

The Concept of *Qiwamah* and Its Implications for Gender Justice in Islamic Family Law in Indonesia

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Abstract

Family is the most important element in the formation of a society. Islam has a very fair concept in family leadership. In Islam, rights and duties are always regulated in balance. This balance results in the establishment of a harmonious relationship between husband and wife in the family. This paper uses an analytical descriptive method that examines *Qiwamah* issues related to women's leadership in the household. And the aim of this research is to find out how the concept of *Qiwamah* and gender justice in Islamic family law against the concept of *Qiwamah* in its implications for gender justice. This paper uses analytical descriptive method. The results of this study found that Islam gives leadership in the family to husband and wife, if both have the qualifications to be leaders. Leadership is not only given to men (husbands) only. Leadership is given to both parties if both have leadership qualifications, be it wives or husbands. In Islam, leadership/ *Qiwamah* in the family aims to create harmonious conditions so that the family can achieve happiness both in this world and in the Hereafter.

Keywords: *Sayyidah Aisyah Concept, Qiwamah, Gender Justice, Leader.*

Introduction

Islam has teachings about human equality, so the basic concept of Islam that must be interpreted together is that God created men and women to be leaders. Because the leader himself has a wide scope

of meaning, whether it can be the leader of the government, family, or oneself. But not infrequently in real life many wives even become the head of the household in terms of meeting the needs of family life.¹ It is clear in Islamic law as well as in the realm of

¹ Departemen Agama RI, *Kedudukan dan Peran Perempuan Tafsir Alquran Tematik*, (Jakarta: Lajnah Pentashihan Mushaf Alquran, 2009), 6.



positive law that men are responsible for their households. And related to the leadership of women in the household where on the other hand there is a husband who should carry out his role, it needs to be studied further from various aspects of the law.

The legal aspect cannot be separated from the life of a Muslim is Islamic family law, this is because Islamic family law is the main gate in entering other provisions of Islamic shari'a law.² One of the concepts often discussed in Islamic family law is *Qiwamah*, which comes after marriage between a man and a woman, in which the man is meant to be the head of the family (leader) who is most responsible for family affairs.³

After the marriage takes place, the smallest group in society is formed, namely the family, consisting of husband, wife and children or at least husband and wife only.⁴ Serves as a place to realize a safe, peaceful and prosperous life in the nuances of love and affection between family members.⁵ In the

family, a qualified leader is indispensable, because the well-being of the family depends on how a family leader performs his functions and duties well.⁶

In a society that still adheres to the patriarchal system as if it has become a general agreement that places men as a leader or head of the family, therefore it will be considered strange and unfamiliar if the roles and functions of both are reversed. However, in practice, arguments and thoughts about male superiority are faced with shifting values, conditions and times. Because there are many cases that the dominant and superior in the family and place it as the party who holds a key role and control in the household is the woman.⁷ Whereas as a leader in the family it has a very important role in directing, guiding and educating family members.

Therefore, the application of the concept of absolute *Qiwamah* to men in this case as husbands raises controversy and debate about its implications for gender

²Lilis Hidayati Yuli Astutik, Muhammad Ngizzul Muttaqin, "Positivity of Family Law in the Muslim World Through Family Law Update", *Islamika: Journal of Sciences Islam*, Vol. 20, no. 01, July 2020, hlm. 56.

³Dedi Masri. "Priority Man as Leader." *ANSIRU PAI: Development Islamic Religious Education Teacher Profession* Vol. 5, no. 2 of 2021, hlm. 156-167.

⁴Sofyan Basir, "Building Sakinah Family", *Guidance Journal Islamic Counseling*, Vol. 6, no. 2, December 2019, hlm. 100.

⁵Mufidah, *Psychology Islamic Family with a Gender Insight*, (Malang: UIN Maliki Press, 2020) Cet. Ke-3, hlm. 33.

⁶Siti Halimah Putung, Raihanah Azahari, "Husband's Leadership in an Islamic Perspective: Function in Strengthening Institution Family", *Sharia Journal*, Vol. 28, no. 2 Years 2020, hlm. 128-129.

