

Study on the Sakinah Family Concept in the Career Family Context

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ABSTRACT

The rule of impartiality towards women is not a provision that appears at this time, but this provision has appeared since ancient times in various places such as the Greeks, for example, which prohibited women from being involved in public affairs so that it can be said that the rules against women sometimes show humiliation of the dignity of women themselves. The emergence of Islam with a treatise that comes from Allah and contains all aspects of human life gives women the widest opportunity and opportunity to obtain their rights and be given the greatest possible responsibility for the actions they commit so it can be said that Islam has a very important role. very significant for the progress and development of women, especially in efforts to improve the image of women who have always been looked down upon. This phenomenon can be seen, both during the golden age of Islam and during its decline, so it has implications for cultural development.

An aspect that needs attention in Muslim countries is when there is a demand for a convention that gives women the widest possible freedom to marry any man they want. In this case, Islam provides a limitation that marriages that will take place may not be carried out between people who are among them restrictions that are either eternal (haram muabbadah) or temporal (haram muaqqatah). Even though this prohibition seems to limit a woman's right to marry the man she wants, this prohibition has wisdom that women can also feel. Thus, even though Islam limits a woman's right to marry the man she wants, this prohibition is also aimed at the interests of the woman herself.

KEYWORDS

relevance,
women's human rights,
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INTRODUCTION

Issues concerning women are very intense studies carried out by scientists, especially among women observers themselves. Various theories have begun to emerge that display a diversity of ideas, values, and perspectives whose directions are aimed at finding the right formation in determining equality between men and women. Some of them claim that equality between men and women is inseparable from the context of revelation so that they have a strong foundation from a religious perspective, and on the other hand some claim it from the perspective of traditional social structures.

Moreover, the high intensity of this study is also applied in the form of the widespread efforts made by the feminist movement. This movement views that women are required to endure conditions of inferiority for centuries. This movement was born as a reaction to the unfair and sad conditions that women have had to endure throughout history. In their view, women have been oppressed and are disadvantaged when compared to men, even women are treated as second-class citizens so that they are marginalized in many aspects of human life.

It seems that, in dealing with conditions like this, women tend to remain silent and take an attitude of surrender to the stereotypes that are imposed on them. Even though their rights are often abused by male dictatorships, especially for women who have husbands. Women are not given the space to put up the slightest resistance so that male domination is considered a natural condition and as it should be, and women must submit and obey all the orders of their husbands even though these orders are contrary to their conscience and their rights as human beings.

The dark and painful life that women feel is a social reality that cannot be denied throughout the history of human life. In practice, women are treated unfairly, even their rights as human beings are often shackled so that they cannot determine their own will due to the existence of strict norms in society towards women. Women are seen as second-class citizens so women's position is always marginalized in many aspects of life.

Ironically, the unfair attitude in the norms that apply in society is exacerbated by the emergence of religious doctrines that display texts that discredit women. Based on his studies, al-Barik expressed the doctrinal views of Hinduism, Persian, Judaism, Christianity, and including the beliefs that prevailed in pre-Islamic ignorance society. According to him, the doctrines of these religions view women as evil human beings, have the status of servants so they can be bought and sold, sources of evil, do not have a soul, equate them with water of happiness and wealth, and claim them as unclean and dirt from the actions of Satan, exile during menstruation period, and may be deprived of their rights, do not need to get a share of the assets of the library (Mubarok, H.B., 2006).

Even though al-Barik did not include Islam in the category of teachings that treat women unfairly, he even saw it as a teaching that elevates the dignity of women, but some scientists disagree with this view. According to them, in Islamic teachings, there are also doctrines that, if observed more deeply, will appear to be gender biased. Duval for example, views Islam as the main source of sexual inequality in the Middle East (Ikhlas, 2019).

For this reason, Islamic teachings themselves still need further study, especially in the current postmodern era because Islamic values have not yet pointed towards a democratic system (Nawawi, 2006).

Apart from these differences in views, it is clear that the emergence of various inhuman attitudes that lead to acts of violence and injustice against women obtain legality through the sound of religious and cultural text doctrines that display patriarchal faces, and obtain their instrumentation through standardized social construction through norms. norms that are gender biased and whose existence is firmly adhered to by society.

In Murniati's view, the emergence of violence against women everywhere, in fact, almost all the suffering in this world where women are victims, is caused by a cultural structure made by humans themselves, even though in this case women have not even realized it. These structures have created a system that regulates women's behavior so that women experience an unconsciousness of their existence as individual human beings which leads to the attachment of women as human beings in determining their rights, obligations, and responsibilities. According to him, facts and data on this reality can be traced through:

1. The patriarchal cultural structure that emerged due to social changes towards an industrial society (property rights, capital accumulation).

