



Gender Equality in the Perspective of Islam

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ABSTRACT

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Convention on the Elimination of all Forms of Discrimination Against Women. Gender equality is one of the basic rights that we have as human beings. Human rights regulate that human rights are the rights and freedoms that we have as individuals regardless of race, nationality and gender. The right to get the same recognition as men tends to be difficult for women to obtain, even today. Because the assumption that women are weak creatures is like an ideology for the entire world community. Even the CEDAW rules themselves only received international approval in 1979 by the United Nations General Assembly or better known as the United Nations. CEDAW contains many regulations or rules where men and women have the same rights in various aspects, including marriage. Marriage is crucial in the issue of gender equality. Where a man can marry without a wali, while a woman cannot marry without a wali. This is seen as a form of discrimination against women. However, Islam has regulated everything on this earth including marriage. Islam highly upholds the dignity of a woman. The teachings of Islam brought by the Prophet Muhammad SAW so glorify a woman. A wali in marriage is immediately seen as a form of protection for women. And also in economic access, Islam sees that both men and women have the same access rights in the economy both in production, distribution and consumption. The research method used is descriptive qualitative method, which can provide an overview of the issue of gender equality in the perspective of Islam. In Islam, all problems have been resolved in the Koran and hadith. In terms of gender equality, Islam has also regulated it in such a way that there is still an element of justice in it, both for men and women.

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Introduction

The discourse on gender equality remains objective over time, and remains relevant to discuss. Gender equality for women is an issue that has garnered considerable attention, both past and present. Women are considered weak beings by most people around the world. If we look back, they have received many forms of discrimination. Since long ago,

long before Islam entered Arabia, women were an asset that could be traded like merchandise. They were even traded for slaves. This means that the ownership of a woman is fully in the hands of the master who has bought her.

The division of labour between men and women can be seen in the physical work performed, where a woman has responsibility for household chores, while men are responsible for public work or breadwinners. Domestic work is not considered as work, for economic reasons, and as a result the person doing it is not considered to be working. The problem that then arises is that domestic work is part of non-production work that does not earn money, while production (public) work is related to money. Money is something that is very valuable and needed by humans. With men as public workers (breadwinners), they are the ones who can make money. So that men tend to have a higher status than women in a social environment (Wibowo, 2012).

To prevent a certain number of actions that contain inequality, the Convention on the Elimination of all Forms of Discrimination Against Women or CEDAW was formed, which is an agreement within the United Nations agreed upon in 1979, with the aim of eliminating all forms of discrimination against women throughout the world. Before CEDAW was enacted, there was already a UN Charter. However, many countries argued that the UN Charter was not enough to uphold women's rights. Gender equality in this century is still something that people, especially women, continue to fight for. It is a view that everyone should receive equal treatment and not be discriminated against based on their inherent gender identity. Through the rules set by the United Nations in the Universal Declaration of Human Rights, it seeks to create equality between men and women in various aspects of life.

Among them are in the social, economic and legal fields. In every democratic activity, women have the same rights as men. As well as in the economic field that ensures the availability of access to employment and equal pay for workers for women. The existence of CEDAW shows the UN's concern for the protection of human rights from all forms of discrimination.

The issue of gender equality is much more complex. Many factors are taken into consideration. Starting from health services, education levels, domestic violence, labour wages, and also available jobs. Inequality can have an impact on equitable development targets (Winahyu, 2020). Wage provision is also one of the factors in determining gender equality today. Inequality in wages can create a gender wage gap. According to data from

the Central Statistics Agency (BPS), the largest labour wage gap occurred in the service business power group with a percentage reaching 43% in 2021 (Nada Naurah, 2023).

In the view of Islam, the core of its teachings is the equality of all human beings without any differences in gender, race, nationality, and so on. All of Allah's creatures have the same position. The only difference that can elevate and demean between servants in Islam is the level of devotion they have. As found in the Quran, Surah Al-Hujurat (49):13 which reads:

أَللَّهُ إِنَّ ۖ أَنْتُمْ كَمِ اللَّهِ عِنْدَ أَكْرَمِكُمْ إِنَّ ۖ لَتَعَارَفُوا وَقَبَائِلَ شُعُوبًا وَجَعَلْنَكُمْ وَأَنْتَى ذَكَرٍ مِّنْ خَلْقِكُمْ إِنَّا الْبَاسُ يُهَا
خَيْرٌ عَلِيمٌ

Meaning: "O mankind, We created you from a male and a female and made you into nations and tribes that you may know one another. Verily, the most honourable among you in the sight of Allah is the most pious among you. Verily, Allah knows best."

