ISLAMIC LAW AND GENDER: THE COLLAPSE OF THE OLIGARCHICAL-PATRIARCHAL CULTURE IN THE KONAWE REGION OF SOUTHEAST SULAWESI

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Abstract

This article focuses on the efforts of women in the Konawe Region of Southeast Sulawesi who seek to gain an egalitarian position in the midst of oligarchical-patriarchal culture. Divorce claims as a trend of regional social become the main discourse on the dynamics of marriage law – in this context of Islamic law perspective. It is ordinarily for this research to use a qualitative approach aimed at forming substantive theories based on the concept of empirical data. The informants of this article were determined using a purposive technique, data collection techniques using in-depth interviews and participant observation, and the interactive model of Miles and Hubermann was used as a data analysis model. This research conclusively found that the power of oligarchic-patriarchal culture lies and legitimized by the interpretation of Islamic religious texts from the Qur’an and Sunnah. This effort also appears massive in the form of "rebellious" actions such as divorce to form an asymmetrical culture. This research examined this pattern in terms of asymmetric gender, namely the movement egalitarian of women who are incompatible with the ideals of male superiority in patriarchal-culture religion.

Keywords: Islamic Law, Gender, and Oligarchical-Patriarchal.

Background

This article outlines the dynamics of the women’s movement which is increasingly strong in demanding equality in the marriage perspective of Islamic law. In this context, as concluded by Dupret’s research, sometimes the methodology and epistemology used are able to transform the nature of legal cognition or even the law itself.¹ For example is, the basic clause of Malaysian Federal law and Islamic law is freedom of the supremacy of Human Rights (HAM) rather than religious freedom. But in the other side, it is inconsistent when following the plurality and exclusion of personal law through

the principle of equality.\(^2\) Nevertheless, Islamic law is still proclaimed as the "source of legal principles"\(^3\) and "the heart of Islam".\(^4\) In one of Gebara's research conclusions, it was said that independent legal reasoning (ijtihad) on Islamic law would be able to help Muslims live in a secular state.\(^5\) The consequence of Islamic law and social reality are two integrative entities that cannot be separated. In one of Abbasi's researches on the Islamic law which not only explores religious texts but also provides space for the flow of social-social transformation.\(^6\) On the one hand, as said in Taliaferro's research, the compromise between human law and God can be mediated through natural law as thought by Ibn Rushd.

Thus, the positional characteristics of the two entities (Islamic law and social reality) seem to be interrelated to continue to ignite the rules of human life. This humanitarian reality can be seen from the life patterns of the people of the Konawe Region of Southeast Sulawesi which collaborate Islamic rules with local cultural values. Certain contexts such as marriage are more focused on realizing the welfare order of women's lives. The kindness in Islamic law can not be separated from the basic concept and it becomes the focus of which should be realized, so the concept of objectification of the law of marriage needs one of kindness,\(^8\) or else the concept of *khulu*'.\(^9\) Therefore, the Konawe community continues to unravel the dynamics of social culture, especially in marriage based on the value of women's benefit.

That is the women's positions in the Konawe community in marriage not necessarily as objects that passively accept their condition. However, the women community in Konawe is able to position themselves as subjects who participate in determining the direction of her marriage. It is common for women in Konawe community to meet the right to divorce (*khulu*) as a solutive alternative to their disadvantaged condition. One of the problems is, they experience polygamous marriages that are unfair and lead to the desire of women to break away from the sacred bonds of marriage. Moreover, the principle of justice is very basic starting from pre-marriage,\(^10\) in marriage, to polygamy marriage.\(^11\) And the Indonesian people – read: the Konawe community- which are conservative as they still practice polygamous marriages;\(^12\) why polygamy still exists in the middle of society. Although in many regions, the practice of polygamy is not installed practicing until it is said to be an practice a-humanist, as concludes of Thobejane & Flora’s research;\(^13\) especially for women as


first wives\textsuperscript{14}. Therefore, as concluded by Nurmila's research, the practice of polygamy marriage must be done legally, because it will have implications for women's rights\textsuperscript{15}. However, when the egalitarian dimension was opened, it turned out to lead to destructive behavior, one of which was an act of terrorism as described in Fisher & Lee's research\textsuperscript{16}.

