

ISLAM'S VIEW ON GENDER QUESTIONS

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ABSTRACT: *Gender thinking since 2000 has been continuously publicized through various media and thought channels. Muslim scholars who were influenced by these ideas also participated in defending and even actively voicing them. The Western feminist movement that drives the idea of gender equality has succeeded in influencing a number of Muslim activists and Muslim women in the Islamic world. This thinking questions the texts of the Qur'an and Hadith as well as the opinions of the scholars who are seen as discriminating against women. Centuries of Western experience of placing women in a low position are tried to portray women in Islam. This research tries to reveal how the west views women and how Islam views them. The method used in this discussion is descriptive qualitative. While the results, women in Islam do not have a dark history as in the West. On the contrary, the concept of Islam places women in a position that is in accordance with their characteristics and specifics.*

Keywords: *Gender, West, Islamic worldview, Muslim women*

INTRODUCTION

After officially marrying on August 5, 2002 at the District's Office, Australia, Yuni Shara (originally; Wahyu Setyaning Budi) and Henry Siahaan drew criticism from a number of Islamic circles and organizations, especially the MUI. In fact the problem is not only in interfaith marriages, but the statement from Henry Siahaan shows the aroma of religious deconstruction and the strengthening of liberalism, so strong. Henry told journalists; "I now realize that Yuni and I are of the same faith. It's just that we have different religions. But this difference should be grateful for, not used as a barrier." In the magazine Suara Cantik, Issue No. 72/2002 Henry also commented; "The important thing is not converting to Islam or Christianity, but going to heaven."¹

In this case, Yuni could be in the corner of a problem. Why did she marry a non-Muslim man where her own religion forbids such activities? For feminists who are reluctant to be bound by transcendent provisions, the story above is not a problem. Nurul Arifin for example, he married Mayong Suryo Laksono without feeling the need to exacerbate matters of faith. As she herself said to Syir'ah magazine, her marriage to the man she chose never caused any domestic problems, in fact other people considered her a problem. With such life choices,

¹ Budi Handrianto, *Interfaith Marriage; In Shari'at View*, Jakarta: Khairul Bayan, 2003, p. 31. In this case the author quotes Henry's statement. S, from Adiah Husaini's writing in *Republika daily*.

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feminists want the public to be more aware that both men and women have the same position in determining their life history.²

Both Yuni, Nurul, Amara, Emilia Contesta, Ira Wibowo, Ina Indayati and a line of other artists have set an example to the public that the world of artists has the "freedom" of womenfolk to express their will. Not only in the scope of marriage, but also in other matters such as; art of speech, dress, household, religion, not enough of them position themselves as role models for society, especially Muslims.

In 2003 a number of Indonesian feminist and gender equality figures tried to challenge the Marriage Law No. 1 of 1974. So far, the law has been considered gender biased and marginalized the role of women. According to Nursyahbani Katjasurkana (a member of the DPR-RI faction of the PDIP) that the marriage law has so far been very discriminatory against women. The law clearly states that the man is the head of the household and the woman is the housewife, or in Article 11 concerning the waiting period for a divorced woman to be able to remarry, or Article 44 which prohibits Muslim women from marrying non-Muslim men. but not vice versa.³

Claims like this are of course born from ideas about gender that are not comprehensive, or sentiments towards the system built by Islam in women's issues. Even further, the feminist movement that takes up the issue of gender equality actually wants to go beyond all religious authorities and submit to human rights as a product of human reason. This paper will try to unravel what gender issues actually look like, how they relate to religious texts and how to solve them in Islam.

METHODOLOGY

This research uses a qualitative approach. According to Denzin & Lincoln (1994) Qualitative research is research that uses natural settings with the intention of interpreting phenomena that occur by involving various existing methods. Erickson (1968) also mentions it as an attempt to find and describe in a narrative way the activities carried out and the impact of those carried out on their lives. Kirk and Miller also explain that qualitative research is a particular tradition in social science that fundamentally depends on human observations both in its area and in terms of it. Identify various things.⁴ Strengthening the opinion above, Prof. Dr. Muri Yusuf also mentioned that qualitative research is a strategy inquiry which emphasizes the search for meaning, understanding, concepts, characteristics, symptoms, symbols, and descriptions of a phenomenon, focuses and has

² Syir'ah Magazine February 25, 2002 edition carried the main report entitled "The Difference between Marriages of Different Religions". This magazine owned by JIL contains a number of opinions from groups representing the views of the clergy and turas to legitimize interfaith marriages among artists.

³ Adian Husaini, *Where are (Islamic) Indonesia going?*, Surabaya: Media Discourse, 2005, p. 100-101

⁴ Albin Anggito and John Setiawan, *Qualitative research methods*, Sukabumi: CV Jejak, 2018, p. 7-8

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multiple methods, is natural and holistic, prioritizes quality, uses several methods, and is presented narratively.⁵

The author uses a type of qualitative research with a form of literature study (library research) as a research option for this dissertation. Qualitative research is a strategy inquiry which emphasizes the search for meaning, understanding, concepts, characteristics, symptoms, symbols, and descriptions of a phenomenon, focuses and has multiple methods, is natural and holistic, prioritizes quality, uses several methods, and is presented narratively.⁶

As for library research is a type of research that is reviewed from the side of data collection is to use library data.⁷ This research activity is applied regularly by collecting information and data from various materials in the library such as reference book documentation, similar previous research results, articles, notes, and various journals related to the research problem set.⁸ So this research will present more bibliographical data that is verified, processed, narrated, analyzed, and concluded into a new theory. In other terms it is called a type of qualitative research literature review⁹.

