

GENDER DISCOURSE IN ISLAMIC FAMILY LAW BETWEEN TEXT AND CONTEXT



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Abstract

Islam does not differentiate between men and women, skin color, or any other natural differences. In practice within society, women bear dual responsibilities such as cooking, washing, raising children, taking care of their husbands, and providing sexual services. In addition to earning a living and doing household chores, women also participate in activities. Women are viewed negatively if they neglect household responsibilities. Author's finding: that men only have one responsibility to earn a living, which certainly does not compare to women who do many things. This research uses literature study and qualitative field study. The findings and discussions include a review of qualitative research methods, literature studies, and field studies as a whole, or a combination of both. Furthermore, the data is analyzed using critical analysis techniques. The novelty in this research is "the ideal family relationship structure and gender equality through the cooperation of men and women." In families, gender partnership encompasses aspects such as the division of roles and tasks, transparency, accountability, and good governance. By following Islamic discourse, gender partnership can establish fair and equal gender relationship patterns in family life. This will prevent injustice or harm in the form of an inability to perform family duties.

Abstrak

Islam tidak membedakan antara laki-laki dan perempuan, warna kulit, atau jenis perbedaan alami lainnya. Praktek dalam masyarakat, perempuan memikul tanggung jawab ganda seperti memasak, mencuci, mengasuh anak, mengasuh suami, dan pelayanan seksual. Selain mencari nafkah dan melakukan pekerjaan rumah tangga, perempuan juga berpartisipasi dalam kegiatan. Perempuan dipandang negatif jika mengabaikan tanggung jawab rumah tangga. Temuan Penulis: bahwa pria hanya memiliki satu tanggung jawab untuk mencari nafkah, yang tentunya tidak berbandung lurus dengan perempuan yang mengerjakan banyak hal. Penelitian ini menggunakan studi pustaka dan studi lapangan kualitatif. Penemuan dan diskusinya mencakup ulasan metode penelitian kualitatif, studi pustaka, dan studi lapangan secara keseluruhan, atau kombinasi dari keduanya. Selanjutnya, data dianalisis melalui teknik analisis kritis. Novelty dalam penelitian ini adalah "struktur hubungan keluarga yang ideal dan setara gender melalui kerja sama laki-laki dan perempuan". Dalam keluarga, kemitraan gender mencakup hal-hal seperti pembagian peran dan pekerjaan, transparansi, akuntabilitas, dan tata kelola yang baik. Dengan mengikuti diskursus keislaman, kemitraan gender dapat membangun pola hubungan gender yang adil dan setara dalam kehidupan keluarga. Sehingga tidak menimbulkan ketidakadilan atau kerugian dalam bentuk ketidakmampuan untuk melakukan tugas keluarga.

INTRODUCTION



Men and women are not only different in terms of sex, but they are actually different in many ways, including how they think, act, and feel.¹ Gender is a social and cultural construct applied to men and women, such as women being gentle, beautiful, emotional, and men being strong, powerful, and rational. These social and cultural factors can change these characteristics over time and from place to place.² In QS. al – Nisa (4), QS. al – Nahl (16): 97, and QS. al – Hujurat (49): 13, the term gender always refers to the existence of equality between men and women. Essentially, these verses indicate that the teachings of Islam do not adhere to the idea of a second gender, which prioritizes a certain gender, or the idea of a first tribe, which prioritizes a certain tribe.³ The debate about gender equality is becoming prominent; issues related to gender equality usually occur at home, even in public spaces. One of the longest debates about gender equality in household life concerns the responsibilities of husbands and wives related to the concept of gender equality, and much more. The principle of injustice, inconsistency, and disparity between the roles and responsibilities of partners causes many problems. In situations where women's rights and responsibilities are limited to working within the home, they do not have the opportunity to enhance their skills through activities outside the home or in efforts to advance their careers. This is due to a patriarchal culture that demeans women.

The previous explanation of gender indicates that gender inequality or injustice is a major issue related to gender. Gender inequality is a social condition where women and men do not have equal opportunities to enjoy their human rights and potential in all areas of life, both at home and outside of it. On the other hand, gender inequality is a social condition where women and men do not have equal opportunities to participate in various aspects of life.⁴ One of the factors that cause an unfair gender perspective in Islam is patriarchal culture, which is characterized by male dominance in academics and education. Men who interpret the Quran rarely pay attention to feminist aspects or advocate for women's interests. This has been happening for a long time and may have been a belief for centuries.⁵ Classical theory, especially in the Tapanuli Selatan region, considers that men and women are not the same. Abilities always limit women's capacities. Men, on the other hand, are always considered more important and powerful than women. Men can take initiative and play an important role in completing tasks that are considered impossible for women. As a result, there is a difference in perspective regarding men. These people believe that men are more humane, enjoy their choices, and have the freedom to act in social, political, and economic matters of the household.

Indonesian women in domestic life are considered to live in a dilemma. Although women are asked to participate in all fields, there are other demands for women not to forget their nature as women.⁶ In practice, women bear dual responsibilities as

¹ Vanesa Sukma, "Konstruksi Sosial : Jurnal Penelitian Ilmu Sosial Perbedaan Pria Dan Wanita Sebagai Sesama Manusia Dan Sesama Makhluk," *Konstruksi Sosial: Jurnal Penelitian Ilmu Sosial* 4, no. 2 (2024): 72 – 79, <https://doi.org/http://dx.doi.org/10.56393/konstruksisocial.v4i2.2455>.

² Nasitotul Janah, "TELAHAH BUKU ARGUMENTASI KESETARAAN GENDER PERSPEKTIF AL – QUR'AN KARYA NASARUDDIN UMAR Nasitotul Janah J Anah Abstrak," *SAWWA* 12, no. April (2017): 167 – 86, <https://doi.org/http://dx.doi.org/10.21580/sa.v12i2.1707>.

