

KESETARAAN GENDER
Kontestasi Rezim Internasional dan Nilai Lokal
SITI RUHAINI DZUHAYATIN
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Abstract

Recently, gender equality has been suffering rigorous debates following the initiative of the Indonesian National Parliament to lift up the status of gender mainstreaming policy from the Presidential Instruction into the full fledged bill. The debates stemmed by the article 12 which stipulates the freedom of choosing the marital spouse is understood by the conservative Muslim groups as the passageway for granting same-sex marriage. The working group in the National Parliament is supported by the progressive and moderate Islamic group in convincing the public that the bill will not go beyond what has been formulated in the Marriage Bill no. 1/ 1974. The debates reflected the ongoing contestation of the universal principles and cultural relativism of the local values which politically contested between the West and the non-West, including Asia and Islam. This paper is providing the constructive notion of gender and its transformation to the legal mechanism of international regime, the responds of the traditional groups in various countries, in the West and the rest and how to negotiate these contesting values.

ARGUMENTASI ISLAM DALAM POLEMIK UNDANG-UNDANG
KESETARAAN GENDER DI INDONESIA
EMA MARHUMAH

Fak. Tarbiyah dan Keguruan UIN Sunan Kalijaga Yogyakarta

Abstract

In the substantive understanding of religion, there is no differentiation between man and woman. The Al-Qur'an enshrines the principles of justice, equality, democracy and muasyarahbilma'ruf (humanizing actions). This manner of interpretation must become the basis in understanding the connection between religious teachings and the Draft Law on Gender Equality. To see Islam in a theological light, indeed there are several religious texts which directly differentiate man and woman, but what we must realize is that the Qur'an which was bestowed upon the Prophet not only contained provisions on how to live one's life, but also the method to organize life itself. Understanding Islam depends greatly on our manner of interpretation. If a patriarchal reading of Islam were to be fostered, then the result will be rejection of the draft law on the pretenses of religious desecration. However, if we were to understand religion on the basis of equality, then a solution to the existing problem will surely be found.

KESETARAAN GENDER SEBAGAI PEMENUHAN HAK KONSTITUSI
MOCHAMAD SODIK
Dosen Fak. Syari'ah dan Hukum UIN Sunan Kalijaga Yogyakarta

Abstract

The drafting of the Draft Law on Gender Equality has brought criticism, many of which based on reactionary-ideological grounds unsuitable to productive discussion, and it is indeed regrettable that such responses against the draft law were not made in an academic framework and in accordance with the principle of proportionality. In a democratic state, gender equality is a fundamental part rooted deeply in human rights, similar to racial, ethnic, class, special-needs and religious equality. Thus as a democratic nation state, Indonesia is obliged to fulfill the basic rights of each of its citizens without regard to origin or gender.

Such rights encompass a variety of aspects: the right to life, security, health, education, economic, political and socio-cultural rights. All basic rights must be fulfilled equally to avoid discrimination. Thus, normatively, the 1945 Constitution of the Republic of Indonesia has guaranteed equality of all citizens, whether male or female.

In a global context, Indonesia has also ratified the CEDAW (Convention on the Elimination of all forms of Discrimination Against Women) through Law No.7 of 1984. Indonesia's commitment to improve gender equality is also written down in the MDGs (Millennium Development Goals). Therefore, though a philosophical-juridical-sociological viewpoint, gender equality (enshrined in Law) is both a constitutional mandate and a contemporary demand.

MENAKAR RANCANGAN UNDANG-UNDANG KESETARAAN DAN
KEADILAN GENDER DARI PERSPEKTIF KAJIAN HUKUM ISLAM
AGUS MOH. NAJIB

Fak. Syari'ah dan Hukum UIN Sunan Kalijaga Yogyakarta

Abstract

The Draft Law on Gender Equality is an early draft at the socialization stage, still to receive inputs from the society. However, there have been many negative responses and many Islamic groups reject it wholesale. Their argument inter alia, is that the draft law is secular in nature and is thus contradictory to fundamentalist Islamic teachings and law. This article will attempt to discuss and position the draft law within the ambit of Islamic law.

The general conclusion is that while most of the ideas contained within the draft law is much in line with the principles of Islamic law, several articles which conflict with Islamic law need to be revised and changed. The shortcomings and errors within the draft law are indeed in need of criticism, but it should not be a reason to reject the entire draft law.

**RANCANGAN UNDANG-UNDANG KESETARAAN DAN KEADILAN GENDER
(RUU KKG) DALAM TINJAUAN MAQASHID ASY-SYARI'AH
FATMA AMILIA**

Fak. Syari'ah dan Hukum UIN Sunan Kalijaga Yogyakarta

Abstract

Maqashid Asy-Syari'ah is an extraordinary method to view and develop Islamic ideas and spirit in many circumstances. It is often used as an analytical knife to solve problems and the application of Islamic law. This Article will attempt to read and analyze the Draft Law on Gender Equality through this method.

The existence of this yet unsanctioned law has raised controversy. Both such controversies should instead be used as materials to revise and perfect the draft law instead of a reason to reject it outright. The result of the analysis of the draft law instead of reason to reject it outright. The result of the analysis of the draft law shows that it generally contains the values of Islamic law. However, it is undeniable that there are several mistakes and errors which must be discussed to be perfected. The decision whether to issue the law should depend on a cost-benefit analysis.

**“MEMBACA” KEPEMIMPINAN PEREMPUAN DALAM RUU KESETARAAN
DAN KEADILAN GENDER DENGAN PERSPEKTIF MUHAMMADIYAH
WAWAN GUNAWAN ABDUL WAHID**

**Ketua Devisi Kajian Masyarakat dan Keluarga Majelis Tarjih dan Tajdid
Pimpinan Pusat Muhammadiyah**

Abstract

Rancangan Undang-Undang Kesetaraan dan Keadilan Gender (RUU KKG) hadir di tengah umat dengan respons yang beragam. Pertama respons penolakan kedua respons afirmasi. Respons kontra terhadap RUU KKG lebih banyak diwarnai oleh kesalahfahaman. Sementara respons positif terhadapnya didasarkan pada kenyataan bahwa RUU KKG secara garis besar tidak bertentangan dengan prinsip-prinsip ajaran agama khususnya Islam. Diantara respons positif itu diberikan oleh Muhammadiyah sebagaimana terbaca pada artikel ini dengan memfokuskan “pembacaan” RUU KKG pada berbagai produk hukum Majelis Tarjih dan Tajdid Muhammadiyah.

There are variety responses to the Draft Law on Gender Equality in the society. First, people who are against the Draft and the other group who support it. There is misunderstanding on concept on Gender equality among people who disagree with. Whereas supporters to the Draft Law based on their belief that it includes the basic principles of Islamic Teachings. One of positive responses to the Draft comes from Muhammadiyah organization which appears on the products of Majelis Tarjih dan Tajdid Muhammadiyah.