

The Existence of Gender-Feminism: Woman Leadership in Historical Momentum of Islamic Perspective in Indonesia

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ABSTRACT: *Political leadership of woman in Islam in Nusantara (Indonesia) has been existing long time ago. But in Indonesia, its discourse more existed at the end of the 19th century. The strength of current understanding of woman political leadership as a leader (imam) in shalat (praying), it used at home and in the politics area becoming a status quo. The decision of MUI (Majlis Ulama Indonesia or Indonesian Ulema Council) – that forbids a woman to be a President – is not represent an acclamation in a comprehensive collective intellectual voluntary agreement, but the majority. Finally, their opinion has been dissociated by itself from the reality of leadership with division of duty from collective modern political leadership. The division of this duty made the leadership of woman can be realized in the politics area. Therefore, the political leadership of woman in its practical reality doesn't have any resistance taken as forbidden reasons of the woman leadership, both from religion and ideological view.*

KEY WORDS: *gender, feminism, imām, woman study, ijtihād, and Islamic society in Indonesia.*

INTRODUCTION

Study and research for woman in Indonesia have been conducted as the time of national reform which changes continuously. Feminism appeared in the Islamic view in early 1970s, especially since the intellectual articles about the feminism appeared on the newspapers, journals, and another media. Indonesian Moslem society could take the idea of feminism in Islamic discourse after the publishing of some translation books, especially the books written by Riffat Hasan, Fatima Mernissi, Amine Wadud Muhsin, and Asghar Ali Engineer. To know more about the study of feminism, can be

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traced through modern sources. *Firstly*, just read the masterpiece of John L. Esposito [ed]. *The Oxford Encyclopedia of the Modern Islamic World* in the feminism entry. Margot Badran – the writer – (1995:19) explaining that the Muslimah writers have been existed by the end of 19th century.

Besides, Miriam Cooke in *Women Claim Islam: Creating Islamic Feminism Through Literature* (2001:2), explained that Arabs women writers have publicized their works about woman at the end of 19th century. She mentioned, among them, three women of Lebanon: Zainab Fawwaz (1860-1914), Labiba Hashim (1880-1947), and Mayy Ziyada (1886-1941). There are also male feminist like Qasim Amen, Asghar Ali Engineer, etc.

In the same time, some Indonesian intellectual Moslems start to show piloting of their effort towards the new *ijtihad* that is the new interpretation of woman issues which more equal and fairer. These have done by Muhammad Quraish Shihab, K.H. Zainal Abidin Ahmad, K.H. Husein Muhammad, Jalaluddin Rakhmat, and others. Next, the activist women recognized in Indonesia are Wardah Hafiz, Lies Macoes, Nurul Agustina, and others which are very active and founded Alyanamitra foundation (1984) as woman organization which always raises the idea of gender and analyze it. This organization tries to provide the reality about the existence of unbalanced relationship pattern in the society, especially which created many problems of woman (Munawar-Rachman, 1996:201-303).

THE WOMAN STUDY

The appearance of the Woman Study Program in some colleges in Indonesia is caused by the importance of digging different experiences between man and woman which biologically different, expanding in social interaction. This caused, a woman has some determines and opportunities which do not identical, because the social norm and the value of culture are not always similar. Base on the law, man and woman are equal in Indonesia, but some women in Indonesia still have some discrimination in their society. The paradigm of their gender has changed but most of their aspirations have not yet supported it, especially in the politics field, their aspirations given still have the bias of gender.

“Masculine-bias” based on the various researches was influenced by many intellectual data which conducted and came from men. These, then considered become a public character. Besides, the topics of the researches also express the masculine-bias. So, institutionally the information which founded and communicated are still focused on what men think important. Next, the majority numbers of the scientists are male-scientist, also the concept and theory are focused to the men. This condition then accepted

as a common norm. These conditions are expected to be corrected by the existence of the Woman Study which can product the empirical data. It is important to involve men-scientists in studying the womanish to understand and make the balancing of its bias made by women. Besides, they are expected to become more sensitive in solving the women problems (Sadli, 1995:14-23).

