



**THE IMPLEMENTATION OF GENDER-RESPONSIVE FIQH:
A STUDY OF MODEL APPLICATION OF WOMEN-FRIENDLY
AND CHILD CARE VILLAGE IN POST-COVID-19 PANDEMIC**

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Abstract: Amid the gender-responsive movement, this study attempts to address issues in Islamic jurisprudence (*fiqh*). This is because *fiqh* products appear unable to address contemporary issues, particularly those affecting women and children. The frequent sexual and domestic abuse and women's slower acceleration than men are some of the issues women face today. Meanwhile, the current children in Indonesia are also experiencing various pressures with the many problems of violence against them. Worse yet, when Indonesia encounters health problems and the severity of Covid-19, Indonesia also faces the problem of women's and children's welfare. To overcome this problem, the Ministry of Women's Empowerment and Child Protection (*Kemen PPPA*) and the Ministry of Villages, Development of Disadvantaged Regions, and Transmigration (*Kemendesa PDRT*) have declared a Movement to Increase Women's Involvement through Women-Friendly and Child-Care Village. After the Covid-19 emergency, this movement is one of the synergistic efforts to achieve the Sustainable Development Goals (SDGs) in every town. This study of Islamic law is classified as a reaction to societal issues. This study focusing on literature studies finds that implementing women-friendly and child-care villages represents the responsive *ijtihad fiqh* methodology support in developing *fiqh* towards gender responsiveness.

Kajian ini bertujuan untuk menjawab tantangan terhadap hukum Islam (*fiqh*) di tengah gerakan responsif gender. Hal ini dikarenakan produk *fiqh* selama ini masih terkesan belum bisa merespon problematika kontemporer, khususnya problematika perempuan dan anak. Beberapa problematika yang dialami oleh perempuan saat ini adalah maraknya kekerasan seksual maupun kekerasan dalam rumah tangga serta akselerasi perempuan yang masih terbatas dibandingkan dengan laki-laki. Sementara itu, kondisi anak di

Indonesia saat ini juga mengalami berbagai tekanan dengan banyaknya problematika kekerasan terhadap anak. Lebih parah lagi ketika Indonesia dihadapkan dengan problem kesehatan dan ganasnya Covid-19, Indonesia juga dihadapkan dengan problem kesejahteraan perempuan dan anak. Sehingga untuk mengatasi problem tersebut, Kementerian Pemberdayaan Perempuan dan Perlindungan Anak (Kemen PPPA) bersama Kementerian Desa, Pembangunan Daerah Tertinggal, dan Transmigrasi (Kemendesa PDTT) telah mendeklarasikan Gerakan Peningkatan Keterlibatan Perempuan Melalui Desa Ramah Perempuan dan Desa Peduli Anak. Gerakan ini menjadi salah satu upaya sinergi mewujudkan Tujuan Pembangunan Berkelanjutan atau Sustainable Development Goals (SDGs) di setiap desa pasca darurat Covid-19. Upaya ini dalam kajian hukum Islam dikategorikan sebagai bentuk respon atas problematika yang ada di masyarakat. Kajian yang menitikberatkan pada studi pustaka ini menemukan bahwa implementasi desa ramah perempuan dan peduli anak adalah representasi dari metodologi *ijtihad* fiqh responsif. Pada aspek praktis, temuan dalam kajian ini memiliki kontribusi dalam perumusan kebijakan yang berorientasi pada keramahan terhadap perempuan dan anak yang kemudian menjadi alternatif dan sandaran dalam pengembangan fiqh menuju responsif gender.

Keywords: Friendly and Caring Village; Women and Children; Responsive *Fiqh*.

INTRODUCTION

The Islamic law products have contributed to perpetuating injustice against women in ancient Islamic legal doctrine.¹ This injustice manifests in various ways in women's lives, including marginalization, subordination, and violence against women.² Islamic law's legitimacy tends to favor men and, on the other hand, discriminates against women. As a result of this traditional pattern of Islamic law, women are frequently marginalized³ in leadership, guardianship, witnessing, polygamy, inheritance, *nusyuz*, and other aspects.⁴ Various provisions of the Islamic law that feminists believe are prejudiced against women.⁵

The Islamic law products acquired through *istinbath al-ahkam* always begin with a problem that must be solved in studying Islamic law (*fiqh*). Furthermore, *fiqh* is essential to change to a *shari'a* purpose with a dimension of an embodiment of goodness (*maqashid sharia*), not just to make decisions.⁶ *Fiqh* is also expected

¹ Masykuri Abdillah & Mun'im A. Sirry, "Hukum Yang Memihak Kepentingan Laki-Laki: Perempuan Dalam Kitab Fiqh" in Ali Munhanif, *Mutiara Terpendam: Perempuan Dalam Liteatur Islam Klasik* (Jakarta: Gramedia, 2002).

² Ilya Muhsin, Sukron Ma'mun, Wardah Nuroniayah, "Sexual Violence in an Islamic Higher Education Institution of Indonesian: A Maqasid Al-Shariah and Foucauldian Perspective," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (2021).

³ See Euis Nurlaelawati & Arskal Salim, "Gendering the Islamic Judiciary: Female Judges in the Religious Courts of Indonesia," *Al-Jami'ah: Journal of Islamic Studies* 51, no. 2 (2013).

⁴ Aswiyanto, "Women, Reconciliation Right and Gender Justice in Islam Family Law," *Jurnal Penelitian* 16, no. 2 (2019).

