

Women in Jihad Militarism according to Yusuf Al-Qardhawi Thought

M. Adli Azhari Lubis

Universitas Islam Negeri Sumatera Utara, Indonesia
adlyazhari160@gmail.com

Abstract

This study aims to discuss the Women in Jihad Militarism according to Yusuf Al-Qardhawi Thought. In this study, the authors based on library research, which is normative research by collecting data, as well as references related to the research theme, namely the study of women in Islam and its relation to other aspects, especially in the field of research. Career and its relevance to the rule of law. After the required data is collected, the writer then classifies and analyzes it. The discussion of this research is literature research, using the necessary data based on the primary and secondary literatures used in this study are the works of Yusuf Qardhawi, especially those related to his thoughts about women and other works that support and discuss about the study of women from various other perspectives of thought. Other sources that will be used by researchers can also be taken from books, magazines, and journals related to what is being researched. As for obtaining this data, there are several sources that will be used, namely: Primary Data Source and Secondary Data Source. Women in military jihad according to Yusuf al-Qardhawi's views and their relationships with PP No.39 of 2010 concerning Soldier Administration, it can be concluded that: 1. That Yusuf al-Qardhawi is a scholar moderate giving space for women to take part in taking part in military activities. 2. Yusuf al-Qardhawi's thoughts on the legal consequences of women entering military jihad vary.

Keywords

women; jihad militarism Yusuf Al-Qardhawi



I. Introduction

The situation and problems of women in contemporary society are born out of developments in history, which make one class rule another class and men dominate the female class. To bridge this gap, Islam provides the concept of equality (al-musawah) in the al-Qur'an, but in its development the point of view of Islamic thinkers in interpreting the text of the al-Qur'an against the context of equality has become a paradox. This is due to the fact that the al-Qur'an and the Sunnah are sacred texts, and Muslims present a contradictory picture of the relationship between women and men.

In several verses of the al-Qur'an, it is clear that the position of men and women is equal. For example, women were created by God together with men and from both of them develop their offspring on the surface of the earth.

Indeed, the interpretation of the al-Qur'an is often used as a basis for rejecting gender equality. The commentaries serve as references in maintaining the status quo and legalizing the patriarchal lifestyle, which gives men special privileges and tends to corner women. Men are considered the main sex and women are considered the second sex (the second sex). This kind of assumption settles under the consciousness of society and forms an unbalanced work ethic between the two types of servants of God. Teachings that place women as secondary beings under men are usually categorized as part of traditional Islamic understanding, which are considered to be inconsistent with developments and human values in this modern era.

In Islamic view, women actually occupy a very respectable position. The view of Islam cannot be said to be gender biased. Islam does sometimes talk about women as women (for example in matters of menstruation, pregnancy, childbirth and the obligation to breastfeed) and sometimes also speaks as human beings without being distinguished from men (for example in terms of the obligation to pray, zakat, hajj, noble character, amar makruf. Nahi evil, eating and drinking lawful and so on). Both views are aimed at directing women individually as noble human beings and collectively, together with men, to become part of a harmonious (family and society) order. When Islam requires wives to ask permission from their husbands if they want to leave the house or fasting the sunnah, for example, Meanwhile, for the same thing, the husband is not obliged to ask the wife's permission; also when Islam stipulates the inheritance rights and testimony of women as half of men, the obligation of women to wear a headscarf or when determining the main duties of the wife as umm (mother) and rabbatul bait (housekeeper), and the right to divorce on husbands, in fact Islam is talking about family, not about individuals, men or women, as well as the will to organize them in order to create a harmonious order.

II. Review of Literatures

2.1 The Study of Women in the al-Qur'an and Hadith

One of the problems that has become the spirit of changing values from the previous problems to be changed contained in the al-Qur'an is the mathematics of slavery. The al-Qur'an clearly states that God honors Adam's children and grandchildren. QS al-Isra '(17): 70, the expression of Adam's children and grandchildren contained in the quote in the letter is all human beings, without the slightest difference including masters and slaves. However, the social conditions at that time made it impossible to eliminate slavery, so that the al-Qur'an with its textual interpretation allowed slavery, however, along with the turmoil of liberation that existed, the existence of slavery seemed to disappear little by little. Likewise with the equality of roles for men and women, QS al-Baqarah (2): 228. At that time the social conditions also made it impossible to position women on an equal footing with men, so Allah added another *ولرجال عليهن درجة*.

Thus, not all theories of Divine Law can be applied today. Slavery and the subordinate position of women are certainly no longer acceptable in modern society. And the result appears two choices, whether the holy book will be ignored or must be re-read in accordance with the conditions of society today.

