

2019

The 3rd International Conference on
Islamic Studies
(ICONIS) 2019

PROCEEDING



IAIN MADURA

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PROCEEDINGS

The 3rd International Conference on Islamic Studies (ICONIS) 2019

“THE BEST PRACTICE OF ISLAMIC MODERATION IN HETEROGENEOUS SOCIETY”

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Welcome to 3rd ICONIS 2019



Let us first express our gratitude to Allah SWT for all His blessings which have enabled us to hold the 3rd ICONIS (International Conference on Islamic Studies) 2019. It is a real pleasure to welcome all of the keynote speakers, presenters, and participants from many institutions to IAIN Madura, Pamekasan.

The 3rd International Conference on Islamic Studies is the third event in the series and the second conference since the transformation from STAIN Pamekasan to IAIN Madura in 2018. Therefore, it is important to make this institute known and seen, but more importantly to improve its scientific contribution (either theoretically or practically) to knowledge and societies around the world.

The 3rd International Conference on Islamic Studies 2019 is arranged under the theme of *“The Best Practices of Islamic Moderation in Heterogenous Society”*. It became a platform for participants to discuss a number of critical and contemporary issues relating to Islamic studies particularly in the practices of Islamic moderation. The scopes include rites and faith, politics and government, economics and production, knowledge, education and technology, society and social life, architecture and environment as well as language and art.

This year, we get 59 full papers written by experienced researchers, lecturers, graduate students, students of the post-doctoral program, academicians, and professionals from national and international universities. 3rd ICONIS 2019 attracting such a high number of participants is a good indicator of the success and means the conference serving its purpose by offering a good opportunity of scholarly exchange and networking.

Finally, let me thank all the committee members and students volunteers who have worked hard and passionately to make this conference success.

Abd. Ghofur, M.Pd

CHAIR OF 3rd ICONIS (International Conference on Islamic Studies) 2019
IAIN MADURA

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CONFERENCE PROCEEDINGS

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Faqihuddin's Progressive Thinkings on Tafsir Mubadalah; *The Best Practice of Islamic Moderation Interpretation on Gender-Equality Relationship*

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Abstract

The dichotomy between texts for men and women leads to various Islamic interpretations of gender which are absolute, sexist, and preserving various violence against women. This dichotomy also gave birth to a dominative culture, from one sex to another, hegemonic, and ultimately destructive. This is where the significance of Faqihuddin's thinking which provides a new method in understanding Islamic texts for the sake of reforming the rules of Islamic interpretation with gender equality perspective. This study aims to describe the new methodology of Tafsir of Faqihuddin's progressive thinking, namely Mubadalah. This research uses a qualitative methodology with a descriptive approach. The results showed that (1) Mubadalah is a method of interpreting texts with reciprocal perspective. Text intended for men can refer to women, as well as texts for women also include men. As long as the message from the text is general and includes both sexes; (2) Faqihuddin's method of Mubadalah's used Stephen R. Covey's Interdependence psychology theory to explain the importance of mutual understanding in a relationship between couples; (3) The philosophical basis of the concept of Mubadalah is monotheism (*Tauhid*). The sentence "*lā ilāha illallāh*" proclaims that God is the only Essence worthy of absolute worship and obedience and fellow human beings should not be one god over another, including in this case, men are not at all the main reference for women. *Tauhid* demands a reciprocal social system, equality, mutual assistance and cooperation; and (4) Mubadalah can be used for all texts and realities, not even just religious texts, because the reality of life can never be separated from the identity of men and women. As long as the principle and the value of confusion are believed, the method can be applied.

Key Words: Mubadalah; Islamic Moderation Interpretation; Gender Equality

Introduction

Muslims believe that Islam is the religion of *rahmatan li al-'alamin*, the religion which gives mercy to the universe. Related to this understanding, even the mufassir (ulama) do not have a different meaning/interpretation, they do agree. But the problem arises when the mufassir (ulama) understand other verses in the Qur'an, especially those relating to women with biased and distorted views. In this matter, Islam which had been 'grace' turned into a 'disaster' for women. This is because the majority of the mufassir (ulama) understand the verses about women in the male perspective, which places women as second creatures/sex, low beings, tempting creatures for men, coming to earth only by the task of serving her husband and family, and when women are ignorant of their duties, they should be beaten, humiliated, even cursed by the angels.¹

However, if the mufassir (ulama) believe that Islam is *rahmatan li al-'alamin*. The logical implication of this understanding as matter of fact presents the belief that one of Allah's mercies is the recognition of Islam to the integrity of humanity for all sexes, men and women. Men and women are whole entities without distinction, especially when it comes to the religious qualities of both. Women in this context should be interpreted as beings equal to men. In the Qur'an, the measure of the glory of a human being in in front of Allah is the achievement and quality of human's piety, regardless of sex (Surah al-Hujurat, 49: 13). Women and men both have the potential to

¹ Husein Muhammad, *Islam Agama Ramah Perempuan* (Yogyakarta: LKiS, 2004).

become the most pious human beings. The Qur'an does not give preference to one particular gender. All humans regardless of sex have the same potential to become 'abd and caliph (Surah Al-Nisa, 4: 124 and Surah Al-Nahl, 16: 97).

Unfortunately, the ideal and noble Islamic teachings above, are not well implemented in the sociological reality of their adherents. The practice of Muslims related to the position of women, especially regarding gender relations, is very discriminative. This condition occurs because there is a very literal understanding in interpreting the texts of the Qur'an that talks about gender relations.² This is as agreed by Husein Muhammad (2009) who argues that mainstream interpretation is still believed by the majority of the Muslim community to this day still putting men as the center of domestic and public life. This shows the view of conservative interpreters of the idea of inequality in the Qur'an as part of the Islamic view. Such a perspective is clearly contrary to the recognition and agreement of Muslims on the principle of equality and justice of the universality of Islam.

A similar statement was made by Nasaruddin Umar (2010), who saw that the main mission of the Qur'an revealed to the world was to free people from various forms of discrimination and oppression, including sexual discrimination, skin color, ethnicity, and other primordial bonds. Therefore, if there is an interpretation which results in a form of oppression and injustice, then that interpretation needs to be reexamined.

Responding to the reality mentioned above, it is important to present the Qur'an with its human values, so that the sheen of light contained in the Qur'an can produce an essential sparkle, especially when the Qur'an is understood by humans and functioned for the harmony and benefit of human life on earth. Among the progressive figures of Indonesian Muslims who are trying to restore an understanding of Islam that is rahmatan li al-'alamin through the offer of a contextual interpretation model is Faquihuddin Abdul Kodir. Through Tafsir Mubadalah, this young NU figure strives to present a new interpretation which is expected to encourage the realization of reform of the rule of Islamic texts that is fair to women. This interpretation model was initiated from the concept of interdependent Psychology of Stephen R. Covey. Through Mubadalah's interpretation, Faquihuddin Abdul Kodir tried to re-interpret the Qur'an which its interpretation tends to be equality bias. Faqih's thoughts are certainly interesting to be studied in depth in the context of Islamic moderation in understanding the holy text of the Qur'an. Through a literature review and interview with the initiator of the idea of tafsir Mubadalah directly, the writer will present the geneology of the concept of mubadalah and how the value of mubadalah can be a spirit in sowing understanding of the Koran that is open to human values and friendly to anyone, both men and women.

Method

This study used qualitative methodology with a descriptive approach.³ In this study, there are two types of sources, primary data sources and secondary data sources. Primary data sources are data sources that directly provide data to data collectors, while secondary is a source that does not directly provide data to data collectors, for example through other people or documents.⁴ Since this study explored Faquihuddin's progressive

² Nasaruddin Umar, *Argumen Kesetaraan Jender Perspektif Al-Qur'an* (Jakarta: Paramadina, 2001); Siti Musda Mulia, *Islam Dan Inspirasi Kesetaraan Gender* (Yogyakarta: Kibar Press, 2006); Nurjannah Ismail, *Perempuan Dalam Pasungan; Bias Laki-Laki Dalam Penafsiran* (Yogyakarta: LKiS, 2003); Istihsyaroh, *Hak-Hak Perempuan; Relasi Jender Menurut Tafsir al-Sya'rawi* (Jakarta: Teraju, 2004).

