

Gender Equality in Article 1 of the Universal Declaration of Human Rights: An Islamic Law Perspective

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Abstract

This study aims to determine the relevance of Article 1 of The Universal Declaration of Human Rights which guarantees freedom, dignity and equal rights between human individuals from the perspective of Islamic Law which came with the vision of *rahmatan lil 'alamin* through the Prophet Muhammad *Shallahu 'Alaihi Wasallam*. The method used in this research uses a descriptive analysis method with a normative juridical approach and uses qualitative data types in the form of secondary data consisting of primary, secondary, and tertiary legal materials with data collection techniques through literature studies and content analysis techniques. This research concludes that there is a significant relevance where Islamic Law greatly strengthens and provides *hujjah* to the clause of gender equality position between individuals that has been formulated in Article 1 of The Universal Declaration of Human Rights. So the existence of several differences in concepts between men and women in the perspective of Islamic Law is not a discrimination against certain genders, the existence of these differences has placed each gender in a noble position based on its characteristics as conceptualized by Islamic law.

Keywords: Gender Equality; Islamic Law; The Universal Declaration of Human Rights

Introduction

Gender equality has never ceased to be a topic of discussion both academically and non-academically. The importance and interest of gender issues is evidenced by a number of campuses having gender studies centers, and even the government through the Ministry of Women's Empowerment and Child Protection of the Republic of Indonesia has a special deputy in charge of gender equality. The topic of gender equality in general is often coupled with the protection of women and children, which implies that gender equality aims to equal the position of women and children with other positions, such as men.

Gender does not mean natural gender that is identical to the perspective of society, but more than that, gender is the nature, role, position or status of men and women that are formed by a certain society and in a certain period (Nurjannah, 2022). So in general, it can be said that gender is not a terminology that distinguishes between male sex and female gender.

Gender is a stigma identified by individuals and society in expressing one's personality in social activities. Gender does not mean gender because gender is limited to 2 (two), namely men with penile genitals and women with vaginal genitalia. However, from the perspective of Islam, there is a situation where a person has male and female genital organs at the same time called *khunsa*. The *awwam* perspective often holds the view that *khunsa* is perceived as transvestite, *transsexual* or *transgender* resulting from an individual choice of *khunsa* that can be driven due to the factor of psychological condition.

This perception is wrong because as previously explained conditions that can be categorized as *Khunsa* a conditions in which a person has male and female genitalia or even does not have genitals at all which is not an individual choice *Khunsa* but the decree of Allah SWT (Solekhan and Mubarok, 2020). Although there is a terminology *Khunsa*, Islam consistently divides fixed sex into two types because *Khunsa* also does not have a third gender other than men and women.

If identified from the point of view of gender traits and attitudes, namely men and women formed in a certain culture, then gender equality means a topic that discusses the concept offered by Article 1 of the *Universal Declaration of Human Rights* which states "All human beings are born free and equal in dignity and rights". This means that everyone is born independent and has the same dignity and rights.

The concept of equality is then translated as individual equality as a right protected by Human Rights (HAM) in the form of basic rights inherent in every human individual. The issue of gender equality between men and women, which in practice often has a negative stigma that negates the roles, positions, and authority of women who are *framed* as if they are in a lower position than men, has become a topic of discussion that continues to develop and is interesting to study in every time and place (Ikhwan et.al, 2024).

The discussion and debate on this matter became more interesting because the topic of gender equality guaranteed by human rights clashed with the concept in Islamic law, where Surah Ali Imran verse 36 expressly states the difference between men and women which reads:

فَلَمَّا وَضَعَتْهَا قَالَتْ رَبِّ إِنِّي وَضَعْتُهَا أُنْثَىٰ وَاللَّهُ أَعْلَمُ بِمَا وَضَعْتُ وَلَيْسَ الذَّكَرُ كَالْأُنْثَىٰ وَإِنِّي سَمَّيْتُهَا مَرْيَمَ وَإِنِّي أُعِيذُهَا بِكَ
وَوَضَعْتَهَا مِنَ الشَّيْطَانِ الرَّجِيمِ

"So when she gave birth to her, she said, "O my Lord, I have given birth to a daughter." Even though Allah knows better what he is born, and men are not the same as women. "And I gave her the name Maryam, and I ask for Your protection for her and her offspring from the cursed devil." (Q.S. Ali Imran: 36)

The difference in question is the difference in the biological and physiological realms owned by each gender (Kartini and Maulana, 2019) It is not the difference in something further than that puts one of them inferior to the other. The above verse affirms the glory of the birth of a baby girl to remove the negative stigma of Imran's wife that women are inferior in dignity to men.

