

Dra. Suraiya IT, MA., PhD

THE POSITION OF WOMEN IN THE FAMILY LAW

Special Reference to Indonesia Case



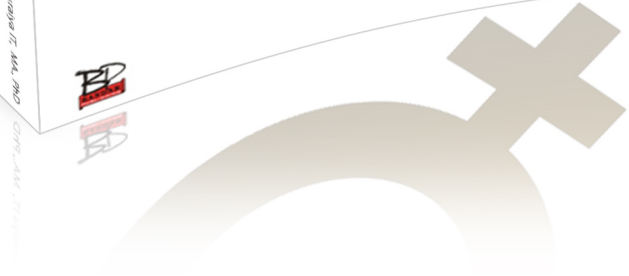
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ABSTRACT

THE POSITION OF WOMEN IN THE FAMILY LAW

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This book describes the important factors at work in religion to which women have an opportunity to contribute in their aspiration for the formulation of Islamic Law. In this book I focus primarily on theoretical issues related to the rethinking and re-contextualizing of classical Islamic sources and literary traditions about the position of women in Islam. This book deals with Islamic Law (*syari'ah*) and jurisprudence (*fiqh*), which form the elements of Islam most directly responsible for the definition of women's roles and the boundaries of women's activities in the Islamic Community. The issues of Islamic law and its interpretation is also the aspect most responsible for many contemporary problems Muslim women face daily, as conservative political Islam reinstates so-called "traditional" Islamic law pertaining to women and family.

Cultural values related to women's sexuality, which reflected the inequality of gender, very much influenced

the formulation of law in Indonesia, both secular law and Islamic law. The question of the role of religion on gender constructions in Indonesia has not been asked often enough, but is clearly of great relevance to contemporary debates, as Indonesia struggles towards a modern democratic state.

However, tradition provides a sort of framework within which gender roles evolve. Family and lineage inheritance, status, and solidarity are points in the gender ideology regarding women that emerges particularly in class societies, both in rural and urban regions.

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I am very grateful to my beloved husband, Muhammad Izwandi Rusli, for his constant love, support and encouragement, especially in the difficult times in finishing my book, and my dear parents, my late father Tgk. Ismail Thaib Payabujouk, whose spirit, courage and principles have always inspired me, as well as my mother, Nyak Syaribanun Saidy, who taught me to care passionately about love and justice. To my brothers and my sisters, my deep thanks for their unfailing support of me, and for their patience. And also I am similarly grateful to my father and my mother in law, as well as my brother and sisters in law, for their supportive.

In the preparation of this book I have been very helped by many friends and relatives who have helped me not only by reading and commenting on my book, but by their friendship and support in general.

Respectfully Dedicated to:

My Parent

Tgk Ismail Thaib Payabujouk and H.Syaribanun Saidy

Whose spirit, courage and principles always inspired me;

My beloved Husband for whom my love

and affection can never dim

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Chapter 1

Introduction

In the Muslim tradition, it is often said that women and family are the foundations of the Islamic community, the heart of Muslim society. That centrality is reflected in Islamic law, the ideal blueprint for Muslim society, within which family law has often seemed sacrosanct¹. The Qur'an and the *sunnah* of the Prophet provide the textual sources for the development of law. The Qur'an's female exemplars (though to varying degrees) came to serve as "models."² The word of God, however, is interpreted and applied in socio-historical contexts by human beings.

Islamic law is thus the product of divine law (*syari'ah*) as understood (*fiqh*), interpreted and applied by male religious scholars in the past and preserved in legal texts and manuals.

1 See Amin Rais, "Tantangan Keluarga Dalam Usaha Peningkatan Kualitas Sumber Daya Manusia," in *Keluarga dan Peningkatan Kualitas Sumber Daya Manusia*, (Yogyakarta: Pimpinan Pusat Muhammadiyah, 1995)

2 Barbara Freyers Stowasser, *Women in the Qur'an, Traditions, and Interpretation*, (New York: Oxford University, 1994), p.21

This means that men and men's experiences were included, and women and women's experiences were either excluded or interpreted through the male vision of the perspectives, desires, or needs of woman.³ In societies in which men had unfettered rights to marry and divorce, some restrictions were introduced. Though polygamy continued to be permitted, the numbers of wives were restricted to a maximum of four and guidelines were provided for the just and equal treatment of co-wives. While only males possessed the right to initiate divorce, the Qur'an counseled equity and responsibility and a stipulated maintenance, child support, and period of reconciliation.⁴

Historically, women's role in society was determined as much by social and economic factors as by religious prescriptions. Social customs, property, and illiteracy often eroded or subverted Qur'anic intent. While Islamic law did provide the parameters

³ See Marjorie Procter-Smith, *In Her Own Rite: Reconstruction of the Feminist Liturgical Tradition*, (Nashville, Tenn: Arbingdon Press, 1990), chapter 1, pp.13-35

⁴ Islam regulated the waiting time (*idda*) for women: A divorced woman has to wait for three months before she can re-marry, whilst a widow is required to wait four months and ten days before she is allowed to contract a new marriage. The Qur'an, 2:228 says, "Divorced women shall wait concerning themselves, for three monthly periods. Nor is it lawful for them to hide what God hath created in their wombs, if they have faith in God and the Last Day. And their husbands have the better right to take them back in that period, if they wish for reconciliation."

for behavior regarding marriage, divorce, and inheritance, the actual roles in practice, such as whether or not men took more than one wife, or whether divorce was common, or modesty expressed itself in terms of women's dress or participation in the work place, were the results of local conditions and social class, which often differed from urban to rural settings and one country or region to another.

Islam provides justice and equality for women. There is equal opportunity for both men and women.⁵ Nothing in the laws of Islam or in their intention can account for the generally low status of Muslim women. The existing situation is contrary to the law, because originally women in Islam were granted an equal place in human society.⁶

The backwardness of women in Islam is not because Islam made them backward, but because of the societies and culture that they live in. The *sharia's* position on women has been historically misunderstood or ignored, to the detriment of women.

It is sometimes held that women should be studied

⁵ The Qur'an, 4:1

⁶ Qasim Amin, *The Liberation of Women and the New Woman* (Cairo: The American University Press in Cairo, 1995), p.8

almost exclusively as a part--perhaps the most important part--of the family complex. But this is a distortion that diminishes the numerous roles of women and puts blinders on scholars, limiting the multiple perspectives from which women, often even the same women, may be seen.

Women in Indonesia were not as secluded or covered (*shador* or *burga*) as were their sisters in Saudi Arabia, Pakistan, or Iran. Families who sought to protect the property of the patriarchal family often circumvented the Islamic law that protects women's right to inherit.

In considering Indonesian women and the position of women in Islam, one must start by drawing a clear distinction between custom and religion. People so often confuse the two that in many cases custom even tries to gain an upper hand over religion.⁷ Islamic law was never taken over fully anywhere in Indonesia; its influence was mainly over family affairs, this the case in most Muslim countries. Islamic law operates in the sphere of family and personal status, matrimony and, to some extent, inheritance; Indonesian societies picked and chose among rules that were then adapted to suit their own

⁷ See John N. Paden, *Religion and Political Culture in Kano* (Berkeley: University of California Press, 1973)

organizational values and needs.⁸ Therefore in the following section, I will discuss the position of women in Indonesia family law.

In Islam, woman is equal to man in all essential rights and duties. God makes no distinction between man and woman. They are to be equally rewarded or punished for their deeds.⁹ Islam has granted women broad social, political and economic rights, education and training rights, and work opportunity rights. To protect these rights from being abused by men, Islam provided firm legal safeguards.¹⁰ Islam has certain religious aspects and has some aspects which concern relations between members of society.¹¹ However, we must remember that Islam has intermingled with many other factors such as local custom, politics, economics and historical conjunction to shape the status of women in different ways in different times and places.¹²

8 See Daniel S. Lev, *Islamic Courts in Indonesia: A Study in the Political Bases of Legal Institutions*, Los Angeles: University of California Press Berkeley, 1972, pp.5-6

9 M. al-Siba'I, *al-Maria Bayn al-Figh Wal-Qanun*, Al-maktab al-Islami, (Beirut, Damascus, 1972), p.26

10 See S. Mawdudi, *Purdah and Status of Women in Islam*, (Lahore, Pakistan: Islamic Publication Ltd, 1968), pp.150-5

11 Religion and the profession of religion in Islam have such a close connection to human values that the estimation of a man's religious profession is based on what he or she does and how it fulfills his or her responsibility.

12 See Laile Ahmed, *Women and Gender in Islam; Historical Roots of Modern Debate* (1992). And see also Lois Beck and Keddie (eds), *Women in*

For example, family law, which is closely related to “Kadi-Justice,” and is very important in the “little tradition,” differs in many societies and in many countries. Religious-ethical codes are important in this field of law, which has many variations and is particularly subject to religious, historical and customary influences. It is well established that *sunnah* or tradition is one of the primary sources of Islamic law. It consists of the sayings of the Prophet and the precedents derived from his actions. In fact, the Prophet himself during his lifetime recognized the source of law based on custom. In many instances, he either gave his expressed sanction to certain pre-Islamic usages (*adat*) or allowed such usages to continue without any expression of disapprobation. However, Islamic family law must be based on divine logic as revealed in the Qur’an and not on some historical worldview foreign to it.¹³

In Indonesian communities, for example, territorial kinship and territorial factors are the first requisites for an understanding of the role of a self-governing community in the social structure. The kinship and other territorial factors

the Muslim World (Cambridge, MA: Harvard University Press, 1978)

13 See Aziza Y. al-Hibri, “An Introduction to Muslim Women’s Rights,” in Gisela Webb (ed), *Windows of Faith: Muslim Women Scholar-Activists in North America* (Syracuse, New York: Syracuse University Press, 2000), p.53

dominate the structure of the *Umma* (community) in each of the lands. The important role of Indonesian women is also enhanced by the system of kinship in Indonesia.