To solve these problems in national and global level need the political solution with their awareness of these things. According to Seymour Lipset, there are the relationship among the income, education, and someone's occupation with the political participation. One with good income, higher education and esquire occupation like a businessman, governmental official, and such kind has a higher level of political participation. On the other hand, one with bad income, lower educational achievement, and stumpy job has a lower political participation (in Faqih, 1997). In Indonesia, the research done to measure the political participation shows that the higher political participation is the people whose background in the senior high school.

Indonesian women in general haven't decided to take part actively in the politics field (Suyanto, 1995:491-495). The research indicates that a husband has a role which cannot be disregarded in conducting political socialization at home. The husband can become the impeller, motivator, supporter, or may be a barrier for them. It is of course supported also by the good quality of husband's education, and those who have graduated from the university support their wives to take part both in the politics field and other organization (Suyanto, 1995:501).

WOMAN'S PARTICIPATION IN THE POLITICS FIELD

In the case of political participation, women only pay attention in the middle level. But their enthusiasm at political problems, trough the media, showing big enough attention. They give more attention toward the politics better than to the education and religion values. They thought that the education and the religion values have been obtained from each family before they got married. Their enthusiasm toward the politics trough the media after they got married can extend their political attention compared to their attention to the religion (Suyanto, 1995:504).

A research done by Umi Lasmina entitling: "Middle-Class Woman's Opinion about Leadership of Woman", published by *Journal of Woman*, Edition No.7, May-July 1998, supported the women's development, declared that a woman could be a leader if there is an opportunity given to her. In fact a woman has an ability to lead which is equal to a man. The history shows that smart woman could be a leader in a society. Once Indonesia led

by a woman President. Now, just give her an opportunity. Based on that research, 50% women said will chose a woman if there are two choices, if both have the same ability to become the leader. Their consideration was wishing to be led by woman, because she could be wiser and caring just like a mother. But they said there are some barriers in electing a woman as a leader because of her biological and physical condition, hormonal, and emotion barriers. Besides, she will have two duties: as a political leader and a housewife. Her family will become the main barrier if her husband and children don't give support to her. People said that a woman likes to have impractical consideration in deciding something. Therefore, the woman finally become only the second alternative leader (Lasmina, 1998:24-29).

Megawati Soekarnoputri had become RI (Republic of Indonesia) President is a woman. Next many researches about woman conducted and published in various erudite journals and books. The researches in the colleges included in woman study program, which its masterpiece focused at the development study, idea of gender-feminism, equal right, political, social, even woman economics. Some of the dissertations are those which written by S. Wierinka (University of Amsterdam, 1995) entitling "The Politization Gender Relations in Indonesia"; Nasaruddin Umar (the Lecturer of IAIN Syarif Hidayatullah, Jakarta) about "Perspective Gender in Al-Quran" (1996); also previously research in the form of M.A. thesis, in Ohio University written by R. Bush (1994) entitling "An Evaluation of Indonesia State Ideology Regarding Women and its Impact on Women Access to Agricultural Extension Program"; and the writer's booked dissertation entitling *Imam Perempuan: Dekonstruksi Perspektif Gender dan Keniscayaan Kontekstualisasi Politis Ajaran Islam di Indonesia*, undoubtedly political contextualization of Islamic teaching in Indonesia (2008).

The most substantial matter in debating about the woman's leadership at nation level was in electing the President of Indonesia. Congress of Ummat Islam Indonesia (KUII) in Pondok Gede, Jakarta, on 4-7 November 1998, deciding its *fatwā* that President of Indonesia must be a man which have to believe in Islam. This matter happened exactly before Megawati Soekarnoputri is appointed by MPR (*Majelis Permusyawaratan Rakyat* or General Assembly Council) to be the President and it became the polemic in the society.