⁵ Asni, "Membongkar Akar Bias Gender Dalam Hukum Islam (Telaah Fikih Perempuan Perspektif Sejarah Sosial Hukum Islam)," *Jurnal Al-Maiyyah* 9, no. 1 (2016): 18.

⁶ Iffatin Nur, Syahrul Adam, M. Ngizzul Muttaqien, "Maqāṣid Al-Sharī'at: The Main Reference and Ethical Spiritual Foundation for the Dynamization Process of Islamic Law," *Ahkam: Jurnal Ilmu Syariah* 20, no. 2 (2020).

to serve as a social mediator in today's world. ⁷*Fiqh* must be able to position itself when a government makes policies, including in this case.⁸This type of *fiqh* responsiveness has subsequently evolved into responsive products using various ways and approaches.

The 'women's and children's emergency'⁹ in Indonesia is a problem that always sticks out and is never resolved.¹⁰ However, the number of cases injuring women and children in Indonesia yearly always increases.¹¹The increase in cases of violence against women and children can be seen in the course of the last three years in Indonesia. In 2019, violence against women and children was 431,471 cases, which increased 6% from 2018.¹²

When the Covid-19 pandemic hit Indonesia in 2020, movement limitations will increase the danger of violence against women and children.¹³According to *Komnas Perempuan* (Women Commission) data, the number of violence cases against women and children has increased eightfold.¹⁴In 2021, the statistics on violence against women and children increased. The Secretary of the Ministry of Women's Empowerment and Child Protection stated that the trend of growing occurrences of violence against women and children happened between 2019 and 2021.¹⁵ According to the data above, violence is a complex issue¹⁶since the status and condition of women and children in Indonesia are paradoxical as a phenomenon of violence that tends to increase yearly.¹⁷

⁷ Muhammad Noor Harisudin, "Islam Wa Fiqh Nusantara: Al-Tanafus 'alá al-Huwiyyah Wa 'alaqat al-Sultah Wa al-Ramz al-Dini Li Jam'iyah Nahdlatul Ulama," *Studia Islamika: Indonesian Journal for Islamic Studies* 24, no. 3 (2017).

⁸ See Ahmad Muhtadi Anshor & Muhammad Ngizzul Muttaqin, "Implementasi Pemikiran Fiqih Prioritas Yusuf Al Qardhawi Sebagai Upaya Membangun Kebijakan Berbasis Kemanusiaan," *Al-Maslahah: Jurnal Ilmu Syariah* 16, no. 1 (2020).

⁹ Women and children emergency can be seen in the news about violence towards women and children during 2021. Anita Permata Dewi, "Sinyal Darurat Kekerasan Terhadap Perempuan Dan Anak," *ANTARANEWS.Com*, 31 Desember, 2021.

¹⁰ R. Wahyu Tri Hartono, Amy Nadia Hidayah, Fahmi Shohib Maulana, Fajar Surya, "E-Prevent: Stop Kekerasan Terhadap Perempuan Dan Anak," *Prosiding The 12th Industrial Research Workshop and National Seminar, Bandung*, 4-5 Agustus, 2021.

¹¹ Find it in Tim Editor, "KemenPPPA: Kasus Kekerasan Anak Dan Perempuan Meningkat Di 2021," *CNNINDONESIA*, 9 Desember, 2021.

¹² Tim Redaksi, "Darurat Kekerasan Seksual Perlu Penanganan Komprehensif," *Kemenko PMK*, 17 Maret, 2020.

¹³ See Elisabeth Dewi, "Gender, Kepemimpinan Dan Kemanusiaan: Sebuah Refleksi Situasi Pandemi Covid-19," *JlHI: Jurnal Ilmiah Hubungan Internasional*, 2020.

¹⁴ Tim Redaksi, "Bersatu Hapuskan Kekerasan Pada Perempuan Dan Anak," *Kemenko PMK*, 27 Oktober, 2021.

¹⁵ Tim Editor, "KemenPPPA: Kasus Kekerasan Anak Dan Perempuan Meningkat Di 2021," *CNNINDONESIA*, 9 Desember, 2021.

¹⁶ See Mahlil, "Peranan Dinas Pemberdayaan Perempuan Dan Perlindungan Anak Dalam Mengurangi Angka Kekerasan: Studi Deskriptif Analitis Pada Korban Pornografi Dan Narkoba Di Banda Aceh," *Jurnal Al-Bayan: Media Kajian Dan Pengembangan Ilmu Dakwah* 24, no. 2 (2018).

¹⁷ Roudlatul Maunah, Sri Kusriyah, Umar Ma'ruf, "Local Government Policies In Protection Of Women And Children From Violence In Semarang City," *Proceeding of International Conference on The Law Development For Public Welfare*, 2021, 170.

The rise in statistics on violence against women and children in the previous three years has undoubtedly created new difficulties for the Indonesian government to address. The Ministry of Women's Empowerment and Child Protection, in collaboration with the Ministry of Villages, Development of Disadvantaged Regions, and Transmigration, declared a "Movement to Increase Women's Involvement through Women-Friendly and Child-Care Village" in response to the government's concern. This project is one approach to the 'Sustainable Development' concept (Sustainable Development Goals SDGs).¹⁸ The activities of the Indonesian government's two ministries reflect the government's concern for women and children.