The reality of divorce in the Konawe community is based on the study of researchers of the Kendari Religious Court documentation between January to December 2019 there were 620 cases of divorce and 237 divorce cases. This dynamic arises in the midst of an oligarchical-patriarchal culture that has taken root in Konawe society. Strangely, the divorce case becomes an alternative-solution to the subordinative conditions of women in the Konawe community. Through this action, they try to get an egalitarian and humanist position based on their desire to be happy and find the essence of humanity.

Based on this context, this article focuses on the efforts of women in the Konawe community who are trying to get an egalitarian position in the midst of oligarchical-patriarchal culture. Therefore, divorce –read: a divorce claim- that is in the dynamics of Konawe Islamic social law became the main discourse of the effort. This research uses a qualitative approach that focuses more on the formation of substantive theories based on concepts that emerge from empirical data. The informants are determined by purposive techniques based on certain characteristics, namely: community leaders (such as Kiai (ustadz), women who are in the scope of polygamy (practitioners) and do divorce, as well as academics in claims the Konawe community. Whereas in collecting data using in-depth interview techniques and participant observation, as well as data analysis using the interactive model of Miles and Hubermann.

**Islamic Law in the Middle of Oligarchical-Patriarchal Culture**

Islamic law is a system of rules that covers all human behavior, both in human relations or human relations with God. That is, Islamic law is a hermeneutical discipline that explores and interprets revelation through tradition.\textsuperscript{17} This limit has similarities with the technical limitations of shar'i'ah as a system of divine legal norms that govern human relations with God, human relations with fellow human beings, relations human with objects in their environment. From this limit, there is still an overlap between Islamic law and the shar'i'ah and certainly cannot provide a concrete boundary between them. It is common for two terms for Islamic law to be used, namely shar'i'ah and fiqh. The use of this term raises the ambiguity of the notion of fiqh with shar'i'ah so that there are some people who have an opinion that Islamic law (fiqh) is or a group with shar'i'ah.

Indeed, there are also those in his analysis stating that a system of regulations that systematically outlines pious deeds or human behavior (Muslims) is called shar'i'ah. Thus it is very clear, at first the term shar'i'ah refers to the Islamic doctrine in totality and comprehensively, including the fields of aqeedah and morality. That is, shar'i'ah includes several dimensions which include the realm of law, morality, and aqeedah in Islam -it can be said to involve both exoteric and esoteric aspects at once. However, further


\textsuperscript{15}Nina Nurmi, ‘Polygamous Marriages in Indonesia and Their Impacts on Women’s Access to Income and Property’, al-Jami’ah: Journal of Islamic Studies, 54. 2 (2016), 427-446.


developments, the term has narrowed its meaning to the extent of religious doctrine concerning external (exoteric) matters, so that the notion of shari'ah becomes synonymous with fiqh (Islamic jurisprudence). On the one hand, this analysis provides the integration between shari'ah and Sufism in the Islamic teachings. This event seems to reveal that there is an "epistemological movement" which reduces the generosity of shari'ah as a comprehensive system (exoteric and esoteric) in the anatomy of Islamic teachings so that the narrowing of the meaning of shari'ah becomes an event that causes a dichotomy of dimensions in Islamic teachings, where the shari'ah is only understood as an aspect of Islamic law which is merely legal (exoteric dimension) which explains the procedure of worship and muamalah; while the esoteric side is not revealed in the sharia. This can be said to be an "epistemological ijtihad" in the history of Islamic thought, which today still feels a thrill.

Apart from that, factually the term fiqh as anatomy in Islam can be distinguished based on its generic side, namely; first, the term fiqh means understanding which is a supplement to the term of science (receiving lessons) on normative texts, namely the Qur'an, Sunnah or Hadith; second, fiqh and science both refer to an entity that is knowledge so that the two terms are to be identical to be attached; and third, fiqh means a type of discipline from types of Islamic knowledge or Islamic sciences. Whereas shari'ah - etymologically- can be interpreted as a straight path (al-Tariqah al-Mustaqimah); the source or flow of water used for drinking; or also stairs or terraced climb. From this side it can be said that shari'ah as al-thariqah al-mustaqimah is a basic need that will save and bring good to humanity; because in this context, religion provides instructions, paths, and signs that can lead humans to ultimate happiness. Sharia at this level is all the provisions of Allah -which is codified in the Qur'an and al-Hadith- for His servants which include creed, worship, morals and human life order to achieve human happiness in this world and the hereafter.

