanita dalam Fiqh Islam*", Prodi Ahwal Asy Syakhshiyah; STAI Al Hidayah-Bogor, hal. 610-611, 2017

<sup>2</sup> Nuraida Jamil, "Muwazah: *Hak Asasi Perempuan Dalam Konstitusi dan Konvensi CEDAW*", 6(2), 167-168, 2014

differences in roles, tasks, responsibilities, and opportunities between males and females. This is influenced by social values and constructions that can change over time and according to societal needs. So, gender is more than just biological sex; it's about roles, responsibilities, and opportunities between males and females shaped by the social and cultural values that are produced, influenced, or changed according to the needs or changes of the times.<sup>3</sup>

In the view of the Quran, the status of men and women is considered equal. Any differences are attributed to the primary functions and duties established by the religion through the teachings of the Quran and the Sunnah. Therefore, these differences do not lead to one gender feeling superior to the other but rather complementing each other. The fundamental difference lies in piety and righteous deeds.<sup>4</sup> However, societal perceptions often strongly adhere to the belief that the concept of gender as characteristics formed by culture and society manifests when people believe that men should be strong, masculine, and suitable for work outside the home, while women are naturally expected to be gentle, feminine, and more suitable for domestic work. This thinking demonstrates how the concept of gender is not inherent but rather a product of social and cultural constructions or habits within a society. Misunderstandings occur when people perceive gender as something unchangeable, whereas in reality, gender is a result of social and cultural influences that can evolve throughout one's life in response to the changing times.<sup>5</sup>

### **The Principle of Gender Equality in Islam**

Islam has played a significant role in elevating the status and dignity of women. In pre-Islamic societies, women were often regarded as objects without rights, but Islam significantly treated them as human beings with certain rights equal to men. The Qur'an,

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<sup>3</sup> Ahdar Djameluddin, "Jurnal Al-Maiyah: Gender Dalam Perspektif Al-Quran", Sekolah Tinggi Agama Islam Negeri (STAIN) Parepare, 8(1), 3-5, 2015

<sup>4</sup> *Ibid.* Hal. 24

<sup>5</sup> Ahdar Djameluddin, *Op.Cit.* Hal. 7-9

as the primary guidance for Islamic society, explicitly emphasizes the concept of equality between men and women, both in status, dignity, humanity, and in devotion and legal aspects.

A. Status, Creation, and Human Dignity:

The Qur'an explains that men and women are created by Allah from the same essence, without differentiation in their origin of creation. There is no indication that women have a lower status than men. There is no assertion that the first woman (Eve) has a lower status of creation than the first man (Adam). Therefore, the status of men is equal to the status of women.

B. Devotion (Worship):

Islam does not differentiate between men and women in the obligation of devotion to Allah. Both are equally commanded to worship God, as mentioned in the Qur'an, Surah Adh-Dhariyat, verse 56, which states that humans and jinn were created to worship Allah. This is also evidenced by the similarity in the obligations of worship such as prayer, fasting, pilgrimage, and charity, which are prescribed for both men and women. Allah also emphasizes in the Qur'an, Surah An-Nur, verse 56, to establish prayer, pay zakat, and obey the Messenger, as a condition to receive His mercy. Moreover, the rewards promised by Allah to humankind are also not differentiated between men and women. Both have equal rights to enter paradise and participate in various good deeds. Segi Status Kejadian dan Derajat Kemanusiaan

Dari sumber Al-Qur'an menjelaskan bahwa laki-laki dan perempuan diciptakan Allah dari zat yang sama, tanpa perbedaan dalam asal usul penciptaan. Tidak ada indikasi bahwa perempuan memiliki martabat yang lebih rendah dari laki-laki. Tidak ada penegasan bahwa perempuan pertama (Hawa) memiliki status kejadian yang lebih rendah dari laki-laki (Adam). Oleh karena itu,, status kejadian laki-laki sama dengan status kejadian perempuan.

