

**Gender Ideology in the Study of Islamic Legal Thought
at Postgraduate UIN K.H. Abdurrahman Wahid Pekalongan**

**Ali Muhtarom¹, Ade Dedi Rohayana², Maghfur Ahmad³, Kurnia Muhajarah⁴,
Nur Hamid⁵**

^{1,2,3}Universitas Islam Negeri K.H. Abdurrahman Wahid Pekalongan, Indonesia

⁴Universitas Islam Negeri Walisongo Semarang, Indonesia

⁵Kanzawa University Japan, Jepang

Correspondence: ali.muhtarom@uingusdur.ac.id

ade.rohayana@yahoo.co.id

maghfur@uingusdur.ac.id

kurniamuhajarah@walisongo.ac.id

nur.hamid@stu.kanazawa-u.ac.jp

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Abstract

The formation of gender ideology can occur at various levels, and allows it to be socialized through social and institutional institutions at various levels. One of them is a university where students learn to research and study Islamic law. Higher education is one of the vital media to build a gender responsive culture. The focus in this study is to analyze gender ideology that influences students in researching and writing scientific papers, and how gender construction in Islamic legal thinking is in student work. Based on this study using a qualitative-phenomenologic approach and descriptive-analytic in nature, it was found out that, first, the gender ideology of students in conducting research and writing scientific papers is justice and gender awareness, secondly, the construction of Islamic legal thought in Postgraduates can be grouped according to two; 1) the orientation or direction of graduate student gender studies is more dominated by contextual or applied-empirical studies than textual or normative-legalistic studies. 2) the direction of analysis of gender studies is more defined as a study "about" women, not a study with a gender perspective or a study that uses gender as an analytical tool. Even though the two have fundamental differences, the difference is in the way of viewing used, not just gender, but more about the roles and functions between men and women.

Keywords: gender, thought, Islamic law

INTRODUCTION

Understanding gender justice is increasingly important when it recognizes that the rate of violence against women is getting higher. According to Komnas Perempuan records in a press release on March 5, 2021, the number of cases of Violence against Women (KtP) throughout 2020 was 299,911 cases, 2,134 cases were gender-based cases. This suggests that unbalanced treatment occurs, which puts women in a lower position than men. Therefore, the important thing that needs to be done in gender studies is to understand the differences in the concepts of gender and sex. Mistakes in understanding the meaning of gender are one of the factors that cause attitudes to oppose or difficult to accept gender analysis in solving the problem of social injustice. (Nazaruddin, 2015: 222-236).

The discussion on gender issues has started since more than three decades ago, precisely in 1978 when the Office of the Young Minister for Women's Affairs was formed, then more intensely when Wahid became president there were instructions addressed to the ranks of government to improve the position, role, and quality of women, as well as efforts to realize gender equality and justice in family life, community, nation and state. (Sudantra, 2016: 238)

Recently, programs and rules and activities with a gender perspective have emerged, thus influencing values, norms and assumptions about the relationship between men and women. Such as the birth of the Decree of the Director General of Pendis No. 5494 of 2019 concerning Guidelines for the Prevention and Control of Sexual Violence in Islamic Religious Universities. This decree encourages anti-sexual violence activists to work even more massively, especially in universities. In addition, the commitment to anti-violence against women is also in line with the Religious Moderation program carried out by the Ministry of Religious Affairs today. That there are 4 indicators of moderate diversity, namely national commitment, tolerance, acceptance of tradition and non-violence. (Tim Kemenag, 2019; 43). This fourth anti-Violence indicator is included in gender-based violent behavior. All values, norms, assumptions and labeling related to the relationship between women and men are called gender ideologies. In another expression that gender ideology is a set of ideas and value systems that legitimize the nature, roles and status of men and women. (Maliki, 2001; 26).

The formation of this gender ideology can occur at various levels, and allows it to be socialized through social and institutional institutions at various levels, (Widanti. 2005: 32). One of them is a university where students study researching and studying Islamic law. Higher education is one of the vital media to build a gender-responsive culture. Therefore, the study of gender ideology in the construction of Islamic legal thought is very important.

There are at least three things as the basis of the above thinking. First, universities have the main task of studying and transforming knowledge and disseminating new ideas and values to society. Second, higher education is an institutional forum where all academicians (men and women) express all potentials, actualize, and define self-identity. Third, the strategy of gender mainstreaming in development is a policy package that is undoubtedly to be implemented by state institutions, including the Ministry of Religious Affairs. (Wijayati, 2017). Departing from the above presentation of the study problems in this article are. How gender ideology influences Graduate students in researching and writing thesis work, and How gender ideology constructs Islamic legal thinking in graduate student work.

