

# Feminism in the QUR'AN (Study of Gender Verses of the QUR'AN)

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**ABSTRACT:** *Feminism is not a new thing in the study field, it is quite out of date thing. However, this term still become a menu of endless discussions. Various studies forms were born from the womb of feminism, it is according to each reviewer's point of view. In broad outline, 'Abbās al-'Aqqād divided these studies into three main topics. First, in terms of the woman's behavior or natural characters. In this case, it focuses more on the women's ability and role in the middle of similar communities. Second, in terms of women's right and obligation as family members and the wider society. Third, in terms of suluk (taking the spiritual path to Allah) or behavior that regards women as moral and ethical creatures. The main research question to be revealed is: how does the concept developed in the Qur'an interpret the relations of men and women? The theoretical framework developed in this study is based on the thought which built in the Quranic perspective. The research method applied in this research is thematic interpretation of the Quran dealing with gender verses with conceptual approach. The conclusion in this study states that the Qur'an pays special attention to women, the Qur'an aims to form a religious community that upholds the principles of justice, egalitarianism and humanity. In the narrative approach to the Holy Qur'an, there is no significant power relation that degrades, dominates, or subordinates the role of women in Islam. The narrative text of the Holy Quran explains the high appreciation of domestic and public roles for women. Feminism itself can be traced in various narrative texts in the Holy Qur'an that place women in a place of honor.*

**KEYWORDS**– *Feminis, Quranic Perspective, Verses of Gender, Narrative Approach.*

## I. INTRODUCTION

Generally, Feminism is a women's movement in an effort to demand equal rights and freedoms or in other words, as an act of resistance from women who feel isolated. The demand for equality and resistance is based on the desire to obtain an equal position and dignity as a human being.<sup>1</sup> History records that the feminism movements are almost spread around the world. This was proved by the appearance of feminism figures around the world. In Japan, the feminist movement is led by Sachiko Murata. In Morocco there is Fatima Mernissi, in India there is Ashgar Ali Engineer and Rifat Hassan. In Europe, the women's movement or feminism was pioneered by Lady Wortley Montagu and Maquis de Condorcet. In Arabic world, we knew several figures who consistently fight for the freedom of women including; Qasim Amin, Muhammad Abduh, and Rifa' al-Ṭaḥṭawī. Qasim Amin's sincerity in defending women has brought him to become the pioneer of Arab feminism.<sup>2</sup>

The history of Abrahamic Religion recorded, women often lose their main role and function as human beings in society. In the Old Testament book, women were placed as the main source of mistakes. It was narrated in the stories form or stories which believed to be true. It was narrated that Eve was the cause of

<sup>1</sup> Abbās Maḥmūd al-Aqqād, *al-Mar'ah fi al-Qur'ān*, (Beirut; Manshūrāt al-Maktabah al-'Aṣriah, 2003), 3.

<sup>2</sup> Nawāl Sa'dawī, *Qaḍāyā al-Mar'ah wa al-Fikr wa al-Siyāsah*, (Cairo; Madboul, 2001), 81.

Adam's expulsion from heaven because she had seduced Adam to join in eating the khuldi fruit after she was previously fascinated by the devil's seduction. The Old Testament also narrated about the event between the Prophet Luth and his daughter. Prophet Luth as the God's messenger became a symbol of men who are fascinated by women's seduction, it was his daughter. It was narrated, Prophet Lut did uzlah to the mountain and he inhabited a cave. As a child, the prophet Luth's daughter gave her devotion by delivering food to her father. One day, she invited and tempted her father (Prophet Luth) to join in enjoying the beer that she brought along with the food. Finally they fell asleep in drunkenness, then they did immoral acts that caused the Phophet Luth's daughter to be pregnant.<sup>3</sup>

The Jews shari'ah (Laws) obligates people who past away to give their inheritance rights to sons without the slightest involvement of daughters. In article 419 also states that the properties owned by the wife is the right or belong to her husband in full, while the wife is only entitled to own properties which become the dowry in marriage. In article 429 states, men has right to divorce their wives who are considered did the immoral act such as adultery and so on. Meanwhile in article 433 states, a wife does not have the same right to ask for a divorce even though she clearly knows clearly that her husband did an immoral act. In article 430 states, For a husband who is unable to provide a living for his wife within ten years, it is obligatory for him to divorce his wife and marry another woman. Jews claimed women as unclean creature, so everything they touched will be dirty and unclean, even its human, animal or food. Ironically, Jews rely on all mistakes or immoral acts did by men to be women's responsibility.<sup>4</sup>

In Arabian Peninsula, exactly in Jahiliyah period. The women's function was only became the burder for men. The daughter's birth was a disaster for family. It would not be an over thing if the parents preferred to bury their daughter alive rather than bear a heavy burden. In the middle of such social conditions, the Qur'an came down to present a new understanding of women's role and function.

The presence of the Qur'an does not immediately change all the things that already became the human's doctrines, charactera or habits at that time. Sometimes the Qur'an's presence as a reinforcement of doctrines or characters which has the goals with Qur'an, as the Qur'an is presented to straighten and change doctrines or habits that changed significantly. The Qur'an' presence raised the status of women as human beings. So the women's role and function becomes important in building Muslims and the world society. The naming one of the Qur'an's surah with 'al-Nisā'" as a clear evidence of the Qur'an in building a perspective on God's creatures called women.

Surah al-Nisā' is the fourth surah of the Qur'an based on the Muṣḥaf' arrangment. The verses amount are 175 verses according to Kufa scholars, 176 verses according to Baṣrā scholars and 177 verses according to Syām scholars.<sup>5</sup> Most of interpreters included this surah into the Madaniah surah, the surah that came down after the prophet Muhammad moved from Mecca to Medina. In terms of its content, the Madaniyah surah carries applicable doctrines, or well known as shari'a. Shari'a which teaches about obligation in amaliah worship.<sup>6</sup> This surah has its own privileges in fighting for the women's rights and obligations. So it would not be an over if the feminism studies refer and review directly on several gender verses which are summarized in Surah al-Nisā'.

## II. RESULT AND DISCUSSION

### 1. The Origin of Women Creation

<sup>3</sup> As'ad al-Sahamrānī, *al-Mar'ah fī al-Tārīkh wa al-Syarī'ah*, (Beirut; Dār al-Nafāis, 1989), 43-45. Read too; Nasr Hāmid Abū Zaid, *Dawāir al-Khauf Qirā'ah fī Kḥiṭāb al-Mar'ah*, (Beirut; al-Markaz al-'Arabī, 2000), 18-21.

<sup>4</sup> Abdul al-Muta'ālī Muhammad al-Jabarī, *al-Mar'ah fī al-Taṣawwur al-Islāmī*, (Cairo; Maktabah Wahbah, 1994), 159.

<sup>5</sup> Jum'ah 'Ālī Abd al-Qādir, *Ma'ālim Suwar Al-Qur'ān wa Ittiḥāfāt Durarh Nazrah Jadīdah fī al-Tafsīr al-Maudū'ī*, Volume I, (Egypt; Dār al-Kutb al-Misriah, 2007), 205.

<sup>6</sup> Al-Hāfiḍ Abū al-Faḍl Jalāluddīn 'Abdurrahmān ibn Abī Bakr al-Suyūṭī, *al-Itqān fī 'Ulūm al-Qur'ān*, Volume II, (Kingdom of Saudi Arabia; Mujamma' al-Malik Fahd li Ṭabā'ah al-Muṣḥaf al-Sharīf, 2004), 108-09.

