

The Urgency of Grouping Nash into Objective & Temporal in Ensuring Justice for Women

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Keywords: women, justice, equality, nash, objective/deconstructive, temporal/reconstructive.

Abstract: Five indicators are indicating that one of Islam's renewal missions is to elevate the status of women to be equal to men and to obtain equal justice between men and women. The first, pre-Islamic Arabs prioritizing men that is converted by Islam into an equal status of men and women. Secondly, pre-Islamic men may marry as much as possible regarding numbers and ways. Islam changes it into a monogamous principle. Thirdly, pre-Islamic Arab men divorce their wives at the same level as marriages. Islam converts it to a parallel status between men and women, where men have divorce rights while women have the right of khuluk. Fourth, pre-Islamic Arab women are inherited by their husbands, as a property. Islam converts it to male and female in the right to inheritance. Fifth, women become a source of family embarrassment which tradition showed that they had to be buried when they were born. Islam converts it by banning such tradition. Unfortunately, the rights of women' justice has not been in line with the mission of Islamic renewal. This paper seeks to show the urgency of grouping the texts into Nash Objective on one side and Nash Temporal on the other.

1 INTRODUCTION

Five indicators are indicating that one of Islam's renewal missions is to elevate the status of women to be equal to men and to obtain equal justice between men and women. The five indicators are first, pre-Islamic Arabs prioritizing men that is converted by Islam into an equal status of men and women. Secondly, pre-Islamic men may marry as much as possible regarding numbers and ways. Islam changes it into a monogamous principle. Thirdly, pre-Islamic Arab men divorce their wives at the same level as marriages. Islam converts it to a parallel status between men and women, where men have divorce rights while women have the right of khuluk. Fourth, pre-Islamic Arab women are inherited by their husbands, as a property. Islam converts it to male and female in the right to inheritance. Fifth, women become a source of family embarrassment which tradition showed that they had to be buried when they were born. Islam converts it by banning such practice.

In neither theory nor practices, the rights of women have not been in line with the mission of Islamic renewal. One of the sources of why it has not

been synchronized between theory and reality is the method of understanding the Qur'an and Sunnah of the Prophet Muhammad (nash), as a source of Islamic renewal. Nash as a source of Islamic renewal is not understood by the method of Islamic renewal itself. Islam uses two methods of renewal, i.e., deconstructive (objective) and reconstructive (temporal). Unfortunately, the method of understanding the nash as a source of Islamic teachings is not in line with these two methods. The grouping of nash has been done by some experts (thinkers, 'ulama, scholars, experts), but not to show the role and synchronization with the Islamic renewal method.

This paper aims to show how the role of a grouping of texts of nash becomes deconstructive & reconstructive in ensuring justice for women while protecting them from discriminatory treatment, following the Islamic reform mission. Islam provides a guarantee of justice for women but only in the concept formulated by some experts. Regarding the practices in the community, there is no guarantee that women will be treated equally.

For this purpose, the systematic discussion after the background begins with the proof that Islam aims

to renew and ensure justice for women (wives) in family life and abolish discriminatory treatment. The following discussion shows the originality of the nash groupings and the description concept of grouping nash by some experts.

2 JUSTICE IN IN THE LIFE OF THE HOUSEHOLD

One of Islam's renewals is to elevate the status, rights, and roles of women. Islam comes placing women equal to men. Five indicators can be recorded to prove this mission. Islam also emphasizes equality among fellow human beings, regardless of sex, regardless of color, regardless of race and ethnicity, and the like. The five indicators are as follows.

First, the proclamation of the Qur'an, that the element that distinguishes one from another is the quality of taqwa (*atqâkum*) and its good work (*'amal al-s}aleh*), as mentioned in some verses of the Qur'an and sunnah Prophet Muhammad SAW. Among these are mentioned in al-Hujurat (49): 13, and al-Mu'min (40): 40. In al-Hujurat (49): 13 states, O people, indeed We created you from a man and a woman and made you nations and tribes so that you knew each other. Surely the noblest of you in the sight of Allah is the one who has the most fear among you. Verily Allah is the Knower. In al-Mu'min (40): 40 states, Whoever does evil deeds, he will not be rewarded but equal to that evil. And whosoever does good deeds both men and women while he is in a state of faith, then they will go to heaven, they are given sustenance in it without reckoning. Many verses of the Qur'an show good works (*'amal al-s}aleh*) as the basis for differentiation and class appointment between one person and another, not male and female.

