

The Thought of The Ulama of The Islamic Association on The Transformation of The Social and Cultural Role of Women as Housewives: Implications for The Concept of Gender Equality

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Abstract

The Unity of Islam cleric's thinking is distinctive in determining legal provisions, especially in formal rituals. However, a different approach is used when discussing the shift in the role of housewives, which does not yet have a firm view from Islamic Unity scholars. This research uses descriptive analysis method by collecting data through observation, interviews, and documentation, as well as the main data source from the opinions of Islamic Unity scholars. The aim is to analyze the thoughts of Islamic Unity scholars on the changing social and economic roles of women as housewives. The results of the study were analyzed using an empirical juridical approach, gender equality theory, and the concept of family law reform from Tahir Mahmood. In conclusion, the Islamic Union scholars consider the role of women in family law as part of muamalah that can be developed progressively, while still paying attention to the principles of Islamic law. This thinking is socialized positively through various activities to the community, with the al-maslahah al-mursalah approach to maintain the principle of women's dual role as housewives, without equating all activities between men and women.

I. Introduction

Islamic Unity socializes the idea of liberating the Muslim community from the attitude of taqlid, which is imitative religious behavior, following the thoughts of the ulama without knowing the legal basis of the Qur'an or al-Hadith. Another mission is to liberate the Muslim community from actions that are contrary to the principle of tawheed and irrational, such as believing in shamanism and syncretism. Therefore, the movement to reform Islamic doctrine launched by the scholars of Islamic Unity is a movement of puritanism of Islamic teachings.¹

Islamic Unity scholars customize their ideas in various forms, among which popular written works are A. Hasan's Soal Jawab, Aceng Zakaria's Al-Hidayah book, Dadan Wildan's History of Islamic Unity book, various writings of Islamic Unity scholars in Risalah magazine, Saeful Uyun's Islamic Unity Ijtihad Method book, various research results and dissertations on Islamic Unity, for example the dissertation of A. Hasan. Hamdani's dissertation entitled Educational Development Strategy of Islamic Unity Boarding School, Islamic Unity Reform Thought by Badri Khairuman, and several articles that discuss Islamic Unity scholars in terms of thought and its implications for the behavior of members and sympathizers.

In terms of the application of Islamic law methodology used by Islamic Unity scholars, it seems that it is taken from the phenomena that develop in society which are still directly related to the lives of Muslims in carrying out rituals and social problems. In terms of rituals, methodologically, it is always consistently guided by the rules of Islamic law that "the origin of worship problems is prohibited unless there is evidence that orders it, while for social problems, basically the original law is permissible unless there is evidence that prohibits it". Thus, systematically it must be based on the Qur'an, al-Hadith, and the consensus of the companions, and overall Islamic legal methods such as analogy or qiyas, ijtihad, al-maslahah al-mursalah, and others must be based on naqli arguments that justify their permissibility to be applied or there are aqli arguments (for example there are similarities in the 'illat of law and public benefit) which are references to their implementation.²

The implementation of the renewal movement which is the vision and mission of the Islamic Association is internally carried out through various forms, namely through educational institutions in the form of Islamic boarding schools with curriculum and subjects tailored to its vision and mission, through da'wah and socialization of Islamic teachings, discussion of Islamic teaching issues through the Islamic Association Hisbah Council session, discussions, seminars, conferences, and various actuality programs to empower Islamic Association members in social, cultural, economic, educational, and religious life. Externally,

¹ Wawancara dengan Syaiful Bahri (Ketua PD. Persatuan Islam Kabupaten Sumedang), 10 November 2023.

² Wawancara dengan Syamsul Falah, (Kyai Persatuan Islam Jawa Barat,) 12 November 2023.

as conveyed by Kyai Hasan Bisri, the spread of modernist thought of the Islamic Association is carried out with wisdom and advice and scientific discussions while still upholding ethical and moral values so as not to cause conflict between Muslims. Islamic Unity continues to strive for the implementation of its modernist thought by paying attention to the development of science and the socio-cultural dynamics of today.³

The problems of Islamic law socialized by Islamic Unity scholars to the community still emphasize formal ritual issues, because this problem is very important to be studied in depth in accordance with the texts of the Qur'an and al-Sunnah, especially formal rituals, namely the devotion of Muslims to Allah so that their implementation does not deviate from the legal basis and strong, shahih, clear and firm arguments. As for social and cultural issues, it is permissible to develop them as long as there is no evidence that prohibits it, such as trade issues, interactions between people, the development of science and technology, the development of education, politics, and including family issues. However, Unity of Islam scholars have not responded much to contemporary issues of family law because it is a private matter and is usually resolved internally by each family, unless someone asks for an opinion regarding a particular law.⁴

It is rare to find a decision of the Hisbah Council or a personal opinion from a Muslim cleric on family law, even though Muslim family life is facing the challenges of modern, globalized thinking, such as the shifting role of women. According to one Unity of Islam cleric, the issue is rarely discussed because it is not a crucial polemic that will tarnish Islamic law, but is classified as a social issue whose law is permissible as long as there is no evidence from the Qur'an and al-Sunnah that forbids it.⁵