Under the heading of kinship relations the distinctions of patrilineal, matrilineal, bilateral and alternating organizations is the first consideration¹⁴ in understanding the position of Indonesian women in their society. The equality conferred by the bilateral kinship system found in much of the archipelago, and other indicators of status.¹⁵

Patrilineal organization must be understood as the reckoning of common descent (natural or artificial) from one common male ancestor along the male line determined by membership in the functioning and discernible kinship groups, in which the wife generally follows the husband into his family. But the wife may manage her own property, and she has the right to ask for a divorce. (Whether or not she can easily avail herself of these rights in practice is another, more difficult, question.)¹⁶ On the other hand, the matrilineal system has been

14 B. Ter Haar, *Adat Law in Indonesia* (New York: Institute of Pacific Relation, 1948), p.51

15 See Anthony Reid, *Southeast Asia in the Age of Commerce 1450-1680*, Vol.I: *The Land Below the Winds* (New Haven, CT: Yale University Press, 1988), pp.146-58

16 This arrangement is typical among the Nias (Batak), Gayo, Bali, Lombok, and in the south of Sumatra, Lampung, as well as on several of the

adopted with some modification (in Minangkabau, for example). In these societies the social group based on descent along the female line from a single female ancestor is the important unit in legal relations.

Women are “central pillars of the house”, the male domain is outside and men have dual responsibilities in the house of their wife and those of their own matrikin.¹⁷

In Minangkabau religion is thought to nurture strength and protect family ties, and *adat* is intricately tied to maintaining family relations. Therefore, Islam is perceived to support *adat*. Young people in Minangkabau grow up immersed in family relations that maintain *adat*. Female children learn that women are responsible for the welfare of the household and for the maintenance of relations that define the household.¹⁸ The women’s movement in Minangkabau was much influenced by the Muhammadiyah movement. And many prominent women in Minangkabau have affiliations with the ‘Aisyiyah

Maluku islands. See Vreede-de Streurs, *the Indonesian Women*, p.28

17 See Joke Van Reenen, *Central Pillars of the House: Sisters, Wives, and Mothers in a Rural Community in Minangkabau, West Sumatra* (Leiden: CNWS Publication, 1996)

18 See Lucy A. Whalley, “Urban Minangkabau Muslim Women: Modern Choices, Traditional Concern in Indonesia,” in Herbert L. Bodman and Nayereh Tohidi, *Women in Muslim Societies: Diversity within Unity* (London: Lynne Rienner Publisher, 1998), pp.229-235

organization.

Male authority in Minangkabau does not follow the same lines as in those societies in which Islam has been superimposed on patrilineal systems that favor the authority of fathers, husbands, and brothers.¹⁹ In these cases, marriage implies a transfer of male control over women, from father to husband.

The principle of relationship in some groups is based on a system in which relationship is determined by the form of marriage. The marriage form that makes the child belong to the father's clan is called patriarchal marriage.²⁰ The line of descent shifts constantly from the paternal side to the maternal that makes the child belong to clan of the mother, depending on the form of marriage. Therefore, it is known as an alternating unilateral kinship system. Connected with the unilateral kinship group is the practice of exogamy: the prohibition of marriage to a member of one's own clan or sub-clan.²¹

However, in Indonesia, religion is still the predominant concern and everything, including women's rights, is seen through the lens of religion. Religion, moreover, is a strong

19 Ibid

20 B.Ter Haar, *Adat Law in Indonesia*, 1948

21 Ibid

cultural force and an important constituent of the social consciousness and determinant of the traditions. Therefore, religion still plays an important role in determining women's rights in the society. However, it has been argued that the introduction of the Islamic religion, which has always officially "regarded women as socially inferior to men,"²² played an important role in undermining the social position of women in Indonesia.

On the other side of the argument are those who believe that rather than being detrimental, the introduction of Islamic Law actually helped bring about improvement in the condition of women as individuals within Indonesian society.²³ Proponents of this view argue that while *adat* allows for sexual equality in home and society, the needs of the individual still remain secondary compared to those of family and community. They contend that the introduction of Islamic law precipitated improvements in the situation of individuals, both female and male, by teaching them to "free themselves from the family group."²⁴ They acknowledge that the situation of women did

22 Vreede-de Stuers, *The Indonesian Women*, 1960, p.47

23 See Linda B. Williams, *Development, Demography, and Family Decision Making: The Status of Women in Rural Java* (Boulder, San Francisco: Westview Press, 1990), pp.29-40

24 Vreede-de Stuers, *The Indonesian Women*, 1960, p.47

deteriorate to a point at which women became inferior to men, but suggest that this was the result of a combination of factors, most of which were unrelated to the growth of Islam. The relaxation of traditional customs, the influx of modern ideology and social change, as well as women's "ignorance of their rights according to *fiqh*" were all seen as contributing to the downturn in women's status.²⁵

In discussing the formulations of *shari'ah* regarding "Family Law" and how this law has configured the discourse on women in Indonesia, I will seek to examine a select number of issues usually raised in connection with family law, including issues of marriage, divorce, property, inheritance, and custody of children; specific attention will be paid to matters where they are relevant. Each right has a specific characteristic and will be discussed as follows.

25 *Ibid*

Chapter 2

Marriage

In Islam marriage is a union between two consenting adults. Its aims are to perpetuate human life and achieve spiritual and emotional harmony.²⁶ Islam views marriage to be of benefit both to the individual and to society. The Arabic word for marriage is *nikah*, which, according to many Qur'anic commentators and Muslim jurists, means 'unity.'²⁷ Islam also views marriage as an institution in which human beings find tranquility and affection in each other, as the Qur'an states that God created humans, male and females, from the same *nafs* so that they may find tranquility, mercy, and affection with each other.²⁸ Islam also sees marriage as an instrument which creates

26 See Jamal Badawi, "Women in Islam" in Khurshid Ahmed, *Islam: Its Meaning and Message* (Leicester: The Islamic Foundation, 1980), pp.137-8.

27 Maulana Muhammad 'Ali, *The Religion of Islam: A Comprehensive Discussion of the Sources, Principles and Practices of Islam*, (Lahore, Pakistan: Islamic Publications, 1983), p.607

28 "And among God's signs is this, that God created for you mates from among yourselves, that ye may dwell in tranquility with them, and God has put love and mercy between your (hearts): verily in that (these) are signs for those who reflect" (Qur'an 30:21). Translation used here provided

a comfortable home for both spouses. Therefore, the Prophet is reported to have advised his followers to choose the right spouses who would help them attain Divine blessings.²⁹

In *adat* law in Indonesia, marriage is a ritual which symbolizes the passing from both the man's and the woman's state of celibacy to the marital one.³⁰ Marriage is, in varying degrees, a matter for the kinship group, the family, the community and of the persons concerned. It is also a matter of social status. Marriage is the means by which the organized relationship groups, which form autonomous communities, maintain their existence, by their sub-clans, sub-tribes, or extended families.³¹ In addition, within the community, marriage is also the means by which the individual family extends its own line into the future, and this makes it a family matter.

One of the most important transitions in the prevailing local marriage patterns across generations in Indonesia is the change from the arranged marriage (*dijodohkan*) to a self-

by A. Yusuf Ali (1991)

²⁹ The Prophet said: "Seek to have a grateful heart, a sweet tongue and a believing, righteous wife who would help you in your endeavor to succeed on the Last Day." Cited in M.Abdur-Rauf, *Marriage in Islam* (New York: Exposition Press, 1981), p.19

³⁰ Vreede-de Stuers, *The Indonesian Women*, 1960, p. 3

³¹ *Ibid*

selection marriage pattern.³² According to Hildred Geertz, with an increase in higher education, it was becoming more typical for young couples to meet in school on their own and to marry after having a longer acquaintance.³³

Although, the practice of arranged marriages, (and indeed of taking more than one wife) is becoming less common, this does not mean that it has been completely discarded as a hopelessly outdated custom now devoid of any value.

Marriage by proposal occurs generally throughout Indonesia. One party, usually that of the groom, invites the other party to consummate a marriage by giving an offering of betel (*sirih*). The parties to negotiate may be the extended families, the parents with the family group or the parents alone, in concert with the marriageable pair. If the proposal is accepted, this does not usually lead directly to marriage. There is first a betrothal period in which the parties to the engagement bind themselves many times over.

For example, among the Aceh the betrothal present is called *tanda kong narit*, "the sign that the agreement is in effect."

³² Forced marriages are still allowed under *adat*, but it is now also acceptable for young couples to elope and to be reconciled with their parents upon their return.

³³ Hildred Geertz, *The Javanese Family* (New York: Free Press of Glencoe, 1961), p. 57

Among the Javanese, the present is called *panjer*; *panjerset* means “of binding.” In scattered instances, the meaning of the gift seems to be somewhat different, and so its name has a different origin.³⁴

In the event that minors are being engaged, their parents or family headmen naturally act for them. Adults who are being engaged usually are permitted a say in the proceedings.³⁵

Matriarchal marriage is also associated with gift exchange. A girl is not released from her group by the receipt of the gifts. Thus, the exchange of gifts is of secondary importance in matrilineal societies. On the other hand, in patriarchal marriages, the woman is released from her group of kinsmen and passes over to her husband’s group, and the children belong to the father’s clan.

In Indonesian societies, “Bride-price,” equivalent to dowry or *mahr*,³⁶ is a technical concept of *adat* law, and involves

34 According to *orang tua* (religious leaders or *adat* chiefs) there is an element of magical effect in all the giving of engagement binders. No doubt there is a trend toward a diminution of belief in the magical consequences, so that instead the *tanda* takes on the quality of proof that the engagement actually took place.

35 Islamic law makes no provision for engagement, and hence the religious judge does not recognize any legal obligation in it. But it is still practiced by Muslim communities in Indonesia as a part of the marriage process and procedure.

36 In Islam, the word “dowry” is used to indicate the price or gift from bridegroom to the bride herself.

payments from the man's family to the girl's with the object of incorporating her into the husband's sub-clan, and her children, too. Presents or any marriage gifts, which have a different effect, must be called something other than "bride-price." Bride price, in a patriarchal system, is therefore a cash transaction.