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا

“O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and womwn. And fear Allah, through whom you ask one another, and the wombs. Indeed Allah is ever, over you, an Observer”<sup>7</sup>

In the opening verse above The word 'al-nās' comes from three letters, those are *alif*, *nūn*, and *sīn*. By giving *kasrah* to *alif*, giving *sukun* to *nūn* and giving *dhamma* to *sīn* (*ins*) it will mean *al-basyar*. The word *basyar* implies the appearance of something goodly and beautifully, it also means skin. The naming of humans with *basyar* because their skin looks clear, and it is different from the animal's skin. The Qur'an uses the word *basyar* 36 times in the singular and once in the *muthannā* (dual) form, all of these words show the outward aspect and human equality. When the letter *alif* is given the *dhamma*, *nūn* is given *sukun* and *sīn* is given the *dhamma* (*uns*), it means tame, harmonious and visible. The word *insān* in the Qur'an is used to show humans with the totality of their soul and body, and humans who are different in terms of physical, mental and intelligence.<sup>8</sup> Another opinion states that the word 'al-nās' comes from *insiyun* and *anasiyun* which means forgetting. This opinion is reinforced by Ibn Abbas's opinion which said, humans are called as *insān* because they forget about the agreements that were agreed before they were born. The word *al-insān* is used for both men and women.<sup>9</sup>

The naming of human as forgetful creatures, becomes the basis for Sayyid Quṭb's interpretation in interpreting the next word in the verse. For Sayyid Quṭb, the verse above as reminder for humans. Creatures that came from the One Creator, one nafs and created in pairs. Creatures which born as individuals who has equal rights. When each individual realizes about human rights, automatically they will regard other people as partners, not enemies. The presence of women will be a complement to the perfection of life, not a burden, because men and women have been united in the frame of a complementary humanity. That verse becomes important to remind people of their function and position in the world. The presence of humans which originates and sourced from the will and desires of the Creator. The presence that does not come from human desires and wills, but from God. The God's will and desire that requires humans to be born, to be in pairs, and to be born in various forms. if every human being are aware of it, they will also realize that the true journey of life is to always follow His direction and path.<sup>10</sup> A path that does not discriminate between men and women other than only the limits of their respective functions and duties. The differences in functions and duties that do not affect the equal rights of each person to be respected and appreciated.

Al-Qurṭubī in his interpretation al-Jāmi' li Aḥkām al-Qur'ān quotes the opinion of Mujahid and Qatādah that women were created from one nafs, it was Adam As. This interpretation is reinforced by a hadith which says that a woman was created from the rib of a man.<sup>11</sup> Besides to al-Qurṭubī, there are several interpreters who has the same opinion with his interpretation, including al-Suyūṭī, ibn Kathīr, al-Biqā'ī Abū Su'ūd and so on. The similarity of some interpreters to the women origin gets a negative response. As tough woman is part of man's body that is not straight or crooked.<sup>12</sup> This interpretation is not unreasonable, but is influenced by the ability of each interpreter. The social condition that places women as second-class beings is an undeniable proof of men's dominance.

Realizing the importance of the women's role, contemporary interpreters try to construct the existing interpretations. For Muhammad Abduh, the interpretation of nafs wāhidah does not only mean Adam. In other words, the women origin is not from Adam. It is because each human being has knowledge limits. If we look together at the Ibn Abbas narration which said, this verse was intended for the Quraysh, so it is possible

<sup>7</sup> Departemen Agama Republik Indonesia, *Al-Qur'an dan Terjemahannya*, (Jakarta: Departemen Agama Republik Indonesia Proyek Pengadaan Kitab Suci Al-Qur'an, 1984), 114.

<sup>8</sup> M. Quraish Shihab, *Wawasan Al-Qur'an Tafsir Maudhu'i atas Pelbagai Persoalan Umat*, (Bandung, Mizan, 2000), 278-280.

<sup>9</sup> Muḥammad bin Abī Bakr bin Abd al-Qādir al-Rāzī, *Mukhtār al-Ṣaḥḥah*, (Cairo; Dār al-Ma'ārif), 27.

<sup>10</sup> Sayyid Quṭb, *Fi Zīlāl Al-Qur'aḥn*, Volume I, (Beirut; Dār al-Shurūq, 1982) 573-574.

<sup>11</sup> Abū Abdillāh Muḥammad bin Aḥmad al-Anṣārī al-Qurṭubī, *al-Jāmi' li Aḥkām al-Qur'ān*, Volume V, (Cairo; Maktabah al-Ṣafā, 2005), 3.

<sup>12</sup> M. Quraish Shihab, *Wawasan Al-Qur'an Tafsir Maudhu'i atas Pelbagai Persoalan Umat*, *Op, cit.*, 299-300.

nafs wāhidah means the ancestors of the Quraysh. It also applies to other nations such as the Chinese, especially for those who does not know about Adam and Eve, and of course they will say that the origin of their existence comes from their ancestors. However, Muhammad Abduh understands about the interpretation that defines nafs wāhidah with Adam. He believed in the possibility of various new interpretations on the word nafs wa. Those possibilities are wide open, considering that the Qur'anic text does not explain absolutely about humans or women were created from Adam. He immediately applied the possibility of this new interpretation appearance by interpreting the word nafs wāhidah as a 'type/kind'. One type as a human being, as a living being and as a servant who has the same obligations and rights. A type that has equal human limitations without discriminating between one and another. Humanity unites various shapes, patterns and forms. By upholding these humanity values, various forms of differences can be united, because actually humans were created from the nafs wāhidah.<sup>13</sup>

Rashīd Riḍā assessed that some interpreter who said women were created from Adam's rib were mostly influenced by non-Islamic religious views. In the Old Testament book stated, One day Adam was sleeping then one of his left ribs was taken, and Eve was created from it.<sup>14</sup> This interpretation makes women as creatures who live in dependence. Christians with the New Testament as a their holy book gives women a position as in the Old Testament book. They believe, women are the main cause of the distance between men and women from God. They determined that the only path to get closer to the Creator is staying away from women. They believe that Jesus was crucified to atone Adam's sins caused by Eve.<sup>15</sup> Christians forbid women to raise their voices in the Church, because for them women's voices are the cause or source of slander. Besides that, the Old Testament obligate women to cover their bodies with simple clothes and to cover their heads with hijabs. Christians believe that above woman's head there is a devil, so for a Christian woman who does not want to cover her head, it must be shaved.<sup>16</sup> Al-Maududi argues that the Christians religion has made many deviations in implementing their Shari'ah doctrines. Women have been used as a source of mistakes, the beauty of a woman is a powerful weapon for the devil to mislead the human beings.<sup>17</sup> In broad outline, Christian treatment of women is not much different from what has been done by the previous people (read; Jews). Christians makes women as the second person placed under the men authorities.

In addition to the influence of pre-Islamic religion, Rashīd Riḍā assesses that several interpreters have focused on understanding the hadith which is written that women are created from a man's rib.<sup>18</sup> Quraish Shihab explained in more detail the hadith that was used as the basis for the commentators that women were created from a man's rib.

اسْتَوْصُوا بِالنِّسَاءِ خَيْرًا فَإِنَّهُنَّ خُلِقْنَ مِنْ ضِلْعٍ أَعْوَجٍ

"Order each other to do good to women, because they were created from a crooked rib... (HR al-Tirmidī from Abū Hurairah)".

For Quraish Shihab, there are two opinions in interpreting the hadith, first, scholars interpret it literally. Second, scholars interpret majaz or metaphorically. Magazine's interpretation of the hadith is an order for men to deal with women wisely because women are different from men in terms of nature, character, and tendencies. Changing character and innate traits is a job that is not easy and even tends to be incapable because if forced, the consequences will be fatal. It's like someone trying to straighten a crooked rib that will eventually break.

Apart from the existing debate, the inclusion of the word al-Nisā' being one of the names of the letters among the letters of the Qur'an is a sign of its own. A sign of how women will continue to be read and studied. The

<sup>13</sup> Muḥammad Rashīd Riḍā, *Tafsīr al-Manār*, Volume IV, (Cairo: Dār al-Manār, 1947), 322-327.

<sup>14</sup> *Ibid.*, 330.

<sup>15</sup> 'Abdul al-Muta'āl Muḥammad al-Jabarī, *al-Mar'ah fī al-Taṣawwur al-Islāmī*, *Op, cit.*, 159.

