

The Concept of Gender Justice from the Perspective of Indonesian Women Ulama

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Abstract

Gender differences are unimportant as long as they do not result in gender inequality. However, it turns out that gender disparities have resulted in a variety of injustices, which affect both men and women. Gender inequality is a system and structure that affects both men and women equally. Because Islam is based on a relationship between Allah and individual women and men, the Qur'an's concept of Islam treats both women and men equally. According to Islamic normativity, a person's high and low quality is determined solely by his or her level of devotion to Allah. Humans are treated equally by God, who does not distinguish between them. God does not differentiate between men and women when it comes to the works he performs. Gender equity is a necessity for both men and women, according to Indonesian women researchers.

Keyword: *Gender, Gender Justice, Indonesian Women's Ulama*

Introduction

Humans are freed from a variety of forms of discrimination and oppression, including social discrimination, skin color, race, and a variety of other basic ties, thanks to Islam. The Qur'an contains the notion of equality between men and women in theory. However, in reality, there is still a great deal of discrimination in society, which leads to gender disparity. Violence, marginalization, and injustice are all forms of discrimination against women.

According to Komisi Nasional Perempuan dan Anak (Women and Children National Commission's) records, there were 406,178 cases of violence against women reported and handled during 2018 (up from 348,466) the previous year. This case of violence against women consisted of 13,568 cases handled by 209 service provider partner institutions spread across 34 provinces, and as many as 392,610 cases sourced from case data/cases handled by the Religious Courts (Komnas PA, 2019). While cases of injustice felt by women, for example in legislative elections. The seats occupied by women in the house of representatives (DPR) are still very low, namely

8.80% in 1999, as many as 11.82% in 2004, then in 2009 17.86%, and in 2014 it decreased again to 17.32% (BPS, 2014).

It must be acknowledged that gender-based injustice still occurs in society, especially in practical terms. The data published above is only a small part of the existing cases and is not reported by victims. In cases of sexual violence, for example, victims choose to remain silent for reasons of shame and unequal power relations. There are still many people who think that victims of sexual violence are the fault of the victims themselves who dress too sexy or don't cover their genitals.

The rampant injustice experienced by women has prompted the Indonesian female ulama to take it seriously in their congress. The Indonesian Women's Ulama Congress (*Kongres Ulama Perempuan Indonesia/KUPI*) is a meeting activity for consolidation, discussion, and sharing of experiences and knowledge about the role of Indonesian Women Ulama in fighting for Islamic, national and humanitarian values. KUPI was initiated by people who are concerned about Islamic issues and gender justice in Indonesia. KUPI is organized by women and men who are concerned with the issue of gender justice from an Islamic perspective, including Islamic boarding school leaders, activists, and academics (KUPI, 2017).

Indonesian women clerics in their first congress have confirmed their vision and mission to affirm and realize justice for the universe, especially gender justice. If so, what is the concept of gender justice from the perspective of Indonesian women ulama? Then what are the factors that shape the concept of gender justice in the perspective of Indonesian women ulama? This problem is interesting to be studied more deeply to add a more comprehensive theoretical understanding of the community's point of view on the issue of gender justice between men and women.

To examine the problems above, it is necessary to have a deeper understanding of gender equality from the perspective of the Qur'an and its implications for Islamic law (Suhra, 2013). This study uses a descriptive analysis method, namely processing and describing the data studied in a more meaningful and understandable data display. Data was collected through documentation and in-depth interviews which were then analyzed by interactive analysis.

Gender in Perspective and Reality

Equality is a big agenda in the feminist movement that fights for equal rights between men and women. However, many forget that equality is not always the

same and comparable. There is always a difference in equality. Because basically, equality arises because there are differences.

In Islam, the position of men and women is equal. The word of God in QS Ali Imran (3): 195 explains that God will reward each other's deeds, both men and women. In addition, another verse also confirms that the position of men and women are equal before Allah, "Men (husbands) are leaders and protectors for women (wives) because Allah has favored some of them (men) over women. others (women)." (Surat an-Nisa '(4): 34). What is meant by leadership in the letter is that arbitrariness is not allowed, because from one side the Qur'an commands mankind to help each other between men and women.