A day before the decision of this KUII (*Kongres Umat Islam Indonesia* or Indonesian Islamic Ummah Congress)'s recommendation, Ibrahim Hosen, Chief of Indonesian Ulema Council (MUI) declared on *Terbit* daily in which he affirmed as follows:

Islam prohibits woman to become the *khalifah* or national leader or *ummat* leader, namely President, based on the Islamic law, also another regulation from Islam, including other law in the society. In Islam, one who takes hold of *khalifah* also obliged to spread out the teaching of Islam, supports the development of Islam, also has to be the *imam* of the mosque. So, if a woman becomes the *khalifah*, she will have the duty as the *imam* of the mosque. If a woman becomes the President with non-Islamic law (Moslem majority resident) will generate pro-contra (cited by Jaiz, 1998:61-63).

THE FIGHT OF POLITICAL WOMAN IN MOSLEM SCHOLAR VIEW

The fight on political woman versus man in Indonesia has been studied by MUI DKI Jakarta (*Majelis Ulama Indonesia Daerah Khusus Ibukota Jakarta* or Indonesia Ulema Council of Jakarta Special Region) and its recommendation has been made that a woman could not become the President. This recommendation is signed direct by Common Chief of MUI DKI Jakarta, K.H. Syafi'i Hadzami, on 20 October 1998. Among the following its contents are:

MUI DKI Jakarta could not agree if a woman become a President (State Head or Lead Governance) because it against the Islamic teaching. As it have told by Rasulullah SAW in a *shahih Hadits* which retold by Imam al-Bukhari, Ahmad, Al-Nasa'i, and Al-Tirmidzi from Abu Bakrah [...] (here in after this recommendation cites other reason), [...] Imam al-Syaukani in his book, *Nailul Autar*, Chapter VIII, page 265; *Mazhab Hanbali* Ibn Hazm in *Al-Muhalla*, Chapter IX, page 430; and contemporary opinion of Mohammad Yusuf al-Qardawi in his book, *Fatawā Mu'asarah*, Chapter I, page 73 in which he expressed that all Moslem scholars since long time ago until now have accepted *Hadits* above and making it as a legal fundament that woman may not become President or *wilayah 'ammah* (cited by Jaiz, 1998:61-63).

But it did not mean that the opinion which supported by *fatwa* or collective recommendation from Moslem scholars are always the same. On the same day with declaration recommend of MUI DKI Jakarta above, Azyumardi Azra – as an intellectual Moslem – talked about the woman leadership in *Merdeka* daily, on Tuesday, 20 October 1998, that discrimination inexistence between woman and man to be a President, both have the same opportunity. Here is some of his statements written as follows:

In Islam, the opportunity between man and woman to reach the perfection is the same, there is no discrimination. Including the opportunity to become the President [...]. In fact, the modern *fiqh* is different from the traditional or classic one. It is true that the classic *fiqh* mention that woman cannot become the President or leader. It relied on the interpretation that woman may not become a judge. Then the judge analogy to President or leader so that its result still prohibit woman become leader (cited by Jaiz, 1998:3).

His next argumentation explained that in the history itself, Indonesia has owned a woman leader such as in Aceh, even that Queens led in turns for three times. At that time, there was not any resistance. That resistance newly came when there was religious advice from Mecca, saying that woman may not lead in Aceh. This caused the Queen changed to become Arab dynasty, Jamal al-Lail (Azra, 1995).

In *fiqh* which is understood by Indonesian Moslems, Azyumardi Azra's opinion has a high flexibility nuance. Even there will be a kind of resistance to woman motion and role. So the nomination of woman to become a President is not a problem anymore, because of that Indonesian flexibility of *fiqh* (Azra, 1995:201).

