

# THE CONCEPT OF MURTADHA MUTHAHHARI ON FREEDOM AND EQUALITY OF WOMEN'S RIGHTS IN ISLAM



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## Abstract

This article describes the concept of Murtadha Muthahhari's thoughts on freedom and equality of women's rights in Islam. Studying freedom and equality of women's rights in Islam is essential to respond to misinterpretation of women, which causes Westerners to make wrong assumptions about women in Islam and issue negative ideas about Muslim women. The primary data of this article is Muthahhari's work entitled Women's Rights in Islam and Women's Philosophy in Islam. This study used an analytic description method with a factual historical approach regarding the characters. This article presents how Muthahhari explains emancipation, freedom, and equality of women's rights in Islam. Muthahhari explained that emancipation is a movement that determines the equality of women's rights against men's rights to obtain justice and happiness. Meanwhile, according to Muthahhari, the freedom and equality of women's rights in Islam is that women and men have equal rights but not freedom and equality, which is the same between equality and identity, must be distinguished. Different from other figures who study women's issues, Muthahhari uses methods from Islam by using philosophy and religion as a starting point.

## Abstrak

Artikel ini menguraikan konsep pemikiran Murtadha Muthahhari tentang kebebasan dan persamaan hak perempuan dalam Islam. Kajian terhadap kebebasan dan kesetaraan hak-hak perempuan dalam Islam sangat penting untuk menyikapi salah tafsir terhadap perempuan yang menyebabkan masyarakat Barat salah berasumsi tentang perempuan dalam Islam dan mengeluarkan gagasan-gagasan negatif terhadap perempuan Muslim. Data primer artikel ini adalah karya Muthahhari yang berjudul Hak-Hak Perempuan dalam Islam dan Filsafat Perempuan dalam Islam. Penelitian ini menggunakan metode deskripsi analitik dengan pendekatan sejarah faktual mengenai tokoh-tokohnya. Artikel ini menyajikan bagaimana Muthahhari menjelaskan emansipasi, kebebasan, dan kesetaraan hak-hak perempuan dalam Islam. Muthahhari menjelaskan, emansipasi merupakan gerakan yang menentukan persamaan hak perempuan terhadap hak laki-laki untuk memperoleh keadilan dan kebahagiaan. Sedangkan menurut Muthahhari, kebebasan dan persamaan hak perempuan dalam Islam adalah perempuan dan laki-laki mempunyai hak yang sama tetapi tidak kebebasan dan kesetaraan, yang mana persamaan dan identitas harus dibedakan. Berbeda dengan tokoh-tokoh lain yang mengkaji persoalan perempuan, Muthahhari menggunakan metode dari Islam dengan menggunakan filsafat dan agama sebagai titik tolaknya.

## INTRODUCTION

In Islam, the principle of equality is always upheld because Islam respects and glorifies humans according to their capacity. There is no distinction in the eyes of Islam between humans of any race or color, except that humans are said to be greater than others because of their piety. All elements of ethnicity and race are not considered as distinct elements at all (Mubarokah, 2021).

Likewise with the problems of rich and poor, rulers and commoners, as well as men and women, unless it has entered into the realm of biological issues. (Mubarokah, 2021) It is explained in the word of Allah SWT, surah Al-Hujarat: 13, as follows;



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

*Meaning: O mankind! Indeed, We have created you from a male and a female, then made you nations and tribes to know one another. Verily, the most honorable of you in the sight of Allah is the one who is the most pious. Indeed, Allah is All-knowing, All-Consistent.*

The verse above explains that in the sight of Allah, men and women are equal, and their piety is different (Hasri, 2018). Islam is a religion that guarantees women's rights. Giving rights and protection to women was an extraordinary achievement at the time, and it must be acknowledged that there are biological differences between men and women. However, based on the law, men and women have equal rights and positions, except in certain respects that must be adjusted to their instincts. Therefore, women have priority to be glorified and treated as gently as appropriate (Taufik, 2015).

