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WOMEN LEADERSHIP IN ISLAMIC POLITICAL AND LEGAL PERSPECTIVES

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ABSTRACT

Talking about women's leadership in politics and Islamic law, there were differences of opinion. In Islamic Sharia, which is comprehensive, elastic, dynamic and flexible, it determines the criteria that must be possessed by a leader, among others, fair, has scientific capacity (world and the hereafter), physical and mental health. When viewed in Indonesia, women are allowed to take part in the political world. Normative women's leadership has powerful legitimacy, both theologically, philosophically, and legally. However, at the level of reality, there are still many challenges and obstacles, both internally and externally, and the fact that occurs in the community is often not by the above statement, where discrimination and injustice still happen to women. This article will explain some of the problems of women's leadership both from a political perspective and an Islamic legal perspective. According to the author, it is essential to discuss to provide an overview of the position of women in politics, and how Islamic law views women as leaders, moreover it can provide an understanding of the community how women are placed in politics.

Keywords: Leaders, Women, Politics, Islamic Law

ABSTRACT

Berbicara mengenai kepemimpinan wanita dalam berpolitik maupun dalam hukum Islam terjadi perbedaan pendapat. Dalam Syari'at Islam yang sifatnya komprehensif, elastis, dinamis dan fleksibel, menentukan kriteria-kriteria yang harus dimiliki oleh seorang pemimpin, antara lain, adil, punya kapasitas keilmuan (dunia dan akhirat), sehat fisik dan mental. Bila dilihat di Indonesia, perempuan diberikan peluang untuk berkiprah di dunia politik. Kepemimpinan perempuan secara normatif memiliki legitimasi yang sangat kuat, baik secara teologis, filosofis, maupun hukum. Namun, dalam tataran realitas masih mengalami banyak tantangan dan hambatan, baik secara internal maupun eksternal serta kenyataan yang terjadi di masyarakat seringkali tidak sesuai dengan pernyataan di atas, di mana masih terjadi diskriminasi dan ketidakadilan terhadap perempuan. Artikel ini akan menjelaskan mengenai beberapa permasalahan kepemimpinan perempuan baik dalam perspektif politik maupun perspektif hukum Islam. Menurut penulis hal ini penting untuk dibahas agar memberikan gambaran bagaimana posisi perempuan dalam bidang politik dan bagaimana hukum Islam memandang perempuan menjadi pemimpin, terlebih lagi dapat memberikan pemahaman kepada masyarakat bagaimana kedudukan perempuan dalam bidang politik.

Keywords: Pemimpin, Perempuan, Politik, Hukum Islam

INTRODUCTION

Women are unique creatures of Allah s.w.t., which have their characteristics in some respects when compared to men.¹ Women are unique and attractive figures, but in their unique shapes, women carry out their duties and responsibilities in their family life.² Some people think that the best activity for women is at home.³ This is a challenge for women today who take part outside the home. On the one hand, women who are at home are considered to be out of information, lack insight, and lack social. But on the other hand, women who take part outside the home are considered not right in the eyes of society. At present, “one of the classic issues that are always actual and often become an academic debate in Islamic studies is the discourse of women’s leadership in the public world, especially leadership in politics”.⁴

But what happens is humans are often not aware of this existence. Humans who naturally inherit the potential as a *khalifah* or leader, who should have leadership abilities; in fact, there are still unable to apply it to themselves. In fact, with the spirit of leadership that God has endowed with him, a human being can manage himself, his group and his environment well, especially in overcoming problems that are relatively complicated and difficult.⁵ The inclusion of women in the realm of being dominated by men began to change people’s perceptions of women. Previously, women were considered helpless, must be protected, worked in the kitchen, always in the backline.⁶

Talking about women’s leadership in politics and Islamic law, there were differences of opinion. In Islamic Sharia, which is comprehensive, elastic, dynamic and flexible, it determines the criteria that must be possessed by a leader, among others, fair, has scientific capacity (world and the hereafter), physical and mental health. Some scholars add one more criterion, it must be male, while some other scholars do not question the gender (sex) of men or women, which is vital to have potential and professionalism.⁷ When viewed in Indonesia, women are given the opportunity to take part in the political world, but this opportunity has not been fully exploited by women. Normative women’s leadership has powerful legitimacy, both theologically, philosophically, and legally. The Universal Declaration of Human Rights that has been approved by member states of the United Nations (UN), including by Indonesia, mentions a number of articles that give freedom to women to choose leaders and become leaders.⁸

Likewise in the Convention Concerning the Elimination of All Forms of Discrimination Against Women, which was ratified through the Law of the Republic of Indonesia Number 7 of 1984 and in the Declaration on the Elimination of Violence against Women, has provided

¹ Elmansyah, “Perempuan dalam Perspektif Raja Kubu VIII (Telaah Atas Kandungan Kitab “Nasihat Zaman”)", *Rabeema: Jurnal Studi Gender dan Anak*, Vol. 5, No. 1, 2018, p. 12.