From the above verse, we can conclude that only the pious person has the most honourable place in the sight of Allah. That way, he is clearly in a higher position compared to other humans. Islam has created equality and justice for all His creatures on this earth. This is because justice and equality in Islam come from the Quran and hadith.

In QS. An-Nahl (16): 97 Allah also says the following:

نُؤَا كَمَا مَا حَسَنَ بِأَجْرِهِمْ وَلَنَجْزِيَنَّهُمْ ۖ ۖ طَيِّبَةً حَيَاةً ۖ فَلَنُحْيِيَنَّهُ مُؤْمِنًا وَهُوَ أَتَىٰ أَوْ ذَكَرٍ مِّنْ لِّحَا صَا عَمِلَ مِّنْ
يَعْمَلُونَ

Which means: "Whoever does good deeds, whether male or female, while believing, We will surely give him a good life and will reward him with a better reward than what he has done."

In another Surah, which is found in Qs. Az-Dzariyat:56 Allah SWT also says:

لِيَعْبُدُونِ إِلَّا وَالْإِنْسَ الْجِنُّ خُلِقْتُ وَمَا

Which means: "I did not create jinn and humans except to worship Me".

The above verse confirms that Allah does not discriminate between fellow humans, even the jinn. All that exists on earth has the same position and also the same goal, namely towards the pleasure of Allah SWT. In another verse, Allah also states that humans are caliphs on this earth without mentioning the gender of the caliph in question. Allah SWT actually uses the universal word, namely humans without mentioning gender. As deep in Qs. Al-An'am: 165 which reads:

سَرِيعَ رَبِّكَ إِنَّ آتِئْتِكُمْ مَا فِي لَيْبُلُوكُمْ دَرَجَاتٍ بَعْضُ فَوْقَ بَعْضِكُمْ وَرَفَعِ الْأَرْضَ خَلِيفٍ جَعَلَكُمْ الَّذِي وَهُوَ
رَحِيمٌ لَعُفُورٌ وَإِنَّهُ الْعَقَابُ

"It is He who has made you caliphs over the earth, and has exalted some of you above others to test you for what He has given you. Verily your Lord is swift in His judgement. Indeed, He is the Most Forgiving, the Most Merciful".

The above verse does not mention specifically about the gender or of the caliph. Allah only focuses on how for a servant to carry out the duties that have been given to us as a caliph on earth. As in the hadith HR. Bukhari: 4789, meaning as follows:

"From Abdullah, the Prophet ﷺ said: Each of you is a leader, and each of you will be held accountable. An imam is a leader and will be held accountable. A man is the leader of his family and he will be held accountable. A woman is the leader of her husband's house, and she will also be held accountable. A slave is also a leader over his master's property and he too will be held accountable. Indeed, each of you is a leader and each of you will be held accountable." (HR. Bukhari: 4789). ("Four Basic Principles of Gender Equality in the Quran," 2021)

In Islam, there are indeed some things that are considered to discriminate against women. The thing that arises quite often is how in Islam, the division of inheritance between men and women is different. Where men will get more inheritance than women. Apart from inheritance, there is also the issue of marriage. Marriage in Islam is an act of worship throughout our lives. In that case, where a girl cannot marry herself. And it is different for men. Men can marry themselves without a guardian, and the two witnesses in a marriage are men. This is considered to show the power of men over women (DR. Qurrotul Ainiyah, 2015).

Method

Result and Discussion

1. The Concept of Gender Equality

The word gender can refer to differences in roles, functions, status and responsibilities between men and women as a result of social and cultural constructions that are embedded through the empowerment process from one generation to the next (Puspitawati, 2013). Gender itself comes from the Latin "genus" which means type or kind. This makes gender or gender equality a very complex issue. Because gender is not

only limited to sex, but there are many social and cultural factors that influence it. In addition, gender also gives identity to men and women. Gender also has an important position in an individual's life in determining how he lives all his life experiences. Because as mentioned earlier, gender can determine a person's qualifications in education, health services, work wages, and many other things. In addition to determining sexuality, gender can also determine a person's ability to act and how they behave autonomously (Marzuki, 2007).