On this basis, according to one expert in women's studies, Asghar Ali Engineer, normative morality in this case is religious morality, although it is transcendent it can only be practiced in certain contexts. When the context changes, it may be impossible to practice morality in its old form, but its normative content cannot be sacrificed when developing a new morality.

For Engineers, translating the al-Qur'an is certainly in accordance with the experience of each interpreter and the interpretation of the al-Qur'an is not the monopoly of medieval scholars. The understanding that the interpretation of the al-Qur'an is only the monopoly of medieval scholars, will only lead to the freezing of Islamic legal thinking. Many think that Islamic law is irreversible, because it comes from God. They do not realize that in determining Islamic law there was a lot of interference from past ulama, which in essence the previous legal stipulation when viewed from the present reality was completely different.

Tafsir is the result of human Ijtihadi efforts which cover all dimensions of thought to produce an understanding from the holy book. In interpretation, humans will always bring out the social background, scientific style and color that underlies the work of their opinion.

The dialectical process that occurs is integrated with the scriptures. Penafisran can change from one era to another, it is not eternal. Because interpretation is always relative and limited. An interpretation may change, but the al-Qur'an remains eternal. The holy book is timeless and Muhammad as a figure with his guidance is able to translate the basic spirit of the book of Allah into the practices of everyday life.

Therefore, according to Engineer, Islamic law is not a closed law. However, the dynamics of vitality are very dependent on other than that, and the Engineer also bases the lawsuit on his respect for the equality of relations between men and women, this is what will form a pattern of justice in family dynamics.

Related to the context of the Islamic family, which in this case concerns the issue of the right to receive and receive a dowry, Engineers have a different view of dowry, for him dowry is not the price of women. According to him, dowry is an expression of love, sincerity and sincerity. Mahar is also not to show one's social class. Even so, she still considers dowry as an essential part of marriage, because dowry is a woman's right that must be paid by her husband.

It has now become popular knowledge that women who constitute more than half of humanity, need to be empowered to be able to contribute their quota to national development by being able to maintain themselves and their families (Kayode et al, 2020). Due to the essential form of marriage, Engineer understands, a woman is free to determine the amount of dowry that she likes and the dowry belongs to her, not her father or husband, this understanding refers to QS an-Nisa '(4): 4. From the text of the verse Engineer also understand there is no limit in determining the amount of the dowry. And the al-Qur'an also teaches that men should give as much dowry as possible according to their ability.

Another thing that becomes a new understanding is about earning a living, not only are men encouraged to earn a living, women are also allowed to earn a living. In fact, she also has the opportunity to get an equal position with men if she has become the breadwinner of the family. This kind of thinking certainly arises because of the influence of modern society, which views women as normal for working in the public sector. Society at the time of the Prophet was a society that had a different social background from society today. So that the provisions that were in effect at that time were those that were present in accordance with the present social conditions of the community.

2.2 Women in Indonesian Military Law

The compulsory military agenda in the Bill on State Defense Reserves Components is controversial. The absence of protection arrangements for citizens who refuse to join military service for reasons of conviction and conscience (conscientious objection) has the potential to lead to criminalization and violations of the human rights of these people (conscientious objector) when compulsory military service is enforced as happens in other countries. The guarantee of conscientious objection protection as part of civil and political rights is a necessity if the government wants to impose compulsory military service, let alone Indonesia has ever acknowledged the existence of a conscientious objector in its history of conscription. The issue of conscription is one of the topics of debate in the Bill on the Component of State Defense Reserves (RUU Komcad).

Defense analyst from the University of Indonesia, Dr. Andi Widjajanto in his article the State Defense Reserves Component (Media Indonesia, 1/4/2013) asked the Komcad Bill not to militarize civilians and to apply compulsory military service carefully and selectively to citizens. This concern is not unfounded, in countries that impose compulsory military service, there are cases of human rights violations that urge us to review the compulsory military service in the Komcad Bill. Malaysia, for example, has a mandatory military policy

called the Khidmat Negara Training Program. During the period 2004-2008, it was recorded that 16 conscripted participants died due to illness, food poisoning, and the rigors of training. Then, Some women who are conscripted into the military have become victims of rape and sexual harassment by conscription trainers who are predominantly from certain ethnic groups. Several other participants were jailed alongside criminal prisoners for six months for being absent during training and resigning. A participant who was first imprisoned was named Ahmad Hafizal only because of a technical error in training attendance.

