

Family Institution and Gender Equality: A Comparative Study in Islam and Feminism Perspective

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Abstract

Feminism issues is a fascinating topic of discussion at this time. Problems such as rights and obligations in the family institution, male leadership and inequality against women were seen as clear patriarchal, oppressive, and dominant in regulating women and quite discriminative against them. Nevertheless, women's leadership was passively managed in family institutions. Hence, gender equality is only based on social phenomena and following environmental considerations rather than religious values. In contrast, Islam sees justice and leadership not only material and empirical but from metaphysical and spiritual aspects. Islam views that men and women need respect and love should be harmonious and balanced. This paper aims to examine how justice and equality are in the perspective of feminism and Islam. By using theological and philosophical approaches, as well as using critical analysis methods in this research. This research produces several conclusions. According to Islam,

Islamic justice in family leadership is a must. Second, Islam emphasizes the principle of justice rather than the principle of equality in the family institution. Third, the concept of justice in the family institution by placing the roles of women and men in their respective capacities.

Keywords: *Feminism, Equality, Leadership, Inheritance, Injustice, Patriarchy.*

Abstrak

Isu feminisme sangat menarik untuk dibahas pada saat ini. Disebabkan banyak permasalahan dilihat dari kaum feminis terkait hak dan kewajiban dalam institusi keluarga. Seperti kepemimpinan seorang laki-laki yang dianggap sebagai sesuatu yang ketidakadilan, karena kepemimpinan laki-laki lebih bersifat patriarki, penindasan, peran lelaki lebih dominan dalam mengatur perempuan dan deskriminasi terhadapnya, serta beranggapan bahwa kepemimpinan perempuan pasif dalam mengelola institusi keluarga. Dengan begitu, kesetaraan dalam pandangan Gender hanya berdasarkan sosial, maka kesetaraan hanya sesuai dengan kondisi lingkungan, sehingga tolak ukur kesetaraan menjadi relatif. Padahal dalam Islam, terkait kepemimpinan institusi keluarga berbentuk keadilan tidak hanya materi dan empiris, tetapi bersifat metafisik, kemaslahatan, jaminan hak dan lainnya. Islam memandang laki-laki dan perempuan saling membutuhkan, menghormati, dan menyayangi, serta diantara keduanya saling memiliki keselarasan atau keserasian. Artikel ini bertujuan mengkaji bagaimana keadilan dan kesetaraan dalam perspektif gender dan Islam. Dengan menggunakan pendekatan teologis dan filosofis, serta menggunakan metode analisis kritis dalam penelitian ini. Dengan begitu, penelitian menghasilkan beberapa kesimpulan. Pertama, Islam menggunakan sistem kepemimpinan yang membawa keadilan bagi laki-laki dan perempuan. Kedua, dalam Islam lebih mengedapkan prinsip keadilan daripada prinsip kesetaraan dalam institusi keluarga. Ketiga, konsep keadilan dalam institusi keluarga dengan menempatkan peran perempuan dan laki-laki pada tempat kemampuannya masing-masing.

Kata Kunci: *Feminisme, Kesetaraan, Kepemimpinan, Warisan, Ketidakadilan, Patriarki.*

Introduction

One of the central discourses of feminist¹ groups is the issue of gender equality. Equality began to be sued from the line of family institutions; they considered the family institution the first “enemy”

¹ Oxford Learner's Pocket Dictionary (London: Oxford University Press, 1995), 153.

that must be eliminated. Because the family institution is regarded as the forerunner of all existing social inequalities, especially starting with rights and obligations. In this view, the family institution is a patriarchal structure.² Often there is oppression and discrimination against women in household institutions because women are seen as passive because they are confined in the house without being allowed to be active, so that it looks unbalanced because men are superior or positioned at the top, than women in terms of roles, rights, and positions. So that the family institution is patriarchal, which causes injustice to women. The form of inequality is not only in this realm, but feminists are also involved in deconstructing religious teachings. This is as explained by Henri Salahuddin in his writing entitled "*Konsep Kesetaraan Dalam Kesaksian Perempuan: Antara Perspektif Wahyu dan Perspektif Gender*", he explains that feminists claim that there is an error in the form of testimony in women in Islam which is considered half of the testimonies of men end up discrimination against women in the public sector.³ If, at first glance, it seems as if the concept of equality in testimony in Islam that feminists shelter is more in favor of men and oppresses women, the principles of justice and equality in Islam do not only touch on the material and practical side. Still, they include spiritual things, benefits, a guarantee of rights, and so on. Thus, the issue of equality in households and witnessing institutions is part of the discourse on gender equality that can damage the foundations of religion.