A number of these verses can also be the basis that Islam gives equal opportunity to (line) men and women to be the best (*atqâ* and *ah}san*), Islam does not put men's (line) first, Islam does not put women in the second either.

The second indicator, Islam aligns men and women namely, the monogamous principle of Islamic marriage; a woman has a husband as a spouse, and a man has a wife as a life partner. It is by this monogamous marriage that is most likely to achieve the purpose of marriage; build a happy family; happiness for the whole family; husband, wife, and child. Meanwhile, polygamy (husband has more than one wife) provides opportunities for the creation of

husband happiness over the suffering of a wife and/or children. If that happens then, the purpose of marriage is not achieved. Therefore, what states in al-Nisa' (4): 3 is only a solution to the problems facing Muslims at the time. This conclusion can easily be taken by looking at the verse of al-Nisa' (4): 1-3 completely. The permissibility of polygamy mentioned in this verse is contextual and emergency. The emergency here is a social emergency, that is, many orphans and widows need protection, not personal emergencies such as biological needs. Al-Nisa' (4): 1-3, O people, fear your Lord who created you from one self, and from him God created his wife; and than both of them God multiplied many men and women. And fear Allah who with (using) His name you ask each other, and (maintain) the relationship of friendship. Verily Allah always watches over you. And give to the orphans their wealth, do not exchange the good with the bad and do not eat their wealth with your wealth. Indeed the actions (exchanging and eating), are great sins. And if you are afraid you will not be able to do justice to the (rights) of orphaned women (if you marry them), then marry the (other) women you like: two, three or four. Then if you are afraid you will not be able to do justice, then (marry) only one, or the slaves you have. That is closer to not doing persecution.

The third indicator that Islam aligns men and women is, women are given the right divorce, khulu'. More precisely when the verses of the Qur'an and Sunnah of the Prophet Muhammad who discussed the process of resolving family problems, it is clear that Islam only gives the right to divorce initiation. The right to divorce initiation is given to the husband and wife because there are complicated issues in family life. The divorce decision is not the absolute right of the husband, nor the absolute right of the wife, but it is decided upon whom the neutral (judge), as mentioned in al-Nisa' (4): 35. Al-Nisa' (4); 35 states, And if you are worried about a dispute between the two, then send a arbitrator (hakam) from the family of a man and a arbitrator (hakam) from a female family. If the two arbitrator (hakam) people intend to make repairs, surely Allah will give the husband and wife a favor. Verily Allah is the Knower, the Knower.

Fourth, women have inheritance rights as the man does. The Qur'an forbids and condemns the practice of pre-Islamic Arab societies that make women property rights, equal to the rights and possessions of other inheritable objects. Similarly, Islam forbids children to marry a stepmother as if a child inherits his stepmother, as stated in al-Nisa' (4): 22, And do

not marry women who have been married to your father, except in the past. Surely this act is very cruel and hated by Allah and as bad as the way (taken).

Fifth, the Qur'an condemns the traditions of pre-Islamic Arab societies that kill female children for the reason of shame and considered a family burden, as stated in al-An'am (6): 151 and al-Takwir (81): 8-9. In al-An'am (6): 151 states, and do not kill your children for fear of poverty. In al-Takwir (81): 8-9 states, when female babies buried alive are asked because of sin whether he was killed.

Briefly, we can see the Islamic renewal from first, the patriarchal system which puts men in superior while women in inferior. Islam renews it by putting both man and woman into parental form, aligning men and women. Second, unlimited polygamy renewed by Islam become monogamy. Third, women have no right to divorce is renewed by Islam by granting equal rights of divorce initiation for husbands and wives. Fourth, women who become the subject of inheritance is renewed by Islam by becoming heirs who are entitled to inheritance equals men. And last, women who are the source of family embarrassment is renewed by Islam into equal women and have equal opportunity with men to be the best. Thus, from these five indicators it is clear that Islam renews the status and role of women and aligns them with men.

The concept of equality between men and women and have equal opportunity with men which renewed by Islam can be found with thematic and contextual studies. Conversely, when using partial studies, the concept of equality is not found. Unfortunately, the majority of thinkers still use partial studies in examining the Qur'an and the sunnah of the prophet Muhammad as a source of Islamic teachings. Only a small number of thinkers have used thematic and contextual studies. This partial study is the main reason for the emergence of concepts that discriminate against women. In summary, partial studies are the main cause of the birth of a concept that has not guaranteed Islamic reform for women.