Regarding social factors influencing gender-responsive Islamic legal products (*fiqh*), Indah Wigati points out that all members of society must be sensitive to achieve gender-responsive social features.¹⁹ Windy Triana and Milah Karmilah discovered that gender problems in the Islamic law curriculum are still a difficult task. The rules, principles, and ideology of ancient Islamic law, still deeply established, are to blame for this situation.²⁰ Regarding the idea of gender *fiqh* in Indonesia, Arifah Millati Agustina found that the existence of inequality and discrimination against women in several legal regulations in Indonesia has provoked the existence of a gender *fiqh ijtihad* model.²¹

Linda L. Carli's research on the challenges experienced by women and children during the Covid-19 pandemic found a considerable impact on women and children. These effects can be seen in various domains, including women's employment and children's schooling. As a result, this situation risks discrimination and a double burden for women and children.²² Covid-19 has produced a crisis and burden on women, according to Kate Power's research findings. Without proactive action, the harmful impact on women and families might endure for years, according to Kate Power.²³ According to Berta Ausn et al.'s research, Covid-19 has a more substantial psychological influence on women than males.²⁴

¹⁸ Tim Redaksi, "Kemen PPPA Dan Kemendes PDTT Deklarasikan Desa Ramah Perempuan Dan Desa Peduli Anak," *Kementerian Pemberdayaan Perempuan Dan Perlindungan Anak Republik Indonesia*, 11 November, 2020.

¹⁹ Indah Wigati, "The Social Aspects of Gender-Responsiveness in Schools," *SAWWA: Jurnal Studi Gender* 14, no. 2 (2019).

²⁰ Windy Triana & Milah Karmilah, "Gender Awareness in Islamic Legal Education," *Ahkam: Jurnal Ilmu Syariah* 19, no. 1 (2019).

²¹ Arifah Millati Agustina, "Gender Construction in The Perspective of Living Fiqh in Indonesia," *Justicia Islamica Jurnal Kajian Hukum Dan Sosial* 18, no. 2 (2021).

²² Linda L. Carli, "Women, Gender Equality and Covid-19," *Gender in Management*, 2020, <https://doi.org/10.1108/GM-07-2020-0236>.

²³ Kate Power, "The COVID-19 Pandemic Has Increased the Care Burden of Women and Families," *Sustainability: Science, Practice and Policy* 16, no. 1 (2020).

²⁴ Miguel Ángel Castellanos & Manuel Berta Ausín, Clara González-Sanguino and Muñoz, "Gender-Related Differences in the Psychological Impact of Confinement as a Consequence of Covid-19 in Spain," *Journal of Gender Studies* 30, no. 9 (2020).

By mapping several studies on the vulnerability of women and children during the Covid-19 pandemic as described above, it appears that there is a heavy burden for women and children during the Covid-19 pandemic.²⁵ Even after the pandemic subsided in 2021, the burden on women and children continues. This circumstance necessitates a response from all parties involved, especially the government. One answer to this challenge is to work to create a village that is welcoming to women and cares for children. The government's initiatives and policies necessitate a unique strategy to be implemented. Islamic law should participate in the government's efforts to offer protection and care for women and children as a reaction to Islamic law that has existed side by side with people's lives. This study seeks to formulate the concept of responsive *fiqh* to assist the government's efforts to provide protection to women and care for children. Through gender-responsive *fiqh*'s ontology, epistemology, and axiology perspective,²⁶ this study looks at the government's efforts and policies regarding the women-friendly and child-care village model as an alternative to gender-responsive *fiqh*.

This study used qualitative research methods with library research.²⁷ The data in this study were collected using the documentation method for primary and secondary sources.²⁸ Primary sources were taken from the Ministry of Women's Empowerment and Child Protection provisions and the Ministry of Villages, Development of Disadvantaged Regions, and Transmigration regarding the village model that is friendly to women and cares for children. Meanwhile, secondary data were taken from research by previous researchers on the conception of women's and children's protection and studies on responsive jurisprudence as a basis for analysis. Meanwhile, the data in this study were analyzed using content analysis techniques. In particular, this study focuses on the government's efforts through the Ministry of Women's Empowerment and Child Protection and the Ministry of Villages, Development of Disadvantaged Regions, and Transmigration in formulating a friendly village model for women and cares for children with responsive *fiqh*.

GENDER-RESPONSIVE *FIQH*: REPRESENTATION OF DIALECTIC TEXT AND CONTEXT

The contemporary era is one in which human resources are being developed, socioeconomic independence is being achieved, and living standards are raised

²⁵ See Ikfina Chairani, "Dampak Pandemi Covid-19 Dalam Perspektif Gender Di Indonesia," *Jurnal Kependudukan Indonesia*, 2020.

²⁶ Asmawi, "Epistemologi Hukum Islam Perspektif Historis Dan Sosiologis Dalam Pengembangan Dalil," *Tribakti: Jurnal Pemikiran Keislaman* 32, no. 1 (2021): 74.

²⁷ Mestika Zed, *Metode Penelitian Kepustakaan* (Jakarta: Yayasan Obor Indonesia, 2007).

