

The Impact of Islamic Family Law on Women's Rights: A Comparative Study of the Shari'ah and Modern Family Laws

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Abstract

Islamic teachings do not distinguish between the rights of women and those of men with regard to family life and social life. The Quran includes many verses on the subject of women's rights. Through textual interpretation, it can be seen that women have rights that are analogous to those of men, despite certain differences in certain areas, which can be attributed to the differing roles and responsibilities typically assumed by men. In Islam, women also possess rights similar to those of men, though certain matters differ. This discrepancy is attributed to the primary functions and responsibilities assumed by men. The following are examples of rights afforded to women in Islamic law: the right to receive an education, the right to receive a dowry and maintenance, the right to initiate divorce in instances where continuation of the marriage would result in harm, the right to inherit and the right to claim material compensation. In civil law, women's rights include: Women are accorded equal status with men with respect to their rights. In principle, women have the same freedom to pursue and obtain their rights as men, with the sole exception of married women and minors.

Keywords: *islamic, law, modern*

I. INTRODUCTION

Humans are creatures of God, endowed with rights and responsibilities. As potential creatures in the process of life, men and women have the capacity to occupy certain positions that are socially and religiously recognized by others. However, social dynamics do not always align with the understanding of rights, particularly those of women. Socio-cultural biases influence the interpretation of religion, including the Qur'an, which often leads to the perception that women are demeaned or limited in role. Islam is a religion of principles, which outlines the fundamental rules for its followers. However, in order to ensure clarity, there must be flexibility to accommodate creativity in interpreting principles, including those related to the rights of women. It may be argued that, in the domain of education, women frequently encounter a second barrier to achieving higher levels of education. This is due to cultural factors which restrict women's participation in the public sphere, and as a consequence, their interest in education is often limited. Additionally, it can be perceived that the conventional role of women within the family is confined to the domestic sphere, and thus, their pursuit of higher education is not considered to be a priority.

The Islamic religion has been a force for the emancipation of women from the evils of the jahiliyyah, a period of history in which women were killed for reasons of poverty and shame. Prior to the advent of Islamic teachings, women were treated as chattel, similar to goods or money. Upon the death of their husbands, women were often considered the property of their sons or next of kin. Should the woman be willing, she may be married without a dowry to her family. In the event she is not, she may be wed to another man, with the dowry going to the heirs. If she is disinclined to

participate in the marriage, she may find herself in a state of widowhood and also one of divorce, with the objective being that she can redeem herself from the inheritance acquired from the deceased husband. Alternatively, she may be left until her demise, in which case the inheritance of her husband's property will fall to them (her husband's family) (Yusuf 1997).

It is evident that the position of women in society during the days preceding the advent of Islam was one of considerable hardship and humiliation. In those times, women were regarded as mere commodities, objects for gratification of lust. This was even true of mothers who bore daughters; the daughters were killed or buried alive, as fathers were ashamed to be linked with such a birth. It is evident that prior to the advent of Islam on Earth, women were generally looked down upon and had no rights whatsoever.

II. METHOD

In alignment with the scope and objectives, particularly those pertaining to the investigation of legal principles and legal systematics, particularly those pertaining to women's rights in marriage according to Islamic law and modern law, it is unnecessary to propose hypotheses. The composition of this thesis is classified within the domains of literature and qualitative research methodology, namely the description of data pertaining to women's rights in marriage, the similarities and differences in the rights of women and men in marriage, and the position of women's rights in Islamic law and modern law. The data sources utilized are twofold, comprising primary and secondary sources. Primary data is derived from books that address the rights of women in Islamic law and modern law, including Islamic Law, Islamic Family Law, Introduction to Legal Science, and Introduction to Modern Legal Studies, among others.

The data presented in this writing was collected through a process of literature studies, which entailed reading, studying, examining, or analyzing the literature that raises the issues discussed. Some examples of the books that were consulted as part of this process can be found in the data sources mentioned earlier.

The data collected is analyzed qualitatively, with the aim of providing a detailed description of the data pertaining to women's rights in Islamic and civil law. This includes an examination of women's rights in marriage, as well as an analysis of the similarities and differences in women's rights in marriage, the position of women's rights according to Islamic and civil law, and other related topics. Subsequently, the explanation is deductively summarized, namely by drawing a conclusion from general statements to specific, in order to facilitate the comprehension of the results of this study.

