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Gender Integration in Islamic Politics: Fiqh Siyasah on Women's Political Rights since Classical to Contemporary Interpretations

Abstract: This study examines the controversy surrounding gender equality in women's political rights in the public sphere. This discussion arises from differing interpretations of existing texts, which have persisted from the classical era to the contemporary period. This study employs normative legal research, utilizing library materials and secondary data as primary sources. It involves reviewing literature, including articles, books, and other relevant resources. The collected data, comprising primary and secondary legal materials, is analyzed qualitatively and presented descriptively. The study finds that Islam upholds gender equality by placing women in a noble and honorable position and affirming their rights and roles as stated in the words of Allah. Among classical Islamic scholars, there is debate about whether women are permitted to hold leadership roles. Imam Malik, Imam Shafi'i, and Ahmad Ibn Hanbal prohibited it, while Imam Abu Hanifah allowed women to lead if they possessed adequate capability and competence. Scholars like Ibn Jarir Al-Tabari and Ibn Hazm also allowed women to assume leadership positions without any conditions. Contemporary scholars, including Ibn Ashur, Yusuf al-Qaradawi, and Quraish Shihab, support women's participation in politics, both in voting and being elected. Yusuf al-Qaradawi, however, set conditions, emphasizing that women must adhere to Islamic ethics, fulfill their duties as wives and mothers, and not violate Sharia principles. If the exercise of women's political rights leads to harm, it is prohibited based on the principle of *sadd al-zari'ah*. This study contributes to the understanding of Islamic perspectives on gender equality in politics, examining viewpoints from both classical and contemporary scholars. It also provides a discourse on the conditions required for women to exercise their political rights within the framework of Islamic law.

Keywords: Women, Gender Integration, Islamic Politics, Fiqh Siyasah, Contemporary.

INTRODUCTION

The issue of gender equality has always been a hot topic in discussions about women's involvement in the political sphere¹. In high but uneven gender parity contexts, such increases may not be self-reinforcing, highlighting the complexity of achieving sustained gender equality in politics². The existence of women is considered different from men in terms of biological anatomy, which has implications for their roles and responsibilities. Men are depicted as strong, challenging, and mighty figures, while women are weak, graceful, and fragile³. This picture limits women's space for movement in the public sphere.

This issue is always relevant to discuss so that in Muslim society, it is not just an issue but a problem that tends to be challenging to solve. The pros and cons of women's leadership in the political realm have become a prolonged discussion. Unsurprisingly, many Islamic thinkers then provide opinions or views on women's leadership in the political realm⁴.

Until now, discussions about women's leadership in politics are still a serious controversy and debate, both between conservative and traditional Islamic groups and contemporary Islamic groups. Muslim countries or countries with Muslim populations have given legality to women's leadership and involvement in politics. However, for conservative and traditional Islamic groups, women's leadership in politics is still taboo and has the potential to deviate from religious rules. For moderate and liberal Islamic groups, women's leadership in politics is an inevitability and even a necessity to position

¹Fahmi Ibnu Khoer, Syarifah Gustiawati, and Yono Yono, "Kepemimpinan Perempuan Dalam Perspektif Hukum Islam," *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 4, no. 1 (2022): 42-49.

²Armando Araico Cordero et al., "When Fortune Favors Women: Do Marginal Increases in Female Representation Persist?," *Journal of Economic Behavior and Organization* 226, no. December 2023 (2024), <https://doi.org/10.1016/j.jebo.2024.106680>.

³Moh. Hasan and Umi Nuriyatur Rohmah, "Gender Dan Politik Dalam Perspektif Hadist," *Sophist: Jurnal Sosial Politik Kajian Islam Dan Tafsir* 4, no. 2 (2023): 171-196, <https://doi.org/10.20414/sophist.v4i2.72>.

⁴Husain Hamka, "Kepemimpinan Perempuan Dalam Era Modern," *Jurnal "Al-Qalam"* 19, no. 1 (2013): 107-116.

women on an equal footing with men at the level of power. The debate has hardly found a meeting point, and it is not easy to end with an agreement⁵.

Basically, the position of women in Islam has undergone significant enlightenment. The debate among scholars regarding the capacity of women as leaders is often related to particular social, cultural, and societal conditions. This is thought to have a significant role in influencing the views of scholars on the role of women as leaders. In addition, some serious challenges faced are still seen as risky if left to women. Therefore, Islamic jurisprudence scholars have tried formulating the formal qualifications required for a leader⁶.