With the lack of phenomenal problems regarding family law discussed by Islamic Unity scholars, especially those categorized as contemporary issues of women's behavior, especially in relation to housewives, it is important to explore their views on this matter on the grounds that family life is the main foundation for Muslims to continue their lives as Muslims who must be maintained in accordance with Islamic lifestyles that aim to form a peaceful family, love each other and protect themselves from deviations from Islamic law. In addition, based on a literary search, research on the views of Islamic Unity scholars regarding the shifting role of housewives is still very rare, although substantively there is research on polygamy among Islamic Unity scholars but it is not published so that the results of the research are not socialized, for example Ahmad Syaokani's article entitled, Polygamous Household Peace among Islamic Unity Scholars. This paper examines several Islamic Unity scholars who are polygamous but their names are kept secret, the research is part of an unpublished

³ Wawancara dengan Kyai Hasan Bisri (Ulama Persatuan Islam Kabupaten Sumedang), 12 November 2023.

⁴ Wawancara dengan Kyai Mohammad Roqib (Ulama Persatuan Islam Kabupaten Subang), 15 November 2023.

⁵ Wawancara dengan Kyai Endang Miftah (Ulama Persatuan Islam Kabupaten Subang), 15 November 2023.

document. The research, conducted in 2019, concludes that the peace of polygamous families is determined by mutual understanding between the wives of their husbands and the implementation of justice in accordance with Allah's commands in the Qur'an. However, justice is measured materially and adjusted to the husband's ability. Therefore, justice in the spiritual or inner sense cannot be measured accurately because the feelings of polygamous wives are not concrete, but it can be known physically that his wives live it cheerfully and accept it as part of worship.⁶

Methodologically, the Islamic Association has the main guidelines in running household life, educating children, placing the husband as the head of the family and the wife as a housewife, including in social and political activities that have been structurally separated by the existence of the Islamic Isteri Association or Persistri. So in that organization as a whole, various guidance and development of women's activities and participation are carried out. In terms of their stature, there are women who take part as educators, preachers, entrepreneurs, politicians, and other professions.

This research is based on the framework of ideas about gender equality, including the views of Nassaruddin Umar who states that gender equality is not the equality of the sexes in terms of sexuality, but aspects of values and behavior and the development of human personality, especially aimed at women.⁷ Since social, political, cultural, economic, and educational roles are dominated by men who marginalize the role of women, the concept of gender equality is to increase the role and behavior of women who are equal to men in terms of the right to develop themselves and their professionalism with a variety of activities that have been controlled by men. Women with their advantages are able to play an active role as they have been controlled by men, in various activities, namely social, cultural, political, economic and educational roles. Strengthening functions and roles with changes in behavior among women is what is then conceptualized as gender equality. Women's political and socio-economic roles are equal to men.⁸ Thus, the relationship between social, cultural, economic, political and educational life with women should not be segregated or singled out, let alone marginalized. Thus, gender equality is not about the biological aspects of women and men.⁹

Based on the theory of family law reform which means universalizing Islamic values, namely Islamic behavior so that the perpetrators are not only adherents of Islam but also include non-Muslims. Tahir Mahmood in Family Law Reform in the Muslim World describes the development of Islamic family law which is categorized into three models. First, countries that do not reform family law at all. Second, countries that have abandoned the concept of conventional fiqh and

⁶ Ahmad Syaokani, *Ketentraman Rumah Tangga Poligami di Kalangan Ulama Persatuan Islam*, (Laporan Penelitian, Majelis Tafsir Persatuan Islam, Bandung, 2019) h. 109.

⁷ Nassaruddin Umar, *Argumen Kesetaraan Gender*, (Jakarta: Dian Rakyat, 2010), h. 29

⁸ Iswah Adriana, *Kurikulum Berbasis Gender*, (Tadrīs. Volume 4. Nomor 1. 2009) h. 137

⁹ Eniwati Khaidir, *Pendidikan Islam Dan Peningkatan Sumber Daya Perempuan*, (Pekanbaru:LPPM UIN Suska Riau, 2014) h. 20

made liberal reforms. Third, a country that conducts moderate reforms to adapt to the demands and changes of the times. This third reform is in accordance with the demands and contemporary issues of family law, as well as a compromise between conventional concepts and the demands and changes of the times. As was done by Egypt, Tunisia, Pakistan and Indonesia.¹⁰

Tahir Mahmood applies several methods of family law reform, namely: (1) Ijtihad, (2) Deductive Qiyas, (3) Ijma', while the operational theories are: (1) Takhayyur, and (2) Talfiq. All new symptoms are analyzed using istihsan and al-maslahah al-mursalah approaches. The results of all scholarly thinking must be taken into consideration by the government so that the politics of Islamic law is needed after selecting all the strongest arguments and taking the opinions agreed upon by the scholars of the madhhab and modern scholars who have been institutionalized by the government and scholars in Islamic institutions. According to Tahir Mahmood, an intra-doctrinal reform approach is also applied, namely reform that still refers to the concept of conventional fiqh, by means of takhyir (choosing the views of one of the fiqh scholars, especially scholars outside the madhhab), or it can also be called tarjih and talfiq by combining a number of scholarly opinions (al-jam'u). Also through the extra doctrinal reform approach, namely reform that no longer refers to the concept of conventional fiqh, but by reinterpreting the text. The method and basis used is to use al-maslahah al-mursalah, sad al-dhari'ah, regulation, and legal administration based on siyasah syar'iyah or Islamic legal politics in its legislative efforts.¹¹