Therefore, women in the Konawe community consider that Islamic law -in this case of fiqh- is often positioned as a standard rule that is a taboo thing. The sacredity of fiqh that was built by women of the Konawe community also shifted the rationality of their religious actions towards an attitude of "resignation to accept". Although there are some people who realize the consequences of these conditions only barrier the progress of women themselves. One of them, the dominitive attitude of men towards women is very strong which is added by the existence of fiqh sacredity -which is gender-biased. It is natural for women of Konawe to be placed in marginal positions and be "subdued" through personal and communal oligarchical-patriarchal power relations. Such conditions are said in Nurmla's research as a result of the grip of a patriarchal culture that shapes religious understanding to the culture of a society. This is because the condition of the Konawe community is able to translate the values of religious humanism in their social acts of society such as placing women's rights and obligations in line with men. Whereas an egalitarian society is able to influence the level of equality in the distribution of work based on gender; this is what needs to be formed.

From this framework, it is very clear that the Shari'ah should be the path for watering, the clear path (light) that must be followed and the path that must take the believer to get guidance in this world and deliverance in the hereafter.\(^{23}\) This means that Islamic law should be an egalitarian humanist place so that it can illuminate power relations for women in the Konawe community. Thus, Islamic law in the Konawe community is positioned as a cultural legitimacy which in fact is more in favor of men. Theoretically, shari’ah refers to the commands, prohibitions, guidance, and principles that have been addressed by Allah to mankind relating to their behavior in this world and salvation in the hereafter\(^ {24}\) which are all codified in the Qur’an and al-Hadith. This line of thought is very clear that shari’ah is the laws that are instituted by Allah which are carried by one of His prophets. There are laws pertaining to how to do -referred to far’iyyah or amaliyyah collected in fiqh science- and related to trust –referred by ashliyyah or i’tiqadiyyah collected in theology.

From the differentiation pattern based on the generic side, the difference between fiqh and shari’a is very clear, especially in terms of breadth of scope. The term of shari’a refers to a form of a collection of laws which are 'amali' drawn from propositions sourced from the Qur’an and al-Hadith with a detailed and clear flow -the law in concreto. In bringing up these laws 'amali' there are attempts (ijtihad) carried out by the ulama’ through established methods such as qiyas (syllogism), hayan, nasibh mansukh, juristic preferences (istibdan), perceived continuity (istiishbah), and the rules of interpretation and deduction.\(^ {25}\) Even so with the Konawe community in issuing the laws based on methods that are commonly used by the salafus shalih. However, the interpretations of the texts are still gendering biased and tend to preserve lame power relations.

So the collection of laws obtained from normative texts (al-Qur’an and al-Hadith) through standardized rules apparently cannot bring about egalitarian legitimacy. In fact, the Konawe community further strengthens the oligarchical-patriarchal culture through the interpretation of shari’ah that is raised through Islamic law (fiqh). In this context Roibin’s research conclusions are very appropriate that religion is a subjective human authority communicated through syara'; this is the same meaning, religion is a subjective human action to follow syara'.\(^ {26}\) When the Konawe people translate shari’a in the form of Islamic law, the true subjectivity of the oligarchical-patriarchal motives cannot be separated from. It is precisely this aspect that underlies the emergence of gender-biased Islamic law so that the practice of polygamy marriage is a legal and common practice among Konawe people.

When the scope of operationalization has been mapped between shari’ah and fiqh, then the Konawe community prioritizes fiqh above the oligarchical-patriarchal culture. This phenomenon seems to have a space that includes all the actions of the Konawe community towards women. Patriarchal Islamic law regulates all dimensions of womanhood into various categories ranging from morals to other life settings such as daily behavior (eating, dressing, etc.). Thus, all actions considered as shari’i. Hallaq restricts as submissive to shari’ah regulations and therefore pronounced as law-the law becomes a legalistic moral order.\(^ {27}\)

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\(^{24}\) Kamali.


\(^{27}\) Wael B. Hallaq.
actions of the Konawe women community need to be in accordance with Islamic law of these gender biases.