In qualitative research, Sugiono said that the research instrument was the local researcher himself. The researcher is the key to the research itself; the researcher is the key instrument. Because it must also be "validated" how far qualitative researchers can conduct research and go into the field. Qualitative researchers as a human instrument serves to determine the research focus, select data sources, collect data, assess, analyze, interpret, to conclude.¹⁰

In dissecting research data in order to obtain conclusions that are close to the level of objectivity, the authors will analyze research materials using the data analysis model of Miles and Huberman. The process is done using the following Steps;¹¹ Data Reduction, Data Display and Conclusion Drawing/Verification

RESULTS

⁵ In Yusuf, *Quantitative Research Methods, Qualitative, & Combined Research*, Jakarta: Kencana Publisher, 2014, p. 329

⁶ In Yusuf, *Quantitative Research Methods, Qualitative, & Combined Research*, Jakarta: Kencana Publisher, 2014, p. 329

⁷ Nursaraphi Harahap, *Library Research*, Journal of Iqra, volume 8, no 1, 2014, p. 68

⁸ Rita Kumalasari, *Library Research in Indonesian Language Education Development Research*, Jurnal Bornei Humaniora, Th. 2021, hal. 62

⁹ Wahyudin Darmalaksana, *Qualitative Research Methods Library Studies and Field Studies*, Pre-print Digital Library UIN Sunan Gunung Djati Bandung, 2020, p. 3

¹⁰ Sugiono, *Understanding Qualitative Research*, Bandung: Alfabeta Publisher, 2016, p. 60

¹¹ Sugiyono, *Management Research Methods*, Bandung: Alfabeta Publisher, 2018, p. 404-412

a. Unraveling the Meaning of Gender

An important concept that needs to be understood in order to discuss women's issues is to distinguish between sex (gender) and gender. Understanding and differentiating between the two concepts is very much needed in conducting an analysis to understand the problems of injustice that befell women. This is because there is a close relationship between gender differences (gender difference) and gender inequality (gender inequalities) with the structure of social injustice more broadly. Thus, a clear understanding and distinction between the concepts of sex and gender is necessary.¹²

In Webster's New World Dictionary, the word gender is defined as the visible difference between men and women in terms of values and behavior. Meanwhile inside Women's Studies Encyclopedia explained that gender is a cultural concept that seeks to make a distinction (distinction) in terms of roles, behavior, mentality, and emotional characteristics between men and women that develop in society.¹³ From the various definitions above, it can be concluded that gender is a concept used to identify differences between men and women in terms of socio-cultural influences. Gender in this sense is considered a form of engineering society (social constructions), not something natural. Especially in the Office of the Minister of State for Women's Empowerment the spelling "gender" is interpreted as a mental and cultural interpretation of gender differences, namely men and women.¹⁴

b. Difference between Sex and Gender

From the description above, there is a very prominent difference between the terms sex and gender, although they are often seen as something the same thing. Notes mentioned by the Center for Gender Studies (PSG) STAIN Purwokerto states that basically the term gender is generally used to identify differences between men and women from a socio-cultural perspective. While sex is generally used to identify differences between men and women in terms of biological anatomy. The term sex (in the Indonesian dictionary also means "gender") concentrates more on aspects of a person's biology, including differences in chemical and hormonal composition in the body, physical anatomy, reproduction, and other biological characteristics. Meanwhile, gender concentrates more on social, cultural, psychological, and other non-biological aspects.¹⁵

This explanation is in line with what is mentioned in The New enciclopedia Britannica that although many consider sex and gender to be the same, they actually have different areas

¹² Arianto Abidin, "Reconstructing the Gender Paradigm (Efforts to Straighten Understanding of Gender)" <http://kammi.or.id>, 17 November 2008

¹³ Nasarudin Umar, "Gender Perspective in Islam" <http://media.isnet.org/islam/>. quoted from Paramadina Journal of Islamic Thought, 17 November 2008

¹⁴ <http://violetatniyamani.blogspot.com>, 21 November 2008

¹⁵ Nasarudin Umar, "Gender Perspective in Islam" <http://media.isnet.org/islam/>. quoted from the Paramadina Journal of Islamic Thought

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of discussion; namely from the biological side, the psychological side and its role in social life.¹⁶ The chart below is the division mentioned by PSG in an effort to show the difference between sex and gender.

No	Characteristics	Sex	Gender
1	<i>Differentiating source</i>	<i>Lord</i>	<i>Humans/society</i>
2	<i>Differentiating element</i>	<i>Biological (reproductive)</i>	<i>Habits/culture</i>
3	<i>Nature</i>	<i>Nature, certain and cannot be exchanged</i>	<i>Dignity, dignity, and can be exchanged</i>
4	<i>Impact</i>	<i>The creation of the values of perfection, enjoyment, so as to benefit both parties</i>	<i>The creation of norms about what is appropriate or not and often harms one party</i>
5	<i>Applicability</i>	<i>All time, anywhere, knows no class differences</i>	<i>Subject to change and differ between classes</i>

This chart is of course not entirely correct. Because according to the author's opinion, this chart really represents the Western paradigm in dividing the area of sex and gender for women. PSG itself in its research activities often uses western methodologies to interpret religious texts and social realities. This can be seen in the division of gender mentioned where there is no basis of reference that can be used as a guide, except for taking sides with Western methods.