At first glance, it appears that this leadership task is a special privilege for men (husbands) and a higher degree than women. Islam explicitly states that men are responsible for meeting the needs of their families. Therefore, men who do not have material skills are advised to postpone marriage. However, if you have a marital relationship, the income of the man (husband) cannot meet the needs of the family, then based on the advice of mutual assistance in Islam, the woman (wife) should be able to help the man (husband) in increasing income.

Islam is a religion that carries a mission of equality between humans and others, whether rich, poor, young, old, officials, people, ugly, beautiful, or women, men. Although in the Qur'an it is stated *ar-Rijal qawwamuna 'ala al-nisa'*, in Surah An-Nisa' verse 34 which explains the leadership of men in the household. Such leadership should not be used as a way of the arbitrariness of men against women, because in Islam it is also recommended that men (husbands) discuss with women (wives) in solving existing problems.

In terms of the formation of gender concepts for men and women, it is influenced by three concepts, namely: first, self-concept and self-image, how they can understand themselves, and they can influence their society. Second, the culture of society, such as language, models, values, and norms that are applied in daily behavior. Third, some figures influence the formation of people's personalities in daily life as social activities (Mufidah, 2009).

Today, that the process of male or female maturity is influenced by social rules that are always instilled, accustomed to life so that it becomes standard. In this case, women are categorized as emotional beings, fussy, weak, feminine, cowardly,

compassionate, and have a sense of dependence on men. Meanwhile, men are categorized as rational, brave, brave, masculine, selfish, assertive, and so on. Based on these labels, the concept and self-image of both men and women are undeniable. In addition, the understanding of men and women has also been legitimized by the interpretation of sacred texts so that it becomes a belief.

Public understanding of gender differences is still often confused with gender differences as a social construction. From here, the concept and self-image of men and women are built and influenced by culture which is strengthened by religious legitimacy. With the concept and self-image that then forms the concept of gender. The concept of gender is an effort to differentiate gender through a socialization process that has a direct impact on differences in status, roles, and relationships between men and women.

The existence of these differences resulted in the status of one sex being lower than the other. Distinguishing roles can marginalize one gender, as well as an unequal relationship between the two. Gender inequality is practiced by both men and women through habituation in daily life to form a social reality. Even so, social construction will change in line with social changes so that gender status, roles, and relations can change according to space and time.

Gender relations are determined by the division of roles and functions in society. In Arab society, men are given a dominant role in various fields. Based on the conception of the family in the traditions of Greek and Roman society, the head of the family is held by a man (husband). Men hold absolute power in the legal and economic fields of their families, both wives, children, and even slaves who live in the family (Umar, 2001).

Gender differences are not a problem as long as they do not give birth to gender inequality. However, in reality, the application and implications of gender in society have not met expectations, because they are still heavily influenced by local socio-cultural factors. Therefore, the existence of gender differences has given rise to injustice for both women and men. Gender inequality (Fakih, 2018) is a system and structure in which both men and women are victims of the system. Manifestations of gender inequality appear in several forms, namely, marginalization of women, gender stereotypes, subordination, violence, and workload.

Gender bias can occur in society when one gender is harmed, resulting in injustice. What is meant by injustice is a form of different treatment based on gender reasons, where one gender is considered better in terms of circumstances, position and position. This gender bias can occur in both men and women. However, in reality, the existence of gender bias in Indonesia is felt more by women.

The gender bias that harms women can indirectly harm society as a whole. If women are positioned behind, then women cannot be equal partners to men, causing the relationship between the two sexes to become unequal or unbalanced. In addition, gender bias sometimes also leads to oppression. One of the causes of the oppression of women is patriarchy, which is one of the biggest agendas being challenged by Islamic feminism. According to the feminist point of view, patriarchy is considered as the origin of all tendencies towards hatred towards women which is the basis for writing religious texts that are biased towards men's interests (Zuhrah, 2012).

The distinction between men and women in various fields of life proves that gender equality still has to be fought for. Gender equality is the similarity of positions between men and women in gaining access, participation, control, and benefits of life activities both in the household, nation, and state.