According to Diponegoro University Faculty of Law Professor Candidate Dr Ani Purwanti, S.H., M.Hum. "Gender is the distinction between women and men in roles, functions, rights, behaviours that are shaped by local provisions and culture. Gender refers to the roles that society constructs and the learned behaviours and expectations attributed to women and men. Women are citizens who have the same rights and position as men in law and government, have human rights and basic freedoms, where the fulfilment of their rights has been stipulated in the Constitution" (Humas Undip, 2022).

The differences between men and women in various aspects of life are like a heritage that has been passed down in a community environment. Gender itself has several definitions, including: (Novi Hardita Larasati, 2020)

- a. According to Simora (2019) gender is a trait inherent in men and women that is shaped by social and cultural factors, so that it is born with several assumptions about the social and cultural roles of men or women.
- b. According to Puspitawati (2013), the definition of gender is the difference between men and women in roles, functions, and behaviours that are shaped by social values, culture or customs.
- c. According to Silvana (2013) in the Women Studies Enslikopedia, the definition of gender is a cultural concept, which makes differences in terms of roles, behaviour, and emotional characteristics between men or women that develop in society.
- d. The definition of gender according to HT.Wilson (1998) is a basis for determining the differences between men and women in culture and collective life which later they become men and women.

From some of the above definitions of gender, it can be concluded that indeed gender shows quite visible differences between men and women. Even in some social

environments men seem to have privileges in the social strata. Men symbolically mean having courage and strength that you women don't seem to have. Gender ideology is a collection of rules, values, myths, stereotypes that regulate the relationship between men and women, preceded by the formation of feminist and masculine identities. The ideology is maintained, and socialised through various intermediaries such as family, education, religion, literature and other arts, politics, the State, and mass media (Damanik, 2018). The public world is a world that is believed to be part of men. And various things behind the scenes such as taking care of the house are the work and duties of a woman.

In QS. Al-Nisa: 24, there are various perceptions about the interpretation of verses that can be constructed and socialised to behave as women and men in family relations. Allah SWT.says which means:

"And (it is also forbidden for you to marry) women who have husbands, except for the slaves you own (Allah has decreed that law) as His decree upon you. And it is lawful for you besides these (i.e.) to seek wives with your wealth for marriage not for adultery. So those wives among whom you have had pleasure, give them their dowries (in full), as an obligation; and there is no blame on you for what you have mutually consented to, after determining the dowry. Verily, Allah is All-knowing, All-wise."

In QS. An-Nahl (16): 97 Allah also says the following:

نُوا كَمَا مَا حَسَنَ بِأَجْرِهِمْ وَلَنَجْزِيَنَّهُمْ ۖ ۖ طَيِّبَةً حَيَوَةً ۖ فَلَنُحْيِيَنَّهُ مُؤْمِنًا وَهُوَ أَنتَهُىٰ أَوْ ذَكَرٌ مِّنْ لِّجَا صَا عَمِلَ مِّنْ
يَعْمَلُونَ

Which means: "Whoever does good, whether male or female, while believing, We will surely give him a good life, and We will reward him with a better reward than what he has done."

2. History of Gender In Islam

If we recall the history of gender or gender equality far back into the Jahiliyah period, then the position of women in the Jahiliyah period or precisely pre-Islam in the Arab nation was very backward and only as a place to fulfil the desires of husbands or men and underestimated in the lives of Arab society. There were so many injustices obtained by women at that time. Husbands who are men can easily divorce their wives according to the will of the husband. Even husbands can easily marry as much as possible, as long as he feels materially capable. The women of that time did not have the right to choose the prospective husband she would marry, and became goods that could

be inherited and sold as slaves. Women had no rights over their inheritance and property. The property they owned would later be controlled by their husbands. Muslims are familiar with a story about the birth of a baby girl who was considered a disgrace to her family, so men were not at all happy when their wives gave birth to a girl. Some tribes even went so far as to bury the child alive for fear of disgrace when the child grew up. And some bury both sons and daughters. However, this was not the case for all Arabs, and the Quraysh were not among those who followed this custom (Azizah, 2021).