Even so, the Qur'an is the eternal truth, but its interpretation cannot be avoided as something relative. Ulama have misunderstood many verses of the Qur'an and Hadiths about women for centuries. Muslims have felt all the consequences, for example, the history of women being buried alive, the decline in education among women, meager participation, the drafting of Islamic laws that sometimes tend to discredit women, and so on (Bilqis Fajarwati, 2015).

Because of the misinterpretation of women, Westerners have the wrong assumptions of women in Islam, where they express negative ideas about Muslim women. They see Islamic law as humiliating and insulting women. Therefore, the thoughts of Murtadha Muthahhari emerged, which were very much against the West regarding women. In all the movements of the West, from the 17th century to the present, the ideas that always appear are focused on freedom and equality (Muthahhari, 1995).

Murtadha Muthahhari was an Islamic intellectual and ulama who mastered many sciences such as *Fiqh*, *Islamic theology*, *Sufism*, *Logic*, *Philosophy*, *Feminism*, and others. Allamah Ayatullah Murtadha Muthahhari was born on February 2nd, 1919 AD, in Fariman, a town in Northeastern Iranian Khurasan Province, located 60 km from Marsyad, which was a major Syrian study and pilgrimage center in Eastern Iran (Naibin, 2020). Murtadha Muthahhari was born and raised in a highly religious family of Syi'ah theology. His father was a *Hujjatul Islam* named Muhammad Husein Mutsahhari, a prominent ulama respected by the layers of society in Khurasan and throughout Iran (Risky, 2020).

Iran is an Islamic state that has been much discussed in its history and political system. The state of Iran is also the most significant state of Syi'ah. Iran is one of the Islamic countries that is experiencing a rapidly expanding women's emancipation movement so long before the Islamic Revolution of Iran, in which women under the government of the Pahlevi regime had equal status with men in the right to speak (Sumarno, 2020).

Although the emancipation of women from traditional norms took place in the Reza Shah Pahlevi government, crucial matters such as the family and political rights legislation had not changed. During the reign of Reza Shah Pahlevi, women also gained pressure and a lack of freedom in dressing, where Iranian women had to follow the style of European fashion and were forbidden from wearing hijab or *cadar* (face-veil). Then, women are also sent to universities that adopt Western education and have to ignore their piety, where it is not easy to defend their hijab (Kamaluddin, 2011).

The phenomenon that occurred in Iran has led to the emergence of Murtadha Muthahhari's thoughts about freedom and equality of women's rights in Islam. Murtadha Muthahhari began its enchantment of freedom and equality of rights by first understanding

the explanations or limitations of Islam and the text of the Qur'an. In this case, Murtadha Mutahhari is very responsive to social, cultural, political realities and developments in the world. The thought of Murtadha Muthahhari is also a response to the phenomenon of Westernization against Eastern society and the existence of the Islamic world that is viewed to harm and endanger the existence of Islam in Iran at the time. Murtadaha Mutahhari's thought is an explanation of feminism in historical reality related to the clarity of women's rights in Islam (Muthahhari, 2012).

As previously said, Murtadha Muthahhari strongly opposed Western opinion of women. Although the movement of women's rights in the West follows the same order as other movements and the history of women's rights in Europe is full of tremendous difficulties as far as their freedom and equality are concerned, in this regard, what is being discussed and debated is only about freedom and equality (Muthahhari, 2009).

In Murtadha Mutahhari's view, it must be distinguished that men and women have similarities but not the same freedom of equality. Women and men are equal; women are human beings created by God, the same as others. The status of women in the Qur'an is very humane. Men and women have the same human rights, but that does not mean that the rights of women and men must be the same; equality and identity must be distinguished (Muthahhari, 1995). Murtadha Muthahhari's style of thinking about freedom and equality of women's rights in Islam uses intuitive methods and semi – intuitive ones. So, it can be understood that the style of Murtadha Muthahhari's thought uses the method of Islam, where this intuitive method is an essentialist and realist style. This method is understandable to explain Islam, feminism, and women's rights using historical philosophy. Muthahhari.