Picking up a few additional points that should be made concerning "bride-price," there is the matter of native terms for the practice. These are: *beuli niha* (Southern Nias), *Unjuk* (Gayo lands), *unjung, sinamot, pangoli, tuhor* (Batak lands), *Jujur* (Southern Tapanuli and South Sumatra). These words, according to Ter Haar in *Adat Law in Indonesia*, are derived from the same root words for "buying"; "bride-price" and land transactions are both cash deals.³⁷ Something is thereby detached from a living community without disturbing the essential equilibrium. Such payments should not be called "bride-price." If they go to the woman personally, they should be called "marriage portions," like the *Mas-kawin* of Muslim law, which is universally accepted by Muslims. The dowry, a *mahar* in Islamic terms, belongs to the wife; it is her exclusive right and it should not be given away, neither to her family nor to her relatives.³⁸

37 B. Ter haar, *Adat Law in Indonesia*, p.

38 L.al-Faruqi, *Women, Muslim Society and Islam* (Indiana: American Trust Publication, 1988), pp.6-7.

Mahar, therefore, is not a “bride price” as some have erroneously described it. It is not money the man pays to obtain a wife. It is part of a civil contract that specifies the conditions under which a woman is willing to abandon her status as a single woman and its related opportunities in order to marry a prospective husband and start a family.³⁹

Similar marriage payments no longer carry a connotation of “bride-price.” For example in the Malay *wang antaran*, the Javanese *tukon*, the Acehness *jinamee*, the Dayak tribes over the river of *Kapuas hook*, where it is called *pekain*, the *sunrang* and *sompa* of South Celebes, and among the Minahasa — all have apparently become mere marriage portions. According to the Qur’an, any Muslim male who wishes to get married must stipulate a certain amount of money in his marriage contract as a bride-price. One of the Muslim authorities in jurisprudence said: “A dowry (*mahr*) must also be settled on the women according to the holy Qur’an.”⁴⁰

In Indonesian societies, “bride-price” has a social significance beyond the mere legal consequence of change in the woman’s status and the inclusion of the ensuing children

³⁹ See Aziza Y.al-Hibri, “An Introduction to Muslim Women’s Rights,” p.60

⁴⁰ Maulana Muhammad Ali, *The Religion of Islam*, p.26

in the husband's kin group. The requirement of a refund, if the marriage breaks up, lends great strength to the marital bond.

Islamic marriages provide an escape from the compulsions of family groups and community obligations under the *adat* marriage. This possibility gives individuality a chance to break through the bonds of traditional communal limitations. A person can marry under the protection of the religious leader, without bothering about exogamy, preferential mating, village endogamy, etc.

The tremendous power of traditional thinking and the influence of traditional chiefs and family elders work against this tendency. As a result, great many marriages are kept in accordance with the *adat* framework. Sometimes, as in South Tapanuli, there is an incomplete acceptance of Islamic marital law, and in general, Muslim leaders try to operate within the framework of the *adat* system. For Muslims, there are religious judges and the legality of their marriages is measured solely by the provisions of Islamic law (*Undang-undang perkawinan Islam*).⁴¹

41 According to the Shari'ah Law (*Undang-undang perkawinan Islam*), the Muslim marriage is concluded as a contract between the bridegroom and a representative (*wali*) of the bride in the presence of at least two witnesses. The witnesses must meet certain requirements. The marriage portion (*mas kawin*) is determined between them, and if that comes to pass, the bridegroom

In *Shari'ah* law in Indonesia, marriage in the *adat* way may continue unaltered. Intensely religious circles may object to it, but in the legal lives of many communities, Islamic marriage is a constituent of the marriage process in its entirety, in which native elements are retained and the marriage keeps its general Indonesian character.

In all this, the matrilineal customs may be summed up as follows: First, the Islamic marriage, which is settled according to the prescription of the *fiqh*, must be regarded as the signing of a contract by means of which the husband gains certain rights over his wife, while she, in exchange, claims proper treatment. Marriage according to the *adat* is a ritualized status change from that of singleness to that of being a couple. From this interpretation arises the Javanese custom of changing one's name on this occasion. The young man and the girl who marry take new names as a symbol of unity.

Second, property matters are settled differently by different groups. For instance, among the Minangkabau,

usually lays down the conditional terms of repudiation. The bride's father is the *wali*, or if he is not available, it must be her closest male relative in the male line. Only the father or grandfather can give a maiden in marriage contrary to her wishes. If no *wali* is available, the *penghulu*, or head of the Muslim priests, may act as emergency *wali*, or the two parties may appoint a substitute *wali* known as a *hakam*.

where the woman remains in her own family, the property she owns is managed by her *mamak*. Among the Javanese, where the husband and wife decide together what to do with their common property, the idea of the husband's supplying his wife maintenance (*nafaka*) is rejected as a rule, although in commercial circles this prescription is often carried out.

Thus among the Minangkabau, it is impossible to say whether the girl's father plays a more important role as a *wali* (guardian) in the Islamic sense, or as the *Mamaq kepala waris*, the adat representative. Moreover, in certain areas of the West Coast of Sumatra and Tapanuli, a marriage ceremony may not be performed by a Muslim *penghulu*, unless there is a written permit from the adat chief to whom the would-be couple is attached. If all is done according to *adat*, there is no objection to that marriage.

Although women must recognize the fact that patriarchal logic is deeply entrenched in all societies and quite resistant to being uprooted, according to Azizah al-Hibri, if women follow the Qur'anic approach to change, they will receive the support of many Muslim men and will achieve a great measure of success without sacrificing the social cohesion

of Muslim communities.⁴²

For most of the 20th century, Indonesian women's organizations tried to put a high priority on reform of marriage laws, until the marriage law of 1974. The New Order thereby had pulled the private aspects of women's lives very firmly into the state arena.⁴³ This law established a minimum age for marriage against a woman's will, and given women the same rights to initiate divorce as their husbands.⁴⁴ However, in the case of citizens professing Islamic faith, divorce was still to be handled by religious courts.

This issue has been of greatest concern to Muslim women, since previously among Muslims married according to Islamic law and family law, matters such as divorce were determined by religious courts run entirely by men with virtually no supervision by the state.⁴⁵

42 See Aziza Y.al-Hibri, "An Introduction to Muslim Women's Rights," p.58

43 In the face of stringent opposition from religious groups, particularly Islam, that challenged the right of the state to intervene in matters of personal life, the government pushed through a new secular marriage law in 1974

44 See Nani Soewondo, "Indonesian Marriage Law and its Implementation Regulation," *Archipel*, Vol 13 (1977)

45 Marriage law was often implemented in ways that discriminated against women and appeared arbitrary and unpredictable. See Grayson Lloyd and Shannon Smith (Ed), *Indonesia Today: Challenges of History*, (Lanham, Boulder, New York: Rowman & Little Field Publishers Inc, 2001), p.275

The marriage law of 1974 provided a uniform marriage code that set guidelines for all marriages and introduced greater security and equity for Indonesian wives. Minimum ages for marriage were set; it became easier for Muslim women to achieve divorce; greater restrictions were put on husbands' rights to divorce and take multiple wives; the state reformed the Islamic court system, including the appointment of women judges.⁴⁶ However, this law only recognizes registered marriage; consequently the access of women to justice is limited, because only those women whose marriages are registered are protected. The same law applies in the matter of the maternal children.⁴⁷

In another move to strengthen the rights of women vis-à-vis men, men were forbidden to take second wives.⁴⁸ Indeed, the introduction of a secular marriage law was one of the principle demands of the first Congress of Indonesian Women's Organizations, held in 1928.⁴⁹ Although the marriage law was promulgated in 1974, a curious sequel of the new marriage

⁴⁶ *Ibid*

⁴⁷ Inisiatif Special Edition, *From Women to the World Few Voices from Indonesia*, Edited by Widjajanti M Santoso, Ketty Kandarwati, Djaka Soehendera (Jakarta: Limpad Foundation, 1995), p.109

⁴⁸ Louise Edwards and Mina Roces (ed), *Women in Asia: Tradition, Modernity and Globalization* (Michigan: The University of Michigan Press, 2003), pp.146-147

⁴⁹ See Vreede-de Stuers, *Indonesian Women*, 1960

law has been the attempt to limit the right of civil servants to polygamous marriages even further.⁵⁰ Even the 1974 Marriage Law satisfied most women as the best that could be achieved under the circumstances. However, a few prominent women continue to criticize the law on the grounds, for instance, that it was based on a patriarchal view of marriage. This includes the Minister for Women's Empowerment, Khofifah Indar Parawansa,⁵¹ who announced that the law should be revised because according to her, it domesticated the role of women.⁵² To ensure a more objective settlement of disputes in marriage, some women's organizations, including 'Aisyiyah, have also demanded improvements in the law.

50 Accordingly, probably as a consequence of women in *Dharma Wanita* (the organization of wives of civil servants) lobbying the president's wife (Ibu Ten Soeharto) in 1983, the president ordered that civil servants required the permission of their superior before taking a second wife. See Julia I.Surya Kesuma, "The State and Sexuality in New Order Indonesia," pp.102-103

51 She was the Minister for Women's Empowerment in President Abdurrahman Wahid's administration.

52 "UU No. 1/1194 Segera direvisi: Karena tidak Berperspektif Gender," *Media Indonesia* (February 10, 2000).

Chapter 3

Divorce

There is no concept of marriage as a sacrament in Islam. It is, therefore, possible to dissolve a marriage just as any other contract between two individuals can be terminated.⁵³

Divorce is a method of putting an end to the contract of marriage. Islam allows divorce if a marriage becomes impossible to sustain; it is permitted for a couple to separate in an amicable manner. At the same time, it seeks to make divorce serious business and something abhorrent to Muslims. Thus only in unavoidable circumstances is divorce permitted in Islam.

The stability of marriage is the normal expectation and almost the universal realization. Yet some couples may discover, or think, that they are incompatible. However, the expectation is that they should not rush to this conclusion. If tension arises, each should try to understand and be patient with the other and at the same time should examine his or her own attitude and sees what may be the underlying cause of

⁵³ Asghar Ali Engineer, *The Rights of Women in Islam*, (India: C. Hurst and Company), p.99

tension. If the dispute becomes chronic, they are advised to call a representative from the side of each party to arbitrate and try to make peace between them.