<sup>16</sup> As'ad al-Sahamrānī, *al-Mar'ah fī al-Tārīkh wa al-Syarī'ah*, *Op, cit.*, 51-55.

<sup>17</sup> Muḥammad Husānain Aḥmad al-Baṭḥ, *Dirāsāt H{aula al-Nizām al-Ijtīmā'ī wa al-Iqtiṣādī fī al-Islām*, (Cairo), 67. Read too; 'Athiyyah Ṣāqar, *Mausū'ah al-Usrah taḥta Ri'āyah al-Islām*, Volume 2, (Egypt; al-Dār al-Misr li al-Kitāb), 325.

<sup>18</sup> Muḥammad Rashīd Riḍā, *Tafsīr al-Manār*, *Op, cit.*,

study of femininity will continue to develop from time to time and will last as long as the Qur'an immortalizes it.

## 2. Women as Male Partners

وَحَلَقَ مِنْهَا زَوْجَهَا

"And from him, Allah created his wife..."

وَلَا تَتَمَنَّوْا مَا فَضَّلَ اللَّهُ بِهِ بَعْضَكُمْ عَلَى بَعْضٍ لِلرِّجَالِ نَصِيبٌ مِّمَّا كَتَبْنَا لِلنِّسَاءِ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا كَتَبْنَا لِلرِّجَالِ مِمَّا كَسَبْنَ وَسَأَلُوا اللَّهَ مِنْ فَضْلِهِ إِنَّ اللَّهَ كَانَ بِكُلِّ شَيْءٍ عَلِيمًا

"And do not be jealous of what Allah has bestowed on some of you more than others. (because) for men, there is a share of what they earn, and for women (even) there is a share of what they earn, and ask Allah for a portion of His bounty. Verily Allah is Knower of all things."

The word *zaujun* is the opposite of the word *fardun*, and each *fardun* is called *zaujun*.<sup>19</sup> This word denotes two complementary intensities. Without each other's presence, the meaning of this word becomes meaningless. In al-Munawwir's dictionary, it is stated, the word *zaujun* is *maṣḍar* from the word *zā-ja* which incites, the seeds of hostility.<sup>20</sup> In usage, this word is often used to denote two pairs of partners, between male and female, male and female, heaven and earth, winter and summer, and other things that are paired with each other.<sup>21</sup>

In the context of shari'ah, the couple between a man and a woman is framed in the umbrella of marriage. Marriage aims to maintain the continuity of the life of the next generation, as well as to maintain and maintain the continuity of social life. Humans as social beings require each individual to have an important role in building society. Thus, the existence of women is as much needed as the existence of men. Logically, the existence of a woman who is a man's partner requires that every woman has abilities and strengths that can balance out the abilities and strengths of men. Without a balance between the two parties, it would be impossible for the continuity between men and women to be maintained.

In equalizing with woman, there are various efforts, one of these is through education way. Musthafa Kamil was influential figure of freedom in Egypt at year of 1900, said that science is the most important factor that must be owned by societies, because science is the one and only savior to the gap of stupidity.<sup>22</sup> Women is one of society parts, she has the important role while taking an effort to build up the society. Every society parts, surely has their own responsibility to enhance and develop society life.<sup>23</sup> An improvement and even a development of society will not be reached if they do not put trust of their principle on woman, that thing is caused by woman takes a part of not only being one of society elements but taking an important role of being child minder and protector for all the societies.<sup>24</sup> Therefore, woman as society element must have skills and knowledge itself, and in this case education becomes the best solution.<sup>25</sup> Woman's excesses and skills would only end with persuading a man, but if woman does not have any excess and skills, she would be easily left by the man. This thing has been validated and written in historical story that, Adam abandoned Hawa who was not even becoming civilized and educated people.

Rifa al Tahtawi interpreted education as process of physical human's body growth since they were born till being an adult and also the growth process of human soul that covers religious science and life problematic. Human physical necessary could be only through by providing human's primary need covers the clothing and

<sup>19</sup> Muḥammad bin Abī Bakr bin Abd al-Qādir al-Rāzī, *Mukhtār al-Ṣaḥāh*, Op, cit., 278.

<sup>20</sup> A.W., Munawwir, *Kamus al-Munawwir Arab-Indonesia*, (Surabaya; Pustaka Progressif, 1997), 591.

<sup>21</sup> Nasaruddin Umar, *Argumen Kesetaraan Jender Perspektif Al-Qur'an*, (Jakarta; Paramadina, 1999), 173.

<sup>22</sup> Georgea 'Aṭīah Ibrāhīm, *Hudā Sha'rāwī al-Zamān wa al-Riyādah*, Vol. I, (Syiria; Dār 'Aṭīah li al-Nashr, 1998), 53-54.

<sup>23</sup> Abdul al-Muta'āl Muhammad al-Jabarī, *al-Mar'ah fī al-Taṣawwur al-Islāmī*, Op, cit., 59.

<sup>24</sup> Ahmad Amīn, *Risālah al-Mar'ah al-'Arabī ah, Khīṣād al-Fikr al-'Arabī al-H{adīth fī Qaḍāyā al-Mar'ah*, (Cairo; Muassasah Nāsr li al-Thaqāfah, 1980), 21.

<sup>25</sup> Aminah Wadud, *al-Qur'ān wa al-Mar'ah l'ādah Qirā'ah al-Nash al-Qur'ānī min Manzūrr Nisā'ī*, ex, Sāmiyyah 'Adnān, (Cairo; Maktabah Madbouly, 2006), 141.

food. While, the spiritual needs could be only passed by giving a taught, education, morals and an education that can stimulate human brain to know everything.

Children education since bearing till being an adult becomes a special attention for Rifa al-Tahtawi. One of cause that breaks education is when a mother trusts her child's education to other people without giving a special attention on it. That thing is caused by the children that will feel emptiness or losing an affection of their parents.<sup>26</sup> Education for woman that is early given will positively affect to create good household. Woman that is educated with reading, writing, counting and others will make herself able to compete with man. On this, Rifa' al-Tahtawi brought the importance of education for woman by giving a freedom and obvious chance as the same man get.

Muhammad Abduh stated, if someone believes that education is magic wand that can change all conditions, covers changing negative things into positive, able to fill the less on into the perfect one and able to release something shackled, without seeing the existed truth to change, so exactly that person has betrayed phenomenon that appears in society.<sup>27</sup> Its does not go over if the appearance of Muhammad Abduh in leading Al-Azhar University has brought a change in building his newest education system. The update of Al-Azhar new education system had been designed since Muhammad Abduh met Jamaluddin Al-Afghani, but the plan was still kept while waiting the right time to show it up.<sup>28</sup>

Muhammad Abduh argued, education that goes to the society prosperous life will not be reached if there is no earlier education and the family repair. It is caused by the position f family as the basic foundation and guarantee of creating prosperous society. In the household, parent's role in guiding children is taking significant effect, exactly the role of mother; mother is a figure that has the closest distance with children in their early growth period.

Muhammad Abduh role in giving enlightenment for woman race is divided into three, first; Education problem for woman, second; divorce problem for woman, and third; polygamy problem. In education problem for woman, Muhammad strengthened and talked about stupidity cases that affects woman race in Abduh period. Abduh was regretting the existence of blocking wall for woman to undergo their religion order and their own life affairs, then the non-exist willing in the heart of society to guide and educate woman about religion knowledge, that thing is caused by the religion knowledge that was given for woman was only limited in the term of fasting. Muhammad Abduh denied an argumentation that stated stupidity for woman will make them away from bad things and suppose them to have prudency. Those statement and argumentation were stated by people who denied free education for woman. Abduh valued that a prudency and woman safe condition from negative things are based on their stupidity, but being based on their stupidity, they will be limited by the existence of developed cultural rules, and a statement that is contradictive with their knowledge against *Halal* and *Haram*.