C. Devotion (Worship):

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#### D. Legal Aspect:

In the field of law enforcement, Islam does not differentiate between men and women. Both are considered equal before the law, as reflected in several Quranic verses that affirm legal enforcement for both men and women. For example, in cases of theft, the Qur'an explicitly states that both men and women who steal will be subject to punishment commensurate with their actions. Similarly, in cases of adultery, Islam imposes the same penalty on both male and female offenders. Likewise, in civil law, Islam treats men and women equally in recognizing their legal rights, such as in buying and selling and renting. These verses demonstrate the concept of gender equality in Islam, affirming that the Qur'an does not permit oppression or discrimination against men or women. If there are interpretations or understandings that oppress or contradict humanitarian values, then those interpretations are open to debate.<sup>6</sup>

### **The Perpektive of Women's Rights in the Scope of Family, Career, Perching and Involvement in Politics and Gocernance Reflects the Principles of Women's Rights in Various Fields**

#### A. Rights and Responsibilities of Husband and Wife in the Family

Islam has endeavored to eradicate injustice against women, yet now issues and differences in understanding have led to assumptions that men are superior.

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<sup>6</sup> Mesraini, "Journal of Islamic Law; *Diskursus Gender dalam Hukum Islam (Gender Discourse in Islamic Law)*", UIN Syarif Hidayatullah Jakarta, 2(1), hal. 4-6, 2018

Classical Ulama's such as az-Zamakhsyari, Fakhruddin ar-Razi, Ibn Kathir, and Imam Shafi'i stated that women are half the worth of men, with the women's sphere being the domestic realm, and they viewed men as having a superior position. This patriarchal view was influenced by the culture of their time, and these classical interpretations are considered irrelevant in today's era, which demonstrates that women are equal to men in various fields. The debate intensifies as states also limit women's rights in marriage laws. For example, articles in legislation such as the Marriage Law, the Criminal Code, and the Islamic Law Compilation place women below men, even though this is inconsistent with the principle of equality taught in Islam.

Musdah Mulia yang merupakan salah satu dari feminis berpendapat mengenai kesetaraan istri dan suami dalam keluarga dengan mengusung ayat Al-Quran Surah An-Nisa : 34

Musdah Mulia, a feminist, argues for equality between husband and wife in the family by referring to Quranic verse Surah An-Nisa: 34:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ فَإِنِ اطَّعْتَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

"Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard. But those [wives] from whom you fear arrogance - [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them. But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand."

Musdah Mulia interprets this verse to argue for equality within marriage, emphasizing that both husband and wife have duties and responsibilities towards each other. She stresses the importance of mutual respect and understanding,

while also acknowledging the need for clear communication and conflict resolution within the marital relationship.

Throughout history, 'qawwam' has been interpreted as male superiority within the family, but Musdah seeks to redefine the term to show more respect for women. For her, the status of 'qawwam' doesn't have to be exclusively attached to husbands; in certain situations, women who meet the qualifications can assume this role. Emphasizing men as the head of the family can convey authoritarianism and trigger dominant behavior and discrimination against women. Therefore, Musdah states that only men with specific qualifications are worthy of holding the status of 'qawwam'. Musdah's perspective differs from Quraish Shihab's interpretation of the terms 'rijal' and 'qawwam'.

First, the word "الرجال" it is the plural form of "رجل" (man). Some Ulama's interpret it as referring to husbands, but Muhammad Thahir 'Ibn 'Asyur stated that in Arabic, the word "الرجال" does not specifically refer to husbands. Instead, the word "إمراة" (wives) is used to refer to wives. The verse speaks about men and women in general, which is then connected to the qualities of righteous wives in the following verses.

Furthermore, "qawwamun" is the plural form of "qawwam," which derives from the word "قام" that is also related to establishing prayer. However, the primary meaning of this word is to carry out duties well, in accordance with the conditions, rules, and the Prophet's tradition. From this, it can be concluded that the verse indicates that all men should be good leaders, fulfilling their leadership duties well, consistently, and responsibly, especially for husbands whose responsibility towards their families is greater.

According to researchers, Quraish Shihab's opinion in interpreting the meaning of "qawwam" is more objective because it considers various interpretations from commentators who interpret the word with diverse meanings. However, this actually strengthens the intended meaning, namely that



the responsibility of leadership is not limited to husbands alone, but broader, that every man should have a sense of responsibility towards their duties.