c. The Development of Gender Issues and the Root Problems

The position and role of women in the public sphere in medieval Europe in particular and in other parts of the world was considered very low. This includes civil, social, economic and political jurisdictions. This condition triggered movements to fight for women's rights at the end of the 18th century AD. The first declaration of women's rights was made through the French revolution in 1789. Even though it was rejected, the struggle never subsided. It was only in 1848 that regular movements emerged in various countries, and were massively accepted in various circles.¹⁷

Especially regarding the issue of gender and it is very related to the movement above, many people say that it began to be widely discussed at the beginning of the 20th century. This is an accumulation of acts of violence or injustice against the existence of women both in the household, workplace, social environment and at the government level that occurred in

¹⁶Robert P. Gwinn (Ed.), *The New enciclopaedia Britannica*, Chicago: The University of Chicago, 1992, hal. 172

¹⁷ Anwar Harjono, *Islamic law; Its breadth and justice*, Jakarta: Crescent Star, 1987, p. 218

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European society at that time. The issue of gender is then no longer a temporary or temporary problem but has become a contemporary issue or applies throughout the masses. According to Mansour Fakih, feminists propose the concept of gender as a social theory to analyze the relationship between gender and social injustice, as an antithesis to other theories that tend to emphasize aspects of power.¹⁸

The issue of gender actually has no problem, if it doesn't cause injustice and abuse towards women. The problem is, the way someone perceives gender inequality itself becomes biased if it is then born from a form of culture and outlook on life (worldview) certain, and forced as something rational to the culture and other views of life. For example, Islam stipulates the duties and positions of men within the household as the head of the family while the wife (woman) is a member of the family. In the view of feminists who raise gender issues, it is clear that a culture of life like this does not benefit women, where they "feel" regulated and controlled by male power. Therefore, feminists also consider that the issue of gender inequality is heavily influenced by religious texts, and religion is one of the hotbeds of gender injustice.¹⁹

The author tries to mention several problems in religious texts which are often used as issues of gender injustice, including;

- 1. The Problem of the Lowering of Adam and Eve from Heaven. This problem is not only found in Jewish and Christian religious texts, they even accuse Islamic religious texts about the descent of the Prophet Adam and Eve into the world, including gender bias. In the Bible (PL) it is stated that Eve (Eva) is responsible for their descent into the world. The woman sinned first, because it was the woman who was persuaded by the snake to eat the forbidden fruit (Genesis 3:1-6 and 1, Timothy 2:13-14). A somewhat similar story is indeed mentioned in the Qur'an, except that according to Yusuf Al Qardhawi, the text of the Qur'an precisely states that both the Prophets Adam and Eve were both responsible for the whispers of Satan (not snakes), because they were both the ones who took and ate the fruit together, then they both treated together too. (QS. Al A'raf: 23, QS Al Baqarah: 36).²⁰ Al Qhardawi's opinion is strengthened by the opinion of Ahmad*

¹⁸ Arianto Abidin, "Reconstructing the Gender Paradigm (Efforts to Straighten Understanding of Gender)" <http://kammi.or.id>, 17 November 2008

¹⁹ In the book *Interpretation of the Bible in the Church: The Pontifical Scripture Commission*, whose original edition was entitled *The Interpretation of the Bible in the Church*, the Pontifical Biblical Commission (Kanisius: 2003), explained that the historical origins of feminist interpretation of scriptures can be found in the United States at the end of the 19th century. In the context of the socio-cultural struggle for women's rights, the editorial board of the commission responsible for revision (tahrif) *The Bible* produces *The Woman's Bible* in two volumes. The feminist movement in the Christian environment then developed rapidly, especially in North America. See, Hendri Salahuddin, MA, "Polygamy and the Global Feminism Movement". www.hidayatullah.com, 17 November 2008.

²⁰ Yusuf Al Qardawi, *Malâmih al Mujtama' al Islâmy al ladzi Nunsyiduhu*, trans. Abdul Salam Masykur, Bandung: Intermedia Era, 2003, p. 150-151

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Muhammad As Syarqowi, where the ones responsible for the offense of eating the khuldi fruit, as mentioned in the Qur'an, are both (Adam and Eve). Both of them got whispers from the devil, both of them ate khuldi fruit, until both of their clothes were revealed and both of them repented to God.²¹

- 2. About the creation of Eve from Adam's rib. Feminists regard this as a mythical story used by religionists to place women in second class because of misogyny (hatred of women). This is proven to be mentioned in the Bible (Genesis chapter 2:21-23). Even in Islam there are authentic hadiths²² which mentions the same thing. Riffat Hasan openly challenged these hadiths from the sanad and matan sides as well as their legal conclusions.²³ Daud Rashid in his book *As Sunnah fi Indûnisy: Baina Anshoriha wa Khusumih* denied Riffat Hasan's accusations that denounced the sanad and matan and the content of the hadith, which essentially states that the creation of Adam from clay, and Eve from Adam's rib does not make it a slanted conclusion that Adam's creation was more perfect. Precisely there shows that men must be able to make women as life partners who live in harmony with one another.²⁴*
- 3. A number of countries based on Islam and making religious texts as law such as Saudi Arabia, Iran, Afghanistan, Kwait are considered as imposing religious will on public rights. In fact, women are prohibited from traveling unless they are with their husbands or relatives (mahram), it is forbidden to drive a car, open the headscarf in public, and so on. Cases of sexual violence against workers have made feminists even more suspicious of religion. This stereotype continues to strengthen with the publication of novels and tragic stories of women in these countries who are treated arbitrarily by Muslims who are mushrooming in the market such as *The Princess, Daughter of Arabia, Beyond The Veil, Without Mercy* and much more.²⁵*
- 4. Most of the inhabitants of Hell are women. This text is found in hadith literature with the degree of authentic.²⁶ Wardah Hafidz alleged that this hadith is a form of*

21 Sheikh Ahmad Muhammad As Syarqowi, *Al Mar'atu fi al Qashashi al Qur'ân*, Mesir: Dar as Salâm, 2001, hal. 106

22 The hadith is in *Shahih Bukhari*, 2/451, No: 3331, *Shahih Muslim* 2/1091, No. 61, *Sunan At Tirmidhi*, 3/456, No. 1163, His name is Ibnu Majah, 1/954, No.1851.