³ Philip M Davis and William H Walters, 'The Impact of Free Access to the Scientific Literature: A Review of Recent Research', *Journal of the Medical Library Association : JMLA* 99, no. 3 (July 2011): 208-17, <https://doi.org/10.3163/1536-5050.99.3.008>.

⁴ Sugiyono, *Metode Penelitian Pendidikan, Pendekatan Kualitatif, Kuantitatif Dan R&D* (Bandung: Alfabeta, 2012), 193.

thinking on tafsir Mubadalah, the first and foremost sources are the monumental work on *Qira'ah Mubadalah: Tafsir Progresif untuk Keadilan Gender dalam Islam*, while the secondary sources are all literatures based on Islamic Interpretation (tafsir), Psychology and Gender. As much as possible data is attempted to be obtained from primary sources, but it does not rule out the retrieval of data from secondary sources. To obtain an accurate interpretation about the content of the concept of Faqih's concepts, the author uses Gadamer's Hermeneutic approach. While in analyzing the data, the researcher uses content analysis.⁵

Interpretation of the Qur'an that is Gender Bias

There is one reflective question that is often expressed by orientalist: "does Islam contribute to the formation and perpetuation of patriarchal culture and gender bias?" This question, perhaps, simply but it is not really easy to find the answer. The Qur'an's holy text message has a different understanding (multiple interpretations). It can be understood in a variety of ways by its adherents, because the interpretation and understanding of religious teachings were never born from the "empty space" of culture. This is where it can be understood, why there are two dimensions of religion, which is called by Amin Abdullah with the "historical" and "normative" dimensions of religion.

Amin Abdullah's statement above has actually been revealed by Ali bin Abi Talib for a long time; *"Al-Qur'an baina daftay al-Mushaf la yanthiq, innama yanthiqu (yata kallamu) bihi al-Rijal"* (al-Qur'an is only the writing text contained in the mushaf, it cannot speak verbally, but someone should speak of the Qur'an). With this statement, Ali bin Abi Talib would give lessons to Muslims so that the Qur'an must be understood continuously, along with the times, because the Qur'an is like an "inanimate" object. It must be revived by humans. Through Ali bin Abi Thalib's statement above, the spirit of the Qur'an as light can be adjusted to illuminate all the darkness and ignorance of humans.

Elaboratively the above statement can be explained, that in the normative dimension there is a transcendental reality that is absolute and universal in nature, which transcends time and space. This is the reality of divinity. But in the historical dimension, religion can not be separated from the history and human life that is in space and time. Religion is arranged by the context of the life of its adherents, hence the reality of humanity (historical) is always under the reality of the Godhead. Thus, if it is associated with Islam, then there is "normative Islam" and "historical Islam." In this historical Islamic dimension it is necessary to include a scientific perspective that emphasizes objectivity, factuality and openness, or often referred to as religion be scientific.⁶ The scientific outlook in religion demands seriousness, rather than just relying on dogma and traditional authority, moreover taken for granted beliefs in religious teachings.

The vast area of religious history makes the interpretation of religion strongly influenced by various interests, where adherents (including interpreters) of that religion stand.⁷ Therefore, the problem that arises in this context is often the interpretation itself which is considered as truth. When in fact, what is considered a daily truth and the validity of religious interpretations that develop in society are constructs that are formed ideologically with certain interests.⁸

Elaboratively it can also be said, that if the sacred text of religion "falls" into a patriarchal society, it is difficult to deny that there is no biased interpretation of male interests. Research conducted by Zaitunah Subhan shows that Books of Tafsir written

⁵ Guide Stempel, 'Content Analysis', by Jalaludin Rahmat and Arko Kasta (Bandung: Arai Komunikasi, 1983), 3.

⁶ Kuntowijoyo, *Identik Politik Umat Islam* (Bandung: Mizan, 1997).

⁷ Yasir Alimi, *Jenis Kelamin Tuhan* (Yogyakarta: IIIT, 2002).

⁸ Alimi.

by male ulama tend to be male biased, which in turn is detrimental to women.⁹ Not to mention, if the readers of the sacred texts of the Qur'an interpret it only with a literal (scripturalistic) reading approach, then it will be easy to find the sound of texts that appear to legitimize the authority of men over women.

Mubadalah as a New Tafsir towards the Desires of Moderatisme Islam

Mubadalah is derived from Arabic, *badala yubadilu* which means to replace, change and exchange. In the classical dictionary, Ibn Manzhur's *Lisan al-'Arab* (d. 711/1311) and modern dictionaries, such as *al-Mu'jam al-Wasith*, *mubadalah* means exchanging in a mutual way between the two sexes/things. In both dictionaries, the word *badala-mubadalah* is used in expressions when someone takes something from someone else and replaces it with something else. In the modern dictionary, al-Mawrid, for Arabic-English, the word *mubadalah* means *muqabalah bi al-mitsl*, which is confronting something with its equivalent. While in the Indonesian dictionary, the word "mutual" is used for things that show reciprocal meaning.¹⁰

Based on those meaning above, Faqih defined *Mubadalah*, in terms of terminology,¹¹ as "Islamic principles regarding the mutual understanding and support between men and women in carrying out their gender roles in the domestic and public sphere, based on equality between them, justice and benefit to both, so that one does not hegemony over the other, and or become victims of tyranny from others. But relationships that support one another, work together, and help one another."

In this simple explanation from the perspective of *mubadalah*, that if a smile, friendliness, service, and all pleasant actions are good for the wife to do for the husband, then it is also good for the husband to do for the wife. Likewise, if you say bad, you are not good at giving thanks, insulting, cursing, beating, being violent, and doing anything that is not pleasant is bad received by the husband from the wife, is also to be avoided by the husband so that it does not happen to the wife at all. This is an example of an explanation in domestic life.

In the public sphere, the perspective of *mubadalah* calls for equality of women and men as citizens in the eyes of the law. So, both have the same rights and obligations, so that they can complement, strengthen, and build a good social life for the whole community. Like men, women must also be given broad opportunities to be able to contribute in the public sphere and take advantage of it. At the same time, men must also be encouraged to contribute in the domestic space and enjoy intimacy with families, especially children. Of course, without prejudice there are distinct differences between men and women. There are even differences between individuals, especially those who have special needs.

The philosophical basis of the concept of Faqih's *Mubadalah* is monotheism (*Tawhid*).¹² The sentence *laa ilaaha illallah* proclaims monotheism and states 2 things: (1) recognition that God is the only Essence worthy of worship and absolutely obeying and (2) a statement of human equality before Him. There is no god but Allah and that means there is no intermediary between the servant and his Lord, and that fellow human beings must not be one god over another. This Faqih thinking was strengthened by Amina Wadud (1999) who asserted that *Tawhid* is a theological basis for equality between men and women. This equality is the reciprocal relationship bassist between men and women. According to Wadud, the patriarchal social system that makes men

⁹ Zaitunah Subhan, *Tafsir Kebencian; Studi Bias Gender Dalam Tafsir al-Qur'an* (Yogyakarta: LKiS, 1999).

¹⁰ Faquihuddin Abdul Kodir, *Qira'ah Mubadalah; Tafsir Progresif Untuk Keadilan Gender Dalam Islam* (Yogyakarta: IRCiSoD, 2019), 60.

¹¹ Kodir, 60.

¹² Kodir, 95.

superior and women underneath is the act of associating partners with God (*syirk*) and arrogance (*istikbar*) which are contrary to the concept of monotheism.

Mubadalah's perspective is considered important because life is owned by men and women, therefore the benefits must be felt by both. Islam also came down for the good of both, therefore the texts must be read to ensure both of them get the goodness. Meanwhile, many aspects of life are only for men, but not for women. Likewise, many aspects of domestic life are imposed on women, but not on men. Likewise, Islamic texts are read, more widely, by seeing men as the subject of the text and women being the objects.