The absence of a regulation on the right of citizens to refuse military service based on conscientious objection in compulsory military service is prone to human rights violations. The discourse on the imposition of compulsory military service in Indonesia through the Komcad Bill, which has been included in the National Legislation Program since 2006, also does not regulate the conscientious objection mechanism. According to the Komcad Bill, citizens who are more than 18 years old, working as civil servants, private employees, and former TNI soldiers, are obliged to become members of the Komcad and attend military training (Article 8 of the Komcad Bill). Komcad members are included in the three dimensions of the TNI (AL, AD, AU) to be deployed to the battlefield so as to increase the strength of the TNI. Thus, the status of citizens who are members of the Komcad is a combatant and is subject to the provisions of military law and international war law (Article 29 of the Komcad Bill). Problems arise when a citizen refuses to join military service because his conscience and conviction prohibits him from engaging in any form of violence and the use of weapons and killings as happened in the cases above. Such persons lack adequate protection and are often sentenced to prison and other forms of persecution. The Komcad Bill, through its criminal provisions, in the absence of a conscientious objection arrangement, increases this opportunity.

III. Research Methods

In this study, the authors based on library research, which is normative research by collecting data, as well as references related to the research theme, namely the study of women in Islam and its relation to other aspects, especially in the field of research. career and its relevance to the rule of law. After the required data is collected, the writer then classifies and analyzes it.

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As for obtaining this data, there are several sources that will be used, namely:

3.1 Primary Data Sources

The primary data source used in this study is the core source of information that has the authority and responsibility for data collection or data storage. Thoughts expressed in written form can be found in the relevant written works, both in the form of books (books) and in other forms (manuscripts, journals, papers, CDs and websites).

The primary data sources used in this study were developed from books, namely:

- a. Yusuf al-Qardhawi, *Fiqh Jihad, Dirasah Muqaranah Li-Ahkamihi wa Falsafatihi fi Dhau-il Qur'ani wa As-Sunnati*, Cairo: Maktabah Wahbah, 2009
- b. Yusuf al-Qardhawi, *Fiqh Jihad (Terjemahan)*, Bandung: PT.Mizan Pustaka, 2010

- c. Yusuf al-Qardhawi, *Fatawaa al-Mu'asirah (Fatwa-Fatwa Kontemporer)*, Lebanon: Daar Al-Ma'rifah, 1988M

3.2 Secondary Data Sources

Secondary data sources are information that indirectly have the authority and responsibility for the information available to them. This source is obtained from various data (as support), books, journals, laws that are directly related to the subject matter.

IV. Discussion

Yusuf al-Qardhawi is a moderate thinker, activist and leader of the Islamic world who is very influential at this time. Especially about women's problems. As in his book *Fatawa al-Mu'asirah (Contemporary Fatwas)* that women are human as well as men. Women are part of men and men are part of women, as stated in the Al-Qur'an:

فَأَسْتَجَابَ لَهُمْ رَبُّهُمْ أَنِّي لَا أُضِيعُ عَمَلَ عَمَلٍ مِّنْكُمْ مِّنْ ذَكَرٍ أَوْ أُنثَىٰ تَبِعْتُمْ مِّنْ بَعْضٍ

Meaning: "So their Lord allowed his petition (saying):" Verily I do not waste the deeds of those who do charity among you, whether male or female, (because) some of you are descended from some of the others."

Humans are living things that among their characteristics are to think and work (do activities). If not, then he is not human. In terms of work, society itself sometimes requires women's work, such as in treating and caring. Even so, it does not mean that women working outside the home are forbidden by Shara', because no one can forbid it without a syara text' which is authentic and clear instructions. So based on this principle that women working or doing activities are permitted (jaiz). Sometimes she is even charged with sunnah or obligatory demands if she needs it, such as a widow or divorced husband.

On this basis, Yusuf al-Qardhawi's thoughts of moderatism are progressive, meaning that they are responsive to the times and try to encourage people to be active in the fields of thought, economy, civilization, military and politics. This can be seen in his book *Fiqh Jihad*. In the context of women too, Yusuf al-Qardhawi also encourages women to be active in various fields, both education, economics and politics as a form of women's major contribution in life.

Researchers analyze that not only men are required to be active in all aspects of life, but women are also able to be given roles and be active in various fields, as explained by Yusuf al-Qardhawi in seeing women. This is what is known as gender equality and also eliminates differences in both roles, functions and responsibilities between the two.

Islam highly upholds egalitarianism (equality) by positioning women as beings who have the same place in God's eyes. In addition to Yusuf al-Qardhawi's view, Muhammad Syaltut argues that Islam positions women as partners for men, so that Islam provides equal rights and obligations for women and men.