Even the parameters of shari’ah action have an impact on the dichotomous separation of the roles of men and women so that the role is also contrasted in the public and domestic regions. It is natural that the teachings of the ulama' in the Konawe community tend to separate roles and locus very tightly. Even the role of women when entering the public sector is considered as an act that "deviates" or is categorized as "not shari'." In this context, religion is used as the legitimacy of interests based on the parameters of Islamic law as a result of their construction. Therefore, Konawe people emphasize normative obedience which is considered part of the oligarchical-patriarchal culture. Finally, this cultural construction will not be able to raise the potential and dignity of women. One of the conclusions of the research is that when religion becomes the domain authoritative of men, women do not have the power to bargain. Patriarchal religious beliefs, androcentric and sexism just given birth gender differences that lead to segregation and gender inequality.28

Nevertheless, the Konawe community understands that between shari’ah and fiqh -which in this context is interpreted as Islamic law (Islamic jurisprudence)- has the aim to manifest all forms of God's commands and prohibitions. Everything is codified in the Qur'an and al-Hadith, so that these texts become central in the emergence of rules for the members of the Konawe community. Although there is some scholars' Konawe community who consistently try to restore various aspects and dimensions to the outward meaning of the text or Islamic teachings. However, the interpretation of the texts which constantly wrestled with the culture of the Konawe community creates the real actions of the community. All oligarchical-patriarchal cultural constructions based on the legitimacy of religious reality that is designed in normative rules do have a noble purpose. That is, cultural actions that are wrapped in religious values have a transcendental purpose to get the divine pleasure that leads people to the ultimate truth (God). Therefore, in this context, a person can achieve the title of a Muslim which is a predicate for "the man who submits to Allah".29

Between Religion (Islamic Law) and Culture

Indeed, it can be said that law is a "mirror" of the order of a society. It functions to reflect and maintain the order of people's lives based on social ideals or religious. Therefore, every legal system will always stand on the relationship with the ideas, goals, and ideals of its people. Likewise, the existing order structure in the Konawe community stands on the basis of their ideas and ideals -the accumulation of ideas, goals, and ideals of the community gives rise to traditions (culture). As the conclusion of Muslimin’s research that the interpretation of shari’ah must refer to the norms of life that exist in tradition and local wisdom.30 This pattern becomes the consensus of the ulama' in bringing up "local fiqhi", as well as the syi'ah group who have the same view.31

The ideal ideas of the Konawe community which uphold the values of male superiority gave rise to an impartial Islamic legal system. The implication, women's potential is positioned as a subordinate object in the name of religion -which is codified in the local Islamic

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30JM. Muslimin, ‘Law and Culture: ‘Urf as a Substance of Islam Nusantara as Reflected in Indonesian
legal system. In this context, Rijal & Umiarso states that inequality between men and women arises due to the interpretation of normative-doctrinal religious texts that are misused to disturb women's sexuality so that it needs reconstruction in order to restore inclusive relations between genders who have egalitarian views.\(^\text{32}\) Clearly, hegemony of the oligarchical-patriarchal Konawe society culture give full potential of women, especially when entering into marriage. On the other side, the community also embraced patrilocal residency until relation was discovered a very strong patriarchal. Although, this unequal relationship tends to be baneful in women as in the workplace, as stated in the research findings of Adisa, et.al.\(^\text{33}\)

One of the Konawe community actions that perpetuate the nuances of injustice against women is polygamous marriage. It is through this principle of marriage that men's hegemonic actions toward women become stronger and more entrenched. The Konawe community considers polygamy marriage as an authoritative right for men which can be done at any time and without any procedural reasons. As a step to ask permission to the first wife to be given space polygamy; and if the polygamous husband is unable to treat his wife and children fairly, he tends to no have way out; and the psychological and social effects of polygamy on women and their children are relatively less noticed. Konawe community leaders themselves to the researchers stated if the Konawe community influenced by inferior views of women. It is undeniable that the legacy of oligarchical-patriarchal culture is strongly rooted in forming hegemonic actions.

In this context, Islamic jurisprudence–read: \(\text{fiq}^b\text{h-}\) which is applied by the majority of the Konawe community ultimately does not favor women. Instead, it is used as the legitimacy to "subdue" and "control" women, so that women's position is only an object of Konawe community action. When the researcher further asked one of the Konawe community leaders about the basic reasons for the cultural construction; they stated that due to the range of the historical development of Konawe society, men continued to occupy positions of "authoritative ruler" politically and intellectually, so that Islamic doctrine was interpreted and applied according to male interests. This reality has long been recognized by academics, as Kumari's article concludes that religion is used as a justification and perpetuation acts of violence against women. This model religion is a patriarchal legalist-formal religion.\(^\text{34}\)

In this context, the researcher found the culture of the Konawe community placing adult men in a very high position, most important and very central position, while women –read: wives- and children are positioned according to the pattern of male interests. That is, women are positioned as a complementary dimension that has the task of assisting and serving their husbands in the domestic and public sphere. The position and role of these women in the Konawe community are considered to be natural facts which cannot be exchanged and changed. This has contributed to building a gender-biased and impartial understanding of religion. Even in the research of Perales & Bouma’s found that patriarchal beliefs are the substance of inequality in the household; even religion still mediates gender relations.\(^\text{35}\) Clearly,


culture and religion have a close relationship creating patterns and systems of the relationship of life between men and women.