With the theory of family law reform initiated by Tahir Mahmood, every shift in the role of women housewives is a matter of methodological discussion and deepening which is explored by the ijthad method so that the legal provisions of ijthad are the main guide is the doctrine of Islamic law from the Qur'an and al-Sunnah, while the development and construction of family law is produced by methodological interpretation and deep understanding that has been agreed upon by mujtahid scholars.

Research that discusses the shifting role of women as housewives, including Enok Atikah entitled "Shifting the Role of Wife as the Main Earner in the Family" (Case Study of Female Worker Families in Temukerep Hamlet, Larangan Village, Larangan District, Brebes Regency). This study discusses housewives who become Women Workers abroad, which concludes that the family's economic background is the main cause while the husband's income cannot meet the family's economy, so the wife works as a Women Worker. Another research is from Bella Aristantio Harto who is still questioning the problem of housewives becoming women workers abroad, thesis research conducted in Pucanganom

¹⁰ N.D. Anderson. *Islamic Law in the Modern World*. New York University Press, New York : 1959, hlm. 83. Lihat juga Afiq Budiawan, *Nalar Metodologi Pembaharuan Hukum Perkawinan di Dunia Muslim*, Jurnal Hukumah, Volume 01, Nomor 1, Desember, STAI Pekanbaru, 2017, hlm. 24.25-26

¹¹ Tahir Mahmood. *Family Law Reform in the Muslim World*, h. 64.

Village, Kebonsari District, Madiun Regency.¹²

Wanda Marsella and Stevany Afrizal's research is entitled, Household Conflicts Due to Shifting Husband-Wife Roles During the Covid-19 Pandemic in Tambora District, West Jakarta. This study describes the occurrence of a shift in the role of husband and wife during the Covid-19 pandemic because the husband was dismissed from his job because the company went bankrupt, or the husband's business income decreased, and other consequences that caused the family economy to be disrupted so that the husband took on the role of housewife in taking care of things that are usually done by the wife, such as washing clothes and so on. Meanwhile, the wife must be able to manage finances that are in short supply. Even wives have to work harder to help the family economy. Such role shifts lead to stress and household conflict and many end in divorce.¹³

Another research is from Intan Rahman Sugesti entitled, Changes in the Role of Wives towards Family Harmony (Case Study of Jambusari Village, Jeruklegi District, Cilacap Regency). This study explains that changes in the role of the wife have caused tension in the household because the wife's rights are disrupted and the husband's obligations are reduced, due to this role shift it often causes misunderstanding, jealousy on the part of the husband, and domestic quarrels. Meanwhile, according to scholars, wives may work outside the home on condition that they do not leave their main role as housewives.¹⁴

Fatahuddin Aziz Siregar's research entitled, The Shifting Role of Wives in Building Ideal Families in Mandailing Society in Review of Islamic Family Law. This study concludes that wives who work outside the city will leave a lot of their families, namely their husbands, children, and relatives, so that it will have a negative impact on the integrity of their households, on the other hand, economically their household needs are met, but if the husband is not trustworthy in managing household finances that are given by the results of his wife's hard work, it causes conflict, so that wives who work far outside the city do not maintain offspring, family, and property, even though the wife works the law is permissible for the sake of benefit.¹⁵

Septi Latifa Hanum's research, The Role of Housewives in Building Family Welfare, in *Academica Journal*, Vol. 1 No. 2, July-December 2017 ISSN: 2579-9703 (P) | ISSN: 2579-9711 (E). This research was conducted in the village of Pucangan, Kartasura, Sukoharjo. The researcher explained that housewives receive their husband's income with gratitude and manage it so that it can meet the economic

¹² Bella Aristantio Harto, *Tinjauan Sosiologi Hukum Islam terhadap Pergeseran Peran dan Fungsi Suami-Isteri dalam Keluarga TKW di Desa Pucanganom, Kecamatan Kebonsari, Kabupaten Madiun*, Skripsi, IAIN Ponorogo, 2021)

¹³ Wanda Marsella dan Stevany Afrizal berjudul, *Konflik Rumah Tangga Akibat Pergeseran Peran Suami-Isteri Selama Pandemi Covid-19 di Kecamatan Tambora Jakarta Barat*. *Sosial Khatulistiwa: Jurnal Pendidikan IPS* Vol. 02, No. 02, September 2022, p. 51 – 62 ISSN (Online): 2807 - 761X, ISSN (Cetak): 2807 – 760

¹⁴ Rahman Sugesti berjudul, *Perubahan Peran Isteri Terhadap Keharmonisan Keluarga* (Studi Kasus Desa Jambusari Kecamatan Jeruklegi Kabupaten Cilacap). (Skripsi, IAIN Purwokerto, 2019)

¹⁵ Fatahuddin Aziz Siregar yang berjudul, *Pergeseran Peran Istri dalam Membangun Keluarga Ideal pada Masyarakat Mandailing Ditinjau dari Hukum Keluarga Islam*. (*Diversi Jurnal Hukum Universitas Islam Kadari*, Vol 9 No 1 (2023)

needs of their family. If the wife works, it is only to help with the shortage but it is not the main priority. However, in the Compilation of Islamic Law there is still gender bias so that wives seem to be only housewives who are obliged to take care of their households so that legal protection is needed for wives who work to help the household economy.