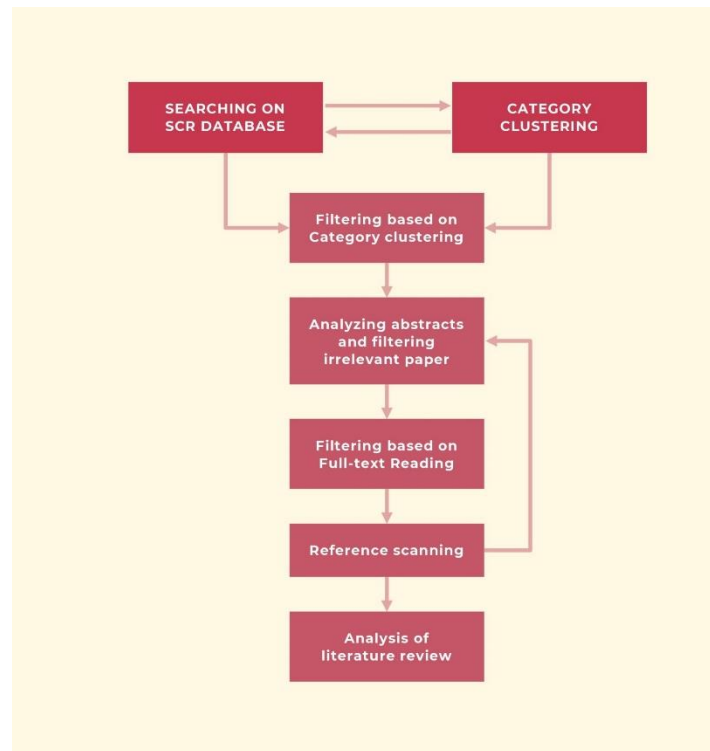


Figure 1. Qualitative Literature Research

III. RESULT & DISCUSSION

A nation is comprised of a group of people who are generally bound together by religious, national, and ethnic ties. The collective well-being of a nation is contingent upon the actions and values of its individual members. In other words, if the individuals within a nation embody positive values, the nation will flourish. Conversely, if the individuals within a nation exhibit negative values, the nation will suffer. This assertion is supported by the work of Athibi (1998).

A nation is dependent on its male population, who are responsible for the country's economic and social development. Women also play an active role in nation-building, as they are the primary caregivers and educators in most societies. They are the foundation of a nation's stability and progress, and their contributions are essential for the well-being of the country.

Historically, women have been regarded as the source of happiness and progress in a nation. They are often seen as the pillars of the country, upon which it rests. They are the light that illuminates the country and the signposts that guide towards goodness.

(Budianto, 2017) In light of the fact that women are the principal pillars on which all nations rely in educating their men and children, it is evident that they must be individuals who exhibit a high degree of intelligence, wisdom, and erudition. Indeed, this is corroborated by the words of Napoleon Bonaparte, who is reported to have stated, "France could not have achieved glory and greatness except with good women" (Athibi, 1998).

Accordingly, the female gender was created to share both the sweetness and the bitterness of life with the male. This allows them to serve as a source of refuge and solace for men, as well as a venue for men to express their sufferings and complaints about the challenges they face at work or in the discharge of their duties. With the compassion and gentleness of women, men are better able to overcome all their work.

Consequently, women serve as the initial source of counsel for humans, as well as educators and repositories of knowledge prior to the acquisition of speech (Athibi 1998). It is women who instill virtuous habits and commendable traits in men, thereby fostering their development into individuals of honor and courage. Consequently, it is imperative that women play a role in the advancement of

society, both in their domestic and social lives. While the majority of influential roles are typically held by men, women must not be excluded from these arenas. In society, women are similarly permitted by law, as long as it does not contravene religious tenets, to engage in the exchange of ideas or collaboration in the pursuit of beneficial and virtuous objectives alongside their male counterparts (Syuqqah 1995).