² Rianawati, “Sejarah Keterlibatan Perempuan Islam Dalam Bidang Ekonomi”, *Rabeema: Jurnal Studi Gender dan Anak*, Vol. 3, No. 2, 2016, p. 119.

³ Orthodox scholars also conservative Muslims state that the role of women is really limited at home. His main obligation is to take care of her husband and children. He is not allowed to leave the house except with the permission of his husband or father and he must be accompanied by his muhrim. Lihat, Patmawati and Fitri Sukmawati, “Peran Wanita Muslim Dalam Meminimalisir Kekerasan Dalam Rumah Tangga”, *Rabeema: Jurnal Studi Gender dan Anak*, Vol. 2, No. 1, 2015, p. 79.

⁴ Ridwan, “Kepemimpinan Politik Perempuan Dalam Literatur Islam Klasik”, *Yinyang: Jurnal Studi Gender & Anak*, Vol. 3, No. 1, 2008, p. 17.

⁵ Syamsul Kurniawan, “Manajemen Pembelajaran Leadership Nirkekerasan Pada Anak Didik di Madrasah”, *Rabeema: Jurnal Studi Gender dan Anak*, Vol. 2, No. 1, 2015, p. 63-64.

⁶ Hoiril Sabariman, “*Klebung Babine*: Praktik, Gaya Kepemimpinan dan Faktor Pendorong Keberhasilan Memimpin Pemerintah Desa”, *Kafa’ah Journal*, Vol. 9. No. 2, 2019, p. 226.

⁷ Raihan Putri, “Kepemimpinan Perempuan Dalam Perspektif Islam”, *Jurnal Mudarrisuna*, Vol. 4, No. 2, 2015, p. 626-627.

⁸ Maria Ulfah Anshor, “Tantangan Kepemimpinan Perempuan di Tingkat Lokal”, *Yinyang: Jurnal Studi Gender & Anak*, Vol. 3, No. 1, 2008, p. 81.

guarantees that women are free from acts of discrimination in any form. Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights in article 46 has guaranteed the representation of women in the legislative, executive and judiciary.⁹ However, at the level of reality, there are still many challenges and obstacles, both internally and externally, and the fact that occurs in the community is often not by the above statement, where discrimination and injustice still happen to women. Javanese philosophy even mentions women as '*konco wingking*' whose duties are only about three m, yaitu *macak*, *masak*, and *manak*.¹⁰

This article will explain some of the problems of women's leadership both from a political perspective and an Islamic legal perspective. According to the author, it is essential to discuss to provide an overview of the position of women in politics, and how Islamic law views women as leaders, moreover it can provide an understanding of the community how women are placed in politics.

RESEARCH METHODS

This type of research article uses a qualitative approach. This approach was chosen because this research wants to look at the depth, detail, variation, process, factors, and implications of women's leadership from the perspective of Islamic politics and law. This research is library research. The data in this study consisted of primary and secondary data collected by reading as many books, journals, articles and magazines as possible. Primary data is data that is directly related to the issues raised by the author in this article, namely women's leadership in the perspective of politics and Islamic law. Then secondary data is supporting or complementary data from primary data. The presentation of the data is done in a descriptive narrative way.¹¹ After the process of finding and collecting data, then the next step is to analyze the data. Data analysis is the process of categorizing, structuring, processing, and summarizing data to obtain answers to research questions. The steps in analyzing the data that the author uses are the analysis put forward by Miles and Huberman consisting of: data reduction, data presentation, and drawing conclusions.¹²

LEADERSHIP AND POLITICS

Leadership, according to Kamus Besar Bahasa Indonesia (KBBI), is about leaders, how to lead. The leader is the person who leads, while the lead is to know or head (meetings, associations, etc.), show the way, guide, and so on.¹³ While in Islam, the term leader connotes the words caliph, *amir* or *imamah*. The Khalifah is a substitute that is someone who replaces the place of someone else. Imamat means a leader, a role model or an example that must be followed or that precedes others in some issues and amir has the meaning of a leader (*qaid zaim*) and in the English dictionary is defined as the ruler, commander, head and king.¹⁴ From the above understanding, it can be understood that leadership is inherent in the leader in the form of personality, ability and ability or

⁹ Maria Ulfah Anshor, "Tantangan Kepemimpinan Perempuan di Tingkat Lokal...", p. 81.

¹⁰ Ida Novianti, "Dilema Kepemimpinan Perempuan Dalam Islam", *Yinyang: Jurnal Studi Gender & Anak*, Vol. 3, No. 2, 2008, p. 255.