23 Riffat Hasan wrote in the "Harvard Divinity Bulletin", January-May 1987 issue, then translated by Wardah Hafizh into Indonesian and published in the journal "Ulumul Qur'an," No. 4, Th 1990, p. 48-55

24 Daud Rashid, *As Sunnah fi India: Baina Anshoriha wa Khusumiha*, trans. M. Nur Kholis Ridwan, Jakarta: Usamah Press, 2003, p. 133-144. The writer from Malaysia also mentioned; Eve's creation from Adam's rib was not an insult to women. But he is actually more proof of the majesty and greatness of Allahta'ala who is able to create human beings from something that lives without going through the process of ordinary birth, as before that God was also able to create Adam from the hold without the process of birth. Look, *Andek Masnah Andek Kelawa, Women's Leadership in Islam; Its position in Shari'ah*, Bangi: National University of Malaysia, 1999, p. 15

25 Kuni Khairunnisa, "Gender Perspective in Islam". [www. Pesantrenvirtual.com](http://www.Pesantrenvirtual.com), 21 November 2008

26 The above hadith is found in *Shahih Bukhari*, 2/432, No. 3241, 3/388, No. 5198, 4/182, No. 6449, *Sunan Tirmidhi*, 4/716, No. 2603, *Musnad Ahmad*, 4/429, *Shaih Muslim*, 4/2096, No. 2736 etc.

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harassment against women, because a woman instinctively behaves badly and becomes the largest number of inhabitants in hell. This accusation is clearly untrue because women do not go to hell due to the instinct of depravity attached to them. If a number of hadiths are collected that speak about the above, then this is more due to reluctance to be grateful for the husband's hard work, betrayal when given a mandate, stingy when asked, and pushy when asked.²⁷ This means that both men and women will sin if the above characteristics are attached to them.

There are many other accusations developed by feminists who suspect religious texts as a source of gender injustice. Therefore, when these texts were attacked by a number of Western circles, Muslim scholars responded with Western-influenced methodologies in interpreting these texts. For example, Asghar Ali Engineer, an Indian Muslim scholar in his book "Islam and Liberation Theology" (1999) argues that the Koran (revelation) is actually normative and at the same time pragmatic. It is on this basis, according to Asghar Ali Engineer, that the revelation must be seen in the context in which it came down. In other words, understanding revelation must pay attention to the historicity aspect or in other words, the interpretation of revelation must be contextual or relevant to its socio-historical background, and not be carried around to this era. This historical interpretation method was used by Asghar to answer Qur'anic texts which were considered to be discriminatory.²⁸

Islamic Review of Gender Issues

1. Trapped Feminists

*In the last decade, the feminist movement in the West has been like a boomerang. What they said was rejected by a number of female figures who realized the ambiguity of their ideas. The emergence of radical feminists to the level of condemning the patriarchal system, ridiculing marriage, calling for abortions, sex parties, touting lesbianism, anti-men, actually made the situation even more out of control. Women are increasingly losing their way and falling into a slump in various sectors of life. The emergence of the anti-thesis movement came from a number of women, for example Erin Patria Pizzey (author of the book *Pron to Violence*), Caitlin Flanagan (Remaining columnist for *The Atlantic Monthly*), Iris Krasnov (author of *Surrendering to Motherhood*), former lawyer F. Carolyn Graglia (Author *Domestic Tranquility*), as well as Lydia Sherman and Jennie Chaney who founded the foundation *Ladies Against Feminism (LAF)* is a concrete example of the fed up ideas of the feminist movement which are increasingly irrational.²⁹ So Yusuf Qardawi d in his book *The People of Baina Qarnain* emphatically said, "The freedom that the West calls for is freedom that is individual. They argue that individual freedom has no limits unless it conflicts with the*

²⁷ Daud Rashid, *As Sunnah fi India: Baina Anshoriha wa Khusumiha*, matter. 148-152

²⁸ Mu'arif, "Gender Equality in Islam", <http://suara-muhammadiyah.com> 21 November 2008

²⁹ Shamsuddin Arif, *Orientalism and the Diabolism of Thought*, Jakarta: Echoes of Insani Press, 2008, p. 109

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*freedom of others. It means that a person is free to do whatever he pleases, and not do what he should do.*³⁰

By looking at human development over the centuries, we will see how Islam is actually capable of transcending human thought, and will always be appropriate in every era. Not as happened in Western civilization.