A plethora of literature attests to the dismal position and rights of women throughout existing civilizations. In Greek civilization, for instance, women were not considered full human beings with all their human rights. Instead, women were regarded as objects to be taken care of in the household, with their status equated to objects that could be traded or discarded. Women were not afforded the same civil rights as men, nor did they possess any inheritance rights. Furthermore, they were denied the right to speak, which limited their role to that of an object to fulfill the sexual needs of men. In addition, the gods were believed to have an affair with the subordinate people, resulting in the birth of the "Goddess of Love," whom they worshiped (Shihab, 1996). The author will undertake a textual analysis of women's rights, focusing on key areas such as access to education, the right to receive dowry and maintenance, the right to request a divorce, inheritance rights, and material rights. It can be seen that there is no difference in the general rights of men and women. This is explained by the Quranic verse Surah An-Nisa' 32 which states that between men and women, there is no difference in what they do.

The distinction between men and women in terms of status and privilege is not determined by their gender, but rather by their level of piety and devotion to Allah, as outlined in Quranic and Hadithic teachings. A virtuous woman, as described by Islam, is one who lives her life in accordance with the tenets of the Quran and the Hadith, fulfilling her obligations and rights as a servant of Allah, as evidenced by the following verse from Surah An-Nahl: "And We have certainly honored the daughters of Adam, and We have provided them with transport on land and ship" (Surah An-Nahl, 97).

Furthermore, this verse elucidates that in righteous deeds and faith, the position is equal between men and women. Each is equally capable of cultivating faith in the heart and performing good deeds to the fullest extent possible. Therefore, women are not less responsible than men for upholding faith in Allah and performing good deeds. Consequently, both are equally promised by Allah to be given a good life (Hayatan Thayyibah), given that men and women are equal before Allah, namely both His servants. It is therefore evident that the more virtuous of the two is the superior in moral worth.

In terms of disseminating information about the religion of Allah or conveying accurate information about it, there is no prohibition in Islamic teachings against women assuming this role. Women are described as preachers in verses 104 and 110 of the Al-Quran. This verse indicates that the obligation to convey the truth and prohibit evil is equally applicable to both men and women, as stated by the Prophet Muhammad SAW in the book of Sahih Muslim.

The teachings of Islam prescribe a duty on both men and women to disseminate truth and prohibit evil; this is known as *da'wah juru*. This duty is particularly relevant in the context of one's household and the wider community. As an example, Siti Aisyah, wife of the Prophet Muhammad, is known to have narrated numerous hadiths. This demonstrates that she was also involved in preaching and disseminating information.

It is evident from historical sources that many other women, including Muslim women, have assumed the roles of *da'iyah*, *mubalighah*, and *mudarisah*. One such example is Sayyidah Sakinah, daughter of Al-Husay bin Ali bin Abi Talib. Al-Shaikhah Syuhrah, who was titled *Fakhr Al-Nisa'* (pride of women), was one of Imam Shafi'i's teachers (Mahmud, 1986), as were numerous others. In terms of creation, the Quran posits that both women and men were created by Allah and are on an equal footing. No evidence exists indicating that Adam is superior to Eve. Indeed, numerous examples exist demonstrating that women are capable of performing the same tasks as men. This is evidenced

by the following verse from Surah An-Nisa': "O people! Be aware of your duty to Allah, and be aware of your duty to each other. Men are in charge of women because Allah has made the one more excellent than the other, and because they spend their wealth to maintain them. So righteous women are therefore obedient, guarding in the absence of their husbands what Allah would have them guard. And as for women on whose part you fear disobedience, admonish them, and leave them in their beds, then beat them; but if they obey you, seek not a way against them."

Consequently, the Quran refutes the notions that differentiate between men and women. It emphasizes that both originate from the same species and that God breeds offspring from both, resulting in male and female children. This suggests that men and women possess equal rights. Indeed, the Quran does not prohibit women's involvement in social life. This reality is also evidenced by the historical record, particularly during the era of the Prophet, his Companions, and the Tabi'in. Even in the contemporary era, women have played a significant role in various fields. The Prophet himself held a positive view of women in positions of active involvement. This was exemplified in his marriage to Khadijah, a successful businesswoman and conglomerate, and in his relationship with Aisyah, who was a scientist specialising in the field of hadith and who was permitted to participate in the struggle. While the caliph Umar ibn al-Khatab appointed Ash Shifa' to oversee the market of Medina.