Stevin M.E. Tumbage, Femmy C.M. Tasik, and Selvi M. Tumengkol, *The Dual Role of Housewives in Improving Family Welfare in Allude Village, Kolongan District, Talaud Regency*. This study explains the role of wives as housewives and cake sellers and makers of processed coconut oil. This dual role is a tradition of the local community to help the family economy, so that it runs smoothly and does not cause family conflict.¹⁶ Roziana Ainul Hidayati and Anita Handayani, *Empowerment of Housewives in Improving Family Welfare in Gresik Regency (Approach to Aisyiah Mothers in Gresik Regency)*. This research is a type of community service with assistance and training for Aisyiah activist housewives by utilizing home yards and culinary.¹⁷

The usefulness of this research is academically to contribute thoughts resulting from empirical research on the role of women to the development of family law reform which is one of the scientific studies among students and Muslim organizations, the Indonesian Ulema Council, and the Muslim community in general so that they know the thoughts and methods used by the scholars of the Islamic Association regarding one of the contemporary issues of family law and the notion of gender equality. As for the practical use for the community, the government, and Muslim organizations can make one of the views and methodologies used by Islamic Unity scholars as part of the consideration of understanding and application in the form of fatwas and calls to Muslim families in living social and cultural life in line with the dynamics of the times, and the government can consider it for policy-making materials that are beneficial to the lives of women and families and can keep pace with the progressive development of social life so as to improve the life of society and the state by sticking to the values of Pancasila.

2. Research Method

The type of research required is a study of the thinking of Islamic scholars regarding the shifting role of women as housewives and efforts to disseminate the findings of Islamic scholars, particularly to all members of the Islamic Union organization. The primary data sources are the Islamic Union scholars in West Java, such as in Subang

¹⁶ Stevin M.E. Tumbage, Femmy C.M. Tasik, dan Selvi M. Tumengkol, *Peran Ganda Ibu Rumah Tangga dalam Meningkatkan Kesejahteraan Keluarga di Desa Allude, Kecamatan Kolongan, Kabuoaten Talaud*. (Jurnal Acta Diurna, Vol. 6 No. 2 (2017).

¹⁷ Roziana Ainul Hidayati dan Anita Handayani, *Pemberdayaan Ibu Rumah Tangga dalam Meningkatkan Kesejahteraan Keluarga di Kabupaten Gresik (Pendekatan pada Ibu-ibu Aisyiah Kabupaten Gresik)*. (Jurnal DedikasiMU (Journal of Community Service) Volume 4, Nomor 1, Maret 2022) ISSN: 2716-5140 E-ISSN: 2716-5175

Regency, Sumedang, Tasik Malaya, Ciamis, and Bandung City, particularly their regional leaders and the largest Islamic boarding schools. The Islamic Union scholars in Sumedang Regency interviewed by the researcher include: (1) Kyai Syamsul Falah, (2) Kyai Saeful Bahri, (3) Kyai Hasan Bisri, (4) Kyai Muhammad Shogir, (5) Kyai Rahmat Hidayat, (6) Kyai Jalaluddin, (7) Kyai Kamas Komara, (8) Ustadzah Rini Hayati, (9) Ustadzah Imas Komalasari, (10) Ustadzah Kokom Komariah. The Islamic scholars from the Islamic Union in Subang District who were interviewed are: (1) Kyai Muhammad Roqib, (2) Kyai Endang Miftah, (3) Kyai Taufiqurrahman, (4) Kyai Mahmud, (5) Kyai Mastur, (6) Kyai Ahmad Syaokani, (7) Kyai Ujang Komarullah, (8) Kyai Muhammad Yasa, (9) Ustadzah Harningsih, (10) Ustadzah Nurwulandari, (11) Ustadzah Titin, (12) Ustadzah Rina; (13) Ustadzah Imas. Secondary data was obtained from documentation, papers, and various writings by Islamic Union scholars and other experts. Data collection techniques included field observations at the research site, interviews with key informants, and documentary studies supplemented by literature reviews. All collected data were analyzed using content analysis methods, and the research findings were subsequently summarized.