From the political practitioner even also ten days after the Recommendation of MUI DKI, Megawati Soekarnoputri in her oration at the opening of POSKO (*Pos Komando* or Command Camp) for Mutual Assistance of PDIP (*Partai Demokrasi Indonesia Perjuangan* or Indonesian Democracy Party of Struggle) in Ciremai Ujung, Bogor, West Java, as the Chief of PDIP, she recommended that:

Who dares to say that a woman cannot lead? Since long time ago, a woman is a combatant. It is illogical if today there is still a kind of discrimination towards the woman. Frankly speaking, I do not want to be referred as a second class creature. In Islam, which I embrace to be taught to, is respecting each other. *First*, Prophet Muhammad always advocated if a woman was inequitable treated. I am not doing my self-defense. It is true that I have the right to do that, but I do not use it. I wish the discrimination will be eliminated (cited by Koderi, 1999:70-71).

However, such kind of conflicting opinion did not withdraw the recommend of KUII (*Kongres Umat Islam Indonesia* or Indonesian Islamic Ummah Congress) which takes place in Pondok Gede, Jakarta. Therefore, it could publish the illicit decision of this woman President.

One day after the KUII recommendation above, Abdurrahman Wahid (Gus Dur) has a notion, after finishing of putting down foundation-stone [at] founding of Pondok Pesantren Agribisnis Shiqiyatul Muslimin in Purwakarta, West Java, on 8 November 1998. He stated as follows:

According to me, the special condition for the candidates of President and Vice President is not on the gender, but he/she can create the justice, religious, and godly to Allah. Besides, he/she has to really elected by people. In the Constitution of America, Japan, and French, for example, does not prohibit a woman to become President, although up to now it is not happen (cited by Koderi, 1999:72).

The reasons which mentioned by Gus Dur (Abdurrahman Wahid) in parrying anti woman President are as follows. *First*, the desire of people

to chose a woman as leader cannot be barricaded, the pooling of President candidates which done several times, the result was *Mbak* (Sister) Mega (Megawati Soekarnoputri). *Second*, Presidency is a political business in the governance area, UUD (*Undang-Undang Dasar* or Constitution) 1945 arranging that it is not a problem of woman President. So, we cannot arrange the rule based on the *fiqh*. And *third*, a problem of a President is not a problem of *imam* for *shalat* or leader for praying (*Media Indonesia*, 9/11/1998).

Two days later, Said Aqiel Siradj gives a response towards the decision of that KUII in his article about "Woman President" questioning openly as follows:

Most *Kiais* or Moslem scholars prohibit woman President pursuant to Allah SWT in the verse of 34 *Surah al-Nisa*, "*Al-rijālu qawwamuna alā al-Nisā [...]*". This verse is comprehended textually by most of Moslem scholars. But, is it true what has mentioned by Moslem scholar? [...] Then, we can comprehend that the usage of the verses to be illicit of leadership of woman outside the home, it is clear that it has a very weak validity. The verse also not in the form of instruction sentence (*amr* or leader), but only *khbariyah* (news), so the accuracy of that law obliged to or illicit has less effective rate (Siradj, 1998).

Under the consideration of that, he explains about the background of its reason (*asbab al-nuzul*) of the sentence clearly, then expressing the *Hadist* of woman leadership as follows:

[...] it will not be blissful if a clan delivering its business to a woman [...] to see the background of the *Hadist*, it seems it is very conditional and casuistic one. The object of the discussion of Prophet is not to all women; it was only to *Ainusyirwan*, which her credibility was very questionable. Moreover, in the political situation of Mid-East when was intertribal war at that time. This *Hadist* is also not in the form of a prohibition (*nahiy*), but only *khbariyah* (news). In the consequence, the law is not significantly accurate (Siradj, 1998).

To support the opinion of Said Aqiel Siradj, figures in the reason of woman leadership from Ibn Jarir al-Tabari and Al-'Asqalani, besides the leadership of Queen Syajarah al-Durr in Egypt, and which is immortalized by al-Qur'an which known as Queen Bilqis.