Gender equality is related to gender justice which is a process and fair treatment of men and women. The realization of gender equality and justice is marked by the absence of discrimination against both men and women. So that with this everyone has access, opportunity to participate, and control over development and obtain equal and fair benefits from such development.

According to the nurture theory, differences in gender relations between women and men are essentially not determined by biological factors but are determined by the construction of society (Nugroho, 2008). In other words, social roles have been considered standard and understood as religious doctrines in society. According to adherents of this understanding, the existence of differences is not the will of God nor is it a product of biological determination but rather as a product of social construction (Umar, 2001). Many of the values of gender bias that occur in society are considered to be caused by biological factors but in reality, what is a factor in this is a cultural construction.

The existence of these differences causes women to always be left behind and neglected their roles and contributions in family life, society, nation, and state. Social construction places women and men in class differences. Men are identified with the bourgeois class and women as the proletariat. The struggle for gender justice is still difficult to achieve due to various obstacles, both religious and cultural values.

Gender Justice Perspective of Indonesian Women Ulama

There are a lot of female clerics in Indonesia. Just look at Indonesian Islamic boarding schools, there are always female clerics who teach their students the Qur'an every day, recite the yellow book, lecture to the public, become prayer priests for other women and are active in social activities. Then in Islamic universities, many women become lecturers, researchers, and professors as well as men (Ilyas, 2018). This is understandable because Islam has never discriminated between men and women. Both have the same obligation in *tholabul ilmi* (seeking knowledge).

In the history of Nusantara (archipelago) recorded the names of brilliant female scholars such as Fatimah Al-Banjari (Banjarmasin) the author of the book *Perkunan Jamaluddin* who explores fiqh issues such as prayer, fasting, and so on. He is the grandson of the great scholar, Sheikh Arsyad al-Banjari. Then there was Aisyah Wetenriolle (South Sulawesi) in 1919 who managed to dig up and collect manuscripts about the league match. Then there was Rahma El Yunusiah (West Sumatra) in 1900-1969 who received the first *sheikhah* degree from Al-Azar University in Cairo. In addition to the scholars mentioned above, there are many more female clerics in Indonesia (KUPI, 2017).

This history has shown that Indonesia has almost the same number of female ulama as male ulama. They also have scientific abilities on par with men. They work in the scientific world and lead traditional educational institutions such as *madrasah diniyah*, *majlis ta'lim* and *pesantren*, as well as modern ones such as universities and socio-religious-based research centers. However, their existence is not recognized in the community, resulting in the lack of records or publications on female clerics. In other words, female clerics in the historical stage have not received the same wide public space as male clerics.

To confirm the existence of Indonesian women ulama, efforts need to be made culturally and structurally. On that basis, an idea was born to hold the first Indonesian Women's Ulema Congress (KUPI) on 25-27 April 2017 at the *Pondok Pesantren Jambu al Islamy*, Cirebon. A congress is a meeting place for women ulama with more than 500 women scholars from various regions in Indonesia. In addition, some scholars from neighboring countries, namely: Malaysia, Afghanistan, Saudi Arabia, Pakistan, and Nigeria.

KUPI (Congress of Indonesian Women Ulama) is a movement that has special attention to the substance of women. KUPI's activities began in the 1990s through the performance of P3M (*Pengembangan Pesantren dan Masyarakat*). This work was continued by Rahima and later produced another institution, namely Fahmina in Cirebon. In this case (KUPI, 2017), Fahmina has a faster performance moving rapidly because she has strong ideas from various figures such as KH. Husein Muhammad, Faqihuddin Abdul Kodir, and Marzuki Wahid.

Women clerics have a very extraordinary role, namely affirming Islamic values, nationality, and humanity. The role of this female cleric is not to compete with men, but to fill the empty (unfilled) fields, straighten out deviant matters, and give tenderness, love, firmness, resilience, sincerity, accuracy, and beauty on religious teachings and practices. Female ulama have three strengths that are rarely possessed by men, namely religious knowledge which is sensitive to injustice and discrimination, gentleness and leadership that protects, and loves the people they lead.