Muhammad Abduh had effort hard to give freedom for woman race to undergo te education. abduh put a hope to educated women in order that, next time he will be able to build a school or Islamic education institute for woman. Muhammad Abduh took more roles behind the screen with his student Qasim Amien in realizing woman race.<sup>29</sup>

Qasim Amien said, human prosperity is only able to be through education way. Education will not be able to exist without the household; household is the first principle in building society.<sup>30</sup> Here, Qasim Amien put parent's important role in building up the new seat of future society with education. Basically, Qasim Amien did not suppose the absolute equality between man and woman considered in the sight of formal education. At least, Qasim Amien supposed the equality between man and woman in the elementary school strata (al-marhalah al-ibtida'iyah). In the effort to fight for woman education, Qasim Amien always talked about education that made

<sup>26</sup> Rifa' al-Tahtāwī, *al-Murshid al-Amīn li al-Banāt wa al-Banīn*, (Cairo; al-Majlis al-'Alā li al-Thaqāfah, 2002), 5-6.

<sup>27</sup> Muhammad Abduh, *al-A'māl al-Kāmilah li al-Imām al-Shekh Muhammad Abduh*, Vol. I, (Cairo; Dār al-Shurūq, 1993), 155-156.

<sup>28</sup> *Ibid.*, Vol. III, 193.

<sup>29</sup> *Ibid.*, Vol. 1, 173-174.

<sup>30</sup> Muhammad Imarah, *Qāsim Amīn al-A'māl al-Kāmilah*, (Cairo; Dār al-Shurūq, 2006), 190.

woman able to finish and complete problematic womas faced. Qasim Amien saw that woman education that was developed in his period was only about reading and writing education, art and skill, without taking an attention on other education elements woman wanted. For Qasim Amien, reading and writing education for woman was on a purpose but only a mediator to get wider knowledge and science. Therefore, Qasim Amien strengthened that education that the woman wanted was education that brought significant changes for human prosperity.<sup>31</sup>

Besides other reformers above, Ahmad Luthfi Sayyid who was famous as the initiator of democratization said that it is important to fight for woman education. It is caused by the existence of woman as the most important figure who played a role in preparing future nation candidate. Ahmad Luthsi Sayyid divided his thinking steps into three, first; Ahmad Luthfi Sayyid invited all elements to together think about woman education, second; he invited them to be in general update that went through society prosperity, third; invited people to stand for woman's freedom, and absolutely every step he passed after finishing the previous steps.<sup>32</sup>

A couple will feel perfect when they complete the lacks of each other. Logically, if woman is man's soul mate, so woman has advantages beyond the disadvantages of man. Even so, women's advantages and disadvantages will be sure complement beyond the advantages and disadvantages of man. Both advantages and disadvantages of either man or woman are able to be seen from the body organ function and biological necessity of both. That function and biological necessity of both man and woman will emerge advantages and disadvantages emotionally. For the specific explanation of advantages and disadvantages of man and woman emotionally, it can be drawn as follows:

Men	Women
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<sup>31</sup> *Ibid.*, 74-75.

<sup>32</sup> Sāmiah Hasan al-Sā'ātī, *Silsilah al-'Ulūm al-Ijtīmā'iyah al-Mar'ah wa al-Mujtama'al-Mu'āṣir*, (Cairo; Maktabah al-Ussrah, 2006), 38-39.

<ul style="list-style-type: none"> <li>- Very aggressive</li> <li>- Independent</li> <li>- Non-emotional</li> <li>- Able to hide emotion</li> <li>- More objective</li> <li>- Not easy to be influenced</li> <li>- Non-submissive</li> <li>- Loving more exact science</li> <li>- Not easy to be tackled down</li> <li>- More active</li> <li>- More competitive</li> <li>- More logic</li> <li>- More general</li> <li>- More creative in business</li> <li>- More open-minded</li> <li>- Understanding the essence of the world</li> <li>- Not easy to be offended</li> <li>- Loving more toward adventure</li> <li>- Easy to solve problems</li> <li>- Seldom to cry</li> <li>- Generally comes up as a leader</li> <li>- More confident</li> <li>- Truly support aggressiveness</li> <li>- More ambitious</li> <li>- Easier to differentiate between feeling and rationality</li> <li>- More independent</li> <li>- Not being clumsy in performance</li> <li>- Having superior thought</li> <li>- More free to express something</li> </ul>	<ul style="list-style-type: none"> <li>- Not being too aggressive</li> <li>- Not independent</li> <li>- More emotional</li> <li>- Difficult to hide emotion</li> <li>- More subjective</li> <li>- Easy to be influenced</li> <li>- More submissive</li> <li>- Not loving exact science</li> <li>- Easy to be tackled down with obstacles</li> <li>- More passive</li> <li>- Less competitive</li> <li>- Less logical</li> <li>- Oriented with household</li> <li>- Not creative in business</li> <li>- Difficult to be open-minded</li> <li>- Less knowing world's development</li> <li>- Feeling more and easy to be offended</li> <li>- Not loving an adventure</li> <li>- Difficult to solve problems</li> <li>- Often crying</li> <li>- Seldom to come up as a leader</li> <li>- Confident less</li> <li>- Not loving aggressiveness</li> <li>- Not ambitious</li> <li>- Difficult to differentiate feeling and rationality</li> <li>- Independent less</li> <li>- Tend to be clumsy in performance</li> <li>- Not having superior thought</li> <li>- Not being free to express something<sup>33</sup></li> </ul>
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August Comte (1798-1857 M) stated that with functionalism theory, unity in society would only be created when elements of biology and social that exist in organic body has been solid. Herbert Spencer (1820-1930M) who became proposer Comte theory that distinguished "structure" and the concept of "function" that exist in society organism and individual organism. He stated:

"If an organization is consisted of some united constructions, and every part is only able to function through related symbiosis among others, so the separation of one of the parts from the united organization will only affect function change from other parts averagely"

Emile Durkheim (1858-1917M) stated, life sustainability in society will only be gotten when societies' elements have awareness on divided assessment and jobs (division of labor).<sup>34</sup> In wish, it has much reason when Al-Qur'an stated; "and you should not be jealous toward what Allah has blessed to some of your people more than to other people."<sup>35</sup>

### 3. Studying Polygamy Problematic

<sup>33</sup> Nasaruddin Umar, *Argumen Kesetaraan Jender Perspektif al-Qur'an, Op., cit.*, 42-43

<sup>34</sup> Ratna Megawangi, *Membiarkan Berbeda? Sudut Pandang tentang Relasi Gender*, (Bandung; Pustaka Mizan, 2001), 58-61.

<sup>35</sup> Departemen Agama Republik Indonesia, *Al-Qur'an dan Terjemahannya, Op. cit.*, 122.

وَأَنْ حَفَّتُمْ الْأَتْفُسُطُوا فِي الْيَتَامَى فَاجْهُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَنَى وَثَلَاثَ وَرَبْعَ فَإِنْ حَفَّتُمْ الْأَتْعِيلُوا فَوَاحِدَةً أَوْ مَمْلَكَةً أَيَّمَانِكُمْ ذَلِكَ أَدْنَى الْأَتْعُولُوا  
“And if you are afraid of not doing fair toward (the rights) of non-parent woman (if you marry her), so you may marry other one, two, three, or four girls that you want. Then, if you are afraid of not being fair on them, so (marry) just one, or slaves that you have, it is closer to not doing persecution.”<sup>36</sup>

وَلَنْ تَسْتَطِيعُوا أَنْ تُعْدِلُوا بَيْنَ النِّسَاءِ وَلَوْ حَرَصْتُمْ فَلَا تَمِيلُوا كُلَّ الْمَيْلِ فَذَرُوهُنَّ كَالْمَعْلُوقَةِ وَإِنْ تَصْلِحُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ غَفُورًا رَحِيمًا

“And you will not be once being fair for all your wives, even you really want to do so, therefore, don't you over tend to (whom you love), till you let others away. And if you do repair and better self-change (away from deception), actually Allah is the most merciful”<sup>37</sup>