Negative stigma by looking down on one gender is sometimes carried out by each gender itself, such as identifying men who cannot play multiple roles at the same time (*multitasking*) like women or identifying women who are only able to do domestic work and cannot have a career freely like men.

In addition, in Indonesia, there are regulations, namely Law (Law) Number 2 of 2008 concerning Political Parties, which was last amended by Law Number 2 of 2011 concerning Amendments to Law Number 2 of 2008 concerning Political Parties which requires the establishment and management of political parties to involve at least 30% women. In the general election system (Elections) in Indonesia regulated by Law Number 7 of 2017 concerning the last General Election, Law Number 7 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2022 concerning Amendments to Law Number 7 of 2017 concerning General Elections into Law, requiring 30% representation of women in some positions, namely the membership of commissioners of the General Election Commission (KPU) at all levels, membership of the KPU commissioner selection team, membership of the District Election Committee (PPK), membership of the Voting Committee (PPS), membership of the Voting Organizing Group (KPPS), membership of the Election Supervisory Agency (BAWASLU), and the composition of the legislative candidates themselves submitted by political parties.

The determination of the composition of 30% of women's representation in the political field is either an affirmation of women's involvement or rather considers that women are marginalized so that it needs to be arranged in such a way as if they have an equal position. If the goal is to affirm the role of women in politics, why is it only 30% and not 50% so that there is equality in number between men and women? Practices like this then add to the dynamics of the discussion about gender equality in Indonesia, which is endowed with extraordinary diversity.

Several studies show that sometimes we unconsciously stigmatize women's positions as if women are in a lower position than men and are often the object of discrimination. In fact, the same condition is experienced by men, where men can also get discrimination against their position in the social order. The research entitled *The Role of the Universal Declaration of Human Rights in Preventing and Countering Slavery Against Women* (Hindrawan et al., 2023). Then the research was entitled *Efforts to Enforce Human Rights for Women in Indonesia* (Ramby et al., 2023) and research on the *Regulation of Human Rights for Indonesian Women After the Amendment of the 1945 Constitution* (Saputri and Rinenggo, 2023).

The three studies above are simple examples where we all sometimes want to raise the status of women to be equal to men but instead seem to frame that women are indeed below men so that their dignity and dignity must be raised. In fact, men are not free from the opportunity to be objects of slavery or victims of human rights violations, or even men do not have exclusive guarantees for human rights protection, which are different from men. Men and women are equal and have the same opportunity to be victims of discrimination and human rights violations.

Then the position of Islamic law in responding to gender equality is sometimes an interesting discussion. The difference between men and women in Islamic law is seen from the concept of inheritance law which determines that men get 2 (two) greater parts than women who only get 1 (one) part of men. This arrangement is often used as *an argument* that Islam teaches not to respect women or that there is no gender equality in Islam. Women who are said to be better off worshipping only in the innermost rooms of their houses are different from men who are required to pray in congregations in mosques. Then in marriage law where men have the right to have up to 4 (four) wives while women are not allowed to have more than 1 (one) husband.

The concept of Islamic law recognizes a theory *maqashid al-shari'ah* al-Syatibi where Islamic law sourced from the Qur'an and Sunnah stipulates sharia law to achieve benefits that are realized in 3 (three) categories, namely: *Dharuriyyah* to preserve religion, soul, descendants, property, and intellect; *hajiyyah* to provide convenience and eliminate difficulties, and *Tahsniyyah* which functions as a life enhancement in which in the 3 (three) categories there are guarantees for human rights that have been affirmed in various verses in the Qur'an (Washil and Fata, 2018).