3. Results and Discussion

The Shifting Role of Housewives: An Analysis According to Islamic Unity Scholars

According to the scholars of the Islamic Association, the shift in the role of women as housewives must be seen from the cause. The main cause is the family economy, namely the husband whose income is unable to meet all the needs of his family, so the wife must work to help the household economy. Thus, shifting the role of the wife as a housewife is permissible for the benefit of the family.¹⁸

Muslim scholars agree that the activities of wives who work to help the family economy must meet the requirements, including consulting with their husbands, being permitted by their husbands, not working with non-mahrams, continuing to carry out their main obligations as housewives, not crossing the line, and maintaining the honor of themselves and their families.¹⁹ For husbands and wives who agree to empower their families by utilizing their spare time to seek a better livelihood is the best way to improve their family's economic capacity, especially for various primary needs such as children's education, health, clothing, food, and shelter, so that the family becomes a healthy, strong family, physically and mentally.²⁰

¹⁸ Wawancara dengan ulama Persatuan Islam, 29 November 2023.

¹⁹ Wawancara dengan Rina Hayati, 25 November 2023.

²⁰ Wawancara dengan Kyai Syamsul Falah, 25 November 2023.

Selain pergeseran peran ibu rumah tangga dalam hal isteri bekerja mencari nafkah, also the role of women in organizations. The Islamic Association formed a separate organization for the activities of women or wives, namely the Islamic Association of Wives or PERSISTRI. Its existence has its own program that empowers women as members of the Islamic Association. All activities are carefully planned and organized in a modern way, including in the election of the General Chairperson and all chairpersons in various regions and regions held separately specifically for members of the Islamic Association from women. The role and function of PERSISTRI is to prioritize all the needs of women from all aspects, including holding internal activities to strengthen household goals and programs that empower the community among women.²¹

According to one of PERSISTRI's administrators, Harningsih, the role of women is not just as housewives, in social and economic life the role of women is needed, especially in activities that should involve women as housewives, such as health counseling and free medication for housewives. In the social economic role, women are needed to help the community, especially housewives who want to develop their talents in various fields that bring additional income to their families, such as culinary training, utilizing the yard for live pharmacy plants, and so on.²²

The role of a housewife must be in accordance with the character of a mother, her dignity, and the world of women, and the purpose of taking a role in the economic, social, cultural, educational, and political spheres is to serve God, to serve the public interest, and to live for the benefit of others. Therefore, the opinion that wives are obliged to stay at home is dynamic or situational, because it is related to the conditions of each household. For husbands who are economically strong and have the ability to fulfill all the needs of their families, it is natural for their wives to stay at home every day taking care of their household affairs. However, household life varies, if the economic life is less capable then the wife may help the family economy, for example becoming a trader, teacher, civil servant, and so on as long as her husband gives permission and there is consensus. Therefore, husbands and wives must be able to manage their households openly and with mutual understanding.²³ From the overall role of housewives who also perform social, cultural, and political roles, the following table can be made:

Table 1: Types of Roles of Women Housewives and their Reasons ²⁴

No	Role Type	Reason
1	Merchant	Helping the Family Economy

²¹ Wawancara dengan Kyai Hasan Bisri dan Kyai Kamas Komara, 25 November 2023.

²² Wawancara dengan Harningsih, 29 November 2023.

²³ Wawancara dengan Rina Hayati, 25 November 2023.

²⁴ Wawancara dengan Harningsih, 29 November 2023.

2	Private Employee	Helping the Family Economy
3	Female Labor	Helping the Family Economy
4	Farmers	Helping the family economy
5	Lawyer	Pursuing a Career
6	Judge	Pursuing a Career
7	Public Servant	Pursuing a Career
8	Judge	Pursuing a Career
9	Teacher and preacher	Pursuing a career and religious profession
10	Entrepreneur	Developing a family business

Shifting roles in activities other than as a housewife based on different reasons, when percentaged, 70% of women housewives do it on the grounds of helping the family economy, this means that the economic needs of the household they live in cannot be fulfilled entirely by their husbands. This is because the husband's livelihood and income are relatively below expectations that can meet the needs of clothing, food and shelter. Meanwhile, the remaining 30% of housewives who act as civil servants, lawyers, judges, teachers, and preachers are women who have aspired to pursue a career and continue their family business that has been passed down from generation to generation. As Harningsih and others who are housewives and entrepreneurs admitted, this is because since her parents were alive, she has maintained the agro-business in agriculture, plantations and livestock.²⁵

With the activities of women housewives who hold dual roles, the scholars of the Islamic Union are of the view that this role is permissible because it is for the sake of kemashlahatan. According to Imam al-Ghazali, mashlahat is maintaining the objectives of Islamic law, namely maqasid sharia. The measure of benefit is maintaining religion, maintaining reason, maintaining soul, maintaining offspring, and maintaining property. If a woman's role as a housewife damages the five objectives of sharia or the objectives of Islamic law then it is not mashlahat but madharat, which damages her household life. Al-Thufi emphasized that the only rule of benefit as a legal argument is that it must refer to the objectives of Islamic law (al-maqasid al-syar'iyah).²⁶

²⁵ Wawancara dengan Harningsih, 29 November 2023.