For the husband whose wife's ill-conduct is threatening the marriage, the Qur'an gives four types of advice as detailed in the following verses:

“ As to those women on whose part you fear disloyalty and ill-conduct, (1) Admonish them, (2) refuse to share their beds,(3) beat them (lightly); but if they return to obedience seek not against them means (of annoyance): For Allah is Most High, Great(above you all), (4) If you fear a breach between the twain, appoint (two) arbiters, one from his family and the other from hers: If they wish for peace, God will cause their reconciliation: for God hath full knowledge, and is acquainted with all things.”⁵⁴

In Islamic tradition, the arbiters should try to reconcile the couple to each other. They are to conduct the case discreetly to avoid the embarrassment that may arise from publicity involving private details. The arbiters' ruling should be binding, and if necessary, enforced by the court.

If the arbiters fail to reconcile the couple, divorce then

⁵⁴ The Qur'an 4:34-35, A. Yusuf Ali's translation.

may be the last resort. The Prophet describes divorce as a thing most hated by God. The Prophet said: "Of all things licit the most hateful to god is divorce."⁵⁵ Those involved in domestic disputes should do their best to salvage the marriage before thinking of divorce. If the rupture is irreparable, divorce may then become an inevitable, necessary evil.

As already mentioned, *Talaq* (divorce), the Qur'an professes it necessary for husband and wife to go through a waiting period of three months, *idda*, after which the marriage is officially terminated. The Qur'an says; "O Prophet! When you divorce women, divorce them at their prescribed period, and count (accurately) their prescribed periods: and fear God, your Lord."⁵⁶

Furthermore, the Qur'an commands that the husband reconsider his decision at the end of the waiting period and keep the woman in the home during the *idda* (waiting period). The husband must keep his wife even in times of menstruation; if she is pregnant, then he must keep her until she bears the child. These regulations gave women legal protection. However, according to some scholars, the Qur'an does not grant women

55 A concise Encyclopedia of Islam (London: Cyril Glasse, Stecey International, 1989), p.100

56 The Qur'an, 65:1, A. Yusuf Ali translation.

the same rights in divorce as are given to men. But some scholars argue that Islam offers Muslim women some unequalled rights; a woman can end the marriage through *Khula* and she can sue for a divorce.

Defenders of Islamic marriage law usually say that the male right of *talak* is balanced by wives' rights in court.⁵⁷ This is not at all true on a scale of facility.⁵⁸ But it is true in Indonesia that *pengadilan agama* are peculiarly women's institutions.⁵⁹ They do in fact offer wives a way out of difficult marriages, or even merely unpleasant ones. When an effort was finally made to form a marriage-counseling service, it was given a wholly new format with specific functions. The marriage-counseling boards (*Badan Penasihat Perkawinan dan Penyelesaian Perceraian: BP4*), literally, Marriage Counseling and Divorce Settlement Bodies, were created in 1954 to advise couples, to try to find out why they seek to divorce, and to attempt to reconcile them.⁶⁰

57 See Nashruddin Thala, *Pedoman Perkawinan Ummat Islam* (A Marriage Guide for the Islamic Community) (Jakarta: Bulan Bintang, 1957), p.69

58 Daneil S. Lev, *Islamic Courts in Indonesia*: p.150

59 See Judith Djamour, *The Muslim Matrimonial Court of Singapore* (London: Athlone Press, 1966), p.147

60 In October 1954, the first BP4 was established in Bandung on this model; initially the idea was formulated by S.M.Nasaruddin Latief of the Jakarta KUA, *Kantor Urusan Agama* (Religious Affair Office). See Nj.Djunah Pardieman, "Sedjarah dan Perkembangan BP4," in *Penuntun* 14, no.1 (January 1960), pp.16-19. See also Vrede-de Stuers, *Indonesian Women*, pp.131-132.

Although BP4 was led by the KUA (Religious Affairs Office), board members included representatives of several women's organizations, including 'Aisyiyah, as well as Muhammadiyah and other organizations.⁶¹

It may be that the generally stronger social position of women in much of Indonesia, compared with other Islamic countries, has pushed Indonesian Islamic Courts further in this direction than is the case elsewhere in the Islamic world.

The same appears to apply to the divorce system known as the *fasch* or "*pasah*." *Pasah* is another Islamic institution, which has been modified in application, and so molded more effectively into the milieu of *adat* law. *Pasah* is dissolution of marriage by a judge on the grounds of infirmity, present at marriage, such as the physical inability of the husband to provide *nafaqah* (maintenance) for his wife.⁶² But in Indonesia, there

61 These boards were a response not only to an obvious social problem but also to a political one. The background against which they appeared was filled with activity by women's groups, some of them political party subsidiaries, which were demanding reform of existing marriage law for Muslims. It was also a time of considerable ideological conflict among political parties, and Islam was very much at issue. See Daneil S. Lev, *Islamic Courts in Indonesia*, p.135- 160. See also Soewondo-Soeroso, *Kedudukan Wanita dalam Hukum dan Masyarakat* (The Position of Indonesian Women in Law and Society) (Jakarta: Timun Mass, 1955). It offers exciting and impassioned account of these efforts.

62 See Abdur Rahman I. Doi, *Women in Syari'ah* (Islamic Law) (Kuala Lumpur, Malaysia: ASN Publishers, 1990), pp.90-91

are many instances in which the wife is permitted to demand *pasah*, because her husband has deserted her. On the complaint of the wife, the husband is summoned, and (even if he does not appear himself) he is given the chance to prove within three days that he can support his wife. If after three days, the wife appears before the judge again with proof that her husband has not advanced support the marriage is forthwith dissolved by *pasah*. As a form of divorce at the request of the wife, this is therefore an Indonesian type of marriage termination.

In our discussion above, although the husband has greater power in deciding on a divorce, a woman has always had the right to add to her marriage contract a term granting her equal power to divorce her husband. Even without that provision she has always had the right to seek a divorce on certain grounds such as cruelty and the failure by the husband to provide her maintenance.⁶³ Although the term *nafkah* is used by Indonesians to refer to maintenance generally, Islamic

63 While married, women are clearly entitled to certain kinds of maintenance from their husbands. Among these are adequate food (*nafkah, nafaqah*) and clothing (*kiswah*). When a husband has left his wife without property or support, the courts normally grant a *fasach* divorce. However, if the husband is capable of providing support, and has in fact provided a house or clothes or other goods which the court consider adequate, then the wife is obliged to follow and obey her husband. See Notosusanto, *Organisasi dan Jurisprudensi Peradilan Agama di Indonesia* (Yogyakarta: Penerbit Gajah Mada, 1963), p.87

courts tend to restrict its meaning but also to rely upon broader statutory mandate of the laws to hear litigation involving all support responsibilities of husbands toward wives under Islamic law.⁶⁴ There is nowadays a growing tendency in Islamic countries to make divorce a state matter so that a couple contemplating divorce has to apply for it in the courts. This would be a further protection against a hasty divorce.

Another measure against hasty divorce is the prohibition, under Islamic law, of divorce during the period of the wife's menstruation and during a clear period in which coitus took place. A wife is also entitled to limited maintenance during her *'iddah* period of three menstrual flows, including the full length of time she may be pregnant.⁶⁵

Some Muslim countries, such as Indonesia, a woman can divorce her husband if he habitually assaults her or makes her life miserable by cruel behavior. However, if the husband only assaults his wife once, this is not sufficient grounds for the dissolution of the marriage. Indeed, the only case in which the wife can divorce her husband after a few instances of abuse is

64 These include not only adequate food and clothing, but also a residence, some furniture, and personal effects, all within limits set by the husband's means but never amounting to nothing. See Notosusanto, *Ibid*, pp. 94-98; See also Soewondo Soerasno, *Kedudukan Wanita*, pp.51-52

65 See Daneil S. Lev, *Islamic Courts in Indonesia*, pp.135-177

if she is a “reasonable woman” and a divorce would give her relief. The definition of a “reasonable woman” could obviously be interpreted in many ways. “Reasonable women” may be women of a certain class, behavior, or lifestyle as determined by a judicial group. A woman of the lower classes might not be seen as a reasonable woman because she does not seclude herself like a woman of higher classes. It is therefore acceptable for her husband to continue to treat her in a debilitating or degrading way, as her behavior might be called into some question as “impure.” We must question whether or not these “reforms” were true modifications of women’s rights and status. Perhaps the difficulty in protecting wives from abuse lies in the fact that it is deemed permissible in the Qur’an to strike a woman.

Another aspect of divorce which favors the husband is his ability to divorce his wife immediately upon his third pronouncement of the *talaq*, in which the husband says to his wife: “I divorce you”. This is called *the talaq al-bid’a*, and it was the most common form of divorce used. In order that repudiation by the husband be effective, according to some Muslim scholars, it is essential that he should be in his right mind.

Some Islamic family laws were proposed to make it more difficult for the husband to go through with the *talaq* to require him to give money to the wife to compensate for her loss. For instance, the 1953 Syrian Law of Personal Status proposed that when the husband divorced his wife without good cause, he must give her financial compensation for a year's worth of "maintenance."

Even though Islam allows divorce, however, it is discouraged by the Prophet.⁶⁶ This shows that the right is to be exercised only when there are sufficiently compelling reasons. There are also causes which would recommend the dissolution of a marriage. A husband who becomes impotent, or a husband who becomes incapable of bearing the maintenance of his wife and fears that she may fall into immoral behavior, should seek a divorce from his wife.

Divorce in Islam does not involve a stringent or long-protracted procedure. Moreover, it does not depend on the mutual consent of both parties but can be affected even in the face of an objection by the other party. It is regarded as unhealthy to hold on to a legal but otherwise broken marriage or to have

⁶⁶ See H.Abd al-Ati, *Islam in Focus* (Indiana: American Trust Publications, 1976), pp.116-7.

a long separation, which may lead to illegal (common-law) marriages and to subsequent miseries and maladjustment of the children. Divorce is then better and healthier both for the spouses and for the children.