Other Commentators or interpreter of the Qur'an "الرجال قوامون على النساء" As "men are leaders of women." Ibn Kathir, for example, also interprets "qawwam" as leaders of women. There are various opinions within it, including about the husband's obligation to pay dowry to his wife. The Quran also recognizes the rights and obligations of women, while on the other hand, the Quran acknowledges the superiority of men over women and their greater responsibility as leaders. Women and men have their respective functions and roles, complementing each other without feeling that one is superior to the other, but in terms of rights, both men and women are equally entitled. With the establishment of a family, the compilation of Islamic law gives rise to marriage agreements, inheritance laws (faraidh), jurisprudence of inheritance, and others.

#### B. Career Women's Rights and Obligations

Definition of "karir" in Arabic (عامل) 'aa mila is a career which literally describes the development and advancement in one's work life and has positive connotations related to progress in one's career or profession, such as business, office work, and so on.

##### 1) Imam Syafi'i's Perspective:

Many women in today's generation choose to pursue careers inspired by examples of women in Islamic history, such as Khadijah, who excelled in business. The Quran also encourages believers to work hard and make positive contributions to society. According to Imam Syafi'i regarding women's issues in the workplace, husbands have the obligation to provide for their wives whether they are wealthy or in need, as husbands are responsible for their wives' welfare specifically. However, in Muslim societies, there are diverse views on women working outside the home. Some consider it confusing due to the overlap between truth and falsehood, honesty and dishonesty. There is also a tendency to restrict

women from working outside the home to maintain their natural roles and preserve family integrity.

2) Legislation in Indonesia regarding the Rights and Responsibilities of Women in Careers:

In Indonesia, the majority of the population is Muslim, and there are laws regulating marriage matters, taking into account Islamic principles. In the law, the rights and responsibilities of spouses are recognized equally, as stipulated in Law No. 1 of 1974. Nonetheless, women still have the same legal rights, although they may be restricted when married. This limitation is considered reasonable in the legal context. Islamic law provides a broad and clear framework for the rights and responsibilities of women and men in marriage, as regulated in the Compilation of Islamic Law (KHI). Additionally, Law No. 39 of 1999 concerning Human Rights affirms that adult women or those who are married have the right to conduct legal acts themselves, unless otherwise determined by their religious law. This indicates protection of the rights of women in careers under Indonesian law, considering religious provisions. It also shows that Islam does not prohibit women from pursuing careers. Therefore, laws in Indonesia provide protection for the rights of women in careers, which is a consideration in deciding women's career issues as wives.

3) Relevance of Imam Syafi'i's Thought and According to the Law on the Rights and Responsibilities of Women in Careers:

A career woman is an educated woman who holds a relatively high status in her field of work, striving for progress and advancement in life. Career women are divided into two categories: unmarried career women and married career women. Thus, in the context of married career women, Islamic law asserts that husbands are responsible for providing for their wives, including clothing and food. However, there are differing opinions among scholars on whether married women are allowed to work outside the home.

Some Ulama's argue that women should not work outside the home as it is considered contrary to the nature of women established by God. They believe that the natural role of women is within the domestic sphere, as a calming presence for their husbands, giving birth, raising children, and managing the household.

There are also more flexible opinions that allow women to work outside the home in fields suitable for femininity, maternity, and womanhood, such as teaching, healthcare, caregiving, and trade. However, jobs outside these fields are considered to violate the nature of women and are seen as displeasing to God because they are deemed to resemble male behavior. Imam Syafi'i's viewpoint may be relevant to the cultural and societal context of his time, which tended to favor men in terms of duties and responsibilities. This is reflected in his view that the primary duty of women is to serve their husbands in marital relationships.

