

Women's Nature in the Integrity of the Household from the Perspective of Islamic Law and Gender Equality

Khusni Alfiyan

Faculty of Law, Sultan Agung Islamic University, Semarang, Indonesia, E-mail: khusnialfian42@gmail.com

Abstract. *Realizing a happy marriage can of course be created with cooperation between men and women. Human nature was created to worship God, and marriage is a means to worship God. The nature of women in the household is of course the subject of discussion in this case, because many people think that households are unhappy if women cannot have the potential according to their nature. This research aims to find out what women's nature is according to the perspective of Islamic law and gender equality and women's nature towards the integrity of the household in terms of Law No. 1 of 1974 concerning Marriage. This research uses a normative juridical research method, research carried out with a methodical approach based on the main legal materials by examining theories, concepts, legal principles and laws and regulations related to this research. The research specifications are descriptive in nature. analytical, the type and source of data is secondary data, the data collection method uses the library method and the data analysis method uses qualitative data analysis methods. In the research, it was found that the nature of women in domestic life according to the Islamic perspective on justice is that women have a nature that can contribute to the sustainability of household happiness through the rights and obligations that have been determined if the husband has the obligation to earn a living, guide his wife, protect her. Likewise, the wife has the obligation to manage the household, maintain her husband's honor and look after her husband's assets. Apart from that, the natural role of women in the household is reviewed from Law No. 1 of 1974 concerning Marriage, which states that women build a family together. A happy, sakinah family life together with their husband is mutually complementary, fair and balanced according to the rights and obligations between husband and wife so that they can create a household that is harmonious, peaceful, eternal and lasting forever. As has become the goal of marriage and domestic life itself.*

Keywords: *Equality; Gender; Islamic; Women.*

1. Introduction

In the opening of the 1945 Constitution of the Republic of Indonesia acknowledges that Indonesia is a country based on law. It is explained in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states: The Republic of Indonesia is a country based on law. This means that a country based on law means that all actions of state administrators and citizens must be in accordance with applicable legal regulations.¹then a country must have clear laws in order to regulate the lives of the people. Law in Indonesia regulates relations in the public and private spheres which are called public law and private law.

Public law is a law that regulates all public interests or general interests, while private law is a law that regulates relations between individuals. In private law, one of them regulates marriage which is regulated in the Republic of Indonesia Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage, namely Marriage is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family or household based on the Almighty God.²

Marriage according to Islamic Law is marriage, namely a very strong contract or *mitsaqan ghalidzan* to obey Allah's command and carry it out is an act of worship and the purpose of marriage according to Islamic Law is to create a household life that is *sakinah, mawaddah, and rahmah*.³

Women in all their positions and conditions have always been an interesting object of discussion for many groups, from scientific to non-scientific. It is proven that there are many works that are specifically published with women as the object of discussion. In the Middle East there are figures such as Dr. Yusuf Qardhawi, Abbas Mahmud Al 'Aqad, and Sheikh Muhammad Ghazali who have special attention to women with several of their works that highlight the lives of women both in terms of humanity and religiosity.⁴

The nature of women has become an important topic in discussions about women or about gender in general.⁵Women by their nature as stated in the Big

¹Muchamad Ali Safa'at, 2016, Legal State and Democracy Education Module, Constitutional Court, Jakarta, p. 16.

²Article 1 of Law Number 1 of 1974 concerning Marriage

³Ministry of Religion of the Republic of Indonesia, 2018, Compilation of Islamic Law in Indonesia, Jakarta.

⁴Zulfahani Hasyim, 2012, Women and Feminism in Islamic Perspective, Muwazah, Vol. 4. No. 1 July

⁵Kusmana, 2014, Weighing the Nature of Women between Cultural Values and Categories Analysis, Reflection, Vol. 13 No. 6 April

Indonesian Dictionary, which defines women as people (humans) who have vaginas, can menstruate, get pregnant, give birth to children, and breastfeed.⁶

The study of women today is rich and broad. It is discussed in studies from the perspective of human civilization in general, culturally and politically, seen from the perspective of democracy, human rights, feminism and gender. Of all these perspectives, the perspective of nature is among those that have not received adequate attention. Generally, discussions of women's nature are read in an essentialist manner, criticizing the perception and practice of understanding women's nature that is constructed, in order to support the methodology they offer. What is missed here is what actually happens in the reality of everyday human life from the phenomenon of their perception of nature and how this perception affects women's involvement in various social activities.⁷

Women are considered second-class human beings who have no rights, contributions, and roles in society. Women are only burdened with household obligations and childcare. However, the first movement against the inferiorization of women was not in the West. Historical facts and data can prove it. With objective history, we can prove that Islam was much earlier in moving to explain the equality of rights and obligations between men and women. Long before Lady Mary Wortley Montagu and the Marquis de Condorcet echoed the movement for equality of rights and obligations between men and women, the Qur'an and the Prophet Muhammad and his teachings had already discussed the problems of women and their equal rights specifically and in detail. Even more than that, Islam tries not only to equalize rights and obligations, but also tries to return women to their natural state as women and humans. As explained in the Qur'an.⁸

﴿ فَأَقِمْ وَجْهَكَ لِلدِّينِ حَنِيفًا فِطْرَتَ اللَّهِ اللَّهُ ذَا الَّذِي لَدَيْهِ الْقِيَامُ وَلَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ ۝ ٣٠ ﴾

Meaning: "So face your face straight towards religion (Allah); (remain on) the nature of Allah who has created humans according to that nature. There is no change in the nature of Allah. (That is) straight religion; but most people do not know," (QS. Al-Ruum [30] : 30)

The Quran as the main reference for Islamic society, basically acknowledges that the position of men and women is equal. Both were created from one source, which has no superiority over the other. Even in Islamic marriage, it actually has the characteristic of not combining the assets of husband and wife. The wife has

⁶ Suryani Jihad, "A Woman's Nature Towards Career, Household and Education," *An-Nisa* 11, no. 1 (2019): 324–34, <https://doi.org/10.30863/an.v11i1.299>.