The behaviour of the people of the Jahiliyyah towards women did not end there. If a man found out that someone else hated his wife, he would keep her in the house, threaten her and make it difficult for her to redeem herself. Some Jahiliyah Arabs did not apply the law of Qisas. Even if there was a murder committed by a man against a woman, he would not be punished but would only have to pay a fine for the murder he had committed. Before Islam came to Arabia, there were many things or treatments that clearly degraded the dignity of women. In those days, there were many types of marriages that were not good or haram. Here are some types of Arab Jahiliyah marriage before the arrival of Islam: (Muhammad Iqbal Nurul Awal, 2022).

a. Al-Ba'ulah Marriage

This is a type of marriage where a man can marry many women with the consent of his children. An Arab man who was considered noble could marry up to dozens of women, depending on his level of honour in the social strata. Some tribes in pre-Islamic Arabia even suggested that the tradition should continue so that their children would be able to proudly acknowledge their high-ranking father.

b. Asy-Syagor marriage

This marriage is a marriage with a barter system or exchange. Where a man marries his daughter or sister to someone else's son without a dowry. The aim is to connect trade relations where the marriage is used as collateral.

c. Al-Maqtu marriage

Next is a marriage in which the woman is used as an inheritance. If a father has died, then the wife he left behind can be inherited by his eldest son. So that the eldest son in the family can marry the wife who has been left by the deceased father.

d. Ar-Roht marriage

Ar-Roht marriage is a group marriage. Where a woman can be the wife of many men in the group. This marriage is caused by several factors, including economic, social, and the limited of women in the local.

e. Al-Istibdo marriage

This marriage is a condition where a husband orders his wife to come or sleep with another man who is not his mahrom. The purpose is so that the wife can conceive a child from a noble man.

f. Al-Khidn marriage

The practice of this marriage is a man who gathers two or more sisters in one house. In other words, a man marries two biological sisters. Another marriage that is not permissible is the prohibition on marrying an orphan who is under our guardianship, if we are unable to do justice to the rights of the orphaned woman. Even if we marry an orphan under our guardianship, we are still obliged to give her a dowry. But it is not only in Jahiliyah Arabia that there is inequality or discrimination against one of the gender (women). In Europe and Greece and even some other countries, there has often been unfair treatment of women.

3. Evidence of Gender Equality

After the arrival of Islam in the country of Arabia, it started to undermine the injustice done to women. Islam is here to glorify a woman. A woman is a creature of God who will give birth to the next generation of Islam. Islam seeks to elevate the status of women with a lot of improvements made. Among them:

- a. That women are in the same position as men in terms of their humanity, equal rights and obligations.
- b. Islam removes the feelings of displeasure, anger and other feelings due to the birth of a baby girl.
- c. Islam even gives the right of inheritance to women with half the amount of inheritance of a man.
- d. Women should receive the same education as men.
- e. Men and women have the same position in the household, whether it is housework to take care of children. However, the leader in the household is still a man and women become the body in navigating the household.

- f. Islam also regulates the issue of divorce so that husbands are not arbitrary in divorcing their wives.
- g. In addition, Islam also regulates polygamy, so that a man can only marry up to 4 women if he feels capable and can do justice.

In addition to the above, there are many other things contained in the Quran that prove the confirmation that with the coming of the religion of Allah, it is able to elevate women who have previously suffered discrimination in every generation and every era. Women are the ones who will give birth to the next generation of Islam. So that by getting the same rights as men can provide the same freedom between the two, regardless of gender.

4. Islam and Gender Equality

The discourse and assumption that Islam is a religion that discriminates against women is an assumption that has developed in America and Europe. This assumption is not an unfounded assumption. They clearly have an argument for it. As I mentioned in the beginning and middle of this article, their views are directed towards marriage and inheritance rights found in the Quran, a holy book believed by Muslims. The Koran is the ultimate guide for Muslims. What has become the provisions of Allah SWT is written in the Al-quran.

In this new era, the challenges faced by women have become much more complex. The development of globalisation, which is still and will continue to be a part of our lives in the future, will encourage women to break through existing boundaries to come back and continue to fight for rights and equality for women. According to World Bank data as of 2022, the number of female population is far less globally than the number of men. In that year, the number of female population in the world was only around 3.95 billion people or equal to 49.68% of the total world population which reached 7.95 billion people in 2022 (Cindy Mutia Annur, 2023).