²⁸ See Mukhtar, *Metode Praktis Penelitian Deskriptif Kualitatif* (Jakarta: Referensi, 2013).

while morality, solidarity, and social responsibility are upheld. Islamic law (fiqh) frames itself as responsible for resolving people's issues by offering various paths based on circumstances and situations. Islamic law (fiqh) is a contextual response to the dynamics of the times, urging people to be more proactive and reactive to issues such as social welfare, economic progress, independence, and other human necessities.²⁹ To put it another way, Islamic law (fiqh) is required to address the issue of worship and contribute to people's growth and welfare regarding social, economic, cultural, and educational aspects.³⁰

Human needs are becoming more critical in settlement of religious life due to the rapid development and issues of Islamic law. The necessity for Islamic legal products in modern life, according to al-Qaradawi, is not an act of playing games and breaking the law.³¹ Some people desire Islamic guidance to be followed in everyday life, in numerous domains of modern life, and in various dimensions. As a result, the study of Islamic law (fiqh) needs to be broadened by considering aspects of societal concerns. The role of Islamic law (fiqh) as a scientific subject that gives birth to case law must be more adaptable to changing circumstances. To meet these demands, studying Islamic law (fiqh) today, following the situation and development of the times, is very necessary. In essence, how Islamic law (fiqh) can make breakthroughs by giving birth to various legal products that follow the challenges of the times and the needs of society while still prioritizing the values of the teachings of the Qur'an and As-Sunnah. Al-Shafi'i adjusted to this change with the emergence of an old opinion (*qaul qadim*) and a new one (*qaul Jadid*).³²

The pattern mentioned above of fiqh is an interpretation of the pattern of modernity responsiveness. Fiqh responds to its realization by attempting to provide alternative ways and solutions to all of the community's needs and demands. Modern society's socio-religious existence is not founded on material or hedonic paradigms; instead, it alludes to the common good, justice, and equality. Responsive fiqh uses a systematic pattern of fiqh formulation and products to guide and shape people's lives in a just and equitable way. The urgency of this responsive fiqh is to answer to modern society's socio-religious life due to many difficulties and lifestyles and wild paradigms that can occasionally alter lifestyle and behavior. Responsive fiqh contributes to developing guidelines and methods for living in a good, just, and equal society. It also offers a way to act under Islamic

²⁹ See Akh. Minhaji, "Reorientasi Kajian Ushul Fiqih," *Al-Jami'ah: Journal of Islamic Studies*, no. 63 (1999).

³⁰ Rasyid Arbanur, "Social Fiqh and Its Implications for Community Life in Society 5.0," *Al-Ahkam: Jurnal Pemikiran Hukum Islam* 31, no. 2 (2021): 145.

³¹ Find it in, Yusuf al-Qaradawi, *Al-Ijtihad Fi al-Shari'ah al-Islamiyyah Ma'a Nazrati Tahliyyat Fi al-Ijtihad al-Mu'asir* (Kuwait: Dar al-Qalam, 2007).

³² See Al-Imam Abi 'Abdillah Muhammad Ibn Idris Al-Syafi'i, *Al-Risalah* (Beirut: Dar Ihya' al-Kutub al-'Arabiyyah, 1998).

teachings by avoiding external paradigms that contradict Islamic teachings while applying global Islamic norms in terms of benefit and locality.³³

Responsive fiqh, in this case, is understood as a process of *ijtihad* and dialectic between the *maqashid sharia* doctrine and social reality, which is necessary for the contextual era.³⁴ The realization of responsive fiqh in the current contemporary era is a concrete step to developing a broader study of fiqh in alleviating the increasingly complex problems of the people. This condition is no longer only oriented to ritual worship vertically but also horizontally towards others. Thus, the impact of realizing a more humanist, socialist, ethical, and spiritual social life can encourage wiser human progress. In this case, it can be called a responsive fiqh paradigm. In addition to providing guidance and a way to live as a human being, it also provides a perspective to act according to Islamic teachings by not following external paradigms that deviate from Islamic teachings and educating and guiding people to implement social values based on *maqashid sharia*.³⁵

Responsive fiqh formulations are based on the structure of change and development of the times that cannot be separated from religious texts. That is, religion is required to be able to inspire the process of change and modernization. In this case, fiqh, the essential part of the meaning of religious law texts, places itself as a responsibility. Efforts to interpret texts based on reflection and their relevance to modernity have become the realm of responsive fiqh formulations. Responsive fiqh is expected to provide answers and solutions to problems in the current contemporary era.³⁶ The interpretation of the text through this responsive fiqh formulation focuses on new approaches and methods relevant to modern society.³⁷

Regarding gender-responsive fiqh, the ontology aspect of fiqh is a reflection and interpretation of *mujtahids* through various approaches to building responsive fiqh.³⁸ In fiqh epistemology, al-Jabiri focuses on an epistemology which is a broad understanding of the text's intent and purpose.³⁹ Efforts to explore the meaning of this text are oriented to the aspects of the text's objectives through sharp

³³ See Agus Moh Najib, "Reestablishing Indonesian Madhhab: Urf and the Contribution of Intellectualism," *Al-Jami'ah: Journal of Islamic Studies* 58, no. 1 (2020): 182.

³⁴ See Muhammad Ngizzul Muttaqin & Iffatin Nur, "Fiqh Jalan Tengah (Mempertemukan Maqashid Syari'ah, Hukum, Dan Realitas Sosial)," *Zawiyah: Jurnal Pemikiran Islam* 5, no. 2 (2019).

³⁵ See Maulidi, "Menggagas Fikih Responsif: Upaya Progresif Modernisasi Fikih," *AL-'ADALAH* 14, no. 2 (2017).

³⁶ Iffatin Nur & Muhammad Ngizzul Muttaqin, "Reformulating The Concept of Maqāshid: From A Textual Confinement Towards A Logic Determination," *Justicia Islamica Jurnal Kajian Hukum Dan Sosial* 17, no. 1 (2020).

³⁷ Muh. Mukhlis Abidin, "Paradigma Maqāsid Syariah Menjadi Disiplin Ilmu," *Tawazun: Journal of Sharia Economic Law* 2, no. 1 (2019): 74.