⁷ Kusmana, 2019, *The Nature of Women in the Qur'an: A Constructivist Reading*, Ilmu Ushuluddin, Vol. 6 No. 1 January

⁸ Zulfahani Hasyim, 2012, *Women and Feminism in Islamic Perspective*, Muwazah, Vol. 4. No. 1 July

a legal status and is free to fully manage her assets, which means she may receive and spend her own assets without her husband's consent.⁹

Household life has a husband-wife relationship that is contextual and has the concept of monotheism which shows a vertical relationship between husband and wife and their God, without intermediaries including their partners, while the husband-wife relationship is horizontal, where both are equal.¹⁰ However, Indonesian society strongly believes that a woman has the nature of being a housewife, who only takes care of household affairs, does not need to interfere in other matters other than those in the household. Because for them, being a housewife is nature.¹¹ Meanwhile, according to the author himself, a Fitrah or Nature is something that is possessed by creatures since birth, the fitrah or nature of women according to the author is something that women have since birth, such as having female reproductive organs, namely the vagina, which has the potential to become pregnant, menstruate and give birth, besides that the nature of women is to have mammary glands so that they have the potential to breastfeed.

In their daily lives, people believe that women must carry out their natural role as housewives, but as time goes by, people realize that women do not have to be at home as housewives. Women have the right to work and do whatever they want without reducing their duties or obligations as wives and housewives.

The higher education that women have received until now has brought the idea that women do not have to be captains or even those responsible for domestic affairs of the household, but women can play a dual role in their contribution to the household, women can be something they want without reducing their responsibilities as wives and housewives. In terms of reason and religion, every human being, male or female, is given the same opportunity. However, both are created with different natures.¹²

Social practices that have been in place in society, wives or women are responsible for educating children, guarding the house and this has become a habit. By itself, this habit becomes a norm and cultural value that also practices the sunnah. The sunnah is constructed with cause and effect that forms the logic of the narrative of social practices. Taking care of children is said to be the nature of women, the Qur'an has indicated that taking care of children is a sunnah

⁹Rifai Shodiq Fathoni, 2020, Domestication of Women in the Transnational Islamic Movement in Indonesia 1998-2016 AD, *Jurnal Wanita & Keluarga*, Vol. 1. No. 1 July

¹⁰Septi Gumindari, Ilman Nafi'a, 2020, Mubadalah as an Islamic Moderating Perspective Between Gender and Patriarchal Regimes in Building Family Resilience, *Jurnal Penelitian*, Vol. 17. No. 2

¹¹Fatimah Nurazizah, 2020, The Nature of Women and Gender Equality According to Zaitunah Subhan in the Interpretation of Hatred (Study of QS. Al-Hujurat: 13), Thesis of the Faculty of Ushuluddin and Islamic Studies, UIN North Sumatra Medan

¹²Ibnu Hajar Ansori, 2018, Reason and Religion of Women (Perspective of the Prophet's Hadith and Psychology), *Universum Journal of Islam and Culture*, Vol. 12. No. 1 January

because women can get pregnant and give birth and are given breasts to breastfeed their children.¹³

Biologically (naturally) women with their reproductive organs can get pregnant, give birth and breastfeed, then the gender role becomes a caregiver, nurse, and educator that places this as the nature of women, moreover then many are not appreciated and not even considered as a devotion. Even sadder, the work is mostly done by working women which creates a double burden (inside and outside the home) for them. If women want to be active outside the home which is considered a man's activity, then this is considered contrary to the nature of women themselves. What is even sadder is when women with all their nature are not appreciated and even put in second place to almost not be considered as women because the nature of women which with certain circumstances causes them to not have the potential or even cannot become women who can get pregnant, give birth and breastfeed, this is certainly something very ticklish for us even for women, especially wives and housewives. In order to maintain the honor and respect for husbands and wives in the household, we need to study more deeply about the roles, nature of husbands and wives by paying attention to or equalizing gender so that a harmonious family is created.

Gender is the nature of men or women that is constructed socially, culturally and sexually (gender differences). More precisely, gender is the differentiation of roles, status and division of labor made by society based on gender.¹⁴

Relative and contextual gender is a social phenomenon. Where gender differences are due to socio-cultural differences that ultimately give birth to gender roles based on sex. In the academic realm, this gender role is based on the fact that this gender role differentiation is a historical product that needs to be changed so that there is no more understanding of discrimination and dominance of one sex.

Islam pays great attention to the concept of balance, harmony, and alignment. So that all are equal, and none are unbalanced. The concept of gender relations in Islam regulates more the pattern of human relations (microcosm) with nature (macrocosm) and Allah SWT, as well as gender in society. Thus humans are able to carry out their duties as khalifah fil ardl.