Human is creature that is coupled made, as how other creatures like. Being coupled is *Sunnatullah* that has happened for a long period. In Syari'ah context, in pairs term tends to be known as marriage (al-zawāj). As'ad al-Samrānī argued that the mean of *min nafsin wāhid* has a meaning of unity between man and woman in the circle of marriage. In other words, it means building up a household.<sup>38</sup> Qasim Amien criticized some fuqaha that only consider a marriage is aimed for happiness, woman's restraint and only for fulfilling biological necessity. For Qasim Amien that definition will only lower the level of Al-Qur'an doctrine that is factually stated that, the aim of being in pairs is to create an affection and peace. Affection will be gotten when a couple decides to accept each other, understanding each other, comprehending and respecting each other.<sup>39</sup> Al-Ṭaḥṭāwī said, marriage is an event of uniting two different gender people based on Syari'ah teachings with the aim of making descendants. Al-Ṭaḥṭāwī agreed with prophet Hadith that tells, family without descendants will not bring Allah blessings. That Hadith appears and developed because Arabian in that time was afraid of poverty when they are supposed to create descendants.<sup>40</sup> Marriage is a beginning process of creating family household arrangement. Family is the main principle formation of society and people. The existence of societies widely is defined by the circumstances of family's arrangement.<sup>41</sup> Indirectly, cleverness and ability of woman as the first main teacher in family will be the spearhead of qualified nation seat. In marriage, we will recognize some terms cover polygamy, divorce, inheritance rights and etc.

In Indonesia dictionary, word polygamy has definition of; marriage system that one of sides (either man or woman) has or marrying some opposite sex in the same time.<sup>42</sup> Polygamy tradition has existed since old period of Greece. In that period, woman role was only man's lust grater and servant. Many war incidents that had happened since 415 BC, that had made polygamy as a necessity legalized by nation law. Socrates was included in Greece philosopher who recommended polygamy, because he saw many women living without couple after war happened.<sup>43</sup>

Greece teachings joined legitimating polygamy in its Holy book. Old pledge Holy book taught about prophet Ibrahim As married Sārah, Hājar, Qaṭūrah. Prophet David (*Daud*) was known as a prophet having many wives, while Prophet Sulaiman was told having 200 wives. These things were told because their teachings said if a wife was left by her dead husband, automatically she belongs to one of her husband siblings.<sup>44</sup>

Before Arabian Peninsula was visited by Islam, they have recognized a marriage, polygamy, and others. Marriage in Jahiliyah period had 4 types, including; marriage that we know today or common marriage that happened in the midst of society, a man in jahiliyah period oftenly married local women that he ever visited.

<sup>36</sup> *Ibid.*, 115.

<sup>37</sup> *Ibid.*, 143-144.

<sup>38</sup> As'ad al-Sahamrānī, *al-Mar'ah fī al-Tārīkh wa al-Syarī'ah*, Op, cit., 75.

<sup>39</sup> Qāsim Amīn, *Tahrīr al-Mar'ah*, (Cairo; Maktabah al-Adāb, 1899), 114-115.

<sup>40</sup> Rifa' al-Ṭaḥṭāwī, *al-Murshid al-Amīn li al-Banāt wa al-Banīn*, Op, cit., 134-135.

<sup>41</sup> Muḥammad Abduh, *al-A'māl al-Kāmilah li al-Imām al-Shekh Muhammad Abduh*, Op, cit., 171.

<sup>42</sup> Lukman Ali, et. al., *Kamus Besar Bahasa Indonesia*, (Jakarta; Balai Pustaka, Jakarta, 1995), 103.

<sup>43</sup> As'ad al-Sahamrānī, *al-Mar'ah fī al-Tārīkh wa al-Syarī'ah*, Op, cit., 32-33.

<sup>44</sup> *Ibid.*, 46-48.

Even so, Arabian put the lineage of the descendents to the eoman family. Putting lineage means that woman has much more right for the social and economic life. Robertson Smith wrote that cultural lineage of Arabian was continuously going till Islam came with the new teachings that lineage must be give to man side. Besides, Montgomery Watt wrote that polygamy tradition in Arabian Peninsula had existed since the upcoming of Islam. Islam came with the effort for woman freedom, that thing was written in the history on how two wives of prophet Muhammad Saw, Khatijah and Aisyah became freedom pioneers of Arabian woman. Khatijah was an evidence of Jahiliyah woman who was able ro role economic life wheel, and gave supporting power for her husband struggles. Aisyah was prophet Muhammad wife who was given an order about things related with woman, covers Hijab, and others.<sup>45</sup>

On the big line, polygamy explanation in Islam could be mapped for two point of views, there are theological study and social-society. Mahmud Syaltut took a part to talk about polygamy in Islam with these two points of view in the same time. He did the theological study by explaining the comparison in al-Nisā letter verse 3 and verse 129. The comparison was disclosed as an evidence, polygamy teachings in Islam was not supported but tending to be prohibited, this thing is caused by Al-Qur'an that has strengthened that there will not be any men who could be fair for his women. The interesting things of Mahmud Shaltut explanation was when he answered and criticized the argumentations of previous scholars. Even, Mahmud Shaltut quoted and criticized al-Ghazali opinion about polygamy, for him, al-Ghazali still followed up the previous teachings of scholars that made polygamy as suggestion. Suggestion for satisfying sexual needs of men, that could be impossibly fulfilled by only one wife. By social-anthropology of Muhamud Shaltut, polygamy is woman group's anxiety that will break household arrangement and in the end will affect the larger society arrangement.<sup>46</sup>

According to Sheikh Ali Jum'ah, Islam teachings about polygamy, is followed by some limitations, till it does not open any possibility to do polygamy that tends to be massive. History writes when Prophet Muhammad Saw ordered his friends to choose four of their wives and divorce the remaining. Sheikh Ali Jum'ah continued that the main purpose of polygamy by Islam is to release the orphans and widows. Further, he explained about the importance of being fair in applying polygamy.<sup>47</sup>

Muhammad Abduh said, the requirement of allowing polygamy are characteristic and fair behave. For him, these polygamy requirements are only limited for east people, but so west people. If a man could not be fair, so it is supposed not to do polygamy practice, because it will break the good arrangement of household. Therefore, polygamy order is an absolute order but an order that tends to be hated. Further, Abduh stated that one of causes of allowing polygamy because the amount of woman is more that man; it is caused by some incidents of wars.

Abduh rejected west people thought that stated, polygamy in Islam is an adoption of Jahiliyah tradition. Islam supposes polygamy in the aim of prosperity till polygamy in Islam is in limitation (read; four). Different with Jahiliyah tradition which applied polygamy rules with no limitations. Polygamy in Islam aims to uphold humanity values, for woman freedom from poverty. Abduh denied slavery rules in applying polygamy teachings. Because for Abduh, slavery system in Islam had been over following the development and era change. Abduh recommended to all judges to prohibit polygamy for men who were considered not able to do fair behave. Therefore, it will lower woman dignity and break her future descendants.

Qasim Amien in delivering polygamy problematic tended to talk about the study in the social-society domain. For Qasim Amien, polygamy will only break family arrangement that will affect to larger society in the end. Qasim Amien stated that, there is no any girl who was willing when he saw her husband closed with or have affection relation with another girl. As the same as a man who will never be willing to see his wife having

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<sup>45</sup> Laila Ahmad, *al-Mar'ah wa al-Junūṣah fī al-Islām al-Judūr al-Tārikhiyyah li Qaḍiyyah Jadaliyyah Hadīthah*, terj., Muniy Ibrāhīm, Hālah Kamāl, (Cairo; al-Mashrū' al-Qaumī li al-Tarjamah al-Majlis al-'Alā li al-Thaqāfah, 1999,) 45-47.

<sup>46</sup> Mahmūd Shaltūt, *al-Islām 'Agīdah wa Shari'ah*, (Cairo; Dār Shurūq, 2001), 179-191.