Then the gender equality movement was supported by Muslim intellectuals. Starting from Muslim thinkers who were easily influenced and began to help spread this understanding, they even participated in dismantling Islamic concepts about rights between women and men, arguing that the rules in Islam were not in favor of women. It is even more surprising that Islam accuses men of giving more portions to men than women in all walks of life from

² A. Abdulloh Khuseini, "Institusi Keluarga Perspektif Feminisme," *Tsaqafah* 13, no. 2 (2018): 300, <https://doi.org/10.21111/tsaqafah.v13i2.1510>.

³ Hendri shalahuddin, *Islam, Gender, Dan Keluarga*, n.d., 384.

leadership, right to dress, work, inheritance and others.⁴ When the understanding of gender equality enters the realm of religion by challenging the rules or sharia in Islam, it is as if what is wrong is the religion, when the lousy religion means that the maker of the laws (Allah) on justice is terrible. This becomes a highly complex problem because the enemy is in a blanket to help market this idea.

From the problems above, the author will explain how the concept of justice, in the intellectual circles of gender, is known as equality or equality. Then the author briefly describes the emergence of the feminist movement and some of the problems that result from its thoughts aimed at challenging and deconstructing the established concept of justice in Islam. The next step is to explain how the concept of justice in Islam is. thus this paper is entitled "The Justice method on Family leadership between Islamic view and Feminism."

Equality in Gender Perspective

In English, gender equality in language, "gender" means the behavioral, cultural, or psychological traits typically associated with one sex.⁵ The term gender connotes habits or traits as human construction or social and cultural construction; humans can be exchanged in this nature.⁶ Then gender is the nature of men or women who are socially and culturally constructed so that they are not identical with sex. Symbolization in gender is closely related to society's cultural system and social structure. For example, the function of child care is identified with the nature of women; in other places, this function can be carried out by men. The stereotype of the beautiful, emotional, motherly, and other qualities given to women and the rational, mighty traits given to men is gender.

⁴ M. Hajir Mutawakkil, "Keadilan Islam Dalam Persoalan Gender," *Kalimah* 12, no. 1 (2014): 69, <https://doi.org/10.21111/klm.v12i1.219>.

⁵ Maggie Humm, *Ensiklopedia Feminisme* (Yogyakarta: Fajar Pustaka, 2007), 123.

⁶ Mohammad Muslih, *Bangun Wacana Gender* (Ponorogo: Centre fog Islamic and Occidental Studies (CIOS), 2015), 2.

Changes in gender characteristics and characteristics can occur and change from time to time, from place to place, depending on the social and cultural systems that apply in each location. All these interchangeable traits and characteristics are called the concept of “gender.”⁷

Gender in terms of this is as described by Helen Tierney; she defines *gender* as a cultural concept that seeks to make a difference between men and women in terms of roles, behavior, mentality, and emotional characteristics that develop in society.⁸ Then, the definition is in line with the opinion of Pamela Sue Anderson; according to her, the term gender is related to the cultural construction of sex (sex) between women and men who have contradictory biological characteristics.⁹ Furthermore, Linda L. Lindsey looks different about gender; her opinion on gender is in the form of all community decisions regarding the determination or role in public, in the sense of examining the role of equality between women and men in public.¹⁰ In addition, gender is also understood as a concept used to distinguish male and female identities from a socio-cultural perspective.¹¹ Thus, although the above understanding looks different, the core of the gender issue is a social construct full of ideology and ambition in certain groups trying to achieve equal roles, rights, positions between women and men in the public sphere.

Not only that, but the term gender is also defined by experts such as Fakih; according to him, the term gender is an inherent trait of both men and women that is socially and culturally constructed. For example, women are better known for being gentle, beautiful, emotional, and motherly. Meanwhile, men are considered to have strong, rational, manly, and mighty traits. The properties are interchangeable.¹² Dakley argues that gender is a socially and culturally defined division of the roles and responsibilities of men

¹² Mansoer Fakih, *Analisis Gender & Transformasi Sosial* (Yogyakarta: Pustaka Pelajar, 1997), 8.

and women. According to Rubin, gender is a social construction and order regarding differences between the sexes which refers to social relations between women and men.¹³ Umar give a definition of gender as a cultural interpretation of gender differences.¹⁴ This is in line with what was stated by Parawansa which defines gender as roles and responsibilities that are socially constructed for women and men.¹⁵ From several definitions as stated by the experts above, it can be concluded that gender is the role, attitude, and nature of women and men which are socially and culturally constructed so that it is possible that one culture and another culture differ in their views, roles, attitudes, and characteristics of women. In other words, gender is an interchangeable socio-cultural product.