One of the efforts made by Indonesian women ulema is to formulate the concept of gender justice which is sourced from the teachings of Islam and the noble culture of the nation so that there are no more misunderstandings. Thus, gender discrimination and injustice will no longer occur in all aspects of national and social life. Through long discussions and in-depth studies, Indonesian female clerics finally formulated the concept of gender justice.

The concept of gender justice departs from the thoughts of three figures who pay great attention to gender justice. These thoughts are the *Maqhashidi interpretation* of Kiai Husein Muhammad, the *Mubaddalah* concept of Faqihuddin Abdul Kodir, and the true justice for women, Nur Rofi'ah. These three ideas are considered to represent the concept of gender justice by Indonesian female

scholars. A deep understanding of the text and context of these three figures has been able to offer gender justice with a comprehensive understanding.

K.H Husein Muhammad uses a *maqashidi* interpretation approach in understanding justice. This *maqashidi* interpretation, in gender relations, is based on a perspective that humanizes men and women. With this point of view, furthermore, all products of interpretation related to the relationship between men and women must be directed to foster mutuality and cooperation in achieving all good, and avoid all forms of evil, both in the domestic and public spheres.

In the domestic sphere, *maqashidi* interpretation emphasizes the importance of the relationship between husband and wife in serving, strengthening, and making each other happy. In addition, this relationship also applies to parents and children, and all family members. Thus, all the needs of the family become a shared responsibility. Then if in the public sphere, *maqashidi* interpretation emphasizes the existence of equality of women and men in being honorable and dignified citizens in the eyes of the law. Thus, women and men have the same rights and obligations in building the Indonesian nation.

From a gender perspective, women have the same rights and obligations as men and also have an equal position and function with men. According to K.H Husein Muhammad, what is meant by human equality is the most responsible consequence for the recognition of human faith in the oneness of Allah as well as in line with the human vision of Islam (Muhammad, 2019). Therefore, justice and human benefit must be upheld. Then, what is meant by justice, in this case, is to act proportionally, by giving rights and access to anyone who has them, regardless of gender or other social identities.

According to K.H Husein Muhammad, the interpretation of *maqashidi* in gender relations is based on a perspective that humanizes men and women. By using this perspective, all interpretations related to the relationship between men and women must be directed to foster mutuality and cooperation, to achieve the common benefit both in the domestic and public spheres.

Thus, we can see that the *maqashidi* interpretation is a concept of justice by interpreting verses that are often debated in the relationship between men and women to produce a gender-just interpretation (fair for men and women). In other

words, this interpretation can strengthen the building of equality between men and women.

Meanwhile, Faqihuddin Abdul Kodir used the *mubaddalah* approach. *Mubaddalah* in *al-Ma'ani's* dictionary means to replace, exchange or barter, whether physical such as trade or non-physical such as tolerance. The word *mubaddalah* itself is used more for resistance movements of all forms of values that are hegemonic and tyrannical. In the dictionary *Al-Mu'jam al-Wasith*, the word "*mubaddalah*" means a reciprocal exchange between two parties (Kodir, 2019).

This *mubaddalah* concept provides a positive perspective in viewing the text and reality. Even texts that are considered biased, if interpreted with the concept of *mubaddalah*, can contain the meaning of mutuality without having to be opposite. The concept of *mubaddalah* is a method of interpretation of Islamic source texts which requires men and women as equal subjects, both of which are addressed by the text and must be included in the meaning contained in the text.

Mubaddalah has two principles: first, men and women are both servants of Allah. Second, men and women are both caliphs on earth. Based on this principle, we can understand that humans, both male, and female, are servants of Allah who carry out the mandate as caliphs on this earth.

To apply the concept of *mubaddalah*, three lines are used, namely, first, to emphasize the value principles of the Qur'an and Hadith which are the foundation of meaning for partial texts (verses or hadiths) to be interpreted. Second, finding the main idea of the interpreted text will be continued in the third step, by relating it to the principle of the value of the work of the first step. And the third is to apply the main idea (the work of the second step) to the gender that is not mentioned in the text.

Broadly speaking, the concept of *mubaddalah* is teaching us to view others and ourselves as equally respectable human beings, this is following the hadith "*laa yu'minu ahadukum hatta yuhibba li akhihi ma yuhibba linafsihi.*" Thus, the concept of *mubaddalah* is enabling Islamic texts to be re-understood with the spirit of monotheism which places men and women in equal positions as full subjects of human life.