<sup>47</sup> Alī Jum'ah Muhammad, *al-Mar'ah fī al-H{a}qārah al-Islāmiyah baina Nuṣūṣ al-Shar' wa Turāth al-Fiqh*, (Cairo; Dār al-Salām, 2006), 51-51.

a date and affection relation with another man. Qasim Amien once more strengthened, polygamy was the biggest abuse for woman, that thing is caused by polygamy will only remain misery, worry, and sadness. Qasim Amien hard opposed that fuqaha statement was interpreted fairly by fair behaves in dividing wealth with affection. Thus, Qasim Amien considered interpretation only replaced woman as the same a pet. Qasim Amien explained, there is no man who could be fair for his woman, as has been explained in Al-Qur'an, till he rejected polygamy in the context of fair behaves. But further, Qasim Amien his opinion with the polygamy if the wife gets illness that she could not give any descendants. If there is not found any of this gap, so Qasim Amien recommended as judges, Muhammad Abduh to prohibit men to do polygamy. This thing is specifically supposed for the family prosperity and widely for general people.<sup>48</sup>

#### 4. Study of Women's Inheritance

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ

Allah prescribes for you regarding (the distribution of inheritance for) your children. That is; the share of a son is equal to the share of two daughters.<sup>49</sup>

Life is like a clock that is always turning, a cycle that has a connection between one point and another. Likewise the universe, it is created in the attachment of one element to another. Hagel with his dependency theory said that no single element can stand alone. He illustrates that the number one can exist because previously there was a zero and so on.

The purpose of the formation of the family is because of the theory of dependence and attachment. The wife is obliged to give her husband's rights as the husband is also obliged to fulfill his obligations to fulfill the wife's rights. Attention and understanding are the main keys to family harmony. For that, every individual in the family has the same rights and obligations according to their respective nature!

Inheritance rights are one of the family problems that are still a special concern for observers of gender, human rights and so on. The word inheritance has the meaning, people who are entitled to receive inheritance from people who have died.<sup>50</sup> Theologically, Jewish teachings forbid women or wives to own property owned by their husbands, it is a series of abuses against women. It is written in the old Testament book that there are three groups who have no rights to have property; the wife, child and slave.<sup>51</sup> The Jahiliyyah established that women have no rights to receive any inheritance from their husband. They even have no rights to have the husband's property but the spoils of war. In France, 19<sup>th</sup> century after the revolution of France, women had not been given the rights to receive or having their husband's property without the permission and approval from him.<sup>52</sup>

Asbab al-Nuzul from the verse above can be said fairly varied. A history narrated about a wife of Sa'd bin al-Rabi' complained to prophet Muhammad about the death of her husband and his inheritance. All of her husband's heritance was taken by her husband's brother. After the complainant, came down a verse written above. Another history tells that once upon a time, prophet Muhammad and Abu Bakar al-Siddiq walking to Bani Salamah to meet Jabir. When both arrived in Bani Salamah, they found Jabir unconscious, then, they splashed some water to Jabir until he woke up. After he woke up, Jabir asked about how to divide his property. Then, the verse above came down. In another history, Ibn Abbas narrated that the verse above came down as the replacement of Jahiliyyah tradition which specialized inheritance only for sons, whereas the wills being the rights of both parents. Another history stated that the verse above as the eraser of Jahiliyyah tradition which gave inheritance only for the children who participated in war against the enemy.<sup>53</sup>

<sup>48</sup> Qasim Amin, *Tahrir al-Mar'ah*, Op, cit., 123-130.

<sup>49</sup> Departemen Agama Republik Indonesia, *Al-Qur'an dan Terjemahannya*, Op, cit., 116.

<sup>50</sup> Lukman Ali, et. al., *Kamus Besar Bahasa Indonesia*, Op, cit., 1125.

<sup>51</sup> As'ad al-Sahamrānī, *al-Mar'ah fī al-Tārīkh wa al-Syarī'ah*, Op, cit., 27.

<sup>52</sup> *Ibid.*, 210.

<sup>53</sup> Abū Abdillāh Muḥammad bin Aḥmad al-Anṣārī al-Qurṭubī, *al-Jāmi' li Aḥkām al-Qur'ān*, Op, cit., 45-46.

Contemporary Islamic scholar/reviewer declares that Islam places the women's rights is lower than men's. It is viewed from the rules applied by Islam regarding the distribution of inheritance. They base their opinion on quran verse, surah An-Nisa verse 11, about inheritance rights. Mahmud Shaltut answers, the matter of inheritance rights in Islam is not focused on human rights issues which should be fairly divided between men and woman, however it is more to the aspect of need a men's responsibility which is far more than women. Men in Islam have the obligation to provide for their wives, children and relatives, while women do not have such responsibility. Likewise, men in Islam have the obligation to give a dowry to the wife, while the wife is given the right to determine the nomination of the dowry. So, for Mahmud Shaltut, the distribution of inheritance received by men exceeding the share of women cannot be considered as a violation of human rights.<sup>54</sup>

Rashid Rida in his book, *Huquq al-nisa' fi al-Islam*, explains that the responsibilities and needs of men for property are far more than women. Rasyid Rida explained that men have an obligation to pay a dowry when they want to marry a woman and are obliged to spend part of their wealth to the poor.<sup>55</sup> Ali Jum'ah added that men have the responsibility to provide for their wives even though their wives have property.<sup>56</sup> The responsibilities carried out by men have indirectly positioned women as queens. All his thoughts and energies were almost devoted to providing for women.

The application of inheritance law in Islam focuses more on the principles of function, usefulness and justice. This allows for nominal inequalities. Like a schoolboy, the higher the level he climbs, the greater the wants and needs he has. Likewise a man, he is fully responsible for the benefit of women. And of course there are still many secrets behind the law of inheritance that have not been revealed. Although some other people still feel injustice just because they believe that justice must always mean the same and equal.

## 5. Study of Divorce

وَإِنْ أَرَدْتُمْ اسْتِبْدَالَ زَوْجٍ مَكَانَ زَوْجٍ وَءَاتَيْتُمْ إِحْدَاهُنَّ قِطْرًا فَلَا تَأْخُذُوا مِنْهُ شَيْئًا أَتَأْخُذُونَهُ بُهْتَانًا وَإِسْمًا مُبِينًا

“And if you wish to replace a wife by another and you have given one of them a heap of gold (as Mahr) then do not take from it anything; would you take it (what you promised) by slandering and manifest sin?”

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِنْ أَهْلِهِ وَحَكْمًا مِنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا

“If you fear a divergence between the two (husband and wife), then appoint an arbiter from his family and an arbiter from her family. If they both (husband and wife) wish for reconciliation, Allah will make them successful in their reconciliation. Surely, Allah is All-Knowing, Well-Acquainted with all things.”

وَإِنْ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُورًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ وَأُحْضِرَتِ الْأَنْفُسُ الشُّحَّ وَإِنْ تُحْسِنُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا

“And if a woman fears negligence from her husband, or turning away from her, there is no sin upon them if they make terms of settlement between them and reconcile, and peace and reconciliation is better. And the souls have been created ready (inclined) towards niggardliness (jealousy and greed). And if you be good and have piety (takwa), surely Allah is Well-Acquainted with what you do.”

Balance is the key to building sustainability. Balance is only obtained when two different elements give and receive in equal portions. One of the purposes of advocating the doctrine of marriage is to balance two different people. In marriage, the wife is expected to be a balancer or in other words a partner for the husband. As for that, a wife must be able to balance the intellectual and needs desired by the husband as the husband must pamper his wife. This is one of the basic causes of the emergence of women's emancipation.

On the way, obstacles will surely come your way, trials will surely be blasphemy. Only faith and determination make humans understand the mysteries of life. Likewise in domestic life, various life problems are always present and force a person to take actions that ultimately lead to divorce. Al-Talaq, that is what the

<sup>54</sup> Mahmūd Shaltūt, *al-Islām 'Agīdah wa Sharī'ah*, Op, cit., 237-239.

