

ISLAM AND GENDER JUSTICE

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ABSTRACT

The focus of this study is to discuss how Islamic perspectives are concerned with gender justice. This paper not only tries to provide philosophical and definitive arguments in response to anti-gender attitudes or parties who use the legitimacy of religious texts so as to justify gender as the nature in treating women, it also wants to provide understanding in measuring the nature of gender justice, so Islamic values continues to run on its dynamic nature in facing the challenges of the times. For this reason, adequate knowledge is needed about what is meant by “nature” and “gender”, so that it clearly finds differences between the two. The literature search results show that in essence the concept of gender justice can be determined by the community and its environment; it is dynamic and contextual, while “nature” is a fixed nature in someone given by God, such as the sex between men and women according to their respective functions.

Keywords: *Gender, Nature, Justice, Equality of Rights*

1. INTRODUCTION

Islam has taught equality between men and women, one of which is the perspective of gender justice. However, in reality there are still many challenges encountered in realizing this teaching, even in the midst of an Islamic society, especially women, still lagging in many respects from their male partners; this can be found, for example, when looking at facts relating to women's gait, such as levels of education, health, political participation, law, and the economy (Sri Suhandjati Sukri, 2005: 35). In addition, acts of violence against women, sexual harassment, exploitation of women workers, and so on, of course, we can conclude that the status of women is still experiencing concern in Indonesia, or is still not gender sensitive (Wahid Zaini, 1999: 11).

An important concept that needs to be understood in order to discuss the problem is to distinguish between the concept of “sex” and the concept of “gender”. Understanding and differentiating these two concepts is needed in conducting an analysis to understand the problems of social injustice that befall women. This is because there is a close relationship between gender differences, gender inequalities and the structure of community injustice more broadly. Thus, a clear understanding and distinction between the concepts of sex and gender are needed in discussing the problem of social injustice. Indeed, there is a link between gender issues and other social injustice issues. An understanding of the concept of gender is very necessary considering that this concept has been born into a gender analysis (Mansour Fakhri, 2005: 3-4).

Gender differences do not really matter as long as they do not give rise to gender inequalities. However, the problem is, it turns out that gender differences have given birth to various injustices, both for men and especially against women. Or in other words, gender inequality is a system and structure in which both men and women become victims of the system. For example, how gender differences lead to gender inequality, can be seen through the various manifestations of injustice such as marginalization or impoverishment economy, subordination or presumption of important political decisions, the formation of stereotypes or by labeling the negative, violence, workload longer and more burden, also the socialization of the ideology of the value of gender roles.

Manifestations of gender injustice cannot be separated, because they are interrelated and interrelated, affect each other dialectically. There is no manifestation of gender injustice that is more important, more essential, than the others. For example, the economic marginalization of women actually occurs due to stereotypes certain of women, and it contributes to subordination, violence to women, which eventually becomes socialized in women's own beliefs, ideologies and visions (Mansour Fakhri, 2005: 12-13). The process of marginalization of both men and women which is an example which results in poverty is actually very much happening in this country. This can be caused by various events, for example, evictions, natural disasters or exploitation processes. However, there is one form of impoverishment of one particular sex, especially women, caused by gender. There are several different forms, places and times as well as mechanisms for the process of marginalization of women because of these gender differences. In terms of sources, it can come from government policies, beliefs, religious interpretations, traditional beliefs, or even scientific assumptions. Many studies have been carried out in order to discuss government development programs which are the cause of women's poverty. For example, a food self-sufficiency program or a green revolution that has economically removed women from their jobs and impoverished them. As happened in Java, the green revolution program by introducing superior types of rice that grew lower, and the harvesting approach using a sickle system, was no longer possible with *ani-ani*, whereas previously the tool was accustomed to being used by women. As a result, many poor women in villages are marginalized, that is, getting poorer and marginalized because they do not get work in the fields at harvest time. Furthermore, marginalization of women not only occurs in the workplace, but also in the household, community or country. Marginalization of women in the household in the form of discrimination against family members. Marginalization is also strengthened by customs and religious interpretations, for example, many of the tribes in Indonesia do not give women the right to inherit the same due to religious interpretations that women's inheritance rights are half of men's inheritance rights (Mansour Fakhri 2005: 13-15).