The second reason why Islam seems marginalize women (wives) in family life, and not to give equal positions to men (husbands), and there is no guarantee of justice for women (wives) is a number of statements in the Qur'an and the sunnah of the Prophet Muhammad. A number of verses of the Quran and the sunnah of the Prophet put women (wives) in a marginal position and there is no guarantee of justice.

The third reason in terms of the concept of why women (wives) do not have equal positions with men (husbands) is the result of studies that do not pay attention to history and social context. The study of the Qur'an and the Sunnah of the Prophet is carried out purely based on the text, not paying attention to the context, both historical context and social context.

The fourth reason is to embrace a patriarchal Muslim culture into the understanding of thinkers. So that the understanding of texts is not purely Islamic teachings, but also includes the culture of the thinker.

The fifth reason is Islamic studies that are too stressful and based on pure religion, do not consider or use concepts or theories of other sciences, such as theories born from sociology, anthropology, history and the like (Mernissi, 1991).

The six, embrace a patriarchal Muslim culture into the understanding (istithna', exception), both these specificities are easily understood because there is a clear and unequivocal historicity, as well as being understood by the way of serious study, namely by way of an integral and inductive understanding of the related texts.

The seven, take the law as a legal product from the stipulation of law based on *siyāsah al-Syar'iyah*, or *saddu al-zarī'ah* (preventive efforts) into a general and substantial provision. That is, the determination of the law based on the consideration of *siyāsah al-syar'iyah* or *saddu al-zarī'ah*. The result of this case is the loss of legal substance. That is, the law is substantially tertiary, or otherwise tertiary law becomes substantial law.

The eight, factor of the ruler, where the ruler supports a concept that matches the tastes of the ruler, while the concept that is not in line with the wishes of the ruler is removed. Included in the context is entry of the role of power or authority in interpreting texts. As a result of the entry of the interests of power, the concept emerged that marginalized women (wives).

In summary, there are at least eight main reasons why a woman (wife) is in a marginal position and does not get a guarantee of justice. Those are partial studies, some Quranic verses show the marginalization of women, studies do not pay attention to history and social context of the nash, studies are too stressful and based on pure religion, embrace a patriarchal Muslim culture into the understanding of Islam, take the law as a legal product from the stipulation of law based on preventive efforts into a general and substantial provision, and entry of the role of power or authority in interpreting texts.

3 THE POLITICAL CONTEXT

It is a common view that Islam uses two methods of renewal, i.e., deconstructive and reconstructive. First, the method of deconstructive renewal is renewal by completely changing the old law and practice and then replacing it with new laws and practices. Secondly, the method of reconstructive renewal, which means patching up the embroidered laws and practices that existed in Arab society before Islam.

The consequence of Islam using two methods renewal, then the Qur'an and sunnah of the Prophet Muhammad, as a source of Islamic teachings (nash), by itself contain two types of teachings. It is in this context that the necessity of grouping of nash into two groups, namely deconstructive nash (objective nash) and reconstructive nash (temporal nash).

Grouping nash has been done by some scientists ranging from the classical era to the contemporary era. In the study of the methodology of discovering Islamic law (*Usûl al-Fiqh, istinbât al-hukm*), in linguistic analysis (*lughāwī*) is found the grouping of texts, which are generally grouped into two; *'amm* and *khâs*, *mutlaq* and *muqayyad*, etc (Khallâf, 1971). While in the analysis of law objectives (*maqâs'id*) found two groupings as well; the ultimate, the principal goal (*maqâs'id al-usuliyah*) and the branch purpose (*maqâs'id al-far'iyah*). There is also an other two groups, that is a final destination (*maqâs'id*) on one side, the instrument (*was'îl*) on the other side (Ibn 'Asyur, 2001). Similarly, the grouping of nash became the Makkiyah and Madaniyah, of muhkamat and mutasyabihat, nasikh and mansukh, and aike in the study of *tafsîr* (*'ulûm al-tafsîr*) (Denver, 1983).

As a development in the field of interpretation and contrast to the general understanding of Makkiyah and Madanyah theories, Mahmud Muhammad Taha makes another grouping, namely Makkiyah as the principle verse (*usûl*), Madaniyah as the branch verse (*furû'*). This new grouping developed and became the basis for al-Naim to formulate Islamic law that is more in line with contemporary demands (an-Naim, 1990).