The grounds for divorce in Islam, however, are more liberal than in many part of the West. They are not limited to proven adultery, or cruelty, or long separation. The couple may apply for separation simply when they realize that they cannot live together happily for any reason. This does not by any means reflect on the stability of the Muslim family. The complex web of ties, social and psychological, is a strong safeguard against rash decisions. Moreover, from the practical point of view, divorce has always been the exception. Its relatively greater frequency in recent times in some parts of the Muslim world has resulted from the profound and rapid social changes taking place and the upheavals, which accompany such changes.

Indonesia society in general has recognized many forms of divorce and dissolution of marriage, and some of these have been adopted by Islamic law with modifications. In the marriage contract, for example, there is what is known as the conditional repudiation (*ta'liq talaq*) by which the wife, if certain conditions

apply, can ask the court to dissolve her marriage relation with her husband. It is true that the possibility of making repudiation dependent upon the fulfillment of certain conditions rests on Islamic law. But the permissibility of the initiation of such an annulment by a woman rests in *adat* law. In practically every Muslim marriage, the man declares that if he leaves his wife for a given number of months without providing for her, or if he does any other specified deed that may be disagreeable to her, she may, if she wishes, complain to the Muslim authorities, and she shall be released from the marriage.

However, the relation between *adat* and Islam, in certain circumstances, is problematic. In Indonesia, the Dutch colonials introduced a new system with the hope of overcoming the conflict between *adat* and Islam. A Muslim *penghulu* was attached to every native law court. His task was not to impose Islamic law but to give Islamic advice regarding matters of local customs. More importantly, the Dutch established in 1882 the *Penghulu* court (“court of priests”) whose function is to give legal decisions according to Islamic law. But the importance of this court is limited to areas of marriage, inheritance, and *waqaf*. By the time Indonesia gained independence, there were

two judiciary systems: the native court and the *Penghulu* court. These systems are still maintained today (*Pengadilan Negeri* and *Pengadilan Agama*). It is for this reason that the courts in Indonesia have had much trouble with family law, particularly where unmodified Western legal institutions were adopted.

Chapter 4

Poverty or Maintenance

Verse 34 of *surah* 4 of the Qur'an teaches that the superiority of men over women is justified by the fact that men provide women with "*nafaqa*," the resources necessary to maintain human life. This verse commonly has been cited to subjugate women in the name of Islam. But more and more Muslim women are asking the question "How should this verse be interpreted?" Is the link between the relationship of domination and consumption limited to the sexual relationship, or is it institutionalized in other spheres? What exactly are the rights of the women to *nafaqah*, in marriage, widowhood, and divorce?

Sura 4, verse 34, is perhaps the most important Qur'anic verse dealing with the subject of men and women. Some translators have translated this verse to emphasize the supremacy of men over women:

...Men are the protectors and maintainers of women, because God has given the one more (strength) than the other, and because they support them from their means. Therefore the righteous women are devoutly obedient, and guard in (the husband's) absence what God would have them guard.....⁶⁷

The word *caiman*, here translated, is a difficult word to render in other languages. Some writers translate it as “protector” or “maintainer,” for example in Yusuf Ali’s translation, where he says that men are *qawwamuna* (have responsibility) over women. Linguistically, the word *caiman* means “breadwinners” or “those who provide a means of living.” According to Riffat Hassan, a point of logic that must be made here is that the first sentence is not a descriptive one stating that all men as “a matter of fact” are providing for women, since obviously there are at least some men who do not provide for women.⁶⁸ What the sentence is stating, rather, is that men ought to have the capability to provide (since “ought” implies “can”). In other words, this statement, which almost all Muslim societies have taken to be an actual description of all men, is in fact a normative

67 A. Yusuf Ali, *The Holy Qur'an: Text, Translation and Commentary*, Brentwood, MD: Amana, 1983, (Qur'an, 4:34)

68 See Riffat Hassan, “Equal Before Allah? Women and Equality in the Islamic Tradition,” in *Harvard Divinity Bulletin*, Vol II, no.2, 1987

statement pertaining to the Islamic concept of division of labor in a family structure. The Qur'an states that male and female believers are *each others' walis* (protectors, guardians).⁶⁹

Riffat Hasan argues that:

It is a profound irony and tragedy that the Qur'an, despite its strong affirmation of human equality and the need to do justice to all of Allah's creatures, has been interpreted by many Muslims, both ancient and modern, as sanctioning various forms of human inequality and even enslavement. For instance, even though the Qur'an states clearly that man and woman were made from the same source, at the same time, in the same manner, and that they stand equal in the sight of Allah, men and women is taken to be self-evident.⁷⁰

The fact that men are *qawwamun* does not mean that women are incapable of handling their own affairs, controlling themselves or of being leaders, whether among women, men and women, or even of nations, as has usually been assumed. Rather, the verse's intention is to establish a responsibility of

69 "The male and female believers are each others' *walis* (protectors, guardians)," Qur'an 30:21. These themes permeate the Qur'an and make it very clear that there is no metaphysical, ontological, religious, or ethical primacy for the male over the female. See Azizah al-Hibri, "An Introduction to Muslim Women's Rights," in Gisala Webb (Ed.), *Windows of Faith*: (2000).

70 Riffat Hassan, "Equal Before Allah? Women and Equality in in the Islamic Tradition,"

men for the protection and maintenance of women in restricted social contexts or simply that in view of the heavy burden that most women shoulder with regard to family duties, women should not have the additional obligation of providing the means of living. It can certainly be argued that the basic notion involved here is one of moral guidance and caring.

The Qur'an also states that "human beings were all created from the same *nafs* (soul)."⁷¹ It is reemphasizing their metaphysical sameness. The Qur'an also adds that the most honored humans in the sight of God are those who are the pious.⁷²

According to Azizah Y. Al-Hibri, thus, at the same time that the Qur'an points out empirical differences among humans, such as those of gender, race and ethnicity, it asserts their natural equality.⁷³ It bases any ranking among them on their individual moral choices. Consequently, from the perspective of these Qur'anic passages, no man is superior to a woman by

71 The Qur'an, 4:1-2

72 The Qur'an, 49:13, "Oh mankind! We created you from a single (pair), Of a male and a female, And made you into Nations and tribes, that ye may know each other (not that ye may despise each other). Verily, The most honoured of you In the sight of God Is (he who is) the most righteous of you. And God has full knowledge And is well acquainted (With all things)." (Abdullah Yusuf Ali Translation)

73 Azizah Y. Al-Hibri, "An Introduction to Muslim Women's Rights," p.52

virtue of his gender alone.⁷⁴

Furthermore, in *sura* 4:34, we come to the statement that God has given “the one more strength than the other.” Most translations make it appear that the one who has more strength, excellence, or superiority is the man. However, the Qur’anic expression does not say that “all men are superior to or better than all women.” Nor does it even imply that all men are preferred by God over all women. Advantages are explicitly specified in the Qur’an. Men have a certain advantage materially, resulting in certain responsibilities (or vice versa).

When the Qur’an says that “some (unspecified gender) are preferred by God over others,” the expression literally means “some in relation to some,” so that the statement could mean either that some men are superior to some others (men and/or women) or that some women are superior to some others (men and/or women). According to Riffat Hassan, what is being stated in this verse is that some men are more blessed with the means to be better providers than are other men.

The next part of the verse begins with a “therefore,” which indicates that this part is conditional upon the first: in other words, if men fulfill their assigned function of being

74 *Ibid*

providers, women must fulfill their corresponding duties. Most translations describe this duty in terms of the wife being “obedient” to the husband. In Yusuf Ali’s translation the word *salihat*, is translated as “righteously obedient,”⁷⁵

What are outlined in the first part of this verse are the functions of all divisions of labor necessary for maintaining balance in any society. Men, who do not fulfill the responsibility of childbearing, are assigned the function of being breadwinners. Women are exempted from the responsibility of being breadwinners in order that they may fulfill their functions as separate but complementary; neither is higher or lower than the other.⁷⁶

In the Qur’an, responsibility and privileges are linked. Whoever has greater privileges, and other advantages, has greater responsibilities and vice versa. The material responsibility of men in the Qur’an, in which they are invested with the responsibility for support of women, has corresponding advantages (like a greater portion of the inheritance). This verse

⁷⁵ This word, according Riffat Hasan, is related to the word *salahiat*, which means “capability” or “potentiality,” and not obedience. Women’s special capability is to bear children.

⁷⁶ The law of maintenance is based on the Qur’an, but unfortunately it has been used to assert the general superiority of men over women. See Aziza Y.al-Hibri, “An Introduction to Muslim Women’s Rights,”

does not give men inherent superiority.⁷⁷ It establishes mutual responsibility in society. Responsibility is not superiority.

This description of the universal organization in creation is significant in our discussion of the relationship between advantages and responsibilities. Some people are more advantaged than others are; thus their responsibilities correspondingly increase. Men have material advantage and an increased responsibility: spending “for the support of Women.”

From our discussion above, can we see exactly what the rights of women are to *nafaqah* (maintenance)? Islamic law treats property as primarily and naturally individual. The wife can claim to be maintained at the expense of her husband, as her right to maintenance is considered part of the marriage contract. In Islam, a man is bound to maintain his wife and his minor children irrespective of his and her means, if he is not indigent. He is obliged to maintain his other relatives from whom he can inherit, if he has the means to do so and they are indigent.⁷⁸

⁷⁷ See *Ibid*

⁷⁸ See Aziza Y.al-Hibri, “An Introduction to Muslim Women’s Rights,”

The Arabic equivalent of maintenance is *nafaqa*, which literally means, “what a person spends on his family.” In this legal sense, *nafaqa* encompasses primarily the husband’s responsibility to provide (*Nafaqa*) the food, clothing and lodging for his wife and children, which is a fundamental responsibility of the husband and father, and this becomes a legal concern in the dissolution of a marriage where it is contended that the husband is not providing adequate support during the course of the marriage.

The husband’s responsibility to maintain his wife begins at the time of the marriage contract. *Nafaqa* is due to the wife whether she is Muslim or not, rich or poor, and whether or not the marriage has been consummated. Although this point is legally binding, in practice maintenance does not customarily begin until the couple begins to cohabit, which may be some time after the signing the marriage contract. *Nafaqa* is popularly understood to be the price of legal sexual access to the wife. Thus the wife is entitled to maintenance as long as she remains in the house of her husband, or if they are living in her house or the house of her family, as long as she permits him to cohabit with him.