Previous researchers have widely studied women's leadership in the political realm, including gender disparity, which is present in many aspects of life, especially politics⁷. Firstly, studies on women's leadership from the perspective of interpretation and hadith⁸. Second, a study of women's leadership from an Islamic law perspective⁹. Third, women's leadership from the perspective of figures¹⁰. Fourth, women's leadership from a gender perspective and the modern era¹¹, as well as several similar studies. This study

⁵Dahrul Muftadin, "Perspektif Tafsir Maqashidi Ibnu Asyur Terhadap Kepemimpinan Perempuan Dalam Politik," *Rausyan Fikr: Jurnal Ilmu Studi Ushuluddin Dan Filsafat* 18, no. 2 (2022): 297-321, <https://doi.org/10.24239/rsy.v18i2.1032>.

⁶Nurrahmi Hayani Nurcahaya, Akbarizan, Sri Murhayati, "Hukum Kepemimpinan Politik Perempuan (Studi Terhadap Perspektif Muballigh Pekanbaru Riau)," *Hukum Islam* 20, no. 2 (2020): 32-38.

⁷Luna Bellani and Marisa Hidalgo-Hidalgo, "Bridging the Gender Gap: Women's Education and Political Representation," *Economics of Education Review* 104, no. December 2024 (2025): 102605, <https://doi.org/10.1016/j.econedurev.2024.102605>.

⁸Tasmin Tangngareng, "Kepemimpinan Perempuan Dalam Perspektif Hadis," *KARSA: Journal of Social and Islamic Culture* 23, no. 1 (2015); Dahrul Muftadin, "Perspektif Tafsir Maqashidi Ibnu Asyur Terhadap Kepemimpinan Perempuan Dalam Politik."

⁹Rizky Amelia et al., "Kepemimpinan Perempuan Dalam Perspektif Fiqh Siyasah," *Tabayyun: Journal Of Islamic Studies* 1, no. 02 (2023); Yanti Haryani, "Kontribusi Ajaran Islam Tentang Hak Politik Perempuan," *Mazahib* 15, no. 1 (2016): 128-138, <https://doi.org/10.21093/mj.v15i1.614>; Lily Faizal, Syariah Iain, and Raden Intan, "Lily Faizal Dosen Fak. Syariah IAIN Raden Intan Lampung," *Perempuan Dalam Politik* 1.12, no. 1 (2016): 99; Dedi Sahputra Napitupulu, Salminawati Salminawati, and Novita Sari, "Kepemimpinan Perempuan Dalam Islam," *Al-Muaddib: Jurnal Ilmu-Ilmu Sosial Dan Keislaman* 5, no. 1 (2020): 119-133; Nurcahaya, Akbarizan, Sri Murhayati, "Hukum Kepemimpinan Politik Perempuan (Studi Terhadap Perspektif Muballigh Pekanbaru Riau)."

¹⁰Maulan Syahid, "Peran Politik Perempuan Dalam Pemikiran Siti Musdah Mulia," *Jurnal Agama Dan Hak Azazi Maznusia* 4, no. 21 (2014): 31-66; Dahrul Muftadin, "Perspektif Tafsir Maqashidi Ibnu Asyur Terhadap Kepemimpinan Perempuan Dalam Politik."

¹¹Hikmatul Hasanah and Suprianik Suprianik, "Kepemimpinan Perempuan Perspektif Islam Dan Gender," *An-Nisa': Jurnal Kajian Perempuan Dan Keislaman* 12, no. 1 (2019): 22-44,

aligns with previous studies and will complement the study of leadership in a broader discourse on Women in politics, gender integration in Islamic politics, exploration of fiqh siyasah in classical contexts, and contemporary interpretations.

The issue of gender integration in politics is a significant and strategic issue to study because Muslim countries in global geopolitics and how they tackle challenges while leveraging opportunities in the era of globalization¹² and the existence of a country's politics will greatly determine a family, society, and nation. Many feminist thinkers have highlighted the gendered nature of these philosophical foundations¹³. Therefore, the debate about women in politics in the discourse of fiqh siyasah needs to be studied more deeply because the gender issue that is always echoed seems to discredit women's abilities in politics. For this reason, a complete study is needed on the existence of women in politics based on texts, scholars' opinions, and the state's legality regarding this matter.

METHOD

This legal research employs a normative approach¹⁴, examining library materials and secondary data as foundational resources. The study involves an extensive literature review, drawing from various sources such as scholarly articles, books, and other relevant materials that address the core issues under investigation. These materials provide a comprehensive understanding of the legal principles and frameworks pertinent to the research topic. Once the data is collected, it is categorized into primary and secondary legal materials. Primary materials include binding legal sources such as statutes and judicial decisions, while secondary materials encompass interpretative analyses,

<https://doi.org/10.35719/annisa.v12i1.6>; Ashabul Fadhli, "Tinjauan Kepemimpinan Perempuan Dalam Politik Perspektif Feminisme," *Jurnal Islam Dan Demokrasi* 1, no. 4 (2014): 85-100; Mufarikhin Mufarikhin and Siti Malaiha Dewi, "Analisis Kepemimpinan Perempuan Muslim Dalam Konteks Kontemporer," *Politea* 4, no. 1 (2021): 55, <https://doi.org/10.21043/politea.v3i2.8844>; Husain Hamka, "Kepemimpinan Perempuan Dalam Era Modern."