⁷Nurliya Ni'matul Rohmah, "Increasing the Role of Women Preachers in the Community in Sananwetan Village Subdistrict Sananwetan Blitar City Group Theory Analysis Mute (Muted Group Theory) and Feminism Theory." *Al-Plam: Journal of Islamic Communication and Broadcasting* Vol. 5, No. 2 of 2018, hlm. 17-29.

equality and justice. Along with the strengthening of awareness and echoes about gender equality, some fear that the concept will reduce equality between men and women. At the conception level, the division of the role of the absolute family leader to men gives birth to the implication that women are only subordinate to men, which is clearly counterproductive to the spirit of gender equality and justice.⁸

Research that discusses the concept of *Qiwamah* has been done by many people. First, Nur Faizah in her journal entitled "The Concept of *Qiwamah* in Islamic Jurisprudence from a Gender Justice Perspective", the results of her research stated that *Qiwamah* in Islamic law is an unclosed concept that is always related to the times. Islamic Sharia also does not indicate a firm and definite provision regarding this *Qiwamah*, because *Qiwamah* is one of the domains of mu'amalah (social relations) that must be explained through ijtihad and based on humanitarian considerations.⁹

The second, Tatik Hidayati in her journal entitled "Social Representation and

Autonomy of Women Salt Workers (Study of the *Qiwamah* Concept)", the results of her research stated that the concept of *Qiwamah* in families whose women work as salt workers is not like the notion of leadership that dominates their wives. Leadership in their eyes is interpreted as a form of mutual understanding, mutual understanding and mutual respect for each other. Therefore, the concept of *Qiwamah* is understood as something that runs contextually and as it is based on existing cultures and traditions.¹⁰

The third, Wardah Nuroniyah in her journal entitled "The Concept of *Qiwamah* and the Phenomenon of Women Heads of Families", stated that the understanding of the concept of *Qiwamah* was quite good, but some of her informants required only the male gender as the head of the family. The concept of *Qiwamah* is actually contextual, because the Qur'an (An-Nisa verse 34) adapted when it was revealed to the situation of women in the Arabian Peninsula 14 centuries ago, then over time the adaptation process will continue if the Qur'an is seen in terms of its universality.¹¹

⁸Imron Rosyadi, *Reconstruction Epistemology of Islamic Family Law*, (Jakarta: Kencana, 2020) Cet 1, hlm. 215-216.

⁹Nur Faizah, "Concept Qiwamah in Islamic Jurisprudence Perspective Gender Justice." *Al-Ahwal: Journal of Islamic Family Law* Vol. 11, No. 1 of 2019, hlm. 13-22.

¹⁰ Tatik Hidayati, "Representation Social and Autonomy of Women Salt Workers (Review to Draft Qiwamah)," *Anil Islam: Journal of Culture and Science Islam*. Vol. 12, no. 2 December 2019, hlm. 161-193.

¹¹Wardah Nuroniyah, "Concept Qiwamah and the Female Head Phenomenon Family", *Equalita*, Vol. 4, no. 1, June 2022, hlm. 114-135.

So, it is clearly very necessary to conduct further research related to the concept of *Qiwamah*. Therefore, the focus of this research is the concept of *Qiwamah* and its implications for gender justice in Islamic family law in Indonesia.

This study aims to examine more deeply related to women's leadership in the household so that we can find out how the concept of *Qiwamah* and gender justice in Islamic family law against the concept of *Qiwamah* in its implications for gender justice.

The previous research has only used the concept of leadership in the household but this study will examine more deeply about the concept of *Qiwamah* in the household and its implications for family law in Indonesia.

Method

This research uses a type of library research. The meaning of library research is that research activities are carried out by collecting data and information with the help of various sources in libraries or other places such as reference books, previous research results that have similarities, notes, articles and various journals that have links to the problem that the researcher wants to solve. Research activities are carried out

systematically to collect, process, and conclude the results of the data and information using certain methods / ways to find answers to the problems studied.¹²

The approach method that the author uses is normative approach (adapted to existing texts in the Qur'an and Hadith); and sociological juridical approach (a legal perspective based on reality and social reality that exists in the community, namely regarding The Concept of *Qiwamah* and Its Implications for Gender Justice In Islamic Family Law In Indonesia.¹³

In data processing, the author uses several methods, namely:¹⁴ Data Reduction, in this case the author selects and concentrates attention on simplification so that it is easy to classify similar data by carrying out several activity steps such as selecting data based on the level of relevance and relation to data groups, grouping similar data and coding data in accordance with the research work grid. Data display, in this case the author develops and describes data that has been classified according to the subject matter and compiles relevant data so that it becomes information that can be concluded and has a certain meaning. And in data verification, after the data processing is

¹²Milya Sari and Asmendri Asmendri. "Research Literature (Library Research) In Research Science Education." *Natural Science* Vol. 6, No. 1 of 2020, hlm. 41-53.