The legal system in Islam is of the "Common Law System" type. Where justice is sought through a careful in-depth study, more than just a study of facts, and justice is not in equality, but the embodiment of equality. In Islamic Law, justice is not equality, but gender equality is the equal rights and obligations of women and men before the law (Azizah, 2021). Fairness in the Islamic concept is to place something according to the predetermined level or count. In other words, fairness is about fulfilling needs

according to the needs themselves. However, the concept of equality is conceptually different from the fairness in question. Equality here places equal rights for women and men in social, political, and economic aspects. Men and women have individualised equal rights in economic matters. Women may even be a boss and men are employees. Just like the Prophet Muhammad SAW and also Siti Khadijah. Islam is a religion that cannot be interpreted in a patriarchal way. Islam is a religion that will always be in line with the times, even though the times have changed. In interpreting a verse of the Koran, it should not be interpreted patriarchally, but can be interpreted more moderately. Some verses of the Quran if only understood from the patriarchal side or the understanding of men only, it is clear that women will tend to be cornered. There are even verses that if not studied in more depth, will only cause prolonged misunderstanding. As found in QS. Al-Ahzab (33): 33:

اللَّهُ يُرِيدُ إِتْمَامًا ۖ وَرَسُولَهُ اللَّهُ وَاطَّعَنَ الزَّكَاةَ وَأَتَيْنَ الصَّلَاةَ وَأَقَمْنَ الْأُولَى الْجَاهِلِيَّةَ تَبْرُجًا تَبَرَّجْنَ وَلَا بُيُوتَكُنَّ فِي وَقْرِنَ
عَظْمِيرًا ۖ وَيُطَهِّرَكُمُ الْبَيْتِ أَهْلَ الرَّجَسِ عَنْكُمْ لِيَذْهَبَ

Which means: "And remain in your houses, and do not adorn yourselves or behave like the people of the pre-Islamic era, and perform the prayers, pay the alms, and obey Allah and His Messenger. Verily, Allah intends to remove sin from you, O ahl al-bayt³, and to cleanse you as cleanly as possible."

If we only look at it from one side, then the woman can only be at home and cannot do work outside the home. In other words, the woman is a housewife who is only allowed to take care of the house and its contents. As for the public part or things outside the home are the rights and obligations of a man. However, if we read the previous verse, we can conclude that what is meant by the verse is for the wives of the Prophet, not for all Muslim women. In other contexts, women are indeed allowed to work, especially with the aim of helping the family economy. It's just that as a wife, if you want to work, it must be with the permission of her husband.

Contemporary jurisprudence is a context in understanding Islamic teachings through the studies of scholars, so that Islamic teachings and laws become more flexible, especially regarding the laws of a woman. So it is true that the gender inequality that occurs is not because of Islam. Aka but from the perspective and culture of a social environment or society. A culture that reflects patriarchy will not give a woman the opportunity to get the same rights as men. Even though in this day and age there are many women who have shown themselves in the public face. But still the

culture of inequality will not disappear easily from our country, or anywhere else. Islam, with full awareness of the importance of the dignity of a woman, places her in a noble place, so that she can become a pious woman. As in a story about this is as follows:

A Sahabah asked the Prophet Muhammad SAW, "Who is the most deserving of good treatment and affection from me?" The Prophet replied, "Your mother." The companion asked again, "Then who?" The Prophet replied, "Your mother." The companion asked again, "Then who?" The Prophet replied, "Your mother." Only on the fourth question, the Prophet answered, "Then your father."

From the saheeh hadith above, we can conclude that if a woman has become a mother, it means that she is the most important than a father.

Conclusion

Before Islam came to Arabia, women in the Jahiliyyah had no rights even for themselves. Gender inequality from the Jahiliyyah era to this brightly lit era, gender inequality still exists and will not disappear. We can see gender inequality in various aspects of social life. Women are considered physically inadequate and incapable. The patriarchal culture that is difficult to disappear is caused by the belief to keep socialising about it. So that the community for generations still holds firm to this.

Islam comes with all the changes that a woman deserves. Women deserve the same things as men. Imagine if a woman who in the future will give birth to a child does not have a good education, then what will she be able to educate her child, both socially, culturally, politically, economically, even in terms of religion. If this continues, then gender inequality will have implications for future development inequality.

Gender equality as we know it today did not only come from America and Europe. Islam has its own gender equality values. The negative assumptions about Islam, as contained in Article 16 of CEDAW, are simply because the policy makers on gender equality in the UN do not understand how Islam actually honours women.

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