

The Women's Leadership: Orientation from a Legal and Islamic Sharia Perspective

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Abstract

Women's leadership in the political dimension is an interesting study because even though Indonesia has substantially regulated women's leadership, in practice women's leadership has not been implemented optimally. This research aims to answer two legal issues, namely the legal political orientation related to women's leadership in politics in Indonesia, as well as the perspective of Islamic law related to women's leadership in politics in Indonesia. This research is normative legal research with a conceptual and statutory approach. The research results confirm that the problems regarding legal politics for women to hold political positions are more related to aspects of legal culture and collective understanding of society. This emphasizes that legal politics related to the role and orientation of women's leadership in the world of politics must receive optimal understanding and awareness in society so that women get more portions and roles to occupy political positions in proportion to men's political leadership. Apart from that, from the perspective of Islamic Sharia regarding women's leadership in politics in Indonesia, there is actually no definite prohibition (qath'i) that prohibits women from becoming political leaders. Therefore, referring to the Maqashid Asy-Syariah aspect, it refers to the development of time and culture, especially when women also have the same opportunities to receive education so that they have the same potential to become political leaders as men.

Keywords: Leadership; Women; Legal Politics; Islamic Sharia;

1. INTRODUCTION

The women's leadership is an interesting study, especially when understanding of gender equality strengthens as part of the upheaval of democratization in the modern era. In the view of gender equality, women have the same rights, obligations and roles as men. In the field of political leadership, efforts to provide equal opportunities for women to become leaders in society have also become a study and orientation as an effort to build a democratic and anti-discrimination

society.¹ Therefore, democracy in the modern era, apart from being associated with efforts to build political participation, also emphasizes gender equality, especially how to provide opportunities for women to hold public office.²

The discourse regarding women's leadership has also become a massive discourse at both national and global levels.³ At the global level, the discourse regarding women's leadership is also increasingly gaining attention because by 2023, 13 countries in the world will have a female head of state.⁴ This is an important note that women also have the same opportunities and orientation to be able to lead a country. At the discourse level at the Indonesian national level, efforts to empower women in the context of political leadership continue to be made. One of them is the affirmation of quotas for women to become legislative candidates.⁵

The women's efforts to occupy leadership positions in the public sector have actually received accommodation in various laws and regulations in Indonesia. Several laws and regulations in Indonesia that accommodate regulations regarding women's leadership include Law no. 2 of 2008 concerning Political Parties (UU Political Parties) and Law no. 7 of 2017 concerning Elections (Election Law). Article 2 paragraph (5) of the Political Parties Law, for example, clearly stipulates that political party management at the central level is obliged to accommodate the provision of a minimum 30 % women's quota.⁶ This arrangement must also be applied to the management of political parties at both the provincial and city or district levels. The Election Law specifically emphasizes the importance of the provision of a minimum 30 % quota for women in various aspects of elections, such as a minimum quota of 30 % for women in the scope of Bawaslu, KPU, and KPPS as well as affirming the nomination of legislative members who must fulfill the minimum 30 % quota for women as stated in regulated in Article 245 of the Election Law.⁷

Even though it has been facilitated by various statutory regulations, especially the Election Law and the Political Party Law, the fact is that the minimum quota of 30 % for women to become legislative candidates is still difficult to fulfill. Apart from that, in various political parties, a minimum quota of 30 % for women to become legislative candidates is also rarely the main orientation of political parties so that the formulation

1 Nargis Zaman Gul, Sumaira, Shaista Taj, "Gender Gaps In Political Leadership Of Pakistan: Identifying Barriers And Strategies For Women's Advancement With Special Focus On Kp Political Structure," *Pakistan Journal of Social Research* 5, no. 2 (2023): 1252-60.

2 Sara Niner et al., "Feto Bele: Contemporary Perceptions and Expectations of Women's Political Leadership in Timor-Leste," *International Feminist Journal of Politics* 1, no. 1 (2023): 3-8, <https://doi.org/10.1080/14616742.2023.2203187>.

3 Jasmine Bhatia and Steve L Monroe, "Insecurity and Support for Female Leadership in Conflict States : Evidence from Afghanistan," *British Journal of Political Science* 1, no. 1 (2023): 1-22, <https://doi.org/10.1017/S000712342300056X>.