Murtadha Motahhari's thoughts on feminism and women's rights in Islam are acceptable to the world and quite expositional. In providing explanations and criticisms about feminism and women's rights in Islam, Murtadha Motahhari first places the reality approach of Islam as a change. Criticism and explanations about feminism and women's rights in Islam show that Murtadha Motahhari is a great ulama, not only for the country of Iran but also throughout the world, including Indonesia. So, it is no longer surprising that many of Murtadha Mutahhari's works have been translated into various languages, such as English, Arabic, Persian, Malay, and Indonesian (Muthahhari, 2012). Therefore, it is essential to examine the freedom and equality of women's rights in the view of Murtadha Motahhari, how he expresses that men and women have equal dignity and whether the equal rights violate their nature as women or not.

The type of research used is qualitative research, which is library research (Rozi, 2017). The primary data sources were obtained from books by Murtadha Mutahhari, namely *Women's Rights in Islam and Women's Philosophy in Islam* (women's rights and the relevance of social ethics). This study used analytical description, historical continuity, and data interpretation methods, using a factual historical approach to figures or a philosophical approach (Zubair & Bakker, 1990).

In contrast to previous studies, the focus of the discussion was mostly on the concept of education and the values of women's education. Meanwhile, this article aims to analyze Murtadha Mutahhari's thoughts on freedom and equality of women's rights in Islam. There has been a lot of research on the study of freedom and equality of women's rights in Islam. Therefore, the research that has been carried out generally differs from this article, which focuses on discussion related to the analysis of Murtadha Mutahhari's thoughts about freedom and equality of women's rights in Islam. He explained the freedom and equality of rights of women and men and revealed that men and women have equal

dignity. In this case, Murtadha Muthahhari also outlines the form of freedom in equal rights itself.

## DISCOURSE OF WOMEN'S EMANCIPATION IN ISLAMIC THOUGHT

Islam and women are two inseparable words. In Islam, the emancipation of women has been ongoing for 14 centuries, but it has not been recognized by a number of groups who are still voicing their demands for women's emancipation. In the view of Islam, emancipation is a natural thing and must happen for the development of culture and patterns of human life in the universe. Humans were created on this earth to have the same rights and freedoms given by Allah SWT. (Ridwan, 2015).

It has been explained in the Qur'an that voicing liberation is essential. It can be seen in the surah *An-Nahl: 58-59*, which means: *And when one of them is given news of (the birth of) a daughter, his face will turn black, and he is furious. He hid himself from the crowd because of the bad news that was conveyed to him. Will he keep her with humiliation, or will he bury her in the ground (alive)? You know, how bad what they charge.*

Thus, the explanation of the verse of the Qur'an has proved that Islam has fought for women's rights and made women's emancipation an integral part of religious life. Islam has recognized women's position as evidenced by eliminating discriminatory traditions against women (Hanim, 2020).

Islam has regulated the roles and duties of women, both in families where a woman has the role of a housewife who is responsible for caring for children and serving her husband. Islam has also guaranteed women's rights, such as the right to inherit, get an education, and choose a partner. (Hanim, 2020)

Islam has a philosophy regarding the rights relationship between men and women because both have the same position. However, the notion of equality in Islam differs from what the women in the West have adopted, claiming equality between men and women in all respects. In Islam, women have rights and opportunities to pursue a career without neglecting their functions and positions as women. Islam also gives strong encouragement for Muslims to pursue careers in all fields. Then, Islam also liberates women from the bonds of stupidity, backwardness, and slavery (Tanhulu, 2010). From the explanation above, it can be concluded that discourse on women's emancipation in Islamic thought is a movement that calls on women to return to the Qur'an and Sunnah in matters of relations and gender.

## MURTADHA MUTHAHHARI'S THOUGHTS ABOUT EMANCIPATION

The word emancipation comes from the Latin "*emancipatio*," which means liberation from the hands of power (Ridwan, 2015). So, emancipation is an attempt to demand equal rights for women against men's rights in all spheres of life. Emancipation is also liberation from the bonds and pressures to own and determine the way of life freely (Ismawati, 2021). From the above definition, it is explained that emancipation is the manifestation of women's struggle so that their honor and dignity can be equal to the men.