¹³ Ruslan, *Public Relations and Communication Research Methods*, (Jakarta: Raja Grafindo Persada, 2004), 31.

¹⁴ Rosady Ruslan, *Public Relations and Communication Research Methods*, (Jakarta: PT. Raja Grafindo Persada, 2003), 21

complete, it is then analyzed using qualitative analysis and discussed according to the review of Islamic law.¹⁵

Discussion

Qiwamah

Qiwamah according to its literal meaning is someone who leads an economy or power, or someone who has responsibility for power. According to Ibn Faris *Qiwamah* has roots consisting of the letters qaf, waw, and mim resulting in two fundamental meanings, namely a group of people and standing upright (constancy).¹⁶

In relation to the family, the family itself is the smallest unit or institution in society. A family will be able to run well if each performs its functions well, so in the process a leader or head of the family is needed. Thus, *Qiwamah* can be interpreted as leadership in a family.¹⁷

In the Big Indonesian Dictionary (KBBI) it states leader is a person who shows the way, lead as well as guiding. According to

Arifin Abdurrahman, the leader is a “capable person who moves the surrounding existing people to follow his/her footsteps.” Whereas according to Prajudi Atmosudirdo leader is “the one who can influence other people so that person can operate based on what he/she wants.”¹⁸

The word *qawwamun* is found in sura an-nisa verse 34, etymologically *qawwamun* is the plural *qawwam* which comes from the word *qama yaqumu qauman wa qiyamun* which means to guard, maintain and do good. In Arabic words, the word *qawwamun* can be interpreted as a person who is responsible for matters related to his wife and cares about his wife's condition.¹⁹

Some scholars agree that the concept of *Qiwamah* contained in Sura an-Nisa verse 34 is an elaboration of male leadership (husband) in the domestic area or household because men have several advantages over women. According to at-Thabari, among the advantages of men over women is to give dowry and provide for his wife. Likewise,

¹⁵ U Maman, *Religious Research Methodology Theory and Practice*, (Jakarta: PT Raja Grafindo Persada, 2006), 127-128.

¹⁶ Ibrahim Hanif Nasution, et al., The Meaning of *Qiwamah* in the Qur'an: The Perspective of Khaled Abou El-Fadl. *Aurelia: Indonesian Journal of Research and Community Service*, Vol. 2, no. 1, January 2023, hlm. 119.

¹⁷ Muhammad Iqbal, *Psychology Wedding Dehving into the Secrets of Marriage* (Depok: Echo Humans, December 2019), Cet. Ke-3, hlm. 94

¹⁸ M. Sukatin, et al. "Try Make Leader Charismatic to Improve Self- Confidence and Insight in Education." *Bunayya: Journal of Children's Education* Vol. 7, No. 2 of 2021, hlm. 155-167.

¹⁹ Siti Halimah Putung and Raihanah Azahari. "Leadership Husband in An Islamic Perspective: Function in Strengthening Institution Family: Husband's Leadership In Islamic Perspective: Role in strengthening the family institution." *Syariah Journal* Vol. 28, No. 2 of 2020, hlm. 127-156.

according to al-Zuhayli, where men have advantages because they give dowry, besides having excess intelligence, better physical strength, and stable emotions. Although the above interpretation is biased, it shows that the leadership of the man (husband) is the domestic or household territory.²⁰

When the Qur'an has laid down the duties of leadership to men, it is because of two main things. First, this is because between men and women there are different privileges, but if it is related to the context of *qawwam*, male privileges are considered appropriate and worthy to carry out the task. Secondly, the Qur'an speaks of leadership to men because they are the ones who will provide livelihood for their family members.²¹

Traditionally the head of the family (leader) is someone who is responsible for meeting the material needs, education of children and a good environment for the family. Viewed from the physiological side, a man has advantages over women such as being strong and having greater energy, so that men must be the head of the family who plays a role in earning a living to support his family or household. A leader or head of the

family is required to meet the material, emotional, intellectual and socio-moral needs of each family member. So, the man with his status as a head of the family must have a responsible nature, able to control the situation in the family at home, as a founder and originator of policies, guides and decision makers for his wife and children.²²

Islam recognizes the importance of the existence of leaders in a group, how and whatever that group is. Muhammad Ali Albar in his book entitled '*Amal al-Mar'ah fi al-Mizan*' states that there is an Islamic rule that dictates that if there are three people who travel then the leader must be appointed from one of them. The leader is someone who must be the most responsible party and to his leadership has the least interest. Based on this rule, he held the view that in the home it is not worthy of leadership to be in the hands of women, because men need less protection and more steadfast, so on his shoulders God places responsibility in leading the household.²³

However, if the man (husband) does not have the ability to lead and provide for his family or the situation reverses where the wife

²⁰ Tatik Hidayati. "Representation Social and Autonomy of Women Salt Workers (Review to Draft Qiwamah)." *'Anil Islam: Journal of Culture and Science Islam* Vol. 12, no. 2 of 2019, hlm. 160-193.