2. The Position of Women Before Islam

*Until the 17th century Europe still regarded women as the incarnation of the devil and a tool for the devil to tempt humans. Since its creation, women have been considered imperfect. In their etymological concept, the word woman (female) comes from the Greek *fé*: which means *fé*, faith (faith) and *fé* means; minus, or less. *Sofemina* It means; one whose faith is lacking (one with less faith).³¹ Dr. Mustafa As Siba'I explained in his book "*Al Mar'atu baina al Fiqhi wa al Qônûn*" that in Greek civilization, the treatment of men towards women was inspired by the myth of the belief that the god *Avrodet* had affairs with three of God's female wives. From this affair, the god *Kupid* was born, who is called the god of *Cupid*. It was on this belief that Greek men believed that the world's exploitation of women was legitimate, because women were only slaves to please men. This exploitation penetrated into the world of poetry, graphics (*gamabar*), sculpture, markets, and even embroidery houses. Even though the practice of marriage took place, they were women who could not inherit property and the husband had the right to marry whenever he wanted.*³²

*This condition was also experienced by the Romans, women became objects of male satisfaction, trading venues, lust contests, even women who became wives of a husband could have been killed if the husband did not want it. Women also cannot marry men who do not adhere to the Zoroastrian religion, while men are as free as they like.*³³ *For this reason, according to Muhammad Abu Zahroh, if you want to compare Islamic law and Roman positive law until the 13th century, it will be seen how much Islam is more advanced in justice, and this will not be found in Roman culture at that time. This is a postulate; that Muhammad did not speak with his lust, but it was a revelation that was sent down (Allah).*³⁴

So it is with Indian civilization. Gustaff Lobon reported that in the tradition of ancient Indian society, if a husband dies and is burned, then the woman must also be burned together

³⁰ Yusuf Qardawi, *The People of Baina Qarnain*, trans. Yoga Izza, Solo: Intermedia Era, 2001, p. 35

³¹ Adian Husaini, *The Face of Western Civilization*, Jakarta: Echoes of Insani Press, 2005, p. 19

³² Muthafa As Syiba'I, *Al Mar'atu baina al Fiqhi wa al Qônûn*, Damaskus: Maktabah Al 'Arabiyah bi al Habi, 1966, hal. 13-14

³³ Mahmud Mahdi Al Istanbuli & Musthafa Ab Nashr As Syibli, *Nisâ'un Haula ar Rasandl*, trans. Ahmad Sarbini, Bandung: Irsyad Baitu Salam, 2005, p. 33-34

³⁴ Muhammed Abu Zahroh, *Al Mujtama' al Insâni fi Dzilal al Qur'ân*, Beirut: Dar al-Fikr, 1970, hal. 86

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with her husband, in the same fire.³⁵ This situation continued until Islam touched the realm of India until the presence of the pious ruler, Unak Dzahib's friendradhiyallahu'anhu.³⁶

The traditions of the Arab community are not much different. Karen Armstrong said, Infanticide is a normal way of controlling the baby population. Baby girls survive longer than boys, and since no tribe can support more than the specified number of girls, baby girls are innocently killed. Women are like slaves. Does not have human or legal rights. They are considered just like livestock. They are treated cruelly and cannot hope to improve their lot.³⁷ What the amstrom mentioned at least reinforces what God describes in His Word;

وَإِذَا بُشِّرَ أَحَدُهُمْ بِالْأُنْثَىٰ ظَلَّ وَجْهُهُ مُسْوَدًّا وَهُوَ كَظِيمٌ
يَتَوَارَىٰ مِنَ الْقَوْمِ مِنْ سُوءِ مَا بُشِّرَ بِهِ ۚ أَيُمْسِكُهُ عَلَىٰ
هُونٍ أَمْ يَدُسُّهُ فِي التُّرَابِ ۗ أَلَا سَاءَ مَا يَحْكُمُونَ

Meaning: "And when one of them was given the news of (the birth of) a daughter, his face turned black (red) and he was very angry. He hid himself from the crowd, because of the bad news that was conveyed to him. Will He preserve him by bearing humiliation or will he bury him in the ground (alive)?. know, How bad is what they set." (QS. An Nahl: 58-59)

In history Ummul Mu'minin 'Aisyah, it was even mentioned that the depravity of men and women at that time was seen from the model of marriage that they legalized. In the history of Imam Bukahri and Imam Abu Daud, he mentions four models of ignorant marriages including; First, the marriage model as it exists today ("like" Islam). Second, the marriage modelistibdha' where a husband sends his wife to be socialized by sifulan which is intended to find the glory of descent, good looks, bravery and others. Third, a marriage model in which a number of men less than 10 people, come to a woman to take turns. If in the future it is proven that the woman is pregnant, then all the men are summoned and one of them is then chosen as a husband. Finally, the marriage model where a large number of men come to the homes of women (prostitutes) to have sex with them. If then there is a pregnant among them then all the men are called to be selected by a psychic (Whose sperm does this baby clairvoyant come

35 Mahmud Mahdi Al Istanbuli & Musthafa Ab Nashr As Syibli, Nisâ'un Haula ar Rasandl, 37

36 Mahmud Mahdi Al Istanbuli & Musthafa Ab Nashr As Syibli, Nisâ'un Haula ar Rasandl, 37-38. The author refers to the writings of Gustaf Lobbon in his book Hadharatul Hindi, p. 644-666, and Dr. Mustafa As Siba'i, Al Mar'ah wa al Qanun.