Before discussing emancipation in Muthahhari's view, the author will first explain feminist views on emancipation. In general, Muslim feminist thinkers voiced women's freedom, such as Qasim Amin, who argued that emancipation aims to liberate women so that they have freedom of thought, will, and activities to the extent that is justified by Islamic teachings and are capable of maintaining the moral standards of society (Tetap & Menganti, 1882).

Similarly, according to Asghar Ali Engineer, emancipation is an equal condition for men and women to allow opportunities and rights as human beings so that they can play a role and participate in political, legal, economic, social – cultural, educational, defense activities as well as equality in enjoying the results of development (Tetap & Menganti, 1882).

Meanwhile, in his book about women's rights in Islam, Murtadha Muthahhari said that emancipation was an incident of the Industrial Revolution, which made women work as workers who were cheaper than men. Employers prefer them as workers to men who are more expensive and rebellious. The first law in the emancipation of our grandmothers was the law of 1882, which stipulated that women even owned the money they earned from that time. From the incident of the Industrial Revolution, women began to speak for women's rights in various ways to reach freedom and equality of rights in determining their lives and achieving happiness. Muthahhari. Emancipation is a movement that demands equality of women's rights against men's rights to obtain justice and happiness in carrying out their lives.

Based on the explanation above, they both emphasize emancipation in a movement that demands the equality of women's rights against men's rights to get justice and happiness in life. Meanwhile, what differentiates their views is the method used in studying emancipation itself. The women's movement through this emancipation resulted in forms of emancipation in voicing freedom and equality of rights. In the view of Murtadha Muthahhari, the forms of emancipation are as follows:

#### 1. The Position of Women in Islam

Quantity differs from quality. Then, the Similarity is different from identity. Islam does not equate the rights of men and women. However, Islam has never espoused prioritization and discrimination in favor of men and women. Islam also outlines the principle of equality between men and women, but Islam does not agree to the identical rights of the two. The word "equality" has acquired a kind of purity because it encompasses the notion of justice and non – discrimination (Muthahhari, 2009).

From the explanation above, it can be said that men and women are equal in rights but not exactly equal in all respects. In Islam, equality of rights must not forget the nature of each, where equality and identity must be distinguished.

#### 2. Women and Their Social Freedom

History calls women enslaved people who have no freedom. Compared to men, women have played a minimal role in world history. So, in this modern era, women remained trapped in the past. The development of religion in Europe made women even more backward. This backwardness caused the emergence of the women's movement. This movement wants equality and balance between men and women (Mukti, 2022).

By the women's movement that aims to realize freedom and independence for women, Murtadha Muthahhari, in his book of Women's Rights in Islam, explains that in our country, we need women's movement, but a truly Islamic and not that dark and gloomy European – style movement. We need a women's movement in which passionate young men are prevented from becoming members. Furthermore, a move that truly originates from the great teachings of Islam and not in the name of improving civil law. Islamic law is sacrificed for the sake of delusion. Then, a motion must be based on a thorough and rational investigation so that it becomes clear to the people who claim to hold the name Islam to what extent they practice the teaching of Islam (Muthahhari, 1995). (Muthahhari, 1995)

Thus, it can be explained that a truly Islamic movement, originating from the Al – Qur'an and Hadith, is needed for women's independence to achieve freedom and equal rights between women and men. The existence of the women's movement in Islam calls on women to return to the Quran and Sunnah in matters of gender relations.

### 3. The Differences between Women and Men

The problem of differences between men and women is an odd thing. In the 20th century, some still think they lived in the Middle Ages, maintain old – fashioned ideas about the difference between women and men, and think that women and males are different. They also want to conclude, like people who lived in the Middle Ages that women are the lower sex, women are not human beings in their entirety, and women are the connecting link between animals and humans. They think that women do not have the ability or the honor to live an independent and free life and must live under men's shadow and protection (Muthahhari, 2012).