¹²Yahdi Qolbi, M Ibnu Ashari, and Imaro Sidqi, "Geopolitics and Muslim Countries: Navigating Challenges and Opportunities in Contemporary International Political Dynamics," *MILRev: Metro Islamic Law Review* 3, no. 2 (2024): 217-235, <https://doi.org/https://doi.org/10.32332/milrev.v3i2.9910>.

¹³Hailey E. Murphy, "A Lack of Understanding: Unpacking the Transformative Power of Women's Anger in Politics," *Women's Studies International Forum* 107, no. December 2023 (2024): 102996, <https://doi.org/10.1016/j.wsif.2024.102996>.

¹⁴Bambang Sunggono, *Metodologi Penelitian Hukum* (Jakarta: Rajawali Pers, 2009).

commentary, and academic discussions. To ensure the validity and reliability of the data, a triangulation method is employed, comparing and cross-verifying information from multiple sources. This process helps to confirm the consistency of findings and minimize biases or errors in the interpretation. The validated data is then subjected to qualitative analysis, where the findings are critically examined and synthesized to provide a coherent understanding of the subject. This analysis is conducted descriptively, ensuring that the discussion reflects a detailed and contextual interpretation of the issues being studied, ultimately contributing to a deeper exploration of the legal questions.

RESULTS AND DISCUSSION

a. The Position of Women in Islam

Discussions about women and the significance of gender equality in the era of technological development, both among women and men, have always been interesting¹⁵. Many aspects can be discussed, and various views from experts, philosophers, thinkers, and scholars have emerged from ancient times until now. These opinions are often controversial, covering everything from those that demean and marginalize to those that place women in a critical position in society¹⁶.

Conservatives say about women with the phrase, "May Allah have mercy on the times when women did not come out except three times, namely from their mother's womb to the world, from their parent's house to their husband's house, and from their husband's house to the grave." On the other hand, some other people said that the progress and success of world leaders were due to the role of women, so they said, "Behind the success of great people, there are women." A poet praised women: "Truly women are fragrant beauties created for us, and every time we remember them, we are drawn to the highest fragrance." Meanwhile, some poets denounce it by saying,

¹⁵Giray Gozgor et al., "The Impact of Women's Political Empowerment on Renewable Energy Demand: Evidence from OECD Countries," *Energy Economics* 141, no. June 2024 (2025), <https://doi.org/10.1016/j.eneco.2024.108081>.

¹⁶M. Quraish Shihab, *Perempuan; Dari Cinta Sampai Seks, Dari Nikah Mut'ah Sampai Nikah Sunnah, Dari Bias Lama Sampai Bias Baru*, 6th ed. (Jakarta: Lentera Hati, 2010).

"Indeed, women are devils prepared for us. Moreover, we seek refuge in Allah from the evil of Satan."¹⁷ That is the debate about women.

Looking at history, before Islam, the status of women was seen as despised and very low by previous communities. According to Muhammad Ali Albar, Jews, and Christians consider women to be the source of evil, the source of mistakes and sins. During menstruation, a woman is unclean; whoever touches a woman during her menstruation is considered unclean for 7 days. The woman was the cause of Adam's expulsion from paradise because she ate the forbidden fruit. The jahiliyah Arabs viewed women as things that could be inherited; having a daughter was an insult; even in historical records, Umar bin Khattab (the jahiliyah period) once buried his daughter alive.¹⁸ This can also be seen in the expression of Allah's word in QS16:59 and QS81-8-9.

In Roman civilization, women were entirely under the authority of their fathers. After marriage, this authority was transferred to their husbands. This authority included the right to sell, expel, abuse, and even kill. Every woman's business became the property of the male family. The conditions in Hindu and Chinese civilizations differed significantly from those in Greece and Rome. A married woman only had the right to live as long as her husband lived. This right would end at the time of her husband's death. The wife had to be burned alive at the time her husband's body was burned¹⁹.

Islam is here to eliminate these erroneous views. Islam positions women's identity in a very noble and honorable place, with various responsibilities that they bear, giving them their rights as noble human beings and allowing them to participate actively in community life. Thus, Islam affirms women's rights and their position clearly and firmly²⁰. As contained in the words of Allah, Surat al-Nisa (4): 7, Surat al-

¹⁷Abdul Halim Muhammad Abu Suqqah, *Jati Diri Wanita Menurut Al-Qur'an Dan Hadis* (Bandung: Al-Bayan, 1996).