In the case of divorce, a divorced husband must pay for the full maintenance of his revocable divorced wife for the full waiting period. During this period she is still treated almost like his wife. Therefore any proposal of marriage to her during this period, even by allusion, is forbidden.

An irrevocably divorced woman who is pregnant has the right to her full maintenance for the duration of her period of waiting. If not pregnant, she has the right to the cost of her accommodation only.

In the case of widowhood, a widow has the right of accommodation (from the estate of her deceased husband) only for the duration of her period of waiting, whether she is pregnant or not.

A hinting proposal of marriage during the waiting period to a woman irrevocably separated from her husband by death or by a third divorce is permissible; but a direct proposal is not. The idea is to maintain courtesy to the former husband and not to provoke his jealousy unduly. On the other hand, the divorced husband has to show sympathy and consideration toward his divorced wife. He should not reveal a secret or attempt to disgrace her in any way. In addition, in Islamic tradition, it is

recommended that he send her a generous financial gift to help her out during the period of the ordinal divorce.

Chapter 5

Poligamy

The ability of a Muslim man to have multiple wives is one of the better known facts about Islam. According to Muslim tradition, a man is indeed allowed to marry up to four wives at any time. This leniency is even established by the Qur'an,⁷⁹ but the use and perception of that institution is different from the popular stereotype. The woman does not seem to have a similar privilege. Polygamy has caused much misery for women. Before Islam, pagan Arabs without any check or limit practiced polygamy. The result was oppression and injustice for all wives. Therefore, Islam adopted an improved-upon preexisting practice by not allowing a man to marry more than four wives concurrently, and only if he could afford to support them all equally.⁸⁰

Islam has been much attacked for its support of

79 (The Qur'an, 4:3), See Abdullah Yusuf Ali, *The Qur'an: Text, Translation and Commentary*, 1983

80 Abdullah Yusuf Ali, *An English Interpretation of the Holy Qur'an*, Lahore, 1915, p.179

polygamy; however, polygamy is certainly not imposed by Islam, nor is it a universal practice. And the opinions of religious thinkers have differed widely.⁸¹ The reaction of Islamic women concerning polygamy points out the high sensitivity of Muslim men and women if their religious teachings are misunderstood by other people. The institution of polygamy is probably the Islamic tradition most misunderstood and most vehemently condemned by non-Muslims. Some Muslims, indeed, believe that polygamy is not allowed and base their position on what is mentioned in Qur'an. The Qur'an allows polygamy only in exceptional circumstances and with rigid requirements attached to it. It is instead regarded as the exception to the norm of monogamy and its exercise is strongly controlled by social pressures.⁸²

The passage in the Qur'an which has been used to justify polygamy is the following:

....If ye fear that ye shall not be able to deal justly with the orphans, marry women of your choice, two or three or four; but if ye fear that ye shall not be able to deal justly (with them), then only one, or (captive) that

81 Nawal El-Saadawi, "Woman in Islam" in Azizah Al-Hibri (ed), *Women and Islam*, (New York: Fergamon Press, 1984), p.198

82 Lois Lamy al- Faruqi, "Islamic Traditions and the Feminist Movement: Confrontation or Cooperation?", *The Islamic Quarterly*, 27 (Third Quarter, 1983), p.136

your right hands possess, that will be more suitable, to prevent you from doing injustice....⁸³

Thus it can be seen that the emphasis is not just on marrying more than one woman but on doing justice to the orphans. Here it is to be borne in mind that in those days, guardians often misappropriated their wards' properties and sometimes did so by marrying them without even paying the dower money. The Qur'an checks this malpractice.

According to Yusuf Ali's commentary:
Notice the conditional clause about orphans, introducing the rules about marriage. This reminds us of the immediate occasion of the promulgation of this verse. It was after *uhud*, when the Muslim community was left with many orphans and widows and some captives of war. Their treatment was to be governed by principles of the greatest humanity and equity. The occasion is past, but the principles remain, marry the orphans if you are quite sure that you will in that way protect their interests and their properly.⁸⁴

According to Said ibn Jabayr, Qatadah, and other successors of the Prophet's companions, the importance of the

⁸³ Qur'an, An-Nisa: 3, Abdullah Yusuf Ali, *The Holy Qur'an*, 1983

⁸⁴ Abdullah Yusuf Ali, *The Meaning of the Holy Qur'an*, (1993),

verse is this:

Just as you are, rightly, fearful of offending against the interest of orphans, you must apply the same careful consideration to the interests and rights of the women whom you intend to marry.⁸⁵

Thus justice to orphan girls on the one hand, and to the rights and interests of women, whom men intend to marry on the other, receive primary consideration. These cannot be trifled with. It is necessary to deal with the verse of the Qur'an from which the permission to marry more than one woman is derived. The important point, which should be carefully noted, is that this verse does not endorse polygamy. It only permits polygamy, and that permission, too, is given on a strict condition. For example, only if one can be equitable between the wives, may he marry more than one. If he cannot be equitable, he is bidden in plain words to marry only one woman. This also makes it quite unambiguous that justice is the central concept and polygamy cannot be treated as a right or privilege as unfortunately has happened in a male-dominated society.

Another important factor to be borne in mind is the contextual revelation of these verses. The commentators agree

⁸⁵ Muhammad Assad, *The Message of the Qur'an: Translated and Explained*, (Gibraltar: Dar Al-Andalus, 1984), p.101

that these verses were revealed immediately after the battle of *Uhud* and were meant to provide guidance to Muslims after that cataclysmic event.⁸⁶

There is one interesting *hadith* of the Prophet narrated by Bukhari. The Prophet said that one who works hard for the sustenance of widows is like one who wages war in the way of Allah or one who prays at night or fast during the day.⁸⁷

If this *hadith* is related to the *surah* An-Nisa: 3 permitting polygamy, the emphasis on marrying widows and orphan girls become clearer. According to Asghar Ali Engineer, if working and earning for widows and orphans were like *jihad*, marrying them in times of distress would amount to maintaining and protecting them and would be a meritorious act. Thus this *hadith* makes it clear that marrying more than one wife is to help widows and orphans and not to satisfy one's lust. The intent is to establish social justice.⁸⁸

During *Jahiliyah* (the pre-Islamic period in Arabia) there was no restriction on the number of women one could marry.

86 See Abdullah Yusuf Ali, *The Qur'an: Text, Translation, and Commentary*, p.178

87 *Shahih Bukhari: Bab Nikah*, Vol.III, Lahore, 1980, p.67 (Quoted from Asghar Ali Engineer, *The Rights of Women in Islam* (Lahore: C.Hurst and Company, 1992), p.104

88 Asghar Ali Engineer, *The Rights of Women in Islam*, p.104

After Islam, restricting the number to four wives was a reform. This reform was introduced in the then-prevailing conditions, for instance, the drastic reduction in the Muslim male population due to casualties in battles.

Everyone knows that the social system of Muslim societies has been drawn from the Qur'an. The permission for polygamy is drawn from the above verse, but it is now also clear, that polygamy is by no means obligatory upon a Muslim. On the contrary, those Muslims who indulge in polygamy and do not observe equity between the wives commit a sin because they go against the plain injunction of the Qur'an to be monogamous if they cannot be equitable. In another verse in the Qur'an it is stated:

Ye are never able To be fair and just As between women, Even if it is Your ardent desire: But turn not away (From a woman) altogether, So as to leave her (as it were) Hanging (in the air). If ye come to a friendly Understanding, and practice Self-restraint, God is Off-forgiving, Most Merciful.⁸⁹

Thus in this verse, again, the Qur'an tells the believers that they cannot do justice, even if they so desire, between wives,

⁸⁹ The Qur'an: 4:129 (Abdullah Yusuf Ali's translation)

so they should refrain from taking more wives than one.

According to Muhammad Asad (in *The Message of the Qur'an*), this verse refers to “cases where a man has more than one wife--a waiver which is conditional upon his determination and ability to ‘treat them with equal fairness’ as laid down.”⁹⁰ A man who is fully conscious of his moral responsibility might feel that he is committing a sin if he loves one of his wives more than the other. The verses provide “judicial enlightenment” on this point by making it clear that feelings are beyond human control.

The requirement to be just to all of one’s wives is also an absolute one. Despite these qualifications, however, it is indisputable that polygamy has been widely misused through the ages and has done tremendous damage to women. It seems rather evident that the whole issue of polygamy is the result of the patriarchal attempt to distort the Qur’an in the male’s favor.

In Islam itself, a woman is a completely independent personality. She can make any contract or bequest in her own name. She is entitled to inherit in her position as mother, as wife and as daughter. She has perfect liberty to choose her husband.

⁹⁰ See Muhammad Asad, *The Message of the Qur'an*, 1984, p.101

Islam does not consider a woman as “an instrument of the devil.”

The Qur’an emphasizes the essential unity of men and women: “..They are your garments And ye are their garments. God knoweth what ye Used to do secretly among yourselves....”⁹¹

Thus, in many contemporary Muslim countries the “low” status of Muslim women does not reflect the spirit of the Qur’an or *hadith*. Rather, it is a result of extra-Islamic conditions, misinterpretations, and abuses of Islamic law. Local “interpretations,” have, therefore, usually affected women negatively.

91 The Qur’an, 2:187, Abdullah Yusuf Ali’s translation.

Chapter 6

Inheritance

Until very recently, Islam has been the most liberal religion in allotting women a share in their father's or husband's property.

Property and wealth are entwined in the structure of society, with ties formed through blood and marital relations, and the orderly transfer of wealth is a fundamental part of Islamic law. The supreme purpose of the Islamic system is material provision for surviving dependants and relatives, for the family group bound to the deceased by the mutual ties and responsibilities which stem from blood relationships. The law prescribes the manner in which this provision is to be made in rigid and uncompromising terms. In Islamic legal philosophy the rules of inheritance set-forth the ideal way for the deceased to fulfil his duty to his surviving family.

