

# Social Guarantee for Women in the Quran: Theory and Reality

*by Syamruddin Nasution Syamruddin Nasution*

---

**Submission date:** 26-Jun-2023 06:34PM (UTC+0700)

**Submission ID:** 2122918962

**File name:** 99312.pdf (299.35K)

**Word count:** 6071

**Character count:** 30376

# Social Guarantee for Women in the Quran: Theory and Reality

Syamruddin Nasution<sup>1</sup> and Khoiruddin Nasution<sup>2</sup>

<sup>1</sup>*UIN Sultan Syarif Kasim, Pekanbaru*

<sup>2</sup>*UIN Sunan Kalijaga, Yogyakarta*

**Keywords:** social, guarantee, justice, equal, status, wife and husband.

**Abstract:** Islam is a religion of renewal. The renewed aspects of Islam can be grouped into five. First is the belief system of the polytheist system that is renewed into monotheistic. Second, the familial system of the patriarchal system that becomes bilateral & egalitarian. Third, the social system of hierarchical-structured that becomes egalitarian. Fourth, the economic system of the bourgeois-capitalist that is reformed to a justice economy. Fifth, the collective (tribal) responsibility system that is renewed by Islam to become individual. The role of wife is one of many that is renewed by Islam in regards of the familial system. In line with it, in Indonesia where Muslim is the majority, it has tried various efforts to ensure the social justice that Islam provides to the wife. One of these efforts is enacted in marriage regulation in which wife quite hard in rights like it should be. This paper seeks to show the social justice that Islam provides for women with thematic studies of the Quran. Then shows why social security provided by Islam has not been obtained in society or even judiciary, especially the Islamic Courts in Indonesia. In fact, from 106 cases coming to the Islamic Court, only two of them providing the guarantee of the right of wife.

## 1 INTRODUCTION

Islam is a religion of renewal. The renewed aspects of Islam can be grouped into five. First is the belief system of the polytheist system that is renewed into monotheistic. Second, the familial system of the patriarchal system that becomes bilateral & egalitarian. Third, the social system of hierarchical-structured that becomes egalitarian. Fourth, the economic system of the bourgeois-capitalist that is reformed to a justice economy. Fifth, the collective (tribal) responsibility system that is renewed by Islam to become individual. The role of wife is one of many that is renewed by Islam in regards of the familial system.

The renewal given by Islam to women can be understood by understanding the Qur'an thematically and / or holistically. When the Qur'an as a source of Islamic teachings is understood thematically and / or holistically, it is clear how Islamic renewal of the status of women, including wives in domestic life. Conversely, if partially understood, the Qur'an seems to provide discriminatory teachings for women; the husband is in a superior position while the wife is in an inferior position. Unfortunately, the fact shows that the

majority of thinkers still understand the Qur'an partially. Likewise, the available books are still partial thoughts. As a result, community leaders who enlighten the community, such as teacher in formal and informal institution, preacher and ustazs still use partial understanding, including the judges of the Islamic Courts.

This paper seeks to show the social justice that Islam provides for women with thematic studies of the Quran. Then shows why social security provided by Islam has not been obtained both in the society and in the judiciary, especially the Islamic Courts in Indonesia.

## 2 THEMATIC THEORY

Classical and medieval Muslim scholars interpret the Qur'an verse by verse starting from the beginning (sûra al-fâtiḥ) a) and working until the end (sûra al-nâs). Later on, particularly at the beginning of the nineteenth century, a new approach was adopted by some scholars; the popular thematic approach.

Application of the thematic approach for al-Khûlî can be done in three steps. (1) Collect verses on the topic, then (2) connect them all as a unity, and

1526

Nasution, S. and Nasution, K.

Social Guarantee for Women in the Quran: Theory and Reality.

DOI: 10.5220/0009931215261533

In *Proceedings of the 1st International Conference on Recent Innovations (ICRI 2018)*, pages 1526-1533

ISBN: 978-989-758-458-9

Copyright © 2020 by SCITEPRESS – Science and Technology Publications, Lda. All rights reserved

(3) arrange them according to the implication of the topic (al-Khūlī, 1995).

Bint al-Shātji', a disciple (and later the wife) of al-Khūlī, who also favored the thematic approach, neglected to define this methodology.

Another successor of al-Khūlī is Khalafullāh, whose method involves, first of all, collecting all the verses on one topic, then studying them according to the order of revelation, then analyzing them with literary analysis.