The concept of an-Naim is very different from the concept of scientists in general. The initial concept and the general view of scientists is that Makkiyah and Madaniyah are grouped into three. First, a concept based on the period of the revelation of the Quran; some went down in Makkah, some went down in Medina. So the verses that came down in Makkah were grouped into verses of Makkiyah, while the

verses that came down in Medina were grouped into Madaniyah verses. Second, the concept is based on the time, there is a period of Mecca, there is a period of Medina. So even though the revelation came down not in Mecca, but in the lifetime of the prophet and Muslim in Makkah, this verse was classified as a Makkiyah verse. Likewise the Madaniyah verse, the verse that descended in the period of the prophet and the Muslims lived in Medina. So that even though the verse is not in Medina, but in the Madaniyah period, it is called Madaniyah verse. Third, grouping based on the contents of the revelation; revelation which contains for all humans, Muslims or not, is included in the Makkiyah verse, while the revelation which contains only Muslims (mukminin) is grouped in the Madaniyah verse (Tim, 2017). An-Naim took the third group, based on the contents of the revelation. In addition, the meaning based on the content used by an-Naim is different from the general concept of scientists. Generally scientists argue, it is the Madaniyah verse that applies to Muslims (believers). Instead, for An-Naim it is precisely the Makkiyah verse that applies, because now Muslims live in their respective countries (nation states) not Muslim countries. Even though there are countries that call Muslim countries, they are Islamic countries in the country, not all Muslims.

Rahman's distinction between general law and a temporal law is found in various statements. For example, as stated above, Rahman observed, "Nevertheless there is a dire need for a hermeneutical theory that will help us understanding the meaning of the Qur'an as a whole so that both the theological section of the Qur'an and its ethical and ethic-legal parts become a unified whole" (Rahman, 1982). In this statement, we find the term ethical for general law and ethic-legal for a temporary law.

Rahman also stated, "If we look at the Qur'an, it does not in fact give many general principles: for the most part it gives solutions to and rulings upon specific and concrete historical issues; but, as I have said, it provides, either explicitly or implicitly, the rationales behind these solutions and rulings, from which one can deduce general principles" (Rahman, 1982). This quotation contrasts the general principle or general law and solution or ruling or temporary law.

As far as the characteristics of the Quranic verses concern, al-Haddad (Salem, 1984) distinguishes between (Khallâf, 1971) eternal principles or universal norms, such as the credo of unity, ethical requirements, justice and equality, which apply at all

times, and in all places; and (Ibn 'Asyur, 2001) those precepts dependent upon human contingencies and social context, particularly as they relate to conditions in the Jahiliya (pre-Islamic) period in Arabia (Salem, 1984). Al-H{adda>d argues that for a better understanding of the book (the Qur'an), and his central thesis is the importance of historical context. Similarly, Asghar Ali Engineer distinguishes between statements in the Qur'an which are normative and those who are contextual (Engineer, 1992).

Furthermore, Ismail Faruki gave different names with the same basis: ethics and casuistic-cosmic (al-Faruqi, 1962); John L. Esposito with ethico-religious and socio-economic (Esposito, 1982); Abdul Aziz Sachedina (Sachedina, 2003) with thick and thin norm; Masdar F. Mas'udi used Us}u>l al-Fiqh term, *qat}'i>* and *muh}'kamāt* for normative, while *z}'anni* and *juz}'iyah* for contemporary (contextual) (Mas'udi, 1997).

The characteristics of each are then explained further by Masdar F. Mas'udi: the characteristics of normative nash are that the content is universal, principle, fundamental, and not depend on a specific context; time, place, situation, and such. The characteristics of temporal nash, on the other hand, is that the content is stated in detail, applicable and practicable, and the application is depended on a context: time, place, situation and such. In other words, a temporal law is applicable in daily life (practical law [العملية الاحكام]).

The grouping of texts by a number of scientists mentioned above can be seen as clearly out of sync and not in line with the method of Islamic renewal. Herein lies the importance of the grouping carried out in this paper, namely grouping the nash into deconstructive text and reconstructive text. Although the characteristics of deconstructive text are similar to normative texts and reconstructive texts are similar to the temporal nash, but with deconstructive and reconstructive distinctions in accordance with and in line with the method of renewal brought by Islam. The second basis why is important to group the nodes to be deconstructive and reconstructive related to the method of understanding texts; which is different between deconstructive nash and reconstructive one. The method of understanding deconstructive text is first to formulate the law in accordance with the context; times and circumstances, to achieve the goal of law. While reconstructive text is done by searching first what the purpose of the law is. Then after knowing the purpose of the law, then the law is formulated in accordance with the context. So the

method of formulating a deconstructive text is just one step, while reconstructive text takes two steps.