Furthermore, the concept of gender equality is also included in contemporary discourse that seeks to realize equality between men and women in the social aspect.¹⁶ For this effort, feminists are increasingly aggressive in the issue of equality. The term gender inequality has become a standard language, which means it must be associated with the condition of women being down, left behind, and subordinated. Therefore, the feminist agenda is to realize that women's roles must be the same outside the home. There is also a feminist movement that seeks to achieve equality through planning and setting policies from organizations and institutions called "gender mainstreaming." In the sense of implementing or demanding the implementation of gender equality thinking through the application of laws based on gender equality perspectives.¹⁷

¹³ Sientje Merentek-Abram, *Kesehatan Jender Dalam Agama Dalam Elga Srapung, Masruchah, Dan M. Imam Azizi (Ed.) Agama Dan Kesehatan Reproduksi* (Jakarta: Pustaka Sinar Harapan, 1999), 36.

¹⁴ Nasarudin Umar, *Argumen Kesetaraan Gender Perspektif Al-Qur'an* (Jakarta: PARAMADINA, 2001), 1.

¹⁵ Khoffah Indar Parawansa, *Tinjauan Kritis Kesetaraan Gender Di Indonesia: Perspektif Islam, Sosiologis, Dan Yuridis* (Makalah Seminar UGM Yogyakarta, n.d.), 1–2.

¹⁶ Mohammad Muslih, *Bangun Wacana Gender*, 1.

¹⁷ Susilaningsih, *Kesetaraan GENDER Di Perguruan Tinggi Islam "Baseline and Institutional Analysis for Gender Mainstreaming in LAIN Sunan Kalijaga"* (Yogyakarta: UIN

Also known as gender mainstreaming, it is a process to ensure that women and men have access to and control over resources, benefit from development and decision-making, programs, and government decisions. Their strategy is by planning, budgeting, implementing, monitoring, and evaluating policies, programs, and development.¹⁸

The United Nations supports the program through international agencies from UNESCO and OSAGI (Office of the Special Adventist Issues and Advancement of Women). Their primary effort is in the educational curriculum, which aims to change the positive society's perspective on the issue of gender equality, even entering the realm of religious interpretation, because religion is a barrier to gender equality ideology to develop.¹⁹ The "gender mainstreaming" movement is so systematic and supported by a strong organization that its spread among the community is inevitable and is rooted in an educational curriculum focused on changing religious values.

Furthermore, according to Mary Wollstonecraft in her book *A Vindication of the Right of Women*, as quoted by Syamsuddin Arif, she criticized various forms of discrimination against women, demanding equal rights for women both in education and in politics. Women should be allowed to go to school and vote in general elections. Women should be released from domestic confinement and other prisons.²⁰ Even one feminist sect in the West has been stigmatized due to the emergence of radical feminists who are anti-male, condemn the patriarchal system, ridicule marriage, legalize abortion, celebrate lesbianism, and the sex revolution, which tarnish the reputation of the movement. For radical feminists, living with their husbands is like being held hostage and becoming an enemy

Sunan Kalijaga & McGill, 2004), 1.

¹⁸ Hendri shalahuddin, *Islam, Gender, Dan Keluarga*, 5.

¹⁹ Hendri shalahuddin, 5.

²⁰ Syamsuddin Arif, *Islam Dan Diabolisme Intelektual* (Jakarta: Institute for the Islamic Thought and Civilizations (INSISTS), 2017).

to their husbands. Thus, the feminist movement has experienced concerns because of the emergence of radical and extreme feminist movements that transcend boundaries and can damage the reputation of the feminist movement among the public.