According to the Chief of PNIB (*Partai Nasional Indonesia Baru* or New Indonesia National Party), Mrs. Supeni, there is a falsehood reason to support anti woman leader. She affirmed as follows:

According to UUD (*Undang-Undang Dasar* or Constitution) 1945, all citizen are entitled to become Vice President and President. Hence, there is no any reasons. Islamic religion does not prohibit woman to become a President. The woman

should not accuse because of the gender. Many women showing themselves can lead this country. This becomes the falsehood reason to prevent woman to be the candidate of President, but nowadays gets a lot of support from people (cited by Koderi, 1999:73).

There is not any reason of restrain the leadership of woman in Indonesia. If the conditions as a leader have full filed according to Elida Djasman, Chief Head Center 'Aisyiah, can be selected as follows:

Out of the nomination of Megawati by PDI *Perjuangan*, I think the woman's opportunity to become a President is open. This time, I have not seen yet, there is a suitable figure of a woman who can lead Indonesian nation. It is because of the condition of woman human resource itself (cited by Koderi, 1999).

Without owning low perception of ourselves, she said, women in Indonesia have to confess all area with men. This Woman figure has talked about the problem of woman opportunity to become President before assemble congress in Jakarta. According to her, the reason of talking about that problem is because of seeing the existence of pro and contra to it among the intellectual of the *Muslimah* (Moslem women), the *Kiais* (Moslem scholars), and the religion figures.

The *Kiais* have a notion that the religion does not enable a woman become a national leader; in the other hand the intellectual Moslems have a different opinion about it. "Therefore, I expect the congress can make a good decision to face this problem" (cited by Koderi, 1999:78).

But Nuraini Lubis, the Head of PP (*Pengurus Pusat* or Central Committee) Muslimah al-Washliyah, has an opinion by enabling a woman to become the President on an emergency condition, unless there is no man who is capable to lead:

A woman may become a President if there is no man anymore or there is no men who is suitable for that position. Pursuant to Islam teaching, especially compared to the law, becoming imam in *shalat*, a woman cannot become the *imam* to men. It represents the standard rule of application which can apply at a broader aspect of life. Besides, today, Indonesian culture has not yet accepted fully the existence of a woman leader. Our Eastern culture still could not accept that thing, could it? As a *Muslimah*, I cannot accept something against my religion, and if other *Muslimah* could accept it, I doubt of her faith of Islam (cited by Koderi, 1999:72).

Completing her the opinion, Aisjah Girindra, the expert of the biochemistry of IPB (*Institut Pertanian Bogor* or Bogor Institute of Agriculture) and the Chief of LPOM MUI (*Lembaga Pengawasan Obat dan Makanan, Majelis Ulema Indonesia*) said that there is also a woman who

has an ability to lead, but she faces many difficulties to determine that religious advices, so it should sure enough and made by Moslem scholars in charge like MUI. She stated as follows:

If the *syariat* of Islam tells something, surely there is a causal or its wisdom. According to me, deep inside all women's heart, we do not want to exceed the men. But, sometimes on her real life, she gets chance to it. In woman's life, sometimes she will feel happy by consorting her husband. But, there is a super woman, who does not want to consort her husband. Is it the reason why Islam does not allow a woman to become a President? I do not know. Like me, for example, this time I have a lot of men staff. Concerning the opinion in UII Congress, it is possible to make a kind of unwritten regulation (the President must a man). If it is written, of course, a lot fulminate because this time there are many smart women and they can manage their time between the family and her position. So, it depends on ourselves. If I were elected to become President, I am not ready to. Hence, in order that decision strong enough and is heavy, hence returning to Commission Religious Advices of MUI. The decision of this problem is very sensitive.