4 Zefanya Septian, "Update! 13 Dari 193 Negara Di Dunia Yang Pemimpinnya Perempuan & Fakta Unikn-nya," 2023, <https://www.detik.com/edu/detikpedia/d-6681856/update-13-dari-193-negara-di-dunia-yang-pemimpinnya-perempuan-fakta-uniknya> (Diakses Pada Tanggal 20 Desember 2023).

5 Restu Adi Nugraha Dini Asmiatul Amanah, Siti Nurbayani K., Siti Komariah, "Dinamika Peran Perempuan Sunda Dalam Kepemimpinan Politik Era Modern," *Analisa Sosiologi* 12, no. 2 (2023): 410-30.

6 Desi Rani Putri, "Fungsi Kepemimpinan Politik Perempuan Dalam Lembaga Legislatif," *Jurnal Demokrasi Dan Politik Lokal* 4, no. 2 (2022): 10-27.

7 Eggi Alvado Da Meisa and Prawinda Putri Anzari, "Perspektif Feminisme Dalam Kepemimpinan Perempuan Di Indonesia," *Jurnal Integrasi Dan Harmoni Inovatif Ilmu-Ilmu Sosial (JIHI3S)* 1, no. 6 (2021): 711-19, <https://doi.org/10.17977/um063v1i6p711-719>.

of the norm for a minimum quota of 30 % for women is only a rule formulation that is still difficult to implement. Facts related to the persistence of gender bias in political leadership in Indonesia can also be seen in the contestation for the 2024 Presidential and Vice Presidential elections, where all three candidate pairs are men.⁸

One of the main obstacles for women in occupying political leadership positions is related to society's perception that women are not suitable to lead.⁹ Apart from that, there are religious arguments that are used to justify that women are not worthy to be leaders.¹⁰ At first glance, this view can reduce the role and participation of women in the world of politics in Indonesia. Therefore, this research focuses on analyzing the political perspective of Islamic law and sharia regarding women's political leadership in Indonesia. The two legal issues that will be discussed in this research are: (i) legal political orientation related to women's leadership in politics in Indonesia, and (ii) the perspective of Islamic law related to women's leadership in politics in Indonesia.

Research that discusses women's leadership in Indonesia cross-sectorally was carried out by five previous studies, namely: first, research conducted by Selvia and Jatningsih (2023) which discussed the difficulty of women becoming leaders in regional student organizations, FKMB Unesa.¹¹ The novelty of research from Selvia and Jatningsih (2023) is that the stigma and public perception which is quite strong regarding the vulnerable quality of women as leaders is the main factor in the difficulty of women emerging as leaders. The second research conducted by Irmalinda and Magriasti (2022) discussed legal policies for women's leadership in Indonesia and New Zealand.¹² The novelty of research conducted by Irmalinda and Magriasti (2022) is that in New Zealand women's leadership is considered normal in society because New Zealand society's understanding of gender awareness is quite good. This is what differentiates New Zealand society's understanding of gender awareness from Indonesia, where female leadership is still considered something rare. Third, research conducted by Risdiyanto, et.al. (2023) which discusses the role of women's leadership at the regional level.¹³ The novelty of Risdiyanto, et.al.'s research. (2023), namely that women who become regional heads have their own approach to advancing the region so that the quality of women as regional heads is not much different from leadership by men.

The fourth study, conducted by Putri and Bustamam (2023), explores leadership from the perspectives of the Qur'an and Hadith. The novelty of Putri and Bustamam's (2023)

8 I Wayan Budiarta, "Kepemimpinan Perempuan Dalam Sistem Kekerabatan Purusa: Legitimasi Sejarah Atas Kepemimpinan Politik Perempuan," *Jurnal Ilmiah Ilmu Sosial* 8, no. 1 (2022): 23-33, <https://doi.org/10.23887/jiis.v8i1.40982>.

9 Herti Agusma Thaharah and Lucitania Rizky, "Penguatan Peran Politik Perempuan Di Negara Dunia Ketiga : Studi Kasus Di Bangladesh," *Jurnal Studi Diplomasi Dan Keamanan* 14, no. 1 (2022): 139, <http://jurnal.upnyk.ac.id/index.php/jsdk/article/view/6376>.

10 Musrrat Parveen, "Reflection of Saudi Women's Participation and Leadership: A Study on the Gender Differences in Leadership and Structural Barriers," *Rupkatha Journal on Interdisciplinary Studies in Humanities* 15, no. 2 (2023): 1-12, <https://doi.org/10.21659/rupekatha.v15n2.16>.