2. RESEARCH METHOD

Type of research is qualitative research that focuses on the dynamics of gender justice in the realm of normative legal research (Atha' Mudzhar, 1999). This research comes from direct data through library research and enriches it with relevant empirical data. Data collection methods are the study of documents or library materials (Amiruddin and Zainal Asikin, 2004: 30). The data in this study come from literature studies in the form of books, encyclopedias, journals, magazines or other relevant references. In addition, the data in this study came from observations of gender-based social relations patterns in Indonesia.

The nature of this research is analytical descriptive. The workings of this descriptive nature are based on the characteristics of the object of research or what actually happens in gender issues in Indonesia (Cik Hasan Bisri, 1998: 9). Data qualitative are analyzed with a framework deductive-inductive. The approach used in this research is normative which is used to explore and analyze data about the concept of gender justice in an Islamic perspective.

3. RESULT

The term “gender” often leads to obscurity that can result in misunderstanding about what is meant by the concept of gender, especially with regard to women's social justice. Scholars say that the cause of the uncertainty as seen in the dictionary is not clearly distinguished understanding of the words “sex”, “nature” and “gender” so that there is no description that is able to explain briefly and clearly about the concept of gender. In addition, the emergence of uncertainty is caused by the lack of explanation about the relationship between the concept of gender with other injustice problems (Mansour Fakhri, 2005: 7).

As a basic understanding, gender is a social difference between men and women that is emphasized on the behavior, function and role of each which is determined by the habits of the community where he is or the concept used to identify differences between men and women in terms of socio-cultural. This understanding gives a clue that matters relating to gender are a social construction. Gender is a cultural interpretation of gender differences, while nature is everything that exists in men and women that have been established by God, and humans cannot change and reject it (Waryono Abdul Ghafur, 2005: 102-103).

From the above understanding, it appears the difference between the two, namely gender is determined by the community, changes dynamically according to developments that affect the values and norms of society and has differences in form between one society and another society. Therefore, gender categories can be exchanged with each other, between men and women. While nature is determined by God, and remains universal (does not change because of time and place). As quoted Musdah Mulia to the *Women's Studies Encyclopedia* explained that gender is a cultural concept that is used to distinguish the roles, behaviors, mentality, and emotional characteristics between men and women that develop in society. Unlike sex, which distinguishes men and women in biological terms, gender distinguishes men and women from non-biological aspects, namely in terms of the social roles played by both. The first is natural in humans, while the second is social construction. In short, gender is a cultural expectation for men and women (Siti Musdah Mulia, 2004: 1).

Meanwhile, the term “sex” is used to identify differences between men and women in terms of biological anatomy which includes chemical composition and hormones in the body, physical anatomy, reproduction and other biological characteristics. In other words, sex is the division or division of human sex which is biologically determined which is attached to a particular sex. Gender emphasizes more on the aspects of one's masculinity (*rujuliah*) and femininity (*nisa'iyah*), while sex emphasizes the development of biological aspects and chemical composition in the body of men (*dzukuriah*) and women (*unutsah*) (Waryono Abdul Ghafur, 2005: 104).

Another opinion, Mansour Fakhri, for example, said that to understand the concept of gender, the word “gender” must be distinguished from the word “sex”. The definition of sex is the division or division of two sexes that are biologically determined to be attached to a particular sex. For example, that human types of men are humans who have organs that produce sperm, while women have reproductive organs such as the uterus and channels to give birth, produce eggs, have a vagina, and have a breastfeeding tool. These tools are biologically attached to human types of women and men forever. This means that biologically these tools cannot be exchanged between biological devices inherent in human

males and females. Permanently, does not change and is a biological provision or often said to be a provision of God or nature (Mansour Fakih, 2005: 7-8). The concept of gender is a trait inherent to men and women socially and culturally constructed. For example, the woman was known to be gentle, beautiful, emotional, or motherly. While men are considered strong, rational, male, mighty. The characteristics of the traits themselves are interchangeable traits. That is, there are men who are emotional, gentle, motherly, while there are also women who are strong, rational, mighty. Changes in the characteristics of those qualities can occur at any time, and from one place to another. For example, in ancient times women were stronger than men, but in other times, and in different places, men were stronger. (Mansour Fakih, 2005: 9). Based on several presentations of the concept of gender, there is no longer any time for debate over the distinction between men and women in terms of potential roles and between the two; because between nature and gender have different regions. On the one hand nature is absolute, while on the other hand, gender is contextual and dynamic in line with human needs in every age.