2. An economic structure that produces a system that is detrimental to women (food matters are borne by women, women are included in the category of less productive workforce, opportunities to lead for women are many obstacles).
3. The social structure gives rise to hierarchical relationships in the family so that women become human number two. This hierarchical relationship developed into relationships within castes or other layers of feudal society.
4. The political structure that gave rise to the system of "female tenderness" (feminine nature) has never had the opportunity to take part in making decisions in the political field, for example, Corry Aquino is categorized as an indecisive leader, Megawati is considered to have doubtful capacity, and so on.
5. Religious social structure gives rise to the view that "women whose religious life is of quality" are those who interpret the holy book as the word of God, without questioning the patriarchal culture that lies behind the writing of the book (Nunuk P. A. M., 2024).

In the view of the initiators of gender equality from feminist circles, the relationship between men and women in terms of status, roles, and interrelationships is of an equal degree. In this case, the idea of equal rights between women and men continues to be championed which is marked by the emergence of various forms of women's struggle to free themselves from unfair bonds in all aspects of life.

This struggle has been very visible since the 18th century which was marked by the emergence of a period of social and intellectual upheaval in Europe. The intellectuals and the middle class born in the West felt hemmed in by several social barriers, economic limitations, and intellectual fetters that blocked the way of progress in every direction. The feudal lords and the Catholic Church with its vast and immense power had a vested interest in perpetuating the ancient customs and artificial social barriers that the new spirit was trying to break through. For this reason, in conditions like this, it is very natural that freedom and independence have a sacred place in society.

The struggle for the defense of women's rights continued until finally in 1947 the Commission on the Status of Women was established which was a vehicle for increasing women's human rights within the UN system. This commission has drafted the Declaration on the Elimination of Discrimination against Women which was approved by the UN general assembly in 1967 whose aim is to guarantee universal recognition in law and reality of the principle of equality between men and women (Asnan, M.K., Fattahillah, 2022).

With the emergence of this declaration, Muslims are required to pay more attention to family law established by Islamic teachings through the Koran and hadith, so that Islamic teachings can present a face that will bring about the benefit and prosperity of all people. For this reason, the study of Islamic family law to renew the thought of Islamic family law is something very significant. At least, the stereotype that has been directed at Islam as a religion that is not in favor of women can be dismissed.

The idea to reform Islamic family law has also started to be echoed again. Esposito, for example, based on the need to carry out *ijtihad* against Islamic law, saw that the main teachings of family law in the Koran which regulate the lives of Muslims only very few are the targets of *ijtihad*, so it has a serious impact on the position of women in Islamic society which until now is still subject to the laws of marriage, divorce, and parenting that discriminate against them (Malaka, 2021).

For this reason, Esposito sees that the Qur'anic prescriptions regarding the position of women must be assessed as a function of social dynamics and instructions conveyed in 7th-century Arabia, so they do not have to be used to determine the

fate of women today. Ironically, sharia laws that regulate many aspects of life have been reformed or repealed in many Muslim countries, such as beheading or mutilation, but the laws that affect women's lives are hardly touched at all.

On this basis, the author sees the need to conduct a serious study of women's rights in Islamic family law and compare it with the UN convention on the elimination of all forms of discrimination against women in the form of writing a thesis entitled: "Women's Human Rights in Islamic Family Law and its Relevance With the Convention on the Elimination of All Forms of Discrimination Against Women".

METHOD

The research approach is a process of looking for something systematically for a long time using the scientific method and applicable rules (Moh. Nazir, 2009). In this study, the researcher used a descriptive qualitative research approach. Qualitative research is an overall concept in which there is a systematic method or way of working (Satori, 2013). It is further explained that qualitative research is a process in which the data analysis used is more descriptive-analytical, which means that interpretations are made and compiled comprehensively and systematically (Moleong, 2013).

This study aims to describe the provisions of Islamic family law in granting women's rights and then compare them with the provisions applicable to the Convention on the Elimination of All Forms of Discrimination Against Women. The point is that it is the answer to the questions that arise in the formulation of the problem so the existence of Islamic law is known for the development of legal rules that apply to society in today's modern era.