³⁸ See Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: the International Institut of Islamic Thought, 2007).

³⁹ See Muhammad Abid al-Jabiri, *Takwin Al-'Aql al-'Arabi* (Beirut: Al-Markaz al-Saqafi al-'Arabi, 2009).

reasoning.⁴⁰ Meanwhile, in the axiological aspect, fiqh is a means to understand God's purposes and goals. In this case, human welfare is the primary orientation in extracting Islamic law (*ijtihad*).⁴¹ In such conditions, fiqh's responsiveness to gender is fiqh's effort to realize justice for women and children.

WOMEN-FRIENDLY MOVEMENT AND CARE FOR CHILDREN

Women and children have always been considered vulnerable populations, even in modern times. This is since women and children continue to face various issues in everyday life, including discrimination and assault. Apart from prejudice and abuse, women and children continue to face numerous challenges regarding poverty, the economy, and education. The issues above are undoubtedly a source of concern for women and children in their daily lives. The existence of such issues, of course, becomes a barrier and has a detrimental impact on Indonesia's growth achievements. The state's response to protect women and children requires programs and activity models in the context of empowering women and children to realize sustainable development. This condition then became the focus of the Sustainable Development Goals (SDGs) program to achieve gender equality, empower women, and care for children. This goal was followed up by the Ministry of Women's Empowerment and Child Protection (Kemen PPPA) and the Ministry of Villages, Development of Disadvantaged Regions, and Transmigration (Kemendesa PDTT).⁴²

Various initiatives and issues about gender equality have surfaced, similar to those encountered by women and children. These attempts are replicated in the movement's interpretation based on religious sources.⁴³ In addition to religious struggles,⁴⁴ the fight for gender equality has been waged at the national and international levels, with the United Nations (UN) committing to a 30% quota for women in politics and public service. On the other hand, women lag far behind because men still dominate them.⁴⁵ A convention on children's best interests has kicked off the fight for justice for children.⁴⁶ The struggle, however, is still classified as wishful thinking that has yet to be realized. Cultural norms

⁴⁰ See Muhammad Abid al-Jabiri, *Al-Khithab al-Arabiyy al-Mu'ashir: Dirasah Tahliliyah Naqdiyyah* (Beirut: Markaz al-Wihdah al-Arabiyyah, 1992).

⁴¹ See Jasser Auda, *Fiqh Al-Maqasid Inatat al-Ahkam Bi Maqasidiha* (Herndon: IIIT, 2007).

⁴² Tim Editor, "Peran Desa Dalam Pemberdayaan Perempuan & Perlindungan Anak," *CNNINDONESIA*, 29 Desember, 2021.

⁴³ Alimatul Qibtiyah, "Mapping of Muslims Understandings on Gender Issues in Islam At Six Universities in Yogyakarta, Indonesia," *Al-Jami'ah: Journal of Islamic Studies* 56, no. 2 (2018).

⁴⁴ Husein Muhammad, *Fiqh Perempuan: Refleksi Kiai Atas Tafsir Wacana Agama Dan Gender* (Yogyakarta: IRCiSod, 2019).

⁴⁵ See Siti Ruhaini Dzuhayatin, "Gender Glass Ceiling in Indonesia: Manifestation, Roots and Theological Breakthrough," *Al-Jami'ah: Journal of Islamic Studies* 58, no. 1 (2020).

⁴⁶ Leonora Bakarbesy & Dian Purnama Anugerah, "Implementation of The Best Interests of The Child Principles in Intercountry Adoption in Indonesia," *Yuridika* 33, no. 1 (2018).

and social behaviors that are dialectically coupled with patriarchy and religion are the primary cause.⁴⁷

The establishment of women's organizations is inextricably linked to the history of the Indonesian movement for gender equality and child justice.⁴⁸ Women and children were mainly excluded from forming the first women's organization in Indonesia, both religious and social. As a result, women and children are treated as always defeated objects. However, numerous women's and children's freedom movements have occurred in Indonesia.⁴⁹

By studying the history of women and children in Indonesia, it is clear that treating women and children as vulnerable groups cannot be justified. This pro-women and the pro-child-care movement grew into an open association to demonstrate how religious and societal beliefs consider women and children as a group that requires fairness. This also demonstrates that Indonesia's dominant cultural, political, or ideological backdrop still considers women and children second-class citizens. However, in the current contemporary era, there has been a shift in the understanding of religious and social texts of society. This shows that there has been a gender movement in the realm of religion and socio-culture in Indonesia.

The gender equality movement in different periods had different priorities, different levels of autonomy for women and children, and different strategies. These facts result from the influence of the gender ideology adopted by the government, the movement for change, and international relations among gender activists globally. Initially, it was a women-friendly and child-friendly movement with gender equality such as the right to education, economic rights, democratic rights, justice rights, and the marriage law.⁵⁰

At the end of the colonial era, problems were more focused on education, democratic rights, and marriage law. The marriage law, especially regarding women and children's rights, has become the most controversial issue since the movement's birth. Since the 1980s, there has been criticism of patriarchal culture as the root of gender equality.⁵¹

The gender ideology adopted by the government has influenced the gender equality movement in Indonesia in different ways. In the Old Order and the post-independence period, they did not pay much attention to women's problems because the government was more focused on nation-building. On the other

⁴⁷ See Zulfatun Ni'mah, "The Violation on Women's Rights in the Unilateral Divorce in Sasak Community From a Feminist Legal Theory," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 13, no. 1 (2018).