¹¹ Saifuddin Anwar, *Metode Penelitian*, (Yogyakarta: Pustaka Pelajar, 2001), p. 5. See too, Sugiyono, *Memahami Penelitian Kualitatif*, (Bandung: Alfabeta, 2007), p. 1.

¹² Matthew B. Miles and A Michael Huberman, *Qualitative Data Analysis (a Source book of New Methods)*, (Beverly Hills: Sage Publications, 1984), p. 21-24.

¹³ Departemen Pendidikan dan Kebudayaan, *Kamus Besar Bahasa Indonesia*, (Jakarta: Balai Pustaka, 1989), p. 864 and 997.

¹⁴ J. Suyuti Pulungan, *Fiqih Siyasah (Ajaran dan Pemikiran)*, (Jakarta: PT Raja Grafindo Persada, 1997), p. 48-49.

must meet the elements of the existence of a leader, who is led, the organization as a container or tool for leadership and the objectives to be achieved.

According to Kamus Besar Bahasa Indonesia (KBBI), politics is knowledge about state administration or state affairs (such as about the system of government, the basis of government, all cases and actions (policies, tactics, etc.) regarding state government or other countries, how to act (in dealing with or dealing with a problem); wisdom.¹⁵ Etymologically, politics comes from the word polis (Greek), which means city-state. But later it was developed and reduced to other words such as *polities* (citizens), *politikos* (citizenship or civic), and *politike tehne* (political skills), and *politike epistem* (political science).¹⁶ Meanwhile, according to Meriam Budiardjo in his book said that politics is a variety of activities in a political system (state) which involves the process of determining the objectives of the system and carrying out that goal.¹⁷

Meanwhile, according to Hasan al-Banna, politics is an effort to think about internal problems (take care of government problems, explain their functions, specify their obligations and rights, conduct oversight of the authorities and then be obeyed if they do good and criticized if they make mistakes), and obvious problems of the people or people (maintaining the independence and freedom of the nation, ushering in achieving goals that will place a position in other countries, and freeing from oppression and intervention from other parties, paying attention to it, and working for the good of all.¹⁸ Ramlan Surbakti stated that politics is the interaction between the government and the community, in the context of the process of making and implementing binding decisions about the common good of the people who live in a specific area.¹⁹

Departing from some of the above meanings, it can be understood that politics is a matter relating to the administration of government and the state, which includes ways or tactics for the formulation and implementation of public policies so that the peace is achieved for all levels of society in it.

WOMEN'S LEADERSHIP IN A POLITICAL PERSPECTIVE

The representation of women in the political system is one of the crucial indicators in a democratic system. The presence of women in politics shows the recognition of the existence and interests of women as citizens. As a democracy, Indonesia uses a direct election mechanism as a way to gain political office in the legislature.²⁰ The issue of women's representation is essential to be discussed because the percentage of women who sit in decision-making positions is still low in the image. How can the interests of women be fought if the number of representatives is small.²¹

In legislative institutions, women's representation is minimal, unbalanced by their number. This limited participation of women influences the empowerment of women directly or indirectly. Election Law No.12/2004, in fact, has indicated that there is a minimum allocation of 30 percent for women to sit in the legislature. This can be seen in article 65, paragraph 1, which reads. In

¹⁵ Departemen Pendidikan dan Kebudayaan, *Kamus Besar Bahasa Indonesia...*, p. 928.

¹⁶ Cholisin, *Dasar-Dasar Ilmu Politik*, (Yogyakarta: UNY Press, 2007), p. 1.

¹⁷ Meriam Budiardjo, *Dasar-dasar ilmu Politik*, (Jakarta : Gramedia, 2001), p. 8.

¹⁸ Utsman Abdul Mu'iz, *Tarbiyah Sijyasah Pendidikan Politik Ikhwanul Muslimin*, (Solo: Era Inter media, 2000), p. 72.

¹⁹ Ramlan Surbakti, *Memahami Ilmu politik*, (Jakarta: Gramedia, 1992), p. 11.

²⁰ Andi Misbahul Pratiwi, "Kebijakan, Praktik & Politik Keterwakilan Perempuan dalam Partai Politik: Studi Kasus Aleg Perempuan DPRD Kabupaten/Kota Periode 2014-2019", *Jurnal Perempuan*, Vol. 24 No. 2, 2019, p. 151-152.

²¹ Esty Ekawati, "Keterwakilan Perempuan pada Pemilu Pascaorde Baru, *Musawa*, Vol. 16, No. 1, 2017, p. 68.

essence, every political party can nominate candidates for members of the DPR, Provincial DPRD and City DPRD for each electoral district by taking into account the representation of women at least 30 percent.