There are many verses that form the basis of mubadalah. Among the most obvious are at-Taubah verse 71: "Those who believe (male and female) help one another in enjoining good, forbidding evil, establishing prayer, issuing zakat, and obeying Allah and His messengers. They will be blessed by Allah. Indeed, Allah is Strong and Wise ". (Qur'an, 9: 71).

This verse confirms the mutual relationship between men and women. Where one is a helper, support, merciful, and supporters of the other. Various classic commentary books referencing, both from the textual school (*bi al-ma'tsūr*) and rational (*bi al-ra'yi*) interpret the phrase *ba'duhum awliyā' ba'din* with mutual help (*tanāsur*), mutual love (*tarāḥum*), mutual love (*taḥābub*) and mutual love support each other (*ta'āḍud*) one another. With these meanings, this phrase (*ba'duhum awliya ba'din*) indicates that there are parallels between one another.

There are many other verses, such as (al-Baqarah, 2: 197; 232; 233, Ali Imran, 3: 195, and an-Nisa 4: 19) which specifically emphasizes the mutual perspective explicitly between men and women, both in the social and household spheres. In addition to general verses about the importance of confusion in life, such as ayat al-Maidah (5: 2) and al-Anfal (8: 72).

While the most inspiring hadith text for mubadalah is the narration conveyed by Anas ra, from the Prophet, said: "There is no faith in any of you to love for his brother what is loved for him". In the Muslim history there is an additional: "or for the neighbor what he loves for himself". In al-Nasai's narration there is an additional: "what is loved for itself from good things". While in Ahmad's history, the editor: "There is no faith in a person among you except to love for others what is loved for him". (Sahih Bukhari no. 13, Sahih Muslim no. 179, Sunan at-Turmudhi no. 2705, Sunan an-Nasai no. 5034, Sunan Ibn Majah no. 69, and Musnad Ahmad no. 14083).

Mafhūm mubādalah can be developed as a principle of interpretation in interpreting texts, especially those related to gender relations issues. Thus, texts that are etimologically oriented to men can be for women, as well as texts for women also include men. As long as the message from the text is general and includes both sexes. Meanwhile, the dichotomy between texts for men and texts for women has given birth to various Islamic interpretations of gender that are absolute, sexist, lame, and to preserve various violence against women. This dichotomy also gave birth to a dominative culture, from one sex to another, hegemonic, and ultimately destructive.

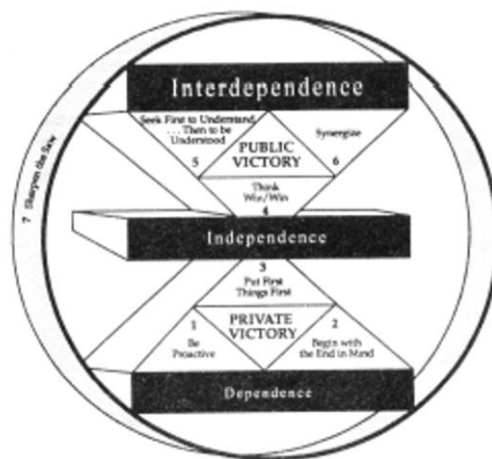
In other words, the technicality of this mubadalah method is that when confronted with a text, both the Qur'an and the Hadith, then do not be fixated on the subject matter which usually contains male and female elements. Arabic is very thick with the structure of words and sentences typical of men or women. But focus on the message that the text wants to convey. Muslims should relate the message to the principles of distraction that are scattered in various verses and other hadiths. Then treat the message in an orderly manner. If it is literally from men to women, then it can be taken from women to men. So that the message of the text can be applied by and for both.

An example that can be stated here is the verse al-Baqarah (2: 223) that "your wives are a field (sex) for you so you should be in accordance with (what pleases you)". This is of course a literal interpretation by looking at texts inviting men and women to be their objects. If you want to be interpreted in a meaningful way, then it can be interpreted: "your husbands, O wives, are the sex fields for you, then associate accordingly and in a way that can bring you pleasure". This is because sexual activity and pleasure, as various verses and hadith are explained, are a joint right between husband and wife. Therefore, the verse must be interpreted reciprocally. If it is not, it will be lame, and women can never be subject to sexual activity and benefits. Thus, the first translation is the literal interpretation, while the second is the interpretation of mubadalah/reciprocal. In a more neutral Indonesian, the translation of the verse can be as follows: "Your marriage partner is your sex field, then you can associate them according to your pleasure".

The Mubadalah method can be used for all texts, even not only religious texts but all texts and reality. Because the reality of life can never be separated from the identity of men and women. As long as we believe in the principle and value of ignorance, the method can be applied. But of course, as the fiqh rule "*likull qa'idatin mustatsnayat*", then the exceptions are also necessary. Especially for things that are biological, such as pregnancy and breastfeeding. Therefore, this interpretation principle still needs to be improved by various parties.

Interdependence Psychology as A Perspective in the Tafsir Mubadalah

One of the most interesting things from Mubadalah's interpretation method is the use of Stephen R. Covey's Interdependence psychology theory.¹³ Theory in the book "The 7 Habits of Highly Effective People" to explain the importance of mutual understanding in a relationship. In the theory of interdependent Psychology, Covey divides human stages into three, dependent, independent, and interdependence.



At the dependent stage, humans are very dependent and rely on others. All humans experience this stage when they are born and are still babies, children and even teenagers. The relationship between husband and wife in marriage should not be at this stage. Where one party only depends on the other. Mutual elements in relation to dependent characters will be difficult to achieve.

In the second stage, humans can manage and make their own decisions. An independent person has a high sense of responsibility, knows things that must be prioritized in his life, and has a mature life planning. Husband and wife relations will be strong when the two parties are in independent mode. Each other can live well even if they are not tied to a marriage. But what happens at this stage is only the husband and

¹³ Stephen R. Covey, *Interdependence Psychology Theory* (New York: Simon & Chuster, 1989).

wife work together. Not cooperation. According to Covey, the independent model is not optimal for use in environments that require collaboration. For cooperation to occur, partners must be pushed to the third, interdependent stage. In this mode, the two parties work together to achieve something that cannot be achieved independently. Something bigger than self-interest. Some people still think that happiness is independence, despite the fact that we are interdependent.

In this case, the interdependence theory encourages anyone to realize that reciprocity is important. Because life always assumes a relationship, especially in family life, between husband and wife. This is where the theory is in accordance with the preachers who pushed for the principle of relations between husband and wife are mutual, complementary, helping each other, love each other, and so on. Furthermore, based on these three stages, Covey details the important habits needed for success to be achieved by someone. Covey mentioned "being 7 H (habits) in a husband and wife relationship, these values are useful for building happy relationships" as below explanation:

The first habit, Be Proactive. Goodness must start from within, cannot rely on signals from partners. Try to pick up the ball by taking the initiative to open communication with your partner. ***The second habit***, Begin with the End in Mind. Having life goals, dreams, and marital ideals that come from personal principles. ***The third habit***, Put First Things First. Do immediately what suits your personal mission. ***The fourth habit***, Think Win/Win. Think and look for ways to win together. Look for mutually beneficial agreements and relationships for husband and wife. If it is not possible to be together, it is better not to agree at all. ***The fifth habit***, Seek First to Understand, Then to Be Understood. Try to understand your partner before your partner understands us. Covey presents this habit as the most important principle of interpersonal relations. Listening will put yourself in the couple's perspective. Empathic listening will get us the feelings and meanings that our partners understand. ***The sixth habit***, Synergize. No human being was created similar, including husband and wife. Then find ways to capitalize on each other's differences to create synergies, then create shared achievements that are greater than each can achieve. Trusting and understanding each other can also resolve conflicts and better solutions. Instead of forcing a solution from one party. ***The seventh habit***, Sharpen the Saw. Continuously forge themselves to improve each other's abilities, also improve the quality of relationships between couples. Never stop to renew the physical, mental, social, emotional, and spiritual dimensions. As well as maintaining a balance between dimensions.