³ Abd. Halim K, "KONSEP GENDER DALAM AL – QURAN (Kajian Tafsir Tentang Gender Dalam QS. Ali Imran [3]:36)" 7, no. 1 (2014): 1 – 16, <https://www.neliti.com/publications/285726/konsep-gender-dalam-al-quran-kajian-tafsir-tentang-gender-dalam-qs-ali-imran-336>.

⁴ Dendik Wargianto, "GENDER DALAM AL – QUR'AN (Kajian Tafsir Ayat – Ayat Gender Dalam Kisah Nabi Adam As)" (Institut Agama Islam Negeri Ponorogo., 2020).

⁵ Atik Wartini, "Tafsir Feminis M. Quraish Shihab: Telaah Ayat – Ayat Gender Dalam Tafsir Al – Misbah," *Palastren* 6, no. 2 (2013): 473 – 94, <https://doi.org/http://dx.doi.org/10.21043/palastren.v6i2.995>.

⁶ Puji Lestar, "PERANAN DAN STATUS PEREMPUAN DALAM SISTEM SOSIAL," *DIMENSIA: Jurnal Kajian Sosiologi* 5, no. 1 (2015): 45 – 60, <https://doi.org/https://doi.org/10.21831/dimensia.v5i1.3439>.

homemakers, including cooking, washing, taking care of children, taking care of their husbands, and providing sexual services. In addition to earning a living and doing household chores, they also participate in activities. Women are usually viewed negatively if they neglect household responsibilities. The author found that men only have one responsibility, which is to earn a living. The principles that consider women to be inferior to men are instilled and recognized as ideological or patriarchal. This cultural process is what causes gender differences. This process takes a long time and is passed down from generation to generation, shaping social norms or etiquette in society. Men and women also choose roles in this cultural process.⁷ Feminists and interpreters differ in interpreting the verses of the Qur'an about gender due to their different backgrounds in thinking. Feminists use a contextual approach, while interpreters use a normative approach. In addition, they disagree on the proper way to accept Hadith. Other factors that influence the interpretation of the Qur'an as well.⁸

To understand the theory of sociological research above, we must compare it with the theory of equality found in the Qur'an. According to the author's early interpretation, the Qur'an sees men and women as equal, although this differs from its historical context. However, the roles of husband and wife must function consistently to realize a harmonious family, as overlapping roles in the family can disrupt family order and damage the husband–wife relationship. If we look at the interpretation of the Quran that mentions rights and equality, we can see that the Quran seeks to find solutions to the problems that arise in society. The author believes that there is a need for an investigation into the interpretation of the Quran regarding gender. They want to find out whether the Quran distinguishes between the duties of husbands and wives, whether the Quran places all household responsibilities, including those related to the kitchen and well, on one party, or conversely. The author believes that further investigation is needed to find answers to these research questions.

METHODS

This study critically explores the persistent gender inequality in domestic roles within Muslim societies, despite Islam's foundational teaching that does not discriminate based on gender, skin color, or other natural differences. The central question raised in this research is: why are women still expected to bear a disproportionate share of domestic and social responsibilities, such as cooking, cleaning, child–rearing, serving their husbands sexually, and even earning a living, while men are generally assigned only the role of breadwinners? Women are often subjected to negative societal judgment if they fail to meet these domestic expectations, highlighting a contradiction between Islamic principles of justice and the patriarchal cultural norms that dominate family life. These practices suggest that the problem lies not in religious doctrine but in deeply embedded cultural constructs that misinterpret or selectively apply Islamic values.

The novelty of this study lies in its proposition of an ideal and gender–equitable family structure based on cooperation between men and women. This includes equal role distribution, transparency in decision–making, shared accountability, and effective household governance. The research employs a qualitative methodology, combining literature review with field studies, and utilizes critical analysis techniques to examine

⁷ Hanifa Maulida, "Perempuan Dalam Kajian Sosiologi Gender: Konstruksi Peran Sosial, Ruang Publik, Dan Teori Feminis," *Journal of Politics and Democracy* 1, no. 1 (2021): 71–79, <https://doi.org/10.61183/polikrasi.v1i1.6>.

⁸ Dwi Ratnasari, "Gender Dalam Perspektif Al–Qur'an," *Jurnal Humanika* 8, no. 1 (2018): 1–26, <https://doi.org/10.35905/almaiyyah.v8i1.311>.

data. Findings show that gender role disparities are culturally, not theologically, driven. By reinterpreting Islamic teachings through a gender – justice lens, the study proposes a transformative model of family partnership that promotes balance, fairness, and sustainability. This model is designed to eliminate gender – based injustice and ensure that both men and women are equally empowered and responsible within the family unit.

RESULT AND DISCUSSION

Interpretation of the Qur'an on Gender

The word gender is also borrowed from Latin, which is "genus" meaning type or kind. Gender is the characteristics and behaviors attributed to men and women that are formed socially and culturally. According to Musdah Mulia, gender is a set of attitudes, roles and responsibilities, functions, rights, and behaviors that are inherent in men and women, which are influenced by the environment in which they grow up. Thus, it can be understood that gender is a concept that encompasses the roles and responsibilities of men and women as a result of social construction that is flexible according to the development of the times.⁹

The surge in gender issues is due to field data showing that cases of social inequality and discrimination caused by gender differences are increasing. This leads to further problems, namely that everyone has different roles and functions in the context of the success of national development. Gender differences will arise as a result of disagreement over these differences. As long as it does not lead to gender injustice, gender differences are not a problem. However, the social facts in society that have become issues regarding these gender differences have caused much injustice and oppression for men and, in particular, for women.¹⁰

Gender issues still remain a subject of in – depth research and provoke discussion among scholars, despite differing opinions on the matter. Some people oppose the issue by saying that Islam does not accept gender equality. In Islamic texts, it is stated that men hold a higher degree and advantage over women. Some groups even believe that women come from the rib of men, based on religious texts. Others argue that gender issues align with the spirit of liberation and equality, which has existed since the beginning in Islam. They argue that a significant number of verses in the Qur'an and Hadith emphasize that women and men have equal rights.¹¹