Islamic legal literature also recognizes an expression or rule that Islamic law in its implementation will always be relevant to the conditions of place and time "*Shalih li kulli zaman wa makan*" (Fatarib, 2014) which confirms that Islamic law has elasticity and becomes *Arguments* it even has relevance to contemporary issues such as the legitimacy of various clauses in the Universal Declaration of Human Rights or in the practice of business dispute settlement that has been regulated in Islamic law long before experts construct the formulation of the business dispute settlement.

The research is entitled Gender Equality in the Perspective of Islamic Law (Asniah et al., 2023) stated in the context of the Quran, Islamic law affirms that men and women have the same rights and obligations before Allah SWT. However, the interpretation of Qur'anic verses related to gender equality still causes differences of opinion among scholars. This study will objectively look at the relevance of Article 1 *The Universal Declaration of Human Rights* which guarantees independence and a position of dignity as well as equal rights between human individuals with the

perspective of Islamic law that comes with a vision of *rahmatan lil 'alamin* through the Prophet Muhammad SAW.

Research Methods

This study uses a descriptive research method of analysis which, according to Sugiyono, is a research method that has a function to describe the object of research through data or legal materials that have been collected as they are without conducting analysis and making conclusions that apply to the general public (Reusi, 2019). The legal research approach used is normative juridical, which is a legal research approach that refers to the provisions or norms of law and applicable laws and regulations or *law in abstracto* (Suganda, 2022).

The type of research data used is qualitative data in the form of secondary data, namely private, and public data, and data in the legal field, namely primary legal materials in the form of written regulations based on the hierarchy of laws and regulations, uncodified legal materials, jurisprudence, and treaties (Benuf and Azhar, 2020) as well as secondary legal materials that include books, scientific articles, journals, and literature relevant to the object of this research including tertiary legal materials consisting of non-legal sources that are also relevant in the context of this research (Nurhayati et al., 2021) with data collection techniques carried out by *Library Research* or literature studies (Saebani, 2024) and using data analysis with content analysis techniques (Surabangsa and Arifin, 2022).

Results and Discussion

The Universal Declaration of Human Rights (*UDHR*) has brought a positive gender equality paradigm, where every individual who is born has equality or equality without discrimination as an independent human being who has equal dignity, dignity, and position without discriminating between one individual and another. Article 1 of the Human Rights Code is at the heart of the world's commitment to ensuring gender equality which will be the basis for other provisions in the Human Rights Code, for example, Article 7 which regulates the equality of rights and position of everyone before *the law (equality before the law)*.

Islam is often perceived as a religion that is anti-gender equality because the Qur'an is firmly the main source of *Istinbath Al-Ahkam* acknowledging the existence of differences (*Distinction*) between men and women. However, this difference does not mean that it is a form of cynicism towards gender equality, because it can be said that there is a violation of gender equality when the difference discriminates against one gender so that it causes gender injustice in people's lives such as the process of economic separation (*marginalization*), the presumption is not important in issuing an opinion (*subordination*), negative labeling (*stereotype*), violence (*violence*), overloaded workloads and more (*Double Burden*) (Hafifi, 2024).

According to Ikmal, women have profiles and typologies such as Queen Balqis who has autonomous and independent power, Asiyah who has the ability and is critical of her husband Pharaoh, and Maryam who is a *single mother* who dares to oppose *public opinion*. Indeed, in general, Islam recognizes that there is a difference between men and women, but the difference is not to discredit the other party and benefit one party. The Qur'an acknowledges the existence of gender equality described in various verses of the Qur'an, equating men and women in various aspects, including the following:

1. Equality and equality as servants of Allah SWT

وَمَا خَلَقْتُ الْجِنَّ وَالْإِنْسَ إِلَّا لِيَعْبُدُونِ

Meaning: "I did not create jinn and human beings but for them to worship Me."
(QS. al-Dzariyat: 56)

2. Similarities as Caliph on earth

وَإِذْ قَالَ رَبُّكَ لِلْمَلَائِكَةِ إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً ۗ قَالُوا أَتَجْعَلُ فِيهَا مَن يُفْسِدُ فِيهَا وَيَسْفِكُ الدِّمَاءَ وَنَحْنُ نُسَبِّحُ بِحَمْدِكَ وَنُقَدِّسُ لَكَ قَالَ إِنِّي أَعْلَمُ مَا لَا تَعْلَمُونَ