That religious advice must made by Moslem scholars. Of course the decision later will consider many things. Such as: its statements from the Holy Qur'an, its *Hadits*, including its relationship with the present condition. In my opinion, it is just like how complicated the case when Commission Religious Advices of MUI specify the law about alcohol. In consequence, in the problem of woman President, all angles have to be learned so that yielded decision can be justified religiously and intellectually (Abadi, 18/11/1998).

Like also supported by Muhammad Mufti, Secretary General of PSII (*Partai Sarekat Islam Indonesia* or Party of Indonesian Islamic Company), focused in order not to against the stream of anti woman President by posturing emergency as follows:

If in a state of emergency, a woman President can be lead. But it should be in a really emergency condition and there is no man can be elected. We support the existence of a woman President on that condition (cited by *Berita Buana*, 13/11/1998).

There are many opinions and much debating among intellectual Moslem about it, caused by the indistinctness law in Islamic teaching about leadership of his woman. Nurcholish Madjid explained that:

The law of Islamic religion does not expressly arrange whether a woman may or not to become a President. I will not ask a question whether the next Vice or President is a woman or not, the important thing is that figure has the ability to lead (cited by *Bangkit*, 18/11/1998).

From the democratic political view, the KUII's view shows a political attitude. So with this attitude, according to M. Amien Rais, there will be a possibility on woman's ability itself. He explained as follows:

[...] the recommendation of KUII represent a political attitude of Moslem scholar from NU (*Nahdatul Ulama*), Muhammadiyah, al-Irsyad, Jam'iyah Washliyah, Mathla'ul Anwar, and PERSIS (*Persatuan Islam*), which based on the understanding of Al-Qur'an and *Hadits* of Prophet. But it doesn't mean that the recommendation is fixed, that a woman is forbidden to become a President. In Islamic state, like Bangladesh or Pakistan, the Prime Minister is a woman. There is an exception in Islam. If in a state there is not any man having the ability to become a leader, it can be filled by a woman (*Dinamika*, 16/11/1998).

According to the KUII, the publishing of the declaration in fact still not final yet; however, it still needs a longer study which able to accommodate various opinions, so it can unify all people. Therefore, the Chief of MUI, K.H. Ali Yafie, gives his comment on it as follows:

All recommendations of KUII do not bind over all institutions. Concerning recommendation and that the Vice President and the President should be a man still not final yet because it still will be studied by Commission Religious Advices of MUI. The reason is that there is not a total agreement about the problem. There are two opinions concerning that problem. The first says that the national leader is absolute a man, but the second says that it is not absolute (*Bangkit*, 18/11/1998).

Outside the debate, Dewi Fortuna Anwar gives her comment towards the recommendation of Political Commission of KUII above as the violation of Human Rights and Indonesian Principle which is antidiscrimination by affirming that:

The Political Recommendation Commission of KUII violates the human right – including woman rights – and Indonesian Principles which wish to uphold the system which supports an antidiscrimination. I will become the first person who follows the strike if only the religious advices or the law saying that a woman has no chance to become the leader. We know that Indonesia ratifies the Convention of UN (United Nations) which is antidiscrimination. And if only we make a law that Indonesian President should be a man, Javanese, Moslem [...], it is obvious violates our own Constitution and the discrimination principles. If someone couldn't be chosen because he is not a Moslem, which is a political reality (*Bangkit*, 18/11/1998).

On the history of Islamic thinking in Indonesia, the debating on this discourse will still continue, because there is no clarity judicially as explained by Nurcholish Madjid as follows:

Islamic Law does not expressly arrange or does not rule the condition of the Head of Government or President. But, I won't raise an issue, whether the next President or the Vice President is a woman or a man, the most important is the figure should be capable to lead (*Bangkit*, 18/11/1998).

The polemic of the woman President in the reality could not yet be finished by issuing the recommendation of the KUII, the nation and the Moslem scholars still have to work hard to face this problem. Especially, it needs to study more about this and also accommodate various ideas to make the society more expand and go forward.