37 Karen Armstrong, Muhammad: A Biography of the Prophet, trans. Sirikit Syah, Surabaya: Gusti's Minutes, 2001, p. 63

from?) as a husband for the woman.³⁸ Even other historians have succeeded in uncovering other types of abnormal marriages such as; marryad dayshan, asyighar, andal badal.³⁹

In modern European life, there are still state regulations that corner women's rights. In England, for example, Hamka in his book "The Position of Women in Islam" quotes the words of George Bernand Shaw that; "When a woman is married, at that time all her property according to English law belongs to her husband."⁴⁰ In France, this is the case, women who are married and he is a worker, the husband is entitled to what he earns from the results of his work. It was only since Madame Shamill succeeded (approximately ¼ century) in fighting for the independent rights of the wives, so that on July 13, 1918 the law regarding the rights of the hard-earned wives was enacted.⁴¹

3. This is the Woman in Islam

There is no discrepancy between the obligations that must be carried out and the rights that must be obtained in Islamic law.⁴² Even in the rules of life of the nation and state.⁴³ Neither men nor women have the right to depot, corrupt, or even discriminate against their respective positions. When Islam came, some people at that time denied the human nature of women, some doubted their humanity, while others recognized their humanity but were considered creatures created to submit to men. So among the virtues of Islam is glorifying women, strengthening their existence as complete women, who have taklif, responsibility, recompense and the right to enter heaven. Islam views women as noble beings who have the same rights as men, because both are branches of one tree, two siblings whose father is Adan and mother is Hawa.⁴⁴ Here are some of the priorities of women in Islam;

First, Yusuf Qardawi said,⁴⁵ In fact, the nature of women is no different from that of men. Both accept good and bad, guidance and misguidance as the word of Allah:

وَنَفْسٍ وَمَا سَوَّاهَا . فَأَلْهَمَهَا فُجُورَهَا وَتَقْوَاهَا . قَدْ أَفْلَحَ مَنْ زَكَّاهَا . وَقَدْ خَابَ مَنْ دَسَّاهَا .

38 Shaykh Shofiurrahman al Mubarak Fury, *Ar Raheeq Al Makhtum*, Beirut: Mu'assasah Ar Risâlah, 1999, hal. 33-34.

39 Dr. Syamsudin Arif in his book *Orientalist and Diabolism of Thought* quotes from; Dorothy van Ess, *Fatima and Her Sisters* (New York, 1961), Magila Morsy, *Les Femmes du Prophete* (Paris, 1989) and D.A Spellberg, *Politics, Gender, and The Islamic Past; the Legacy of Aisha bint Abi Bakr* (New York, 1994)

40 Hamka, *Position of Women in Islam*, Jakarta: Panjimas Library, 1996, p. 60-61

41 Salah Qazan, *Nahwa Fikrin Nisâ'yyin Harakiyyah Munazham*, transl. Khazin Abu Fakih, Solo: Era Intermedia, 2001, ha. 98

42 Khadijah An Nabarawy, *Huqûq al Insân fi al Islam*, Cairo: Dar as Salam, 2006, hal. 11

43 Khadijah An Nabarawy, *Huqûq al Insân fi al Islam*, matter. 631

44 Yusuf Al Qardawi, *Khitâbuna al Islâmî fî Ashr al Aulamah*, trans. Abdillâh Nur Ridho, Jakarta: Al Kautsar Library, 2004, p. 225

45 Yusuf Qardawi, *Hadyu al Islam Fatawa Mu'ashirah*1, trans. As'ad yasin, Jakarta: Echoes of Insani Press, 1995, p. 532

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Meaning: "And the soul and its perfection (its creation). So God inspires that soul (way) of wickedness and piety. Indeed, fortunate is the person who purifies the soul. And verily, the person who pollutes it will lose. (QS. As Syams: 7-10)

Compare with the myths of Judaism and Christianity where their religion openly calls women as creatures that cause sin and are even prohibited from ordering and teaching men (1 Timothy 2:12), Women have no right to speak and must keep their mouths shut in church (1 Corinthians 14 :34-35), the degree of women is below men and she must submit to her husband like human submission to God (Ephesians 5:22-23).

Second, Women are protected in the institution of marriage called the household under the direction of the husband. The husband is obliged to provide all the rights of his wife (a living, home, education⁴⁶, etc.), do not sue him, maintain his honor, and provide maximum protection and affection.⁴⁷ A lawsuit against this institution will have a negative impact on population development, lack of bloodlines, as well as other bad implications from the world of health to politics, social and culture. Developed countries such as Germany, the Netherlands, Japan and Singapore are currently trying to overcome what they call the demographic crisis. The report from the UN states that it is estimated that by 2030 mainland Europe will lose around 41 million inhabitants, despite the continued arrival of immigrants. Many women who prevent pregnancy and have an abortion will certainly have a bad impact on the future of the country concerned. Report from the magazine strenuous no. 27, Issue 28 June 2005, if within 50 years the birth rate is always lower than the death rate as it is today, then in 2060 the German population is expected to be dominated by single people (Country Without Children).⁴⁸

Third, Every servant of God (male and female) gets a commensurate reward for what he works for in the world. (QS. Al Ahzab: 35)

Indeed, the Muslim men and the Muslim women, the believing men and the believing women, the obedient women and the obedient women, the truthful men and the alms, The patient men and the patient women, the humble men and the humble men, the charitable men and alms men, the fasting men and the fasting men, and Those who guard their private parts and guards, and those who remember God much and remember. God has prepared for them forgiveness and a great reward.

⁴⁶ For example, in the matter of education, the prophet has granted the request of the Muslim women to be given a specific education as narrated by Al Bukhari in his sahih. Look, Ali Mustafa Ya'qub, *Modern Islam*, Jakarta: Pustaka Firdaus, 2001, p. 144

⁴⁷ Dr. Ahmad Farid said that there are at least three things about the wisdom of marriage from the point of view of tazkiyah an nafs; 1) Tahqiq as sakan an nafs (the realization of peace in the soul) (QS Ar Ruum; 21), 2) Tahsin an nafs (Improvement of the soul) (HR. Bukhari from Ibn Mas'ud, Chapterman lam yastathi al ba'ah, Volume 6, no. 117) 3) At Ta'awun baina Zaujaini fi Tho'atillah (please help both partners in obedience to God) (QS. Taha: 132 & At Tahrir: 6) See, Ahmad Farid, *Manhajul Al Islâm fQ Tazkiyah An Nafs*, Beirut: Dar Ibnu Hazm, 1997, hal. 438-444.

