

## WOMEN'S CONTESTATION IN THE ELECTORAL MAP IN BANTEN PROVINCE IN THE FRAME OF ISLAMIC LAW AND GENDER POLITICS

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### Abstract

*The goal of this research is to determine the contestation of women in the Political Islamic law and gender in Banten Province, as well as a review of Islamic law political on women's contestation in election political maps. This study employs a qualitative method of content analysis. Women presently lead 37.5 percent of districts/cities in Banten Province. Additionally, in the previous government position, the figure reached 50%. Similarly, two elections were won by women at the provincial level in the four gubernatorial elections that were held. The substantial participation of women in Banten's election campaign is fascinating to investigate. The findings of this study reveal that the engagement of women in the political map of the regional election in Banten was due to the freedom, opportunity, and chance for women to participate in the political sphere. Furthermore, the involvement and participation of the family were significant owing to their typical family background as politicians who previously served in the same position, which is known as the relay and inheritance of family leadership. Some refer to it as a familial political dynasty. According to an examination of Islamic law, women's participation in the political map of the regional elections in Banten does not contravene the *siyasa syar'iyah* because it is included in the *siyasa dusturiyyah*. Furthermore, Islam does not forbid women from participating in politics.*

**Keywords:** Islamic Law Politic, Gender, Women and Politics

### Abstrak

Tujuan penelitian ini adalah untuk memahami peran perempuan dalam keikutsertaan peta pilkada di Provinsi Banten dan memahami kontestasi perempuan dalam peta politik perspektif politik hukum islam dan gender. Kabupaten/Kota di Provinsi Banten 37,5 % dipimpin oleh seorang perempuan, bahkan sebelumnya mencapai 50%. Begitupun di tingkat provinsi, 4 kali dilakukan pemilihan gubernur 2 kali dimenangkan oleh perempuan. Tingginya kontribusi perempuan dalam kontestasi pilkada di Banten sangat menarik untuk diteliti.. Penelitian ini menggunakan pendekatan kualitatif dengan metode *content analysis*. Hasil dari penelitian ini adalah kontestasi perempuan dalam peta politik Pilkada di Banten karena adanya kebebasan, kesempatan dan juga peluang bagi perempuan untuk berkiprah di ranah politik. Selain itu, peran dan kontribusi keluarga pun sangat besar karena rata-rata *basic* keluarga sebagai politikus bahkan sebelumnya menjabat di jabatan yang sama sehingga disebutlah sebagai pelanggaran dominasi sosial, serta tidak sedikit masyarakat menyebutnya sebagai dinasti politik keluarga. Menurut tinjauan politik hukum islam, kontestasi perempuan dalam peta politik pilkada di Banten tidak bertentangan dengan *siyasah syar'iyah* karena hal ini termasuk kedalam *siyasah dusturiyyah*. Selain itu, islam pun tidak melarang adanya keikutsertaan perempuan dalam ranah politik.

Kata kunci: Politik Hukum Islam, Gender, Perempuan dan Politik

### INTRODUCTION

Banten is one of the provinces located on the island of Java. Banten province was previously part of West Java province. The birth of Law Number 23 of 2000 became the basis for the formation of Banten Province with the capital in Serang. Banten Province consists of 4 districts namely: Serang, Tangerang, Pandeglang and Lebak regencies and 4 cities, namely: Serang,

Cilegon, Tangerang and South Tangerang cities. The total population of Banten based on data from the Central Statistics Agency (BPS) of Banten Province in 2020, men totaled 6,147,144 people and women totaled 5,914,331 people. From this data, it can be seen that the number of men is greater than the number of women, even so women in Banten always participate in the contestation of the political map.