In other words, the thematic approach to interpreting the Qur'an is one type of interpretation that was born in the nineteenth century, as an improvement and/or refinement of previous interpretations. With this type of interpretation, in one side, can continue the Islamic renewal, in another side, it is felt to be easier to understand and implement the Islamic teaching, because the interpretation focuses on a particular subject, according to needs and interests. For example, how is the concept of science according to the Qur'an, how is the concept of goodness according to the Qur'an, what are the characteristics of good people according to the Qur'an, etc. A book entitled *Ensiklopedia Mukjizat al-Qur'an dan Hadis* ((et.al), 2009) is inspirations of this type of interpretation.

Before the thematic model was born and was widely used by experts in the 19th century, there was also a model of interpretation which was also called thematic. But this type of thematic is different from the one widely used now. The first type of thematic is thematic based on the chapter (surah) in the Qur'an. For example thematic in chapter (surah) al-Fatihah, thematic of the surah al-Baqarah, thematically of the surah al-Nisa' and so on with the other surahs of the Qur'an. But this first type of thematic did not receive a positive response from experts and commentators. Instead thematic based on the theme received a positive response and even became the most popular model of interpretation, with various reasons and benefits obtained. By using the thematic interpretation of the second model, the problem of social justice for women (wives) can be a separate theme. The first step taken to find out the concept of justice for women (wife) is to find verses in the whole Qur'an that discuss social justice for women (wives). The second step is connecting all verses that discuss social justice for women (wives). The third step is to understand the whole verse to find concepts. In the discussion and understanding carried out in accordance with the period of the verses of the Quran which speak and discuss the subject of social justice for women (wives).

This type of interpretation in Indonesia is also increasingly being used by some experts in tafsir (mufassir) and who are interested in the study of the Qur'an. QuraishShihab(Shihab, 1996), Indonesia's famous interpreter, also emphasized the importance of thematic interpretation. Even interpretations issued by the Ministry of Religious Affairs also tend to use this type of interpretation (Tim, 2012). Likewise, Tarbiyah's interpretation taught to prospective teachers is also inspired by this type of interpretation.

### 3 SOCIAL GUARANTEE FOR WIVES IN THE ISLAMIC COURTS

When nash who governs family life, especially the nash that governs the relationship of husband and wife, is understood partially, one can become to the conclusion that the husband is positioned as superior while the wife is inferior. Nash referred to is as follows. First, that men have inheritance rights more than double the inheritance rights of women, as mentioned in al-Nisā' (4): 11. Secondly, that male testimony is equal to twice the female testimony, as mentioned in al-Baqarah (2): 282. Third, that the husband seems to have an absolute right of divorce, while the wife does not, as can be extrapolated from al-Baqarah (2): 226-231. Fourth, that there are different treatments to respond to inappropriate behavior by the husband or wife, where if the wife is indecent, the husband has the right to beat the wife if unsuccessful to change behavior by warning and unsuccessful either by leaving his wife alone in bed as mentioned in Al-Nisā' (4): 34, while a violating husband is encouraged to be reconciled, as mentioned in Al-Nisā' (4): 128. It is even explicitly mentioned in the Quran that husbands have a surplus of one degree compared to wives, as mentioned in al-Baqarah (2): 228, and the husband has the status of the leader (qawwām), as mentioned in al-Nisā' (4): 34.

In contrast, with thematic studies of the Quranic texts that speak of husband and wife relationships in domestic life, and related to Islamic renewal, it can be concluded that wives have equal status with husband, that wives obtain social justice in family life. The equality of husbands and wives and a social guarantee for wives has been formulated by a few Muslim scholars, as a result of their thematic understanding. The Marriage Law substantially also covered it. In Marriage Law No. 1 of 1974 on

Marriage, some of the social justice and equal status of wife and husband have been provided.

To record some of the contents of Marriage Law No. 1 of 1974 on Marriage are;

First, the principle of marriage is monogamy, as stated in Article 3 paragraph (1), in principle in a marriage a man may only have a wife, a woman may only have a husband.

Indeed there is a possibility of polygamy for a husband, but only under certain conditions and with specific requirements, as stated in Article 3 paragraph (2) of Law No. 1 of 1974 on Marriage. The court can give husband permission to have more than one wife if demanded by the party concerned. Article 4 paragraph (1), If a husband has more than one wife as mentioned in Article 3 paragraph (2) of this Law, he is obliged to submit an application to the Court in his area of residence. Article 4 paragraph (2) The court referred to in paragraph (1) of this article only gives permission to a husband who will have more than one wife if (1) the wife cannot carry out her obligations as a wife; (2) the wife gets a disability or an incurable disease; (3) the wife cannot give birth to offspring.