⁴⁸ Shamsuddin Arif, *Orientalism and the Diabolism of Thought*, matter. 108. Quoted from Miwa Suzuki, "Dolls Give Elders a New Leas on Life," *The Age* (Australia), February 24, 2005.

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Meaning: "Indeed, Muslim men and women, believing men and women, men and women who are steadfast in their obedience, righteous men and women, patient men and women, men and women who are humble, men and women who give alms, men and women who fast, men and women who preserve their honor, men and women who mention (the name of) Allah a lot, Allah has prepared for them forgiveness and reward the big one."

Fourth, there is no difference between men and women in determining worldly punishments according to Islamic law that must be carried out by an Islamic state such as cutting off hands, stoning, and so on.⁴⁹

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جَزَاءً بِمَا كَسَبَا نَكَالًا
مِّنَ اللَّهِ ۚ وَاللَّهُ عَزِيزٌ حَكِيمٌ ۖ فَمَنْ تَابَ مِنْ بَعْدِ ظُلْمِهِ
وَأَصْلَحَ فَإِنَّ اللَّهَ يَتُوبُ عَلَيْهِ ۚ إِنَّ اللَّهَ غَفُورٌ رَّحِيمٌ

Meaning: "The man who steals and the woman who steals, cut off their hands (as) retribution for what they did and as a punishment from God. and God is Mighty and Wise. So whoever repents (among those thieves) after committing that crime and improves himself, then Allah will surely accept his repentance. Indeed, Allah is Forgiving and Merciful." (QS. AL Ma'idah: 38-39)

الزَّانِيَةُ وَالزَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِّنْهُمَا مِائَةَ جَلْدَةٍ ۖ وَلَا
تَأْخُذْكُمْ بِهِمَا رَأْفَةٌ فِي دِينِ اللَّهِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ
وَالْيَوْمِ الْآخِرِ ۖ وَلْيَشْهَدْ عَذَابَهُمَا طَائِفَةٌ مِّنَ الْمُؤْمِنِينَ

Meaning: "A woman who commits adultery and a man who commits adultery, then beat each one of them with a hundred lashes, and do not show mercy to them prevent you from (practicing) the religion of God, if you believe in God, and the Last Day, and let (the execution of) their punishment be witnessed by a group of believers." (QS. An Nur: 2)

Fifth, Islam assigns tasks and roles in accordance with the nature and identity of each. The function of the organs of the body that are created to be different by nature is a wisdom in the placement of tasks that do not always have to be the same. All life activities have been regulated by Islam in accordance with their respective conditions. after mentioning a number of arguments from the Qur'an and Sunnah regarding women, Shaykh 'Ali Jum'ah explained that these texts areta'kid (assertion) of the high position of women in Islam. There is no

⁴⁹ Editors Team, Islamic Encyclopedia 5, Jakarta: Van Hoeve's New Initiative, 2000, p. 186

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religion heavenly norland which places the position and care of women as contained in the Islamic religion. These texts explain that originally, men and women were the same in terms of offer (shari'ah imposition) also in terms of rights and obligations. While the difference obvious in terms of rights and obligations exist only from the side wadho'if and khoso'is. Then forever the difference wadho'if (attributes) and khoso'is (characteristics) are not referred to as a form of deficiency in the shape of the human body or discriminate between one another.⁵⁰ Feminist perceptions of gender lead to the absence of the term proportional. Proportional is only recognized if they also play a role in it. That is what inspires homosexuals in the Netherlands to ask for their equal rights. On April 1, 2001 the Dutch government was named the first country to legalize gay and lesbian marriage laws.⁵¹

Sixth. Islam always protects the good name of women from accusations and defamation. This preface is really protected in Islamic law up to the criminal level. A person making an accusation must bring four witnesses. If the accuser is not able to bring it then he will be beaten 80 times and his testimony will not be accepted forever.

وَالَّذِينَ يَرْمُونَ الْمُحْصَنَاتِ ثُمَّ لَمْ يَأْتُوا بِأَرْبَعَةِ شُهَدَاءَ
فَاجْلِدُوهُمْ ثَمَانِينَ جَلْدَةً وَلَا تَقْبَلُوا لَهُمْ شَهَادَةً أَبَدًا
وَأُولَئِكَ هُمُ الْفَاسِقُونَ إِلَّا الَّذِينَ تَابُوا مِنْ بَعْدِ ذَلِكَ
وَأَصْلَحُوا فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ

Meaning: "And those who accuse good women (of committing adultery) and they do not bring four witnesses, then beat them (the accuser) eighty times, and do not accept their testimony forever- long time. and they are the wicked. Except for those who repent after that and improve (themselves), then indeed Allah is Oft-Forgiving, Most Merciful." (Qs. An Nur: 4-5)

إِنَّ الَّذِينَ يَرْمُونَ الْمُحْصَنَاتِ الْغَافِلَاتِ لُعِنُوا فِي
الدُّنْيَا وَالْآخِرَةِ وَلَهُمْ عَذَابٌ عَظِيمٌ

It means: "Indeed, those who accuse a good woman, who is careless but faithful (committing adultery), they will be cursed in this world and the hereafter, and for them will be a great punishment. (QS. An Nur: 23)

50 Syaikh 'Ali Jum'ah Muhammad, *Al Mar'atu fi al Hadhôrôh al Islâmiyah*, Mesir: Dar as Salâm, 2006, hal. 17

51 K. Bertens, *Logic Perspective; Essays on Current Problems*, Yogyakarta: Kanisius Publisher, 2001, p. 156-157. Name Prof. Dr. K. Bertens was born in the Netherlands in 1936. After completing his doctoral program in Belgium. Since 1968 he has taught philosophy at various universities in Indonesia. Since 1983 he has been a staff member of the Ethics Development Center at Atmajaya University.