⁴⁸ J. Scott, "Gender: A Useful Category for Historical Analysis," *American Historical Review* 91 (1986): 1067.

⁴⁹ Yunahar Ilyas, *Kesetaraan Gender Dalam Al-Quran: Studi Pemikiran Para Mufasssir* (Yogyakarta: Labda Press, 2006).

⁵⁰ Mufidah CH, *Isu-Isu Gender Kontemporer Dalam Keluarga* (Malang: UIN Maliki Press, 2010).

⁵¹ Hilary M Lips, *Sex & Gender an Introduction* (California: Mayfield Publishing Company, 2016).

hand, during the New Order era, the government paid more attention to women's organizations and used them to support government policies. In the Reformation Era, the government seems to have been actively involved through the Ministry of Women's Empowerment. Other factors, including the neo-modernist or renewal movement, the revivalist movement, and international relations among gender activists globally, have also influenced the gender equality movement in Indonesia. The neo-modernist movement contributed to how Muslim gender activists reread religious texts, while the revivalist movement presented them with new challenges. Meanwhile, an international network of gender activists strengthens the progress of the gender equality movement in Indonesia.⁵²

As explained above, the history of the gender movement in Indonesia to achieve justice for women and children appears to have affected the government's philosophy in formulating numerous programs that represent women and child protection. This representation becomes a policy issue and a model for the government's efforts to create a more welcoming environment for women and children. The Ministry of Women's Empowerment and Child Protection (Kemen PPPA), in collaboration with the Ministry of Villages, Development of Disadvantaged Regions and Transmigration (Kemendesa PDTT), has come up with a plan to protect women and children in the future.

IMPLEMENTATION OF THE WOMEN-FRIENDLY AND CARE OF CHILDREN VILLAGE MODEL IN A RESPONSIVE FIQIH APPROACH

During the Covid-19 pandemic, cases of violence against women and children have skyrocketed.⁵³ According to the National Commission for Women, violence against women has climbed by 792 percent, or nearly eightfold, in the last 12 years.⁵⁴ In 2020, there were 2,341 new violence cases against women and children. This figure has risen by as much as 65 percent from the previous year.⁵⁵ These graphs depict the challenging situation faced by Indonesian mothers and children. Indonesia was mentioned in the Gender-Based Violence Education class as having endured physical, psychological, and sexual violence against women and children and commercial exploitation. Women and children's well-being, dignity, survival, and growth are all threatened by this violence.

⁵² Alimatul Qibtiyah, "Indonesian Muslim Women and The Gender Equality Movement," *Journal of Indonesian Islam* 3, no. 1 (2009): 193.

⁵³ Tim Editor, "Kekerasan Terhadap Anak Meningkatkan Selama Pandemi," *CNNINDONESIA*, 02 November, 2021.

⁵⁴ Tim Editor, "Kekerasan Terhadap Perempuan Naik 8 Kali Lipat Dalam 12 Tahun," *TEMPO.CO*, 6 Maret, 2020.

⁵⁵ Tim Redaksi, "Siaran Pers Dan Lembar Fakta Komnas Perempuan: Catatan Tahunan Kekerasan Terhadap Perempuan 2020," *Siaran Pers Komnas Perempuan*, 6 Maret, 2020.

In truth, sexual violence against women and children is prevalent in Indonesia, accounting for 41% of all cases. This indicates that out of every 100 women and children, 41 have been sexually abused. Gender-based violence includes acts of violence against women and children. In Indonesia, this is one of the repercussions of gender inequality. Even if one of the sexes violates social norms, this is not a grounds to legitimize an act of violence perpetrated by the perpetrator. Gender-based violence can occur in cyberspace and open areas regarding violence against women and children.⁵⁶

The Ministry of Women's Empowerment and Child Protection, in collaboration with the Ministry of Villages, Development of Disadvantaged Regions, and Transmigration, took the initiative and launched a women- and child-friendly village program.⁵⁷ These programs and policies target villages that interpret gender movement and care for children as part of their execution. The development, development, and empowerment of women and children are at the heart of village governance. Village government is likewise based on long-term and thorough planning.

Furthermore, nine elements of village government policies are evaluated at the implementation level of women- and child-friendly village programs and policies, such as:⁵⁸

1. The extent to which village government policies regulate and implement the implementation of women-friendly and child-care village programs
2. Increasing women's entrepreneurship in the village environment
3. Increase the representation of women in the structure of the village apparatus and the village consultative body (BPD)
4. Increase the participation of women and children in the village development process
5. Increasing the role of mothers and families in the care and education of children
6. Removing and preventing children in the world of work
7. Prevent child marriage
8. Make efforts to eliminate violence against women and children
9. Provide comprehensive services if violence against women and children has been found

⁵⁶ Tim Editor, "Kasus Kekerasan Terhadap Anak Perempuan Meningkat Selama Pandemi Covid-19," *Liputan 6*, 16 Juli, 2021.

⁵⁷ Sonya Hellen Sinombor, "Melindungi Perempuan Dan Anak Dari Desa," *Kompas.Id*, 12 November, 2020.

⁵⁸ Ade Nasihudin Al Ansori, "9 Ukuran Keberhasilan Program Desa Ramah Perempuan Dan Peduli Anak KemenPPPA," *Liputan 6*, 12 Juni, 2021.