Faqihuddin's Progressive Thinking on Tafsir Mubadalah; The Best Practice of Islamic Moderation Interpretation on Gender-Equality Relationship

In the reality of life, people generally only know the concept of a salihah wife for a husband. But it is rarely introduced to the concept of a salih husband for his wife. We also often inculcated the assumption that women are seducers and charmers so that control and all kinds of prohibitions on their activities become legal. We forget that men are also seducers and charmers, and we let a real trick do all the damage. We also often embed appreciation on men as household fathers and breadwinners. We forget to appreciate, even deny, there are many facts that women support their families. For these things, the perspective and methods of mubadalah are important to present. Among the points of Faqihuddin's thought, there are 5 issues those may very interesting and representative to explain on how Faqih interpret the verses and hadits which tend to inequality based, as follows:

1. Women are considered as Less Sense and Religion Beings

The assumption of superiority of men over women, in some religious interpretations, is also made by referring to the very famous authentic hadith, which states: *"That women are lack of mind and lack of religion"* (*naaqishat al-'aql wa al-Dien*). Responding to this hadiths, Faqih referred to Abu Syuqqah's explanation, that the text is a fragment of a very long text which tells the intimate atmosphere between the Prophet Muhammad with his women on a holiday.¹⁴ In the view of Abu Syuqqah, the Prophet Muhammad, in fact, was praising, or at least joking with women. Because, the full text can be interpreted, roughly: *"I am amazed by these women, (considered) only have half of mind and religion, but they are able to defeat the men who are the smartest and most determined."* This is, of course, not a legal statement, or the establishment of norms and adage, but a method of communication of Muhammad's figure and his followers, in this case of the Companions of the Prophet Muhammad. It is only a method of starting a conversation so that it can fit into the substance of the message to be conveyed to the listener.

According to Faqih, Abu Syuqqah also defines *"nuqshan 'aqlin"* as not "lacking in sense", but "lack of thought" or "lack of reason."¹⁵ This deficiency occurs because social structures do not provide opportunities for women to learn and practice thinking. If women are given the opportunity to do so, they will be able to think well, just like men, if they don't learn and practice, their ability to think will be lack. It means that this expression is not about women's inadequate and low sense, but about thinking habits that can be lack and can be strong, depending on the seriousness in learning and training, not depending on gender, as in fact, many women are smarter than men, if there is a chance to learn, and not a few men are far more stupid than women.

Abu Syuqqah also emphasized that *"naaqishat al-Dien"* also does not mean that women are essentially lack in religion. This is just a symbolic statement of the lack of women's activities related to prayer and fasting, which is often left behind during menstruation, as exactly explained by the Prophet Muhammad. Abandoning prayer and fasting is also ordered by Islam. It is strange, someone who was instructed by Islam to forsake prayer and fasting, at the same time is considered to be less religious because of carrying out something He has ordered. If the problem is the reward of worship activities, as confirmed by Abu Syuqqah, then women can do many other activities to collect rewards during menstruation. Both ritual worship activities, such as dhikr and prayer reading, as well as social worship, such as helping others.

So, the quoted text of the hadith is, in fact, not defining at all "the reason and religion of women which is worth half of men", Moreover, it established the superiority of men over women in all respects, just because someone is male or female. Because, Islam, as already stated, does not base on gender and all forms of body to judge and glorify someone. The complete hadith text regarding "lack of reason and lack of religion" is as follows:

Abu Said al-Khudri Ra. said, "Rasulullah Saw. came out on a feast, 'Ied al-Adha or 'Ied al-Fitr, then entered the mosque and met the women. He said to them, 'O women, come on alms (so that you don't go to hell), because I've been shown that many of you have gone to hell. The women asked, 'Why is that (many of us go to hell)?' Rasulallah replied, 'Because you often curse and are not grateful for kindness (from your husband, family, or relatives). I also do not see women (considered) to be less of sense and religious, but

¹⁴ Kodir, *Qira'ah Mubadalah; Tafsir Progresif Untuk Keadilan Gender Dalam Islam*, 274–75.

¹⁵ Kodir, 275.

able to defeat a tough man and a firm stand. The women asked, 'What (which makes us considered) lacks sense and religious, O Messenger of Allah?' Rasulallah replied, 'Aren't your testimonies half that of men?' 'Yes,' they answered. 'That (what is meant by) lacks of sense. Is not when menstruation does not pray and not fasting? "Yes," they answered. 'That is (what is meant) by lack of religion. "(Shahih Bukhari, no. 305).

There are three issues raised by this hadith, which are often used by some as the basis for the assumption of male superiority and female inferiority: (1) women are the most inhabitants of hell, women are less minds, and less religious. As mentioned in the text, these three things (hell, mind, and religion) are expressed in the atmosphere of the feast in the mosque and as a prologue to encourage Muslims to give alms from their possessions. Thus, the hadith is not meant to be taken literally and cannot be used as a basis for the essence of women who are the cause of going to hell, lacking in mind, and religion. The issue of "lack of sense and lack of religion" has already been discussed, next is the discussion of the issue of "women as most inhabitants of hell".

Related to the issue of women and hell, interestingly, there are many statements of the hadith texts explicitly, that if the Prophet Muhammad SAW encouraged mosque worshipers to give alms, one of which was to get rid of them from hell, then the most charity was women instead (see for example Sahih Muslim, no. 2090 and Sunan Nasa'i, no. 1587). It means that it is women who are the most hurrying to free themselves from the fires of hell and get closer to the gates of heaven. Therefore, it is not proper to say that they are residents of hell just because they are female. This is often not realized by many parties when talking about the interpretation of "women of Hell."

But, certainly, women will not go to hell because they are women, but because of their deeds. If this is the principle, then the hadith text "woman as a dweller of hell" must be interpreted correlatively. Correlative means to associate "go to hell" with the reason, namely "not grateful". By Mubadalah perspective, if a man is "not grateful", he will also be a resident of hell, just as an ungrateful woman will go to hell. Thus, more neutral expression and has a Mubadalah perspective is from the statement in the hadith text above is: "That anyone who is not good at giving thanks or service to his partner (wife of the husband and husband of the wife), then they will easily go to hell." This is a more reasonable expression and is in line with Islamic principles regarding heaven and hell related to each other's charity, not gender.

The interpretation "not the sex of women who make hell" from the literal text "most of the inhabitants of hell is women" is exactly the same as the interpretation of scholars about "not poverty that makes a person goes to heaven" even though there is a text stating "most people in heaven are poor people." Likewise, it is not "wealth that takes a person to hell" in the literal text "most of the inhabitants of hell are rich people". Both of these statements are mentioned explicitly in a text of the authentic hadith of Imam Bukhari. Thus, both meanings should be equally clear, decisive, accepted, and practiced. Once again, because of the principle of meritocracy in Islam, the key to heaven is faith and good deeds, the key to hell is the kufir and bad deeds of a person. Of course, above that is God's gift to someone to put it in heaven or vice versa. But this gift, in Islam, is absolutely impossible based on gender.¹⁶

From Imran bin Husayn, from the Prophet Muhammad said, *"I was shown heaven, and I saw that most of its inhabitants were poor people. I was also shown*

¹⁶ Kodir, 279.

hell, and I saw that most of its inhabitants were women." (Sahih Bukhari, no. 2277). Abdullah bin Amr said, Rasulullah SAW. said, "I was shown heaven, and I saw that most of its inhabitants were poor people. I was also shown hell, and I saw that most of its inhabitants were rich and women" (Musnad Ahmad, no. 6721).

Literally, the poor are referred to as residents of heaven on one side, while the rich and women are residents of hell on the other side. The literal meaning is not intended at all. The scholars view that not only because of poverty, one enters heaven. But, also the properties that become his habit. Poor people will be easy to accept, be patient, considerate, friendly, kind, and willing to give up their wealth for the good of others. Charity is what brought him to heaven. And vice versa, not only because of wealth, someone becomes a resident of hell. But also the nature of his habits: greedy, arrogant, and justifies any means. These qualities can be the opposite; rich people who are patient, considerate, friendly, good and release their property for the good of others. Likewise poor people can become greedy, greedy, and justify any means. It is these characteristics and acts of charity that are a factor in a person being a resident of heaven or hell.