This issue of gender equality emerged in the West as a response and reaction to the living conditions of people, especially regarding the fate and role of women. One of the causes is a skewed view of women (misogyny)²¹ and various kinds of bad assumptions (stereotypes) and negative images that are placed on them in the order or value of society, culture, law and politics in the West towards women.²² In the Western view that women are the root of all evil. Because women are natural temptations, women are not smart, but cunning, emotions drag women to evil. Women and children are equal physically and mentally. So it is natural that the role of women is limited in scope in the household.²³

In the equality movement, these women activists demand reform of state laws and regulations to be fair and do not harm women. In the work environment, they insist on equal salaries between women and men, division of labor, assignments, and all gender distinctions to be abolished. Everyone should be given the same opportunities, treatment, and rewards. All should be given equal opportunities, treatment, and rewards. The government was asked to establish child care and care facilities. This program frees women from the clutches of men that they live in a world

²¹ Dalam kamus bahasa Inggris misoginis berasal dari kata “misogyny” yang berarti “kebencian terhadap wanita”. Dalam kamus ilmiah populer terdapat tiga ungkapan yaitu: “misogin” berarti: benci akan perempuan, membenci perempuan, “misogini” berarti, “benci akan perempuan, perasaan benci akan perempuan” sedang “misoginis” artinya “laki-laki yang benci kepada perempuan”. Namun secara terminologi istilah misoginis juga digunakan untuk doktrin-doktrin sebuah aliran pemikiran yang secara lahir memojokkan dan merendahkan derajat perempuan, seperti yang terdapat dalam beberapa teks hadits. Sedang dalam Kamus Besar Bahasa Indonesia diartikan orang yang membenci wanita Jhon Echols dan Hassan Shadily, *Kamus Inggris-Indonesia* (Jakarta: Gramedia, 1986), 382.

²² Syamsuddin Arif, *Islam Dan Diabolisme Intelektual*, 122–23.

²³ Syamsuddin Arif, 124–25.

dominated by men. In this way, he can liberate himself from all forms of exploitation and subordination.²⁴

Regarding justice in al-Attas's view, he assesses justice in Western culture based on the understanding of justice which revolves around the framework of two parties, namely the ties of agreement between society and the state based on the basis of secular life.²⁵ Secularism begins with an effort to separate religion from people's lives and involves physical, material, worldly nature and changes only in it.²⁶ From the explanation above, justice in Western culture is based on social and state values culminating in social values known as humanism, which means determining the level of justice or equality according to human physical needs. Thus, justice in gender view is only physical, material, and empirical needs.

The basic assumption of equality or equality in terms of gender is based on social construction. Social construction in the view of the West, especially feminism, is known as the theory of nurture. That is, gender roles only come from social construction alone and are not natural or natural to be exchanged. They state that gender roles are neutral, equal, and equal and can be performed by both males and females.²⁷ They do not enter into the assumptions of the theory of nature, which views that the formation of the nature of women and men is related to, and even inseparable from, the influence of gender differences (sex). Consequently, gender roles between men and women will be challenging to change because they are natural. Men are identical with stocky bodies so that they can work hard. In comparison, women with gentleness are only able to work according to their abilities.²⁸ At glance, if

²⁴ Syamsuddin Arif, *Orientalis & Diabolisme Pemikiran* (Jakarta: Gema Insani, 2008), 107.

²⁵ Syed Muhammad Naquib Al-Attas, *Risalah Untuk Kaum Muslimin* (Kuala Lumpur: Institut Antarbangsa Pemikiran dan Tamddun Islam (ISTAC), 2001), 40–41.

²⁶ Syed Muhammad Naquib Al-Attas, *Risalah Untuk Kaum Muslimin*.

²⁷ Ratna Megawangi, *Membiarkan Berbeda? Sudut Pandang Baru Tentang Relasi Gender* (Bandung: Mizan, 1995), 95.

²⁸ Ratna Megawangi, 94.

equality is only based on social, then equality will be contextual or by environmental conditions so that the benchmark of equality becomes relative.

Justice in Islamic Perspective

Justice comes from the Arabic *'is*, which has various meanings. In the *Lisan al-'Arabic* dictionary, this word means "straight."²⁹ This means that it is straight to the truth and does not deviate from something determined; the deviation is due to following the impulse of lust. In *al-Wasit's* dictionary, it is defined by the equation.³⁰ That is, equating one thing with another. Thus, when viewed from the meaning of the language, justice has the meaning of a straight truth and equality.