Studies around gender and Islamic law are not new with different focuses of study, some of which are as follows: Asni, Dismantling the Roots of Gender Bias in Islamic Law, she found that the importance of formulating a contemporary female fiqh adapted to contemporary developments in various fields of life, both political, economic, and socio-cultural society so that the resulting fiqh formulation is not gender biased. (Asni, 2016: 17-45). Sumadi, Gender Bias Ideology in Popular Jurisprudence in Indonesia. The finding of this study is the need for a re-understanding of jurisprudence, this is important considering that Jurisprudence is a cultural interpretation of the revelations and traditions of the Prophet certainly inseparable from the social, political, and cultural context. (Sumadi, 2018:1-15). Ansori, Examining the contestation of gender discourse in family law on social media and its relationship with religious and state law. The study shows that each gender narrative agent develops discourse about the relationship between men and women using a variety of media, including YouTube, Instagram, Facebook, and official websites. Each has a large social media following. (Ansori, Muhammad Iqbal Juliansyahzen, 2022: 245-271).

Najamudin, Gender Analysis in Islamic Law, asserts that feminist struggles, especially in upholding gender justice, are more likely to use a gynocentric approach than a

gender centric approach that takes into account the interests of both parties whether male or female. The struggle for women's rights should not be confrontational and carried out alone, on the contrary, it should involve men in addition to involving social justice. (Najamudin, 2019: 381-401). T. Saiful, Gender Perspectives in the Formalization of Islamic Sharia in Aceh, the focus of this study is on the influence of gender ideology in the implementation of Islamic law. It was further explained that the establishment of qanun, Pancasila as the basis of the state should be used as a parameter of gender equality, in addition to several other provisions in the form of international laws, treaties and conventions that protect women's rights. Understanding the nature of the existence of the Qur'an text and hadith about Islamic values needs to be studied specifically and in depth in order to find the spirit of sharia (philosophical value) of a legal provision in an effort to formalize Islamic sharia with a gender perspective. (Saiful, 2016: 235-263). Windy dan Milah, Affirming that the process of integrating gender discussion into public courses is not easy. The biggest challenge faced is the previous norms, values, and ideologies held by lecturers and students. (Windy & Milah, 2019: 199-2018).

Hadriana Marhaeni Munthe, Gender Ideology in Pakpak Women, she found that The patriarchal ideology of women in the family indicates the existence of women as patriarchal actors in the family or private sphere. Thus showing that the construction of pakpak women's gender ideology in the family is a patriarchal gender ideology attached to the values of Pakpak women's slaughter. (Hadriana, 2019: 152-160). Cynthia Lins Hamlin, talking about gender ideology in the analysis of the dispute Meaning, from many perspectives found shows that it is necessary to position the meaning of gender according to its role and function. (Cynthia, 2020: 10001-1022).

This research has differences from previous research in terms of the focus of gender ideology studies that influence students in choosing themes or studies of Islamic law, then mapping the types and works of Islamic law at the Postgraduate UIN Pekalongan. This research approach is qualitative-phenomenological and descriptive analytic. This research describes the process of choosing the theme of student scientific work studies related to Islamic law, and analyzes the construction of their thoughts, then viewed from a gender point of view. The data sources in this study are divided into primary and skunder data sources, each of which has an important contribution. The steps to obtain

data are by observation, documentation and interview methods. This interview aims to be able to communicate directly questions to the respondents we will interview. (Mudja, 2013: 17).

DISCUSSION

Gender Ideology

Etymologically, the word ideology comes from the Greek word idea and logia. Idea comes from idein which means to see. (Riant, 2011:16) Idea, something that is in the mind as a result of the formulation of something thought or plan. While logical comes from the word logos which means word. (Puji, 2020: 24). The word comes from legein which means to speak, logia means knowledge or theory. Terminologically, in the most general sense, ideology is an organized understanding, that is, values, orientations and tendencies that complement each other so as to form a perspective of ideas expressed through communication with technological media and interpersonal communication. (Alex, 2004: 64).

The process of ideological formation, refers to the belief system on which the actions of the individual or society are based. hence ideology encourages underlying actions to deal with the realities of life in society. (Alex, 2004: 64). Ideology, gives the value of an order of action of society to be meaningful with the intention of justifying its various actions. However if the act of purpose of a person or group is connected with his claim to generate his ideas, then the action is more likely to be partial for one's own benefit.(Jainuddin, 2001: 20)

Gender ideology is a series of ideas that describe the sexism of any particular society and provide a picture of a future society that creates contradictions between men and women. According to A. Nunuk, gender ideology is a mindset that distinguishes between men and women according to their appropriateness. (Nunuk, 2014: 62). The concept of gender gives birth to two traits, namely masculine and feminine; two roles, namely domestic and public; two positions, namely subordinated and subordinated or inferior and superior. Gender differences constructed in society socially and culturally can create differences in treatment between men and women resulting in injustice.(Dewi, 1993: 29). This shift in power developed and penetrated into the division of work, power, rights and responsibilities both within the family and in society. (Mansour, 2008: 12).