The election law is indirectly a form of political accommodation in demand for the importance of gender equality for women in the political sphere, while at the same time providing a space for greater political participation for women in nation-building. Women have equal rights as men to participate in various fields of life. Especially concerning politics that take care of the lives of many people, including women themselves. Adequate representation of women in the legislature will be urgently needed. This can be seen in previous legislative conditions where women's representation was minimal, resulting in women's interests being neglected. The 30 percent quota for women's representation is expected to eliminate this and provide opportunities for women to be more involved in the political sphere. This happens because the regulation on the 30 percent quota is a new thing in the Indonesian political world, so there are still many political party officials who do not understand it by what is mandated by the law. Besides, the intense competition for the seats of the council caused women's representation to follow the natural competition mechanism.²²

Women's involvement in politics is not intended to overthrow, reduce or seize power from men, but is designed to be an equal partner with men. As one of the political actors, women have no meaningful place, even marginalized. Recognized or not, the domain provided by political jurisprudence, for example, regarding government institutions, such as *imamah*, representatives, ministries, and so on. It seems more familiar with men's activities than with women's movements.²³

Men and women have the same responsibility in building society, nation, and the world with things that are beneficial for the progress of human life in all aspects. However, in the context of leadership, there is controversy from religious perspectives. Religious texts interpreted by experts in their fields emphasize the inability of women to become leaders because it is seen from the right and capability side. On the good hand, women, if they become leaders, will encourage them to interact more intensely with the opposite sex, which has the potential to cause libel. Meanwhile, in terms of capability, men are stronger and superior to women. The majority group of Muslims who forbid women to appear as leaders for moral reasons and skills is caused by an understanding of religious texts that are understood textually and rigidly. However, historical facts that show the success of women as leaders break this theological argument. One of them is Ratu Bilqis, the ruler of the country of Saba, whose leadership is known to have been a brilliant success, the security of the country is well guaranteed, and the economy is prosperous and peaceful. In the context of the modern world, there are Indira Gandhi, Margaret Tacher, Srimavo Bandahanae, Benazir Butho, and Sheikh Hasina Zia, who is known as successful women leaders. Departing from some of the successes of women, women must participate in politics.²⁴

As for political participation, according to McClosky, are the voluntary activities of citizens through which they take part in the process of electing rulers, and directly or indirectly, participate

²² Zaenal Mukarom, "Perempuan dan Politik: Studi Komunikasi Politik tentang Keterwakilan Perempuan di Legislatif", *Mediator*, Vol. 9, No. 2, 2008, p. 258.

²³ Lily Faizal, "Perempuan Dalam Politik (Kepemimpinan Perempuan Perspektif Al-Quran)", *Jurnal Tapis*, Vol. 12, No. 1, 2016, p. 94-95.

²⁴ Jamal Ma'mur Asmani, "Kepemimpinan Perempuan: Pergulatan Wacana di Nahdlatul Ulama (NU)", *Addin*, Vol. 9, No. 1, 2015, p. 44-45.

in the general policymaking process.²⁵ If we talk about women's political empowerment or participation, then there are at least two main factors, as proposed by the *Center For Asia-Pacific Women In Politics*, which is the main obstacle. The two elements in question are; 1) The influence and the still rooted role and gender division between traditional men and women that limit or hinder women's participation in the field of leadership and policy or decision making; 2) Strong institutional (institutional) constraints on women's access to power spread across various social and political institutions.²⁶

The situation of women has recently begun to show changes, including the involvement of women in the political sphere, but the problem is that often women's activities in politics are a heavy burden because they are still required to take full responsibility in the private area, namely undergoing nature as a woman, namely taking care household. Nowadays, it can be seen that women sit holding strategic positions in various fields, from social and political to economic, but the problem will be different when it comes to women. The expectation of society's demands on women as leaders has differences when compared to men, the community views female leaders with high standards of expectation and needs, for example, even though women are successful in showing leadership abilities but they must continue to have a sense of responsibility towards the home stairs and their families. They are also demanded with high qualifications to be qualified as leaders.²⁷

Women's political education through organizations encourages them to be more actively involved in public activities. Women can appear more open and able to voice their aspirations concerning various social issues. Psychological barriers are eliminated in such a way that young female activists emerge. From this, then hope arises for the increase of women political activists both quantitatively and qualitatively.²⁸ The political role of women is hampered not only at high levels, such as governours, ministers, mayors, regents, but at the lowest level too, it is scarce for Indonesian women to get it. At the sub-district level, the village head, the head of the neighbourhood unit, the head of the neighbourhood unit, not many women hold it.²⁹

In Indonesia, women have obtained the same position as men in politics, as can be seen from the issuance of Law Number 12 of 2004 and Presidential Instruction Number 9 of 2000. However, women in Indonesia have not been able to fill the opportunities given due to several factors faced by women, as explained above, although the current data shows that women's participation in politics is increasing. So, it can be predicted that in the coming years, women's participation will always grow and can fill the opportunities that have been given.