The term justice has several meanings. Raghib al-Asfahani defines justice as the full fulfillment of rights.³¹ According to M. Quraish Shihab, three words contain the meaning of justice in the Qur'an; *al-'adl*, *al-qism*, and *al-mizan*. For example, *'Adl* is giving wisely according to need and placing the guidance in its proper place. Be fair to yourself and others. So it does not have to be two people. Giving may please one but not the other.³² In contrast, *qism* is a gift that gives pleasure and satisfaction to both parties, although it does not have to be the same. While *mizan* is justice based on a balance of activities. For example, between expenditure and income must match or the number of people invited is following the capacity of the room.³³ Among the three meanings of justice, only *al-qism* is the attribute of God. This proves that God is the One who, when giving and sharing His mercy or managing the affairs of His creatures, is always fair according to each creature's tendencies, characteristics, and potentials.

²⁹ Ibnu Manzur, *Lisan Al-Arab* (Kairo: Dar al-Ma'rif, n.d.), 2838.

³⁰ dkk Ibrahim Mustafa, *Al-Mu'jam Al-Wasit* (Kairo: Syuruq al-Daulah, 2004), 422.

³¹ Al-Raghib al-Asfahani, *Gharib Al-Quran* (T.Tmp: Nazar al-Mustafa, n.d.), 46.

³² M. Quraish Shihab, *Tafsir Al-Misbah: Pesan, Kesan, Dan Keserasian Al-Qur'an* (Jakarta: Lentera Hati, 2002), 284.

³³ M. Quraish Shihab, *Tafsir Al-Misbah: Pesan, Kesan, Dan Keserasian Al-Qur'an*.

In Islam, the principle of justice cannot be separated from the teachings of monotheism. Tawhid is an act that affirms that Allah is One, the absolute and transcendent Creator, the Ruler of all that exists, while others are His creatures or creations.³⁴ Allah the Creator has a distinctly distinct entity from His creatures. This distinction has the consequence that no one is equal to Allah, while all humans (male and female) have an equal position as His creatures. All human activities will be bound and live life according to God's will. All of them carry out the duties and responsibilities that distinguish them from the value of their piety (Q.S. al-Hujurat: 13).

In contrast, feminists view men and women as equal in all respects, except for their biology. This biological factor is also limited to the form and function of the sexes, namely menstruation, and pregnancy. Apart from that, women are free and not bound by anything. There are no boundaries between men and women. The nature, tendencies, actions, and behavior are seen as derived from the cultural construction of the community. This contradicts the reality that women are not only different in terms of their gender. Their nature, tendencies, and behavior are also different. According to Alexis Carrel in *Men The Unknown*, as quoted by Quraish Shihab, the difference between men and women is in sex and education and the whole body with chemical elements produced by glands. Every cell in a woman has a characteristic, namely the characteristic of women. The different views on women's identity above affect the perspective of gender equality and Islamic justice regarding the relationship between men and women. According to feminists, humans are individuals who are more concerned with themselves. This trait leads to differentiation and ultimately to oppression. Meanwhile, Islam views men and women as needed, respecting, and loving each other, and in Islam, it is more concerned with harmony.³⁵

³⁴ Isma'il Raji al-Faruqi, *Tawhid* (Bandung: Pustaka Pelajar, n.d.), 16.

³⁵ Fitrah adalah semua bawaan alamiah yang ditanamkan Allah dalam proses penciptaan yang tidak bisa berubah dan ada pada manusia sejak lahir. Pembawaan

The nature of patriarchy and matriarchy is positive. Only then becomes negative when in extreme conditions. The positive nature of patriarchy is its tendency to want to protect, maintain, be independent. If it is too extreme, those negative traits will emerge, namely authoritarian and oppressive. In contrast, the positive nature of matriarchy tends to want to embrace, love, and see things as part of oneness with oneself. If it is too extreme, then negative traits will emerge, namely being too tolerant, including violating the norms of good and evil, and not paying attention to the law.³⁶

Islam is a religion that keeps patriarchal and matriarchal existences sustainable and running in a balanced and harmonious manner. This is different from the goals to be achieved by feminists. Feminists seek to undermine the patriarchal culture and demand equality and freedom for women. Meanwhile, Islamic justice seeks to balance patriarchal and matriarchal characters with the rules set out in the Shari'a. At the same time, the main goal is to direct men and women to carry out their duties as servants of Allah as best as possible, namely by their respective natures.