Gender as an analytical concept is very important to study gender as a socio-cultural phenomenon. A researcher uses gender ideology to reveal the division of roles based on gender, he uses a gender perspective that emphasizes aspects of equality even though it is sometimes biased.¹⁵

¹³Ratna Sapatri and Brigitte Holzner, 1997, *Women and the Work of Social Change*, An Introduction to Women's Studies, Graffiti and Kalyanamitra, Jakarta. p. 16

¹⁴Listiani et al., 2018, *Gender and Rural Women's Communities: Real Conditions Occurring in the Field*, BITRA Indonesia, Medan, p. 55

¹⁵Fatimah Nurazizah,

The many stigmas and thoughts of society that women's nature cannot provide potential (pregnancy, childbirth, and breastfeeding) for women so that women are considered second-rate compared to women who can get pregnant, breastfeed and give birth, not infrequently households are destroyed due to women's nature problems such as husbands who cannot accept that their wives cannot get pregnant then the household is destroyed, this is an urgency for the author to raise in order to appreciate and respect women so that they still feel like women in their nature. This is what the author found to be the background and reason for the author in choosing the research title "Women's Nature in Household Integrity from the Perspective of Islamic Law and Gender Equality".

2. Research Methods

This research is normative juridical, namely, research conducted with a method approach based on the main legal material by examining theories, concepts, legal principles and laws and regulations related to this research. The data that has been obtained then uses the normative juridical method, namely an approach based on legal materials with the method of examining theories, legal principles to laws and regulations related to this research. The focus of this research also uses an approach by examining library materials, by examining books, journals, legal literature and other documents related to the research. This research is descriptive analytical, namely, describing the data that has been obtained then analyzed and described in the discussion. This research will describe the influence of women's nature on the integrity of the household.

3. Results and Discussion

The Qur'an does not explain in detail about nature, in QS Ar-Rum it is explained that Allah created humans based on their nature.

فَأَقِمْ وَجْهَكَ لِلدِّينِ حَنِيفًا فِطْرَتَ اللَّهِ God willing اللَّهُ الَّذِي دَلَّكَ الدِّينَ الْقَيِّمَ وَلَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ ٣٠

It means:

So, face your face straight towards the religion (Islam according to) the fitrah (of) Allah who has created humans according to that (fitrah). 588) There is no change in Allah's creation (that). That is the straight religion, but most people do not know.

588) The meaning of Allah's nature in this verse is the creation of Allah SWT. Humans were created by Allah SWT with a religious instinct, namely the religion of monotheism. So, humans who turn away from the religion of monotheism have deviated from their nature.

Islamic law is a law derived from the Islamic religion, namely the law revealed by Allah for the benefit of His servants in the world and the hereafter. Islamic law is sharia which means the rules made by Allah for His people brought by a Prophet SAW, to regulate matters related to beliefs (aqidah) and laws related to amaliyah (deeds) carried out by Muslims.

Fitrah in this case is something that has been determined by Allah to His creatures. Humans can be said to be male or female can be seen from their gender. And basically all humans are created by Allah with the same fitrah, namely to be religious or monotheistic or to worship Allah, thus in their creation women and men have the same fitrah or nature since birth.

The nature of women here means that women have different natures or determinations with men as individuals, including the physical form of women's bodies, the potentials that exist in women and women's behavior both inside and outside the household.

How women behave or act in the household has been explained in the Qur'an, and the position of men is explained in QS An-Nisa verse 34.

اللَّهُ بِعَصْمِهِمُ God willing, God willing, God willing, God willing, God willing
 فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاصْرِيُوهُنَّ ۚ فَإِنْ
 أَطَعْتَكُمْ فَلَا تَبْغُوا ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا ٣٤

It means:

Men are responsible¹⁵⁴ for women because Allah has made some of them excel others and because they spend of their wealth. The righteous women are those who obey (Allah) and guard themselves in (their husbands') absence because Allah has protected (them). As for those women about whom you fear nushuz,¹⁵⁵ give them advice, leave them in their beds (separate beds), and (if necessary,) beat them (in a way that is not painful). But if they obey you, do not seek to cause them trouble. Indeed, Allah is Most High, Most Great..

154) As head of the family, the husband is responsible for protecting, caring for, taking care of and seeking the welfare of the family.

155) The meaning of nusyuz is the act of a wife abandoning her obligations, such as leaving the house without her husband's consent.

Judging from the explanation of the Qur'an above, it is clear that the position of men is above women. However, what is meant here is that men are the heads of the family. The Qur'an as the main reference for Muslims basically recognizes that the positions of men and women are equal. This can be seen from the explanation of the Compilation of Islamic Law Article 79 paragraph 2 which reads "The rights and position of the wife are balanced with the rights and position of the husband in household life and social life together in society"

Islamic law explains that a man's natural role in a household is to be the head of the family. Based on the explanation in the Compilation of Islamic Law and according to the Qur'an, it can be interpreted that women have a natural or nature as wives or followers of their husbands or men.

Women were created according to their biological nature according to the Qur'an, which can be seen from the physical form of their bodies, namely that

women have a different body shape from men, women have special features in the form of the uterus and mammary glands, which from these special features will provide potentials that men do not have, namely pregnancy, breastfeeding, menstruation and childbirth.