²⁶ Ahmad Abd al-Rahim al-Sayih, *Risalah fi Ri'ayat al-Maslahah li al-Imam at-Tufi*, (Mesir: Dar al-Misriyah li al-Bananiyah, 1993) 13-18.

The rights and obligations of husband and wife in modern times whose wives are career women according to the views of Islamic Unity scholars are permissible as long as they do not violate Islamic law. Only wives who work are to help the family economy not an obligation, due to various very large and urgent needs for the benefit of the future of their families, husbands and wives together work and have a career. If the husband has sufficient and even excess wealth, it is better for his wife not to work outside the home but to become a housewife who focuses on taking care of her household affairs as well as possible, especially maintaining family honor, educating her children, and taking care of her household needs.²⁷

The views of the Islamic Association scholars regarding the legal provisions of the shift in the role of housewives as described provide an understanding that although family matters are private matters, information or news about these issues reaches them and is discussed in various meetings or discussions, especially if there are members of the Islamic Association who ask for opinions on family law so that it will be explained with various arguments taken from the Qur'an, al-Sunnah, and the opinions of Islamic Association scholars. With this explanation, the legal position of housewives helping the family economy, playing an active role in social, economic, educational and cultural organizations, the law is permissible or permissible as long as it is done with the permission of her husband and does not deviate from the Sharia.

Gender Equality Theory and Family Law Reform: Perspectives of Islamic Unity Scholars

In the perspective of gender equality, the role assumed by women as housewives and as people who work to help the family economy or have a career is evidence that these values, behaviors and activities are recognized as a form of gender equality. Islamic Unity scholars have long allowed and even given the position of women's roles in social, economic, political, cultural and educational activities. Every thought of Islamic Unity scholars must be disseminated or socialized to the community, especially to members of the Islamic Unity organization. This is also the view of the Islamic Unity scholars, but their opinions do not enter the issues discussed by the Islamic Unity Hisbah Council because it is not the domain of the Islamic Unity Leadership Center. This opinion or view is only personal to know the capacity and scientific potential of Islamic Unity scholars in responding to contemporary issues of family law, including the shifting role of housewives.

The opinions of the Islamic Association clerics are socialized by conveying their opinions through da'wah and dialogue with local Islamic Association members, as is done by the kyai whose lectures are regularly scheduled, namely weekly, monthly and annual lectures. Some are also delivered in the Friday sermon which is held

²⁷ Wawancara dengan Kyai Muhammad Shogir, 25 November 2023.

before performing Friday prayers in congregation. According to Kyai Hasan Bisri, the views on actual family law will always be conveyed by the kyai of the Islamic Association considering the importance of the information concerned and its legal position must be known and understood by the community, especially by members of the Islamic Association organization so that they are not in doubt or confusion.

According to Kyai Jalaluddin and Kyai Rahmat Hidayat, the socialization of the results of Islamic Unity scholars' thoughts was carried out in several ways, namely: (1) Through lectures in various mosques; (2) Through monthly discussions; (3) Through boarding school magazines; (4) Through tablig akbar; (5) Through Islamic law counseling; (6) Through educational institutions in subjects for madrasah aliyah or high school; (7) Through family law consultation forums and sakinah, mawaddah, warahmah families; and (8) Through seminars held by the Islamic Unity Leadership Center.²⁸

The thought of Islamic Unity scholars has been socialized as a result of observations, the success in providing understanding related to actual and contemporary problems is evident from some of the views of members of the Islamic Unity organization and its synpathizers. As stated by Ustadzah Rina Hayati that almost all members of the Islamic Association and their sympathizers understand that family matters are private matters, but everyone has the right to ask the ulama for opinions and advice, on the other hand there are also family law issues that must be understood by the community, especially members of this organization, namely regarding the role of the wife as a housewife.²⁹

Based on the views of the Islamic Unity scholars, it can be understood that the process of socialization of their thoughts runs smoothly and the substance is accepted by the community. Thus, the Islamic Association as a reform organization is not exclusive in answering and concluding the rapidly developing family law issues, it is proven that the understanding of this matter has been implemented in various activities of housewives. The Islamic Unity Ulama's thinking about the shifting role of wives as housewives is part of contemporary issues of family law. By determining its legal position which is permissible or permissible, it provides peace to members of the Islamic Unity organization. Because based on the results of the research, no data were found from families who divorced due to a shift in the role of housewives. Many of PERSISTRI's members pursue careers in social life, economics, politics, education, and others, even as political party activists, legislative members, judges, and managers of private companies.

Her family life is well managed, and the husband often accompanies the wife to work to earn additional income. This means that the household is well managed so that it does not lead to divorce due to a shift in the wife's role in the household. According to Endang Sirojudin, there is actually "no shift in the role" of housewives because all

²⁸ Wawancara dengan Kyai Jalaluddin dan Kyai Rahmat Hidayat, 25 November 2022.