²¹ Mitha Mahdalena Efendi. "Reinterpretation of the word Qiwamah in the Al-Qur'an Surah Al-Nisa': Abdullah Saeed's 34 Contextual Approach Perspectives." *GLASS (God's Gift of Light): Dialogical*

Journal Knowledge Ushuluddin Vol. 10, no. 2 of 2020, hlm. 196-207.

²² Nurindah Atika Sari, "Psychological Well-Being in the Head Experiencing Families Termination Connection Work by Coal Companies in Pariaman Village", *Psychoborneo*, Vol. 3, no. 2 of 2015, hlm. 214.

²³ Khairuddin, *Women's Leadership According to Islam in Context Contemporary*, (Banda Aceh: Ar-Raniry Press, 2014) Cet. Ke- 1, hlm. 17.

has more ability than her husband, such as the husband is sick so that he cannot exercise his leadership and provide for his family, then leadership may change hands to his wife.²⁴

Gender Justice

Gender is about ideals between men and women at a certain time and place, which can change according to changing times, times or certain community conditions.²⁵ In general, gender is used to identify or show differences between men and women that can be seen from behavioral, social or cultural.²⁶

The word gender can also be defined as differences in functions, status, roles, and responsibilities between men and women as a result of socio-cultural constructions that exist in society. This difference is then rooted in society through the process of socialization from one generation to the next. In a society, gender is not absolute, because it can change at any time. Therefore, this gender is universal

and towards that gender each culture has a different view.²⁷

According to Islamic law, gender is placed in reasonable proportions, because gender in its definition as sex, is the absolute nature of Allah's creation and has been arranged and determined according to Allah. Therefore, men and women can participate according to their respective natures, which should not be limited by man-made legal regulations.²⁸ If there are those who hold or think that the verses of the Qur'an and Sunnah that are shahih contain gender bias, the subject matter is not from the Qur'an and Sunnah but from the views arising through that party that is the subject matter. So the emergence of man-made legal rules related to gender is very possible as long as it does not violate the provisions of Islamic Shari'a.²⁹

Justice is a very important and essential thing in the legal world until it has become a

²⁴Mitha Mahdalena Efendi. " Reinterpretation of the word Qiwamah in the Al-Qur'an Surah Al-Nisa': Abdullah Saeed's 34 Contextual Approach Perspective." *GLASS (God's Gift of Light): Dialogical Journal Knowledge Ushuluddin* Vol. 10, no. 2 of 2020, hlm. 196-207.

²⁵Suprapti Muzani, Laila Hasanatus Shofa, "Gender in Perspective Sharia Islamiyah", *SAWWA*, Vol. 9, no. 1, October 2013, hlm. 181.

²⁶Nur Sari Wangi, A. Halil Thahir, Faith and Gender Justice: Answering Legitimacy Liberal Feminists Think About Gender Injustice in Islam, *Academica*, Vol. 16 No. 1, June 2022, hlm. 41-42.

²⁷ Nindra Wahyu Hapsari, "Legal Protection Against Group Gender Minorities as Implementation

Fulfillment of Human Rights Humans (Comparison of LGBT Cases in Indonesia, India and Brunei Darussalam). *Harmasisya FHUI Law Master Program Journal* Vol. 1, No. 2 of 2021, hlm. 28.

²⁸Ahmad Syaifuddin Al Rosyid and Ahdiyatul Hidayah, "Muhammad Abu Zahrah's Istibat Method on the Law of Isbat Nasab Son of Zina Based on the Ilhaq Method. *An-Nisa': Journal of Gender Studies*, Vol. 16, no. 1 of 2023, hlm. 93 - 108.