To create a household life that is peaceful, loving, and compassionate, as well as happy and eternal, a husband and wife must understand each other's strengths and weaknesses, and must also know their rights and obligations and understand their respective duties and functions which must be carried out with full responsibility.

In household life, men or husbands and women or wives have their respective rights and obligations. In the Qur'an, marriage is explained with *mitsaaqan ghalidzan*, a very strong promise. This implies that marriage is a serious agreement between the groom (husband) and the bride (wife). Therefore, the marriage that has been carried out must be maintained. In the relationship between husband and wife in the household, the husband's rights are obligations for the wife, conversely the husband's obligations are rights for the wife. The husband's obligations to his wife can be divided into two parts:

1. Material obligations

The husband's material obligation to his wife in addition to the dowry he gave at the time of the marriage contract is *nafaqah* in the form of food, clothing and shelter. The size of the provision of sustenance is according to the husband's ability.

2. Obligations that are not material in nature

Having sex with his wife properly and appropriately, protecting her from anything that might involve her in committing sins and immoral acts or being beset by difficulties and dangers.

3. The wife's obligations towards her husband which are the husband's rights over his wife are:

Having sex with her husband properly according to her nature, being obedient and obedient to her husband as long as her husband does not order her to commit immoral acts, taking care of herself and guarding her husband's property when her husband is not at home, keeping herself away from all actions that her husband does not like, and keeping away himself from showing a face that is unpleasant to look at and a voice that is unpleasant to hear.¹⁶

In running a harmonious household, husband and wife have their respective rights and obligations. As explained in the Compilation of Islamic Law in Chapter XII article 77, the rights and obligations of husband and wife are:

¹⁶Amir Syarifudin. 2003. *Outlines of Fiqh*, Prenada Media Jakarta, pp. 119-123

1. Husband and wife have a noble obligation to uphold a household that is peaceful, loving and compassionate, which is the basic foundation and structure of society;
2. Husband and wife must love each other, respect each other, be faithful and provide physical and spiritual support to each other;
3. Husband and wife have the obligation to raise and care for their children, both in terms of their physical, spiritual and intellectual growth and their religious education;
4. Husband and wife are obliged to maintain their honor;
5. If a husband or wife neglects their respective obligations, they can file a lawsuit with the Religious Court.

In the Compilation of Islamic Law, articles 78 and 79 also explain that:

1. Husband and wife must have a permanent residence.
2. The residence referred to in paragraph (1) is determined jointly by the husband and wife.
3. The husband is the head of the family and the wife is the housewife.
4. The rights and position of a wife are balanced with the rights and position of a husband in domestic life and social interactions in society.
5. Each party has the right to take legal action.¹⁷

Meanwhile, regarding the husband's obligations in the Compilation of Islamic Law, this is explained in Article 80 paragraphs (1-4), namely:

- 1) The husband is the guide for his wife and household, and important household matters will be decided by the husband and wife together.
- 2) A husband is obliged to protect his wife and provide everything necessary for household life according to his ability.
- 3) A husband is obliged to provide religious education to his wife and provide the opportunity to learn knowledge that is useful and beneficial for religion, country and nation.
- 4) In accordance with his income, the husband is responsible for maintenance, kiswah and residence for his wife, household expenses, care and medical expenses for his wife and children, and education costs for the children.¹⁸

The rights and obligations of husband and wife according to Law No. 1 of 1974 concerning Marriage in Chapter VI in article 30 which clearly states that "Husband and wife bear the noble obligation to uphold the household which is the basic foundation of the social structure." Likewise, it is explained in article 31 which states that:

¹⁷Compilation of Islamic Law

¹⁸Compilation of Islamic Law

- 1) The rights and position of a wife are balanced with the rights and position of a husband in domestic life and social interactions in society.
- 2) Each party has the right to take legal action.
- 3) The husband is the head of the family and the wife is the housewife.¹⁹

And in article 34 it explains the rights and obligations of husband and wife, namely:

- 1) A husband is obliged to protect his wife and provide everything necessary for household life according to his ability.
- 2) A wife is obliged to manage household affairs as well as possible.
- 3) If a husband or wife neglects their respective obligations, they can file a lawsuit with the court.²⁰

The natural privileges that each has lead to differences in the main functions and roles required of men and women. Islam requires men as husbands to fulfill the needs of their wives and children. But this does not mean that women as wives are not morally obliged to help their husbands earn a living.

Based on their individual natural privileges, women are given the responsibility to educate their children, but it also needs to be emphasized that educating children is not only the mother's job, but also that of the father. Even in his book, Nasaruddin Umar said that he did not find a single verse in the Koran that explicitly ordered women to educate their children, but fathers were the ones who were ordered to care for or protect their families from everything that could plunge them into the abyss of destruction.²¹

Mothers are encouraged to breastfeed their children, but for this purpose the father is obliged to fulfill his wife's needs, and the father is even burdened with "paying" the mother for breast-feeding, if the mother asks for wages at a reasonable level. In the Qur'an we find a description of the role of fathers in educating their children, this is explained in QS Luqman verses 13-15:

وَأذْ قَالَ لُقْمَانُ لِابْنِهِ وَهُوَ يَعِظُهُ يَا بُنَيَّ لَا تُشْرِكْ بِاللَّهِ إِنَّ ۖ وَوَصَّيْنَا الْإِنْسَانَ بِوَالِدَيْهِ حَمَلَتْهُ أُمُّهُ
 وَهُنَّ عَلَىٰ وَهْنٍ وَفِصَالُهُ فِي عَامَيْنِ أَنِ اشْكُرْ لِي وَلِوَالِدَيْكَ إِلَيَّ الْمَصِيرُ ۙ ۱٤ وَإِنْ جَاهَدَاكَ
 فِي الدُّنْيَا مَعْرُوفًا ۖ فَاتَّبِعْهُمَا ۗ وَصَاحِبُهُمَا
 willing, God willing, God willing, God willing, God willing
 God bless you فَأَتَّبِكُمْ ۗ God willing

It means :

13. (Remember) when Luqman said to his son, when he advised him, "O my son, do not associate partners with Allah! Indeed, associating partners with (Allah) is truly a great injustice."

¹⁹Article 31 of Law Number 1 of 1974 concerning Marriage

²⁰Article 34 of Law Number 1 of 1974 concerning Marriage

²¹Nasaruddin Umar. 1999. Arguments for Gender Equality from the Perspective of the Qur'an, Paramadina, Jakarta, p. 35

14. *We entrusted mankind (to do good) to his parents. His mother conceived him in increasing weakness and weaned him in two years. 598) (Our Testament,) "Give thanks to Me and to your parents." Only to Me (you) return.*

598) The latest time to wean is when the child is 2 years old.

15. *If they compel you to associate Me with something of which you have no knowledge, obey them not, but deal with them in the world in a good manner and follow the way of those who turn to Me. Then to Me you will return, and I will tell you what you used to do.*²²

In a household, the husband carries out the responsibilities given by Allah to fulfill his wife's rights, and vice versa, the wife also carries out the duties given by Allah in fulfilling her husband's rights. Each party carries out tasks in the family according to their functions. This pattern of interaction is expected to create a harmonious and calm atmosphere for the family. The division of roles or rights and obligations becomes proportional, both help each other with full awareness to hope for Allah's pleasure. Thus, the responsibilities carried out by men and women in running a household have the same level of justice, fulfilling each other's rights according to their portion or according to their respective natures.

In this case, it can be understood that the wife has a natural right in household life to maintain the honor of her husband (male), maintain the integrity of the household, maintain the husband's property, and breastfeeding and taking care of children according to Islamic law is a sunnah. However, women in the household also have the same rights and obligations in household life and social life, here it can be interpreted that women and men in their natural right aim to worship or believe in Allah. In the context of household life, the natural right of women in men is to seek pleasure and worship, namely worship in household life.

A harmonious and rewarding household life can certainly be achieved with love, peace and comfort. This will be achieved if in the household women and men can understand that in the household the position of husband and wife is equal in terms of their rights and obligations.

The nature to worship which shows that the relationship between women and men in the household has the same relationship to their God, namely a vertical relationship. As for the relationship between women and men in the household, it has a horizontal or parallel relationship.

Women's nature according to gender equality, in this article women's nature is discussed according to Islamic gender studies. Gender is used to explain the differences between women and men that are innate from God. Gender here explains the differences in function, role and responsibilities of men and women. However, according to Herien Puspitawati in her article, gender is the result of an agreement between humans that is not natural.

²²Ministry of Religion Qur'an, Al-Qur'an Surah Luqman verses 13-15

The nature of women according to Islamic gender equality can be interpreted as nature or innate nature or potential that comes from God's decree on women. According to Islamic Gender. Islam brings better changes that are packaged in the holy book of the Qur'an. According to Nasaruddin Umar, there are several variables that can be used as standards in analyzing the principles of gender equality in the Qur'an.

That is :

1. Men and Women are both Servants
2. Men and Women as Caliphs on Earth
3. Man and Woman Accept the Primordial Covenant
4. Adam and Eve, Actively Involved in the Cosmic Drama
5. Men and women have the potential to achieve success

The nature of women towards the integrity of the household reviewed from the Marriage Law No. 1 of 1974 concerning Marriage has a meaning in Law No. 1 of 1974 explained that marriage is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family or household based on the Almighty God. Marriage can occur when there is a pair of prospective husband and wife, marriage is closely related to happiness, happiness can be created when husband and wife can complement each other, perfect, can position themselves and understand each other.

Marriage can be said to be the most important event in the life of society, because it not only concerns the personal affairs of the bride and groom but also the family affairs of both parties and also social life. Where a man and woman say the word of agreement in order to carry out marriage is interpreted as mutually promising to obey the applicable legal regulations regarding the obligations and rights of each party during and after living together, and regarding their position in society from their children and descendants.²³

Forming a happy family closely related to offspring, which is also the purpose of marriage, maintenance and education are the rights and obligations of parents (see article 1 and explanation of Law Number 1 of 1974 which is and at the same time the basis of National Marriage Law). If the definition of marriage according to Law Number 1 of 1974 on Marriage, namely "a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the Almighty God" above we examine, then there are five elements in it, namely:

²³Dolot Alhasni Bakung, 2014, Analysis of Law No. 1 of 1974 concerning Marriage and Law No. 23 of 2002 concerning Child Protection Related to Underage Marriage (Study on the Batu Layar Community, Gorontalo Province), Al-Hurriyah Journal, Vol. 15, no. 1

1. Physical and spiritual bonds.
2. Between a man and a woman.
3. As husband and wife
4. Form a happy and eternal family (household).
5. Based on the belief in Almighty God;

Marriage is not only urgent in order to achieve happiness in human life on earth. Marriage actually has the purpose of welfare and prosperity of life through the generations of humans that are born which continues continuously. Marriage between a man and a woman will certainly form a family. The purpose of marriage as stated in Law No. 1 of 1974 is very ideal because from the purpose of marriage, what is considered is not only the physical aspect but also the spiritual bond between husband and wife which is intended to build a family or household that is eternal and happy.