11 Oksiana Jatningsih Charisa Candra Selvia, "Ketidakhadiran Pemimpin Perempuan Di Forum Komunikasi Mahasiswa Bojonegoro Universitas Negeri Surabaya Dalam Persepsi Pengurus Dan Anggota," *Kajian Moral Dan Kewarganegaraan* 11, no. 2 (2023): 601-17.

12 Zikra Putri Irmalinda and Lince Magriasti, "Kepemimpinan Kepala Negara Perempuan: Studi Komparatif Antara Indonesia Dan Selandia Baru," *JIEE: Jurnal Ilmiah Ekotrans & Erudisi* 2, no. 2 (2022): 71-76.

13 Evi Lorita, Anis Endang, and Bayu Risdiyanto, "Kiprah Perempuan Pemimpin Di Pemerintahan Daerah," *Profesional* 10, no. 1 (2023): 249-54.

research lies in its identification of divergent views among scholars regarding female leadership. Specifically, scholars such as Imam Ahmad, Imam Malik, and Imam Shafi'i maintain that women are generally precluded from holding the position of a national leader. Conversely, other scholars, including Imam Tabari and Abu Hanifah, argue that women may assume leadership roles in specific contexts, such as ministerial positions; however, the role of caliphate remains prohibited for women. The fifth study, conducted by Fajar and Sugirman (2024), addresses female leadership from the perspectives of human rights and Sharia law. Fajar and Sugirman (2024) introduce a novel perspective by asserting that, contextually, female leadership should be deemed permissible (*mubah*) provided that women possess equivalent qualifications and capacities as their male counterparts.

From the previous research above, the discussion regarding legal politics related to women's leadership in politics in Indonesia which is linked to Islamic law in Indonesia has not been analyzed with precision by the three previous researchers so this research is original research. This research, which focuses on analysis of legal political orientation related to women's leadership in politics in Indonesia which is linked to Islamic law in Indonesia, is normative legal research.¹⁴ Normative legal research focuses on the analysis of positive law which is linked to legal theories, concepts and principles. The primary legal materials in this research are the 1945 Constitution of the Republic of Indonesia, the Political Party Law, and the Election Law. Secondary legal materials are journal articles, books, and research results that focus on analyzing women's leadership from the perspective of Islamic law. Non-legal materials are language dictionaries. Analysis of legal materials is carried out by carrying out an inventory of legal materials tailored to the problem formulation and then formulating a prescription or legal solution to be offered.¹⁵ The approach used is a conceptual and statutory approach.

2. ANALYSIS AND DISCUSSION

2.1. The Legal Policy Related to Women's Leadership in Indonesia's Politics Era

The women's leadership in Indonesian politics is actually nothing new and foreign to Indonesian society. Judging from a historical aspect, Indonesia (which before independence was better known as Nusantara) has had several queens or sultanahs who were female leaders.¹⁶ Just like the story of Queen Shima who is famous as the Queen of the Kalingga Kingdom, Queen Tribhuwana Tunggaladewi as Queen of the Majapahit Kingdom, and various female sultans (*sultanah*) in the Kingdom of Aceh.¹⁷ This historical fact at a glance confirms that women's leadership has actually been and has been implemented in Indonesia even long before Indonesia became independent. Even though historically women's leadership has been implemented and implemented

¹⁴ Irwansyah, *Penelitian Hukum: Pilihan Metode Dan Praktik Penulisan Artikel*, 3rd ed. (Yogyakarta: Mira Buana Media, 2020).

¹⁵ I Made Pasek Diantha, *Metodologi Penelitian Hukum Normatif Dalam Justifikasi Teori Hukum* (Jakarta: Kencana, 2017).

¹⁶ Da Meisa and Anzari, "Perspektif Feminisme Dalam Kepemimpinan Perempuan Di Indonesia."