Furthermore, the characteristics of the deconstructive and reconstructive nash are similar to those presented by Masdar F. Masudi. Based on these characteristics, the Nash who governs family life, especially the nash that governs the relationship of husband and wife, generally is classified in reconstructive nash. Nash referred to is as follows. First, that men have inheritance rights more than double inheritance rights of women, as mentioned in al-Nisā' (4): 11. Secondly, that male testimony is equal to twice the female testimony, as mentioned in al-Baqarah (2): 282. Third, that the husband seems to have an absolute right of divorce, while the wife is not, as can be concluded from al-Baqarah (2): 226-231. Fourth, that there are different treatments to respond to inappropriate behavior by the husband or wife, where if the wife is indecent, the remedial step is given a warning, even if the warning does not succeed, a husband can hit his wife as mentioned in al-Nisā' (4): 34, while a violating husband is encouraged a husband and wife to be reconciled, as mentioned in al-Nisā' (4): 128. It is even explicitly mentioned in the Quran that husbands have a surplus of one degree compared to wives, as mentioned in Al-Baqarah (2): 228, and the husband has the status of a leader (qawwām), as mentioned in al-Nisā' (4): 34.

Al-Nisā' (4): 11, Allah has ordained for you about (your inheritance for) your children. Namely: the share of a boy is equal to two daughters. Al-Baqarah (2): 282, And testify with two witnesses from the men among you). If there are no two men, then (may) a man and two women from the witnesses you are pleased with, so that if someone forgets then another person reminds him. Al-Nisā' (4): 128, And if a woman is worried about nusyuz or an indifferent attitude from her husband, then there is no reason for both of them to hold true peace, and peace is better (for them) even though man is miserly in character, and if you hang out with your wife well and take care of yourself (from nusyuz and indifference), then verily Allah is the Knower of what you do. Al-Baqarah (2): 228, And women have equal rights to their obligations according to a meaningful way. But husbands have one level of strength over their wives.

The reason why the quality of husband and wife in household life has not been achieved, and the right to justice for the wife is not guaranteed in the daily reality, are found five actors. The first actor is a religious teacher; teachers in formal and informal institutions. The second actor is the speaker and / or

ustadz. The third actor is a community leader. The fourth actor is a judge in court. Each of these actors has their own mass. The explanation of each actor can be explained briefly as follows.

First, the role of religious teachers, that religious teachers in formal and informal education play an important role in ensuring the equality of husbands and wives in household life and providing social security for women (wives). Teachers play an important role since they become role models for students. The guidance given by the teacher to students occurs almost in all aspects of life; speech, behavior and character. Furthermore, the influence of teachers on students is very imprinted, because transformation occurs at a productive age in memory formation and behavior. School age is the most productive age in shaping and remembering students.

The influence of teachers on students in formal education runs from the elementary level (elementary school), even from kindergarten until the level of college or university. In the twelve years for primary and secondary education, the role of the teacher influencing the views and practice of students is certainly very large and influential. Moreover, when it comes to the level of higher education in universities, the teacher's influence is even greater. It is at this time that students are influenced by teachers in their views, attitudes and behavior, which generally do not provide concepts and behaviors that provide equality to men (husbands) and women (wives).

Likewise, what happens in informal education, such as courses, short courses, and the like. Teachers in informal institutions also do the same thing and there is a process similar to what happens in formal education. No different from what happens in non-formal education at home, carried out by parents. What is conveyed by parents is generally determined by the preachers and Ustadz.

Second, the role of the preacher. The role of the preacher influences the views, beliefs and behavior of the people is undoubtedly very large and influential. Because the preacher have the opportunity that is not less great than the teacher at school. Preacher influence people's views, beliefs and behavior, through routine lectures; daily, weekly, monthly and yearly. Likewise the speakers disseminate their views, beliefs and behavior through incidental lectures, such as in commemoration of Islamic holidays, such as the anniversary of the birth of the prophet (maulid Nabi), commemoration of the hijriyah new year, commemoration of Isra' mi'raj, and others. Likewise the preacher conveyed their

views, beliefs and behavior through Friday sermons, Eid al-Fitr and Eid al-Adha. There are still other moments that are in fact very effective in influencing people's views, beliefs and behavior. In other words, the role of the preacher is not inferior to the role of the teacher in educational. The only difference is the object; The teacher has the object of students and students, while the preacher has the object of the general public

Therefore, preacher has transformed belief, knowledge and behavior for the general public. The views, belief and behaviors of society are very much determined by the views and practices of the preacher. Preachers who are generally religious teacher status are referrals of the community in their daily lives. What the community will do is generally referred to the lecturer and / or religious teacher.