<sup>55</sup> *Ibid.*, 213.

<sup>56</sup> Ali Jum'ah Muhammad, *al-Mar'ah fi al-Haḍārah al-Islāmiyah baina Nuṣūṣ al-Shar' wa Turāth al-Fiqh*, Op, cit., 28.

Arabs gave the term to the word divorce. Al-Talaq is a foreign loan word which in the big Indonesian dictionary is written with the word *talak*. *Talak* means divorce in Islamic law between husband and wife at the will of the husband.<sup>57</sup>

Before the author discusses further about divorce, the author will present some rights and obligations that must be fulfilled in the household. It is very urgent to determine whether the household ark will end in divorce or not! Among the obligations of a wife is to maintain household property as it is the husband's obligation to obtain or hold the property. It is narrated that if a wife donates her wealth, she will receive a reward from the infaq property, while the husband will get a reward from his hard work in obtaining the property. The wife is obliged to maintain the relationship by not leaving the house without the husband's permission while the husband's obligation is to fulfill all the needs of his wife and by treating his wife as well as possible.<sup>58</sup>

The benefit of the household is a shared responsibility between the wife and husband. Mutual understanding, care, mutual forgiveness, patience and love must always be nurtured and watered. This will be achieved when both uphold the principles of justice and patience. Without it all, it is impossible for family harmony to be formed. When domestic harmony has been lost, the only way is divorce.

Theologically, divorce is applied in the holy book of Torah. The Jews allow divorce if there are two gaps in the wife. First, physical disabilities, such as; blurred vision, squint, unpleasant breath, hunchback, limp and infertile. Secondly, moral defects, such as; shameless, dirty, talkative, emotional, rebellious, excessive, greedy and arrogant. If the husband finds one of the loopholes mentioned above, he has the right to divorce his wife. Meanwhile, if the wife finds one of these gaps in her husband, she has no right to drop divorce or ask for divorce. Adultery is the main reason why a husband is allowed to divorce his wife.<sup>59</sup>

Apart from the above, the Jews ordered each husband to divorce his wife and marry another woman if within ten years he still had no income. Judaism also imposes the law on divorce for a husband who intends to divorce his wife even without expressing the intention.<sup>60</sup> Jewish men who felt that they did not get pleasure from their wives were obliged to divorce and order their wives to marry other men.

Meanwhile, the divorce command in Christian shari'ah looks more humane. Because, Christians stipulate that whoever divorces his wife without the reason that she has committed adultery, then he has fallen into adultery. And whoever marries a woman who has been divorced by her previous husband, she has fallen into the valley of adultery. It is stated in the permit which told prophet Isa As when he was asked about divorce.<sup>61</sup> The order seemed to prohibit *talak*.

Furthermore, it differs with the previous doctrine. In Islam, *Talak* becomes the most ending solution in maintaining household profit. *Talak* is command that has a characteristic to despise not to say forbidden.<sup>62</sup> Also, Islam elaborates particular rules that must be done before executing a divorce. The rules are; First, if the bride feels incompatible, the rule given by Islam is to do self-introspection with the belief that something that is considered ugly may have wisdom and blessings in it. If the first method is still not capable without the bride and groom returning, then the second, Islam teaches the bride and groom to have a dialogue without any intention or desire to divorce.<sup>63</sup> Meanwhile, if it still can not solve the problem, Islam commands to separate the bed or beds. And If it is unable to build harmony, and the bride and groom, husband and wife are worried or afraid that a split will occur, the rule that must be fulfilled is to call a mediator (judge) from both parties.<sup>64</sup> Even

<sup>57</sup> Lukman Ali, et. al., *Kamus Besar Bahasa Indonesia*, Op, cit., 995.

<sup>58</sup> Rifa' al-Tahtāwī, *al-Murshid al-Amīn li al-Banāt wa al-Banīn*, Op, cit., 278-282. And read: Mahmūd Shaltūt, *al-Islām 'Agīdah wa Shari'ah*, Op, cit., 160-163.

<sup>59</sup> Rashīd Riḍā, "*al-Talāq fī al-Islām*", *Hiṣād al-Fikr al-'Arabī al-Hādīth fī Qaḍāyā al-Mar'ah*, (Muassasah Nāsr li al-Thaqāfah, 1980), 250-251.

<sup>60</sup> *Ibid.*, 254.

<sup>61</sup> Abbās Mahmūd al-Aqād, *al-Mar'ah fī al-Qur'ān*, Op, cit., 91-92.

<sup>62</sup> *Ibid.*, 95.

<sup>63</sup> *Ibid.*, 95.

<sup>64</sup> Mahmūd Shaltūt, *al-Islām 'Agīdah wa Shari'ah*, Op, cit., 170-171.

if there is still no agreement, Islam recommends *talak* with a grace period of forty days. *Talak* is Islam applies to for about twice. Besides, If its up to three times then Islam shari'ah not to reunite the two partners again unless it has been married to another man.<sup>65</sup> Islam justifies women who feel they do not have the right to apply for divorce, on condition that they pay a ransom or in fiqh terms it is called *al-khul*.<sup>66</sup>

Divorce in Islam consist of some rules that are so difficult and layered, it implies that divorce in Islam is not an easy commandment and recommended command. Because divorce will have an impact on the development and benefit of society in general.

Muhammad Abduh saw divorce would have an impact on the destruction of the household order which would have a major effect on the dynamics and society benefit. Therefore, Muhammad Abduh states some new rules by giving divorce rights only to local judges. In which, it aims to avoid causes family violence and divorce. Those rules include; First, if the husband wants a divorce, he must argue for it and explain the reasons for the incompatibility of the judge or the split that occurred. Second, after listening to the husband's complaints, the judge is obliged to give advice to both of them in accordance with the teachings of the Qur'an and Hadith which lead to the statement that divorce is hated by religion.

Meanwhile, the judge elaborates the bride and groom time to think further for approximately one week. Third, if the husband is still determined to divorce, the judge calls the guardians of the bride and groom to have a meeting. Fourth, if its problem can not be solved or it is unable to rebuild the household, so the judge allow a divorce. Fifth, divorce is declared invalid if it is not carried out before a judge and at least two witnesses written in the form of an official divorce certificate. Besides, Muhammad Abduh explained that the task of forming judges is the duty of the state and Muslims as a whole. This is to safeguard the benefit of future generations, families and general society.<sup>67</sup>

Qasim Amin views that divorce is actually a prohibition but it is allowed in an emergency condition. This opinion is inspired by the Qur'an verses mentioned above and reinforced by the prophet's hadith which says, divorce is a lawful act and it is hated by God, as it states in Ali bin Abi Talib's words ; "Get married and do not divorce because it will destroy the order". Besides, Qasim Amin raised the differences issue between fiqh scholars regarding the divorce law. In general, Qasim Amin classified the issue of divorce into three parts. First, Hanafiyah school's opinion which agrees on the existence of divorce without any intention. This opinion was criticized by Qasim Amin because it directly contradicts with the Islam doctrines regarding the meaning and function of intention. Second, the group of fiqh experts who divide divorce into two, first, clear divorce (*ṣāriḥ*) and vague divorce (*kinayah*). Furthermore, clear divorce is punishable once and it is possible to return again, unexplained divorce is punished as *talak* three times and is not allowed to return again except after being married to someone else. Meanwhile, the Shafi'iyah madzhab argue that a vague divorce is punished as one divorce and it is possible to return. Third, the group which generally agree on the limit of *talak* up to three except during menstruation, but they still have different opinions in understanding the word "triple *talak*". Qasim Amin disagreed with the *fuqaha* who focused more on language issues. Qasim Amin emphasized that the divorce meaning is the desire of bride and groom to break the marriage rope for various reasons and considerations, so divorce does not mean saying a word consisting of several letters as questioned by fiqh experts. Qasim Amin regretted the fiqh experts actions who only revolved around the circle of language discussion without looking further into the history and reasons for allowing divorce. Qasim Amin explained, we are now living in the era of thousands men and thousands divorcees. It is as if men have full power to play with their wives by the divorce doctrine.<sup>68</sup> Therefore, Qasim Amin agreed with Muhammad Abduh's opinion who made new rules about divorce. The efforts of Muhammad Abduh and Qasim Amin were aimed at restoring the divorce function. So it is not easy to be manipulated and used as a proposition to harass the women.