WOMEN'S LEADERSHIP IN POLITICAL PERSPECTIVE OF ISLAMIC LAW

The discussion about women's political rights, especially in the context of leadership, must depart from the vision of Islam, whose presence is a blessing for all nature, including humans, both men and women. From this vision contained the recognition of the integrity of humanity as a dignified person because of his humanitarian status. The depiction of Al-Quran against women

²⁵ Herbert McClosky, *Political Participation: International Encyclopedia of The Social Sciences*, (New York: MacMillan Company and The Free Press, 1972) p. 52.

²⁶ Subono N. I., *Perempuan dan Partisipasi Politik*, (Jakarta Selatan: Yayasan Jurnal Perempuan (YJP), 2013), p. 21.

²⁷ Very Wahyudi, "Peran Politik Perempuan dalam Perspektif Gender", *Politea: Jurnal Politik Islam*, Vol. 1, No. 1, 2018, p. 72-73.

²⁸ Zaenal Mukarom, "Perempuan dan Politik: Studi Komunikasi Politik tentang...", p. 266.

²⁹ Ija Suntana, *Kapita Selekta Politik Islam*, (Bandung: Pustaka Setia, 2010), p. 196.

clearly illustrates various positive images. First, women are individuals who have political independence (*istiqlal al-siyasi*) like the profile of Queen Balqis, as in Q.S. an-Naml verse 23. Second, women are human beings who have personal freedom (*istiqlal al-syakhsy*), as mentioned in Q.S. at-Tahrim 12. Third, women are individuals who are free to express their opinions in front of many people.³⁰ Imam ar-Razi said in his interpretation when interpreting the word of Allah an-Nisa's verse 34:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ ۚ فَالصَّالِحَاتُ قَنَاطٌ
حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۚ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ ۚ فَإِنْ
أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا ۝ ٣٤

Meaning:

Men are in charge of women by (right of) what Allah has given one over the other and what they spend (for maintenance) from their wealth. So righteous women are devoutly obedient, guarding in (the husband's) absence what Allah would have them guard. But those (wives) from whom you fear arrogance – (first) advise them; (then if they persist), forsake them in bed; and (finally), strike them. But if they obey you (once more), seek no means against them. Indeed, Allah is ever Exalted and Grand. (Q.S. 4: 34)

The word *al-Qawwam* in this verse is an expression for those who carry a business. *Hadza qiyamu mar'ati wa qawamuha* means this is the person who takes care of it and takes care of it by looking after it. The male leadership of his wife is based on affection between the two. The male leadership of his wife is essential for the life of a husband and wife and his calm. This is because the ark is with all his life. In this concept of leadership, Islam has appointed leaders in a society that are small in cases that occur and are temporary. Allah made men as leaders for women and did not deny equality because equality was established in Al-Quran. Women are not below men in terms of humanity, also in carrying out social and religious responsibilities. Husbands, however, have one level of strength over their wives. Some commentators say that this level is leadership and responsibility. Some other commentators, such as Imam al-Qurthubi, stated that what is meant in that case is in protecting women's rights. So the responsibility of men more than women, between maintaining and implementing those rights to his wife and pay attention to all matters.³¹

The concept of *al-Qawwam* in Al-Quran surah an-Nisa' verse 34 is male as a female leader in the household. This is confirmed by the obligation of men to provide for women in the household sphere. The provision of living is only done by the husband to his wife, and there is no obligation to provide for a woman other than his wife. Ibn Kathir, Ibn Arabi, and al-Maraghi have a point of similarity related to the strengths of men over women, namely the ability of men to provide for women so that men who are no longer able to provide for their wives, the wife can take over the role this *qawwam*. Therefore, the verse cannot be used to prohibit women from appearing as public leaders such as the president or others.³²

Muhammad Abduh explained that the purpose of male leadership towards women is leadership, which means maintaining, protecting, controlling and fulfilling women's needs. As a logical consequence of leadership in the area of inheritance, men get more share than women, because men are responsible for women's livelihoods. According to Abduh, the degree of men by

³⁰ Ridwan, "Kepemimpinan Politik Perempuan Dalam Literatur Islam Klasik" ..., p. 19-20.

³¹ Amru Abdul Karim Sa'dawi, *Wanita dalam Fikih al-Qardhawi*, (Jakarta Timur: Pustaka al-Kautsar, 2009), p. 109-113.