The same thing applies to the statement "women as dwellers of hell". As stated in the other hadith text, which has been mentioned previously (Shahih Bukhari, no. 305), that statement is related to the behavior of "often condemning" and "ungrateful" to a partner who makes women go to hell (*tuktsirna al-la'na wa takfurna al-'asyir*). It is the nature and deeds that are the subject of the issue, not gender. And the subject matter, like the rich and poor issues, can and does happen the opposite. So, the ungrateful man to his wife will also become residents of hell. Meaning is what is called interpretation preachers. Thus, the main problem of these texts is, in fact, it is not poverty, wealth, and gender that are factors of judgment, but the nature and deeds of deeds. The bad will get worse, the goodwill gets good. If this applies to things in the afterlife, then it should also apply to things in the world.

Women's intellect, like men's intellect, can be developed with habituation, training, and education. Of course, there are genetic differences in each, even between individuals. However, this difference does not become a measure of Islam's assessment of a person because of its given nature. What is assessed are actions that weaken or enlarge the genes of the mind that is given. The same thing is true with female religion, just like the male religion, which can be weakened and strengthened, not because of gender, but because of faith, charity, deeds, and habituation. Because of this practice, in reality, there are many women who are smarter than men, as well as many women who are stronger in religion. Therefore, the male gender cannot be said to be smarter and stronger in religion than women. The hadiths about women's intellect and religion, therefore, must be interpreted metaphorically (symbolically) so as not to conflict with the facts of life and Islamic principles.

In Islamic principles, sex and other things that are given (such as race and skin color) are not a measure of one's glory or contempt, but rather the attitude and deeds. Thus, all forms of negative labeling of women and discriminatory actions are contrary to the Islamic mission. Like, labeling women as a factor causing all moral depravity, which is commonly referred to as slander, seduction, or trespass on sin, wrong, and bad things experienced by society. This1. conception is clearly contrary to Islam, and the texts related to this matter must be interpreted proportionately to the perspective of the Mubadalah method and so that it does not violate the Islamic foundation. Meaning with the method of returning partial texts to more universal texts is actually normal for other issues, as has been described, but strangely it is still so difficult to accept meanings

related to issues that corner women. Supposedly, universal texts about the dignity of women as human beings become the basis for interpreting partial texts, for example, those related to women's slander.

2. Women as a Source of Defamation (Slander)

According to Faqih, contemporary scholars such as Muhammad al-Ghazali, Abu Syuqqah, and al-Qaradhawi indicated that the fatwas that restrain women are based more on the way of thinking *sadd al-dzari'ah* (closing the road) which is often excessive.¹⁷ The logic of taking views and Islamic law by looking at the adverse effects caused by the presence of women in the social sphere, so it must be prevented, closed or prohibited, to cover or at least reduce the adverse effects that occur in society, including the impact on women. Free sex, extra-marital pregnancy, violence, and rape against women occur because of the presence of women's bodies in places that are considered inappropriate. In markets, schools, public roads, public transportation, government buildings, even mosques, are considered by *Sadd al-Dzari'ah's* perspective as an undue place for women, because often the presence of women can invite someone's bad intentions towards themselves. If this logic continues to be developed, and without control, women will continue to be the target of all forms of restraint and prohibition.

The logic of thinking above, of course, is contrary to the Mubadalah concept and in some ways it also contradicts the principle of syari'ah itself. Some contradictory logic, for example, when conservative people reasoned the possibility of women being raped, why women who will be raped are prohibited from going out at night, while men who are likely to rape are not prohibited from going out at night. The prohibition of women going out at night will reduce the practice of buying and selling sex is also completely untrue. Because, buying and selling sex has never known the time and place, and occurs because there is a large demand from the user, especially men. Why are women hunted, not men of hunted users? In several Scandinavian countries, the policy issued precisely hunts down and captures Commercial Sex Worker customers, and this policy effectively reduces the practice of prostitution drastically in the country.

Another contradiction, the prohibition of going out at night will actually inhibit women from activities which, for some people and cases, can only be done at night. For example, shopping at traditional markets at night because in many villages many markets start at 2:00 in the morning, most of the sellers and buyers are women or business people in Small and Medium Enterprises (UKM). Not to mention the added health and social service work done by women, such as midwives. Indeed, the needs and work at night are still very few and rarely found in various places. However, in metropolitan cities, work at night has become a common habit. Prohibition of women out at night, meaning their restraints from workplaces for their lives.

When studying the dynamics of Islamic Syari'ah about the concept of *mahram* in travel for women, some classical scholars from the Shafi'i School, as told by Ibn Hajar al-'Asqallani (d. 1448), have allowed women to travel alone as long as it is certain that the trip is safe for them. This view was presented by Ibn Hajar al-'Asqallani when interpreting the hadith of the women's journey mahram, in which some scholars stated that they must be male relatives, especially husbands. However, there are some who can see a group of women, where each other can be mahram (protector) for others. Discussion of mahram like this becomes very relevant in unsafe social contexts, especially in times of conflict and war. Thus, the focus of the concept of this mahram is how to realize safety

¹⁷ Kodir, 282–93.

and protection for everyone who will be traveling, not on the prohibition of women from traveling or public activities. Protection means the provision of security and the opportunity to engage in activities that women want to cultivate, which in the socio-political context is now the duty of the state. Naturally, the state, or the community, or the family are required to realize protection and security, not by prohibiting women from going out at night. Because the prohibition of women going out at night will have an impact on the cessation of their activities in economic, educational, political, and social terms. In fact, the state itself cannot guarantee their basic needs.¹⁸

Restraints and restrictions on women, in fact, begin with the collective assumption that women are a source of tempting charm. In the language of religion, this is usually called slander, or something that causes someone to be tempted and fall into things that are wrong, sinful, and bad. In some religious books, people are always encouraged to be aware of the defamation caused by women. As objects, women are equated with treasures and thrones. We often hear utterances: "treasure, throne, woman" about three things that have negative potential in one's life. On the contrary, we have never heard of religious advice to be aware of the slander posed by men. There is also no saying "treasure, throne, man". In fact, men can also be neglected and seductive. This potential slander is considered, inherently, to be inherent only to women, not to men.

The nature of the charm (slander) leads to various assumptions, views, and social norms that prevented women from being able to play a social role properly. From this nature's assumption, religious restrictions or orders that were only intended for women were born. Only because her sex identity is female, women must cover their entire bodies tightly in full black clothes, they are not allowed to decorate for the public, they are not allowed to open their voices to others, sell in markets, enter public buildings, and other orders directed only at women. These redundant orders and prohibitions can be drawn on the assumption of women's nature as a 'seductive figure'.

This view is based on non-Tafsir mubadalah of the QS. Ali 'Imran [3]: 14. In addition to this verse, there is a text of the hadith which is very clear about the slander of women, which is also unfortunately interpreted as incomprehensive, unbalanced, and insubstantial. The text of the hadith in question is as follows: From Usamah bin Zaid Ra., From the Prophet Muhammad, which says, "*I will not leave after me a test (slander) which is most severe for men except (the test of) women.*" (Sahih Bukhari, no. 5152).

According to the Faqih (2019: 288-289), as is the verse QS. Ali 'Imran: 14, the hadith text above can actually be seated with the perspective and method of preaching.¹⁹ The preacher's interpretation will see men and women as the same subject in the conception of defamation. Both can be perpetrators, and at the same time can be victims. For this interpretation, the first thing to do is to put the meaning of the text of this hadith in the mainstream of Islamic teachings that this life is entirely a test to improve the good and protect men and women from evil. All this life means to include men and women. (Surat al-Mulk [67]: 1-2). The second step is to capture the moral message of the hadith text, which is to protect ourselves all (men and women) from the possibility of falling into slander or enchantment. Finally, the third step is to reverse, that charm can also be caused by men to women, so women are also asked to be vigilant and take care of themselves. This text speaks of a truly mutual problem about the importance of protecting ourselves from the possibility of falling into the charms of others.