Gender roles have distinguished female and male characters. Women are considered feminists and men are considered masculine. (Siti, 2010; 243). Then this character manifests in psychological traits, such as men are considered strong, valiant, courageous and so on. Women, on the contrary, are considered soft weak, obedient and so on. (Mansour, 2008: 12). Violence against women can be grouped into three parts, namely domestic violence, violence that occurs in society, and violence committed by the state through various forms of regulations that harm women. (Riant, 2011: 11).

Thus, gender-based violence can occur in different places and has no specific time limits. This kind of violence will certainly have a bad impact on women's physical and psychic.

The Construction of Gender in Student Thinking

As stated above, the starting point for gender research departs from the student paradigm of gender or feminism. Likewise, what happens to graduate students, especially the Master of Islamic Family Law study program. Here's what researchers from 11 informants can gather on gender justice and awareness.

Gender Justice

a. Knowledge

Knowledge of the concept of gender of graduate students shows that Most of the students who become informants know that the concept of gender is not in the determination and difference of sex or sex, but rather in the nature, roles and positions of the deprivation made by society. As revealed by Faiqoh

“Gender in my understanding is the difference between men and women which is more about the role played, both in family life and society. So it's not just a sex difference. (Faiqoh, 2022)

Likewise, Sungeng said:

“In my opinion, sir, gender is the result of social construction related to the roles and functions of men and women, between masculine and femenin, not gender. If men have such genitals, so do women”. (Sugeng, 2022)

So gender is not seen from the physical characteristics and forms that exist in women, but from the traits, characteristics and of course the roles played by both.

Furthermore, it was revealed that each of the informants got information, knowledge and understanding about gender through different means. Starting from library reading resources during lectures, as well as studies and seminars related to gender issues. If

classified, the sources of knowledge and gender understanding of informants can be grouped as follows: (Mukhtaromah, ihya, 2022).

Gender Knowledge Sources Table

Source	P	L
Lecture:	v	v
✓ Course assignment		
✓ Environmental		
✓ discussion group		
Organization:	v	v
✓ Soldering activities.		
✓ Interaction of fellow members		
✓ Intra and ekstra campus		
✓ Community Organizations		
training/seminars	v	v
Book	v	v
Paper	v	v
Media. etc.	v	v

The above data shows that each of the informants has access to the same information related to knowledge and understanding of gender.

b. Equality of male and female positions

The existence of Men and Women are two entities that are often distinguished in the conditions of Sex (sex) and the roles to be performed (gender). But often these two concepts (sex and gender) are often interpreted as the same characteristic for a man or a woman. Such an understanding often puts men and women in unbalanced situations or creates injustice. But many forget, that equals are not always the same. Equivalents are not always proportional and symmetrically straight. There are always differences in equality and equality arises precisely from differences. So whether it is equivalent or not can be seen from several aspects, not just one aspect. (Mudhoaf, 2022). Although declared equal in Islam, men and women have differences. Both are distinguished by their respective functions. This function is known as nature, or fitrah in Arabic.

c. Fair treatment

Fair treatment not only provides equal opportunities for potential women, for example in careers, to be equal as men. Equality for working women occurs when there is justice in it. That women are also entitled to fair treatment wherever they are. Justice occurs by seeing that there are different needs that women have, due to different physical conditions with men. Women have reproductive functions, menstruate, become pregnant,

give birth, breastfeed, which is not found in men. But even men have other needs, which are different, not related to reproductive function. (Fitro, Sugeng, 2022). Bakir Said:

Gender justice can be said to be equality or equality between men and women in playing an active role in the public domain both in the fields of education, social, economic, and political. Both of them have the right to get positions in these various fields, as long as they do not violate the rules of Islamic shari'a and the norms prevailing in society. Gender justice must also exist in the sphere of domestic life. Between husband and wife, for example, must live in piety, love each other, cherish, respect and respect each other, and complement each other's shortcomings. (Bakir, 2022).

d. Equal rights and obligations

The role of a woman in occupying important positions in campus organizations still seems very minimal. Because many important positions are dominated by men. If viewed from a gender perspective, this cannot be called a gender fair requirement.