4. DISCUSSION

Related to the problem of gender with justice, the word “justice” used in the Indonesian language comes from the Arabic word *al-'adl* which means the state of a person's soul which makes it straight. A just person is one who is not influenced by his lust, so he does not stray from the straight path. Therefore, *al-'adl* means defining the law correctly and fairly - this word also means defending the right. The word *al-'adl* further means similar or the same, and also means balanced (Harun Nasution, 1998: 61). Quraishy Shihab said that justice does not equate all members of society, but equates them in the opportunity to make achievements (Quraishy Shihab, 2003: 126). In relation to justice towards women, they should receive fair or equal treatment in law, economics and politics. If women do not get social justice, then there is no difference with the life of ignorance where women are like things that can be bought and sold. They can be inherited, women are treated arbitrarily, even if there is news of the birth of a baby girl, the men turn pale and look difficult; because it was felt as a disgrace that eventually killed. Unfortunately, this practice is accepted and justified by the ignorant community (Mansur, 2006: 33).

In its development, the changes in the social order of the ignorance mentioned above changed when Islam came, and the position of women was appointed by Islam. Islam elevates the status of women, and gives her the right as a whole human being that had never been given to women. Like men, Muslim women have freedom in terms of religion, education, merit and charity as well as in defending their beliefs. Women have the same field of activity with men both in terms of brotherhood, affection, help to help, even go to war (Mansur, 2006: 5). Islam was revealed as a carrier of mercy to all of nature, and all of His creatures, including women. Fundamental values that underlie Islamic teachings such as peace, liberation, and egalitarianism—including equality between men and women are much reflected in the Koran. Just mention the verse in QS an-Nahl, (16): 97 which means: “*Whoever does good deeds, both men and women, in a state of faith, we will actually give him a good life, and We will also give a reward in the form of a reward that is better than what they have done*”.

It is necessary to provide new insights that are more humane and more gender sensitive to the community on an ongoing basis, so as to build awareness among them of

the need for reinterpretation of religious teachings, especially teachings that talk about gender relations. There is no other way to get out of the condition of gender inequality other than by dismantling (deconstruction) of all interpretations of religion that position women as objects. In this way an interpretation will be built that places women as whole human beings, as autonomous subjects who have the freedom of choice on the basis of their equal rights with men. In addition, we can also learn from stories about the important role of women in the time of the Prophet, such as Siti Khadijah, Siti Aisyah, and others that have been widely narrated; the same was true of the Prophet's own attitude of respecting women and treating them as partners in the struggle.

5. CONCLUSION

Starting from the discussion of gender above, there are a number of conclusions in this article. Definitely when the term gender is confronted with nature, then nature is absolute, whereas gender is contextual and dynamic in line with human needs in every age. That is, the doctrine that the position between men and women as whole human beings, that is, as God's creation given the same potential (read: gender) is one form of gender sensitive struggle. In other words, gender differences in essence both men and women have the same rights and obligations in making achievements on earth. This opinion will certainly never arise unless departing from gender discourse in full and proportion. Thus, both the normative concept and the historicity of the position of women, Islam since the beginning of its emergence, clearly does not distinguish between the two. Therefore, the marginalization of women's position which makes it subordinate is an attitude that is contrary to Islamic values that are egalitarian, humanist and universal.

6. SUGGESTION

It must be reiterated that the marginalization of the position of women which makes it subordinate is an attitude that contradicts egalitarian, humanist and universal Islamic values. For this reason, each stakeholder must understand and be sensitive in applying gender-sensitive social relations patterns; that is, which further humanizes humans, as Islam has taught.

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