³² Ida Novianti, "Dilema Kepemimpinan Perempuan Dalam Islam...", p. 256.

nature obtained by providing maintenance and dowry to women. With the gift of dowry and maintenance, women are willing to accept male leadership over themselves. Forms of the leadership of men against women is a form of leadership that is democratic, namely leadership that gives freedom to those who are led to act according to their aspirations and desires, both in the right to choose work and education.³³

So from the verse and explanation above this verse shows that leadership in the household, it is men who must be made leaders. This verse cannot be used as a prohibition to forbid women from leading outside the home in political matters. Because the verse clearly states the obligation to provide, so it becomes more apparent that this verse is for leadership in the household. But it also cannot be said when a husband is unable to provide leadership to a woman or wife.

Political rights are the rights that a person endeavours as an individual who is part of a citizen. Such as the right to occupy public office, the right to elections, the right to nominate or the rights by which intermediaries of these rights a person gets his share in government affairs. If the cleric has determined a woman's ability to regulate her interests in the financial sector and the ability to control the attention of others in the form of parenting and giving a will, then political activities do not exclude these abilities, such as women's ability in guardianship and liberation, orders to do good deeds and forbid the act of violation, and testimony.

The Al-Quran, the Sunnah and the history of previous pious people established the political right for women, both in theory and practice, and there is no doubt in this matter.³⁴ Allah says in Al-Quran surah at-Taubah verse 71:

وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ يَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَيُقِيمُونَ الصَّلَاةَ وَيُؤْتُونَ الزَّكَاةَ وَيُطِيعُونَ اللَّهَ وَرَسُولَهُ أُولَئِكَ سَيَرْحَمُهُمُ اللَّهُ إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ ٧١

Meaning:

The believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong and establish prayer and give zakah and obey Allah and His Messenger. Those - Allah will have mercy upon them. Indeed, Allah is Exalted in Might and Wise. (Q.S. 9: 71)

In this verse, Allah establishes for women believers the absolute right to rule as men. This includes governing the affairs of brotherhood and friendship, financial assistance and community issues, and governing in the cases of helping wars and in political affairs. The commandment to do good and to prohibit the wrongdoing is a joint obligation of men and women, past and present and at any time. Women in the time of the Prophet had emigrated, migrated first and second to Ethiopia. The women at that time also made the first and second political agreements (*bai'at*) against the Messenger of Allah. The Al-Quran never mentions that women are forbidden to hold public positions. People who think so, postulate with the hadith of Abu Bakrah with one wayward, that the Prophet said when he heard Bauran binti Kisra took over the Persian government.

حَدَّثَنَا عُثْمَانُ بْنُ الْهَيْثَمِ حَدَّثَنَا عَوْفٌ عَنْ الْحَسَنِ عَنْ أَبِي بَكْرَةَ قَالَ لَقَدْ نَفَعَنِي اللَّهُ بِكَلِمَةٍ سَمِعْتُهَا مِنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَمَّا بَلَغَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّ أَهْلَ فَارِسٍ قَدْ مَلَكَوا عَلَيْهِمْ بَنَاتُ كِسْرَى قَالَ لَنْ يُفْلِحَ قَوْمٌ وَلَوْ أَمَرَهُمْ امْرَأَةٌ (رواه البخاري)

Meaning:

For telling us Uthman bin Al Haitsam told us Auf from Al Hasan from Abu Bakroh said: Allah benefited me with a sentence that I heard from Rasulullah SAW on the day of the Jamal war, after I had almost confirmed them Ashabul Jamal and fought with them When

³³ Zaitunah Subhan, *Al-Quran dan Perempuan*, (Jakarta: Kencana, 2015), p. 96-97.

³⁴ Yusuf Qardhawi, *Fatwa-Fatwa Kontemporer*, (Jakarta: Gema Insani Press, 1995), Jilid 2, p. 238-241.

it came to the Prophet (s) that the Persians adopted Kisra's daughter as leader, he said: It would not be fortunate for a people to give up their affairs (government) to a woman. (H.R. al-Bukhari)

Regarding the leadership status of women responding to the hadith above, the scholars differed. Isma'il al-Shan'ani expressed two different legal opinions. First, the idea of the majority of ulama (*jumhur*) who say it is unlawful to appoint women as priests or heads of state. Because in that tradition, there are words *wallu amroikum* (which rules all of you), which are interpreted as caliphs in Islamic politics as well as the opinions of al-Gazhali, al-Mawardi, Ibn Taimiyah and Ibn Khaldun. Secondly, the conclusion of Ibn Jarir at-Tabari which permits women's leadership. The idea of at-Tabari represents the classical ulama in the hegemony of the main opinion, which forbids female leadership.³⁵