Besides, the husband who will polygamy must also be able to fulfill certain conditions, as stated in article 5 paragraph (1) of the Law, To be able to apply to the Court as referred to in Article 4 paragraph (1) the Law must be fulfilled as follows: a. There is agreement from the wife/wives; b. there is certainty that the husband can guarantee the necessities of life of their wives and children; c. There is a guarantee that the husband will be fair to their wives and children.

Second, the necessity of the approval of the two prospective brides, as mentioned in article 6, marriage must be based on the agreement of the two brides.

Third, the rules of age for men and women, as mentioned in Article 7 paragraph (1), marriage is only permitted if the man has reached the age of 19 (nineteen) years and the woman has reached the age of 16 (sixteen) years.

Fourth, divorce can only be done in front of a court hearing, as stated in article 39 paragraph (1), divorce can only be done in front of a court hearing after the court concerned tries and does not stop reconciling the two parties.

The same content is also mentioned in several laws and regulations, such as Government Regulation No. 10 of 1983 On Permission of Marriage and Reliability for Civil Servants, and Indonesian law books, such as the compilation of Indonesian Islamic law. The application of the

Compilation of Islamic Law (KHI) is based on Presidential Instruction No. 1 of 1990.

Fifth, inheritance rights for boys and girls, including for children of children who died first. That the boy's part is the same as the girl's part, as stated in the Compilation of Islamic Law, article 183, 'The heirs can agree to peace in the distribution of inheritance, after each is aware of its share'.

Sixth, it is possible that there is a substitute heir, as mentioned in the Compilation of Islamic Law, Article 185 paragraph (1) 'Heirs who die earlier than the guardian, their position can be replaced by their children, except those in Article 173'. The point of article 173 is that heirs are not entitled to inheritance because of the murder of the heir or are not entitled to inheritance for committing slander which results in the heir being sentenced to 5 years imprisonment or a heavier sentence.

Likewise, marriage registration rules are intended as a means to ensure that the marriage to be carried out has fulfilled the conditions set out in Indonesian legislation.

Experts in tafsir recognize and emphasize the advantages of thematic interpretations compared to partial interpretations. Likewise, thinkers who understand well the thematic interpretation method recognize its advantages.

However, this is not the case with the majority of Muslim thinkers, including judges. They still look one eye at the results of the thematic interpretation, especially the thematic thinking that relates to family problems. This rejection is possible for four main reasons.

First, the references they read are the majority of the results of the partial approach study. The majority of Muslim thinkers still used a product from a partial method. Likewise, the available books are still partial thoughts. As a result, community leaders who enlighten the community still use partial understanding, including teachers or religious lectures in formal and informal school, preachers in the society, and the Islamic Courts judges. There are still very few judges who accept the thematic thinking products. The majority of judges who settle cases in court still have a partial paradigm.

Therefore the judge has not provided the guarantee of equality and social security to the wife. This is one of the reasons why the wife has not received social guarantee and status equivalent to the husband both in society and in the court.

The actions of judges who do not provide social guaranteed for women in court, make women (mothers, wives) reluctant to come to court to resolve their problems. One research concludes that



one of the reasons why a wife is not interested in attending a divorce hearing, which is why her rights are lost, is because the judge who decided the case based on the discriminative views of the judge, did not have a gender perspective (Rosyadi, 2010).

The second reason why the wife is not willing to attend the trial in court, the questions raised by the judge in court often discredit women (wives), even though in a joking tone. For example, what's the use of beauty if you don't obey your husband. This question has almost no relevance to the subject of the divorce process, because the subject is why the wife does not obey the husband. Relevant questions, for example, are why they are not compliant with their husbands, are there actions by their husbands who are not pleasing, which results in anger towards their husbands, and the like.

The third reason, in many cases, the decision of a judge who is pro to the wife is often not followed by the execution of the decision. The husband does not obey the judge's decision. For example, the wife's explanation of the behavior of a husband who is not good to his wife, even rude is often even reversed to the wife by saying, the husband's actions occurred because the wife was not obedient. Though the fact is that the husband's behavior is rude for the wife is not obedient to the husband.