²⁹ Syaikh, "Islamic Heritage in Perspective Gender Justice", *eL-Masblaba*: Vol. 8, no. 2, 2018, hlm. 130

very crucial discussion until now. The concept of justice that exists today changes by following the pattern of behavior and development of existing society.³⁰ Justice does not mean equality, equality or equality. Some people think that justice must be equal to equality, because it is not absolute that equality between men and women is fair.³¹

Gender justice is a process and fair treatment between men and women, so to be able to ensure that the process is fair to both requires actions that stop things that historically and socially hinder and hinder men and women from participating in their respective duties and functions. Fair treatment between men and women in all respects makes for a good relationship to lead to more positive goals.³²

The Role and Responsibilities of Husband and Wife in the Family

The success of a man (husband) is supported by love, motivation and prayer from a woman (wife). Similarly, the success of a wife is also supported by the provision of

motivation, access, and sincerity of a husband³³ Therefore, in their roles as husband and wife, both can perform balanced roles, including:

1. Sharing joys and sorrows and being able to understand the function, role and position of husband or wife in their social life and profession, provide access, support, be able to share roles in certain contexts and can play certain roles together.³⁴ Since families that allow for a division of roles in domestic affairs will eliminate gender discrimination, sharing these roles is also very good to avoid multiple roles for one party (be it wife or husband);
2. and can position oneself as a wife as well as a friend and lover for the husband. Similarly, placing the husband as a lover and friend who both need affection, attention, advice and motivation also have the same responsible nature to empower each other in spiritual, intellectual and social life.³⁵ The role of husband and wife in this case aims to cultivate a sense of rahmah, mawaddah and sakinah, because there are many attempts to position both of them in obtaining their basic rights well;

³⁰Anjar Kususiyanah, *Gender Justice in Islamic Inheritance: Historical Sociological Study. Al- Mazaabib: Journal of Comparative Law*, Vol. 9, no. 1, June 2021, hlm 64.

³¹Nurjannah Ismail, "Reconstructing Women's Tafsir: Building Tafsir with Gender Justice (Critical Study of the Thoughts of Asghar Ali Engineer, Fatima Mernissi and Amina Wadud Muhshin About Women in Islam)." *Gender Equality: International Journal of Child and Gender Studies* Vol. 1, No. 1 of 2015, hlm. 39-50.

³²Ida Hanifah. "Policy Legal Protection for Domestic Workers Through Legal Certainty." *Indonesian Legislation Journal* Vol. 17, No. 2 of 2020, hlm. 193-208.

³³ Laksmi Pradipta Amaranggana, Edi Santoso, and Nuryanti Nuryanti, "Analysis Discourse Critical Objectification of Women in the Book "Behind the Husband's Success There is a Salihah Wife Who Accompanies him." *JOMIK: Student Online Journal Knowledge Communication* Vol. 1, No. 2 of 2021, hlm. 43-51.

³⁴ Rika Dilawati, Eni Zulaiha, and Yeni Huriani. "Women and resilience families during the COVID-19 pandemic: Case study former workers women in the city of Bandung." *Journal of Society and Development* Vol. 1, No. 2 of 2021, hlm. 46-58.

³⁵ Berlia Sukmawati, "Family Achievements That Are Sakinah, Mawaddah, Warahmah." *MILRev: Metro Islamic Law Review* 1.2 (2022): hlm. 243-256.

3. As well as being friends with deliberation, discussion and complement each other when in the process of decision-making roles. The role of decision maker is quite important, and also heavy if it is constantly only imposed on one person, whether it is wife or husband. So, it is very important to share roles between husband and wife.³⁶

People who still adhere to patriarchal culture determine that the responsibility of earning and providing for family members is a husband. As for a wife, it is more focused on roles in the realm of the household.³⁷ The standardization of roles between husband and wife will not be a problem if the wife wants it, or the wife has decided to become a housewife without pressure from any party, and based on reasons and considerations that actually provide comfort for the wife, then the choice of role will not be a problem.³⁸

The role of the husband as the head of the family and the wife as a housewife, is directly proportional to the noble duty

attached that the husband is obliged to give everything for the needs of married life in accordance with his ability and is also obliged to protect his wife. In the Compilation of Islamic Law (KHI) it is detailed and clearly mentioned about the duties of the husband as the head of the family, namely.³⁹

- 1) The husband is a guide to the wife and her household, but in matters of household matters the importance is decided jointly by the husband and wife;
- 2) the husband is obliged to protect his wife and give everything for the needs of married life according to his ability;
- 3) husbands are obliged to provide and teach religious education to wives and provide opportunities to learn about knowledge that is beneficial and useful for religion, the archipelago and the nation;
- 4) According to his ability, a husband must bear:
 - a. bread, clothing, and shelter for the wife;
 - b. expenses for household needs, medical expenses and care for the wife and children; and
 - c. Tuition fees for children.⁴⁰

³⁶Made Ayu Jayanti Prita Utami and I. Putu Okta Priyana. " Awareness Society Regarding the Wife's Role in Elimination Efforts Domestic Violence." *Pariksa: Journal of Hindu Religious Law* Vol. 6, No. 1 of 2022, hlm. 34-42.