In contrast, names such as Umm Salamah (the Prophet's wife) emerge. Shafiyah, Laila Al-Gafariyah, Ummu Sinam Al-Aslamiyah, and others are identified as figures involved in the war. In his Sahih work, Imam Bukhari includes a section on the activities of women, such as "Chapter on women's involvement in Jihad," "Chapter on women's warfare at sea," "Chapter on women's involvement in handling victims," and others (Shihab, 1996). Additionally, women at the time of the Prophet SAW were engaged in various occupational roles. Some women worked as bridal makeup artists, such as Umm Salim bint Malhan and Shafiyah bint Huyay (Ibrahim bin Ali Al-Wazir, 1997). In modern times, there are numerous women who pursue careers in various professional fields, including becoming presidents and prime ministers.

The preceding evidence demonstrates that women are capable of engaging in a wide range of activities, comparable to those undertaken by men. As the biological siblings of men, women possess the same fundamental rights as men. However, if distinctions are to be made, they are due to the specific roles and responsibilities that God has assigned to each sex. These differences are not intended to create a hierarchy where one sex is superior to the other (QS 4: 32). However, in Surah Al-Ahzab 33, women's right to work outside the home is restricted.

Upon initial examination, this verse appears to restrict women from engaging in activities outside the home. Indeed, women's primary responsibility is to be at home, caring for the household and children. However, there is no prohibition against women pursuing an interest with their husbands' permission, as previously discussed. This verse merely implies that a woman's primary duty as a wife is to care for her household.

In accordance with Islamic teachings, women are entitled to education and care until they get married. This obligation is not only enjoined on men but also on women. The hadith provides an overview of the importance of studying for everyone, including men and women. It also illustrates that Islam does not discriminate against women in studying, as is often claimed by certain groups. In Surah al-Mujadalah verse 11, Allah also elucidates the significance of study.

It is the right of every human being to pursue education, regardless of gender. If a woman lacks a husband, she may engage in educational pursuits without hindrance; if she is married, she must consult with her husband to continue her education (Amini, 2007). The obligation for women to study is also related to their responsibility as mothers. The first education received by a child is from their parents. In the case of women who lack adequate knowledge to educate their children, this can result in their children's subsequent lack of knowledge. Conversely, if women have extensive knowledge to

educate their children, it can lead to the subsequent generation being more advanced in scientific knowledge.

The Quran itself offers praise to the *ulul albab*—a term that encompasses individuals engaged in intellectual pursuits. These pursuits encompass the study of heavenly and earthly events. It is evident that both men and women are included in this designation, as indicated by the Quran's subsequent elaboration of *ulul albab* characteristics.

This verse elucidates that women can engage in intellectual pursuits, including the recollection of Allah and the acquisition of knowledge about the universe. These activities can culminate in the development of diverse academic disciplines. Furthermore, women have the autonomy to pursue studies according to their own inclinations and preferences. It is evident from historical records that numerous women during the lifetime of the Prophet (SAW) were aware of this obligation. As a result, they petitioned the Prophet (SAW) to set aside a specific period for them to engage in the study of diverse sciences. Al-Muqarri, in his *Nafhu Al-Thib*, recounted that Ibn Mutharraf, a renowned linguist during that era, had once instructed a female student on the intricacies of Arabic. Consequently, the woman was able to advance beyond her initial mentor and become known as Al-'arudiyat, an expert in the field of poetry.

In marriage, women occupy a position of honor. They are treated as human beings with perfect rights. They must be properly proposed to by their guardian or family. Without the girl's consent, the father is prohibited from marrying her by force. They can see each other, so that each can get to know the other, be asked for her opinion or consent, and approve the proposal addressed to her. Upon the woman's consent and that of her guardian or family, as well as the man's, the marriage contract is concluded with the dowry given to the woman by the man.

The dowry may not be altered in any way without the wife's consent. Islam requires the husband to provide the dowry, while the wife is not obliged to do so. This is based on the understanding that men and women are created differently, with men being given physical and other advantages. This allows them to fulfill the responsibility of providing for their wives, including the dowry. The dowry serves as a symbol of protection and affection for the woman, preventing her from risking her honor merely to obtain property or entering into marriage solely for the purpose of acquiring the dowry.