In addition, feminists always regard patriarchy and matriarchy from a negative perspective. Patriarchate is seen as authoritarian and oppressive, so it must be overthrown. While the matriarchy is weak, it must be abandoned. However, the way that feminists take is to direct women to occupy the world of men and imitate their way of life. This is the inconsistency of feminists. They did not destroy the patriarchal system but instead legalized it by changing

alamiah itu meliputi: pertama, jismiyah (fisik atau biologis manusia) yang merupakan bagian dari alam dan hukumnya, tunduk pada sunnatullah. Kedua, nafsiyah (psikis) terdiri dari nafsu yang memiliki kecenderungan melindungi diri dari bahaya dan mengejar kenikmatan. Dengan instrumen akal yang berfungsi membedakan mana yang benar atau salah dan hati yang berfungsi menentukan mana yang baik atau buruk. Ketiga, ruhaniyah (rohani), yakni sifat-sifat ketuhanan dalam diri manusia Baharuddin, *Paradigma Psikologi Islami; Studi Tentang Elemen Psikologi Dalam Al-Qur'an* (Yogyakarta: Pustaka Pelajar, 2004), 158–72.

³⁶ Baharuddin, *Paradigma Psikologi Islami; Studi Tentang Elemen Psikologi Dalam Al-Qur'an*.

the form of women to be like men.

The rule of Islamic law is based on the principle that Islam is both patriarchal and matriarchal in terms of the relationship between men and women. The two complement each other and help each other. Inequality occurs when something is not balanced between the two. Like when Islam first came to the Arabian Peninsula. During the Jahiliyah Period, women were underestimated. The culture that developed at that time was a negative patriarchal culture. In Arab society, men are in charge of defending and defending all family members, responsible for meeting all the needs of family members. Consequently, men monopolize leadership at all levels, starting from the head of the household and community. Career promotion in various professions in society only revolves around men. Women are only tasked with reproductive tasks. So, men have a more significant opportunity than women to gain achievement and prestige in society.³⁷

Islam came to bring change, namely to restore social stability in society. Many legal cases have been changed, and it has benefited women. Women are also given a role to exist in building society. For example, female infanticide, which was common in the Jahiliyah community, was eliminated. Baby girls are also greeted with akikah, a tradition to celebrate the birth of a baby that was previously only for boys. Islam also highly values women to choose their preferred mate. Dowry in Islam is recognized as the private property of women, both in status as a wife and ex-wife. When becoming a wife, women's rights are also guaranteed and must be fulfilled, such as food, clothing, and housing. Women during the Jahiliyah Period were used as an inheritance. The late husband's party has the right to the woman whether she wants to marry one of the families or redeem herself to the late husband's family so that she

³⁷ Karena pentingnya posisi laki-laki saat itu, orang Arab merasa malu bila kemudian yang lahir dalam keluarga mereka seorang anak perempuan, bahkan mereka membunuh anak perempuan mereka Nasaruddin Umar, *Argumen Kesetaraan Gender Perspektif Al-Qur'an* (Jakarta: PARAMADINA, 2001), 135.

can marry someone else. In addition, the reproductive value of women is also appreciated. The position of a mother, far nobler in degree than a father.

Furthermore, Islam views the equality of several rights and obligations, not based on the presence or absence of an element of equality. Islam views society, both men and women, as a unit or community, namely humans. As Allah says in Surah an-Nisa: 1. From this verse, it is clear that Allah has given the taklif (burden) of the Shari'a and various rights and obligations to men and women. These rights and obligations are human and do not exceed the capabilities of the human being himself. So that in imposing the Shari'a, Islam looks at the position of humans in general and in particular or groups (gender).

Comparative Analysis between Justice and Equality

In some aspects of life, feminists usually sue Islamic legal products that are considered gender-biased. Some common examples of defendants are regarding inheritance rights and leadership in the family. Based on that, they offer a new perspective, of course, suing, blaming, and deconstructing. The secular Western worldview certainly influences the products of thought that are offered. Nevertheless, what is offered is contrary to the teachings of Islam.