In addition, even though it is in a different context, to get child custody (child care), the wives (mothers) do not attend the trial in court, is also due to the judge who decides cases based on the partial views of the judge, does not have a thematic perspective (Ghofur, 2018).

There is indeed research that says judges do not play a maximum role is possible because of two things, namely the level of awareness and level of ability. That is, the judge does not yet have the awareness that being an idealist judge is a mandate from God that must be carried out to the maximum, as best as possible. This means that the judge does not have the ability to become an idealistic judge. Because using interdisciplinary analysis in solving cases, for example, the ability of knowledge that is not light is needed even though it does not mean it is impossible. So that ability is not light that the judge does not yet have.

In relation to the role of judges, there are studies that classify judges into three groups, namely idealist judges, pragmatic judges, and materialist judges. Other groupings are progressive judges and passive judges.

The idealist judge's intention is that the judge who in completing the case has committed to work in total, sincere, uplifting and full of smile. People

who are committed, total, sincere, uplifting and full of smile at work, that is what is called jihad, and this type of jihad that Islam demands is done by everyone in any field of work. Likewise, the fruit that will be obtained later in the life of the world and the hereafter, is dependent on commitment, totality, sincerity, enthusiasm and full of smile. In turn, this idealistic judge will become a progressive judge. This means that judges use a variety of means, methods and facilities in completing cases that are handled in order to produce a maximum decision. This idealist judge will use *ex officio* rights, using various methods of legal discovery; interpretation methods, argumentation methods, and construction methods. All are used optimally in order to get the maximum decision.

While pragmatic judges and / or materialist judges are simply judges who, in completing and / or deciding cases, are dealt with just as little as possible. For him the most important decision has a formal legal basis, roughly the same as what is called Yusuf Bukhori, the judge still uses the positivistic paradigm. So be a passive judge, no need to seek a breakthrough to find a substantial decision. For judges this group is what impressed the material of law as a goal, not a means to achieve the objectives of the law, as is the thought and belief of idealist judges and progressive judges (Yusuf Buchori, 2015).

The second reason why majority or Muslim thinkers reject the concept of thematic thinking is that many thematic thoughts are not in line with their views and beliefs.

Among the examples can be noted below. A man for polygamy according to his views and beliefs does not need specific conditions. Similarly, for marriage, there is no need for approval from prospective brides. The same case that there is no need to have a minimum marriage allowance. They also view and belief that divorce does not need to go to court, just at home. In short, what is in the marriage law is generally contrary to their opinions and beliefs.

The third reason, the concept of thematic thinking is written in Latin, not Arabic. Many religious figures view that books written in Arabic are more authoritative than those that are not. Even books written outside Arabic, are not worthy of reference. Not written in Arabic is also among the reasons why the majority of Indonesian Muslims do not accept the concept written in various Indonesian Family Law Regulations; Law No.1 of 1974 on Marriage, Law No. 7 of 1989 on the Islamic Court, Law No. 3 of 2006 on the Amendment of Law No.

7 of 1989 on the Islamic Court, Compilation of Islamic Law of 1991, Government Regulation (PP) No. 10 of 1983 on Marriage and Divorce Permits for Civil Servants (PNS), Government Regulation (PP) No. 45 of 1990 on Amendments to PP No. 10 of 1983 on Marriage and Divorce Permits for Civil Servants (PNS). Conversely the concepts contained in books written in Arabic received a positive response from the public, even though the authors of the book were not known or written by writers who were less competent. Conversely, books written in Latin are not placed as references, even though the book is written by the author and the writer.

The fourth reason for rejecting the thematic product is an interesting reason. Because there are some results of thematic thoughts that marginalize them, or at least it minimizes their role as religious leaders in the society, for example, a marriage contract must be done in front of a marriage registrar, and divorce must be before a judge in court. These two cases marginalize their role and interest. When the concept used by the community is not legislation in the family field, as a result of thematic and or holistic interpretation, but refers to fiqh books written in Arabic, the implementation of the marriage contract is carried out by religious leaders; ustazs, kyai, and the like. Likewise in the divorce process, when referring to fiqh books written in Arabic, the reference figures are religious leaders; ustazs, kyai, and the like. On the other hand, when the divorce settlement process is delivered to the court as a form of thematic and / or holistic study, the party responsible for resolving is the judge in court.