In fact, the main principle of the Quran shows the same perspective on issues related to women and men. The emergence of Quranic verses and the statements of the Prophet Muhammad may be regarded as very extraordinary and revolutionary actions. He not only changed the structure of Arab society at that time, but also destroyed the misogynist and discriminatory traditions, cultures, and civilizations that had been practiced by previous generations. Islam replaced misogynist and discriminatory views and actions with humane and fair perspectives.¹²

⁹ M Fikrie Maulana Akbar Effendy Hakimul Fauzi, Hasanah Lillah Mudawwamah, "Interpretasi Al – Qur'an Terhadap Feminisme Dan Gender Pada QS. Ali Imran Ayat 195 Dalam Perspektif Tafsir Tahlili Hakimul," *Jurnal Riset Agama* 4, no. Agustus (2024): 108 – 24, <https://doi.org/10.15575/jra.v4i2.34545>.

¹⁰ Alharira Eisyi Latifah and Dudin Shobbaruddin, "Kesetaraan Gender Dalam Perspektif Al – Qur'an (Studi Komparatif Tafsir Ibnu Katsir Dan Al – Mishbah)," *Tafahus: Jurnal Pengkajian Islam* 2, no. 1 (2022): 74 – 84, <https://doi.org/https://doi.org/10.58573/tafahus.v2i1.24>.

¹¹ Roqy Haikal and Abd. Kholid, "ANALISIS INTERPRETASI GENDER DALAM AL – QUR'AN: KAJIAN ATAS BUKU 'ARGUMEN KESETERAAN GENDER DALAM AL – QUR'AN' KARYA NASARUDDIN UMAR," *Madaniyah* 13, no. 2 (2023): 274 – 93, <https://doi.org/https://doi.org/10.58410/madaniyah.v13i2>.

¹² Eisyi Latifah and Shobbaruddin, "Kesetaraan Gender Dalam Perspektif Al – Qur'an (Studi Komparatif Tafsir Ibnu Katsir Dan Al – Mishbah)."

Several verses in the Qur'an emphasize the issue of equality between men and women, stating that everyone has the same opportunity to become 'chosen people', or *muttaqun*, in the eyes of Allah. It is impossible to assess someone's piety by others, whether male or female, but the Qur'an can help us understand the level of their piety.¹³

In the thirteenth verse of Surah Al-Hujurat, Allah SWT clearly states that all humans hold the same status in His eyes, without distinguishing between gender, skin color, or any other natural differences. Their piety determines their honor in the sight of Allah. In Al-Hujurat verse 13, Allah emphasizes that men and women are equal.¹⁴

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

"O mankind, indeed We have created you from a male and a female. Then We made you into nations and tribes so that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous among you. Indeed, Allah is Knowing and Acquainted."

In Surah Al-Ahzab verse 35.¹⁵

إِنَّ الْمُسْلِمِينَ وَالْمُسْلِمَاتِ وَالْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ وَالْقَانِتِينَ وَالْقَانِتَاتِ وَالصَّادِقِينَ وَالصَّادِقَاتِ وَالصَّابِرِينَ وَالصَّابِرَاتِ وَالْخَاشِعِينَ وَالْخَاشِعَاتِ وَالْمُتَصَدِّقِينَ وَالْمُتَصَدِّقَاتِ وَالصَّائِمِينَ وَالصَّائِمَاتِ وَالْحَافِظِينَ فُرُوجَهُمْ وَالْحَافِظَاتِ وَالذَّاكِرِينَ اللَّهَ كَثِيرًا وَالذَّاكِرَاتِ أَعَدَّ اللَّهُ لَهُمْ مَغْفِرَةً وَأَجْرًا عَظِيمًا

"Indeed, the Muslim men and women, the believing men and women, the obedient men and women, the truthful men and women, the patient men and women, the humble men and women, the charitable men and women, the fasting men and women, the men and women who guard their chastity, and the men and women who remember Allah frequently, Allah has prepared for them forgiveness and a great reward."

And also that which is found in Surah Ali Imran verse 195.

فَأَسْتَجَابَ لَهُمْ رَبُّهُمْ أَنِّي لَا أُضِيعُ عَمَلَ عَمَلٍ مِنْكُمْ مِنْ ذَكَرٍ أَوْ أُنْثَىٰ بَعْضُكُمْ مِنْ بَعْضٍ

"Then their Lord granted their request (by saying): 'Indeed, I do not waste the deeds of those among you, whether male or female, (because) some of you are (descendants) of some others.'"

Actually, many principles of gender equality are encapsulated in the Quran. The authors discuss the concept of interpretation by referring to the Quran and Sunnah. Thus, they understand that it is very important to study the core contents of the Quran thoroughly and comprehensively, both from modern and classical tafsir books.

Qurlotul Ainiya in Muhammad Ali al-Sobni states that there are two reasons why Allah prefers men over women based on this verse. First, through His grace, Allah gives a sign to the husband, granting full leadership and authority over his wife—comparable

¹³ Noer Huda Noor, "Kesetaraan Dan Keadilan Gender Perspektif Al-Qur'an," *Jurnal Sipakalebbi* 1, no. 1 (2013): 113–64, <https://doi.org/https://doi.org/10.24252/jsipakalebbi.v1i1.288>.

¹⁴ Noor.