³⁷Ahdiyatul Hidayah and Ahmad Bunyan Wahib. "Defending Women's Legal Rights through Organizations in Turkey." *An-Nisa': Journal of Gender Studies* Vol. 15, no. 2 Years 2022, hlm. 185-200.

³⁸Uswatun Hasanah. "Influence divorce parent for psychological children." *Agenda: Journal of Gender and Religion Analysis* Vol. 2, No. 1 of 2020, hlm. 18-24.

³⁹ Darania Anisa, and Erna Ikawati. "The Position of Women in Islamic Family Law in Indonesia (analysis Compilation of Islamic Law on Gender and Feminism Studies." *Journal of Gender and Child Studies* Vol. 5, no. 1 Year 2021, hlm. 1-16.

⁴⁰ Hazarul Aswat and Arif Rahman. " Husband's Obligation to Give "Maintenance in the Compilation of Islamic Law." *Journal of al- iqtisod* Vol. 5, No. 1 of 2021, hlm. 16-27.

The Concept of *Qiwamah* and Its Implications for Gender Justice

Regarding leadership in the family (*Qiwamah*) is found in verse 34 of Surah An-Nisa, which means, "Men are leaders of women, because Allah has favored some of them (men) over others (women), and because they (men) have spent part (half) of their property..." The placement of the man (husband) as the head of the household was actually a reaction to the conditions and social situation of Arab society before and when the Qur'an was revealed. So, in this case, the role of men is very dominating in various areas of life even including the area of the family system. In addition, the above verse indirectly shows that by nature, men tend to want to protect women.⁴¹

Men in Arab society, having the duty of defending and defending all members of their family, also have the responsibility to meet all the material needs of family members. As a result, men master leadership at all levels.⁴² The reason why men dominated to lead their households was, "First, the superiority of human resources (HR), which at that time

generally still belonged to men. Second, at that time economic power was also mostly still in men, so they were the source of income for family members.⁴³

Regarding male leadership in his household, the Prophet Muhammad (peace be upon him) said, "Each of you is a leader and responsible for what he leads. A priest who leads people is a leader and responsible to his people. A husband is a leader in terms of taking care of and leading his family members, so he is responsible for those he leads."⁴⁴ This is in line with the Marriage Law which already regulates the role of a husband as the head of the family and the breadwinner. Article 31 paragraph 3 of Law No. 1 of 1974 concerning Marriage (UUP) which states "the husband is the head of the family while the wife is a housewife".⁴⁵ The position of the man (husband) as the head of the family by the Marriage Law has implications for the obligations of a husband towards his wife and family members. This position is expected to be in line with the obligations that must be fulfilled by the husband.⁴⁶

⁴¹Abdul Rahim, "The Role of Women's Leadership in a Gender Perspective, *Al-Maiyyah Journal*, Vol. 9, no. 2, December 2016. hlm. 288.

⁴²Ahdiyatul Hidayah, "Scholar's Perspective on Wives as Family Breadwinners During the Covid-19 Pandemic", *An-Nisa': Journal of Gender Studies*, Vol. 16, no. 1 of 2023, hlm. 43-58.

⁴³Surya Sukti, et al. "Gender justice: education, leadership and rights Islamic inheritance." *Journal of Religion and Society Studies* Vol. 18, No. 2 of 2022, hlm. 130-137.

⁴⁴ Bizania Mumtaz, *Baiti Jannati*, (Yogyakarta: Araska, February 2020) Cet. Ke-1, hlm. 40

⁴⁵ Constitution Marriage Article 33 Paragraph 1 of 1974.

⁴⁶Qosim Khoiri Anwar, Habib Shulton Asnawi, and Annikmah Farida. "The Rights and Obligations of Divorced Widows in the Customary Law of Lampung Pepadun, Central Lampung, Gender Perspective: (Study in the Anak Tuha Clan, Central Lampung)." *Fikri: Journal of Religious, Social and Cultural Studies* Vol. 3, no. 2 of 2018, hlm. 363-374.