Regarding inheritance rights, they disputed QS. al-Nisa: 11. Many feminists have criticized this verse. Like the lawsuit filed by Asghar Ali Engineer, he stated that the distribution of inheritance as stated in the paragraph above is not a final decision.³⁸ Because, in essence, the Qur'an requires equal gain between men and women. This means that the inheritance determination of 2:1 can be changed to 1:1. This division (1:1) at the time of the Prophet SAW was not carried out because the system adopted was still

³⁸ Asghar Ali Engineer, *Hak-Hak Perempuan Dalam Islam*, Terj. Farid Wajidi Dan Cici Farha Assegaf (Yogyakarta: Yayasan Bentang Budaya, 1994), 101–6.

patriarchal. In addition, when viewed from the socio-economic aspect at that time, the burden of the family or maintenance was entirely the responsibility of men. The acquisition of men's assets had to be more. This is the social background that gave birth to the 2:1 formula.³⁹ If currently many women are already working and not infrequently the breadwinners of the family, then the division (2:1) can change.

Asghar's argument above proves weak. Apart from the fact that the inheritance stipulation itself is considered final (Surah al-Nisa: 13-14), in understanding inheritance rights, he uses the perspective of equality, not the perspective of justice. It has been explained that one of the meanings of fairness is balance. This means the fulfillment of the rights of each party in a system very well. Islamic justice in inheritance matters is appropriate with this perspective. The granting of inheritance to sons is doubled based on the balance of the relationship system in the family, which is closely related to the obligations of men in terms of providing for the family.⁴⁰ The second part of the man's property is also given to his wife and family, while the woman's only one share is not so. That one property belongs to him alone. If the woman marries, her husband's necessities of life will be borne, while she can save the other part without spending it. If you look at whose property

³⁹ Amina Wadud Muhsin, *Wanita Di Dalam Al-Qur'an*, Terj. Yaziar Radianti (Bandung: Pustaka Pelajar, 1994), 117–18.

⁴⁰ Ketentuan bagian warisan dalam Islam didasarkan pada beberapa faktor. Pertama, tingkat kekerabatan ahli waris (baik laki-laki atau perempuan) dan orang yang meninggal. Semakin dekatnya hubungan kekerabatan, maka semakin besar bagian warisan yang diterima. Kedua, kedudukan tingkat generasi. Generasi muda dari kalangan pewaris yang masa depannya masih panjang terkadang memperoleh bagian yang lebih besar dibanding generasi tua, tanpa memandang kekelakiannya atau kewanitaannya. Tiga, tanggung jawab untuk menanggung kehidupan keluarga. Poin inilah yang terkadang membedakan bagian hak waris antara laki-laki dan perempuan, walau berada pada tingkat kekerabatan yang sama. Sebab kedudukan anak laki-laki menanggung nafkah istri dan keluarganya. Sedang perempuan tidak dibebankan tanggung jawab tersebut. Muhammad Imarah, *Pengantar Dalam Sbalahuddin Sultan, Mirats Al-Mar'ah Wa Al-Qadiyyah Al-Musawah* (Kairo: Dar Nahdah Mistr, 1999), 4.

is used up first and who is intact, then the answer is clear, the man who runs out faster because the two parts he gets must be divided again, while what is owned by women is not used at all.

Then the leadership of women in the family. With the eyes of equality, men's leadership over women in the family is not a permanent thing. According to Amina Wadud, women can replace men if the conditions in the verses of the Qur'an regarding leadership can be fulfilled, namely providing a living and privileges in physical and psychological terms.⁴¹ Both women and men have free rights in leadership. Provisions for leadership are not natural, changeable, and can be exchanged between women and men. The above stipulation is the gender role which is a cultural construction. This is in line with Asghar's opinion, which states that the advantages that are the conditions above are not natural but social, namely the ability to provide a living and manage the family. According to him, the leadership verse only shows social facts, not order.⁴²

In Islam, household leadership is left to men (Surah al-Nisa: 34). It is based on the principle of justice. One of the principles of justice is to put something according to the capacity of each. Some of the reasons why men are burdened with these tasks are not only because of the problem of the obligation to provide a living but also because of the natural advantages that men have both physically and psychologically.⁴³ Amina Wadud's opinion above clearly assumes that the difference between men and women lies only in their gender, while others are the same. Even though it has been described above, the difference concerns the overall physical, thought, and psyche.

⁴¹ Amina Wadud Muhsin, *Wanita Di Dalam Al-Qur'an*, Terj. Yazfar Radianti, 93–94.

⁴² Asghar Ali Engineer, *Hak-Hak Perempuan Dalam Islam*, Terj. Farid Wajidi Dan Cici Farkha Assegaf, 62–63.