²⁹ Wawancara dengan Ustadzah Rina Hayati, 25 November 2022.

women's activities among members of the Islamic Association have been accommodated by PERSISTRI, while the role of other housewives is left to each party, the Islamic Association does not interfere in the household affairs of its members, only provides direction regarding the permissibility of wives working to help the family economy, wives are active in organizations, involved in the political, social, educational and economic world, the most important thing is to be able to manage their households well and know everything that deviates from Islamic teachings.³⁰

Islamic Unity scholars make efforts to reform family law by placing the shifting role of wives as housewives in the field of muamalah which methodologically can be developed following the times, changes in situations and conditions and differences in places, therefore the ijtihad and benefit methods are used. Islamic Unity scholars apply the benefit approach in understanding contemporary issues of family law based on the objectives of Islamic law or maqasid shari'ah, namely: (1) Maintaining religion; (2) maintaining the mind; (3) maintaining the soul; (4) maintaining offspring; (5) and maintaining property. Then apply tarjih to determine the law using the ushul fiqh rule that the origin of all muamalah matters is permissible unless there is evidence that prohibits it or forbids it. Islamic Unity scholars also determine the choice of Islamic law in muamalah issues in accordance with the socio-cultural conditions of the community with the concept of takhayyur, namely selecting the most appropriate opinion that does not deviate from clear and definite Islamic law. Thus, the scholars of the Islamic Association still adhere to the call for Islamic renewal or tajdid with contextual interpretation for muamalah issues including family law in relation to the role of wives in their household life.³¹

This view strengthens the theory of gender equality and the theory of family law reform by maintaining the principle of selectivity of the dual role taken by women as housewives. Therefore, gender equality does not equate all activities of men with women. Things that are contrary to Islamic law are haram, such as women who work to serve non-mahram men in ways that lead to adultery. According to Syaokani, women who work in massages, work in salons, and the like in contact with the opposite sex are haram.³²

4. Conclusion

Every thought agreed upon by the scholars of Persatuan Islam is disseminated to members of the organization, supporters, and the general public. The dissemination of ideas is a process of spreading the organization's understanding of Islamic law

³⁰ Wawancara dengan Kyai Endang Sirojudin (Ketua Cabang Persatuan Islam, Rancaekek, Bandung) 29 November 2023

³¹ Noel J. Coulson. *A Histor of Islamic Law*, (Edinbrugh: Edinburgh University Press, 1990) 185.

³² Wawancara dengan Syaokani (pendakwah) 29 November 2023

and other sciences, especially those related to modern thought and responding to the challenges of the times. It is in this dissemination that the benefits of the thoughts of the scholars of Persatuan Islam are felt to be applied in society. The scholars of the Islamic Union pay attention to the requirements regarding the public interest in the field of muamalah, especially family law, as stipulated by Imam al-Ghazali, namely that the public interest does not contradict the texts of the Quran and Sunnah and the consensus of the scholars. Additionally, public interest must be certain (qath'i) and its essence clearly known (mashlahah haqiqiyyah), meaning it is a priority (dharuriyyat). With this understanding, public interest must apply universally and align with the objectives of Islamic law. The views of Islamic scholars on contemporary issues of family law can be understood as part of the istihsan method, which involves taking what is good from family law issues that are subject to ijtihad or deep rationality. Thus, overall, their perspective uses the istihsan and al-maslahah al-mursalah approaches, which are methods used to determine permissibility because they do not contradict the Quran and Sunnah, even though there is no explicit evidence commanding or prohibiting such actions. The Ulama of the Islamic Union place family law issues related to the role of women as part of muamalah that can be engineered and developed progressively as long as it does not deviate from the objectives of Islamic law. The Islamic Union scholars' views on the shift in the role of housewives contribute positively to society and the government because they are disseminated through various activities, such as education, lectures, discussions, seminars, and dialogues between communities and other Islamic institutions. The approach used by the Islamic Union scholars in determining the law regarding the shift in the role of housewives is the al-maslahah al-mursalah approach.

References

- Afiq Budiawan, *Nalar Metodologi Pembaharuan Hukum Perkawinan di Dunia Muslim*, Jurnal Hukumah, Volume 01, Nomor 1, Desember, STAI Pekanbaru, 2017.
- Anderson. *Islamic Law in the Modern World*. New York University Press, New York : 1959.
- Bella Aristantio Harto, *Tinjauan Sosiologi Hukum Islam terhadap Pergeseran Peran dan Fungsi Suami-Isteri dalam Keluarga TKW di Desa Pucanganom, Kecamatan Kebonsari, Kabupaten Madiun*, Skripsi, IAIN Ponorogo, 2021).
- Darul Faizin, *Mamahami Konsep Masalahah Imam Al-Gazali Dalam Pelajaran Usul Fikih*, Mudarrisuna 9, No. 2.
- Fatahuddin Aziz Siregar yang berjudul, *Pergeseran Peran Istri dalam Membangun Keluarga Ideal pada Masyarakat Mandailing Ditinjau dari Hukum Keluarga Islam*. (Diversi Jurnal Hukum Universitas Islam Kadari, [Vol 9 No 1 \(2023\)](#)).