The division of the role of the head of the family to husband and wife as housewives has been running and is in line with socio-cultural ethics, religious norms and laws that have lived in society. The picture of the division of roles occurs in households that run normally without any major problems, where in the family live in harmony within the framework of a harmonious family. That is, the concept contained in article 31 (3) of the Marriage Law applies to the life of a family that runs normally, the husband carries out and carries out functions as the head of the family with various responsibilities to meet the external and inner needs of the household.⁴⁷

The institutionalization of the distribution of roles that states that men are the head of the family and women as housewives, by women activists are feared to reduce equality between men and women. They also criticize it as discriminatory and legitimize the power of the husband to be able to regulate all matters related to his domestic affairs. Along with the emergence

and strengthening of awareness about gender equality, the division of roles that the husband is the head of the family and the wife as a housewife began to be questioned. In the context of conception, the division of roles seems to give birth to an implication that women are subordinates of men, which is clearly contrary to the spirit of gender equality. In reality in the field, there are many households where his wife performs a very strategic role, such as being the breadwinner as well as managing the affairs in the household. Therefore, regarding the absolute husband as the head of the family, according to them, it is not in line with existing practices in the field.⁴⁸

With all the progress of the times that have changed a lot. The impact of modern industry, as well as the increasing need for health and education, this opens up new opportunities for women to take part outside the home, whether it is working or participating in institutions in the community.⁴⁹ In the reality of social life that has undergone many changes, the sole

⁴⁷Nadya Syafitri, Hamdani Hamdani, and Ramziati Ramziati, "Maintenance Responsibility Working Wife 's Family According to Compilation of Islamic Law (Khi) and Customary Law (Research Study in Lhokseumawe City)." *Suloh: Journal of the Faculty of Law, Malikussaleh University* Vol. 10, no. 2 Years 2022, hlm. 313-339.

⁴⁸ Dede Hafirman Said. "The Role of the Wife in Building the Family Economy According to

Perspective of Islamic Law in the District Panyabungan Kota." *AT-TAWASSUTH: Journal of Islamic Economics* Vol. 5, no. 2 Years 2020, hlm. 268-290.

⁴⁹Muhammad Ali Murtadlo, "Gender Justice in Islamic Inheritance Law Perspective the Theory of Limits Muhammad Syahrur, *International Journal of Child and Gender Studies*, Vol. 4, no. 1, March 2018, hlm. 174.

breadwinner (husband) in the family is not a big problem if it can meet all the needs of the family, so as to form a *sakinah* and prosperous family. But if the sole breadwinner is unable to provide for his family, then the reality is that society has undergone a shift where whether or not able, ready or unprepared wives can take on roles by working outside the home.⁵⁰

In addition, the above verse shows that these two things (the ability to manage the family and provide for family members) strengthen the reason for providing opportunities for women to become leaders. The Qur'an mentions men, because at the time of the Qur'an's descent the leadership potentials according to Q.S An-Nisa: 34 above were still the domain of male leadership. But looking at the reality now, the potential for excellence could come from the wife's side as well.⁵¹

Aminah Wadud Muhsin stated that the man as the leader (head of the family) is not intended to show superiority to the man automatically, but can only occur functionally, that is, if the man (husband) is able to meet the criteria mentioned in the

Qur'an, namely being able to prove his superiority and provide for his family members. This means that two criteria must be met by men to become a leader in their family, namely managerial ability and the ability to provide a living.⁵²

According to Fatimah Mernissi, leadership in the family will not always be in the hands of a man. A man becomes the leader of his family if he can provide a living, that is, the man is functionally able to work and able to provide for his wife and children. However, if the man (husband) is unable to provide for his wife and children and is unable to provide a living, then he does not become a leader in his family, because the man has no advantages. Thus, his leadership (man) in the family is lost if he cannot provide for his wife, while one of the factors of superiority of men (husbands) over women (wives) is in terms of providing for them.⁵³

Because the family is the backbone and soul of society that determines the inner welfare and birth of a country. So, in Islam it is highly recommended to build and form an ideal family which is often referred to by the Muslim community in Indonesia as *sakinah*.

⁵⁰Wulan Dayu. "The Role of Wives in Improving the Family Economy in Sei Litur Village Lake Subdistrict Palm Oil Across Regency Langkat." *Abdi Mas Adzka Journal* Vol. 2, No. 2 of 2022, hlm. 59-67.