¹⁸Khairuddin, *Kepemimpinan Wanita Menurut Islam Dalam Konteks Kekinian* (Banda Aceh: Ar-Raniry Press, 2014).

¹⁹Napitupulu, Salminawati, and Sari, "Kepemimpinan Perempuan Dalam Islam."

²⁰Suqqah, *Jati Diri Wanita Menurut Al-Qur'an Dan Hadis*.

Nisaa (4): 124; Surah al-Nahl(16):97; Surah al-Ghaafir(40):40; and Surah al-Taubah (9):71.

The Controversy of Women's Leadership: The Perspective of Classical and Contemporary Ulama. Islam, as a religion that brings mercy to the entire universe, has honored the position of women by raising their dignity from humiliation and ill-treatment, including the practice of burying them alive²¹. In Islam, women are allowed to work and be active. In terms of worship, they can perform congregational prayers just like men. In terms of muamalah, women are not only expected to carry out *Amar ma'ruf nahi mungkar*, but are also encouraged to seek knowledge²²; even in the context of war, women have an important role as health workers and logistics by caring for injured soldiers and providing food and drink as well as various other activities²³.

However, scholars still have different opinions about women's roles in various fields. A sharper difference is seen in the existence of women as leaders. At least three groups of scholars have expressed their views related to this: first, women should not be leaders; the figures of Imam Malik, Syafi'i, and Ahmad Ibn Hanbal represent this view. Second, women can be leaders with adequate capabilities and competencies; this view is represented by the rational fiqh figure, Imam Abu Hanifah. Third, women may be leaders absolutely without conditions. Ibn Jarir Al-Thabary and Ibn Hazm represent this²⁴.

The reason for the first group, which states that women should not be leaders, is guided by the text of the Koran²⁵, Surah An-Nisa verse 34:

²¹Rusnila Rusnila, "Perempuan Berpolitik Dalam Perspektif Islam," *Raheema* 1, no. 1 (2014), <https://doi.org/10.24260/raheema.v1i1.161>.

²²Yulia Ibrahim, "Hak Perempuan Berpolitik Dalam Perspektif Hukum Islam" 1, no. 1 (2024): 32-41.

²³Suqqah, *Jati Diri Wanita Menurut AlQur'an Dan Hadis*.

²⁴Indria Nur and M. Irsya Macap, "Pandangan Islam Terhadap Kepemimpinan Perempuan: Kajian Feminisme Islam," *Transformasi: Jurnal Kepemimpinan & Pendidikan Islam* 5, no. 2 (2022): 36-63, <https://doi.org/10.47945/transformasi.v5i2.811>.

²⁵Nurchahaya, Akbarizan, Sri Murhayati, "Hukum Kepemimpinan Politik Perempuan (Studi Terhadap Perspektif Muballigh Pekanbaru Riau)."

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ ۚ فَالصَّالِحَاتُ قَنُوتٌ حَفِظَتْ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۚ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَأَهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَأَضْرِبُوهُنَّ ۗ فَإِنْ أَطَعْنَكُمْ فَلَا تَبِعُوا عَلَيْهِنَّ سَبِيلًا ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا ﴿٣٤﴾

"Men (husbands) are leaders for women (wives) because Allah has preferred some of them (men) over others (women), and because they (men) have provided support from their wealth. So, women -Pious women are those who are obedient (to Allah) and take care of themselves when (their husbands) are not around because Allah has taken care of (them). For women who you are worried about *nusyuz*, you should advise them, leave them in bed (separate beds), and (if necessary) beat them. But if they obey you, then do not look for reasons to trouble them. Truly, Allah is Most High, Most Great." (QS4:34)

The word *Qawwamuna* is the plural form of the word *Qawwam*, which means leader, or person in charge. They say that the superiority that men have over women is due to their superiority in mind and body. Ar-Razi said these advantages include knowledge (*al'alim*) and physical ability (*al-qudrah*). In their view, men's reason and knowledge are often considered superior to women's. In addition, they argue that in heavy physical work, men also show superiority. Interpreters such as al-Qurthubi, Ibn Kathir, Muhammad' Abduh, Muhammad Thahir bin Asyur, and al-Hijazi agree that these advantages are a gift from God, inherent naturally and a destiny. This view is also supported by the scholars of jurisprudence mentioned earlier. Based on all these arguments, they conclude that women are not worthy of occupying public and political positions, let alone leading a country²⁶.

Scholars from this group stated that the word "*afdlala*" in the verse relates to the use of reason and thought, and women are often considered incapable of playing a role like men. Another argument from this group is the Prophet's hadith about King Kisra's death. At that moment, the Prophet asked his companions who were worthy of replacing the position of King Kisra. Quickly, the companions answered that his daughter was the right candidate. However, the Prophet rejected the idea

²⁶Amelia et al., "Kepemimpinan Perempuan Dalam Perspektif Fiqh Siyasaah."

because a nation would not achieve success if its leadership were handed over to women²⁷.