Third, community leaders, and in many cases also refer to the community in opinions and behavior, and generally the views and behaviors of community leaders are influenced by the preacher.

The fourth, the role of the judge in the court, that the judge clearly determines whether or not the equality between husband and wife is reached and there is a guarantee of justice for the wife. In deciding the case in court, the Judge has actually provided legislation that generally has accommodated an egalitarian view between husband and wife, and guarantees justice for the wife. But the facts on the ground, there are still many judges who are still ambiguous in applying what is available in the legislation. Most judges still have the same views as the majority of the people. So it is not surprising that the decisions given in court are still discriminatory for women (wives). In addition, there are actually two positions of judges in the community, namely judges who formally decide cases in court, and community referral figures in solving problems in daily life outside the formal court. These two roles are certainly very important and big. However, his views, which are still largely discriminatory, have resulted in a strengthening of discriminative public views.

In summary, these four main figures play a role in ensuring equality between husband and wife, and whether or not justice is guaranteed for the wife. Unfortunately, the majority of the of these figures still hold partial views on the teachings of Islam.

With the presence of the four actors mentioned above, and they mutually reinforce each other. As a result, the views, beliefs and behaviors are discriminatory and do not guarantee equality for men (husbands) and women (wives), and there is no

guarantee of justice for women. As if this view, belief and behavior is correct. This condition at the same time resulted in very difficult to change the views, beliefs and behavior of the community.

Thus to conform with the Islamic renewal objectives, this reconstructive texts of the nash need to be understood by the objectives of Islamic renewal. Some scholars understood many reconstructive texts by the objectives of Islamic renewal, but have been rejected by majority Muslim, including the judge in the court for not being consistent with their understanding as conventional speech implied in the books. Hence, sociologically it is needed a continuous socialization effort to the community. The more people and media used to disseminate the deconstructive concept the faster the concept of deconstruction is accepted by society. As for the method that it used to understand reconstructive nash so in line with the mission and purpose of the renewal of Islam is by the historical background understanding of the nash.

While the causes of these actors have views that are not yet in line with Islamic reform, put women equal with men and guarantee for women (wife) there are at least 3. First, the books that are available and read as their reference referral actors that contain concepts that marginalize women (wives), have not guaranteed equality and have not guaranteed justice for wife. Second, the references that provide the concept of equality and guarantees of rights for women (wives) are still very limited. Likewise the reference that provides the concept of equality of husband and wife and guarantees of wife's rights are written in Latin, not Arabic. While the community feels less certain when the reference is written in Latin, non-Arabic.

In relation to the religious life of the general public, they are still more confident and fit when referring to books written in Arabic, even though the writing is only the work of ordinary people. On the other hand the work written in Latin is underappreciated, less trusted, even though the writing is the fruit of the work of great people. So psychologically speaking, Latin and Arabic writing influence the trust and stability of society.

The advice to accelerate the birth of gender awareness, equality between husband and wife and guaranteed right of justice for the wife. First, multiply activities and media that can change the views and paradigms of the actors mentioned above. Among the activities that can be done are seminars, workshops, talk shows, discussions, Focus Group Discuss (FGD)

and the like. While the media that can be used are mass media, TV media, radio media, and other media. Second, increase the number of writings that provide the concept of equality guarantee and guarantee the right of justice for the wife. Third, write and reproduce gender perspective references written in Arabic.

4 CONCLUDING REMARK

Deconstructive nash renews women's status and position in equal with men. However, there is a reconstructive nash that still places male in superior and women in inferior, and includes the texts that govern the relationship of husband and wife in domestic life. Many thinkers have grouped the texts into two groups, but no grouping has been based on Islamic reform methods, namely deconstruction, and reconstruction. This paper breaks it down according to the renewal method. There have been many reconstructive nash that have been understood as a deconstructive nash by some thinkers. Generally people unfortunately still reject the concept, including judges in the court. The reason is that the concept is not in line with their understanding which is also written in the current books that are the source of their reading. In order to accept the deconstruction concept more quickly then it takes more media and people who promote and socialize the concept of reconstructive one. This paper is one of it. Hopefully, it will be more media and paper from many different people who interested in women issues, especially putting women in an equal position with men based on deconstruction concept.

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