Family is a community that exists in the structure of society. In it there is a husband, wife, and possibly also children. Each has a different role in order to realize a desired family. The formation of each family begins with a sacred bond and a very strong agreement, commonly called a marriage contract between a man and a woman who are not mahram.²⁴This is described in QS an-Nisa' [4]: 21 as follows:

وَكَيْفَ تَأْخُذُونَهُ وَقَدْ أَفْضَىٰ بَعْضُكُمْ إِلَىٰ بَعْضٍ

It means:

21. How can you take it back, when you have had intercourse with one another (as husband and wife) and they (your wives) have made a strong covenant (of marriage bond) with you?²⁵

The family is a universal social institution, found in all levels and groups of society in the world, in addition to religion. The family is a miniature of society, nation and state. Both institutions, family and religion, are the institutions most severely hit by the currents of globalization and modern life.

In the era of globalization, people's lives tend to be materialistic, individualistic, social control is getting weaker, husband and wife relationships are getting more distant, children's relationships with parents are shifting, the sanctity of the family is getting thinner. To maintain, protect the family and improve the welfare and happiness of the family, laws are drawn up that regulate marriage and family. Law Number 1 of 1974 concerning Marriage is a law that has a special feature, it

²⁴Eko Zulfikar, 2019, The Role of Women in the Household from an Islamic Perspective: Thematic Study in the Qur'an and Hadith, Diya Al-Afkar: Journal of Al-Qur'an and Al-Hadis Studies, Vol. 7, no. 01

²⁵Ministry of Religion Qur'an, Al-Qur'an Surah An-Nisa verse 21

regulates all members of society who have reached adulthood who will get married.²⁶

In Islam, marriage is a form of worship carried out to obey the commands of Allah SWT. The purpose of marriage itself is to create a household life that is *sakinah, mawaddah and rahmah*. Apart from that, marriage also aims to form a happy and eternal family.

Marriage is one of the most important dimensions of life in human life anywhere in the world. Marriage is so important that it is not surprising that religions in the world regulate marriage issues, even traditions or customs of society and state institutions do not lag behind in regulating marriages that apply in their communities. It is a common fact that the regulation of marriage issues in the world does not show any uniformity. The differences are not only between one religion and another, even within one religion there can be differences in marriage regulations caused by different ways of thinking because they adhere to different schools of thought or schools of thought.²⁷

In the Islamic religion, all forms of sharia are regulated by *maqashid sharia* which aims for benefit, so it cannot be separated from the problem of *maqashid sharia* where the aim of Islamic law is to bring benefit and eliminate *mafsadat*. So in Islamic law, the straight, middle path cannot be separated from the principles of *maqashid sharia*.

Based on the level of importance, *maqashid sharia* can be divided into *dharuriyat, hajiyyat, tahsiniyat* and *mukammilat*. Based on its influence on the affairs of the community, *maslahat* is divided into three hierarchical levels, namely *dharuriyat* (ضروريات), *hajiyyat* (حاجيات) and *tahsiniyat* (تحسينيات).

In the issue of marriage, in the theory of *maqashid sharia*, it is included in the *dharuriyat* category. *Dharuriyyat* is a benefit that must be fulfilled and if not fulfilled, it will result in the destruction of the order of human life where the condition of the people is not much different from the condition of animals. *Al-kulliyat al-khamsah* (الكلية الخمسة) is an example of this level, namely maintaining religion, life, reason, lineage, property and honor.²⁸

Dharuriyat (الضروريات) according to Al-Ghazali are various benefits that guarantee the maintenance of the five goals, namely preserving religion, life, mind, property and lineage.²⁹

Islam is a religion that protects and maintains these five things on the basis of several verses of the Koran, surah Al-An'am verse 151

²⁶Moh Zahid, 2002, *Twenty-Five Years of Implementation of the Marriage Law*, Ministry of Religion of the Republic of Indonesia, Agency for Religious Research and Development and Religious Education and Training, p. 2.

²⁷Kutbuddin Aibak, 2009, *Contemporary Fiqh Studies*, Teras, Yogyakarta, p. 39.

²⁸Ahmad Sarwat, 2019, *Maqashid Syari'ah*, Rumah Fiqh Publishing. Jakarta, p. 53

²⁹Ibid. p.56

﴿ قُلْ تَعَالَوْا أَتْلُ مَا حَرَّمَ رَبِّيَ عَلَيْكُمْ إِحْسَانًا وَلَا تَزُرُوكُمْ وَإِيَّاهُمْ وَلَا تَقْرَبُوا الْفَوَاحِشَ مَا ظَهَرَ مِنْهَا وَمَا بَطَّنَ وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ لَعَلَّكُمْ تَعْقِلُونَ ﴾

١٥١

It means:

151. Say (Prophet Muhammad), "Come here! I will recite what God has forbidden you, (namely) do not associate anything with Him, be kind to both parents, and do not kill your children because of poverty. (Your Lord said,) 'It is We who provide sustenance to you and to them.' Nor should you approach evil deeds, whether visible or hidden. Do not kill people whom Allah has forbidden, except for a valid reason. 266) That is what He commanded you so that you understand.³⁰

266) Namely those that are justified by the Shari'a, such as kisas, the death penalty for apostates, and stoning.