لن يفلح قوم ولوا أمرهم امرأة

A people will not be successful if a woman leads them." (HR Bukhari, hadith number 4037)

Arguments that reject women as leaders are based on the shari'a's texts and historical factors. No historical records show that the Prophet or his companions appointed women leaders. The views of these scholars were influenced by their social environment, which, in this case, was one in which exclusive traditions bound women. Imam Maliki and Imam Shafi'i argued that women were not fit to be leaders based on the situation of women in Hijaz. Imam Malik may have prohibited women from leading because of his commitment to the hadith that prohibits women from being involved in leadership. By adhering to the hadith, Imam Malik did not want to take the risk of allowing women to be leaders.²⁸

The second group is the view expressed by Abu Hanifah that women are allowed to become leaders as long as they can lead. They believe some women are intelligent and capable, even more so than men. Although limiting the highest positions, such as head of state or caliph, they emphasize that women have the same rights in politics and leadership as men. The reason is based on the verse of the Qur'an, Surah at-Taubah, verse 71, which emphasizes justice and equality in Islam. They also refer to the story of Umar bin Khattab and a woman who refuted him. Once, Umar gave a sermon in the mosque, appealing not to give high dowries to women. At that time, Umar received criticism from a woman who stated that she had heard the word of Allah in Surah an-Nisa verses 20-21. After reading the verse, Umar said that the woman's statement and his opinion were wrong. According to them, this story is a form of Umar's agreement and accommodating attitude towards

²⁷Nurchahaya, Akbarizan, Sri Murhayati, "Hukum Kepemimpinan Politik Perempuan (Studi Terhadap Perspektif Muballigh Pekanbaru Riau)."

²⁸Nurchahaya, Akbarizan, Sri Murhayati, "Hukum Kepemimpinan Politik Perempuan (Studi Terhadap Perspektif Muballigh Pekanbaru Riau)."

the role of women in the public sphere accommodation towards women in the public sphere²⁹.

The third group allows women to be absolute leaders because the involvement of religious elements is in line with the rising religious awareness³⁰. This group is represented by Ibn Jarir Ath-Thabary and Ibu Hazm, who argue on several points, namely: first, no text explicitly prohibits women from being leaders. Second, Unlike the first group, historical data about female leaders, according to Ibn Jarir, historically, there was an appointment of a woman as leader during the time of Umar Ibn Khattab, who appointed a woman as leader of the al-Syuq tribe named Al-Syifa³¹.

Ibn Asyur stated that women and men have equal political leadership status, even regarding rights and obligations. However, women's roles must be based on their nature. He argued that women can be involved in politics but must consider certain limitations due to physical differences with men. Ibn Asyur used the maqasidi approach in women's leadership, oriented towards the public interest. Four important indicators are determined to determine the public interest in women's leadership in politics: (1) specific, (2) clear, (3) measurable, and (4) consistent³².

Contemporary commentators interpret QS 4:34 not rigidly, especially this verse in the household context. The term "qawwâmûna" has three meanings: first, leadership that is not permanent and biological, because after that, it is followed by the expression of providing for and the advantages of men; second, meaning someone responsible for his family, and third meaning leadership in the context of the family³³. The verse emphasizes the role of the husband in the household. In the context of the verse above, the word "*al-rijâl*" does not mean men in general, but rather husbands in particular, as stated in the following consideration: "because they (husbands) spend part of their property on their wives." If the meaning of "men"

²⁹Nurcahaya, Akbarizan, Sri Murhayati.

³⁰Zainudin, Roni Efendi, and Jamal Mirdad, "Of Religion in the 2019 Indonesian Presidential Election" 22, no. 1 (2019): 357-384.

³¹Nurcahaya, Akbarizan, Sri Murhayati, "Hukum Kepemimpinan Politik Perempuan (Studi Terhadap Perspektif Muballigh Pekanbaru Riau)."

³²Dahrul Muftadin, "Perspektif Tafsir Maqashidi Ibnu Asyur Terhadap Kepemimpinan Perempuan Dalam Politik."