According to Syaekani, the role of Democracy in politics is given a larger portion to the people in terms of political authority, as it is understood that Democracy is from the people, by the people and for the people. Therefore, the granting of authority to small units of government that are closer to the people cannot be avoided.<sup>1</sup>

Political contestation in Indonesia in the general election of council members and regional head elections is increasingly open and provides opportunities for women to participate, as is the case in Banten Province. This happens because of the wider understanding of gender equality in every sector. Political space is now open to anyone and not only exclusively for men. The birth of regulations that provide support to women in politics, namely Law Number 12 Year 2003 article 65 paragraph (1) concerning the General Election of Members of the DPR, DPD and DPRD:

Each political party participating in the election can propose candidates for members of the DPR, Provincial DPRD, and Regency / City DPRD for each electoral district by taking into account women's representation of at least 30%.

Law No. 2 Year 2008 jo. Law No. 2 of 2011 article 2 paragraph (2) concerning Political Parties:

The establishment and formation of Political Parties as referred to in paragraph (1) shall include 30% (thirty percent) of women's representation.

Article 2 Paragraph (5)

The management of Political Parties at the central level as referred to in paragraph (3) shall be composed by including at least 30% (thirty percent) of women's representation.

These regulations provide equal opportunities for men and women to contribute to the country through political contestation.

Talking about political contestation in Banten, there are several women who participated in the political contestation and were able to compete with men in the regional head election arena, even the election was won by women. It is known that Banten Province has positioned women as equal to men in taking part in the political sphere, for example: Ratu Atut Chosiyah has been the governor in Banten for a period of 2 (two) periods of leadership, even before serving as

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<sup>1</sup> Nurfadilah Sifa, "Partisipasi Politik Civil Society Dalam Pilkada" (Sultan Ageng Tirtayasa, 2018).

Governor, previously served as Deputy Governor and PLT Governor of Banten. In addition to Ratu Atut Chosiyah, other women who took part in politics are Ratu Tatu Chasanah as the second-term Regent of Serang, who had also previously served as Deputy Regent of Serang, Iti Octavia Jayabaya as the second-term Regent of Lebak, and Irna Narulita as the second-term Regent of Pandeglang. In addition, the Deputy Regent of Pandeglang has also been held by a woman, namely Heryani and the Mayor of South Tangerang by Airin Rachmy Diany.

According to Islam, women in political participation have the same portion as men. In response to this, Ikhwan Fauzi in his book *Women and Power*, quoted by Sri Warjiyati, states that there are 2 (two) differences of opinion among Islamic jurists, **first**, the prohibition for women to use political rights, **second**, the permissibility of women using political rights with the important reason of equality between men and women.<sup>2</sup> Women's leadership has always been a polemic among the community. There are 2 (two) views related to this polemic, **first**, the views of those who do not approve of women's leadership with the assumption that women are not fit to be leaders, because women only play a role in the domestic area not the public. **Second**, the view that approves of women's leadership in the public sphere.<sup>3</sup> Islamic history also records that the leadership of Islam in the past was almost entirely held by men. Aisha bint Abu Bakar was once a leader, but she did not lead the government but led the war.

The previous research that has been conducted is a study entitled "Women's Political Participation and Public Policy in Banten Province" conducted by Delly Maulana, the results of this study are gender issues and public policy are the main reasons for women's political participation. In addition, the birth of the Law on the Implementation of elections and the Law on political parties became an oasis for women to enter politics so as to increase the number of women in parliament, although it was still not maximally utilized by women in Banten Province.<sup>4</sup> Research conducted by Ulfatun Hasanah with the title "Gender in Da'wah for Development (Portrait of Women's Involvement in Politics)". The result of this research is that the role of men and women in da'wah and development activities does not necessarily have to be the same, because each has its own area that can be done.<sup>5</sup>

Furthermore, previous research related to politics and gender has also been conducted, including: Research conducted by Abdul Rahim with the title "Women's leadership roles in

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<sup>2</sup> Sri Warjiyati, "Partisipasi Politik Perempuan Perspektif Hukum Islam," *Al-Daulah: Jurnal Hukum Dan Perundangan Islam* 6, no. 1 (2016): 9, <https://doi.org/10.15642/ad.2016.6.1.1-27>.