According to Al-Yubi, the two verses above actually cover five maintenances, namely:

- Maintaining religion is stated in lafadz (أَلَّا تُشْرِكُوا بِهِ شَيْئًا)
- Preserving life is stated in lafadz ((وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ))
- Caring for offspring is stated in lafadz (وَلَا تَقْرَبُوا الْفَوَاحِشَ).
- Maintaining wealth is stated in lafadz (وَلَا تَقْرَبُوا الْفَوَاحِشَ)
- Maintaining reason is stated in lafadz (لَعَلَّكُمْ تَعْقِلُونَ).³¹

In the context of marriage and the natural role of women in the household, the theory of maaqashid sharia has regulated the problems of the community which are included in several maintenances, namely:

1. Safeguarding Property

Guarding property here can be interpreted as meaning that women in the household are tasked with being household managers, namely guarding the property of their husbands or family as best as possible.

2. Maintaining Religion

Maintaining religion here can be interpreted as meaning that women in the household have a good relationship with their husbands, become good partners with their husbands to worship Allah together through marriage.

3. Protecting Offspring

Maintaining offspring here means that women as mothers in the family can or have the potential to conceive, give birth and breastfeed, so that good offspring can be maintained and their lineages are clear.

³⁰Ministry of Religion Qur'an, Al-Qur'an Surah Al-An'am verse 151

³¹Muhammad Sa'ad bin Ahmad bin Mas'ud Al-Yubi, The Principles of Islamic Law and the Principles of the Justice of Allah, p. 187

The purpose of marriage to create a happy and eternal household can certainly be supported by all members of the household. Especially husband and wife. The husband as the imam or head of the household, as the person in charge of the household and the wife as the complement who helps the man (husband) to create a happy household. Namely by the wife as a woman's nature who has a physical form given by God has the privilege of having a uterus that has the potential to conceive, then women also have mammary glands that can be used for breastfeeding when they have children. Having children is one of the happiness of all households, while breastfeeding is part of women's cooperation in caring for, helping husbands care for children.

In the family which is the smallest social organization also has the meaning that the family is the first place of education. In Kartini's view, the formation of children's morals, the mother plays a very important role as a madrasah for her child.³² Mothers as people who are very close to their children can almost be said to be the leaders in implementing madrasatul ula in the family, mothers as stated in the verse of the Qur'an (QS Al-Baqarah verse 233)

نِسَاؤُكُمْ حَرْثٌ لَّكُمْ ۖ فَاتُوا حَرْثَكُمْ أَنَّىٰ شِئْتُمْ ۖ وَقَدِّمُوا لِأَنفُسِكُمْ ۗ وَاتَّقُوا اللَّهَ ۚ وَعَلِمُوا أَنَّكُمْ مُّلْقُوهُ ۗ وَبَشِّرِ
God bless you

It means:

223. *Your wife is a field for you. 66) So, come to your field (mix it properly and naturally) when and how you like. Prioritize (the best thing) for yourself. Fear Allah and know that you will (someday) face Him. Tell the good news to the believers.*³³

66) The wife is compared to a field, a place to plant seeds. So, plant the seeds according to the preferred time.

According to Hawari, harmony in the family will be realized if the elements in the family can function and play their roles as they should, and still adhere to our religious values, then harmonious social interaction between elements in the family will be created. In turn, welfare and happiness in the family will be easily achieved.³⁴

Islam recognizes a harmonious family with the term *sakinah* family, namely a family that is built on a legal marriage, capable of fulfilling spiritual and material life in a complete and balanced manner, surrounded by an atmosphere of love between the family and the environment in harmony, harmony and capable of practicing, appreciating and deepening values. faith, piety and noble morals.³⁵

³²Abdul, MR (2020). Mother as a Madrasah for Her Children: RA Kartini's Educational Thoughts. Journal of Islamic Education Policy.

³³Ministry of Religion Qur'an, Al-Qur'an Surah Al-Baqarah verse 223

³⁴Dadang Hawari, Al-Quran, Psychology and Mental Health, (Yogyakarta: Dana Bhakti Prima Yasa, 1997), p.28.

The nature of women in realizing a happy family is the nature of women in household life is to take part in realizing household happiness by maintaining the honor of the husband, guarding the husband's property, respecting the husband, helping to lighten the burden of the husband, obeying the husband in terms of goodness and being a good partner for the husband so that with this it is hoped that the household will become a happy and eternal household, on the other hand if the household life between husband and wife does not become a compact partner, does not perfect each other, it can be said that the household cannot become a happy household.

The unity of men and women in the household includes the implementation of justice, which shows that men and women have the same role, which can be taken from the theory of justice that is in line with household problems, namely, the nature or nature of the integrity of the household, which requires justice or equality, where there are no differences in position in the household.