The informants understood that the concept of gender equality was not seen from the physical but was seen from each of the competencies possessed by individuals without a background in sex or gender. (Luthfi, Maryana, 2022).

Gender Awareness

The following data can be revealed related to gender awareness of Postgraduate students from three aspects:

a. Knowledge

Gender equality is one of the interesting issues to discuss when looking at the pros and cons that are often attached to this issue. The issue of gender equality began to spread in Indonesia in the 1990s. Slowly, the feminism movement in Indonesia demanded a shift in the position of women to a more equal place in obtaining their rights in the social and cultural fields. This requires gender awareness from the community.

Knowledge in this case is grouped into two things:

1) Gender research

Based on the results of interviews with informants, data can be obtained that five out of eleven informants do not know about gender research. Research using a gender perspective means looking at problems also from the aspect of inequality of social treatment or limited access to basic rights experienced by women and other vulnerable groups in society. Research with a female/gender perspective is not the same as research on women. Research on women makes women the object of study. (Ismi, 2014).

2) Interest in scientific work on gender equality

Based on the results of interviews from informants, information was obtained that the average person was interested in studies or research on gender. Both his interest is motivated by the science of the study program he is engaged in or because of his idealism. (Bakir, Maryana, 2022).

b. Gender issue response

The gender issues expressed by students are related to, domestic violence, positions in Islamic law and roles in the family. These three things are of concern to the informant. The informants considered that the prevalence of domestic violence was caused because each married couple did not understand well their position and role in the household. In addition, togetherness and interdependence among them are still lacking. (Faiqoh, Luthfi, 2022).

Gender can also be related to the issue of Islamic law, which in the name of gender things that only men can do means that women can also do, and what men are entitled to receive is also entitled to be accepted by women. Actually, gender is equality of position between men and women, which does not violate the rules that apply in Islamic law, because Islam already regulates in what cases men and women have similarities, and in what cases men and women have different portions. (Eva, Ihya, 2022).

c. Life Experience

A person's life experience is very influential on the pattern of piker and the attitude taken. This includes unfair treatment in roles and jobs that should demand equality between men and women. Gender inequality between men and women can be seen in the real condition of Indonesian women in general.

So, actually women and men have different abilities but, sometimes men are considered to have better abilities in all fields. These differences are usually seen in an environment, both family and work environment, so there is a lot of debate about gender differences regarding performance within the family, as well as companies and development in performance. This is where sometimes gender justice is questioned.

Based on the data described above, it is known that informants' knowledge and experiences around gender vary. But at least it can be grouped between understanding gender in terms and social construction. As in the view of Heddy Shri Ahimsha Putra he emphasized that the term Gender can be distinguished into the following meanings:

Gender as a foreign term with a certain meaning, Gender as a socio-cultural phenomenon, Gender as a social consciousness, Gender as a socio-cultural problem, Gender as a concept for analysis, Gender as a perspective to view reality. (Putra, 2000).

These insights and experiences then shape the mindset and attitudes of students in the world of education. Education has three main tasks, namely creating, transferring and developing science, technology, art and culture. Education is also very vital in transferring the values and identity of the nation. The progress that has been achieved still leaves a worrying problem, namely that the participation of women has not been optimized.

Research on gender studies at the Postgraduate Program focuses on gender ideology in the construction of Islamic law and the orientation of themes and directions for the analysis of gender studies written by students in the form of a thesis, which is a study that provides guarantees to women of their human rights as human beings, such as rights attached to women's position, position and social roles. These rights qualitatively according to Islam should be balanced with the rights that men have. (Ali, 2001: xxiii).

The following is a presentation of various gender studies in the form of a thesis that has been written by students of the Master of Islamic Family Law study program IAIN Pekalongan from 2014 to 2021.