In his book entitled *The Philosophy of Women in Islam*, Murtadha Muthahhari writes that one of the surprising things is that some people insist that the difference between men and women in physical and psychological structure should be described like this: women are imperfect, while men are relatively perfect. It shows that the law of creation had a hidden purpose in creating women as imperfect creatures. (Muthahhari, 2012)

So, it can be explained that the difference between men and women is a matter of symmetry (continuity, proposition), not a point of imperfection or perfection, the intent and purpose of the law of creation so that this difference becomes a source of better relations between women and men who were created to live together.

## MURTADHA MUTHAHHARI'S THOUGHTS ON FREEDOM AND EQUALITY OF RIGHTS

In general, freedom and equality of rights are human civilization's basic ideas, goals, and main missions to achieve prosperity and build harmony in social and national life. Thus, it can be explained that a woman has the same freedom and equal rights as a man, either through social functions in everyday life (Sumar, 2015).

Freedom and equal rights are the rights of every human being. However, it means something other than free as freely. Free means not going beyond boundaries because excess is not good for humans. Therefore, there are religions and state regulations to stabilize the morals of human behavior. Murtadha Muthahhari in his book on women's rights in Islam, writes that equality and freedom are human rights according to their degree as human beings. Because women are human beings, they were created in a state of freedom like all other human beings, and thus they have equal rights. But, women are humans with one condition and men with another circumstance. Men and women are similar in their position as humans, but they are humans with two kinds of character and two types of souls. Muthahhari.

It can be explained that men and women have equality but not the same freedom of equality. Women and men are equal. Women are created equal to all creatures by God. Men and women have equal human rights, but it does not mean the rights between men and women have to be the same, so equality and identity must be distinguished.

The freedom and equality of rights in Islam can be seen from the appearance of Islam itself. Islam came to bring the message of freedom and equality of rights. Islam is also a woman – friendly religion. So, Islam places women as creatures of Allah SWT who are equal to men with fair and balanced rights and responsibilities. In Islam, freedom and equality mean freedom and equality that benefits women and men. Women and men are

two stars and two different orbits and must continue to move in their rotation. So that, they get freedom and equality of rights to gain their happiness, as explained in the Qur'an, Surah Yasin: 40.(Muthahhari, 1995)

لَا الشَّمْسُ يَنْبَغِي لَهَا أَنْ تُدْرِكَ الْقَمَرَ وَلَا اللَّيْلُ سَابِقُ النَّهَارِ يَوْمَئِذٍ فِي فَلَكٍ يَسْبَحُونَ

Meaning: It is not possible for the sun to chase the moon and the night cannot precede the day. And each circulates in its own orbit.

The verse above explains that men and women have two different orbits and must move in their respective orbit. In this regard, Murtadha Muthahhari also expressed his opinion on freedom and equality of rights in Islam. He wrote that the primary condition for the happiness of men and women, in reality for all human beings, is that each must continue to move in its own orbit. Freedom and equality will benefit if no one leaves its natural orbit and direction. The cause of chaos in society is that they have defied natural order (Muthahhari, 2009).

So, women and men have freedom and equality that must not be the same, in which between equality and identity must be distinguished, so that the freedom and equality that these men and women have went on their respective paths and did not forget the hill to reach the summit of happiness and justice for women and men. To make it easier to understand the concept of freedom and equality of rights in Islam, Murtadha Muthahhari formulated some forms of freedom and equality of rights as follows:

#### 1. *Mahr dan Nafaqah*

*Mahr* is the result of a wise plan used in the context of nature's creation to maintain balance in the relationship between men and women and foster the unity of the two. *Mahr* is closely related to the shame and purity of a woman. Instinctively, a woman must maintain her honor and purity from a man.

Murtadha Muthahhari, in his book entitled Women's Rights in Islam, writes that *mahr* is one of the articles of general tradition charter, in which nature established and provided the foundation. *Mahr* is a sign that women and men were created with different attitudes. The law of nature has given them different attributes according to their natural and fundamental rights. Muthahhari. Then, *mahr* is an award given by the groom to the bride that is useful for marriage ties, where the dowry given by the man is in the form of a portion of property or following an agreement that both parties of the bride and groom have determined (Muthahhari, 2009).

The Qur'an greatly glorifies the position of *mahr* in its natural place, as contained in Surah An – Nisa: 4.

وَآتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً فَإِنْ طِبَّنَ لَكُمْ عَنْ شَيْءٍ مِّنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَّرِيئًا

Meaning: and give a *mahr* to the woman (whom you marry) as a willing gift. Then, if they gladly give you part of (the *mahr*), then accept and enjoy the gift with pleasure.

The verse of the Qur'an above explains that *mahr* is a natural invention to elevate women's status and increase their position. *Mahr* also gives personality to women; for a woman, the moral value of *mahr* is more significant than its material value (Muthahhari, 1995). Moreover, *mahr* is not a payment or wage given by the man to the woman; this is also a reasonable thing that women and men need one another.

*Nafaqah* and *mahr* have a privileged status and position. Therefore, they should be distinct and seen as the same as the situation we witnessed before and now in the non – Muslim world (Hawwas, 2015). In Islam, women are given the right to own property, women may seek wealth, and the man has no right to take or use that wealth. Men are

obliged to provide *nafaqah* for their wives, children, and servants, finance their homes, and so on.

In his book about women's rights in Islam, Murtaḏha Muthahhari writes that a man should give *nafaqah* to his wife, namely providing clothing, food, and shelter. According to Islam, the husband is obliged to offer family expenses, including his wife's costs, while the wife is not obliged. Muthahhari. *Nafaqah*, in the form of money, clothing, food, shelter, and so on, is the husband's obligation to meet the needs of his wife both mentally and physically.

There are three kinds of *nafaqah* in Islam, namely *nafaqah* that the owner must pay for what he owns, financing by someone for their children when their children are immature or before they have income, or *nafaqah* that is issued by someone for their father and mother when they need it, and *nafaqah* given by a man to his wife (Muthahhari, 1995). In this respect, Islam grants total freedom and independence to women in financial matters and prevents men's power over the wife's property and work.

## 2. Inheritance issues

Ancient society did not give inheritance rights to women at all. When giving away, the woman was treated as a child, which means that she was not given the freedom and status as a person with rights under ancient society's laws. Sometimes, inheritance was also given to daughters and never to daughters' children. At the same time, a son could receive his heritage, and his son could also receive an inheritance from his legacy later (Muthahhari, 1995).

Some reasons why women are not given the right to inherit are: first, to prevent the transfer of wealth from one family to another, and second, the weakness of a woman in war. These customs are also found in the Arab Jahiliyyah, in which several traditions of the Arabs have been abolished by the Qur'an, namely as follows: In the Jahiliyyah, Arabs often raised someone as an adopted child. This adopted child is seen as the heir if his adoptive father dies, as his child. These adoption customs also exist in other peoples, including the ancient Persians and Romans.

The custom of alliance, whereby two people who are not relatives make a fact stating that their blood is one, and an attack on one means an attack upon the other. According to this agreement, the two unrelated people protected each other from any attack during their lifetime, and whoever died first would pass down his wealth to the other. The Arabs in Jahiliyyah sometimes consider the deceased's wife as part of his property and wealth and take her as part of the inheritance.

In Islamic law, there is no tyranny like in the old customs in terms of inheritance. The problem criticized by those who demand equal rights is that the share of inheritance for women is half of men. In Islam, a son inherits twice as much as a daughter, a brother gets twice the heritage of a sister, and a husband receives double the wife's share. Regarding the case of the father and the mother, if the deceased had children while the father and mother of the dead were still alive, then the father and the mother would each receive one – sixth of the inheritance.

In fact, a woman inherits half of a man's share. Murtaḏha Muthahhari, in his book about Women's Rights in Islam, writes that the fact that a woman inherits half of a man's portion is related to specific circumstances because a woman reserves the rights of *mahr* and *nafaqah*, and because she cannot participate in defense of society, then her portion is only half of her brother's portion, to certain limits, is the result of the law of reward. In other words, a special position of a woman's inheritance is based on her particular place in terms of *mahr*, *nafaqah*, etc. (Muthahhari, 1995) In the view of Murtaḏha Muthahhari,



Islam acknowledges mahr and nafaqah as necessary and influential factors in strengthening the mutual relationship between husband and wife, maintaining domestic tranquility, and building the unity of the husband and wife. Islam considers mahr and nafaqah as the husband's obligation, so the wife is free of the obligation to provide the family budget.