However, in modern legal regulations, such as Law No. 1 of 1974 concerning Marriage, the Compilation of Islamic Law, Law No. 13 of 2003 concerning Manpower, and Law No. 39 of 1999 concerning Human Rights, the rights and responsibilities of husbands and wives are balanced. This includes recognition of women's rights to pursue careers and have equal rights in the context of marriage and household life. Thus, while Imam Syafi'i's views may be understood as a reflection of the culture of his time, modern legal regulations affirm the equality of rights and responsibilities between husbands and wives and acknowledge women's rights to pursue careers without violating religious or humanitarian principles.<sup>7</sup>

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<sup>7</sup> *Ibid.* Hal. 86-94

Furthermore, for female students of the Ahwal Syakhshiyah study program who will enter the workforce in the scope of Religious Affairs Offices (KUA), Religious Courts, District Courts, and aspire to become female judges, there are various perspectives to consider. Judges have a significant responsibility in upholding Sharia law to achieve truth and justice. Islam sets strict standards for judge selection to ensure they possess courage, extensive knowledge, and reliability to adjudicate cases fairly. Opinions in Islam regarding women's involvement in the judiciary create debates among Islamic legal scholars. There are three schools of thought concerning the role of women as judges: those prohibiting it, those permitting only in civil cases, and those permitting it absolutely, including in civil and criminal cases.

a) Opinion That Prohibits Women From Becoming Judges

The opinion rejecting women from becoming judges is supported by the majority of scholars, including the Maliki, Shafi'i, and Hanbali schools of thought. They maintain that being male is an absolute requirement for a judge, even stating that rulings made by female judges are invalid. Some of them even deem appointing women as judges as sinful.

Their arguments are based on a textual understanding of Quranic verses, particularly An-Nisa verse 34:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ

It means: "Men are in charge of women by [right of] what Allah has given one over the other."

Secondly, there is an authentic hadith that, in terms of its substance, prohibits women from being heads of state, narrated by Bukhari, Ahmad, Tirmidhi, and An-Nasa'i from Abi Barkah.

مَا أَفْلَحَ قَوْمٌ أَسْتَدُوا أَمْرَهُمْ إِلَى امْرَأَةٍ

It means: "Unfortunate is the community whose affairs are entrusted to a woman."

The argument against women serving as judges is based on socio-historical and cultural contexts that reflect the dominance of patriarchal culture before and during the early stages of Islam. Opportunities for women to hold leadership positions were more limited compared to men. Additionally, the absence of female leaders in Islamic history is considered evidence by the consensus of scholars (Ijma') supporting this prohibition. This prohibition is likened to the prohibition against women leading prayers or becoming caliphs. Scholars who advocate for this view argue that women have weaknesses in various aspects such as intelligence, insight, social skills, and interactions with the opposite sex. They also fear that the presence of women as judges could lead to scandal, as judges often preside over gatherings attended by men, which women are traditionally barred from. Some scholars who support this perspective include Junaed al-Baghdadi, al-Mawardi, Ibn Khaldun, Abu Ya'la, Bakri Syatha, Zakaria al-Ansari, Muhammad Battaji, and Ibrahim al-Syirazi.

- b) The opinion that allows women to serve as judges only in civil cases, not in criminal cases

The opinion that allows women to serve as judges only in civil cases, not in criminal cases, was introduced by Imam Abu Hanifah. According to him, the hadith about the prohibition of women being leaders cannot be used as a basis to prohibit women from being judges. He argued that Prophet Muhammad conveyed this hadith in the capacity of an ordinary human, not as a Prophet supported by revelation. This is because the Prophet expressed the social realities of society to anticipate potential harm that might occur if the leader were a woman. According to Ibn Hammam, a figure in the Hanafi school, being male is not a prerequisite for being a judge except in matters of hudud (Islamic criminal law) and dima' (punishments). The prohibition of women being judges in criminal cases is equated with the prohibition of women being witnesses in criminal cases because the ability to be a

judge depends on the ability to be a witness. The opinion of the Hanafi school regarding the permissibility of women being judges is based on the Quranic verse in Surah At-Tawbah, verse 71, which states the equality of men and women. It means: "The believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong and establish prayer and give zakah and obey Allah and His Messenger. Those - Allah will have mercy upon them. Indeed, Allah is Exalted in Might and Wise." (Quran 9:71)