The Konawe community itself views Islamic law as a driving force or religious preference of creating a good society and having values and norms. It is natural that the Konawe community positions Islamic law integrated into their life patterns that are united with ideas, goals, and ideals. The implication of the community’s oligarchical-patriarchal value system Konawe remains sustainable binding on the daily actions of the Konawe community. Therefore, in Sudarso’s research said, patriarchal culture is entrenched through religious dogmas and has become a way of life and a code of ethics of community life. Islamic law is finally more operationalized to strengthen the cultural roots of men over women. Tragically, one of the local religious leaders considers Islamic law to position women below men as supremacy. In fact, it is said, women are only entitled to regulate the house and are required to be in the house; whereas men themselves have the authority to be outside the home and regulate public affairs.

The Konawe community itself is a religious community that is very obedient to leaders’ religious fatwas. The form of obedience is represented by the attitude that places the fatwa as a normative reference and is the main foothold in solving social religious problems. Therefore, one factor, Konawe people will follow the fatwa when positioning women starting from discriminatory, liberation, or humanist. Finally, it cannot be denied that religious understanding -Islamic law- Konawe society when placing women appears based on the authoritative interpretation of religious figures. This is preserved by the Church in the context of African Christians itself, as described in Wood’s research. The characteristics of the Konawe community –moreover it has the same pattern with the Madurese-the Warits’ research concludes that the liberation of women from discriminatory attitudes can begin from building interpretations that are women-friendly.

The confusion of women in the Konawe community finally has a vast opportunity for men to lead her. One of them is legally mastering through polygamous marriage. It is common to find men in the Konawe community have three, four or even five wives. They feel proud of the achievement if they have more than one wife; even they will automatically be seen to have advantages, i.e: he can be said to be physically strong, he can be declared rich economically, and sociologically he is seen as having a charismatic leadership spirit. However, this dominance actually led to an imbalance of relations between men and women that harmed women biologically, psychologically and economically. Psychologically, in Ibiloglu’s research, it is find that in the context of polygamy, the sense of worry, fear, and anxiety of women is higher than the context of monogamy. Even male economic domination is even more detrimental to women; as Bohorquez et.al ’s research concludes that increasing the income of women in rural areas actually reduces domestic violence or vice versa.


The Collapse of the "Might" of Oligarchical-Patriarchal Culture

This domination, especially the dominance of the husband over his wife in polygamous marriages, is actually very detrimental to women. One of them - and is often done by the male-talaq rights which are on the male side are dropped according to his ego. This male domination finally gave rise to the self-awareness of women from the Konawe community who were trying to get out and find their identity. This means that women from the Konawe community position themselves more egalitarian in the domestic and public sphere. The egalitarian role of women in the Konawe community has been considered an ideal action at this time. Even though it is still firmly rooted in some members of the community, the Konawe legality action is deemed incompatible with the culture. Therefore, there are those who began to refuse along with the movement of the emancipation women's Konawe community.

As the rejection was swift, the involvement of women Konawe in the domestic and public domain increased revolutionarily. Even now, their involvement in the public sphere is plural and has been hereditary. Not surprisingly, polygamous marriages at this time do not show an upward trend and instead show a declining graph. Even now the response of the Konawe community regarding polygamy has been the same as the majority of other Indonesian people who have a multi-perspective interpretation pattern, including accommodative groups (textualist), not accepting or rejecting (semitextualist), and rejecting (contextualist), such as mentioned in Nurmila's research. This phenomenon indicates that the Konawe community is experiencing a cultural transformation towards an egalitarian gender. Therefore, this action shifts the authority of men's roles in the domestic sphere as authoritative patrons and begins to compete with the dominance of men's roles in the public sphere.

These efforts were massive in the midst of the Konawe community in the form of "rebellious" acts such as divorce, especially by polygamous wives. Gradually the oligarchical-patriarchal culture is shaken by the status quo, urged by the egalitarian actions of women who carry asymmetrical cultures. The emergence of cultural pounding was inevitable because the Konawe community for generations has been gripped by a culture of gender bias shocked by the new culture. It is common if Konawe people do not really have a match between action and orientation with a new set of norms. Moreover, the egalitarian movement of Konawe women's community which has no element of conformity with the ideals of male superiority in the patriarchal-religious culture - the women's egalitarian movement by researchers is termed asymmetric gender.