DISCUSSION

Women's Human Rights In The Field Of Family Law According To The Convention

In the previous description, it was stated that the presence of the Convention on the Elimination of All Forms of Discrimination Against Women initiated by the United Nations and ratified by many countries is a law that regulates women's rights and strengthens the existence of women so that they are recognized as human beings, have rights that must be fulfilled by human beings, and not treat them discriminatively in any field, including family law. In reality, it is widely recognized that the issue of women's rights in the field of family law is one of the categories of rights that are often violated, especially if the existence of these women is in various areas bound by religious laws and local cultural rules that have a patriarchal pattern which places the position of men as equals. Men are one or several degrees above women.

This arrangement is very significant so that the countries participating in ratifying this convention feel bound by the rules of the convention and immediately form rules that may not deviate from the rules of this convention, because these are principles that are recognized internationally. In addition, it seems that the convention has gone a step further than just a rule that only applies to countries that ratify it but is also expected to provide guarantees for women everywhere to be able to enjoy the rights they should have, especially in their capacity as independent human beings (Hasyim, 2010).

The aspects of equal rights between women and men, especially those relating to family law, are The same right to marry, the same right to freely choose a partner and to enter into a marriage based on their free and full consent, rights, and equal responsibilities during marriage and in the event of its dissolution, the same rights

and responsibilities as parents, regardless of their marital status, in matters relating to their children; in each case, the interests of their children shall come first, the right to decide freely and responsibly on the number and spacing of pregnancies among their children, and to have access to information.

Education and measures to enable them to exercise these rights, equal rights, and responsibilities in terms of maintenance, supervision, guardianship, and adoption of children or the same institutions as these concepts exist in national legislation, in each case the interests of their children must come first, the same personal rights as husband and wife, including the right to choose a family name, profession, and occupation, the same rights for both spouses in respecting the ownership, acquisition, management, enjoyment, and transfer of wealth either free of charge or considering its value, and the engagement and marriage of a child must not have legal repercussions, and all necessary measures must be taken, including legislation, to set a limit on the age of marriage and to register the marriage with an official civil registry office.

Based on the types of rights that women have in the field of family law, it shows aspects that need to be considered by everyone in fostering family relationships. By paying attention to and fulfilling these rights, arbitrary acts that are imposed on women by ignoring the fulfillment of these rights can be subject to sanctions because they have violated human rights. Therefore, countries that have ratified this provision are required to pay attention to these rights in every policy-making and law that will be enforced in that country.

The description of each woman's rights in family law can be described as follows:

1. The same right to marry

Marriage is an important thing in human life and is a means for the creation of family relationships. With a valid marriage, the association between men and women will also take place in an honorable manner by the will of humans as creatures that were created in an honorable manner. With the association of household life that is fostered by an atmosphere of peace, tranquility, and a sense of affection between two humans, it will also give birth to a lineage as a clean continuation of human life.

According to Munir Fuady, "Marriage between a man and a woman is a legal institution that exists in all legal systems in the world. In fact, in the ancient Romans, it was known that there was a stipulation that marriage can occur when two people of different sexes live together like husband and wife. In this case, legally they are deemed to have entered into a marriage as long as both parties have the will (animus or affection marital) that they are indeed carrying out a marriage bond and the life together that they carry out is intended as a permanent shared life (Fuady, 2005).

For this reason, every human being has the same right to marry. No human being is allowed to impede or impede this right. The desire to live together is an inevitable nature of humans. Society will question the mental (sexual) health condition of a person who has reached the age of marriage but does not yet wish to marry. Society will also question it if they see someone who does not tend to have a relationship with the opposite sex. Usually, questions like this are more often addressed to men because men are seen as the most aggressive people in approaching women than women approach men.

For this reason, in its capacity as a basic right that every human being has, this right needs to be considered by everyone and it is not permissible for anyone to obstruct and hinder someone who has the desire to marry. Freedom in determining marriage is wholly owned by the person who wishes to marry.

2. The same right freely to choose a partner and to enter into marriage with the free and full consent of them

Based on the consideration of the provisions regarding marriage which is a common right for every human being, then every person has the right to determine with whom he will marry. Thus, if someone has chosen their life partner, then other people are not allowed to hinder or impede that decision because the choice of a life partner is absolutely in the hands of the person who is going to get married.

Therefore, there is a tradition that goes on in a society where parents always force their children, especially daughters, to marry a man who is not their preferred life partner, which is contrary to human rights and is seen as a form of harassment against women. Even though parents are seen as responsible for their children, that responsibility does not mean that they have the right of parents to force their children to do something that they see as endangering their lives in the future. Especially after a person is married, the hardships and pleasures of his life in sailing the household ship a risk that he must bear alone and apart from the responsibilities of his parents.