The dowry, which is traditionally given at the time of the marriage contract, becomes the wife's rightful property. It is important to note that none of her guardians have any right to share in the dowry, let alone control or use it. Furthermore, the husband is entitled to sell, give, give in charity or lend it. In the event of the wife's death or divorce prior to the receipt of her dowry rights, either in full or in part, the dowry becomes the wife's inheritance and a debt to the husband, which must be repaid. Similarly, upon the husband's death, the *mahr* remains a debt that must be repaid.

The maintenance in question refers to the provision of clothing, food, shelter and other essentials. The amount of maintenance is dependent upon the financial circumstances of the husband. It is the husband's obligation, regardless of the circumstances, to support his wife. The verse previously cited outlines this responsibility. The provision of maintenance, or *nafkah*, is mandatory and cannot be avoided. A woman is not obligated to financially provide for herself or to take funds from her wealth if she is wealthy, with the exception that she may choose to do so. This duty falls upon the man, as he is the leader of the household and its resources, as it is clear that he is the leader of his household. Consequently, he is responsible for meeting the needs of his household, such as for food, clothing, shelter, health, etc, according to his ability.

In Islamic law, divorce is referred to as "*talak*" or "*furqah*." "*Talak*" signifies the dissolution of the marital bond, while "*furqah*" denotes the dissolution of the marriage contract. These terms are often used interchangeably by Islamic legal experts to describe the dissolution of a marriage between a husband and wife (Soemiyati, 1986).

The desire for marital harmony, tranquility, and contentment is a fundamental aspect of human nature. This is in accordance with the purpose of the institution of Marriage as prescribed in Islam,

namely, the establishment of a family that embodies the qualities of *sakinah*, *mawaddah*, and *warahmah*. However, it is inevitable that discord will arise in the context of domestic life.

In a household where it is difficult to maintain togetherness, both parties may consider alternatives to ending the relationship as husband and wife. The law of divorce is regarded as something that is disliked by Allah SWT and not expected by everyone, but divorce is permitted in Islam.

The Quran instructs that if a dispute arises, the couple should be patient with each other. If this does not resolve the issue, the Quran suggests that the husband should advise his wife, separate their beds, and then strike her (QS.4:34). Furthermore, seeking peace is highly recommended, as peace is better for both (QS. 4: 128).

It can be posited that the implementation of divorce must be based on compelling reasons and is the ultimate recourse for a husband and wife. If the couple has attempted to resolve their differences through mediation and other forms of conflict resolution, and if they have exhausted all other options, then they may seek a divorce. This is a last resort, however, and it is only justified if there is no hope of repairing and continuing marital ties or restoring the integrity of household life (Bagir, 2002).

In the event that the situation has reached a crisis point, the two spouses may choose to appoint representatives to mediate the dispute. The two *hakams* are thus presented with the choice of whether to continue or terminate the existing relationship. It is therefore evident that divorce is considered to be a last resort and cannot be implemented unless the problem has reached a critical stage and there are no further options available.

It is noteworthy that Islamic law does not ignore the importance of women and their right to initiate a separation. Although the right to divorce is traditionally held by the husband, Islamic law also recognizes the right of women to initiate divorce in certain circumstances. This right is known as *al-khulū'*, or "divorce by giving a ransom."

In practice, this typically involves the wife relinquishing some of her rights to the husband or transferring property to him in accordance with an agreement between the two parties. This occurs when the wife identifies a compelling rationale for terminating her relationship with her husband. Persistence in this action is perceived as a potential violation of the religious stipulations.

This can be accomplished if the husband fails to provide maintenance, is subjected to disgrace, is treated harshly and badly, is tortured, or is left away for a long time, or for other justifiable reasons. Additionally, women are entitled to rights as a result of divorce, including the right to maintenance and shelter during the *iddah* period. Following a husband's divorce of his wife, he remains responsible for providing maintenance to his former wife during her *iddah* period. Upon the expiration of the *iddah* period, the former wife is entitled to remarry her former husband or another individual (QS. 2:232 and 234), and she also has the right to breastfeed and educate her children.

The Islamic religion provides a framework for regulating the rights of both men and women with regard to inheritance. The rule of dividing property between heirs in Islam represents a manifestation of the Islamic recognition of the existence of individual property rights. These include the rights to both moveable and immovable property. Furthermore, the division of property after death represents a manifestation of the Islamic principle of inheritance. In accordance with this principle, a person's property moves to their heirs. The division of this property is to be carried out on a fair and equal basis, regardless of the gender of the heirs. The division of inheritance is not dependent on the size of the inheritance; rather, the division must be carried out in accordance with the conditions for inheritance. These conditions are outlined in Islamic law, as elucidated by Hasbi al-Shiddieqy in 1973.