³³Tangngareng, "Kepemimpinan Perempuan Dalam Perspektif Hadis."

refers to men in general, the considerations behind the verse would be different. This verse clearly shows the division of roles between husband and wife; moreover, if we relate it to QS. al-Baqarah [2]: 288, then the meaning of QS. an-Nisâ' [4]: 34 becomes clearer and contextual in household affairs³⁴.

b. Women and their Political Rights in the Fiqh Siyasah Discourse

Islam gives high appreciation to women. The text of the Qur'an is full of symbols and messages that respect them. Two surahs specifically give appreciation to women, namely QS. An-Nisa and QS. al-Thalaq. In addition, QS. Al-Hujurat: 13 emphasizes that men and women have equal status. Al-Mawardi, a significant figure in classical Islamic jurisprudence, formulated Islam's theory and concept of politics and statecraft. In his work *Al-Ahkam as-Sulthaniyyah*, he asserted that leadership is formed to safeguard religion and govern the world. The formation of a government is *fardlu kifayah*, according to Sharia. In electing an imam, the first step is to form an election council (*ahl al-ikhtiyar/all aqdi wal halli*), where the candidate leaders will be determined. The members of this election council must meet several criteria, including: first, Being fair in all aspects. Second, Having sufficient knowledge to assess who is worthy of being a leader according to the requirements that have been set, third, Having broad insight and wisdom to determine who is most competent and has the ability and knowledge to manage the welfare of the people. Therefore, a good leader is an individual who comes from the local community and truly understands the character and conditions of his country. Who is fair and knowledgeable. A good leader understands the character and conditions of his country³⁵.

Ibn Taimiyah thinks that a person worthy of being head of state has the qualifications of strength and the characteristic of being trustworthy. These two conditions are based on the Qur'an, letter (28) al-Qashash: 26³⁶ Referring to the controversy over the opinions of scholars regarding women's leadership and the

³⁴M. Quraish Shihab, *Tafsir Al-Misbah; Pesan, Kesan, Dan Keserasian Al-Quran* (Jakarta: Lentera Hati, 2009).

³⁵Al Mawardi, *Al-Ahkam Al-Sulthaniyah Wa Al-Wilayah Al-Diniah* (Mesir: Mustafa al-Baby al-Halaby waaAuladiah, n.d.).

³⁶Amelia et al., "Kepemimpinan Perempuan Dalam Perspektif Fiqh Siyasah."

requirements for a leader as set out by scholars, in political discourse, women's political rights to vote and the right to be elected can be explained.

c. The Right To Vote

Quraish Shihab argues that political rights are one of the important aspects of human rights that every individual has since birth. Therefore, women also have the right to obtain these political rights³⁷. In politics, elections are the primary way to elect leaders. According to Yusuf Qardhawi, elections are a form of testimony for prospective leaders or members of parliament. The right to vote must comply with specific conditions according to the Qur'an, especially in Surah Al-Thalaq verse 2 and Surah Al-Baqarah verse 282. The witness requirements in elections can be slightly relaxed to increase public participation. Women also have the right to vote because they are recognized as witnesses. This permission is based on qiyas or analogy to their permission as witnesses³⁸. In 1952, Al Azhar scholars in Egypt issued a fatwa prohibiting women from participating in general elections to oppose the government that allowed such participation. This fatwa was based on the fact that women were considered weak by nature. In Syria, Mustafa As-Siba'y noted that a similar ban was once imposed to avoid mixing between men and women at polling stations. However, the ban was more intended as a preventive measure (*sadd al-zariah*) to protect the honor of women.³⁹ Therefore, in principle, women can exercise their right to vote while maintaining norms and ethics.

d. The Right To Be Elected

Islamic principle does not prohibit women from voting, so do women also have the right to be elected? In this case, as Head of State and parliament. The discourse on whether women have the right to be elected will undoubtedly return to the controversy of the opinions of scholars on whether a woman can become a leader. The law allows political equality, but there are no practical limitations to accessing

³⁷Khoer, Gustiawati, and Yono, "Kepemimpinan Perempuan Dalam Perspektif Hukum Islam."

³⁸Khairuddin, *Kepemimpinan Wanita Menurut Islam Dalam Konteks Kekinian*.

³⁹khairuddin, "Kepemimpinan Wanita Menurut Islma Dalam Konteks Kekinian," 2014.

women's political rights⁴⁰. The three opinions of scholars described above are the answers to this question.

The first group prohibits women from becoming leaders⁴¹ because women automatically do not have the right to be elected. Regarding the second group, women are allowed to become leaders and have political rights, but in terms of being the head of state, women do not have the right.⁴² In this case, women can be parliamentarians and fill other fields. The third opinion is that women are allowed to become leaders⁴³; in this case, women have full rights to be elected as head of state parliament or other fields.

Islam gives women rights, honor, and obligations according to their values and dignity. Women can now play a role in the public domain, get involved in politics, and even hold leadership positions. However, important positions that women can hold must meet Islamic rules. Yusuf al-Qardawi gave three conditions for working outside the home. First, the woman's work does not violate Sharia. Second, it does not set aside her duties as a wife and mother.⁴⁴ Third, she must comply with Islamic ethics in all her activities⁴⁵.

e. Women in Contemporary Islamic Legal Politics

In the early 20th century, reformist scholars from across the Middle East and Asia emphasized the importance of interpreting Islam based on fundamental texts such as the Qur'ān, the Sunnah, and the Hadith. They demanded that Muslim scholars be able to convey Islamic texts accurately to lay audiences and rely more on sources than previous decisions that, although unintentional, had significantly shaped authoritative understandings of leadership in Islam.