With the advancement of science and technology, the understanding of the Islamic community regarding textual evidence, especially concerning the role of women as servants of Allah and representatives of Allah on earth, seems to have changed. Scholars who accept the possibility of women being leaders understand that according to the principles of Usul Fiqh, a new text can only be considered a prohibition if it meets at least four criteria, such as a clear prohibition in the wording, expressed in the form of a prohibition (*nahyi*), containing a threat, and using wording that demands implementation. However, in this context, there is no explicit evidence prohibiting women from participating in public affairs, including as judges. Therefore, both men and women have equal roles and responsibilities in societal politics, including in the legislative, executive, and judicial branches. In the context of enjoining good and forbidding evil, both genders also have equal roles and responsibilities, allowing women to become judges. The Quranic verse about "*al-qawwamuna*" in Surah An-Nisa, verse 34, is interpreted as leadership in the context of the family, where husbands have the primary role in guiding and educating the family towards a harmonious life. Some scholars who support this view include Asy-Syaukani and Zamakhsari.

- c) The Opinion That Allows Women to Serve as Judges Unconditionally, Adjudicating Both Civil and Criminal Cases

The opinion that allows women to serve as judges unconditionally, adjudicating both civil and criminal cases, is advocated by scholars such as Ibn Jarir al-Tabari, Ibn Hazm, and Muhammad bin Hasan. According to Imam al-Baji, there are four main reasons supporting the absolute permissibility of women serving as judges:

- (1) Equality of roles and responsibilities between men and women, as mentioned in Surah At-Tawbah, verse 71. However, there are exceptions regarding certain types of authority such as 'uzma leadership.
- (2) Hadith of the Prophet Muhammad stating that everyone is a leader regardless of gender.
- (3) Analogy with the permissibility of women serving as muftis, indicating that women can also serve as judges.
- (4) Gender is not a determining factor in the validity of serving as a judge.

In addition to these four reasons, Ibn Jarir al-Tabari and Ibn Hazm add that there is no clear evidence explicitly prohibiting women from serving as judges. The Quranic verses and hadiths often cited regarding the husband's role in providing for his wife are not directly related to leadership in general. History also records the appointment of women as market auditors during the time of Caliph Umar ibn al-Khattab, indicating that women indeed have the potential to hold roles as judges. Some scholars who support this view include Ibn Jarir al-Tabari, Ibn Hazm, Muhammad bin Hasan, M. Quraish Shihab, and Husen Muhammad.<sup>8</sup>

### C. Da'wah

Da'wah is a noble responsibility aimed at transforming a person's way of thinking, attitude, and behavior to be in line with Islamic teachings. To achieve this, it is necessary to consider the existing situations and conditions, including the methods, materials, objectives, media, and evaluations used. Da'wah can be carried out by anyone, regardless of gender, and through various activities such as tabligh,

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<sup>8</sup> Muhammad Aziz, "Akademika Jurnal Stui Islam: *Hakim Perempuan dalam Perspektif Hukum Islam dan Hukum Positif Indonesia*", 11(1), hal. 9-12, 2017

discussions, lectures, speeches, sermons, and others. Generally, da'wah involves inviting, calling, and encouraging people to follow Islamic teachings with specific methods and objectives. The main goal of da'wah is to change a person's understanding, attitude, and behavior to align with Islamic teachings, with the hope of attaining Allah's pleasure.

The process of da'wah must take into account the existing situation and conditions, and use methods and media that are appropriate for the target audience. Some thinkers also suggest that da'wah is about delivering the message of Islam to people at various times and places, using methods and media suitable for the conditions and situations of the recipients of the da'wah message. This is distinct from the issue of women becoming leaders, which has sparked debates about women's roles in leadership and governance.<sup>9</sup>

#### D. Politics/Governance

The issues faced by women, particularly on matters related to their natural roles in participating in politics, often do not align with the ideal image of women in Islam. This is due to the strong societal assumptions about the traditional roles of women in the home and men outside the home. Additionally, the debate over female leadership has sparked polemics and controversies, with textual interpretations favoring male leaders, even though there are objectively many women who have strong influence in society and the potential to be leaders.