The Ministry of Women's Empowerment and Child Protection, in collaboration with the Ministry of Villages, Development of Disadvantaged Regions, and Transmigration, believes that numerous problems affecting women and children must be addressed beginning in the village. This is because the village is the smallest government before entering the state government. Village leaders and the community are expected to be able to resolve the issues that women and children have faced. By pursuing the right to protection against them, the village administration must promote a sense of security and comfort for women and children. The intended protection is protection from all forms of violence, such as exploitation and discrimination, supported by public facilities and infrastructure that have the exact dimensions of women and care for children.

The village government must tackle women's and children's problems as a whole to implement and implement the women mentioned above's and child-friendly village policies and programs. Village governments are also encouraged to update data based on SDGs to simplify and map the village's issues and opportunities. The goal of updating this village data is to identify possibilities and investigate problems that exist in the community. The SDGs-based update room is hoped to provide a balanced space for the village administration to investigate all challenges and assess the community's possibilities. SDG-based data mapping can also help rural communities formulate priority policies and long-term development plans.

Female-friendly village initiatives and policies that care for children align with Indonesian President Joko Widodo's third *nawacita*, which argues that Indonesia's growth must be carried out from the periphery through strengthening regions and villages. The Ministry of Women's Empowerment and Child Protection, in collaboration with the Ministry of Villages, Development of Disadvantaged Regions, and Transmigration, followed up by developing women- and child-friendly village policies and initiatives. Women's participation in decision-making in the area of village governance is also a goal of this initiative. These policies and programs are hoped to reduce the number of violence against women and children, child marriage, and child labor, as well as increase women's economic independence.⁵⁹

In the era of the Covid-19 pandemic, many kinds and surges in violence against women and children necessitate preventative and response actions.⁶⁰ The Ministry of Women's Empowerment and Child Protection, in collaboration with the Ministry of Villages, Development of Disadvantaged Regions, and Transmigration, is implementing women- and child-friendly village policies and

⁵⁹ Juli, "Pemimpin Penggerak Desa Ramah Perempuan Dan Peduli Anak Dikukuhkan," *Info Publik: Portal Berita Info Publik*, 29 Desember, 2020.

⁶⁰ okenews, "Perempuan Kian 'Terperangkap' Di Tengah Pembatasan Sosial Covid-19," 20 Mei, 2020.

programs that can be used to respond to all forms of violence against women and children. In the post-Covid-19 era, it is hoped that the Indonesian state will be obligated to protect women and children and defend its inhabitants from the virus's virulence. The women-friendly and child-friendly village concept is expected to be implemented to give women and children protection and education.

Following the Covid-19 emergency, the government's efforts to develop women- and child-friendly villages appear to be more urgent. Even though this village model was introduced and programmed in 2020, it can be utilized whenever the village has updated the SDGs data in the village area.⁶¹ Because Covid-19 cases had declined, the adoption of this village model became relevant when the country's attention was no longer on dealing with the disease.

In the Islamic law (fiqh) study, all of society's problems and issues must be addressed from an Islamic perspective. In today's world, this type of fiqh product is required to establish the notion of responsive fiqh. This is because, compared to the challenges of Islamic law in the classical period, the problems in the modern-day are much more complicated and diversified. *Based on maqashid sharia* with the substance of justice and equality, responsive fiqh is founded on the responsiveness of fiqh to current situations.⁶²

Implementing the women-friendly and child-friendly village model is the primary mission of *maqashid sharia*,⁶³ namely the realization of justice and equality for women and children⁶⁴ in every village government policy. At the practical level after the Covid-19 emergency, the implementation of women-friendly and child-friendly villages can be used as the basis for the village government to set policies in all sectors of life. Through this implementation effort, the existence of justice for women and children in Indonesia can be realized. From the perspective of responsive fiqh, the village model that is friendly to women and cares for children is the actualization of the concepts of justice and equality in *maqashid sharia*.⁶⁵ From the viewpoint of Islamic law, this governance idea is justified by *maqashid sharia*. Even though classical fiqh still contains components of worship, responsive fiqh in the modern-day now has dimensions of empowerment, advocacy, and protection. This fiqh model is more than just a fiqh format with dimensions for halal and haram laws. However, let us look at a broader interpretation, namely the significance of religion as it relates to life's ethical dimensions.⁶⁶

⁶¹ Tim Editor, "SDGs Desa Diyakini Punya Peran Besar Atasi Pandemi Covid-19 Di ASEAN," *Kompas.Com*, 26 November, 2021.

⁶² See Fauzi, *Hak Asasi Manusia Dalam Fikih Kontemporer* (Depok: Prenadamedia Group, 2018).

⁶³ See Maulidi, "Menggagas Fikih Responsif: Upaya Progresif Modernisasi Fikih."

⁶⁴ Also see Ahmad Muhtadi Anshor, "Fiqh and Progressive Law: Study of Inequality and Racial Issues in America," *Al-Daulah: Jurnal Hukum Dan Perundangan Islam* 11, no. 1 (2021).

⁶⁵ Ahmad Al-Raysuni, *Nazhariyat Al-Maqashid 'Inda al-Imam al-Syathibi* (Beirut: Dar al-Arabi, 2007).

⁶⁶ See Ahmad Imam Mawardi, *Fiqh Minoritas (Fiqh al-Aqalliyat Dan Evolusi Maqashid al-Syari'ah Dari Konsep Ke Pendekatan)* (Yogyakarta: LKiS, 2010).