If you accept the truth of the editorial of this tradition, then it cannot be understood that women should not occupy any type of office. Even though it might be justified, the prohibition applies to positions that require them to take care of war soldiers, imam prayers and similar situations which are usually held by men. These are the limits, according to Abu Hanifa. Imam al-Nawawi quoted Imam al-Thayyibi's statement in *Faidh al-Qadir Syarh al-Jami 'ash-shaghir*³⁶, he said, "This hadith tells about the possible failure that would be accepted by the Persians. Therefore, this hadith cannot be intended as the birth of shari'a law, but only a message, as the word of God in Al-Quran surah ar-Rum verse 2-3:

غُلِبَتِ الرُّومُ ۚ ۡ فِيْ اَدْنٰى الْاَرْضِ وَهُمْ مِّنْۢ بَعْدِ غَلَبِهِمْ سَيَغْلِبُوْنَ ۚ ۃ

Meaning

The Byzantines have been defeated. In the nearest land. But they, after their defeat, will overcome. (Q.S. 30: 2-3)

It can also be seen how Al-Quran praises the Balqis queen's government due to the strength of her mind and the efforts she made to save her people.³⁷ As the Word of God in Al-Quran surah as-Saba' verse 15:

لَقَدْ كَانَ لِسَبَإٍ فِيْ مَسْكَنِهِمْ اٰيَةٌ ۚ جَنَّتَنِ عَنْ يَمِيْنٍ وَشِمَالٍ ؕ كُلُوْا مِنْ رِّزْقِ رَبِّكُمْ وَاشْكُرُوْا لَهٗ ۚ بَلَدَةٌ طَيِّبَةٌ وَرَبُّ غَفُوْرٌ ۝ ١٥

Meaning:

There was for (the tribe of) Saba' in their dwelling place a sign: two (fields of) gardens on the right and on the left. (They were told), "Eat from the provisions of your Lord and be grateful to Him. A good land (have you), and a forgiving Lord". (Q.S. 34: 15)

Ratu Balqis is a picture of the intelligence of a woman who thinks agile and is careful in making decisions. Therefore, a Muslim woman also has the right to enjoy the freedom of thought and belief. Because they have the logic of reason and personality that is independent.³⁸ This verse is proof that the hadith in question is news of what happened to the reign of Bauran with his Persian kingdom, and the possibility of a future will occur. The meaning is simple, and the hadith arguments disappear from the prohibition of women holding office.³⁹ In addition, the Prophet s.a.w. said:⁴⁰

³⁵ Ridwan, "Kepemimpinan Politik Perempuan Dalam Literatur Islam Klasik" ..., p. 22.

³⁶ Muhammad Abdurrauf al-Munawi, *Faidh al-Qadir Syarh al-Jami' al-Shaghir*, (t.kt.: t.p., t.t.) Juz 5, p. 302.

³⁷ Yusuf Qardhawi, *Fatwa-Fatwa Kontemporer*, (Jakarta: Gema Insani Press..., p. 241.

³⁸ Mutawalli as-Sya'rawi, *Fikih Perempuan (Muslimah)*, (Jakarta: Amzah, 2005), p. 116.

³⁹ Yusuf Qardhawi, *Fatwa-Fatwa Kontemporer*, (Jakarta: Gema Insani Press..., p. 241

⁴⁰ Yusuf Qardhawi, *Fatwa-Fatwa Kontemporer*, (Jakarta: Gema Insani Press..., p. 522

انما النساء شقائق الرجال (روه أحمد و الترمذی و أبو داود و الدیرامی)

Meaning:

Truly the woman is a male partner. (H.R. Ahmad, at-Tirmidzi, Abu Daud, and ad-Darimi).

Departing from the statement of the Prophet s.a.w. above can be seen as a very spectacular and revolutionary step. He not only changed the order of Arab society at that time but also deconstructed the pillars of discriminatory and misogynistic civilizations, cultures and traditions, which had been practiced for a long time by the previous society.⁴¹ Political tasks require different levels. The most visible job is to become a minister and the like. Women who have expertise and specialization in one of these tasks and have the readiness to commit themselves in the work process, then there is no sharia prohibition for him to carry out the profession just because he is a woman.⁴²

Al-Quran also invites men and women to hold deliberations, and this will get praise from Allah s.w.t. for anyone who always does, listed in Al-Quran surah asy-Syura verse 38:

وَالَّذِينَ اسْتَجَابُوا لِرَبِّهِمْ وَأَقَامُوا الصَّلَاةَ وَأَمْرُهُمْ شُورَى بَيْنَهُمْ وَمِمَّا رَزَقْنَاهُمْ يُنْفِقُونَ ٣٨

Meaning:

And those who have responded to their lord and established prayer and whose affair is (determined by) consultation among themselves, and from what We have provided them, they spend. (Q.S. 42: 38)

Partnership relations between men and women, which mutually reinforce one part with another. On this basis, it can be said that every man or woman has the right to express their opinions and views because not found a single verse or religious provision that can be understood as a prohibition of women's involvement in social life, including politics.⁴³ Furthermore, it can be seen that the verses of Al-Quran that talk about the relationship between women and men are grouped, namely: 1) General statements about the equality of men and women (al-Baqarah verses 187 and 228); 2) Equality of origin (an-Nisa' verse 1 and al-Hujurat verse 13); 3) Equality of reward (ali-Imran verse 195, an-Nisa' verse 32 and at-Taubah verse 72); 4) Equality to love and love one another (al-Isra' verse 24, ar-Rum verse 21 and al-Ahqaf verse 15); 5) Justice and equality (al-Baqarah verse 228 and an-Nahl verse 97); 6) Alignment in social security (al-Baqarah verse 177); 7) Help one another (at-Taubah verse 71); 8) Opportunity to get an education (al-Anfal verse 11 and az-Zumar verse 9).

The verses of Al-Quran above clearly state that the relationship between men and women is an equal partner relationship in various ways. Thus, there is no doubt a push towards equality between men and women in Al-Quran. That Al-Quran gives a place of honour to all humans, which includes two sexes, male and female.⁴⁴ Islam does not forbid women to take and exercise political rights, nor does it cover their equality with men in rights and obligations. Islam also does not prevent its political activities or prevent it from participating in the deliberative assembly members in proposing laws or oversight of officials, starting from the obligation to advise, then the right or authority of the deliberative assembly or dismissing the authorities. Islam also does not

⁴¹ Zaki Mubarak, "Peran Politik Perempuan Melalui Sinoman di Desa Grobogan Wetan Tegal", *Palastren*, Vol. 11, No. 1, 2018, p. 98.

⁴² Muhammad Said Ramadhan al-Buthi, *Perempuan dalam Pandangan Hukum Barat dan Islam*, (Yogyakarta: Suluh Press, 2005), p. 77-78.

⁴³ Zaitunah Subhan, *Al-Quran dan Perempuan...*, p. 61.

⁴⁴ Ida Novianti, "Dilema Kepemimpinan Perempuan Dalam Islam...", p. 257.

forbid women from occupying ministerial or higher positions.⁴⁵ It can also be stated that the actual determination of whether someone is worthy of taking part in the domestic or public sphere cannot be seen only from differences in sexuality. That is, to solve various problems in the world, both related to political, economic and cultural issues, cannot be based on the sex of men or women. More important than that is a matter of competence, professionalism and ability.⁴⁶

From the argument of Al-Quran surah an-Nisa' verse 34, it can be stated that there is no prohibition for women to become leaders outside the home because this verse discusses leadership in the household. Then the hadith "will not be fortunate for a people who surrender their affairs to women" is not a proposition that can be used to prohibit women from leading or political because this hadith is understood as news of what will happen. God's Word Q.S. at-Taubah verse 71 also implies that women also have the same rights as men in governing various issues. Then Q.S. as-Saba' verse 15 shows that Allah praised the Balqis queen's leadership to lead his country. In this case, it means describing that women also can lead or stick. Then Q.S. asy-Syura verse 38 also shows that in making decisions in various affairs by deliberation, this shows the ability of women to participate in expressing their views and opinions in complicated matters, because the hadith of the prophet also states "indeed women are partners for men". The Hadith and the verse show that whatever decision is taken is not based on the opinion of the leader himself but by way of deliberation. Then also supported several verses regarding the equality of men and women. From these arguments, it can be concluded that women according to Islamic law may be involved in politics, and may occupy the highest positions such as ministers or heads of state as long as in the country the government system is deliberative and certainly has the will, ability and skill in carrying out its duties.

CONCLUSION

From the above explanation, it can be concluded that women's leadership in a political perspective is permissible and in Indonesia given an excellent opportunity for women to take part in the political world. Women's leadership in legal politics is lawful. While absolute leadership for men over women is in the case of the household. Women's leadership in legitimate politics maybe with the provisions: do not neglect the responsibilities of the household, have the ability, ability and skills in carrying out the tasks they carry, the government system (in dealing with problems in the tasks carried out) with deliberation.

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⁴⁵ Farid Abdul Khaliq, *Fikih Politik Islam*, (Jakarta: Amzah, 2005), p. 148.

⁴⁶ Arief Subhan dkk, *Citra Perempuan dalam Islam (Pendangan Ormas Keagamaan)*, (Jakarta: PT Gramedia Pustaka Utama, 2003), p. 101.

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