¹⁷ Priskardus Hermanto Candra, "Kritik Feminisme Postkolonial Untuk Membongkar Kultur Patriarki Dalam Budaya Manggarai," *Jurnal Pendidikan Dan Kebudayaan Missio* 11, no. 1 (2019): 108.

in Indonesia, in its development women's leadership has been difficult to achieve in Indonesian politics. This can be seen from the President of Indonesia, who from the beginning of independence until 2023 there was only one female president, namely Megawati Soekarnoputri as the fifth president of Indonesia.¹⁸

This fact shows that female leadership in politics in Indonesia can be said to be quite difficult to achieve, although this also confirms that there are still several female leaders in Indonesia both at the national and regional levels. Regulations regarding efforts to provide broad opportunities for women to occupy political positions are not directly confirmed in the Indonesian constitution, namely the 1945 NRI Constitution. However, Article 27 paragraph (1) of the 1945 NRI Constitution substantively mandates equal and equal positions for every citizen to be able to participate in government, especially to hold political office.¹⁹ Further regulations regarding orientation to provide opportunities through minimizing quotas for women to be able to take part in the world of politics are actually confirmed in the Political Party Law. The Political Party Law emphasizes that a political party, whether in its founding process or management at the central or regional level, is obliged to include a minimum quota for women of 30%. The provisions in the Political Party Law are understood as an effort to provide broad and large opportunities for women to take part in political activities in Indonesia.

Specifically, the Election Law also emphasizes the role of women in participating in various political positions. Various positions such as the KPU, Bawaslu, election committee, and various positions in other electoral fields are also emphasized as having to accommodate the minimum quota for women, namely 30%. The provisions in the Political Party Law and the Election Law actually emphasize that in the regulatory aspect there should be sufficient arrangements to facilitate women to occupy political positions. This emphasizes that in political law regarding women's leadership in Indonesia, it is actually sufficient to accommodate women to be able to demonstrate their abilities and capacities in occupying political positions in Indonesia.²⁰

The term legal policy (*politik hukum*) itself refers to Mahfud MD's view as understanding legal policy lines aimed at realizing certain legal goals.²¹ In the context of women's leadership, the legal politics of national women's leadership is actually aimed at ensuring that various existing laws and regulations can accommodate and succeed in the minimum quota limit for women to occupy political positions.²² Even so, legal politics regarding women's leadership cannot be understood narrowly only because a legislative regulation has been formulated that facilitates women's leadership. Legal

18 Hananto Widodo, Dicky Eko Prasetyo, and Fradhana Putra Disantara, "Relasi Kekuasaan Antar Presiden Dan Wakil Presiden Dalam Sistem Ketatanegaraan Republik Indonesia," *Pandecta Research Law Journal* 15, no. 1 (2020): 13–25, <https://doi.org/10.15294/pandecta.v15i1.24554>.

19 Lutfi Basit, Syukur Kholil, and Hasan Sazali, "Perspektif Media Massa Terhadap Politisi Perempuan Dalam Tiap Rezim Negara Dalam Perspektif Pendidikan Islam," *Edukasi Islami: Jurnal Pendidikan Islam* 11, no. 01 (2022): 975–1006, <https://doi.org/10.30868/ei.v11i01.2320>.

20 Budiarta, "Kepemimpinan Perempuan Dalam Sistem Kekerabatan Purusa: Legitimasi Sejarah Atas Kepemimpinan Politik Perempuan."

21 Moh. MahfudMD, *Membangun Politik Hukum, Menegakkan Konstitusi*, 2nd ed. (Jakarta: Rajawali Pers, 2017).

22 Anggi Fuja Sahyana et al., "Marginalization of Women's Leadership in Politics and Government," *Progress In Social Development* 3, no. 2 (2022): 63–74, <https://doi.org/10.30872/psd.v3i2.46>.

politics regarding women's leadership must be understood comprehensively, including how existing laws and regulations can be implemented and truly accommodate women to become political leaders in Indonesia.²³ Understanding of legal politics regarding women's leadership in Indonesia must be understood comprehensively because it refers to the view of Brian Z. Tamanaha that legal politics does not actually exist in a vacuum and in its implementation legal politics is related and intertwined with various non-legal aspects such as politics, economy, and culture.²⁴

Understanding the workings of legal politics as emphasized by Brian Z. Tamanaha in analyzing the legal politics of women's leadership in Indonesia is also increasingly relevant when referring to the theory of the legal system put forward by Lawrence M. Friedman. In Lawrence M. Friedman's view, a law, especially legal politics, will be implemented optimally as long as there is a close relationship between substance, structure and legal culture.²⁵ Substance is related to the legal rules or norms that are applied, legal structure is related to the apparatus implementing a legal provision or norm, and legal culture is the community's response and behavior to a legal provision.