In Islamic inheritance law, the principle of justice implies maintaining equilibrium between the acquired rights and inherited property, along with the obligations or responsibilities that must be borne or fulfilled among the heirs (Zahari, 2003). Consequently, the notion of justice in Islamic inheritance law is contingent upon the distribution of burdens or responsibilities among the heirs in

relation to the prevailing circumstances or human life, rather than on the equality or inequality of the heirs themselves.

With regard to inheritance, it is established that women are equally entitled to inheritance as men. This is evident from the Quranic verses (QS.4: 7, 11-12), which stipulate that a man's inheritance is twice that of a woman's, with the husband receiving twice the wife's share. In addition, children in the womb are entitled to inheritance. In contemporary family law, the concept of *zawil arham* has been incorporated into the legal framework of countries such as Egypt and Indonesia. The division of inheritance in accordance with the aforementioned verse results in a twofold distribution, with men receiving twice the share of women (2:1). This is a logical conclusion, as there is an element of truth and justice when related to the provisions regarding the rights and obligations of husbands and wives in marriage law and the obligations of a son in the management and maintenance of his parents after marriage.

The Islamic system represents a novel approach to inheritance, one that challenges the traditional pre-Islamic system. The Islamic system extends inheritance rights to women, a change from the previous practice of exclusively male inheritance. The estate itself becomes the heir, with each individual's property rights determined by the inheritance. In KHI article 176, it is stated that the daughter is entitled to half the share if she is the only child, two-thirds of the share if there are two or more daughters, and two-thirds of the share if the daughter is with the son. This is in accordance with the principle of balanced justice, which is a fundamental aspect of Islamic inheritance law (Ministry of Religion R.I., 1998). The male share is twice the female share, reflecting the differing duties and responsibilities associated with each gender. Men receive a larger share because they are responsible for providing dowry and maintenance.

Islam permits women to possess various forms of property, including currency, real estate, and movable and immovable assets. These assets may be owned independently of a husband or other individuals. Additionally, Islam permits women to develop their wealth through various permissible avenues, which they may manage themselves or leave to others to manage.

A woman is entitled to spend her wealth in any manner she deems appropriate, provided that she has reached puberty and is capable of managing it. This includes the purchase and sale of assets, borrowing, the distribution of alms, the establishment of a *waqf*, the designation of bequests, and any other method of spending that is permissible in Islam. Furthermore, she is afforded complete freedom and independence in all these matters, regardless of her status as a girl or a wife. It is not permissible for her father, husband, or relatives to interfere with her property except with her consent.

With regard to women's rights in inheritance, it is notable that in the pre-Islamic period (*Jahilliah*), they did not receive any inheritance. Indeed, they were equated with inheritable property that could be inherited. However, Islam granted this right to women. This entailed the right to receive the inheritance property that had been determined to be individually owned, as opposed to collective property. Furthermore, she was free to utilize it. Additionally, she is permitted to assert her property rights in a court of law, while her husband remains obligated to provide for her. Islam does not differentiate between women and men with regard to material rights, with the exception of the determination of inheritance, as outlined in the Quran, Surah Al-Nisa' verse 11.

The provision of this division does not indicate favoritism based on gender. Rather, this provision demonstrates balance and justice, given the distinction in the burden of responsibility between men and women in family life and in the Islamic social system. Consequently, there is justice and harmony between the burdens and responsibilities and their acquisition in this wise division of inheritance. With the exception of inheritance, there is no distinction between the two, nor is there any difference in wage labor. This stands in contrast to the situation prevailing in the West and other nations today, where women are typically compensated at a lower wage rate than men.

In contrast to Western and other contemporary societies, Islam does not view the rights of women and men as identical or equal. However, Islam never embraced prioritization and

discrimination in favor of men and to the detriment of women. Furthermore, Islam outlines the principle of equality between men and women. Nevertheless, Islam does not explicitly identify the rights of both. Even if there is a difference, it is due to the main functions and tasks that religion imposes on each sex. These functions and tasks result in helping each other and complementing each other in life and life.