There are two views on women's involvement in politics: those that prohibit and those that allow it. The opinion that prohibits it argues that the Qur'an positions men as leaders over women and cites hadiths expressing disapproval of a people led by a woman, as well as the belief that women are deficient in intellect and religion. Several interpretations of Islamic texts and fiqh also support this view,

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<sup>9</sup> Dewi Sa'diyah, "Jurnal Ilmu Dakwah: Isu Perempuan; (Dakwah dan Kepemimpinan Perempuan dalam Kesetaraan Gender)", UIN Sgd Bandung, 4(12), hal. 307-309, 2008



asserting that men are more suitable and more fitting for leadership roles, including the position of head of state.

1. The Opinion that Women Should Not Engage in Politics

Those who prohibit women from engaging in politics present the following arguments:

- a) The Qur'an states that men are the protectors and maintainers of women, as mentioned in Surah An-Nisa, verse 34, and that men have a degree of advantage over women, as stated in Surah Al-Baqarah, verse 228.
- b) The Hadith of the Prophet which mentions, "A people who entrust their affairs to a woman will never be successful" (narrated by Bukhari) and another Hadith which states that women are deficient in intellect and religion (narrated by Muslim).
- c) According to several interpretations of Islamic texts, men are considered leaders, authorities, judges, and educators of women. This belief is based on the notion that men possess superiority over women, both by nature and through effort. Men's superiority in four aspects intellectual capability, managerial skills, courage to voice opinions, and physical strength is seen as the reason why men are more suitable for roles in leadership, governance, testimony, and jihad.

2. The Opinion that Women May Engage in Politics

- a) Supporters of women's involvement in politics refer to a verse in the Qur'an which states that believing men and women are allies of one another; they enjoin what is right and forbid what is wrong. This is found in Surah At-Tawbah, verse 71, indicating that believing men and women can support and lead each other in good deeds and prevent wrongdoing. They also refer to the example of Prophet Solomon who mentioned Queen Bilqis, who led the kingdom of Sheba with wisdom.

- b) Regarding the hadith that expresses disapproval of a people led by a woman, some ulama's suggest examining the validity of its chain of transmission. Although the hadith is considered authentic, its context should be placed on the Prophet's statement related to the inability of Buron binti Syiwaraih to lead the Persian kingdom.

Regardless of the differences between the two opinions, it is worth questioning the view that prohibits women from engaging in politics, as this opinion seems to underestimate the involvement of women in the fields of politics and leadership.

- c) Responding to Surah An-Nisa verse 34 which is used in opinions as a rejection of women and is often debated in the context of gender roles which describe the primacy and responsibility of men as leaders. The first is about Surah al-Nisa' verse 34 which means "Men are leaders of women, therefore Allah has preferred some of them (men) over others (women), because men provide sustenance from some of his wealth. ." The word الرجال is general and النساء is also a general sentence, what is special is that Allah prioritizes some of them. The priority or tafdil referred to here is that humans work and struggle on earth to earn a living. Then it is used to support the lives of women who are below its shade (Tafsir Al-Sya'rawi).

And also Q.S. Al-Baqarah verse 228, "Men are higher in rank than women." Actually, this verse is related to the issue of divorce, because men have the right to determine divorce. According to Nasaruddin Umar, what is meant by "men" in this verse is certain men who have certain capacities and is not addressed to all men except those who are worthy.<sup>10</sup>

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<sup>10</sup> Istibsyaroh, "Hak Politik Perempuan Kajian Tafsir Mawdu'i", UIN Sunan Ampel Surabaya, 1(2), hal. 238-241, 2014

## Conclusion

Various points of view of ulama and other views regarding the issue of women's rights and gender equality have pros and cons, various opinions regarding the interpretation of Al-Quran verses expressed, both opinions that do not allow or allow women from a social, career and political perspective. . Whether it is the concept of women's rights or gender equality, society fails to understand it because of cultural factors passed down from generation to generation, so that society assumes that women's nature is at home and men work and live outside the family environment.

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