Thus, in the community, the status and position of the wives are marginalized by the thoughts of community leaders such as religious teacher and preachers. While in the court the rights and status of the wives are marginalized by the majority of judges' paradigms that are still concepts and partial paradigms.

One example of a judge's decision in court that can be recorded to show how the views, beliefs and actions of judges have not provided social justice guarantees for women (wives). In one case a husband proposed polygamy with the reason of having the ability to polygamy. The basis of the capabilities proposed is from an economic standpoint having more than enough wealth to finance the life of polygamy. While in terms of the condition of the first wife there was no problem. Because the first wife can carry out duties as a wife for her husband. Likewise from the side of the wife's ability to give offspring there is no problem, because

the wife has been able to give three children, even when the husband submits proposal for polygamy the wife is pregnant with the fourth child. The reason for the husband to submit polygamy's proposal is because he has a relationship with a woman and has conceived a baby as a result of the relationship. So the reason for the husband to submit polygamy's proposal is in order to guarantee the child who has conceived the second woman. Since if their relationship does not get recognition from the court in the form of a polygamy permit, then the child of the woman is not clear about her legal status. The consequences of legal status are not very long for the future of the child that the woman has.

As for the decision on the proposed polygamy above, the judge granted the husband's request with two reasons as a basis for consideration. First, consider the fact that the husband has impregnated the second woman. Second, the demand for polygamy was granted with consideration and in order to guarantee the status of the child conceived by the woman. By granting the request the judge said that it could solve the problem faced by the husband. Moreover, the husband threatened to divorce the first wife when the demand for polygamy was rejected. According to the judge this decision was the best way out of two conditions which were equally severe, namely the condition of the husband who had impregnated the woman and child that the woman was conceiving on one side, with the condition of the first wife who was also pregnant with a fourth child. Another reason that strengthened the judge's granting the husband's request for polygamy was the condition of the husband who was economically able to provide for two families, namely the family with the first wife and the family of the second wife. Husband does have an established economic ability, because in addition to having three houses, the husband is also a contractor in the city they live in (Marzuki, 2017).

What can be noted from the case above. First, according to marital law, a husband may propose polygamy in two conditions, namely under certain conditions and with certain condition. This condition is one of three conditions; (1) the wife cannot carry out her obligations as a wife; (2) the wife gets a disability or an incurable disease; (3) the wife cannot give birth to offspring. The conditions that must be met by a husband who will carry out polygamy in accordance with the laws and regulations in the field of marriage are: a. There is agreement from the wife/wives; b. there is certainty that the husband can guarantee the necessities of life of their wives and children; c. There is a guarantee

that the husband will be fair to their wives and children.

Based on the explanation of the case above, there was no first wife condition that was not fulfilled. Because in fact, the wife can carry out the duty as a wife, the wife does not have an illness, the wife can provide three children. Despite this condition, there were no conditions that the wife could not fulfill and carry out, but the judge still granted the request for polygamy.

The second note, the judge only considers and for the benefit of the husband who proposes polygamy, without considering how the feelings of the first wife, the more pregnant she is pregnant. From the consideration given there are no considerations which form the basis of the judge's decision on the condition of the first wife, both physical and physical. From the physical review of the wife who is holding the request requires attention from the husband. Moreover, in terms of physicality, the wife who is pregnant certainly needs the attention and caress of her husband. The judge should consider the conditions and needs of the wife in deciding the case. But in fact, the judge is not seen in his decision giving consideration to the conditions and needs of the first wife. The judge only focused and considered the interests of the husband who would polygamy. Why does the judge not consider the condition and need of the wife who has three children and is pregnant with the fourth child in his decision. From this decision, it is seen how the judge does not have a paradigm, belief and action that is pro in guaranteeing social justice for the wife. The judge still holds, believes and argues gender bias, discriminatory against women (wife). The judge does not have a paradigm, belief and opinion that is pro-gender, recognizes and guarantees justice for women (wife) (Mohamad Atho Mudzhar. 2018).