In Indonesia, within the *adat*, where the bilinear⁹² social

⁹² In Java, the bilinear system is most common.

systems operate, the children born to a couple thereby belong to both sides of the family, and both sons and daughters can inherit property. Among married couple, the “possessions inherited or acquired by either partner during the marriage, become the common property to which they have equal rights.”⁹³ If the couple decides to separate, all possessions that were brought into the marriage by the man remain with his family, while those brought into the marriage by the woman remain with her side. Property acquired since marriage is split so that the wife receives one third of its value, while her husband receives two-thirds.⁹⁴

The general pattern of local kinship systems in Indonesia is of course influential in determining principles of inheritance. But bargaining still works cases out according to individual need, sympathy, and regard for personal condition and relationships.

Under patrilineal systems, for instance among the Toba Batak, where *adat* rules exclude females from inheritance, daughters are frequently provided with a piece of land or other

93 Vreede-de Stuers, *The Indonesian Women*, p.30

94 See Koentjaraningrat, “Tjelapar: A Village in South Central Java,” in *Villages in Indonesia* (Ithaca: Cornell University Press, 1967)

substantial support as a “gift.”⁹⁵

In Aceh where the influence of Islamic inheritance law is evidently very strong, the trust in Islamic rules is qualified by the practice of presenting daughters with houses when they marry. In wealthy families, land is evidently also sometimes given to daughters.⁹⁶ However, under matrilineal systems, for instance among the Minangkabau of West Sumatra, Islam was accepted in all critical respects but to implement the Islamic inheritance law would turn Minangkabau social organization and authority upside down. The inheritance law became a dominating symbolic focus of conflict there, and when the struggle died down, an effort was made to work out an area-wide compromise on the inheritance problems.⁹⁷ Even so, for long periods of time Minangkabau *adat* and Islam have lived in relative harmony, which means that Islamic leaders called off the challenge for the nonce, satisfied with other gains for Islam.⁹⁸

95 See J.C. Vergouwen, *The Social Organization and Customary Law of the Toba-Batak of the Northern Sumatra* (The Hague: Martinus-Nijhoff, 1964), pp. 60-61

96 James Siegel, *The Rope of God*. (1969), pp. 138-139

97 See Mochtar Naim (ed), *Menggali Hukum Tanah dan Hukum Waris Minangkabau* (Developing Minangkabau Land and Inheritance Law) (Padang: Sri Dharma, 1968).

98 See Taufik Abdullah, “Adat and Islam: An Examination of Conflict in Minangkabau,” *Indonesia* 2 (October 1966), pp.1-25

In *Fiqh* Islam, the phrase used to describe the system of inheritance as a whole is '*ilmu al-fara'id*, the science of duties or obligations, and more specifically, religious obligations. The Qur'an gives rights of inheritance to the husband and the wife, to children and to a number of close female relatives who previously had no rights of inheritance at all.⁹⁹ These new "Qur'anic heirs" received fixed proportions from the deceased's estate before the inheritance passed to the close male relatives.

If we define the law of inheritance as the rules pertaining to the succession of a person's property at his death, we must begin by characterizing the Islamic law of property. Proprietary rights can be transmitted freely, almost without any formalities. No difference is made between movable and immovable property, nor between real or equitable rights. Every Muslim who is of age is capable of owning property. Though the personal status of women are in many ways inferior to that of men, this does no way affects her property. A Muslim woman holds and administers her own property, even after marriage. Husbands and wives have no rights to each other's property. A married woman has full powers to contract and to accept

⁹⁹ See Reuben Levy, *The social Structure of Islam*, (Cambridge: University Press, 1962), pp.147-149

liabilities.

The Muslim woman has the right to inherit property after the death of her father. The Qur'an says:

Allah thus directs you as regards your children's (inheritance): to the male, a portion equal to that of two females: if only daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is a half...¹⁰⁰

The Qur'an thus entitles a woman to inherit half the share given to a man. Since the Qur'an charges men with the maintenance of all the women and children in the family, the half share that a woman inherits may be considered a generous one, meant for her alone.

A woman has full right over her property, and she can dispose of it according to her will and pleasure, without referring to anybody.

Again the Qur'an says:

In what your wives leave, your share is a half, if they leave no child; but if they leave a child, ye get a fourth; after payment of legacies and debts. In what ye leave, their share is a fourth, if ye leave no child; but if ye leave a child, they get an eighth; after payment of legacies and debts. If the man or woman whose inheritance is in

100 The Qur'an, 4:11 (Abdullah Yusuf Ali's translation)

question, has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third; after payment of legacies and debts; so that no loss is caused (to any one) Thus is it ordained by Allah; and Allah is All-knowing, Most forbearing.¹⁰¹

In pre-Islamic Arabia, women had no rights to succession at all. Islam brought reform as the Qur'an abolished all these unjust customs and gave all the female relatives inheritance shares: "From what is left by parents and those nearest related there is s share for men and a share for women, whether the property be small or large, a determinate share."¹⁰²

Islam recognized every individual's right to property--men, women and children. The Qur'an declares in unambiguous terms: "...And women shall have rights similar to the rights against them, according to what is equitable; But men have a degree (Of advance) over them. And God is Exalted in Power, Wise."¹⁰³

But what the Qur'an gives, the men take away. It was found in many Muslim countries (including Indonesia) that almost 45 percent of the women have lost their inheritance,

101 The Qur'an, 4:12 (Abdullah Yusuf Ali's translation)

102 The Qur'an, 4:7 (Abdullah Yusuf Ali's translation)

103 The Qur'an, 2:228 (Abdullah Yusuf Ali's translation)

being a merely child. The whole issue of inheritance in Islam depends entirely on the social and economic context, and the role or function of a particular sex within it. If this crucial contextual factor is borne in mind, a proper understanding of the verses related to inheritance in the Qur'an would ensue.¹⁰⁴

Property relations between husband and wife, and in general the rights of women to the estates of their deceased kin, have sometimes been obscured by a simplistic rendering of the dictum that a woman receives one-half that of a man in inheritance. Muslim marriage does not convey community of property between husband and wife, as lineal relations are favored over affinal ties. Throughout a marriage a husband retains full possession and control of his property, as the wife does of hers. However, the husband and wife do have mutual rights of inheritance; if there are no children, he takes half and she takes a quarter. If there are children, he takes a quarter and she one-eighth. In the latter, more frequent case, the children and the close agnatic kin take the largest sum of both estates. Of the nine specifically mentioned Qur'anic heirs (i.e. those who must inherit their portion), six are women, including the wife, the mother, daughter, grandmother, consanguine and uterine

104 Ali. Engineer, *The Rights of Women in Islam*, p.70

sisters. And the remainder goes to the man who lacks strong agnatic ties, i.e. the husband and uterine brother, the intention being to modify and reform the strongly patrilineal system which prevailed before Islam. The half-portion allotted to women stems from the attenuated public economic roles which women play in patrilineal societies, in which some women are denied rights to inheritance.

The general rule is that the female share is half the male's except for cases in which the mother receives equal shares to that of the father. This general rule, if taken in isolation from other legislation concerning men and women, may seem unfair. In order to understand the rationale behind this rule, one must take into account the fact that the financial obligations of men in Islam far exceed those of women. For instance, a bridegroom must provide his bride with a marriage gift. This gift becomes her exclusive property and remains so even if she is later divorced. The bride is under no obligation to present any gifts to her groom. Moreover, the Muslim husband is charged with the maintenance of his wife and children. The wife on the other hand, is not obliged to help him in this regard. Her property and earnings are for her use alone except for what she may

voluntarily offer her husband. Besides, one has to realize that Islam vehemently advocates family life.

From a sociological standpoint, the laws of inheritance reflect the structure of family ties and the accepted social values and responsibilities within the Islamic community. The rights of inheritance are generally regarded as the consideration for duties of protection and support owed to the deceased during his lifetime, so that the stronger the family bond, the greater the right of inheritance.

In providing for the continuity of the family group as one cell of the universal Islamic community, the law of inheritance appears as a vital aspect of the individual's supreme duty to Islam.

However, in Indonesia's case, it is not fair to see the concept of "power" for women just as an issue for Islam, since women's being essentially powerless during the New Order Era was a result of systematic repression that did not rely on religious underpinnings.¹⁰⁵ The importance of religion as a world-construction activity in the women's movement in Indonesia cannot be underestimated. Religion plays a powerful role indeed in the Indonesian women's movement. Efforts to re-

105 *Ibid*

interpret Islamic teachings regarding women have been noted recently. Maybe the future, both for women and Indonesia itself, rests on whether the Islamic organizations are sufficiently sensitive to gender issues to initiate innovations and changes in thinking, especially in analyzing Islamic teachings from gender perspective. And it is here, perhaps, that the legacy of 'Aisyiyah may prove most enduring.

Chapter 7

Conclusion

In the Muslim tradition, it is often said that women and family are the foundations of the Islamic community, the heart of Muslim society. That centrality is reflected in Islamic law, the ideal blue-print for a Muslim society, within which family law has often seemed sacrosanct. The Qur'an and the Sunnah of the Prophet provide the textual sources for the development of law. The word of God, however, is interpreted and applied in socio-historical contexts by human beings.

Islamic law is thus the product of divine law (*syari'ah*) as understood (*fiqh*), interpreted and applied by male religious scholars who are both using reason and precedent and are being influenced by diverse geographic locations and customs and cultural assumptions.

Islamic law that protects women's right to inherit was often circumvented by families who sought to protect the property of the patriarchal family. In Indonesia, the sphere of

Islamic law has been family law, governing such matters as marriage, divorce, child maintenance and inheritance. On the other hand, support for women's activism and participation is not shared by all. There are some in the community who express skepticism, necessitating a need for repeated legitimation and confirmation. It is at this point, consistent with the general tendency of nationalists in postcolonial societies to infuse national ideology with concepts and language derived from the indigenous culture, that political spokespersons invoke tradition and *adat*. However, one complication results from the general fact that the position of women according to the *adat* of each region varied widely in Indonesia. In Aceh, history records the rule of queens in the 17th century. As mentioned by A. Hasyimy in *The Role of Acehnese Women in Government and the War*, Aceh was ruled by a queen for 34 years from 1641-1675., and there it was understood that women can become good rulers, regional chiefs, and so forth. Other areas might have different views of the roles appropriate to women according to their local *adat*, but there is reason to believe that pre-colonial Indonesian women had, on the whole, a more significant and stronger place in society than would later be the case.