¹⁸ Kodir, 285.

¹⁹ Kodir, 288-89.

In real life, just as men are fascinated by women, women are also fascinated by men. Reality also presents a mutual charm between men and women. The word "slander" itself, in the language of the Koran, is a word that also has a reciprocal meaning. Defamation, in general, means a test, which in some expressions of the Koran, it can be in a reciprocal relationship between two sexes. For example, goodness is slander, badness is also slander (Surah al-Anbiyaa [21]: 35), apostles are slander for his people (Surah ad-Dukhaan [44]: 49) and his people are slander for him (Surah al-Anbiyaa) Maa'idah [5]: 49), as well as unbelievers is a slander for the believers (Surah al-Buruuj [85]: 10) and the believer is as a slander for unbelievers (Surah al-Mumtahanah [60] : 5). In fact, it is explicitly stated that each person is slander for others, or some people for some others (QS. Al-An'aam [6]: 53 and QS. Al-Furqaan [25]: 20).

Through this relational perspective, the substance of defamation is not only attached to the body of women for men. But, it is also attached to the body of men for women. Through mubadalah perspective, both men and women alike have the potential for charm (slander), and at the same time have the potential for masalah. The stigma of slander which is only labeled by women is wrong and is not in accordance with the phrase 'slander' in the reciprocal Koran. Therefore, religious suggestions based on women's 'slander' must be understood in terms of the substance of the problem and its social context. Namely, about the suggestion to be alert to the bad potential of someone and something.

In this sense, the hadith text "slander women" mentioned above must be interpreted proportionally and meaningfully. The text of this hadith invites men to be aware of the potential for slander of women. Not to discriminate against women, because they have slander. This is the main meaning of hadith text. This meaning, too, can then be changed. So, when the subject is a woman who is invited to talk to the text, then what is slanderable is it could be men.

This text also encourages women to be aware of the potential slander of men who can test and tempt them. The point of the discussion is not on men's slander, but on the suggestion of women's vigilance from their temptations. So, women's slander is not building women's ugliness. As slander men are not asserting male depravity. But, it's about the importance of each vigilance, one another, so as not to be tempted each other on wrong / bad actions. Thus, all discriminatory views towards women, based on slanderous assumptions, should immediately be stopped. Instead, we need to foster positive perspectives on the humanity of women, as well as on men. This positive perspective becomes the capital to enlarge the base of disruption and cooperation in creating a better life, in the realm of family and social life.

3. Women on the Issue of Testimony and Inheritance Law

Another foundation used in legitimating the superiority of men over women is the matter of the testimony of women and their half-inheritance from men (al-Baqarah [2]: 282 and QS al-Nisaa [4]: 11). According to Faqih, in response to these 2 issues, it is better to do an analysis of the historical approach to the decline of the Qur'an at that time by comparing it with the history before Islam came into the history of human civilization. Because if it is seen from a historical context, especially from the time of the Jahiliah, there will be a woman's testimony that is 2: 1.²⁰ The "two to one" initiated by the Koran in women's testimonies is actually a revolutionary leap because at that time women's testimonies were not considered at all. Likewise in the case of

²⁰ Kodir, 265.

inheritance, even women actually become an inheritance and cannot inherit at all.

It cannot be denied that at the time of the early Islamic presence in the Arabian Peninsula; women's existence is not considered, birth is not expected, marriages can be forced, polygamy without limits and without protection of justice, women can be divorced at any time, any number of times, and are referred back without rules, without any certainty of rights after divorce, not inherited but can be inherited, and of course women's thoughts and views are not taken into account at all.

Therefore, when viewed from the Arab social context at that time, Islam through its sacred book, the Koran, has made a major breakthrough by recognizing the existence of women and deemed it worthy to testify. Asbabun nuzul inheritance verses recorded in several commentaries so clearly show how the Qur'an is present to ensure people who are weakened, especially women and children, get a part of inheritance, which initially with the customs of the Arabic tradition does not get the same once.

For Arab custom at that time, inheritance was only given to families who were financially able to bring money to the family, or who were actually able to provide protection and security to the family. Not to the needy, as outlined by Islam. Therefore, when Aus bin Thabit Ra. died, leaving behind young children (two daughters and one son), all of the inheritance was taken by his two adult brothers' sons. Then Allah sent down the inheritance verses (QS. An-Nisaa '[4]: 7). Similarly, when Abdurrahman bin Thabit Ra. died, leaving a wife named Umm Kajjah, all of her inheritance was taken by the male family, leaving nothing for the wife. Umm Kajjah also complained to the Prophet Muhammad., And Allah revealed the QS. an-Nisaa '[4]: 12, which establishes a quarter or eighth of inheritance for the wife of the deceased.

For Arab custom at that time, of course "two to one" was a revolutionary step, especially by continuing to give obligations to men to support the lives of women and children. Thus, when social reality changes, where women are also involved in supporting their livelihoods, especially with relatively similar social obligations, adjustments in terms of inheritance can be considered.

Moreover, the verses of the Koran as mentioned previously about the testimony and inheritance above, are actually recording how "two to one" is part of the functions played by men and women in certain social contexts, which should not be understood as rigid mechanism, but flexible and contextual. There are times when the Koran insists that female witnesses are one-to-one with male witnesses, and times when the portion of women's inheritance is also one-on-one with men. This difference in function and division, between women and men, has become the dynamics of discussion of fiqh scholars who are very rich, and has given birth to various breakthroughs that can become learning in the present.

Concerning women's testimony, Faqih cites Ghayda Muhammad Abdul Wahhab al-Mishri's dissertation study, which sees the problem of comparing men's and women's testimonies not to the great intellect of men from women. Especially the glory of gender.²¹ But it is purely a matter of tradition and habit. As stated in the verse that two women are needed, "... so that if one forgets, then the other reminds him." (Surat al-Baqarah [2]: 282) That is, "two to one" was in the testimony of women, because they were in the Arab tradition at that time not normally doing business transactions, trade, and debts. However, if women are

²¹ Kodir, 273.

accustomed to or are most familiar with a particular business problem, then their testimony can be fully accepted.

In terms of criminal law as well, even though the majority of ulemas forbid the witnessing of women, but some classical scholars allow and accept it. The reason is because testimony is a matter of proof from people who saw and witnessed the incident. In this case, women's sense is the same as men's. Like the views of Imam 'Atha, Hammad, and the Zhahiri School who received women's testimony in criminal matters, while the majority of fiqh scholars did not accept them. As for the more fundamental, if one woman is accepted to present the hadith for religious matters, then for world affairs it should be the same. Of course, caution can be applied, but the foundation is not gender. The classical ijtiḥad of fiqh scholars regarding the testimony of women who are complicated must be read in the context of proof which must be extra careful so as not to fall into error. Thus, "two to one" in the matter of women's testimony is in no way related to women's sense which is lacking or weak when compared to men's sense.

Neither in the case of testimony. In the cultural context which was still very degrading to women at that time, the Koran did not only speak "two to one" for the issue of witnessing for women. However, what people rarely realize is that the Qur'an has actually opened and established testimonies that are "one on one" on the issue of the Li'an oath between husband and wife (QS. an-Nuur [24]: 8-9). That is, in the context of the Li'an, women's oath witnesses are valued one and the same as male oath witnesses.

In another analysis of witnesses, it was also stated that the "two to one" scheme was in the context of binding evidence (*al-itsbaat al-mulzim*) in the presence of a judge in court, not an investigative proof (*al-tahqiq*) required by the police or judge before a court decision. In this second context, the police and judges have the full right to hear and accept women, because it may be women who understand, control, and see first hand the events witnessed. In social life, it can only be that women see and witness problems, and they are legitimate witnesses. In fact, on the issue of narrating the hadith, all scholars agree that one woman is enough to narrate even the most crucial religious issues.