Referring to legal politics regarding women's leadership in Indonesia, viewed from the aspect of legal substance, there are actually various laws and regulations which are quite facilitative regarding women's leadership in politics in Indonesia. The Political Party Law and the Election Law are two early examples of how Indonesian legislation is quite accommodating in regulating women's leadership in Indonesia, especially with the minimum quota limit of 30%. The minimum quota limit of 30% for women to actively participate in various political activities is actually a form of affirmative action or a form of special treatment to provide political empowerment for women so they can occupy political positions.²⁶ Although in substance the regulations regarding women's leadership in Indonesia can be said to be quite accommodating, the problems regarding women's leadership in Indonesia are actually problematic beyond the substantive aspect or regulatory norms regarding women's leadership in Indonesia.

One of these problems is the legal structure aspect where understanding and socialization regarding women's leadership in Indonesia can still be said to be not optimal. Understanding the role and potential of women to hold political positions is still not an important orientation to be disseminated to all Indonesian society.²⁷ Problems regarding women's leadership in Indonesia appear increasingly evident in the realm of society's legal culture. In the legal culture of Indonesian society, there is still a view in the form of "patriarchy" which views that the ideal political leadership status belongs to

23 Karin Aggestam and Jacqui True, "Political Leadership and Gendered Multilevel Games in Foreign Policy," *International Affairs* 97, no. 2 (2021): 385–404, <https://doi.org/10.1093/ia/iiaa222>.

24 Brian Z. Tamanaha, *A Realistic Theory of Law, A Realistic Theory of Law*, 1st ed. (Cambridge: Cambridge University Press, 2017), <https://doi.org/10.1017/9781316979778>.

25 Ariel Zuckerbrot, "Impact: How Law Affects Behavior, by Lawrence M. Friedman," *Osgoode Hall Law Journal* 3, no. 55 (2019): 846–52.

26 Agnes Paulus Jidwin et al., "Women Profiling in Leadership : A Case Study in Sabah," in *Proceedings Borneo International Islamic Conference*, vol. 14, 2023, 178–84.

27 Temilola A George, "Political Leadership And Increased Women's Participation In Ogun State Central Senatorial District, Nigeria," *Arts and Social Science Research* 12, no. 1 (2022): 201–20.

men, because women's job is only to take care of the household.²⁸ This view is actually based on a "gender biased" view and minimizes the potential of women to hold political office.

In this legal cultural dimension, apart from the stigma and public perception regarding women who are considered unsuitable to be leaders, there are also religious views which justify that political and leadership matters belong to men because men are the ones privileged by God to take care of leadership matters. and politics. Of course, looking at the legal culture aspect, it is actually able to describe in a simple way that the problem regarding the legal politics of women's leadership in Indonesia lies more in the legal culture of society which still discredits the role and quality of women in holding political positions, even though the legal substance of the regulations regarding women's leadership in Indonesia is substantive. considered quite accommodating.²⁹

The legal culture problems related to women's leadership in Indonesia are interesting to analyze from a feminist jurisprudence perspective. Feminist jurisprudence is a part of critical legal studies that provides paradigmatic criticism of the operation of law which shows a more patriarchal side and tends to be gender biased.³⁰ Feminist jurisprudence seeks to offer a legal political process and its implementation that is more accommodating to gender while providing proportional opportunities for women to hold political office. According to Rawland, the idea of feminist jurisprudence itself emphasizes women's legal empowerment which focuses on three aspects, namely: personal, legal formulation and certainty, and collective understanding of society.³¹ On the personal aspect, understanding of the role and leadership orientation of women in the world of politics must continue to be socialized and special training can even be provided for women to become leaders in certain political positions. In the aspect of legal formulation and certainty, women's leadership orientation must also be supported by accommodating legal regulations.

In the aspect of collective understanding of society that needs to be emphasized is how existing legal regulations can be implemented to optimally accommodate women's political leadership in society. Viewed from this aspect, it can be seen that the problems regarding legal politics for women to hold political positions are more related to aspects of legal culture and collective understanding of society. This confirms that legal politics related to the role and orientation of women's leadership in the world of politics must receive optimal understanding and awareness in society so that women get more portions and roles to occupy political positions in proportion to men's political leadership.