From justice that is implemented or fulfilled in a household, it is certainly hoped that it will bring happiness to a household or family, so that it becomes a harmonious family.

4. Conclusion

The nature of women according to the Islamic perspective or their nature has been given by Allah since birth, namely the physical form of women which is explained implicitly in the Qur'an that women can breastfeed, can conceive and give birth, from this explanation it is certain that women can get pregnant, give birth and breastfeed because they have a physical form that is supposed to be or as it should be desired by Allah. The nature of women in marriage is to maintain the honor of their husbands, obey their husbands, guard their husbands' property and participate fairly in creating a happy family with their husbands and work in addition, women have equality or the same rights in life Men and women are both as Servants of Men and Women as Caliphs on Earth Men and Women Accept the Primordial Covenant Men and women have the potential to achieve achievements. And in marriage women have the same rights in choosing a partner, continuing or ending a marriage, but do not go too far just because in the name of equality, they ignore the nature that has been determined by being busy with a career and ignoring family affection

The nature of women towards the integrity of the household as reviewed from Law No. 1 of 1974 concerning Marriage, explains that the purpose of marriage is to form a happy family, so it takes togetherness and cooperation between husband and wife in creating that happiness. Efforts to create that happiness can be achieved when women walk in their nature. The nature in the form of women's physicality can work together by breastfeeding their children without asking others to breastfeed their children, besides that the original nature of women as gentle creatures can be implemented to care for children, so that men and women can work together to create harmony and then happiness will be

created. And if women do not walk in accordance with their nature, it is feared that problems will arise and trigger separation.

5. References

Journals:

- Abdul, MR (2020). Mother as a Madrasah for Her Children: RA Kartini's Educational Thoughts. *Journal of Islamic Education Policy*.
- Dolot Alhasni Bakung, 2014, Analysis of Law No. 1 of 1974 concerning Marriage and Law No. 23 of 2002 concerning Child Protection Related to Underage Marriage (Study on the Batu Layar Community, Gorontalo Province), *Al-Hurriyah Journal*, Vol. 15, no. 1
- Eko Zulfikar, 2019, The Role of Women in the Household from an Islamic Perspective: Thematic Study in the Qur'an and Hadith, *Diya Al-Afkar: Journal of Al-Qur'an and Al-Hadis Studies*, Vol. 7, no. 01
- Ibnu Hajar Ansori, 2018, Reason and Religion of Women (Perspective of the Prophet's Hadith and Psychology), *Universum Journal of Islam and Culture*, Vol. 12. No. 1 January
- Kusmana, 2014, Weighing the Nature of Women between Cultural Values and Categories Analysis, *Reflection*, Vol. 13 No. 6 April
- Kusmana, 2019, The Nature of Women in the Qur'an: A Constructivist Reading, *Ilmu Ushuluddin*, Vol. 6 No. 1 January
- Rifai Shodiq Fathoni, 2020, Domestication of Women in the Transnational Islamic Movement in Indonesia 1998-2016 AD, *Jurnal Wanita & Keluarga*, Vol. 1. No. 1 July
- Septi Gumiandari, Ilman Nafi'a, 2020, Mubadalah as an Islamic Moderating Perspective Between Gender and Patriarchal Regimes in Building Family Resilience, *Jurnal Penelitian*, Vol. 17. No. 2
- Suryani Jihad, "A Woman's Nature Towards Career, Household and Education," *An-Nisa* 11, no. 1 (2019): 324–34, <https://doi.orgz/10.30863/an.v11i1.299>.
- Zulfahani Hasyim, 2012, Women and Feminism in Islamic Perspective, *Muwazah*, Vol. 4. No. 1 July

Books:

- Ahmad Sarwat, 2019, *Maqashid Syari'ah*, House of Fiqh Publishing. Jakarta
- Amir Syarifudin. 2003. *Outlines of Fiqh*, Prenada Media Jakarta
- Dadang Hawari, *Al-Quran, the science of the soul and mental health*, (Yogyakarta: Dana Bhakti Prima Yasa, 1997)
- Fatimah Nurazizah, 2020, *The Nature of Women and Gender Equality According to Zaitunah Subhan in the Interpretation of Hatred (Study of QS. Al-Hujurat: 13)*, Thesis of the Faculty of Ushuluddin and Islamic Studies, UIN North Sumatra Medan

- Kutbuddin Aibak, 2009, Contemporary Fiqh Studies, Teras, Yogyakarta
- Listiani et al., 2018, Gender and Rural Women's Communities: Real Conditions in the Field, BITRA Indonesia, Medan.
- Moh Zahid, 2002, Twenty-Five Years of Implementation of the Marriage Law, Ministry of Religion of the Republic of Indonesia, Agency for Religious Research and Development and Religious Education and Training
- Muhammad Sa'ad bin Ahmad bin Mas'ud Al-Yubi, The Principles of Islamic Sharia and the Principles of Allah's Justice
- Muchamad Ali Safa'at, 2016, Legal State and Democracy Education Module, Constitutional Court, Jakarta
- Nasaruddin Umar*. 1999. Arguments for Gender Equality from the Perspective of the Qur'an, Paramadina, Jakarta
- Ratna Sapatri and Brigitte Holzner, 1997, Women and the Work of Social Change, An Introduction to Women's Studies, Graffiti and Kalyanamitra, Jakarta.