¹⁵ H. Yunahar Ilyas, "Perspektif Gender Dalam Islam, Pendekatan Tafsir Al-Qur'an Dan Kritik Hadis," *Mimbar: Jurnal Sosial Dan Pembangunan* 17, no. 3 (2001): 238–51.

to the power of a government leader over his people. Second, because the husband's responsibility is to care for, protect, and safeguard his wife.¹⁶

Nevertheless, in general, the Quran explains gender equality through five important notes, namely:

- a. The mention of servants both male and female (QS. Al – Dhariyat verse 56).
- b. The mention of Khalifah on earth for both males and females (QS. Al – Baqarah verses 30 and 183).
- c. The acceptance of the primordial covenant (QS. Al – A'raf verse 172).
- d. The drama of Adam and Eve (QS. Al – Baqarah verse 35).
- e. The potential for achievements that are wide open for both males and females (QS. Ali Imran verse 195).¹⁷

Another explanation states that because God has favored men over women, men function as heads, and women function as body parts, it is not appropriate for any part of the body to feel superior to others. The feet and eyes cannot function without the ears. Therefore, it is a pity that the head feels more noble than the eyes, and the heart feels more noble than the stomach. However, everyone must perform their duties well so that no one feels unnecessary to others.¹⁸ If men (husbands or fathers) are better than women (wives or mothers), it does not mean they are more noble. It is not a man's gender that determines his honor, but his piety and good deeds. The advantages given by God to men as husbands compared to wives are based on the concept of mutual need and mutual respect.

The Concept of Gender Justice in Islamic Family Law in the Text of the Al-Qur'an

The interpretation of the Qur'an has changed significantly along with the development of time, social culture, and human civilization around the world. In addition, global advancements encourage Muslims, especially women, to produce specific interpretations tailored to their gender. This is due to the fact that the religious epistemology that develops in Islamic society is more dominated by men (religious epistemology dominated by men), resulting in an androcentric discourse (discourse centered on the interests of men) and a theologically oriented patriarchy. New types of interpretations, such as feminist tafsir, have started to emerge in this environment, both in the development of Quranic studies in Indonesia and abroad.¹⁹

Each advancing era experiences significant transformations, but they do not want to change all aspects of human life. There are many benefits, but also many negative effects. Therefore, it is natural that research on issues and dynamics in this era has increased. One of them is research on gender issues, which has increased since several cases of discrimination, harassment, and ideas about the status of women and men have emerged.²⁰

Gender equality means that men and women are given the same opportunities and rights as human beings to participate and engage in politics, law, economics, socio –

¹⁶ Qurrotul Ainiyah, *Keadilan Gender Dalam Hukum Islam* (Malang: Malang : Intrans Publishing, 2015).

¹⁷ Haikal and Kholid, "ANALISIS INTERPRETASI GENDER DALAM AL – QUR'AN: KAJIAN ATAS BUKU 'ARGUMEN KESETERAAN GENDER DALAM AL – QUR'AN' KARYA NASARUDDIN UMAR."

¹⁸ Ainiyah, *Keadilan Gender Dalam Hukum Islam*.

¹⁹ Shinta Nuraini, "Al – Quran Dan Penciptaan Perempuan Dalam Tafsir Feminis," *Hermeneutik* 12, no. 1 (2019): 71, <https://doi.org/10.21043/hermeneutik.v12i1.6023>.

²⁰ Eisyi Latifah and Shobbaruddin, "Kesetaraan Gender Dalam Perspektif Al – Qur'an (Studi Komparatif Tafsir Ibnu Katsir Dan Al – Mishbah)."

culture, education, and national defense and security. The elimination of discrimination and structural injustice against men and women is also part of gender equality.²¹

However, gender justice is a process and fair treatment of women and men. This means there are no recognized roles, double burdens, subordination, marginalization, or violence against either women or men. As a result, there is no discrimination between women and men, which means that women and men have access, opportunities to participate, and control over development and progress.²²

One way to describe gender equality is as a state in which men and women are given the same opportunities and rights as human beings, allowing them to participate and engage in various aspects of life.²³ M. Quraish Shihab argues that the biological differences that exist between women and men are a definite fact. According to M. Quraish Shihab, the biological differences among humans do not change the potential given by God to each individual. Both genders possess the same intelligence and thinking abilities from God. Just like men, women also have the capacity to think, acquire knowledge, and apply what they experience through contemplation and remembrance of God, as well as what they observe from the universe.²⁴

Although they come from different tribes or nations, humans are fundamentally the same.²⁵ As explained in verse thirteen of Surah Al – Hujurat:

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

"O mankind, indeed We have created you from a male and a female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted."

Because the creation of men and women is the same, men and women will not have differences in how they live their lives. Therefore, based on this verse, the roles and positions of women change depending on the ideology of society.²⁶ However, Islam provides rules that must be followed. In Surah Al – Ahzab verse 33, Allah SWT says:

وَقَرْنَ فِي بُيُوتِكُنَّ وَلَا تَبَرَّجْنَ تَبَرُّجَ الْجَاهِلِيَّةِ الْأُولَىٰ وَأَقِمْنَ الصَّلَاةَ وَآتِينَ الزَّكَاةَ وَأَطِعْنَ اللَّهَ وَرَسُولَهُ إِنَّمَا يُرِيدُ اللَّهُ لِيُذْهِبَ عَنْكُمُ الرِّجْسَ أَهْلَ الْبَيْتِ وَيُطَهِّرَكُمْ تَطْهِيرًا

"And stay in your houses and do not display yourselves like the former times of ignorance, and establish prayer, give zakat, and obey Allah and His Messenger. Indeed, Allah intends to remove from you the impurity, O inhabitants of the Prophet's household, and to make you pure and clean."

²¹ Zulkifli Ismail et al., "Kesetaraan Gender Ditinjau Dari Sudut Pandang Normatif Dan Sosiologis," *Sasi* 26, no. 2 (2020): 154 – 61, <https://doi.org/10.47268/sasi.v26i2.224>.

²² Aprilyawati Sabela, "Relevansi Pemikiran Kesetaraan Gender R.A. Kartini Dengan Konsep Feminisme Dalam Perspektif Pendidikan Islam" (IAIN KUDUS, 2023), <http://repository.iainkudus.ac.id/id/eprint/10642>.