2.2. The Islamic Sharia Perspective Relating to Women's Leadership in Politics in Indonesia

28 Changzheng Zhang and Damto Basha, "Women as Leaders: The Glass Ceiling Effect on Women's Leadership Success in Public Bureaucracies," *Gender in Management* 38, no. 4 (2023): 489–503, <https://doi.org/10.1108/GM-09-2021-0283>.

29 Louise K. Davidson-Schmich, Farida Jalalzai, and Malliga Och, "Crisis, Gender Role Congruency, and Perceptions of Executive Leadership," *Politics and Gender* 19, no. 3 (2023): 900–907, <https://doi.org/10.1017/S1743923X22000411>.

30 Marco Goldini Emilios Christodoulidis, Ruth Dukes, *Research Handbook On Critical Legal Theory*, 1st ed. (Massachusetts: Edward Elgar Publishing, 2019).

31 Lasmery RM Girsang, "Peran Perempuan Dalam Komunitas Melalui Kajian Teori Sosiologis Feminis," *Jurnal Ikon* XXIV, no. 1 (2020): 1–15.

One of the problems regarding women's leadership orientation in Indonesia is related to religious perspectives. In Indonesia, which is a country with a majority of Muslims, Indonesia also has its own perception regarding women's leadership which is based on the teachings of the Islamic religion.³² Although in general, Islam emphasizes egalitarian attitudes and characters that emphasize the equality of parties, in practice the interpretations of ulama or religious figures at the local level have a significant influence on perceptions regarding women's leadership in Indonesia.³³ In the teachings of the Islamic religion itself, there is actually no prohibition on women being able to take part in the political sphere. In fact, in the Al-Qur'an itself, as in Surah An-Naml verse: 23, it is emphasized regarding the leadership of Queen Balqis as a good and competent woman in leading the Kingdom of Saba.³⁴

This also shows that the Qur'an actually substantially accommodates gender equality as a manifestation of egalitarian values in Islamic teachings.³⁵ However, in the view of Islamic Law (Fikih) experts, there are verses that are used as legitimacy to emphasize that only men can hold positions in political leadership.³⁶ The verse is Surah An-Nisa (4): 34 which emphasizes that men have advantages and virtues compared to women such as better physical, mental, regulatory and management strength so that the interpreter scholars then understand that physical and mental strength, organizer, and administrator are the main foundations of a political leader. Therefore, Surah An-Nisa (4): 34 is interpreted by some commentators as legitimizing to emphasize that only men have the right to occupy political leadership positions.

However, several other commentators interpret Surah An-Nisa (4): 34 specifically in terms of household leadership and not political leadership. This confirms that in true political leadership the Qur'an does not prohibit women as leaders. This is confirmed by Surah At-Taubah verse 71 which emphasizes that there is an equal position between Muslim men and women as parties who must help each other. Furthermore, there is an authentic hadith narrated by Imam Al-Bukhari in which Rasulullah SAW stated that it is not fortunate for a people who hand over their affairs to women. However, in the view of some scholars, this hadith does not mean that it prohibits a woman from becoming a political leader. When viewed from a historical aspect, this hadith is closely related to the culture that developed in the Arabian Peninsula civilization, especially in the Quraish community. This confirms that in fact there is no definite argument (qath'i) regarding the prohibition of women as political leaders. Responding to these various views, from an Islamic perspective, the problem of women's leadership needs to

32 Isnawati Rais and Ya Rakha Muyassar, "The Construction of Religious Court Judges' Decisions in the Case of Joint Assets Based on Islamic Law and Legal Development," *Jurnal Cita Hukum* 10, no. 2 (2022): 205–22, <https://doi.org/10.15408/jch.v10i2.27800>.

33 Aris Priyanto, "Values Of Religious Moderation In Ansor Youth Movementin Pekalongan District," in *International Conference On Islam And Education*, 2021, 24.

34 Abdul Hadi, "Polemik Kepemimpinan Perempuan Perspektif Al-Qur'an," *Madani Institute* 11, no. 1 (2022): 40–49.

35 Zaimatuz Zakiyah, "Pendekatan Mubadalah Perspektif Faqihuddin Abdul Kodir Dalam Pemaknaan Hadis Kepemimpinan Perempuan," *Riwayah* 7, no. 2 (2021): 352.