Gender Studies of Master's Students of HKI

<i>Tahun</i>	<i>Judul</i>
2014	Perceraian Dan Implikasinya Terhadap Pembagian Harta Bersama Dan Pemeliharaan Anak. Pembaruan Hukum Keluarga Di Maroko (Studi Atas Perempuan Tidak Membutuhkan Izin Wali untuk Menikah Dalam Kajian Sosio-Historis)" Wali Nikah Bagi Perempuan Dalam Pandangan Abu Hanifah Dan Asy-Syafi'i Budaya Hukum Pemberian Nafkah Anak Pasca Putusan Cerai Talak Hijab Anak Perempuan Terhadap Saudara Pewaris (Studi Komparatif Hukum Waris Islam dan Putusan MA RI No. 541 K/AG/2010)"
2015	Keadilan Gender Dalam Hukum Waris Islam (Studi Atas Analisis Al-yasa' Abubakar Terhadap Pemikiran Hazairin) Keabsahan Anak Dan Implikasinya Dalam Penentuan Wali Nikah Menurut Pegawai Pencatat Nikah Di Kabupaten Tegal
2016	Reformulasi Hukum Perkawinan Islam Responsif Gender Hak Pemberian Air Susu Ibu (ASI) Eksklusif Bagi Ibu Bekerja Di Indonesia Berbasis Prinsip-Prinsip Hukum Islam Pandangan Hakim Pengadilan Agama Sewilayah Eks Karesidenan Pekalongan Tentang Putusan Mahkamah Konstitusi Nomor 46/Puu-Viii/2010 Dan Implikasinya Terhadap Penetapan Asal-Usul Anak
2017	Penyelesaian Pembagian Harta Waris Di Kalangan Keluarga Kiai Pesantren Di Kabupaten Pematang Reformulasi Pasal 209 Kompilasi Hukum Islam
2018	Sikap Dan Pandangan Kepala KUA Kecamatan Batang, Blado Dan Tersono Kabupaten Batang Tentang Iddah Janda Hamil Qabla Dukhul Pengabulan Permohonan Dispensasi Kawin Di Pengadilan Agama Pekalongan
2019	Sikap Dan Pandangan Kepala Kantor Urusan Agama (KUA) Kabupaten Batang Tentang Pemeriksaan Kesehatan Pra Nikah

2020	Ketahanan Keluarga Narapidana : Kondisi Dan Faktor Penyebab
	Pemenuhan Hak Nasab Anak Terlantar Di Panti Asuhan Suko Mulyo Kota Tegal
	Peran Penyuluh Agama Dalam Mewujudkan Keluarga Sakinah Di Kecamatan Warungpring Kabupaten Pematang
2021	Ketahanan Keluarga Pasangan Penyandang Biseksual Di Komunitas Lgbt Kota Pekalongan
	Implementasi Kafaah Dan Pengaruhnya Bagi Ketahanan Keluarga Jam'iyah Rifa'iyah Kecamatan Kedungwuni Kabupaten Pekalongan
	Makna Cerai Gugat Pada Keluarga Tkw Di Kabupaten Brebes (Prespektif Budaya Hukum)
	Sikap Dan Pandangan Isteri Pertama Aparatur Sipil Negara (PNS) Terhadap Nikah Sirri Suaminya Di Kecamatan Kesesi Kabupaten Pekalongan Tahun 2020
	Dispensasi Kawin Bagi Janda Bawah Umur
	Ketahanan Keluarga Muallaf Dan Problematikanya
	Budaya Hukum Cerai Talak Dibawah Tangan Dan Akibat Hukumnya Terhadap Hak Isteri Dan Anak
Pemikiran KH. M. Hasyim Asy'ari tentang Haka dan Kewajiban Suami Isteri dalam Perspektif Qiraah Mubadalah	

Student Gender Ideology in Researching and Writing Scientific papers

Gender ideology is a series of ideas that describe the sexism of any particular society and provide a picture of a future society that creates contradictions between men and women. In this case, it is how students' ideas describe the contradictions between men and women in carrying out daily roles, both in the family environment, work environment and social environment. These ideas then construct the thoughts of students in carrying out research and writing scientific papers.

Gender ideology has a significant impact on the development of relations between men and women and is influenced or derived legitimacy from religious, cultural and social interpretations. The worst effect of this discrimination is the belief of gender differences as a provision of God or a final destiny. (Siti, 2010: 243-260). Thus, it is not easy for society to distinguish between the true provisions of God and the constructions established by man socially. Gender ideology has shaped a patriarchal culture in society and created a male-dominated culture, a male-dominated culture that gives rise to injustice. The following is a mapping of student gender ideology:

Gender Justice

a. Knowledge

The source of information about gender justice from informants is one of the factors that influence the interest and research studies carried out. This gender injustice is understood to depart from the inequality between men and women. There are several gender injustices that can be found in the daily lives of students:

- 1) Subordination: An emphasis or belief that one gender is more important than the other. This emphasis has been found for a long time, when the position and role of women were considered inferior to men. Subordination is the assessment that one gender is inferior to the other. Subordination is more prevalent in women and leaves them in an inferior or lower position. As one of the forms of gender injustice, subordination leads to the emergence of a distinction of the treatment of gender. The subordination of women occurs when the division of labor is carried out by gender and is connected with the function of women as mothers. Hal semacam ini juga terjadi dan pernah dialami oleh beberapa informan. For example, school time experience (Faiqoh, Mukhtaromah, & Eva, 2022), Because they are women, it is not uncommon to often be considered the most able to do housework, to take care of their male parents when their parents are away. Even though at the same time, they have brothers who have no other activities, except playing with their peers. Not only that, In the world of work, subordination is also easy to find. Compared to men, women are often not given a strategic position in decision-making. This is also what the Fatkhiyah experienced. He stated that on several occasions where he worked, he was very capable in competence, except that the leadership was more inclined to choose male employees than him. So this positioning is not based on competence, but based on mere gender.
- 2) Stereotypes: discriminatory bookkeeping between women and men. The establishment of relationships between women and men gives a label that curbs women so that they cannot get out of the attachment of attachment traits. It is undeniable that gender stereotypes are still deeply rooted and firmly entrenched. Many gender stereotypes discredit, both women and men. Other examples are such as "men should not cry" or "women are in the kitchen". There are no unconscious, stereotypes that limit and compartmentalize gender are even entrenched into things like color. In line with the stereotype "women should be gentle" such as the softness of pink, the color boxing makes many people limit themselves and their creativity because of this stereotype. In fact, any color is universal. Any color applies to everyone according to their own taste. Pink is worn by men and blue is worn by women is not a crime and a thing that should be normal. (Sugeng, Maryana, & Lutfi, 2022). There are at least two things that informants can express regarding this stereotype: a) women must be more refined than

men, both in speaking, behaving to the way of walking, how to eat and so on. b) easy stuff only for easy men and women only. (Bakir, 2022)

- 3) Marginalization: Women's positions are placed on the margins with weak imagery and have no meaning like men. As a result, females are always numbered in the family. The process of marginalization is tantamount to the process of impoverishment. This is because it is not given the opportunity to the marginalized party to develop itself. Women are the disadvantaged party than men in terms of this gender injustice. For example in terms of work. Women who work are considered only to provide additional living for the family, so the difference in salary is applied between women and men. The process of marginalization does not only occur outside of women, but marginalization in the personal sphere also affects women. This is due to the distrust of women which makes them then get out of the way of competition. (Mukhtaromah, Fatkhiyah & Fitro, 2022).
- 4) Double load: the workload that one sex receives is more than the other. In the context of women working, and living in an environment that applies traditional gender norms, namely cultural values that construct women as the person in charge of domestic (domestic) work, even though they work for a living. Such a situation is referred to as a double load. The involvement of women in performing dual roles is inseparable from the factors that influence them such as motivation, a strong desire to actualize themselves, the existence of positive beliefs and assessments of oneself in the ability to do positive things that can lead to success in the future.
- 5) Violence: acts of violence both physically and non-physically committed by one of the sexes or institutions of the family, and society. In detail there are three common types of violence against women: a) physical violence b) psychological violence c) financial violence d) sexual violence. Of the several types of violence above, in general, informants expressed their disapproval of acts of domestic violence. In addition those from personal experience have never received violent treatment from their respective parents or parents.

b. Experience

The construction of gender bias accepted from small will give rise to gender discrimination in education and society. In society, gender discrimination is already taught from the family environment. For example, when a father is going to go fishing, he will

take his son without caring or taking his daughter. Parents have also taught their sons that fishing is an activity intended for boys. Likewise a mother would tell her daughter to help her work in the kitchen and let her son play. The above facts are happening among rural communities, especially Javanese. Eight of the informants also stated that the treatment of parents in families when they were children was also the same. For example, in the division of daily tasks, as well as in the selection of daily attributes.

Such gender injustice is caused by several factors. First, the arrogance of men does not give women the opportunity to develop to the fullest at all. Second, there is a presumption that men are agreed to be the main breadwinners in the family. Third, the existence of a culture that always wins over men has taken root in society. Fourth, discriminatory legal norms and political policies. Fifth, women are very prone to rape and if this happens it will damage the image and norms of both the family and society, so women should be imprisoned in domestic duties only. (Mansour, 2008: 60-70)

According to Mohammad Yasir Alimi in Sufyan A. P. Kau and Zulkarnain Sulaiman, there are two factors that cause gender injustice (gender inequality). First, the male chauvinistic cultural factor, which is a culture that considers men to be powerful and superior beings. This view and tendency can occur due to the influence of local culture/culture. Second, legal factors, be it the content of the law, legal culture or the process of making and enforcing the law. State-made laws are often discriminatory against women, because lawmakers are insensitive to the specific needs of women, as are law enforcement officials. That is the circle of cultural (religious) conspiracies and political systems that deny women's rights. (Sufyan, tt: 10)

Gender Awareness

Factors of gender problems can be mapped as follows:

- a) Patrilineal cultural system. Most regions in Indonesia still adhere to the patrilineal cultural system, which is a system that places men as power holders. This system causes women to often go unnoticed for their rights and opinions. Furthermore, this has reduced the role of women in all aspects of social life.
- b) Level of education. There are still many parents who are poorly educated resulting in the perpetuation of the notion that the position of men is superior to that of women, and the absence of an understanding of gender equality.