From the above explanation it can be concluded, that the concept of inheritance "two to one" doesn't emphasize at all the superiority of men over women. It is nothing more than a matter of different functions and obligations, so that men have higher rights to ensure that they are able to assume these responsibilities. These functions and obligations may apply to women. Meanwhile, the matter of the existence and identity of women as human beings is as respectable and dignified as men. It cannot be a symbol of Islamic teachings to demean, dominate, and hegemony women. Thus, in the name of Islam, women cannot be positioned inferiorly than men. Nor, in the name of Islam, all the fatwas and policies issued to allow actions that marginalize women. That is, what is needed is all efforts that humanize women in real life. This includes not using a factual "two to one" framework to marginalize and obstruct women's rights to obtain a fair share.

4. Women and Leadership

The verse of the Qur'an and the Hadits which are often used as the basis in the concept of leadership is Prophet's hadits: "*Lan yufliha qaumun walaw amrahum imro'ah.*" (There will be no happiness for a people who give up their affairs (leadership) to a woman (Shahih Bukhari, no. 4469), and QS. Al-Nisa [4]: 34: "*Al-Rijalu qawwamuna 'ala al-Nisa bima fadldlala Allah ba'dluhum' ala ba'dlan wa*

bima anfiqum min amwalihim." (Men are leaders for women, because Allah has given an advantage among them over some others, and because they have spent some of their property).

According to Hibah Rauf 'Izzat (1995), the text of this hadith is not delegitimizing the political role of women. However, he was more concerned with predicting the future of the Persian empire which would collapse at the hands of the new leader, a woman who was still very young, weak, and did not get strong enough political support. In other words, women were not encouraged to lead at the time, because they were considered to be people who did not have sufficient and strong social capacity as leaders. So, if in the future, as we see now, there are many women who have the capacity and ability to lead good and serve, then they can and may be appointed as leaders.

While the concept of *qiwamah* in QS. an-Nisaa '[4]: 34 actually cannot be used as a basis for prohibiting women's social and political leadership. Because, this verse is not talking about the norms of male leadership, but about the norms of responsibility that must be carried by those who have the capacity, ability, and sufficient wealth. In affirming this verse, the responsibility of men is to bear, sustain, and help those who are weak and do not have enough wealth. Men are mentioned in the verse and asked to be responsible for supporting women because usually, socially, they have the capacity and ability. Or, at the very least, they were earlier in possession of assets due to certain social factors.

However, if in practice there are women who also have sufficient capacity, abilities, and property, then they also have the same responsibility to support and help those who are weak and inadequate. Both they come from their own families in the domestic sphere, as the verse says, and in the more general area, namely the wider community and public. That is, this *qiwamah* verse is not talking about leadership, but about responsibility by strong people to weak people, who have knowledge of those who have no knowledge, who have wealth in those who do not have. That is, the responsibility to sustain helping, and helping others. Normatively, this responsibility is not related to gender, but rather to capacity and ability. So, QS. an-Nisaa '(4): 34 This does not forbid women from becoming social or political leaders if they have the capacity, abilities, and positive track record.

Likewise, the "leadership hadith" cannot be understood exclusively for male leadership. Because, if it is read carefully, the hadith is not really talking about leadership, but rather the importance of responsibility. Ibn Umar Ra. said that the Messenger of Allah said: *"Every one of you has a responsibility, and every one of you will be asked about the responsibility that he/she has. Imam (head of state) who leads the people is responsible for (their benefit) and will be held accountable for his people. A man (husband) is responsible for his family and will be held accountable. A woman (wife) is responsible for her husband's family and children and will be held accountable. The slave is also responsible for his employer's property and will be held accountable. Every one of you has a responsibility and will be held accountable for it."* (Sahih Bukhari, no. 7225).

Based on Mubadalah perspective (2019, 509-511), "*ra'in*" does not mean "leader", but "manage and be responsible". Because there is an expression that the servant "*ra'in*" against the property of his employer. This cannot be interpreted as "leader", but rather responsible for managing well, correctly, and bringing benefits. Likewise, for others, the word "*ra'in*" means "to manage responsibly". The management of things and their accountability, in Islam, are not based on sex. Thus, in this text-only example, the husband is responsible for his family, and the wife to the family of her husband and children. Because the

husband is also asked to take responsibility for his own children. Likewise, the word "imam" cannot be interpreted by male leaders, because that is not the core of the discussion of the hadith. However, the point is a matter of responsibility that must be carried out by a leader regarding his people, both leaders are men and women. In Islam, the important thing is how leadership can bring good and benefit, not the sex of the leader.

Religious narratives on the legitimacy of women's leadership in Indonesia, in general, are no longer a major social problem. The next hard work is to ensure religious narratives that balance domestic and public responsibility between men and women. Likewise, religious narratives about rotation and leadership models that are truly friendly to women and provide facilities by considering specific reproductive conditions for them. It should not be set the criteria and conditions that can only be done by men, such as becoming a prayer leader. It should also not be judged female future leaders with biological matters, such as not being pregnant, not circumcising, or giving birth by cesarean. Nor do things that are only usually socially inflicted on women, such as failing a family, failing to be a mother, or failing to take care of a child, while the failure of men in family matters is not taken into account.

Religious narratives are often still uncertain. On the one hand, it has begun to support women's leadership in the public sphere. But, on the other hand, women are still asked to successfully take care of the household and family. Meanwhile, men are not required at all the same thing. This makes women burdened excessively (double burden) to succeed in the public and domestic as well. Meanwhile, the men on his side did not compensate and fully support him.

Religious narratives should be able to help encourage men to be actively involved in the domestic sphere when their women are needed to be active in the public sphere. Or at the very least, religion narrates positively that domestic and family life is a shared responsibility between men and women. So, when for example a failure occurs, no argument arises that delegitimizes women's public leadership alone. Likewise, when family success occurs, it must be a credit to both couples: women, and men.

More than that, good leadership is a model of leadership that substantially bases on cooperation, togetherness, trust, and appreciation, not on authoritarianism, power, hegemony, and fear. Leadership provides a comfortable space for men and women to express and participate maximally in order to bring goodness to society and avoid the bad things from them. Leadership which, in Islam, is based on the philosophy of *mashlahah al-ummah*, which ensures that public policies adopted provide maximum benefit to society in general, guarantee welfare, and realize social justice as a whole.

5. Husband's right to do Polygamy and Divorce

In relation to mubadalah perspective regarding the narrative of polygamy-monogamy, Faqih mentioned the three-point custom that needs to be conveyed here.²² **First**, if patience is a good and noble behavior, and the perpetrators will be loved by Allah for doing patience, then it is not only women who are required to be patient from husbands who want to or already have polygamy. Husband or man should also be required to be patient and not choose polygamy to be a noble person and loved by Allah. Likewise, if loyalty is a good thing in Islam, it is not only women who are required to be loyal and serve their husbands, but also men are demanded the same thing to be loyal and serve their wives. Patience and loyalty are universal values. Their attitudes are kind and rewarded by anyone.

²² Kodir, 421–22.

Both men and women are demanded the same thing related to patience and loyalty to their partners.

Second, women have the full right to reject polygamy on the basis of distancing themselves from damage and mudharat (*dar'u al-mafasid*), which will affect both themselves and their families, whether physical, psychological, economic, or social in nature. This basis is in accordance with the advice of the Qur'an to not fall into ruin (QS. Al-Baqarah [2]: 195), and the advice of the Prophet Muhammad, not to hurt oneself and others (Muwaththa 'Malik, no. 1435). In addition, it is also in accordance with the advice and example of Fatimah, the daughter of the Prophet Muhammad, Who rejected Ali's desire to polygamy. Fatimah asked his father, the Prophet Muhammad, to support him rejecting Ali's plan (Sahih Bukhari, no. 5285). If the acceptance of polygamy is based on *jalbu al-mashalih* as the right for halal sexual pleasure for men, then the rejection of polygamy is based on *dar'u al-mafasid* which will be experienced by women. In the principle of fiqh, the second (*dar'u al-mafasid*) should take precedence over the first (*jalbu al-mashalih*). If patience is good, then not only the wife is asked to be patient with the behavior of the husband who wants (or practices) polygamy, but also the husband is asked to be patient enough with one wife who wants monogamous loyalty.