²³ Panji Nurrahman, "Membangun Kesetaraan Gender Dalam Keluarga Pasangan Pekerja," *Jurnal Harkat Media Komunikasi Gender* 18 (2) (2022): 47, <https://doi.org/10.15408/harkat.v18i2.26289>.

²⁴ Wartini, "Tafsir Feminis M. Quraish Shihab: Telaah Ayat – Ayat Gender Dalam Tafsir Al – Mishbah."

²⁵ Eisyi Latifah and Shobbaruddin, "Kesetaraan Gender Dalam Perspektif Al – Qur'an (Studi Komparatif Tafsir Ibnu Katsir Dan Al – Mishbah)."

²⁶ Ilyas Supena, *Hermenutika Al-Qur'an Dalam Pandangan Fazlur Rahman* (Jogjakarta, 2014), https://books.google.co.id/books/about/Hermeneutika_Alquran_dalam_pandangan_Faz.html?id=ZBPlrQEACAAJ&redir_esc=y.

The verses above are addressed to the wives of the apostles, but also to other women. This command, however, should not be regarded as something rigid, because women sometimes have to leave home. For example, if a woman has no family to support her or if her husband, who protects her, is sick or weak, her family is the most important place for her. Therefore, this verse does not entirely prohibit women from working outside the home; in general, Islam does not forbid women from working or having a career. How far can this woman move?

In history, it has been proven that many women are capable of performing tasks that were previously considered a male monopoly. The presence of women who can play roles in various aspects has debunked the notion that women have shortcomings. On the contrary, the thinking about gender roles is merely the result of a social construct that is adapted to the dynamics of life, as reflected in the progress of civilization. This development brings thinking from traditional to rational, from textual views to substantial views, and from dependence to openness. An ideal rational system will impact fair equality of rights and eliminate patriarchal culture.²⁷

Scholars' opinions on the above matter are divided into two groups. First; women should not leave the house to work except in emergency situations. In other words, they should not leave the house unless there is an emergency reason. Al – Qurtubi and other scholars express this opinion. The second group indicates that women can work outside the home if necessary (hajat). This opinion does not only apply in emergency situations, but also applies to Al – Biqa'i.²⁸ The original law for women requires them to stay in their homes and not go out except in emergency situations or for needs permitted by Shari'ah.²⁹ This is in accordance with what the Prophet SAW said:

قد أذن الله لكن أن تخرجن لحوائجكن

"Allah allows you (women) to leave the house for your needs." (HR. Imam Bukhari)

In Islam, women are given the same rights and responsibilities as men, including the freedom to pursue their own careers. However, this must follow the rules of the Qur'an and Sunnah.³⁰ It is also mentioned in the Hadith of the Prophet that the husband is the head of the household, and the wife is the head of her husband. Both are responsible for carrying out the directives they provide. This shows that everyone works together in fulfilling the tasks and roles assigned in the household.³¹

Next, the question is where they work. In this case, scholars agree that women, whether married or single, should not travel without a mahram because they need to undertake long journeys to go to work. If not, this could happen to many women who are considered trustworthy. One of the sayings of the Prophet Muhammad SAW is:

²⁷ Shabrina Syifa Salsabila, Muh Kadafi, and M Thahir Maloko, "Pengaruh Perubahan Sosial Terhadap Peran Gender Dalam Masyarakat Di Kecamatan Manggala Kota Makassar Perspektif Hukum Islam," *Madani: Jurnal Ilmiah Multidisiplin* 2, no. 1 (2024): 111 – 17, <https://doi.org/https://doi.org/10.5281/zenodo.10497603>.

²⁸ Burhan al – Din Abi al – Hasan Ibrahim bin Umar Al – Biqa'i, *Burhan Al-Din Abi Al-Hasan Ibrahim Bin Umar Al-Biqa'i, Nadhm Al-Dhurar Fi Tanasub Al-Ayat Wa Al-Suwar*, Juz VI (Beirut: Dar al – Kutub al – Ilmiyyah, 1996), [https://archive.org/details/tafsir-qurthubi/Tafsir Qurthubi 01/](https://archive.org/details/tafsir-qurthubi/Tafsir%20Qurthubi%201/).

²⁹ Muhammad Ichsan and Erna Dewi, "Wanita Karir Dalam Tinjauan Maqashid Al – Shari'Ah," *Juris: Jurnal Ilmiah Syariah* 19, no. 1 (2020): 45 – 58, <https://doi.org/10.31958/juris.v19i1.2108>.

³⁰ Dwi Runjani, "Pandangan Hukum Islam Terhadap Wanita Karir," *El-Wasathiya: Jurnal Studi Agama*, 2018, <https://doi.org/https://doi.org/10.5281/zenodo.3523061>.

³¹ Halimatussa'diyah, "TAFSIR KEBENCIAN Studi Bias Gender Dalam Tafsir Al – Qur n Karya Zaitunah Subhan," *Jurnal Ilmu Agama UIN Raden Fatah* 16, no. 01 (2016): 141 – 61, <https://doi.org/https://doi.org/10.19109/jia.v16i1.504>.

لاتسافر امرأة إلا ومعها ذو محرم

"A woman should not travel except with her mahram."

The previous explanation shows that Islam does not recognize differences between men and women and considers women to be equal to men. There is no difference, and no individual feels superior to others; the differences exist because of the important roles and tasks assigned by religion to each gender.

Therefore, women's rights must be respected and protection against discrimination within the family must exist. In the family, injustice towards women usually starts with men discriminating against women. Because household responsibilities fall on daughters, sons usually receive higher educational priority compared to daughters. In addition, certain gender biases are evident in family decision-making, which usually does not involve women. Within the household, husbands hit and attack their wives and children, which is an example of domestic violence. As a result, gender inequality is estimated to begin within the family.