Two visions which striking, whether a woman could become or forbidden to be a President, are basically seen from two aspects. *The first* is normative textual aspect which is ideal to have a man leader. *The second* is empiric contextual aspect faced in the society in their real life. In the middle of political life of this nation, the discourse of President's election appears and comes up with the determination of various criterions, not only the difference of gender above.

Some criterions emerge from some figures from people of its nation deputy like Amir L. Sirait of DPR RI (*Dewan Perwakilan Rakyat Republik Indonesia* or House of Representative of the Republic of Indonesia). According to him, an ideal leader is the one who understands how bitter the negative experiences of last leadership were. The leader should have the personal character and has a clear vision to the national struggle with his missioner commitment. He/she is capable to differentiate between leading and dominating (*Pelita*, 17/2/1999).

Also, M. Amien Rais, the founder of PAN (*Partai Amanat National* or National Mandatory Party), offering six President candidate criterions. *First*, should really understand the state philosophy. *Second*, should have a good vision to go forwards. *Third*, never does the KKN (Corruption, Collusion and Nepotism). *Fourth*, could be accepted by most of Indonesian people. *Fifth*, could give a guarantee to maintain people, commendation (*amanah*), trustworthy (*shiddiq*), open (*tabligh*), and smart (*fathanah*). *Sixth*, having a commitment to sacrifice, prioritize the public interest than his or her self interest, family interest and group interest. According to him, these criterions can be added or enriched (*Kompas*, 18/2/1999).

The previous President of *Partai Keadilan* (Justice Party), Nur Mahmudi Ismail, also submitted six-President criterions. They are: *first*, should be a religious citizen. *Second*, has self capabilities and capacities, both physically and mentally. *Third*, has good behavior. *Fourth*, has a political thinking (prioritize the public or nation interest than his group interest). *Fifth*, has a good globally vision, or visionary. And *sixth*, doesn't involve with the mistakes done by ORLA (*Orde Lama* or Old Order) and ORBA (*Orde Baru* or New Order) (*Jum'at*, No.367, 1999).

Even some groups also have searched the President candidate criterions of Indonesia by carrying out a seminar supported by Pelita, GAKPI and

FKOI, at 18 February 1999 in August Hotel, Senayan Jakarta. The seminar created 8 criterions: (1) the leader should apply the Five Principles of Indonesia, not hypocrisy; (2) has a good commitment on reform process and democracy; (3) able to overcome the crisis; (4) has some experiences in governance and organization; (5) has good intellectual and visionary; (6) has an international access; (7) has a political bases; and (8) has a good condition of the health, both physically and mentally, also emotionally mature (Koderi, 1999:99).

From all criterions above, none of them mention the issue of gender for the candidate of the President. So, there is no problem contextually and empirically in the requirements and condition of Indonesian president candidates in the democratization of Indonesian society.

The empiric facts above represent the arguments which cannot be argued to use by the society in making the decision of the leadership. The women will no longer be eliminated from the political leadership by making the criterions which pursuant to the social and historical fact that a woman couldn't lead. Therefore, nowadays some people argue to the opinion of Moslem scholars saying that men better than women in the leadership. In this context, K.H. Husein Muhammad stated as follows:

[...] It had been argued by itself through the real fact. The social reality and the recent history prove that we have many women who could conduct the duties which at first they considered to be men's monopoly. We have known a number of women who became the Presidents, the Heads of the States, the Governors, the Heads of a Parliament, the Chiefs of Political Party, etc. (Muhammad, 2001:127).

According to him, there are many reasons of believing natural and *kodratiah* of human being based on the existing reality were incorrect. The correct ones are represent the social product which intended to be created. It is caused by the process of the culture which going forward not at the settled condition and stagnation. The social dialectical is moving continuously, from the nomadic to the civilized life, from the traditionalist to the rational idea, and so on (Muhammad, 2001:127).