It means: "And when your Lord said to the angels, "I want to make a caliph on earth." They said, "Do you want to make a man who destroys and sheds blood there, while we praise You and sanctify Your name?" He said, "Truly, I know what you do not know." (QS. al-Baqarah: 30)

3. Similarities in achieving high achievement

فَلَسْتَجَابَ لَهُمْ رَبُّهُمْ أَنِّي لَا أُضِيعُ عَمَلَ عَامِلٍ مِّنْكُمْ مِّمَّنْ ذَكَرٍ أَوْ أُنْثَىٰ بَعْضُكُم مِّنْ بَعْضٍ فَالَّذِينَ هَاجَرُوا وَأُخْرِجُوا مِنْ دِيَارِهِمْ وَأُودُوا فِي سَبِيلِي وَقُتِلُوا وَقَاتَلُوا لَأَكْفِرَنَّ عَنْهُمْ سَيِّئَاتِهِمْ وَلَأُدْخِلَنَّهُمْ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ ثَوَابًا مِّنْ عِنْدِ اللَّهِ ۗ وَاللَّهُ عِنْدَهُ حُسْنُ الثَّوَابِ

It means: "So their Lord granted his request (saying), "Verily, I do not waste the deeds of those who do good among you, both male and female, (because) some of you are (descendants) of others. So those who migrate, who are driven out of their homeland, who are hurt in My ways, who fight and who are killed, I will certainly erase their transgressions and I will certainly put them into the paradises under which the rivers flow, as a reward from Allah. And in the sight of Allah, there is a good reward." (QS. Ali Imran: 195).

In addition to the words of Allah SWT mentioned above, there are various hadiths that clearly and firmly state that women have the same rights as men in achieving many positions because gender differences do not automatically cause differences in rights (Arifin, 2018). Hadith is the second source of Islamic law in establishing the law, so it is also necessary to review gender equality according to the hadith of the Prophet Muhammad PBUH, for example in the following hadith:

كُلُّ مَوْلُودٍ يُوَلَّدُ عَلَى الْفِطْرَةِ، فَأَبَوَاهُ يُهَوِّدَانِهِ أَوْ يُنَصِّرَانِهِ أَوْ يمجِّسانِهِ أَوْ يُصْرَفَانِهِ

Meaning: "Every child is born in a state of fitrah (holiness). Then it will be the parents who will make the child a Jew, a Christian, or a Magi." (HR. Bukhari)

Contextually, the hadith states that human beings as individuals have limited authority to determine their life choices. The above hadith does not mean that children cannot individually choose their future life, every parental policy should have the approval of the child who will undergo the decision, because parents do not have full authority to determine the future of their children. In principle, everyone, including children, has the right to the protection which is the responsibility of parents as stipulated in Article 28B of the 1945 Constitution of the State of Indonesia, which reads "Every child has the right to survival, growth and development and the right to protection from violence and discrimination" (Nafiah and Kuncoro, 2023)

The story of Prophet Ismail when he was a child to be slaughtered or sacrificed by his father, Prophet Ibrahim in an effort to carry out the commands of Allah SWT is an example. The story provides a lesson that decisions taken by parents regarding the future of children must be discussed persuasively with children even though the command comes from Allah SWT. This story is immortalized in Surah Al-Saffat which is quoted as follows:

فَلَمَّا بَلَغَ مَعَهُ السَّعْيَ قَالَ يَبْنَئِي إِنِّي آزِي فِي الْمَنَامِ أَنِّي أَذْبَحُكَ فَانظُرْ مَاذَا تَرَى قَالَ يَا بَتِ افْعَلْ مَا تُؤْمَرُ سَتَجِدُنِي
إِنْ شَاءَ اللَّهُ مِنَ الصَّابِرِينَ

Meaning: "So when the child is able to strive with him, (Ibrahim) said, "O my son! In fact, I dreamed that I slaughtered you. Then think about what you think!" He (Ismail) replied, "O my father! Do what (Allah) commands you; God willing, you will find me among the patient people." (QS. Al-Saffat: 102)

In the context of this study, Article 1 of *The Universal Declaration of Human Rights* declares that all human beings are born in a free state and have the same dignity and rights as endowed with reason and conscience and must act towards

each other in a spirit of brotherhood. To see if there is any relevance between the declaration and Islamic law, it is necessary to at least look at how the Qur'an and Hadith are the main sources of law (Jamal, 2024) in determining or formulating Islamic law (*istinbat al ahkam*) in responding to the provisions in Article 1 *The Universal Declaration of Human Rights* aforementioned.