The methodological instrument of responsive fiqh as the basis for a women-friendly and child-friendly village model focuses on *ushul al-fiqh* developing in Indonesia. Currently, the study of *ushul al-fiqh* in the archipelago raises the idea of that Islamic law's priority goals are⁶⁷In the discourse on the study of Islamic law (fiqh) in Indonesia, all Indonesian people have the same status and access to justice, including women and children, whose equal rights must be protected and guaranteed. The formulation is based on the fundamental objectives of fiqh (*maqashid sharia*), namely upholding the values and principles of social justice, human welfare, universal compassion, and local wisdom.⁶⁸

To create a village model that is friendly to women and children, efforts to make a paradigmatic change in religious practice, especially fiqh, must be made. This paradigm change establishes fiqh as a need.⁶⁹Fiqh must be viewed not only as a tool for measuring the truth of orthodox religion but also as a tool for reading social reality.⁷⁰In this situation, fiqh serves a twofold purpose: first, as a tool for comparing social reality to Islamic law ideals (*maqashid sharia*) to arrive at halal and haram legal rulings, and second, as a tool for social engineering.⁷¹ The responsive fiqh paradigm in formulating a women-friendly and child-friendly village model serves as the foundation of the state in implementing programs and as a tool of social control.

This is like the aspects of ontology, epistemology, and axiology of fiqh. Fiqh, in essence, has a responsive nature. This is Jasser Auda's view through the *maqashid sharia* system approach⁷² that the *maqashid shari'ah* relationship in the study of fiqh is necessary to give birth to humanist-responsive fiqh.⁷³ However, fiqh goods are sometimes misunderstood as being rigorous. Furthermore, the concept of fiqh from the beginning has responsiveness to life in both epistemological and axiological dimensions. Fiqh, according to al-Jabiri, is fundamentally a scientific discipline that carries out God's goals. According to this perspective, the direction

⁶⁷ Ahmad Raisuni, *Al-Bahs Fi Maqashid al-Syari'ah Nasy'atuha Wa Tatawuruha Wa Mustaqbaluha* (Ribath: Mathba'ah al-Najah al-Jadidah al-Dar al-Baidhah, 2007).

⁶⁸ See Abdurrohman Kasdi, "Reconstruction of Fiqh Nusantara: Developing the Ijtihad Methodology in Formulating Fiqh from Indonesian Perspective," *QIJS: Qudus International Journal of Islamic Studies* 7, no. 2 (2019): 254.

⁶⁹ M. Noor Harisudin, "The Formulation of Nusantara Fiqh in Indonesia," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 21, no. 1 (2021).

⁷⁰ See Abdurrohman Kasdi, "Actualizations Of Maqasid Al-Shariah In Modern Life: Maqasid Al-Shariah Theory As A Method Of The Development Of Islamic Laws And Shariah Economics," *Justicia Islamica: Jurnal Kajian Hukum Dan Sosial* 16, no. 2 (2019): 257.

⁷¹ Rüdiger Lohker, "Fiqh Reconsidered: Indigenization and Universalization of Islamic Law in Indonesia," *Interdisciplinary Journal for Religion and Transformation in Contemporary Society*, 2021, <https://doi.org/10.30965/23642807-bja10011>.

⁷² Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*.

⁷³ M. Noor Harisudin & Muhammad Choriri, "On The Legal Sanction Against Marriage Registration Violation in Southeast Asia Countries: A Jasser Auda's Maqasid Al-Shariah Perspective," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (2021).

of fiqh through maqashid shari'ah is an endeavor to find answers to the disputes and discrepancies between legal ideals and legal realities.⁷⁴ This is because maqashid shari'ah is a philosophical value relevant to Islamic law research (fiqh).⁷⁵

The women-friendly and child-care village support initiated by the Ministry of Women's Empowerment and Child Protection (Kemen PPPA) and the Ministry of Villages, Development of Disadvantaged Regions and Transmigration (Kemendesa PDTT) has relevance to the actualization of responsive fiqh. This actualization becomes the interpretation of fiqh ideas in the contemporary era where fiqh can dialogue with social problems of society and government policies. This represents fiqh with dimensions of empowerment and justice based on government policies. In this case, the representation is actualized through a village model that is friendly to women and cares about children.

CONCLUSION

The women-friendly and child-care village model was the idea of the government through the Ministry of Women's Empowerment and Child Protection (Kemen PPPA) and the Ministry of Villages, Development of Disadvantaged Regions and Transmigration (Kemendesa PDTT) aims to give roles to women and children. Aside from the issue of roles, women and children are also shielded from oppressive situations. This village concept is used to address the inequality and subordination that women have faced in the past. When the state attempts to resolve the increase in violence against women during the Covid-19 epidemic in the post-Covid-19 era, the women-friendly and child-care village model comes into play.

Village government policies with friendliness and concern for women and children rely on the village model that is friendly to women and cares for children. Village governments should contain requirements for applying a women-friendly and child-care village model in all policy sectors, including law, education, economics, and society. In the study of Islamic law, the importance of enacting women-friendly village policies and caring for children is considered a type of responsiveness to Islamic law. Implementing the woman-friendly and child-care village model as a form of justice in *fiqh* enables responsive *fiqh* interpretations in responding to the difficulties encountered by women and children. In this context, the pattern of responsive *fiqh ijtiḥad* emphasizes the embodiment of *maqashid sharia's* essence with the embodiment of justice and equality.

⁷⁴ Related to the combination between text and social reality. See it in R. Rusli, "Progressive Salafism in Online Fatwa," *Al-Jami'ah: Journal of Islamic Studies* 52, no. 1 (2014).

⁷⁵ Mukti Tabrani, "Maqashid Revitalization in Global Era: Istidlal Study from Text to Context," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 13, no. 2 (2018).

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