The problem of *tafsir* about *qawwam* in *fiqh* discourse, the leader should be comprehended as the one who has the character of sociologist and contextual. The woman who is placed in man position came into sight and born from a kind of society or a civilization dominated by patriarchy. Here, a woman does not get an opportunity to actualize herself and takes a part in a high position. That has been taking place in the old until now. But woman in the modern era couldn't be given the same legitimacy as well. The Holy Qur'an given in the period and the benefit of that time with its real

condition. At this moment, men superiorities are challenging by women from intellectual and professional side. The greatness of men demolished from its domination which tries to keep it. Both (the intellectual and professional greatness) give a chance for women to take the position of a leader. This condition opens wide to women to reach the highest leadership position, even to be the president (Muhammad, 2001:127).

K.H. (*Kyai Haji*) Husein Muhammad criticized Dusty Abd al-Qadir Abu Faris (1984:182-183) using *qaidah fiqhiyya*: "*al-'ibrah bi 'umum al-lafz la bi khusus al sabab*" for the meaning of *Hadist* which it used commonly, that is "It will be unlucky for a nation who governs a woman". This *Hadist* can't be held if it faced to the history fact. A number of women in the reality could lead their glorious nations successfully. The Holy Qur'an stated the glorious of Queen Bilqis. On the contrary, there are a large amount of men who became the Presidents failed to lead their nations. In consequence, the success of leadership doesn't have the correlation with the gender. The success is caused by the applied system and his or her ability to lead. With various argument of *qaidah fiqhiyyah*, Husein Muhammad explained how the leadership for public benefits was better even than *ijma'* (Muhammad, 2001:127).

CONCLUSION

The tussle (the fight) of discourse between pro and contra to the woman political leadership in Islam has been existed since long time ago. But in Indonesia, it has more intensive to discuss at the end of the twentieth century. There is a status quo group which still preserves to illegitimate the understanding of woman to be existed in political top leader, because it related by the leadership in the religious service, especially as *imam* in *shalat*. This understanding deals with the group of political activists, woman's activists, and modern thinkers of Islam. The supporters of the first group keep on the institutes like MUI (*Majelis Ulama Indonesia* or Indonesian Moslem Scholar Council) and KUII (*Kongres Umat Islam Indonesia* or the Congress of Indonesian Moslem) published the religious advices each in 1998.

The strength of current understanding of woman leadership on the top political position related to woman in *imam* of *shalat*, the leadership in marriage or family, and the history of the Princess Ainusyrwan who became the Persian Queen. Those arguments make MUI, KUII, and other religious social institutes and the society fell convinced. But there are some Moslem scholars who have different opinion, such as Ali Yafie and his friends. It seems that the decision of that religious advices pursuant to

the majority voice, not to the quality which supported by the democratic of majority, so that decision is not represent unanimous (acclamation) voice in collective voluntary agreement, but the majority voice with the opposes which against voice. While the other group is the group of political leaders that have the same opinion to the leader of woman without relating it to the *imam* of *shalat*, and the leadership of nuptials (marriage), which finally the reason mentioned by first group will be dissociated by itself from the reality of leadership with the division of duty from the collective modern political leadership.

The division of this duty makes the leadership of woman can be realized in politics area. So the leadership of woman in its reality implementation does not have any resistances taken as a prohibited reason of the leadership of woman both from religion and ideological view. Therefore, this last understanding will be understood if it studied comprehensively, reconstruct from the early stage so it will seem as which expected. The process will deconstruct not merely destruct without giving a whole thing (building) to reach the leadership contextualizing in this Islamic teaching.

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ENDIS FIRDAUS,
The Existence of Gender-Feminism



Study and research for woman in Indonesia have been conducted as the time of national reform which changes continuously. Feminism appeared in the Islamic view in early 1970s, especially since the intellectual articles about the feminism appeared on the newspapers, journals, and another media.