Gender equality means a condition where women and men receive equal opportunities and authority. Gender equality also includes the elimination of separation and systematic injustices between women and men. Gender equality also means that there is no standardization of tasks and responsibilities related to duality, assessment, marginalization, and violence against women and men.³²

Mansour Faqih stated that men and women have fundamentally equal roles. The difference in jobs between men and women should not be based on gender. Men can take care of children, cook, and wash, while women can work outside the home. Both work structures arise from the cultural structure of society. The erroneous paradigm in society assumes that men are responsible for public work, while women are responsible for household work.³³ Therefore, when discussing the issues of workplace relations between men and women, it is emphasized that this is not a natural attribute from God, but a cultural construct. The fact that the experts mentioned above state that gender construction is a result of social education and not something that occurs naturally.

Therefore, this composition can change over time and may differ by region. Norms, customs, culture, law, and even religion have shaped this social form so it must be accepted as it is, as if it were a gift from nature and God. Therefore, it is hoped that the understanding of gender differences can lead to a more equal and beneficial perspective for women.

Women will be treated with the same respect as men and have the right to fully participate in the political, economic, social, and intellectual fields. Marriage legally is a public institution (the state forms households, men earn a living, but women assist their husbands and work for them). Because she manages the finances, the husband must be devoted. As a result, the husband has dominance over his wife. The family is seen as the institution that manifests this. A woman can be abused by authorities, especially her husband, if she makes a minor mistake. This is known as domestic violence (DV). In contemporary society, protection against violence is carried out through various complex

³² Syayidah Fitria Lulu' Aniqurrohmah, "Kesetaraan Gender Dan Nilai Nilai Yang Terkandung Di Dalamnya Menurut Hak Asasi Manusia," *Jurnal Dunia Ilmu Hukum (JURDIKUM)* 1, no. 2 (2023): 50–56, <https://doi.org/10.59435/jurdikum.v1i2.170>.

³³ Albert Meijer, "Konsep Keadilan Gender Perspektif Mansour Fakih Dan Relevansinya Dalam Pendidikan Sosial Skripsi" 2012, no. August (2013): 32.

sociological and legal approaches. These approaches influence each other and function together.³⁴

Sociologically, social engineering or social planning is the process needed to anticipate and plan for changes in the social system. There is a possibility that social engineering efforts can be used to protect and enhance the dignity and worth of women; this includes the struggle to change awareness, perspectives, and empowerment, as well as structural changes achieved through social movements and political revolutions. It is possible to improve women's social status and even end their marginalization.

This is evident from the emergence of non – governmental organizations (LSM) that advocate for women's rights by establishing programs and activities in the fields of education, training, awareness, and raising consciousness through demonstrations.³⁵

The Al – Qur'an states that men have a greater role and responsibility than women. This is mentioned in the Al – Qur'an Surah An – Nisa verse 34:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالْمُتَّقَاتُ هُنَّ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَأَهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَأَضْرِبُوهُنَّ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

"The man is the leader of the women, because Allah has given some of them (men) more than others (women), and because they (men) have provided for part of their wealth. Therefore, a righteous woman is one who is obedient to Allah and takes care of herself when her husband is not around, because Allah has taken care of (them). The women whose nusyuz you are worried about, then advise them and separate them in their beds, and beat them. Then if they obey you, then do not look for a way to trouble them. Indeed, Allah is Exalted and Exalted."

Therefore, the interpretation of verses related to gender relations and gender bias must be adjusted to their context and in accordance with the moral principles of the Qur'an that strongly support justice, equality, and humanity. The verses about women's leadership, the division of inheritance between men and women, testimony, polygamy, and other issues are common examples of verses related to gender relations. It may be possible to interpret these verses based on the moral principles of the Qur'an.³⁶

Interpretation of the Understanding of the People of South Tapanuli Towards Gender

Culture and religion play an important role in shaping values, norms, and views related to gender roles and status in society. The Qur'an offers gender equality and justice. The perspective influenced by local socio – cultural factors is one of the components that makes gender equality more difficult to achieve. From a social perspective, this means the consequences or repercussions that arise as a result of differentiation based on sex differences in society. In addition, the poor understanding of society regarding the meaning of the Qur'an, both explicitly and implicitly, affects views, especially on verses

³⁴ Muhammad Hamzah and Muhammad Salsabila, "Pemberdayaan Perempuan Sebagai Hak Asasi Manusia," *JURNAL LOCUS: Penelitian & Pengabdian* 3, no. 4 (2024): 343 – 56, <https://doi.org/https://doi.org/10.58344/locus.v3i4.2567>.

³⁵ Randi Ari Ganjar Herdiansah, "PERAN ORGANISASI MASYARAKAT (ORMAS) DAN LEMBAGA SWADAYA MASYARAKAT (LSM) DALAM MENOPANG PEMBANGUNAN DI INDONESIA," *SOSIOGLOBAL; Jurnal Pemikiran Dan Penelitian Sosiologi* 1, no. 1 (2016): 49 – 67, <https://doi.org/10.36701/nukhbah.v3i1.27>.

³⁶ Eni Zulaiha, "Tafsir Feminis: Sejarah, Paradigma Dan Standar Validitas Tafsir Feminis," *Al-Bayan: Jurnal Studi Ilmu Al- Qur'an Dan Tafsir* 1, no. 1 (2016): 17 – 26, <https://doi.org/10.15575/al-bayan.v1i1.1671>.

related to gender.³⁷ Based on the author's observations in five villages in the South Tapanuli region, including Aek Bilah, Angkola Barat, Sayur Matinggi, Muara Tais, and Batang Toru, 60% of husbands reject the idea of cooperation between wives and husbands in household matters. Husbands are reluctant to help with kitchen duties, well – related tasks, and other household work. This is due to several reasons. Although the community has cultural practices that view household matters as the responsibility of the wife, conversely, wives assist their husbands in earning a living either as laborers or working in various places. In addition to participating in outside work, women are also responsible for household chores. The author encounters a way of thinking in society that if husbands help women with washing, cooking, child – rearing, and so on, it generates negative reactions in the perspective of the social order in South Tapanuli.