- Government Regulation No. 51 of 2007 concerning Geographical Indications <http://www.aekiaice.org/>
- H.A.R. Gibb, *The Modern Trends in Islam* (Chicago : The University of Chicago Press, 1950)
- <https://www.talkaboutcoffee.com/coffee-beans.html> Coffe Beans – The Many Varieties of The Coffe Plant.<https://ig.dgip.go.id/detail-ig/26#batas-wilayah>
- Indra Rahmatullah. Desember 2014. Perlindungan Indikasi Geografis dalam Hak Kekayaan Intelektual Melalui Ratifikasi Perjanjian Lisabon. Jurnal Cita Hukum. Vol. II No.2. ISSN : 2356-1440. Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta.
- Iswah Adriana, *Kurikulum Berbasis Gender*, (Tadrīs. Volume 4. Nomor 1. 2009)
- Law Number 19 of 2013 concerning Protection and Empowerment of Farmers
- Law of the Republic of Indonesia Number 20 of 2016 concerning Marks and Geographical Indications
- Nassaruddin Umar, *Argumen Kesetaraan Gender* (Jakarta: Dian Rakyat, 2010)
- Nazaruddin, *Rekontruksi Hukum Kewarisan Islam Dengan Pendekatan Teori Masalah (Tinjauan Terhadap Kontroversi Ahli Waris Beda Agama Dalam Kompilasi Hukum Islam)* Jurnal Syarah Vol.9 No. 2 Tahun 2020.N.D. Anderson. *Islamic Law in the Modern World*. New York University Press, New York : 1959.
- Noel J. Coulson. *A Histor of Islamic Law*, (Edinbrugh: Edinburgh University Press, 1990.
- Rahman Sugesti berjudul, *Perubahan Peran Isteri Terhadap Keharmonisan Keluarga* (Studi Kasus Desa Jambusari Kecamatan Jeruklegi Kabupaten Cilacap). (Skripsi, IAIN Purwokerto, 2019)
- Siti Asfiah. Oktober 2015. Perlindungan Hukum Potensi Indikasi Geografis Di Kabupaten Brebes Guna Pengembangan Ekonomi Masyarakat Lokal. Jurnal Idea Hukum, Vol.1 No.2. Magister Hukum Fakultas Hukum Universitas Jenderal Soedirman.
- Stevin M.E. Tumbage, Femmy C.M. Tasik, dan Selvi M. Tumengkol, *Peran Ganda Ibu Rumah Tangga dalam Meningkatkan Kesejahteraan Keluarga di Desa Allude, Kecamatan Kolongan, Kabuoaten Talaud*. (Jurnal Acta Diurna, [Vol. 6 No. 2 \(2017\).](#)
- Tatty Ramli dan Yetti Sumiati. 2008. Impplikasi Pendaftaran Indikasi Geografis Terhadap Potensi Peningkatan Pertumbuhan Ekonomi Masyarakat. Jurnal Hukum Bisnis. Bo.27 No.4.
- Wanda Marsella dan Stevany Afrizal, *Konflik Rumah Tangga Akibat Pergeseran Peran Suami-Isteri Selama Pandemi Covid-19 di Kecamatan Tambora Jakarta Barat*. Sosial Khatulistiwa: Jurnal Pendidikan IPS Vol. 02, No. 02, September 2022
- Wawancara dengan ulama Persatuan Islam dari tanggal 25-29 November 2022, yaitu : (1) Kyai Syamsul Falah, (2) Kyai Saeful Bahri, (3) Kyai Hasan Bisri, (4) Kyai Muhammad Shogir, (5) Kyai Rahmat Hidayat, (6) Kyai Jalaluddin, (7) Kyai Kamas Komara, (8) Ustadzah Rini Hayati, (9) Ustadzah Imas Komalasari, (10) Ustadzah Kokom Komariah. (11) Kyai Muhammad Roqib, (12) Kyai Endang Miftah, (13) Kyai Taifiqurrahman, (14) Kyai Mahmud, (15) Kyai Muhammad Mastur, (16) Kyai Ahmad Syaokani, (17) Kyai Ujang Komarullah, (18) Kyai Muhammad Yasa, (19) Ustadz Syaokani; (20) Ustadzah Harningsih, (21) Ustadzah Nurwulandari; (22) Kyai Sirojudin.Temanggung Provinsi Jawa Tengah. Diponegoro Law Journal. Vol.6, No.2. p.2. <https://ejournal3.undip.ac.id/index.php/dlr/article/view/19575>

- Winda Risna Yessiningrum. 2015. Perlindungan Hukum Indikasi Geografis Sebagai Bagian Dari Hak Kekayaan Intelektual. Jurnal Kajian Hukum dan Keadilan IUS, Vol. III, No.7. p.45
- Yasin, *Kiai Lokal Antara Penghambat dan dalam dan Penyelamat dalam Pelaksanaan Undang-Undang Nomor 1 tahun 1974*, YUDISIA, Jurnal Pemikiran Hukum dan Hukum Islam, Vol 7, No 2 (2017).
- Yuni Zanesty Hutapea. 2020. Analysis of Factors Affecting Demand For Gayo Robusta Coffee (Coffee Camephora). Universitas Medan Area.
<http://repository.uma.ac.id/handle/123456789/12125>