- c) Economic factors. People with a lower middle economic level tend to provide wider opportunities for their sons to obtain higher education, because later men will become the backbone of the family.
- d) Limited facilities and infrastructure due to uneven development causes the community to tend to prioritize men over women.

Of the four things above, when associated with increasing student gender awareness, it can be categorized, as follows:

- a) Internal factors: factors born from students, in this case the patrilineal cultural system that is already attached to the family system, thus realizing unfavorable behavior and treatment for women. In addition to the patrilineal system, education and economics also greatly affect the gender awareness of students.
- b) External Factors: factors born from outside the student, in this case the existence of limited existing supporting facilities. Thus making their access limited by circumstances that exist outside of themselves.

Gender differences create gender ideologies that are colored by the view that men's standing is higher than that of women, which is also reinforced through religion and tradition. Through religious rituals and the freezing of constructed religious narratives, gender ideologies are transmitted and strengthened from one generation to the next. Gender ideology has a significant impact on religious development, but is also influenced or gained legitimacy from religious interpretations.

Gender Ideology in the Study of Islamic Legal Thought in Postgraduate

As for related to the construction of Islamic legal thought that exists in the Postgraduate, it can be grouped based on two things as follows:

Gender Studies Orientation

At the Postgraduate Program at UIN Pekalongan itself, in the last ten years, gender studies have begun to be often discussed, disseminated, taught in lectures, and researched. Especially after there is a special forum in the form of Al Muwazah scientific journal that contains works about gender and children. This is important as a means of developing and transmitting science at State Islamic Religious Universities, including at UIN Pekalongan, especially postgraduate gender studies are starting to be in demand, even the position of gender studies by some circles has begun to be considered important because it is realized

that it is able to analyze discourse problems that have a considerable role in creating and coloring cultural tendencies in society.

Based on the research findings, it can be stated that gender studies in Postgraduate Studies have existed since 2014, namely in the first batch of graduates with the theme of joint property division, this study is entitled *Perceraian Dan Implikasinya Terhadap Pembagian Harta Bersama Dan Pemeliharaan Anak*. From the data found, since graduating from the first batch in the Master of Islamic Family Law study program, there have been 26 thesis works that study gender with different study focuses. In looking at the findings of this study, it can be stated that the orientation or direction of gender studies of graduate students is more dominated by contextual or applicative-empirical studies than textual or normative-legalistic studies.

Theoretically, the whole science can be divided into three major groups, namely Formal Science, Empirical Science, and Practical Science. (Bernard, 2000: 114). Likewise in legal research. Empirical law is a law adopted by society. Because, in this case, in fact, the existing law is really lived and used as a foundation by society. In legal science, if studied in terms of research, law can be studied from two sides, namely the normative side and the empirical side. In research using empirical legal methods legal research is carried out to see the law in a real sense or can be said to see, researching how the law works in society.

In general, empirical law is widely used as a material for study in society. Many legal scholars in Indonesia use empirical law as a basis for legal research taken. Because the social influence on society on the influence of law is quite closely related. Empirical legal research is intended to invite researchers not only to think about legal problems of a normative nature (*law as written in book*), technical in operationalizing legal regulations such as machines that produce and produce certain results from a mechanical process, and of course only and should be prescriptive, although this is reasonable, given the true nature of legal norms that “*ought to be*” that.

Normative legal research in its history that initiated legal research and has consistently maintained its status as the direction and purpose of legal research. Even some legal experts are also of the view that beyond normative/doctrinal this is not legal research. This is in line with the opinion of Philipus M. Hadjon, who stated that from this angle the science of law has 2 (two) sides. On the one hand, legal science has its original character as

a normative science and on the other hand legal science has empirical aspects. The empirical side is the study of empirical law such as *sociological jurisprudence*, and *socio legal jurisprudence*. Thus from this point of view, normative legal science the method of study is typical. Empirical legal science can be studied through quantitative or qualitative research, depending on the nature of the data. (Philipus, 2005:76).