The lack of public understanding about gender equality in families, as interpreted from the Qur'an, coupled with deeply ingrained cultural principles, forms the basis of household practices in South Tapanuli, leading to pronounced gender biases. It is common for wives to help earn a living, but it is seen as contradicting cultural norms if husbands assist with household chores, and it is considered inappropriate for husbands to engage in household tasks. Therefore, in the household practices in South Tapanuli, a husband is obligated to seek work outside the home, while a wife is expected to be able to work outside and also engage in household activities. Another requirement is that the husband also functions as the head of the household and is responsible for his wife and children. This happens because men have been given precedence over women by Allah. For instance, from a physical standpoint, men are stronger. However, in terms of legal order, one should not carelessly treat each other in family life, in the sense of treating a wife like a useless servant; this, of course, does not receive approval in the understanding of the holy texts in Islam. Furthermore, in other holy books, there are also commands that the husband must treat his wife well and properly.

The emergence of gender dualism as explained above results in the confinement of women (wives) in the domestic sphere, leading to gender inequality within the family. Therefore, it is necessary to restructure the patterns of relationships within the family based on gender equality.³⁸ Gender equality in family relationships means equality between men and women as husband and wife, ensuring that they receive rights and opportunities as human beings, fulfill their roles, and participate in political, economic, socio – cultural, educational, defense, and security activities. Thus, there will be no more discrimination or structural injustice against men (husbands) or women (wives), but rather uniformity of roles, dual burdens, subjugation, alienation, women (wives) and men. There will be no more violence against husbands. The author's research results in five villages in the South Tapanuli region show that only 60% of husbands refuse to help their wives with household chores. This is due to several reasons:

First; it has become a culture for the community that the domestic sphere is the responsibility of the wife, yet it is not uncommon to find that a wife also helps her husband earn a living. In addition to working, the wife also bears the responsibility for household duties, as if the husband helps the wife with washing, cooking, babysitting, and others, he will receive negative reactions from the community that witnesses it, even mockery.

³⁷ Farida Nur Afifah, "PENERJEMAHAN RAMAH GENDER Studi Atas Al – Qur ' an Dan Terjemahannya Terbitan Kementerian Agama Edisi Penyempurnaan 2019," *Shu'uf* 14, no. 2 (2021): 313 – 50, <https://doi.org/https://doi.org/10.22548/shf.v14i2.675>.

³⁸ Nuraida Nuraida and Muhammad Zaki, "Pola Komunikasi Gender Dalam Keluarga," *Wardah* 18, no. 2 (2018): 181, <https://doi.org/https://doi.org/10.19109/wardah.v18i2.1780>.

Second; The lack of public understanding about gender equality in families leads to deeply rooted cultural principles that dictate household life. It is normal for the wife to contribute to earning an income, but it is considered inappropriate and should not be normalized for the husband to help with household chores.

All of this happens in the daily life of society. Although Indonesia ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1984, Law No. 7 states that: "States are obliged to adopt appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations on the basis of equality between men and women."³⁹ This shows that Indonesia is committed to taking all efforts, including the creation and implementation of laws, to ensure that discrimination against women no longer occurs. In addition, Law Number 12 of 2022 on Sexual Violence Crimes has been enacted. However, in reality, many Indonesian women still face injustices in various aspects of their lives, including in their own family lives.⁴⁰ The ratification of the Sexual Violence Crime Law (UU TPKS) encourages the state to be at the forefront in protecting victims of sexual violence. To prevent various types of sexual violence that have become emergency cases, the ratification of this law marks a new civilization. According to article 4, "(2) In addition to Sexual Violence Crimes as referred to in paragraph (1), Sexual Violence Crimes also include: sexual violence within the household."⁴¹

In this provision, "sexual violence" is meant to refer to any form of coercion of sexual relations, including coercion of sexual relations in an unnatural and/or unwanted manner, or coercion of sexual relations with others for commercial purposes or other purposes that may be subject to sanctions in accordance with the law. Abdul Aziz mentioned that building gender equality in family life in order to create prosperous families is achieved through gender partnership in the family.⁴² Furthermore, gender partnership within family institutions is manifested in various forms, as follows:

First, husbands and wives, as well as sons and daughters, work together equally and fairly in carrying out all family functions through the division of labor and roles, both in public, domestic, and social community roles.

Second, partnership in the division of roles between husband and wife pertains to cooperation in fulfilling family functions, which includes behaviors such as providing ideas, attention, moral and material support, and advice based on needs.

The partnership in the division of roles between husband and wife in carrying out family life activities demonstrates transparency in the use of resources, without deceit, hidden agendas, or ulterior motives, as well as the formation of interdependence based on trust and mutual respect, and accountability (clear and measurable) in the use of resources, leading to a stable, harmonious, and pleasant family life.⁴³ The concept of "gender partnership" refers to the gender concept related to the differences between men and women in terms of functions, roles, responsibilities, needs, and social status. Social

³⁹ Farida Nurun Nazah, "Posisi Perempuan Menurut Perspektif Kompilasi Hukum Islam Di Indonesia (Kajian Gender Dan Feminisme)," *Jurnal Ilmiah Hukum Dan Keadilan* 7, no. 2 (2020): 271 – 90, <https://doi.org/https://doi.org/10.59635/jihk.v7i2.55>.

⁴⁰ Nazah.

⁴¹ Pemerintah Pusat, "UU Nomor 12 Tahun 2012," 2012, <https://peraturan.bpk.go.id/Details/207944/uu-no-12-tahun-2022>.