⁴⁰ Madhav Joshi and Louise Olsson, "War Termination and Women's Political Rights," *Social Science Research* 94, no. November 2020 (2021): 102523, <https://doi.org/10.1016/j.ssresearch.2020.102523>.

⁴¹Nur and Macap, "Pandangan Islam Terhadap Kepemimpinan Perempuan: Kajian Feminisme Islam."

⁴²Khoer, Gustiawati, and Yono, "Kepemimpinan Perempuan Dalam Perspektif Hukum Islam."

⁴³Faizal, Iain, and Intan, "Liky Faizal Dosen Fak. Syariah IAIN Raden Intan Lampung."

⁴⁴Nur and Macap, "Pandangan Islam Terhadap Kepemimpinan Perempuan: Kajian Feminisme Islam."

⁴⁵Amelia et al., "Kepemimpinan Perempuan Dalam Perspektif Fiqh Siyasa."

Throughout the history of the Muslim community, women have played a significant role in leading their countries and societies wisely and efficiently. Examples include Razia Sultana and Shajrat-ul-Darr in India, Chand Bibi in southern India, Sutt-ul-Mulk in Egypt, and Queen Shahjahan Begum of India. Their policies were never challenged, and no fatwa was issued, stating that their rule was contrary to Islamic law. Women's leadership is increasingly accepted in society, even supported by prominent scholars. Recent examples include Fatima Jinnah's nomination as president of Pakistan in 1964 and Benazir Bhutto's election as prime minister in 1989. Similarly, women such as the Prime Ministers of Bangladesh in 1991 and 2001, supported by Jama'at-e-Islami, and Sheikh Hasina, who was elected in 2006 and 2009, show the recognition of women's leadership⁴⁶.

At the international level, women such as Megawati Sukarnoputri in Indonesia, Tansu Ciller in Turkey, Atifete Jahjaga in Kosovo, and Roza Otunbayeva in Kyrgyzstan, Mame Madior Boye are other examples of women's leadership. In addition, in Morocco, Yasmine for the Justice and Amal Party also acts as a campaigner for the opposition. The involvement of women in this leadership also shows a positive change in society's view of the role of women in leadership⁴⁷.

The essential potential of women as religious, individual, social, and cultural beings is not much different from men. Research shows no significant difference in basic abilities between the two; some even reveal unique advantages for women. They are more capable of carrying out various roles at once; in addition to carrying out their nature as mothers who conceive, give birth, breastfeed, and raise children with full affection, women are also more patient, tenacious, economical, and frugal, and willing to make sacrifices. Women can occupy important positions in society⁴⁸.

Indonesian women's leadership has developed since pre-independence, although it was not well structured. Indonesian women are unfamiliar with such politics and tend to avoid conflicts, discouraging women from pursuing higher

⁴⁶Mufarikhin and Dewi, "Analisis Kepemimpinan Perempuan Muslim Dalam Konteks Kontemporer."

⁴⁷Mufarikhin and Dewi.

⁴⁸Hasanah and Supriani, "Kepemimpinan Perempuan Perspektif Islam Dan Gender."

leadership positions.⁴⁹ The turning point came in 1998 when Suharto's authoritarian rule ended, marking a significant leap in democratization⁵⁰. After the New Order, the women's movement became more visible through organizations focusing on gender issues and feminist leadership⁵¹.

The role of women in Indonesia in history is often overlooked, but it is important to consider their contribution to the nation's struggle. Women's political participation is an absolute requirement in the democratic process because they can understand their interests and needs. Implementing political strategies aimed at the state and public institutions will increase the role and participation of women in politics.⁵², 2014),⁵³. Law No. 12 of 2003 stipulates a minimum of 30% representation of women in candidates for the DPR, Provincial DPRD, and Regency/City DPRD. This is important in providing women with political rights and fairer opportunities in Indonesia⁵⁴.

So, women in office play a significant role in effectively⁵⁵ recognizing women's political rights as a manifestation of equality between men and women. Although men and women will never be the same, there are natural characteristics that differentiate between men and women. However, these natural political rights cannot be used as an excuse to reduce or even eliminate their rights as humans who can act if they have the ability and capability. Therefore, it is very appropriate for women to use their political rights. This permission fulfills the criteria or conditions for women to work outside the home as conveyed by Yusuf al-Qardawi, namely, the woman's work

⁴⁹Dian Fiantis et al., "The Increasing Role of Indonesian Women in Soil Science: Current & Future Challenges," *Soil Security* 6 (2022): 100050, <https://doi.org/10.1016/j.soisec.2022.100050>.