In the researcher's observations, the phenomenon emerged based on three female awareness, including: first, socio-psychological awareness; is a form of desire to get the order of egalitarian life in the domestic and public domain -read: in the midst of the social relationship. This is reasonable for women of the Konawe community to create their own space in the social reality. In Tlaiss & Kauser's research, it is said that women are able to build leadership and self-identity in the midst of patriarchal culture, even in the face of gender ideology. In fact, women have the ability to increase their potential and compete with men.

Second, ideological awareness; is the awareness that leads to the liberation side of women. The emergence of this awareness always fosters a critical attitude towards their life path. Moreover, with the increasingly damaging world ideologies such as

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neoliberalism which gave rise to exploitative, hegemonic, and hedonic attitudes and paradigms. Therefore, dominative actions that can get "satisfiers" of personal and community interests become a common thing to do. As happened in the Konawe community, men massively carry out hegemony and exploit in the name of culture legitimized by Islamic law. Through this paradigm, it is natural that men maintain their status quo superiority over women, so that exploitative and pressures hegemony of women form habits that are legitimized by cultural values and norms (or even normative-transcendental values such as religion). However, various interests ideological will later influence the domestic circle (family), as Devika said in his research, the hybrid is "glocally generated".43

And the third, religious awareness; that is, a form of enlightenment of women towards their religious understanding, so they want to get theological recognition like a male figure. During this time, they are immersed in fatwas of the Islamic law that are gender-biased; so that it does not appear in the study of the basic and fundamental objectives of shari’ah (al-maqashid al-shari’ah). Even though this fatwa was born from oligarchical-patriarchal cultural norms that had deeply rooted become into an ideological and paradigmatic umbrella of scholars' knowledge of the Konawe community. Winkel in the introduction to the Journal of Contemporary Religion when describing the relationship between religion and gender; he suggested a theoretical approach that was sensitive to culture by drawing on a phenomenological understanding of culture based on the production of knowledge and meaning through the dimension of rationality.44 Thus, the flow of socio-cultural transformation that continues to roll needs to get space to also influence the construction of knowledge and meaning. This fact really needs to be revealed and reconstructed parts of the Islamic law that are gender-biased and contain elements outside the nature of humanity and/or even that are outside the will of God himself.

It is this awareness that drives the Konawe women to move to break challenge and down the “milestone” of oligarchic-patriarchic culture. The emergence of a movement asymmetrical gender in the middle of this culture will massively encourage the creation of efforts to reinterpret religious texts –read: shari’ah. The implication is that there will be a new formulation and/ or compilation of Islamic law that is egalitarian looking at women. At this time there has also been a movement to question the normative nature and also to rethink the basic assumptions and models of interpretation of the ethics of traditional Islamic law, as stated in Duderija's research.45 In Rokhmad & Susilo's research also concluded, the reconstruction of the authority of the modern Islamic Family law needs to start from the certainty of equal rights of women in the legal and judicial aspects. Therefore, this effort requires the involvement of women in accordance with the potential in public policymaking, also in family law.46

That is, asymmetric gender is a movement that opens opportunities for women to position the same as men in the middle of oligarchical-patriarchal culture. On the other side, he also opened the boundaries of the differences between men and women so that in the view divided of Islamic law they were more likely to be. It cannot be denied, that ultimately culture

I oligarchical-patriarchal which is legitimized by Islamic law biased gender will expand and shape a humanist culture, egalitarian, and liberated towards women.

Conclusion

From these descriptions, people who have a strong culture will not be separated from continuous transformation. Similarly, the oligarchical-patriarchal culture is still in the current line of transformations that arise due to the social norms of gender-biased, inequality of relations between men and women, and to exploit the potential of women. This culture grows and develops legitimized by shari’ah interpretation -which also, on one hand, creates gender-biased Islamic law. However, when there was a massive movement in the form of an asymmetrical gender movement, a shock occurred which caused the collapse of the oligarchical-patriarchal cultural might. The implication, a progressive effort that questions the basic assumptions and models of interpretation ethics of Islamic legal as a pillar of egalitarian culture. This effort needs to use a theoretical approach that is sensitive to local culture by providing a picture of phenomenological understanding that will produce knowledge and meaning through the dimension of rationality.

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