⁴³ Abbas Mahmud al-'Aqqad, *Al-Mar'ah Fi Al-Qur'an* (Beirut: Mansyurah alMaktabah al-'Asriyyah, n.d.), 5.

Interpretation of “al-qawwamah” in QS. al-Nisa: 34, which is only interpreted as the provider of breadwinners, does not seem appropriate. Because the scholars never interpret it like that. Al-Tabari, for example, defines qawwamah as the executor of duties (tanfidz al-amr) and protector (protector).⁴⁴ Meanwhile, Ibn Kathir, interprets it as the head of a household official⁴⁵ Yusuf Qardhawi interprets it with responsibility and *amanah*⁴⁶ So the scope of the meaning of qawwamah pronunciation is broader, concerning physical, thought, psychological, and property advantages. Whereas in Al-Jalalain’s interpretation, the sentence means men as rulers. In addition, explanations from contemporary scholars such as Sayyid Qutb can be considered. He said that what is meant by qawamah is not merely a leader, but he is a person who is charged with tadbir al-maisah (livelihood management).⁴⁷ Like Sayyid Qutb, for Yusuf Qardhawi, the word qawamah needs to be understood together with al-masuliyah which means responsibility and trust.⁴⁸ From this explanation, in general, the scholars agree that the duty and role of men in life are to be a leader and protectors for women. Thus Islam imposes leadership in the household on men because men have spent their wealth on women.

However, in the Islamic perspective, leadership is not glory and an advantage, but a mandate, responsibility, and a heavy burden. When Islam places a man as the head of the household and a woman as a housewife, this is not aimed at degrading women’s dignity. Because leadership is a mandate that will be accounted for in the hereafter. For Sayyid Qutb, leadership is a fundamental matter in a family as it is essential in an organization or institution, where

⁴⁴ Ibn Jarir al-Tabari, *Jami’ Al-Bayan Fi Ta’wil Ay Al-Qur’an* (Beirut: Muassasah al-Risalah, n.d.), 290.

⁴⁵ Al-Tabari, *Tafsir Al-Tabari* (Bairut: Arrisalah, 1994), 8:290.

⁴⁶ Yusuf al-Qardhawi, *Min Fiqh Al-Daulah* (Kairo: Maktabah Nahdah al-Misriyyah, 1985), 162.

⁴⁷ Ibnu Kathir, *Tafsir Al-Qur’an Al-Adzim* (Bairut: DAR al-Kotob al-ILMIYAH, 1998), 2:256.

⁴⁸ Sayyid Qutb, *Fi Zilal Al-Qur’an* (Kaherah: Dar al-Shuruq, 1997), 645.

it brings the family to the progress and success of the hereafter.⁴⁹

The assumption of many Muslim feminist figures that the provision of a husband's support shows the husband's ownership of his wife is a wrong view. According to Mutawalli al-Sya'rawi, qawwamah does not mean ownership and discrimination. The reason is that the wife does not belong to the husband. One of the proofs that marriage is not ownership is that no husband wants to associate with his wife, and the wife will rebel if she finds out that her husband is with someone else's woman, even though one of the characteristics of proof of ownership is that people are willing to associate their property with other people.

Conclusion

The concept of gender equality results from Western cultural experience that is trying to be applied in Islamic society. From their origins, both the West and Islam are different. The experience and history are also different. Surprisingly, this concept was imposed not only by Western feminists but also by Muslim feminists. As a result, several provisions of Islamic law were challenged and reformed, such as the concept of inheritance rights, leadership in the family, and filing for divorce.

With the characteristic of wanting to elevate the rights and dignity of women, it turns out that feminists have plunged them into humiliation. The responsibility to provide for the family that was previously borne by men has also shifted to women. The inheritance that was previously absolutely owned by women, due to the actions of feminists, may be divided among others. In Islam, there is no known concept of equality. What exists is the concept of justice. Women and men are given rights and responsibilities according to their portion. Islam puts them in their place. If a man should provide for his family, he gets "more" rights than women in inheritance. Even that right does not belong to him alone because it

⁴⁹ Sayyid Qutb, 649–52.

must be divided again among the people who are his responsibility.

Islam is just a religion because of the position of men and women. Islam equates at the same time and also distinguishes the two. To be fair does not always have to be equal, and inequality is not always injustice. However, fair is to put things in their place; that is what places men and women in their position as human beings and the most honorable servant of Allah.[]

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