⁵¹Surya Sukti, et al. "Gender Justice: Education, Leadership and Islamic Inheritance Rights." *Journal of Religion and Society Studies* Vol. 18, no. 2 of 2022, hlm. 130-137.

⁵²Sulaiman Ibrahim, "Domestic Law and Women's Leadership in the Family", *Al-Ulum Journal*, Vol. 13, no. 2, December 2013, hlm. 230.

⁵³Achmad Ghufroon, "Leadership Family Perspective Islamic Femenism (Fatimah Mernissi and Riffat Hasan's interpretation of Qs. An-nisa: 34)", *al-Thiqah* Vol. 3, no. 2, October 2020, hlm. 135.

In taking care of the family and giving its responsibilities in their respective fields, Islam has divided these roles between men and women according to their nature and potential. Responsibilities are inseparable, but complement and refine. The wife has primary responsibilities according to her personality, specialty, and femininity, and she is responsible for living life with her family and raising her children. As for her husband, his main job and task is to earn a living according to his skills, personality and strength. It is based on the principle of justice in one of the principles of justice is to put things according to their respective abilities. This means that both husband and wife can complement each other with their respective abilities without anyone feeling cornered.⁵⁴

Regarding leadership in the family, both men and women have rights. Provisions related to leadership are not something natural, exchangeable, can change at any time between men and women. The determination that men are leaders is a gender role that is part of a cultural construction. This is in accordance with Asghar's statement, that the

superiority of men in organizing, directing and providing for their families is not natural, but social.⁵⁵

Therefore, the role of a wife in her participation in leading by participating in organizing, directing and guiding her family must also be recognized, because there should be no difference between husband and wife related to helping each other in meeting the needs of their family, educating and directing family members. So that the role of leadership can be realized properly without any party (both husband and wife) who feels that he does not get justice in doing his role to participate in organizing, directing and guiding his family. Also, a fair division of roles between husband and wife will encourage the realization of a *sakinah*, *mawadah*, and *Rahmah* family.⁵⁶

According to religious, positive or socio-cultural laws in Indonesia, all of them equally place the man (husband) as the head of the family, but it still contains balanced justice. That is, the position as the head of the family is given to the man (husband), accompanied by duties and obligations that

⁵⁴Yogi Hasbi Sidiq, M. Erihadiana, "Gender in Islamic Views", *Scientific Journal Knowledge Knowledge*, Vol. 5, no. 3, March 2022, hlm. 881.

⁵⁵Mayola Andika. "Reinterpretation of Gender Verses in Understanding Relations between Men and Women (A Contextual Study in Interpretation)."

Musawa Journal of Gender and Islamic Studies Vol. 17, no. 2 Years 2018, hlm. 137-152.

⁵⁶ Ramdanil Mubarak, "The Role of Leadership in the Family in Online Learning in North Sangatta Village." *Literacy: Journal of Non-formal Education Sciences* Vol. 7, no. 3 of 2021, hlm. 251-1262.

must be carried out and must even be able to be accounted for by the man (husband) if the other party (wife) feels disadvantaged. However, the position of the husband as the leader or head of the family in his household does not necessarily make the position of the wife below the husband. The husband as the head of the family and the wife as a housewife are only related to function, not referring to the structure of the husband and wife relationship.⁵⁷

The head of the family is the husband and wife of the housewife, not intended as a division of roles that structurally place the wife under the husband, but rather a division of noble household duties only. So there is no need to worry too much that the position of the husband as a head of the family, there will be arbitrary actions of men against women. In carrying out the functions of the head of the family and housewives must be carried out by helping each other and also respecting each other. Therefore, in marriage husband and wife are obliged to love each other, be faithful, help each other and respect each other.⁵⁸

⁵⁷Fahmi Basyari. "Husband and Wife Relations in the Family according to Islamic Law and Law Number 1 of 1974." *Istidlal: Journal of Islamic Economics and Law* Vol. 4, No. 2 of 2020, hlm. 138-150.

Conclusion

It is known that *Qiwamah* is someone who leads, someone who has responsibility for strength. In relation to the family, a family will be able to run well if each performs its functions well, then in the process a leader or head of the family is needed, so *Qiwamah* can be interpreted as leadership in a family. The concept of *Qiwamah* itself is not absolute, but can change and be exchanged. So that the role of leadership can be realized properly without any party (both husband and wife) who feels that he does not get justice in doing his role to participate in organizing, directing and guiding his family. This means that leadership in the family is held by performing balanced roles both male and female.

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