36 M Zakiruddin and I Sitorus, "Wanita Dalam Kepemimpinan Dan Politik Perspektif Amina Wadud," *Jurnal Pemerintahan Dan Politik Islam* 7, no. 2 (2022): 184–94.

be viewed from the Maqashid Asy-Syariah aspect. Maqashid Asy-Syariah is the aim of formulating Islamic Law which is also related to the application of Islamic Law rules.³⁷

The theory of Maqashid al-Shariah has been developed by various scholars and experts in Islamic studies. Among them, Jasser Auda views Maqashid al-Shariah as a framework for thinking and acting within Islamic law, which integrates aspects such as openness, comprehensiveness, and multidimensionality.³⁸ Additionally, Imam Al-Ghazali's perspective on Maqashid al-Shariah links it to the concept of *maslahah mursalah* (unrestricted public interest), categorizing benefits into three types: those sanctioned by Sharia, those prohibited by Sharia, and those neither sanctioned nor prohibited by Sharia.³⁹ Another viewpoint is presented by Ar-Raisuni, who connects Maqashid al-Shariah to its societal benefits. Ar-Raisuni further argues that Maqashid al-Shariah encompasses the wisdom and values implicitly found in the Qur'an and Sunnah, serving as a guiding principle for humanity.⁴⁰

Judging from the Maqashid Asy-Syariah aspect, women's leadership in the political aspect is actually permitted because the prohibition against women's leadership occurs because at this time the culture that developed was that men became political leaders. Over time, this culture can change because in the modern era, women also have the same opportunities to receive education so they have the same potential to become political leaders as men. From the analysis above, the perspective of Islamic Sharia regarding women's leadership in politics in Indonesia actually does not have a definite prohibition (*qath'i*) that prohibits women from becoming political leaders. Apart from that, if analyzed carefully, the prohibition on women as political leaders from a hadith perspective must also be interpreted historically in relation to the culture at that time. Therefore, referring to the Maqashid Asy-Syariah aspect, it refers to the development of time and culture, especially when women also have the same opportunities to receive education so that they have the same potential to become political leaders as men.

3. CONCLUSION

The problems regarding legal politics for women to hold political positions are more related to aspects of legal culture and collective understanding of society. This confirms that legal politics related to the role and orientation of women's leadership in the world of politics must receive optimal understanding and awareness in society so that women get more portions and roles to occupy political positions in proportion to men's political leadership. The perspective of Islamic Sharia regarding women's leadership in politics in Indonesia is that there is actually no definite prohibition (*qath'i*) that

³⁷ Rahmat Hidayat Nasutio Muhammad Syukri Albani Nasution, *Filsafat Hukum Islam Dan Maqashid Syariah*, 2nd ed. (Jakarta: Prenada Media Group, 2022).

³⁸ Yuni Roslaili, Aisyah Idris, and Emi Suhemi, "Family Law Reform in Indonesia According to the Maqashid Al-Shari'a Perspective (A Case Study of Law No. 16 of 2019)," *Gender Equality: International Journal of Child and Gender Studies* 7, no. 2 (2021): 183, <https://doi.org/10.22373/equality.v7i2.9397>.

³⁹ Anisatur Rohmah and Ahmad Musadad, "Konsep Business Judgement Rule Dalam Perspektif *Maṣlahah Mursalah*," *Nukhbatul 'Ulum* 9, no. 2 (2023): 178–92, <https://doi.org/10.17977/um019v6i1p72-81.1>.

⁴⁰ Mutholib Mutholib, Lily Faizal, and H. Muhammad Zaki, "Analisis Hukum Islam Terhadap Pelaksanaan Mediasi Perkara Perceraian Di Pengadilan Agama Gedong Tataan Dan Pengadilan Agama Pringsewu Lampung," *Al-Manhaj: Jurnal Hukum Dan Pranata Sosial Islam* 4, no. 1 (2022): 83–92, <https://doi.org/10.37680/almanhaj.v4i1.1544>.

prohibits women from becoming political leaders. Apart from that, if analyzed carefully, the prohibition on women as political leaders from a hadith perspective must also be interpreted historically in relation to the culture at that time. Therefore, referring to the Maqashid Asy-Syariah aspect, it refers to the development of time and culture, especially when women also have the same opportunities to receive education so that they have the same potential to become political leaders as men. Therefore, future research on female leadership should examine the aspects of Maqashid al-Shariah and the regulatory measures related to female leadership.

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