Similar decisions occur, and even become general decisions in the Religious Courts. Decisions in divorce cases also have the same format as decisions in the field of polygamy. The judge only considers the conditions and reasons given by the husband, without giving consideration and the basis for the decision of the conditions and reasons presented by the wife. In the case of divorce decisions, cases that occur generally can be described as follows. The husband filed for divorce on the grounds that the wife did not obey her husband (*nusyuz*). The reason for this divorce request is generally to be used as a basis for accepting the husband's request by the judges. Whereas when traced further, the actions of a wife

who is not compliant with her husband, in fact do not always work that way, but there are triggers that are carried out by the husband. In other words, the judge generally does not trace the reason behind why the wife does not obey the husband. In many cases the behavior of a disobedient wife to the husband is the mountain top of the husband's behavior which does not apply well to his wife. Even in many cases the actions of non-compliant wives to husbands are because husbands commit violence against their wives and usually acts of violence have been valid for a long time. In other words, when the wife is not obedient to the husband, usually the wife has long held and been patient for the violent behavior committed by the husband. So the act of disobedience or unwillingness to gather with the husband is usually because the wife is impatient to resist the behavior of violence committed by the husband. This kind of fact does not get the attention of the judge.

Likewise the case of a wife who did not come when called to attend the trial, in many cases was an act of disappointment for women (wives) towards the behavior of judges who did not understand the real condition of the wife and lack of appreciation of the facts put forward by the judge.

Based on the aforementioned problems, among the possible solutions to improve the awareness and ability of judges in the court are as follows: 1. Efforts to increase the awareness of judges, 2. Socialization of Marriage Laws and Regulations to the public, 3. Supreme Court R.I. create a circular so that PA judges always use *ex officio* rights in resolving divorce cases.

The purpose of efforts to increase the awareness of judges, there should be a state effort to create more idealist judges and progressive judges. That is, there is an effort made by the Supreme Court of Indonesia, so that more judges realize that using all opportunities to solve problems is part of worship that will get a reply from Allah. There is a belief that the better and more maximal it is to implement and use opportunities in order to get fair decisions, the better and the higher the quality of worship performed. In turn, the higher the degree of life of the world and the hereafter. The degree of life that is qualitative and quantitative.

It could be a judge who makes the principle of life with five key words, namely commitment, totality, sincerity, enthusiasm and full of smile, as part of the fruit of appreciation of the verse of the Qur'an in al-Isra' [17]: 7 and al-Najm [53]: 39.

In al-Isra' [17]: 7 states, "If you do good then the good deeds done are for yourself, and if you do bad



deeds you will get bad consequences for yourself". The point is that a person who works positively and maximally is investing in goodness. The better the quality of work, the better the investment. Conversely, doing ugliness will also experience itself due to its ugliness.

Al-Najm [53]: 39 states, "And no human being is found except in accordance with what he does". The point of this verse is that what will be achieved in the life of the world and the hereafter is in accordance with what is done in the world of work. The better working as a judge, the better the family life in the world and the hereafter.

When the judge has committed to work in total, sincere, uplifting and full of smile, then the judge will use all facilities and opportunities to give the best decision to achieve the objectives of the law, namely using the theory of legal discovery; 1. interpretation method, 2. argumentation method, and 3. construction method. The interpretation method used is not only monodisciplinary interpretation, but also interdisciplinary and multidisciplinary.

As for what is meant by the Monodisciplinary Interpretation, that in analyzing a problem is done by using one particular discipline and using certain methods of the science.

So in a monodisciplinary study a separate field of science with material objects and formal objects (approaches, points of view), and with a particular method / certain. In the field of law, the Monodisciplinary Interpretation is in resolving one case resolved by using material law in the field of law. For example, what the judges have done so far in resolving marital problems is to use material law relating to marriage, namely Law No. 1 of 1974 concerning Marriage and KHI, and using Law No. 8 of 1989 concerning Religious Courts and PP No. 9 of 1975 concerning Implementation of Law No. 1 of 1974 concerning Marriage, as a procedural law.

The Interdisciplinary Interpretation in legal studies is usually done using various legal disciplines in solving a problem. The interpretation logic is used here more than one branch of law. While with the Multidisciplinary Interpretation that in solving a problem, the judge needs to study one or several other disciplines outside the law. In other words, here the judge needs verification and assistance from disciplines that are different from the law.

Thus, the judge does not rely solely on expertise in the field of law, but it requires expertise from other disciplines that are relevant to the problem at hand. Aspects of Life Sciences from law to legal psychology; the social aspect of law becomes the

sociology of law, and so on with other aspects of law.

Hence, sociologically it is needed a continuous socialization effort to the community. The more people and media used to disseminate the thematic concept the faster the concept of thematic approach is accepted by the judge, community leaders, teachers, scholars, and community, by which the social justice for women is guaranteed.

