

## Women as Intellectual Actors: Shafi'i Jurisprudence Perspectives and Gender Justice

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**ABSTRACT:** The patriarchal culture among the people is still prone to occur. Some communities still have a tendency to distinguish between men and women in terms of rights and certain rituals of worship that seem to override the position of women, especially when pursuing higher education. Whereas Islam has firmly raised the status of women, women want to be equal to men without any difference other than their faith and piety to Allah Swt. There has been a shift in the notion that women are naturally at home as wives and mothers for their children. Women began to voice their rights to be able to take part in external life as the rights obtained by men. This study uses the library method by taking heuristics, source criticism, interpretation, and historiography steps. The results of this study indicate that ancient patterns of thought still deviate and need to be removed, especially because of the patriarchal culture still inherent in society. In Shafi'i fiqh women have the same rights as men, especially in education. From a gender perspective, men and women have equal rights in accordance with Islamic guidelines. The role of women is not just taking care of the domestic sector. More than that, women are very influential in the development of civilization. Therefore, pursuing higher education is very feasible for women without worrying about ridicule from the outside as Islam has raised the status of women to a very noble position.

**KEYWORDS:** Gender Equality; Shafi'i Jurisprudence; Women's Education.

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### INRODUCTION

The patriarchal culture that has been rooted for a long time is still visible in the social life of the community, especially from the common people (Anggoro, 2019, p. 130). Women are often assumed to be weak creatures so their movements in the public sector are often restricted (Huriani, 2021, p. 17). More sadly, education for women is still underestimated (Bloodhart et al., 2020, p. 7). As if pursuing higher education is still something worth questioning.

Women have the right to vote without any pressure or sneer, women deserve full support for every decision they make. Staying in the domestic sector or choosing to become a career woman. Being a housewife does not mean that women are weak, it is a choice and a big decision made to be able to provide the best education for their children. Even the decision to become a career woman does not mean that women are negligent when playing dual roles. Being a mother who is also a career woman is not an obstacle, it is not a reason to say a woman is negligent of her responsibilities as a wife and also a mother in her household.

Women are tough, and carry a great responsibility on their shoulders. Not only the environment but also fellow women should support each other, support each other. Women have the same rights as men, they have the right to echo their voices loudly without any restrictions. The education of women and men should not be distinguished. Women deserve a proper education, to continue their studies further, Even Islam brought by the Prophet in its history has raised the degree of women in a very noble position and prioritized education as well as that obtained by men (Mansour, 2000, p. 138). Men and women can collaborate with each other and make a positive contribution to the progress of civilization and the development of science (Hirsu et al., 2021, p. 64).

### METHODOLOGY

This research is a type of qualitative research with library research methods that aim to analyze and describe theoretically related to education for women from the perspective of Shafi'i jurisprudence and gender. This research proves that Islam provides equal rights between men and women, especially in terms of education. Even in the perspective of shafi'iyah and gender Islam has arranged in such a way that there is no gap between them. The source of data in this study was obtained through books and scientific journal articles relevant to the research theme. The steps taken in collecting data in this study include sorting, organizing, and editing. After all the desired data is collected, data analysis is then carried out with interpretation to give meaning to the data that has been obtained so that it can produce the necessary information related to the problem in the study.

### DISCUSSION

#### A. Equitable Education: A Form of Islamic Justice

The existence of differences or domination both on the part of men and on the part of women leads to the issue of gender equality. Men and women have the right to participate and take part in various activities in the public domain, especially in terms of education (Meitayani, 2010, p. 5). This is what is being discussed by many circles, especially Western feminist groups who demand justice for women from various confines in society both in terms of religion, culture, and other life structures.

Islam has never distinguished education between men and women. Even in the hadith of Prophet Saw he said in the hadith narrated by Ibn Majjah that, "*Studying is an obligation for Muslims*". This hadith is not only intended for men but all Muslims regardless of men or women. In history, it is recorded that the spirit of Muslim women is very passionate in broadening their scientific horizons. This was strongly supported by the Prophet in addition to his words as well as through his actions which provided special time for women to learn, especially related to religious issues (Putri, 2022, p. 88).

Islam also unequivocally states as contained in the Qur'an Surah al-Mujadalah verse 11 that Allah Swt will elevate the degree for everyone who believes and those who are given knowledge of several degrees (Putri, 2022, p. 88). That is, with knowledge will lead a person to piety to Allah Swt so that the person gains happiness and glory on the side of Allah. Islam strongly upholds the concept of justice. Justice in Islam is not defined as something that must be beaten flat. Human beings all have the same degree on the side of Allah, the only difference between them is faith and piety to Allah Swt (Amin, 2022, p. 899).

#### B. Women as Spears of Civilization

Education in Islam is not only limited to the transfer of knowledge, more broadly Islamic education contains the cultivation of character values that shape the identity of the individual as a Muslim in accordance with the purpose of his creation, namely as *abdullah* and *khalifatullah fil ardh* (Buseri, 2015, p. 6).

Islam sees the important role of women because through women a generation will be born that will continue the spear of civilization. Therefore, Islam has taught in its sharia to choose a wife and mother for future children is to pay attention to the aspects of religion. What is meant by religion is someone who is not only religious but also practices the teachings that are enshrined in religion. Good charity must certainly be based on knowledge. Therefore, it is very important for women to deepen and expand their scientific horizons because in Islam women are the first madrasa for their children (Aeni et al., 2022, p. 10682).

#### C. Views of Shafi'iyah Scholars on Education for Women Gender Perspectives

Scholars among Shafi'iyah agree that women have equal rights in terms of teaching and learning. Even one of the Shafi'iyah scholars, Ibn Jama'ah, stated that every individual has the right and even to be equipped with an education that can touch his ethical and spiritual dimensions. So that each individual can balance his life between the world and the hereafter (Riyadhi & Asyari, 2020, p. 45).

Al-Ghazali stated that to reach the level of a complete person, knowledge is needed because it is impossible for a person to draw closer to His God but to knowledge. In this case, women are entitled to justice and equal treatment without any discriminatory attitudes because in Islam even including the scholars, especially the Shafi'i faction, agree that both men and women are in the same position in reaching the plenary level of people (Yasykur, 2017, pp. 632–633).

### CONCLUSIONS

Gender-biased in education is still a problem that never ends even among Muslim families. The responsibility devolved to a man towards a woman does not mean that the position of a man is superior to that of a woman. The decline of civilization and the scientific spirit must be reviewed. Understandings that are actually contrary to the spirit of Islam must be abolished. Women are not prey that only moves in the domestic sector. Islam has placed the position of women as the most important center in building civilization. Therefore, it needs support and cooperation from all circles to fight for the rights of education for women so that they can give birth to a brilliant and leading generation who are certainly not only good in terms of science but also based on faith and piety to Allah Swt and understand their duties and functions, namely as *abdullah* and *khalifatullah*. Education according to Shafi'i circles basically rests on the achievement of happiness in the world and the hereafter without distinguishing between genders so that one dominates more than the other because on God's side what distinguishes every human being is only the level of his faith and piety to God. Every Muslim, both male and male, should compete with each other in increasing faith and piety to Allah, which of course, to achieve all of this must be based on knowledge.

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