⁵⁰Ridho Al Izzati et al., "Direct Elections and Trust in State and Political Institutions: Evidence from Indonesia's Election Reform," *European Journal of Political Economy* 85, no. May (2024): 102572, <https://doi.org/10.1016/j.ejpoleco.2024.102572>.

⁵¹Fadhli, "Tinjauan Kepemimpinan Perempuan Dalam Politik Perspektif Feminisme."

⁵²Syahid, "Peran Politik Perempuan Dalam Pemikiran Siti Musdah Mulia."

⁵³Benni Erick and Masyitah Masyitah, "Keterwakilan Perempuan Dalam Partai Politik Perspektif Siyasah Syar'iyah," *Jurnal Sosial Humaniora Sigli* 3, no. 2 (2020): 200-212, <https://doi.org/10.47647/jsh.v3i2.312>.

⁵⁴Haryani, "Kontribusi Ajaran Islam Tentang Hak Politik Perempuan."

⁵⁵Alena Bochenkova, Paolo Buonanno, and Sergio Galletta, "Fighting Violence against Women: The Role of Female Political Representation," *Journal of Development Economics* 164, no. June (2023): 103140, <https://doi.org/10.1016/j.jdevco.2023.103140>.

does not violate Sharia⁵⁶, does not set aside her duties as a wife and mother, and complies with Islamic ethics in all their activities⁵⁷.

Based on the above conditions, it is necessary to categorize the use of political rights for women. First is the category of women who exercise their political rights in government or the legislature while still adhering to Islamic ethics such as dress codes, interacting, and maintaining behavior when communicating. In addition, women who carry out their roles as wives and mothers must continue to fulfill their responsibilities in the household and towards their children. If these principles can be upheld, then the use of their political rights is permitted. Second, on the contrary, if the use of such rights in politics brings harm, such as violation of Islamic ethics in terms of dress, the interaction between men and women that is too intense, which has the potential to cause sin, and the breakdown of households that can lead to divorce, then women should avoid such involvement. For example, several members of the legislature who were previously public figures or artists experienced the collapse of their households after being involved in politics. This phenomenon may also occur in other women in the same profession. So, among other consequences is the failure to educate children, which is caused by a greater focus on the world of politics, so that children can fall into negative things. Therefore, in conditions like this, women's exercise of political rights is prohibited based on the rules of *sadd al-zari'ah*. In principle, refusing damage must be a priority over taking benefits⁵⁸.

CONCLUSION

Based on the results of the research, answers were found: first, Islam exists to provide gender equality by positioning women's identity in a very noble and honorable place and affirming women's rights and their position clearly as contained in the word of Allah, Surat al-Nisa (4):7, Surah al-Nisaa(4):124; Surah al-Nahl(16):97; Surah al-Ghaafir(40):40; and surah al-Taubah (9):71. Second, there is a debate among classical

⁵⁶Nur and Macap, "Pandangan Islam Terhadap Kepemimpinan Perempuan: Kajian Feminisme Islam."

⁵⁷Amelia et al., "Kepemimpinan Perempuan Dalam Perspektif Fiqh Siyasah."

⁵⁸Amir Syarifuddin, *Ushul Fiqh II Logos Wacana Ilmu* (Jakarta: Logos Wacana Ilmu, 2001).

scholars about the ability of women to become leaders. Imam Malik, Syafi'i, and Ahmad Ibnu Hanbal prohibited it. Imam Abu Hanifah women are allowed to become leaders with adequate capability and competence. Ibnu Jarir Al-Thabary and Ibnu Hazm think women can be leaders without conditions. The three contemporary ulama, such as Ibn Asyur, Yusuf al-Qardhawi, and Quraish Shihab, allow women to participate in politics, exercising their right to vote and being elected. Yusuf al-Qardawi gave this permission, ensuring that the women's work did not violate the Sharia, neglected their duties as wives and mothers, and adhered to Islamic ethics in all their activities. Then, regarding the conditions above, it is necessary to categorize the use of political rights for women. Women can exercise their political rights if they fulfill these requirements. However, if political rights bring damage, women's use of political rights is prohibited based on the rules of *sadd al-zari'ah*.

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All authors have made significant contributions to the writing of this article, collaboratively bringing together their expertise, insights, and efforts to ensure its completion and quality. Sulastri Caniago designed the study, analyzed the data, and prepared the initial draft of the manuscript. Firdaus was responsible for data collection, processing, and providing input for manuscript revisions. Zainal Azwar contributed to

developing the research methodology and provided theoretical guidance. Dian Pertiwi played a role in the data validation and interpretation of the research findings. Dasrizal Marah Nainin supervised the entire research process and edited the final manuscript.

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