Islam has three messages (Kodir, 2019) namely *Mabadi'* (for all aspects of life) in the form of the foundation of Islamic teachings as stated in *maqasid al-syari'ah*. *Qawa'id* (for certain aspects of life) that is, general principles in certain areas of life such as politics and buying and selling. *Juz'I* (everyday particular teaching). The three messages above must be placed hierarchically, namely *Mabadi'*, *Qawa'id*, and *Juz'i* so that the *Qawa'id* text cannot be understood as contradictory to the *Mabadi'* text, and the *Juz'i* text cannot conflict with the *Mabadi'* and *Qawa'id* texts.

By using this method, the texts on partial guidance that reflect the gender-biased views and attitudes of Arab society must be understood in ways that are following the values in *Qawa'id* and *Mabadi'* that animate and underlie them. The concept of *mubaddalah* is teaching us to view others and ourselves as equally respectable human beings, this is following the hadith "*laa yu"minu ahadukum hatta yuhibba li akhihi ma yuhibba linafsihi.*" Thus, the concept of *mubaddalah* is to allow Islamic texts to be understood again with the spirit of monotheism which places men and women in equal positions as full subjects of human life.

Nur Rof'ah proposed the concept of vital justice for women, which is akin to the concept of gender justice. This approach, in general, still applies justice to men and women, but it does not overlook, and even pays special attention to, women's biological and social conditions. Essential Justice for Women is a substantive equality-based justice that examines the nature of women, including their biologically unique conditions due to their reproductive organs, functions, and periods, as well as their socially unequal relationship with males that have existed for centuries (Rofi' ah, 2019).

This perspective is important to use in understanding religious texts and the reality of life, as exemplified by Islam. Without special attention to the uniqueness of women, religious teachings have great potential to be misused to legitimize injustice to women, blame women as victims of injustice, and cause women to become victims for the umpteenth time.

This perspective has five basic principles (KUPI, 2017), namely, first, viewing the importance of texts and the reality of women, namely a real experience of women as individuals, religious communities, citizens, and citizens of the world. Second, integrating essential justice for women in understanding texts and reality.

Third, placing Islamic values inseparable from national and human values. Fourth, paying attention to the need to simultaneously build individual piety and social (structural) piety. Fifth, ensure that any method used in understanding religious texts and the realities of life must take into account the unique conditions of women, both biologically and socially, which are different from men.

Thus, the perspective of vital justice for women is used not only limited to religious texts and the realities of life-related to women in particular, but also to the understanding of religious texts and the reality of life in general, where women must be an inseparable part of it. For example, in understanding the problems of family, society, country, and nature. The perspective of essential justice for women is an inseparable part of the perspective of justice in general. Therefore, in principle, this perspective still applies justice to men and women in general but does not ignore, even pay special attention to the biological and social conditions of women.

The three concepts of gender justice from Kiai Husen, Faqihuddin Abdul Kodir, Nur Rofi'ah have a mutually supportive relationship to realize the justice relationship between men and women and the meaning of justice in a broader sense. The difference between the three concepts lies in the emphasis on the aspects that give rise to injustice. KH Husein on the tendency to understand Islamic texts that are separated from the intent of Islamic law. Faqihuddin Abdul Kodir is more inclined to understand the pre-assumption of unequal gender relations. Meanwhile, Nur Rofi'ah pays more attention to the aspect of ignoring women's biological and social experiences. However, all three have the same goal, namely justice for all humans regardless of gender or gender.

Conclusion

Three notions in understanding gender justice have been developed by Indonesian women clerics through their three figures. The first is KH Husein Muhammad's Tafsir Maqashidi. Second, Faqihuddin Abdul Kodir is the creator of the mubaddalah concept. Nur Rofi'ah's concept of vital justice for women is the third. To achieve gender justice, the three principles have a mutually beneficial relationship. For Indonesian women ulama, the concept of gender justice is supposed to convey a complete awareness to the community that men and women are equal in various

aspects of life. As a result, gender-based discrimination, violence, and injustice must be eliminated from people's daily lives.

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