For this reason, choosing a life partner should be based on the choice of someone who, in his view, is the right person for him to navigate the household. This kind of attitude basically cannot be separated from his view from the start that his future life partner is someone who is considered capable of pleasuring in life for his household journey. By marrying him to someone he doesn't know, he doesn't even like at all, of course, he will be prone to lead to an atmosphere of disharmonious household life and ultimately result in the dissolution of the marriage through divorce.

With the provisions of this convention, everyone can be free to marry anyone, whether it is carried out using a declaration by inviting other people to attend the ceremony of the marriage declaration. But it can also be done in a non-declared way or done secretly and without the knowledge of other people as long as they have lived together, and that shared life is meant for a marriage to occur and also that shared life lasts permanently, namely within a certain period. which is old.

The existence of a provision that frees a person in determining his life partner in the end in society, especially in European society which has a free way of thinking raises demands for the government to immediately legalize same-sex marriage as is often voiced by homosexuals and lesbians in the Western world. Even though this demand is seen as something that is considered strange and contrary to human values, the emergence of this demand is inseparable from the view that marriage is a right that belongs to everyone, both men and women. In this case, in their view, when the government has ratified this convention, then like it or not, the government must be consistent in complying with all the rules in this convention, including being able to accept marriage between two beings of the same sex.

3. The same rights and responsibilities during marriage and in the event of marital dissolution

In his study of efforts to build a happy marriage, Paul Hauck hinted that "marriage is a business relationship whose goal is to make someone happy", so one of the most appropriate ways to destroy a marriage is to let your partner make decisions on important issues almost every day. moment.

If a woman keeps letting it go, it means that the woman is not protecting her interests in marriage. therefore it is very necessary to ensure the success of one's relationship so that he can fight for his rights to the point where he can say that

his marriage has reached a stage that satisfies his heart. Thus, the quickest and best way to destroy a marriage is to give in to your partner every time.

4. The same rights and responsibilities as parents, regardless of their marital status, about their children; in any case the interests of their children must come first
Husband and wife who are freely married are responsible for crowning the fruit of their free love. The affairs of children and the affairs of their life and development are the work of the natural love of husband and wife. The most specific purpose of marriage is that marriage as a scientific institution is the procreation and education of new humans. Both depend on the deeds of their husband and wife. Therefore, the responsibility of husband and wife appears in this field. It is generally recognized that the responsibility for the preservation of humanity lies with humanity as a whole, not with individuals (Situmorang, 1988). It's just that according to the convention, even though husband and wife family members have the same obligations, in matters of child-rearing, the interests of the child take precedence over the interests of the husband or wife. Even though in reality it is recognized that the problem of family living expenses is not found in the right pattern or applies the same in every region (Bibin, M., Nirmasari, D., Suhendra, 2021).

5. The same right to decide freely and responsibly regarding the number and spacing of pregnancies among their children, and to have access to information, education, and measures to enable them to exercise this right
According to Deutch's view, as quoted by Zakaria Ibrahim, stated that "Public opinion often defeats a woman's right to accept or refuse to become a mother in the way she wants". If women are not ready to give birth, raise, and educate children, then what right does society have to force it? Mainly because society knows that a woman's refusal to become a mother is the biggest sacrifice that she cannot possibly do with recklessness, except in very urgent situations. In this case, according to his view, he saw that the reproductive function should not be related to biological factors alone, but must also pay attention to the individual's desire to give birth to children (Ibrahim, 2002).

6. The same rights and responsibilities in terms of care, supervision, guardianship, and adoption of children or the same institutions where these concepts are contained in national law, in each case the interests of their children must come first

The same rights between men and women are also aimed at children, both born alone and adopted children. Both husband and wife have the right to determine matters of maintenance, supervision, guardianship, and adoption of children. When the husband and wife want to do all of this, the consent of both parties is necessary so that in making decisions it must be based on the agreement of both parties. Husbands are no longer allowed by convention to act independently without involving the wife, so on the other hand, the wife may not determine for herself in matters of caring for children, both biological and adopted children. This problem is considered very important because the development of a child's personality depends a lot on the atmosphere of life both physically and mentally between parents and children. After all, parents are the first people that children know. For this reason, in the development of children's thinking and especially the problem of instilling discipline in children, a husband and wife's agreement is needed in determining the best way to determine the direction that is considered appropriate in the development of children's thinking. Parents are the first to guide behavior so that children react by accepting, agreeing, justifying or rejecting, forbidding, and so on.