Historically, women's role in society was determined as much by social and economic factors as by religious prescriptions. Social customs, property, and illiteracy often eroded or subverted Qur'anic objectives. While Islamic law did provide the parameters for behavior regarding marriage, divorce, and inheritance, the actual roles in practice, such as whether or not men took more than one wife, or whether divorce was common, or modesty expressed itself in terms of women's dress or participation in the work place, were the results of local conditions and social class, which often differed from urban to rural settings and from one country or region to another.

The Cultural values related to women's sexuality, which reflected the inequality of gender, very much influenced the formulation of law in Indonesia, both secular law and Islamic law. The question of the role of religion on gender constructions in Indonesia has not been asked often enough, but is clearly of great relevance to contemporary debates, as Indonesia struggles towards democracy. Respecting the rights of women and accepting their equality with men is not an easy task that can be achieved overnight. Society's traditional notions in general and the negative attitude of the majority

of men towards women, in particular, must be changed. But this is a struggle against a problem caused by ignorance, religious beliefs, culture, and impressions developed over many centuries.

Finally, the burden of ensuring the equality of women does not rest on the shoulders of women alone; women should of course, be the most concerned vanguard of the struggle. However, society in general and men in particular should actively take part in this struggle, for their own good. No nation can afford to ignore the God-given potential and gifts of half of its citizens.

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SURAIYA IT

Permanent address:

66-09 110th ST Apt 3B

Forest Hills,

New York, NY 11375

Phone in US: (267)257-7835 (cell), or (718) 459-3132

Fax : (718) 459-3132

Phone in Indonesia: +(62) 812 699 9718

E-Mail: Ayathaib@aol.com, Suraiyait@yahoo.com

EDUCATION

PhD in Religion, Department of Religion, Temple University,
Philadelphia, USA. (April 2005)

Graduate Certificate for Women Studies, Department of Women
Studies Temple University (2005)

Master of Art in Religion, Department of Religion, Temple University
(January, 1997)

Dra., in Philosophy, Faculty of Theology, State Islamic University,
Darussalam, Banda Aceh- Indonesia. (1987)

DISSERTATION

**"THE WOMEN'S MOVEMENT IN INDONESIA: WITH SPECIAL
REFERENCE TO THE 'AISYIYAH ORGANIZATION"**

Field Research:

- Feminist Perspective in Islam
- Islam in Dialogue
- People under the Poverty Level in Indonesia
- The Role of Young Generation in the Development of the
Country

- Relationship between Philosophy and Religion in the Concept of Ibn Rusyd
- Religion, Women, Politics and UUPA (Special Law for Aceh), Indonesia: Reconstruction Efforts in the Post-Tsunami, post-Conflict Period.

AREAS OF SPECIALTY

Islamic Studies, Philosophy of Religion, Religion and Non-violence, World Religions, Feminist in Islam, Peace Building and Human Rights, Religion and Peace, Women Rights, and Inter-Religious Dialogue.

Currently, Director of the *Institute for Islamic Studies and Interreligious Dialogue (IISID-Aceh)*. a non-profit organization affiliated with the State Islamic University (IAIN Ar-Raniry Banda Aceh), and Institute for Interreligious and Intercultural dialogue Temple University, and some Senior Professors of Temple University, which fosters studying and teaching of Islam and Islamic world within broader framework and its dialogic interaction with the religions of the world, and their cultures.

In 2006, Working with the Permanent Observer Mission of the Organization of the Islamic Conference to the United Nations (S.Shahid Husain) in the preparation of a non-paper regarding the establishment of an **International Federation of Islamic Women's Organizations** which could serve as a non-governmental organization dedicated to the promotion of interests of women in Islamic countries; also to the enhancement of their roles in the family, and the socio-economic development of the society.

EMPLOYMENT HISTORY

2007- (Currently) – Executive Director for Islamic Studies and Interfaith Dialogue (IISID-Aceh)

2000- Present, Chair of International Forum for Aceh (Human Rights Organization)

- 1992- Present, Lecturer, Fakultas Ushuluddin (Faculty of Theology) of State Islamic University (IAIN Ar-Raniry), Darussalam Banda Aceh
- 1995-1996, Paley Library, Temple University
- 1992-1993, Associate Professor, Faculty of Theology, State Islamic University (IAIN Ar_Raniry) Darussalam, Banda Aceh
- 1990-1991, Adjunct Faculty, Department of Theology, State Islamic University (IAIN A- Raniry, Darussalam, Banda Aceh.
- 1987-1990, Teaching Assistant in Philosophy of Religion, Faculty of Theology, State Islamic University (IAIN Ar-Raniry) Darussalam, Banda Aceh, Indonesia
- 1987-1988, Instructor for Health Education and Environment of The Center of Population and Environmental Studies (PSKLH), State Islamic University (IAIN Ar-Raniry, Banda Aceh)
- 1987-1988, Teaching Assistant in Logic (Mantic), Faculty of Theology, State Islamic University (IAIN Ar-Raniry), Darussalam, Banda Aceh, Indonesia
- 1987-1990, Staff of the Center of Population and Environment Studies, State Islamic University (IAIN Ar-Raniry) Darussalam, Banda Aceh, Indonesia
- 1983-1993, Instructor for Basic and advance training in mental development for Young Generation, BP 7 (Indonesia)

AWARDS

- | | |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1984 | The First Winner of National Academic Writing Held by Indonesian Department of Religious Affair, Research on the Role of Young Generation in the Development of the Country |
| 1985 | The First Winner of 10 top of training for tutor/instructor of P4 |
| 1991 | The Representative of National Youth Council for ASIAN Youth Council Dialogue, in Singapore, Thailand, Malaysia, Brunai-Darussalam, Philippine |
| 1993-1995 | Mobil Oil Academic scholarship |
| 2000 | Temple University Grant |

RELATED PUBLICATION

Books:

The Role of Young Generation in the Development of the Country, Department Agama, 1984

Relationship between Philosophy and Religion in the Concept of Ibn Rusyd, Banda Aceh, 2009

PUBLICATIONS AND PROFESSIONAL WRITING:

-"Religion, Women, Politics and UUPA (Special Law for Aceh), Indonesia: Reconstruction Efforts in the Post-Tsunami, post-Conflict Period."

(Paper presented at Yale Indonesian Forum, Yale University, on November 15, 2006)

-“Religion, Civil Society, and Conflict in Aceh, Indonesia: Prospects for Non-violent Resolution in the Post-Tsunami Period.”

(Paper presented at Marquette University a Conference on the Vocation of Peacemaking in a World Many Faiths, on September 22-24, 2005, Milwaukee, WI, USA.

-“After Tsunami: Reconstruction, Conflict Resolution, and Civil Society.”

(Paper presented at Asia Society a Special Response Program: “After Tsunami: The Impact on Indigenous Conflicts in Indonesia and Srilangka,” on April 2005)

-“Martial Law: Falling Dawn Democratization Process in Aceh
(This paper was presented for Asia Society’s Conference “Autonomy and Independence in Indonesia: The Case of Aceh” New York, December 2, 2003)

- “The Voice of Women in Islam”

(Paper presented at the conference on Women of Islam: Many voices, Many perspectives, at Cedar Crest College, PA, US. November 21, 2002.

- “The Wake up Call for Acehnese Women”

(Paper presented at the conference on Human rights issues at New York University (NYU), New York 1998.

-“Islam in United States” Serambi Indonesia News, 1997

-“Women in New Culture” Serambi Indonesian News, 1991

Lectures: Islam in America, Women in Islam, Islam and Modern World, Islam in Dialogue, Inter-Religious Dialogue, Women, Conflict Resolution and Civil Society, Religion and Conflict in Aceh.

Professional Membership:

2009-Present, Head Committee of KADIN-US Relationship

2006- Present,	Special Adviser of Aceh Business Working Group (ABWG)
2005- Present,	Special Adviser of the Foundation for Empowering Acehnese Women and Children (FPPA)
2003- Present,	Adviser of Civil Society Task Force for Aceh (ACSFA)
2000- Present,	Chair of International Forum for Aceh
1995 -	Board Member of ICMI (Indonesian Muslim Intellectual Association, US Chapter.
1989-1993,	Board member of Indonesian Ulama Assembly of Aceh (MUI)
1990-1992),	Vice Chair of National Committee of Indonesian Youth Council
1996,	ASS: The Association for Asian Studies (members)
1997,	Sisterhood Is Global Peace (members)

Since 2000, as a Chair Person of International Forum for Aceh (IFA), is a US based-non-governmental and non- profit organization. IFA is Human Rights organization that was established based on the historical conflict in Aceh. IFA is a forum to build international support and solidarity to end state violence against the Acehnese, to empower and strengthen the Acehnese in their struggle for their lives, peace, democracy, and justice in their homeland.

- Conducted various discussions, International Conferences and Workshops
- Monitor human rights violations in Aceh and publish reports of these to the International community
- Lobby US Governments, Congress, and Indonesian Government for peace process for Aceh.
- Work with various International and national NGOs and Universities, such as American University, New School University, Columbia University, New York University, St Joseph College, and Cornell University to educate international public about Aceh
- Promoting Peace-Dialogue for Aceh conflict

On several occasions IFA has held conferences that have encouraged many parties to find peaceful solutions for problem solving in Aceh. In October 5-6, 2001, IFA and the Center for Global Peace hosted a leadership meeting of 50 civil society representatives from Aceh at American University in Washington DC. Participants attended workshops on principles of negotiation, guidelines for dialogue, and third-party consultation. They agreed that civil society should play a more vigorous role in the peace process, and they elected a Civil Society Task Force of 10 representatives, whose purpose was to work with other civil society representatives to raise public awareness about the peace process, to strengthen civil society, and to act as links between civil society and those directly involved in peace negotiations.

LANGUAGE TRAINING

English, Indonesian, Classical Acehnese, and Arabic (research)