Murtada Muthahhari concluded that Islam regulates that this responsibility is balanced with inheritance because the man is given the share of heritage twice the part of the woman. Therefore, mahr and nafaqah reduce the percentage of women in inheritance. So, in Islam, mahr and nafaqah are the cause, while inheritance is the result.

### 3. The Rights of *Talaq* (Divorce)

Divorce or *talaq* refers to releasing the bond between husband and wife. In etymology, *talaq* is derived from the word *itlaq*, which means leave or remove. It is also defined as the release of bonds or relationships. Meanwhile, in terminology, divorce is breaking or canceling the marriage bond between husband and wife (Malik, 2007).

*Talaq*, or divorce, is a big world issue right now. In Islam, *talaq* is highly hated and forbidden. Islam is more likely to maintain solid and sturdy marriages. Even though Islam hates and denounces divorce, it does not forbid it. The most important thing is that marriage and the life of a husband and wife is a spontaneous relationship and is not based on a natural law contract. In life and society, the natural law is the law of freedom and equality. All social rules must be based on the principles of freedom and equality, in contrast to marriage, where nature has laid down principles other than freedom and equality, and there is no choice but to follow these laws. Marriage is uniting and gathering, while *talaq* is divorcing and breaking up.

In the view of Islamic law and Iran's civil law, a natural right in the right of divorce is not presented for women, but it is a determined and exercised right, and it exists and can be used by women. As Murtadha Muthahhari says in his book *Women's Rights in Islam*, he wrote that divorce is a natural right, a characteristic of men. However, a husband can give his wife the right to divorce, either as the holder of absolute power of attorney or, in particular circumstances, on behalf of the husband himself. It is another acceptable thing to Islamic *fiqh* and Iranian civil law. However, so that the man does not deny his power and cannot be interfered with by the lawsuit, this kind of power is usually given by making it a binding condition in the marriage contract. Based on this requirement, unconditionally or under certain pre – specified circumstances, women are able to divorce, or women have the right to divorce (Muthahhari, 1995).

A woman or a man may have the right to divorce in different ways. In the view of Murtadha Muthahhari, a reasonable and standard divorce is like a normal birth, which takes place generally on its own. Still, a divorce from a husband who does not want to carry out his obligations and does not wish to divorce his wife is like an unnatural and abnormal birth, then a doctor or expert (judge) is required.

## CONCLUSION

As a feministic figure from Iran, Murtadha Muthahhari gave his own distinction in the meaning of equality. Murtadha Mutahhari used the word "equality," which means equality and comparison, which do not have to be identical. Identical means that the two must be the same or uniform. Similarity is different from identity.

Islam does not regard men's and women's rights as identical or uniform. Murtadha Muthahhari stated that men and women have different qualities and quantities as servants and humans but have the same goals to serve and obey Allah. The focus in Islam is men

and women based on the fact that one is a woman and the other a man is not identical between one and another in many respects. The world is not precisely the same for men and women. Essence and character are not meant for the same thing. Ultimately, it demands that their obligations and penalties have different placements in many rights.

In the view of Murtadha Muthahhari, emancipation is a movement that determines the equality of women's rights against the rights of men to obtain justice and happiness in carrying out their lives. To understand emancipation in the opinion of Mursadha Muthahhari, we can see it from the forms of emancipation, namely the position of women in Islam, women and their social freedom, and the differences between women and men.

Regarding the freedom and equality of rights in Islam, Murtadha Mutahhari said that men and women have equality but not precisely the same freedom of equality. Women and men are equal. Women are human beings created by God, the same as others. Women and men have rights equal to humanity, but that does not mean that men's and women's rights must be the same.

Freedom and equality of rights have benefits for women and men to get happiness between the two sides. Understanding freedom and equality of rights in Islam can be seen from the forms of freedom and equality in Islam, namely mahr, nafaqah, inheritance issues, and the right of talaq or divorce.

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