Third, women have the choice of divorce right if their husband forces polygamy. Unlike the previous narration so far, where women are required to be patient and consider divorce from polygamy as something that is not good and not recommended. In fact, divorced because polygamy is considered to violate the guidance as the righteous wife who promised heaven later in the afterlife. All of these narratives (forbidding divorce due to polygamy) are not mentioned at all in the Qur'an. Fifteen centuries ago, the Qur'an considered polygamy as a domestic problem, as part of the husband's marriage to his wife, which could be addressed with divorce.

In QS. an-Nisaa '[4]: 128-130, the Qur'an expressly and clearly provides an opportunity for women to divorce their husbands who turn (nushuz) to other women then wish to marry them (can be polygamy). And this divorce, according to the Qur'an, might actually make women more independent and fulfilled. QS. an-Nisaa '[4]: 130 clearly gives divorce, in the context of polygamy (QS. an-Nisaa' [4]: 129) after the husband turns away from his wife (QS. an-Nisaa '[4]: 128). That is, women are absolutely not barred from making this choice.

Not as narrated by various groups so far. In fact, as in the verses of the Qur'an, divorce from polygamy can be a way for women to be more fulfilled, independent, and wealthy (*yughni Allahu kullan min sa'aatihi*), both economically and psychologically. Indeed, divorce certainly has a bad risk, especially if both of them already have children. However, when compared to polygamy which hurts women and children, divorce can be better because it can free and empower. Moreover, if divorce is carried out in accordance with the guidance of the Qur'an; in a good way, without blasphemy, and to divide up property properly.

Divorce is another issue of household problems that are often narrated unbalanced, more demanding and burdensome to women. In religious narratives, women are often required not to ask for divorce, to always be patient with their husband's behavior, rather than asking for divorce. In mubadalah perspective, the narrative must be balanced with the same narrative addressed to the husband; so that it is not easy to drop a divorce on a wife, and be patient with all the wife's behavior, rather than dropping a divorce. Thus, if women who ask for divorce without cause will be kept away from heaven, then men who intend to divorce

their wives without cause also receive similar threats. This balanced narrative can be found in the following Muslim hadith text.

From Ibn Umar Ra., From the Prophet Muhammad who said, "Surely something that is lawful and most hated by Allah SWT is divorce" (Sunan Abu Dawud, no. 2180). And Tsauban Ra. said that the Prophet said, "A woman who asks for a divorce from her husband, for no reason, is forbidden to him (kissing) the fragrance of heaven." (Sunan Ibnu Majah, no. 2228).

Textually, the first hadith from Ibn Umar, it applies to two couples; men and women. Divorce is not recommended for both couple. Divorce is something that is most hated by Allah, even if it's lawful. If someone loves Allah, of course he/she must try to make the relationship of husband and wife healthy, happy, and lasting. He/she will avoid, with all his/her efforts, attitudes, statements, and actions that will lead to or cause divorce.²³

While the second hadith text, from Tsauban Ra., Literally only refers to women. But, reciprocally, it also refers to men who try or act to cheer up their wives without cause or rational reason. Men were of course threatened with not kissing the heavens and kept away from it. If it is understood symbolically, heaven is a life full of happiness that should be realized in the world through a healthy and mutually encouraging marriage. The intention and request of divorce, of course, keep both couple away from the happy heavenly conditions in married life, before the hereafter.

All actions that will bring divorce must be avoided, both men and women. If there are differences, conflicts, or quarrels, which must be considered by each of them is the solution. It's best that no one puts divorce as the first solution. Because, even if lawful, divorce is something that is most hated by Allah. Anyone who asks for divorce, and leads to divorce, for no reason at all, he/she will be kept away from heaven.

The four crucial problems of marital relations will be easily overcome and resolved if they are committed to the five pillars of the relationship (strong ties, paired perspectives, mutual good deeds, mutual deliberation, and mutual willingness). The main technique that can reduce the excesses of this problem is healthy and constructive communication from both couples. Communication is from both, each of which must try to be able to understand their partner before asking to be understood. Understanding the perspective of a partner will make it easier for someone to find solutions that can provide comfort to both couples. Of course, each can also ask to be understood. However, someone will not marry to separate. Therefore, like the suggestion of the Qur'an (QS. An-Nisaa '[4]: 19) and the hadith (Sahih Muslim, no. 3721), each must try to remember all the goodness of the pair, and try to make it present continuously and continue in real life, so that relationships get stronger and can achieve goals that are equally expected.

Instead of that, Faqih's previous book showed that, polygamy is not a solution in a couples relationship,²⁴ but a problem that often brings badness (*mafsadat*). This view is in line with the verse of holy Qur'an, "polygamy that is difficult to be fair" (QS. An-Nisaa '[4]: 129). It is also flanked by *nushuz* (QS. An-Nisaa' [4]: 128) and divorce (QS. An-Nisaa' [4]: 130). This means that, as in the case of *nusyuz* and divorce, polygamy is a crucial problem in a marital relationship. Because it is a problem, the Qur'an warns the actors to be a fair (*fa-*

²³ Abdul Halim Muhammad Abu Syuqqah, *Tahrir Al-Mar'ah Di 'Ashr al-Risalah; Dirasah 'an al-Mar'Ah Jami'a Li al-Nushush al-Qur'an Wa Shahihay al-Bukhari Wa Muslim*, Juz 1 (Kuwait: Dar al-Islam, 1990), 164.

²⁴ Faqihuddin Abdul Kodir, *Memilih Monogami: Pembacaan Atas Al-Qur'an Dan Hadis Nabi* (Yogyakarta: Pustaka Pesantren, 2005).

in khiftum alla ta'diluu), asks for one wife only if it is concerned about being unjust (*fa waahidatan*), and even confirms monogamy as a safer path (*adnaa*) from the possibility of committing zhalim (*allaa ta'diluu*, QS. an-Nisaa '[4]: 3).

Conclusion

Islam is the religion of *rahmatan li al-'alamin*. The logical implication of this understanding as matter of fact presents the belief that one of Allah's mercies is the recognition of Islam to the integrity of humanity for all sexes, men and women. Men and women are whole entities without distinction, especially when it comes to the religious qualities of both. Women in this context should be interpreted as beings equal to men. In the Qur'an, the measure of the glory of a human being in front of Allah is the achievement and quality of human's piety, regardless of sex (Surah al-Hujurat, 49: 13). Unfortunately, the ideal and noble Islamic teachings above, are not well implemented in the sociological reality of their adherents. The practice of Muslims related to the position of women, especially regarding gender relations, is very discriminative. This condition occurs because there is a very literal understanding in interpreting the texts of the Qur'an that talks about gender relations.

Responding to the reality mentioned above, it is important to present the Qur'an with its human values, so that the Qur'an is understood by humans and functioned for the harmony and benefit of human life on earth. Among the progressive figures of Indonesian Muslims who are trying to restore an understanding of Islam that is *rahmatan li al-'alamin* through the offer of a contextual interpretation model is Faquihuddin Abdul Kodir. Mubadalah is a method of interpreting texts with reciprocal perspective. Text intended for men can refer to women, as well as texts for women also include men. As long as the message from the text is general and includes both sexes. Faquihuddin's method of Mubadalah's used Stephen R. Covey's Interdependence psychology theory to explain the importance of mutual understanding in a relationship between couples. The philosophical basis of the concept of Mubadalah is monotheism (Tauhid). The sentence "*lā ilāha illallāh*" proclaims that God is the only Essence worthy of absolute worship and obedience and fellow human beings should not be one god over another, including in this case, men are not at all the main reference for women. *Tauhid* demands a reciprocal social system, equality, mutual assistance and cooperation. Mubadalah can be used for all texts and realities, not even just religious texts, because the reality of life can never be separated from the identity of men and women. As long as the principle and the value of confusion are believed, the method can be applied. Through Tafsir Mubadalah, this young NU figure strives to present a new interpretation which is expected to encourage the realization of reform of the rule of Islamic interpretation on texts that should be fair to both sexes; men and women.

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