The following is a table of classifications of gender study orientation in student thesis work:

Student gender study orientation table:

No	Orientasi Kajian Gender	
	Normatif-Legalistik	Aplikatif-Empirik
1	Perceraian Dan Implikasinya Terhadap Pembagian Harta Bersama Dan Pemeliharaan Anak	Keabsahan Anak Dan Implikasinya Dalam Penentuan Wali Nikah Menurut Pegawai Pencatat Nikah Di Kabupaten Tegal
2	Pembaruan Hukum Keluarga Di Maroko (Studi Atas Perempuan Tidak Membutuhkan Izin Wali untuk Menikah Dalam Kajian Sosio-Historis)	Hak Pemberian Air Susu Ibu (Asi) Eksklusif Bagi Ibu Bekerja Di Indonesia Berbasis Prinsip-Prinsip Hukum Islam
3	Wali Nikah Bagi Perempuan Dalam Pandangan Abu Hanifah Dan Asy-Syafi'i	Pandangan Hakim Pengadilan Agama Sewilayah Eks Karesidenan Pekalongan Tentang Putusan Mhkamah Konstitusi Nomor 46/Puu-Viii/2010 Dan Implikasinya Terhadap Penetapan Asal-Usul Anak
4	Budaya Hukum Pemberian Nafkah Anak Pasca Putusan Cerai Talak	Penyelesaian Pembagian Harta Waris Di Kalangan Keluarga Kiai Pesantren Di Kabupaten Pemalang
5	Hijab Anak Perempuan Terhadap Saudara Pewaris	Sikap Dan Pandangan Kepala Kua Kecamatan Batang, Blado Dan Tersono Kabupaten Batang Tentang Iddah Janda Hamil Qabla Dukhul
6	Keadilan Gender Dalam Hukum Waris Islam (Studi Atas Analisis Al-yasa' Abubakar Terhadap Pemikiran Hazairin)	Sikap Dan Pandangan Kepala Kantor Urusan Agama (Kua) Kabupaten Batang Tentang Pemeriksaan Kesehatan Pra Nikah
7	Reformulasi Hukum Perkawinan Islam Responsif Gender	Ketahanan Keluarga Narapidana : Kondisi Dan Faktor Penyebab
8	Reformulasi Pasal 209 Kompilasi Hukum Islam	Pemenuhan Hak Nasab Anak Terlantar Di Panti Asuhan Suko Mulyo Kota Tegal
9	Pengabulan Permohonan Dispensasi Kawin Di Pengadilan Agama Pekalongan	Peran Penyuluh Agama Dalam Mewujudkan Keluarga Sakinah Di Kecamatan Warungpring Kabupaten Pemalang
10		Ketahanan Keluarga Pasangan Penyandang Biseksual Di Komunitas LGBT Kota Pekalongan
11		Implementasi Kafaah Dan Pengaruhnya Bagi Ketahanan Keluarga Jam'iyah Rifa'iyah Kecamatan Kedungwuni Kabupaten Pekalongan

Source: AKMA Postgraduate

Gender Studies Analysis Directions

Another very basic finding is that gender studies in this study are more interpreted as studies "about" women rather than studies with a gender perspective or studies that use gender as an analytical tool. Of the twenty-six studies recorded in this study, only two studies have a gender perspective. In other terms it can be stated that descriptive analysis is also more dominant than critical analysis. One such study is *Keadilan Gender Dalam Hukum*

Waris Islam (Studi Atas Analisis Al-yasa' Abubakar Terhadap Pemikiran Hazairin) dan Reformulasi Hukum Perkawinan Islam Responsif Gender. At first glance, it seems that there is no difference between the study of women and the study of gender perspective, but when you look closely, you will see the difference between the two. The difference is in the way the pandnag is used, not just gender, but rather the roles and functions between men and women.

Analysis of studies on women generally uses descriptive analysis, which only describes the position and role of women. Meanwhile, the analysis of gender studies uses critical analysis, which reveals the arguments behind the roles and positions of women so that it can be known whether women's positions and roles are gender equivalent (equivalent to men's positions and roles) or gender biases (causing discrimination, violence, double burdens, and male subordination to women).

CONCLUSION

The study of Islamic legal thought in Postgraduate can be grouped based on two things, first, Gender Studies Orientation, the findings of this study can be stated that the orientation or direction of gender studies of graduate students is more dominated by contextual or applicative-empirical studies than textual or normative-legalistic studies. second, The Direction of Gender Studies Analysis, gender studies in this study are more interpreted as studies "about" women not studies with a gender perspective or studies that use gender as an analytical tool. Even though the two have fundamental differences, the difference is in the way the view is used, not just gender, but rather the roles and functions between men and women. The mapping of student gender ideology in conducting research and writing scientific papers is gender justice and gender awareness. Gender justice and awareness depart from the knowledge of sources of information about gender justice from informants, and the experience of gender bias received or witnessed in the student environment from a small age so as to give rise to gender discrimination in education and society.

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