Likewise, Sheikh Mahmud Abu Shuqqah in his monumental work, *Tahrir al-Mar'ah fi 'Asr al-Risalah*, proves that Islam is the pioneer of emancipation. After conducting an intensive study of classical Islamic literature, he concluded that the arrival of Islam had led to a gender revolution in the 7th century AD. He also found that after the arrival of Islam, women began to be recognized for their rights as humans and citizens, plunging and playing a role. active in various sectors, including politics and the military.

In interpreting the definition of jihad, it seems that Yusuf Qardhawi is more moderate than some other scholars who often identify jihad as a war against the enemy of Islam. Furthermore, according to Yusuf Qardhawi as in *Fiqh Jihad*, he emphasized:

جاهد – مجاهدة – وجهادا : بذل الوسعه في المدافعة والمغالبة،

Meaning: Jihad - Mujahadatan - Jihaadan: that is, to exert all abilities to defend and defeat evil.

Then Yusuf al-Qardhawi also said that the wording of jihad is broader than the definition of war (Qital), although it has been written in the general understanding of fiqh that the phrase jihad is a military war activity (qital). That is the term used by jurisprudence to define jihad, on this issue there is no problem of discussion if the meaning is clear.

In military matters, as in the Book of Jihad by Yusuf al-Qardhawi, that basically jihad requires physical sacrifice that is not easy, outwardly, this is certainly difficult for ordinary women, even men, to do, and in fact this is what make war or military activities a form of sacrifice for all people of the world, and therefore become a task for men.

As in the view of Yusuf al-Qardhawi, namely:

أن الجهاد بمعنى القتال في الأصل ليس واجبا على النساء، لما يستلزمه من جهد وعباء ومشقة لا تحتملها المرأة في العادة الجارية، نظرا لما يعترى المرأة بحكم الخلقة من الدورة الشهرية، ومن الام الحمل، وأوجاع الوضع، وأثقال النفاس، وتبعات الإرضاع، ورعاية الأطفال.

Jihad in the meaning of taking up arms is basically not an obligation for women, even though from these activities it requires very heavy sacrifice and suffering, naturally this is certainly not owned by women, especially if you look at the natural nature of women who experience menstruation every month, feel pregnancy, childbirth pain, childbirth, breastfeeding, to nurture and educate children.

Basically this is very much in line with the general view of the jurists in responding to the jihad of women in military activities, as also said by Sayyid Sabiq in his book Fiqh Sunnah.that jihad in the military or taking up arms is basically not required for non-Muslims, women and children, crazy people and people who are sick. And it is not sinful for them not to participate, because having weaknesses and being powerless on the battlefield, can even be a danger that outweighs the benefits.

It's just that the reason for the difference from the thoughts of other fuqaha is that Yusuf al-Qardhawi in his thinking gives space for women to take part in taking part in military activities, although in essence women are not required to engage in warfare or participate in militarist activities. as in the view of the jurists in general and certainly has a basic foundation in his view.

This is explained As Yusuf al-Qardhawi also said:

ولكن من النساء من لا يقدر لها الزواج، ومنهن من لا يقدر لها الزواج ، ومنهن من لا يقدر لها الزواج، ومنهن من لا يقدر لها الحمل والولادة، فينبغي أن تتاح لهن فرصة المشاركة في الجهاد بما يناسبهن

However, that the role of women also in military activities can be needed, for example, there are some women who are destined to be unmarried, unable to get pregnant and give birth, so they need to be given the opportunity to join the war with what they can do.

The normative basis or basis for Yusuf Al-Qardhawi's views are:

وروى مسلم عن أم عطية الأنصارية قالت : غزوت مع رسول الله صلى الله عليه وسلم سبع غزوات : أكلهم في رحالهم : فأصنع لهم الطعام، وأداوي الجرحى، وأقوم على المرضى.

Meaning: "Muslim Narrated, From Umm 'Athiyyah Al-Ansariyyah, he said: I had fought with Rasulullah SAW for seven wars. At that time I was in charge of helping prepare supplies, food, treating wounded troops, and handling sick soldiers.

In view of this, the review used uses (Fiqh al-Muwazanat), who consider the benefits and harm that exist. If the departure of women to the battlefield has a greater benefit, there is no prohibition for them to go to war, but it does not apply if the conditions are the opposite. Because, preventing damage and destruction must take precedence over the desire to do good.