⁴² Haniey Fauziah, Elva Ronaning Roem, and Asmawi Asmawi, "Relasi Gender Suami Istri Yang Bekerja (Studi Kasus Pada Keluarga Pekerja Di Transmart Padang)," *MUKADIMAH: Jurnal Pendidikan, Sejarah, Dan Ilmu-Ilmu Sosial* 7, no. 2 (2023): 393 – 99, <https://doi.org/https://doi.org/10.30743/mkd.v7i2.7433>.

⁴³ Endang Ciptyaningrum Wahyu, "Prinsip Kemitraan Gender Dalam Keluarga (Analisis Kesetaraan Gender Pada Keluarga Tukang Pijat Panggilan)" (2021), <http://etheses.iainponorogo.ac.id/13068/>.

roles are based on community customs and can change over time.⁴⁴ To build patterns of relations in family life that are just and gender – equal, gender partnership in the family is utilized. This gender partnership includes the division of roles and responsibilities within the family, transparency, honesty, and good governance.⁴⁵

The context of gender relations between men and women in relation to family ties, Syahrur goes further by suggesting that when a wife successfully pursues a career that enables her to generate a substantial income and support her family, she can become a leader and hold the role of 'qawwamah' in the family's economic matters. Meanwhile, the husband, due to his physical superiority, still remains the leader in matters that require physical strength.⁴⁶ Gender injustice in the family is caused by the continuous development of gender dichotomy. To address this, a new family relationship pattern must be built based on gender equality. Families will experience damage or accidents if this new structure is not established promptly. Yohana stated that gender inequality in the family, or the non – fulfillment of family functions, is the root cause of harm. Furthermore, she asserts that partnership in gender roles within the family is a prerequisite for fulfilling family functions. Household chores will be easier if carried out sincerely and wholeheartedly, accompanied by joint planning between husband and wife.⁴⁷

For the purposes of this article, "sexual violence" is defined as forced sexual intercourse, sexual intercourse conducted in an unnatural or unwanted manner, or sexual intercourse with others for commercial or specific purposes; in some cases, this may include any form of behavior. Abdul Aziz stated that gender partnership within the family can create a prosperous family and establish gender equality in family life. Furthermore, gender partnership is manifested in family institutions in various ways, such as: First, husbands, wives, and children must be treated equally and fairly in carrying out all family functions, through the distribution of roles and public, domestic, and social responsibilities. Additionally, partnership in the division of roles between husbands and wives is also realized.⁴⁸ That families must work together to fulfill their functions. This includes providing ideas, attention, moral and material support, advice based on learning, support with sufficient resources and time. Cooperative division of labor between husband and wife in carrying out family life activities shows transparency in the use of resources without any cross – sectoral relationship between them. A sense of mutual respect and trust, clear and measurable responsibilities for utilizing resources, and a stable, harmonious, and orderly family life.

Gender partnership refers to the idea that men and women have different roles, responsibilities, needs, and social status, primarily based on the cultural constructs of society. There is a societal consensus that gender social roles can change and are not natural. It involves creating patterns of fair and gender – equal relationships in family life, namely through partnerships between men and women in the family. In the family, gender partnership includes good governance, transparency, accountability, and the division of

⁴⁴ Herien Puspitawati, *Gender Dan Keluarga*, IPB Press (Bogor: IPB Taman Kencana, 2012).

⁴⁵ Siti Ropiah, "MEMBANGUN POLA RELASI KELUARGA BERBASIS KESETARAAN DAN KEADILAN GENDER," *Muwazah* 7, no. 2 (2016): 1 – 2, <https://doi.org/https://doi.org/10.28918/muwazah.v7i2.515>.

⁴⁶ Rohmatul Izad, "Kesetaraan Gender Dalam Islam : Perspektif Hermeneutika Muhammad Syahrur," *Hermeneutik: Jurnal Ilmu Al Qur'an Dan Tafsir* 12, no. 02 (2018): 13 – 31, <https://doi.org/10.1234/hermeneutik.v13i1.6076>.

⁴⁷ Martha Herlinawati, "Yohana: Kesetaraan Gender Sebagai Kunci Keluarga Harmonis," *Antaranews.Com*, 2019, <https://www.antaranews.com/berita/1112696/yohana-kesetaraan-gender-sebagai-kunci-keluarga-harmonis>.

⁴⁸ Muchammad Qosim Alfaizi, "Membangun Kesetaraan Gender Dalam Kehidupan Keluarga Perspektif Hukum Islam," *Jurnal Sains Dan Seni ITS* 6, no. 1 (2017): 51 – 66, <https://doi.org/https://doi.org/10.14421/jrh.v5i1.2383>.

roles and tasks. As time went by, a gender dichotomy arose, women (wives) became confined to the household, leading to gender inequality within the family. Therefore, it is necessary to reorganize the patterns of relationships within the family, which must be based on gender equality. If the new building is not constructed soon, there will be damage (mafsadat) to the family. The negative impact of the absence of gender equality within the family is the failure to fulfill family functions.

CONCLUSION

Based on the description above, it can be concluded that gender partnership in the family includes the division of responsibilities and roles within the family, transparency within the family, accountability within the family, and equitable distribution of tasks. Furthermore, building a family relationship pattern that is just and promotes gender equality in family life through gender partnership aligns with the interpretation of the Qur'an. This is done to avoid disruptions that interfere with family functions.

In the South Tapanuli region, 60% of husbands refuse to help their wives with housework. Of course, this is a very fantastic result that needs a mature understanding of gender equality in the local community. Gender equality can be defined as a state in which men and women have the same opportunities and rights as human beings to have roles and participate in various aspects of life. Additionally, building fair and gender – equal relational patterns within the family is essential, namely through gender partnership in the family. Establishing a fair and gender – equitable family relationship structure through collaboration between men and women in the family becomes the pillar of a successful family; gender partnership includes role and work sharing, transparency, accountability, and good governance.

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