Various verses in the Qur'an have relevance and even strengthen or legitimize the existence of the clause of Article 1 of *The Universal Declaration of Human Rights*. The verses of the Qur'an that are specifically related to them are as follows:

1. Equality in freedom of choice of religion and belief

لَا إِكْرَاهَ فِي الدِّينِ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ فَمَنْ يَكْفُرْ بِالطَّاغُوتِ وَيُؤْمِنْ بِاللَّهِ فَقَدِ اسْتَمْسَكَ بِالْعُرْوَةِ الْوُثْقَى
لَا انْفِصَامَ لَهَا وَاللَّهُ سَمِيعٌ عَلِيمٌ

It means: "There is no compulsion in religion (Islam), in fact there is a clear (difference) between the right path and the wrong path. Whoever disobeys the Tagut and believes in Allah, then indeed, he has clung to a very strong rope that will not break. Allah is All-Hearing, All-Knowing." (QS. Al-Baqarah: 256)

2. Equality is endowed with reason and conscience

لَقَدْ خَلَقْنَا الْإِنْسَانَ فِي أَحْسَنِ تَقْوِيمٍ

It means: "Truly, We have created man in the best possible form," (QS. Al-Tin: 4)

3. Equality of dignity and equal rights (e.g. in the field of law)

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ وَلَا يَجْرِمَنَّكُمْ شَنَا نُ قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا إِعْدِلُوا هُوَ أَقْرَبُ
لِلتَّقْوَىٰ وَاتَّقُوا اللَّهَ ۗ إِنَّ اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ

It means: "O you who believe! Be you as an enforcer of justice for God's sake, (when) you are witnesses justly. And do not let your hatred of a people drive you to act unjustly. Be fair. Because (fair) is closer to piety. And fear Allah, indeed, Allah is Thorough in what you do." (QS. Al-Maidah: 8)

4. Equality acts towards each other in a spirit of brotherhood

إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلِحُوا بَيْنَ أَخَوَيْكُمْ وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُرْحَمُونَ

It means: "Indeed, the believers are brothers, so make peace between your two brothers (who are at odds) and fear Allah so that you may have mercy." (QS. Al-Hujurat: 10)

5. Equality as a noble being

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَىٰ كَثِيرٍ مِّمَّنْ خَلَقْنَا تَفْضِيلًا

It means: "And indeed, We have glorified the children of Adam, and We have carried them on land and the sea, and We have given them sustenance out of the good, and We have outnumbered them above the many creatures that We have created with perfect advantages." (QS. Al-Isra Verse 70)

Gender equality or equality where all human beings have the same dignity and rights is also found in a hadith that expressly shows the fairness of Islamic law and the nobility of Islamic law to maintain the nature of every human being without discriminating against someone based on any reason. One of the popular and very relevant hadiths with this provision is the firmness of the Prophet Muhammad PBUH in implementing Islamic law that is not blunt upwards and sharp downwards, namely:

حَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ الْمِصْرِيُّ أَنبَأَنَا اللَّيْثُ بْنُ سَعْدٍ عَنْ ابْنِ شِهَابٍ عَنْ عُرْوَةَ عَنْ عَائِشَةَ أَنَّ فُرَيْشًا أَهْمَهُمْ شَأْنُ الْمَرْأَةِ الْمُخْرُومِيَّةِ الَّتِي سَرَقَتْ فَقَالُوا مَنْ يَكَلِّمُ فِيهَا رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالُوا وَمَنْ يَجْتَرِئُ عَلَيْهِ إِلَّا أُسَامَةُ بْنُ زَيْدٍ حُبُّ رَسُولِ اللَّهِ فَكَلَّمَهُ أُسَامَةُ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْتُمْ فِي حَدِّ مِنْ حُدُودِ اللَّهِ ثُمَّ قَامَ فَاخْتَطَبَ فَقَالَ يَا أَيُّهَا النَّاسُ إِنَّمَا هَلَكَ الَّذِينَ مِنْ قَبْلِكُمْ أَنَّهُمْ كَانُوا إِذَا سَرَقَ فِيهِمُ الشَّرِيفُ تَرَكُوهُ وَإِذَا سَرَقَ فِيهِمُ الضَّعِيفُ أَقَامُوا عَلَيْهِ الْحَدَّ وَإِيمُ اللَّهُ لَوْ أَنَّ فَاطِمَةَ بِنْتُ مُحَمَّدٍ سَرَقَتْ لَقَطَعْتُ يَدَهَا قَالَ مُحَمَّدُ بْنُ رُمْحٍ سَمِعْتُ اللَّيْثَ بْنَ سَعْدٍ يَقُولُ قَدْ أَعَادَهَا اللَّهُ عَزَّ وَجَلَّ أَنْ تَسْرِقَ وَكُلُّ مُسْلِمٍ يَنْبَغِي لَهُ أَنْ يَقُولَ هَذَا

Means: "Muhammad bin Rumh Al Mishri narrated to us that Laits bin Sa'ad from Ibn Shihab from Urwah from Aisha was indeed anxious about what would happen to a woman of the Banu Makhmumiyah who had stolen. They said, "Who will talk about this to the Messenger of Allah?" Some people said, "Who else dares, other than Osama bin Zaid, the figure beloved by the Prophet?" Then Usama talked about it to the Messenger of Allah (peace and blessings of Allaah be upon him). So he said: "Will you intercede or forgive in the matter of hudud?" Then he stood up while making a speech, he said: "O people! Indeed, those before you have perished, because if a noble one among them steals, they let him go. But if one of them is weak among them steals, then they carry out the law of hudud. By Allah! If Fatimah, the daughter of Muhammad, had stolen, I would have cut off her hand myself." Muhammad bin Rumh said, "I heard Laits bin Sa'd say, 'Indeed, Allah has protected her (Fatimah) from theft.' So every Muslim should say something like this." (HR. Ibn Majah No. 2537) (Hadith of Ibn Majah Number 2537, t.t.)

Based on some postulates in the Qur'an and hadith that have been described above, the theory of *maqashid al-syari'ah* al-Syatibi, and the rules of *al Islam shalih li kulli zaman wa makan* can be seen that it turns out that the provisions of Article 1 of the UDHR have a very strong relevance to Islamic law. The norms that have been agreed upon in the declaration have been determined by Allah SWT through His

words and the words of the Prophet Muhammad SAW. Therefore, the negative stigma against some differences that position men and women in several aspects is the Almighty of Allah SWT who knows what *is mashlahat* for His created people. There is great wisdom from every *sunnatullah* that Allah SWT determines.

In terms of the difference in polygamy law, where men can have up to 4 wives while women can only have 1 husband. There is wisdom behind it all, including having more than 1 husband will make it difficult to determine the destiny of the child conceived by a wife which will cause chaos in the nasab even though the nasab should be maintained as regulated in the concept *maqashid al-shari'ah*. After all, the basic principle of marriage in Islamic law is monogamy, not polygamy (Jalaludin, 2023). Polygamy is a *Rukhsah* and solutions or legal circumstances are allowed when something happens and very specific conditions are applied. *musykil* That is, to be fair to all wives. Justice is something abstract that can only be felt by reason and conscience so that justice which is the goal of law enforcement will be achieved when the law is enforced by moral law enforcement officials (Wasitaatmadja, 2017).

Conclusion

This study concludes that there is significant relevance where Islamic Law strongly strengthens and provides *an argument* for the clause on the position of gender equality between individuals that has been formulated in Article 1 of the Universal Declaration of Human Rights. The existence of some conceptual differences between men and women in the perspective of Islamic Law is not discrimination against certain genders, the existence of these differences has placed each gender in a noble position based on its characteristics as conceptualized by Islamic law.

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