In this view Yusuf al-Qardhawi shows a manifestation of Islamic law that is closer to the goal of the Shari'at application (Maqasidus Syari'at), which maintains the principles of religion, soul, mind, property and descent or dignity. Women are Allah's creatures who are created in the best form (Ahsani Taqwim) with all the potential they have as men. Even so, the actualization of women's potential must not violate the provisions of Allah and His Messenger, because it can cause harm in the world and the hereafter.

This is also the standard criterion for a woman who takes part in the military world in accordance with her nature, both a career and a war jihad in the path of Allah SWT. as the criteria described by Yusuf al-Qardhawi in his book of Fiqh Jihad.

And do not rule out also as in the view of Muhammad Shaltut that Islam women as partners for men, so that Islam provides equal rights and obligations for women and men, Islam provides rights for women in various aspects of life.

This is in line with Yusuf al-Qardhawi's view, in the context of women, indirectly Yusuf al-Qardhawi also encourages women to be active in various fields, both in economics, politics, and military and so on, as a form of women's major contribution in the field of life.

As in Yusuf al-Qardhawi's view regarding the ability of women to participate in military jihad according to the criteria already mentioned, Yusuf al-Qardhawi gave women the opportunity to play a role in it, he said:

قد تحتاج الجيوش المقاتلة إلى أعمال تقدر عليها النساء، بل قد تحسنها أكثر من الرجال، مثل: التمريض وإسعاف للجرحى، والسقي للعطشى، والمناولة للسهام، وغيرا ذلك مما يدخل في باب الخدمات المساعدة للجيش

"that the conditions of war that have been needed often require supporting assistance, such as a medical team to treat and treat wounded troops, give water, and help with other supporting preparations. This role was also performed by women at the time of the Prophet SAW, as contained in the Hadits, namely:

كنا مع النبي صلى الله عليه وسلم نسقي ونداوي الجرحى ونرد القتلى إلى المدينة
Meaning: "We (women) used to (join in jihad) with the Prophet sallallaahu'alaihi Wasallam, we give drink and heal people who are injured and take care of the bodies so that they can be returned to Medina". (Narrated by Bukhari).

In the same view, Imam Al-Sarakhsi Al-Hanafirahimahullah toosaid:
ولا بأس بأن يحضر منهن الحرب العجوز الكبيرة فتداوي الجرحى , وتسقي الماء , وتطبخ للغزاة إذا احتاجوا إلى ذلك , لحديث عبد الله بن قرط الأزدي قال : كانت نساء خالد بن الوليد ونساء أصحابه مشمرات , يحملن الماء للمجاهدين يرتجزن , وهو يقاتل الروم

Meaning: "It is okay to include women and old women to join the war. They treated the wounded, gave inum and cooked food for the fighting if the mujahideen needed them. There is a hadith from Abdullah bin Qarth Al-Azdi, he says: 'Khalid bin Walid's wife and the wife of his friend also participated in the war, they raised the mujahidin's water. At that time he (khalid) was at war with Rome.

From this explanation, the researcher provides an analysis that the criteria for women in joining military jihad must be adjusted to their nature and role, as explained by Yusuf al-

Qardhawi that women are given the opportunity to participate in military activities if the woman is destined to be unmarried, unable to get pregnant and give birth. and physically strong, because the military activity requires a strong physical and mental condition. Likewise in its role that the medical team or medical army is very suitable for women who are involved in military careers or in military jihad as contained in Sahih's hadiths, although it does not rule out the possibility that women are also able to enter the battlefield with their role as armed soldiers.

However, today's warfare rests more on sophisticated equipment and artillery, which requires a brain rather than a physical one, making it very possible for educated and trained women to take on this role, as is done by men. This has also been practiced by the Zionist countries which empowered their women for war purposes.

V. Conclusion

After the author conducted research on women in military jihad according to Yusuf al-Qardhawi's views and their relationships with PP No.39 of 2010 concerning Soldier Administration, it can be concluded that:

1. That Yusuf al-Qardhawi is a scholar moderate giving space for women to take part in taking part in military activities, women are given the opportunity to participate in military activities if the woman is destined to be unmarried, unable to get pregnant and give birth and is physically strong, because military activities require strong physical and mental conditions. So in its role that the medical team or medical soldiers are very suitable for women who are involved in military careers or in military jihad, although it does not rule out the possibility that women are also able to enter the battlefield with their role as armed soldiers.
2. Yusuf al-Qardhawi's thoughts on the legal consequences of women entering military jihad vary, although basically it is not obligatory for women (voluntarily) to participate in it, but women who have been involved in it can also be punished obligatory for themselves if the criteria for women considered are appropriate, have been have long been in the military world and have skills in warfare, such as their role as a medical team troop, or armed forces that are the same role as men.

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