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Seventh, Islam provides an opportunity for men and women to compete towards the best degree before Allah (taqwa).

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا
وَقَبَائِلَ لِتَعَارَفُوا ۚ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ ۚ إِنَّ اللَّهَ
عَلِيمٌ خَبِيرٌ

Meaning: "O mankind, We have indeed created you from a man and a woman and made you into nations and tribes so that you may know each other. Indeed, the most noble among you in the eyes of God is the most pious among you. Verily, Allah is All-Knowing and All-Knowing." (QS. Al Hujurat: 13)

Eighth, Islam maintains the honor of women with the hijab they wear. Hijab is not a "dress" that is only worn during prayer, as Cak Nur alleged (published in Matra magazine, December 1992, p. 18). But it is a cover for a woman's private parts except for the face and palms according to sharia law.⁵² In the future, hijab has even been medically proven to protect women's skin which is created to be very sensitive to various skin diseases due to UV (ultra violet) rays. Caryn Emoneez, head of the research institute Dana Farber Institute located in Boston USA says; "The occurrence of genetic mutations is 5-10% of the causes of cancer, but at the same time, behavioral factors are precisely 70-80% of the causes of cancer (...) exposing the face, hands, neck and feet to the sun."⁵³ In addition to its medical function, the headscarf also serves as protection from evil eyes, hands and so on.

يَا أَيُّهَا النَّبِيُّ قُلْ لِّأَزْوَاجِكَ وَبَنَاتِكَ وَنِسَاءِ الْمُؤْمِنِينَ يُكْنِينَ
عَلَيْهِنَّ مِنْ جَلَابِيبِهِنَّ ۚ ذَٰلِكَ أَدْنَىٰ أَنْ يُعْرَفْنَ فَلَا يُؤْذَيْنَ ۚ
وَكَانَ اللَّهُ غَفُورًا رَحِيمًا

Meaning: "O Prophet, say to your wives, your daughters and the wives of the believers: "Let them stretch out their headscarves all over their bodies." that is so that they are easier to recognize, therefore they are not disturbed. and Allah is Most Forgiving, Most Merciful." (QS. Al-Ahzab: 59)

⁵² Daud Rashid, *Renewal of Islam and Orientalism in the Spotlight*, Bandung: PT Syamil Cipta Media, 2006, p. 51

⁵³ among which are symptomatic of a number of countries in Europe are; sunburn (burnt skin), solar keratosis (flaky skin), squamous cell carcinoma (squamous cell tumor), in ditus squamous cell carcinoma (collated flat cell tumor), photosensitivity (light-sensitive disease) solar urticaria (itching due to light burns) and melanoma (melamine cancer). Sufyan bin Fu'ad Baswedan, *The Sea of Miracles Behind the Hijab*, Klaten: Wafa Press, 2007, p. 65-88

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*Ninth, The history of Islamic civilization records the role of women who have made Islam famous in the eyes of the world. Some of them also narrated the hadith, jihad, preaching Islam, becoming a scholar, jurist and so on. Their position at that time had no comparison with other civilizations that were barely able to raise their level. Prof. Dr. Abdul Halim Mahmud Abu Syuqqoh in his book *Tahrîr al Mar'ah fî 'asr ar Risâlah* cite a number of arguments about women's participation in; education and teaching, narrating hadiths, worshiping in congregation at the mosque, public events, socializing, maintaining social stability, jihad, and working while taking into account its boundaries.⁵⁴*

CONCLUSION

*Radical feminist movement with effort equality gender it turns out to have penetrated Muslim women mufakkir in parts of the world from the Middle East to this country. Call it Fatima Mernisi from Morocco (author of several books including: *Beyond the Veil*), Nawal al Saadawi from Egypt (author of the book *The Hidden Face of Eve*), Riffat Hassan from Pakistan (founder *International Network for The Rights of Female Victims of Violence in Pakistan*), Taslima Nasreen from Bangladesh (author of the book *Amar Meyebela*), Assia Djebar from Al Jazair (Author of novels *La Fantasia* and *Far from Midine*), Amina Wadud from the United States with the case of her Prayer Imam, Zainah Anwar from *Sisters In Islam (SIS)* Malaysia, Siti Musdah Mulia in our country with the legalization of homosexuality, and so on.*

They are influenced by outdated ideas that are actually widely opposed in the country where the idea originated, as mentioned earlier. These ideas spread to various circles, especially academics and social and cultural practitioners. It is hard to deny that this gender thinking is closely related to the West's efforts to continue promoting the ideas of liberalism into Islamic countries. Muslim scholars who are dazzled by this idea consider Islam too narrow to be understood and used in this age. Something new always attracts attention.

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⁵⁴ Abdul Halim Mahmud Abu Syuqqoh, *Tahrîr al Mar'ah fî 'Ashr ar Risâlah*, trans. Mujiyo, Bandung: Al Bayan, 1994, p. 125-161

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