#### 4 CONCLUDING REMARK

Islam has provided renewal for the status of wives in domestic life, and this is one of the primary missions of Islamic reform. Among Islamic renewal for wives in family life is social security and status equivalent to the husband. This renewal can be known by way of understanding the Qur'an thematically and/or holistic. Conversely, if partially understood, the Qur'an seems to provide discriminatory teachings still; the husband is in a superior position while the wife is in an inferior position. Unfortunately, the majority of Muslim thinkers understand the Qur'an partially. Likewise, the available books are still partial thoughts. As a result, community leaders who enlighten the community still use partial understanding, including teachers in schools, religious lectures, and preachers. That is the reason why the social justice for women is not guaranteed yet in the society. Similarly, the majority of the Islamic court judged is still dominated by the patriarchy thought of view. This is the main reason why the wife has not received social guarantee and status equivalent to the husband both in society and in court.

#### REFERENCES

- (et.al), H. T. 2009. *Ensiklopedia Mukjizat al-Qur'an dan Hadis* (3rd ed.). (S. H. a. & ), Trans.) Saptasentosa.
- Ahdie, U. 2011. *Perlindungan Hukum untuk Anak Pasca Perceraian di Pengadilan Agama*. Malang: Universitas Brawijaya Malang.
- al-Khūlī, A. 1995. *Manāhij Tajdīd fī al-Nahw wa al-Balāghah wa al-Tafsīr wa al-Adab*. Al-Hai'ah al-Misriyah al-'Āmmah li al-Kitāb.
- Choiri, A. 2015. *Perlindungan Hukum terhadap Hak-Hak Anak Akibat Perceraian Yang tidak Dicantumkan dalam Putusan Hakim Dihubungkan dengan Asas Keadilan, Kepastian Hukum dan Kemanfaatan*. Bandung: UNISBA.



- Fanani, A. Z. 2014. *Sengketa Hak Asuh Anak dalam Hukum Keluarga Islam di Indonesia Perspektif Keadilan Gender*. Surabaya: Universitas 17 Agustus.
- Ghofur, A. 2018. *Rekonstruksi Perlindungan Hukum Hadhonal akibat Perceraian pada Pengadilan Agama*. Yogyakarta: Universitas Islam Indonesia.
- Marzuki, 2017. "Politik Hukum Poligami: Studi Terhadap Peraturan Perundang-undangan di Negara-negara Islam" Laporan Penelitian L2M IAIN Purwokerto.
- Mohamad Atho Mudzhar. 2018. "the Use and Misuse of Maslaha by the Court in Granting Polygamy Permissions", A revised paper presented at the Second International Conference on Law and Justice, held by the Faculty of Sharia and Law, the State Islamic University, Jakarta, October 16-17.
- Rosyadi, I. 2010. *Perlindungan Hak-Hak Perempuan Pasca Perceraian di Indonesia (Studi terhadap Putusan Pengadilan Agama Se-Provinsi Kepulauan Riau dalam Menerapkan Pasal 149 KHI*. Yogyakarta: UIN Sunan Kalijaga Yogyakarta.
- Shihab, M. Q. 1996. *Wawasan al-Quran: Tafsir Maudhu'i atas Pelbagai Persoalan Ummat*. Bandung: Mizan.
- Tim. 2012. *Tafsir Ilmi*. Jakarta: Kementerian Agama RI.
- Yusuf Buchori. 2015. "*Perlindungan Hukum terhadap Perempuan (isteri) Korban Kekerasan dalam Rumah Tangga (KDRT) (Perspektif Penegakan Undang-Undang No. 23 tahun 2004 tentang KDRT di Pengadilan Agama)*", disertasi tidak diterbitkan Program Doktor (S3) Fakultas Ilmu Agama Islam (FIA), Universitas Islam Indonesia (UII).

SCIENCE AND TECHNOLOGY PUBLICATIONS

# Social Guarantee for Women in the Quran: Theory and Reality

---

## ORIGINALITY REPORT

---

11%

SIMILARITY INDEX

10%

INTERNET SOURCES

7%

PUBLICATIONS

5%

STUDENT PAPERS

---

## MATCH ALL SOURCES (ONLY SELECTED SOURCE PRINTED)

---

6%

★ [www.atlantis-press.com](http://www.atlantis-press.com)

Internet Source

---

Exclude quotes  On

Exclude matches  Off

Exclude bibliography  On