The role of women in society has been a topic of considerable debate throughout history. The nature of their appropriate role in the context of modern life is a frequent topic of discussion at scientific seminars. In the contemporary era, the activities of women in their lives are a source of considerable discussion, particularly in relation to the increasing participation of women in the workforce.

The phenomenon of women in the 21st century demonstrates that they have transcended the boundaries of traditionally male-dominated roles. Jobs or professions that were previously considered to be exclusively for men are now being occupied by women. They have assumed numerous roles in various aspects of life. They have even achieved the most vital and strategic positions, such as prime minister or company head, and others. This has led to a displacement of men in these roles, which has resulted in a high rate of unemployment.

The labor force is flooded with women, especially employees and company secretaries, who are quite promising. In the contemporary media landscape, there is not a single advertisement that does not feature the beauty of a woman's body. The appeal of female beauty and softness is used as a tool to attract consumers. Furthermore, female labor is used in stores and homes to sell products. This labor is often enhanced by the use of makeup and other forms of appearance enhancement.

This treatment makes women more vulnerable and susceptible to male advances, which can potentially lead to sexual harassment, rape, and even murder. The imbalance of power between men and women often results in the exploitation of women by men, who use their perceived sexual allure and strength to control and abuse women. The wild and uninhibited nature of women, often portrayed by the media, contributes to men's sexual desires and can influence how victims are viewed by society.

This phenomenon can be attributed to the social disparity between men and women, which is largely influenced by the numerous opportunities available to women in the workforce compared to men.

In this context, it is necessary to determine whether it is women who are exercising their rights unrestrictedly or whether it is the law that is to blame. Modern law states that people are equal in terms of their rights (Vollmar, 1992).

These words convey the idea that women and men have the same rights to carry out their daily activities. It is evident that the Civil Law does not provide a basis for blaming either group; rather, the responsibility lies with women themselves, who should acknowledge their status as females. Despite the stipulation in the Civil Law that men and women are equal in terms of rights, it is evident that women are still facing discrimination in various aspects of their lives.

Furthermore, civil law stipulates that not all individuals are entitled to exercise their rights, regardless of gender. This includes groups of people who, by civil law, are deemed incapable or less capable of complying with the law, such as minors or individuals under legal supervision (e.g., individuals with mental disabilities). (Subekti, 1992)

The aforementioned evidence clearly demonstrates that the legal position of women in the eyes of civil law is identical to that of men, with the exception of those under supervision and married women. The latter group of people are not afforded the same rights as men due to the legal assumption that married women are incapable of carrying out the law, or managing their property. (Subekti, 1992) From the preceding description, it can be concluded that the position of women according to the Civil Law position is as follows:

It can be concluded that women are considered equal to men in terms of obtaining rights, except those stipulated by civil law. Furthermore, women (unmarried and not underage) have freedom in obtaining their rights in their lives. However, women who have married have different rights from unmarried women. This is because married women are said to be incapable of legal action in managing their property and exercising their rights unless there is permission from their husbands.

IV. CONCLUSION

Islamic teachings accord women a high degree of respect and regard, viewing them as fully realized beings with inherent dignity and limitless potential. They are not subjected to judgments based on their physical appearance, romantic relationships, or any other superficial criteria. Rather, women in Islamic tradition are regarded as human beings with intrinsic value and a range of responsibilities, including those traditionally associated with men. These include the capacity for rational thought, moral decision-making, manual labor, and creative endeavors. All of the potential bestowed upon humanity by divine providence is equally available to women. Therefore, there is no disparity in the rights of men and women in the realm of education, social and other domains. Even if there are distinctions, it is due to the primary roles and responsibilities that religion has assigned to each sex, which engender mutual assistance and complementarity in life and living. In Islam, women are accorded the same rights as men, with the exception of certain instances where the rights are not identical. This discrepancy can be attributed to the primary functions and obligations assumed by men in society. Among the rights of women are the following: the right to education, the right to dowry and maintenance, the right to seek a divorce in instances where certain conditions are met and continuation of the marriage would be detrimental, the right to inheritance and material rights. With regard to the position of women in the context of Muslim law, it can be stated that: In terms of the acquisition of rights, women are considered equal to men. There are no limitations on the ability of women to obtain their rights, with the exception of women who are married and underage.

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