In this case, Utami Munandar sees that the importance of cooperation between husband and wife in determining the educational technique chosen in shaping child discipline is due to several factors, namely: First, in selecting this educational technique parents often refer to the form of discipline of their respective parents. respectively. Second, young parents tend to be more democratic and permissive than those who are elderly.

Third, in general men (fathers) tend to be more authoritarian than women (mothers). Fourth, parents from high and middle socioeconomic levels tend to be more democratic, while parents from low socioeconomic levels tend to be more permissive or allow their children. Therefore, according to him, the attitude of parents greatly influences the development of a child's personality. In this case, it should be realized that the attitude given in excess will have a negative impact. Children need from their parents a love that is balanced and given unconditionally. An attitude where parents can fully accept their children and where they have a reel and healthy outlook. Love is full of understanding, which is not blind to the weaknesses or shortcomings of the child (Utami, 2015).

7. The same personal rights as husband and wife, including the right to choose a family name, profession, and occupation

Women's rights which are also considered important are in the matter of choosing their family names, professions, and occupations. Husband and wife are seen as having the same rights in determining the family name so that it cannot only be monopolized by one party as in patriarchal and patriarchal family systems. Determination of the family name is based on the agreement of both parties based on the agreement they took by way of deliberation (Sastriyani, 2009).

8. The same rights for both spouses in respect of the ownership, acquisition, management, enjoyment, and transfer of wealth either free of charge or considering its value

The Convention also regulates issues of ownership, acquisition, management, enjoyment, and transfer of wealth which shows that women's civil rights, especially the issue of ownership and use of the property they own, also receive serious attention. For this reason, it is not permissible for the husband to arbitrarily control the property owned by his wife. Wealth brought by the wife in marriage and other assets obtained from her work is owned and fully under the control of the wife so that she has the right to use it without the husband having the right to control whether to control the property.

The wife has absolute rights to the property she owns and is fully authorized to use it as she pleases. Wealth owned by the wife is not included in joint property between husband and wife so the husband is not allowed to interfere with his wife's wealth. Therefore, the husband must always respect the ownership, acquisition, management, enjoyment, and transfer of wealth either for free or considering its value. In more detail, the rules regarding the civil rights of a woman are contained in Article 15 of this convention which states that:

- a. States parties are obliged to grant women equality with men before the law.
- b. States parties are obliged to provide women in civil matters the same legal capacity as men and the same opportunity to exercise this capacity. In particular, States must grant them equal rights to enter into contracts and manage property and must treat them equally at every stage of the procedure in trials and trials.

Assets owned by a woman, whether she obtained them before marriage and are still owned after marriage, are indeed owned by the woman and are not seen as

joint property. Likewise, assets that women get as a result of their profession or work still belong to women and are not allowed to be transferred without the consent and knowledge of these women.

The convention also regulates behavior towards children when they enter the age of marriage. The convention specifies the legislation in force in a country to set the age at which a new child may marry so that child marriage does not result in legal problems.

Thus, although on the other hand, it is permissible for someone to get married at any time, based on this provision the age limit for a person when he wants to start a household is intended so that the marriage that is carried out does not have an impact on the emergence of other legal consequences from the marriage he enters into. Therefore, the age limit for a new child being allowed to enter into marriage is intended so that the child's actions do not result in the emergence of legal consequences because it is deemed not appropriate to commit an act that will bring him problems especially since he is categorized as a person who has not been able to carry out the law in his capacity as a legal subject.

CONCLUSIONS

Based on the previous description of women's rights in Islam and compared with women's rights contained in the Convention on the Elimination of All Forms of Discrimination Against Women, it can be concluded that Islam has stipulated rights for women, especially in the field of family law, namely: marry for the wife, support the wife, be fair to the wife, and do not harm the wife. Although it does not elaborate in more detail, the content contained in it shows the magnitude of Islam's concern for women so that further details can be found in the explanation of this provision so that there is no need for further description regarding the amount of the wife's maintenance, the provisions for being fair to the wife, and the attitude which does not harm the wife.

Thus, there are some fundamental differences in building family life according to Islam so the formation of the family cannot be done freely. There are rules that a person must fulfill when they want to start a family life, especially whom a person may marry and who is not allowed to. As for issues regarding provisions for family maintenance, women's desire to leave the house to work, or other developing problems in household life, Islam does not provide absolute limits because these provisions can be discussed between the two husband and wife partners in formulating the best attitude in establishing a married relationship. ladder.

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