<sup>65</sup> Abbās Mahmūd al-Aqād, *al-Mar'ah fī al-Qur'ān*, *Op. cit.*, 95-96.

<sup>66</sup> Mahmūd Shaltūt, *al-Islām 'Agīdah wa Sharī'ah*, *Op. cit.*, 172.

<sup>67</sup> Muhammad Abduh, *al-A'māl al-Kāmilah li al-Imām al-Shekh Muhammad Abduh*, *Op. cit.*, 174-175.

<sup>68</sup> Qāsim Amīn, *Tahrīr al-Mar'ah*, *Op. cit.*, 130-145.

## 6. Women and Leadership

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ

"Men are leaders for women, because God has favored some of them (men) over others (women)..."

The word al-Rijāl in the Qur'an are repeated 56 times with various meanings according to the verses' arrangement. The word al-Rijāl in the verse above means male gender. Men who become leaders or protectors of women. The virtue of a man in the verse above lies in the responsibility he carries.<sup>69</sup> The leadership version of the verse above is charged to men, although it is possible that there are women who have the ability to think, act, and manage, organize and lead more than men.

Al-Qurtubī interprets the verse as the obligation of men to provide and protect the women. The verse directly teaches ethics to men so that they are always responsible for the survival of women's lives. Men are obliged to guard, protect, teach, educate and invite good deeds and stay away from evil and evil deeds. When a man is unable to carry out his obligations to protect, protect and provide the women, then the word 'qawwāmūnah' does not apply to the man.<sup>70</sup> In this context, Ibn Hazm is somewhat more militant than al-Qurtubī, for Ibn Hazm women are basically not obliged to serve their husbands in terms of providing food, sewing, and so on. It is precisely the husband who is obliged to prepare clothes and food that is ready to be eaten by his wife and children.<sup>71</sup>

Contemporary scholars and interpreters, interpret the verse by only limiting it to the household scope. The word 'al-Rijāl' is interpreted as 'husbands', this is emphasized by the continuation of the verse which says 'they (husbands) spend part of their wealth for their wives'. If what is meant by 'al-rijāl' is men in general, then the editorial of the verse will not lead to the obligation to provide the wives.<sup>72</sup>

Rashīd Riḍā interprets the verse as a continuation of the previous verses. When Allah forbids men and women to harbor envy because of the distribution of wealth, sustenance, and inheritance. Then Allah sent down the verse as a continuation of the provisions that Allah had given. As has been explained, men have the responsibility to protect, look after, nurture, and provide for women. And he has responsible for carrying out the command of jihad in the form of war against the enemy. The meaning of the word 'qawwāmūnah' in the verse aims to protect, direct so as to create a strong and resilient unity. The word 'qawwāmūnah' is not meant to dominate or oppress. Because actually a good leader is a leader who provides protection and directs to a better direction, not dominates or oppresses.<sup>73</sup>

Sayyid Quṭb limits the verse to the household. The family or household is the beginning of the formation in the wider community. When the household is well organized, it is certain that it will produce a harmonious and peaceful society. The family is a small society built on the principles of love, compassion and humanity. The principle that has full legitimacy from the Islam doctrines. Religion which from the beginning reminds us that humans are created from the One God, comes from one nafs and upholds a sense of justice. God who does not want tyranny and arbitrariness. God created man and woman in pairs. Women are responsible for conceiving, breastfeeding, giving birth and raising children, as well as being intermediaries for husbands and children. This is not an easy thing for women. It takes mental, mind and body preparation. So it is very fair if men are responsible for protecting, keeping, and providing for women. The advantages possessed by men are more physical, while the advantages possessed by women are more emotional. It's no exaggeration if women seem softer, more patient and more responsive when they hear and see a crying child. All of these are advantages that each man and woman has in general.<sup>74</sup>

In general, the interpreters agree that the 'leader' or 'protector' is actually the main task of men. This is because men naturally have the advantages that a leader needs. With a shared belief, the task of a leader is to

<sup>69</sup> Nasaruddin Umar, *Argumen Kesetaraan Jender Perspektif Al-Qur'an*, Op, cit., 144-150.

<sup>70</sup> Abū Abdillāh Muḥammad bin Aḥmad al-Anṣārī al-Qurtubī, *al-Jāmi' li Ahkām al-Qur'ān*, Op, cit., 127-128.

<sup>71</sup> M. Quraish Shihab, *Wawasan Al-Qur'an Tafsir Maudhu'i atas Pelbagai Persoalan Umat*, Op, cit., 310-311.

<sup>72</sup> *Ibid.*, 314.

<sup>73</sup> Muḥammad Rashīd Riḍā, *Tafsir al-Manār*, Vol. V, Op, cit., 67-78.

<sup>74</sup> Sayyid Quṭb, *Fi Zilāl Al-Qur'a'n*, Vol. II, Op, cit., 650-651.

protect, keep, maintain and direct the guided. Thus, the men's dominance in terms of leadership over women is not negative. Or in other words, men's leadership is not meant to limit or oppress women. Although it is possible, men inherit feminine traits so that it is very difficult for him to become a leader, as well as women who inherit male traits, so it is very easy for him to become a leader.

### III. CONCLUSION

Feminism studies often benefit the West. This is because the feminist movement is believed to have emerged and developed in the West. As a nation that feels that it is early to experience enlightenment, the West feels that all events that occur outside the West have similarities and are related, making it very easy for the West to conduct studies. These feelings then become beliefs that are passed down from generation to generation, so that they unconsciously have become a separate obstacle for Western nations in studying and exploring other worlds. These barriers result in very slow mental development.

On the other hand, Eastern peoples who in this case are Islam feel the need to present the face of Islam in an eastern context. Because the true birth and growth of Islam is inseparable from the East. Logically, the West and East have different historical experiences. Even though there are similarities, actually it is just a coincidence, not influence or dependence. Studying the East using the West's glass will ultimately be hasty in drawing a conclusion.

Based on these considerations, the author raised the theme of feminism from an Eastern point of view, in this case the Qur'an as a way of life for the Eastern (Islamic) nation. The Qur'an pays special attention to women. Because from the beginning the Qur'an aims to form a religious community that upholds the principles of justice, egalitarianism and humanity. Surah al-Nisā' is a clear proof of the Qur'an's concern for women's rights. Women who become partners for men in forming the seeds of society. Women who are the main pillars in building families and preparing future generations. It's no exaggeration if women are likened to the pillars of the state, the goodness of women will have a good impact on the country and the badness of women will have a bad impact on the country.

Realizing the importance of women, the Qur'an has long ago reminded mankind that men and women are God's creations. Both originate from the one nafs. And from both of them created offspring of various shapes and styles. Seeing the functions and duties of each, it would not be an exaggeration if the Qur'an gave more inheritance rights to men than women. Because in the end, the part that men receive will be reserved for women. It's just that the concept of the Qur'an which is based on justice is ultimately interpreted as part of the injustice of the Qur'an in treating women. Just because it interprets justice as something that must be exactly the same without considering the value of function, purpose, and so on.

The Qur'an do not only provide rules in the form of property rights for women, it also warns mankind to always maintain the relationship between men and women. Gathering which aims to keep and maintain the balance of life, so as to create a civil society. If each man and woman realize their function and purpose, then jealousy between others is very easy to overcome. Envy is a virus for human harmony. A virus that becomes a parasite for the growth of human values

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