<sup>3</sup> Achmad Saeful, "Kepemimpinan Perempuan Dalam Hukum Islam: Telaah Atas Hadist Kepemimpinan Perempuan," *Jurnal Syar'ie* 4, no. 2 (2021): 108.

<sup>4</sup> Delly Maulana, "Partisipasi Politik Perempuan Dan Kebijakan Publik Di Provinsi Banten," *Jurnal Lontar Komunikasi Unsera* 2, no. 2 (2013): 37-38, <https://doi.org/https://doi.org/10.30656/lontar.v2i2.346>.

<sup>5</sup> Ulfatun Hasanah, "GENDER DALAM DAKWAH UNTUK PEMBANGUNAN (Potret Keterlibatan Perempuan Dalam Politik)," *Jurnal Ilmu Dakwah* 38, no. 2 (2019): 250, <https://doi.org/10.21580/jid.v38.2.3887>.

Gender Perspective". The result of this research is the permissibility of women to become state leaders in the context of modern society if they have expertise or competence in leading the country.<sup>6</sup> Research conducted by Wery Gusmansyah with the title "Dynamics of Gender Equality in Political Life in Indonesia". The result of this research is that efforts are needed to fight for gender equality in politics, which will contribute and change the view of patriarchal culture in society, so that the election of male and female leaders in politics will be the same.<sup>7</sup> Previous studies that have been conducted have nothing in common, although there is still a connection with women's politics and gender, while the novelty of this research is related to women's participation in the contestation of regional elections in Banten Province in terms of the political perspective of Islamic law and gender.

From the background of the problem, the problem formulations in this study are: How is women's contestation in the political map of regional elections in Banten Province? How is the political review of Islamic law and gender studies on women's contestation in the political map?

## **RESEARCH METHOD**

This research uses a qualitative approach with library research methods and data analysis techniques using content analysis, which analyzes information in the media and research results related to political contestation in Banten Province. In addition, content analysis was also conducted on legislative documents related to regional head elections and women's political participation.

## **DISCUSSION**

### **A. Literature Review**

#### **1. Politics of Islamic Law**

There are 3 (three) terms related to the politics of Islamic law, namely the science of taqin al-ahkam, a science that discusses the theories of Islamic legal legislation and its acceptance as an authoritative source in the legal system of a country, the science of tathbiq al-ahkam, namely the science that discusses the rules for applying Islamic law after being legislated, accepted as an authoritative source, and contained in the form of qanun and the science of

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<sup>6</sup> Rahim Abdul, "Peran Kepemimpinan Perempuan Dalam Perspektif Gender," *Jurnal Al-Maiyyah* 9, no. 2 (2016): 268–69.

<sup>7</sup> Wery Gusmansyah, "Dinamika Kesetaraan Gender Dalam Kehidupan Politik Di Indonesia," *Hawa* 1, no. 1 (2019): 157–59, <https://doi.org/10.29300/hawapsga.v1i1.2233>.

taghyir al-ahkam, namely the science that discusses changes (amendments) to laws that have been implemented, but are considered to fulfill aspects of justice and the benefit of society.<sup>8</sup>

Political Islamic law in religious science is known as *fiqh siyasah*, according to A.Djazuli in his book *Implementation of the People's interests in sharia signs* quoted by Meri Kurniati *fiqh siyasah* is a science related to regulating the interests of mankind and also the state (establishment of laws, regulations and policies) in line with Islamic teachings, or also called Islamic state administration science.<sup>9</sup>

The political principle of Islamic law is the basis of policy in formulating the formation, application, and renewal of Islamic law by the state. As for the broad outline of the political principles of Islamic law, it is a universal principle that is comprehensive in nature which forms the essential view of the politics of Islamic law and operational principles, the basis for forming a commitment to the implementation of the truth believed in the politics of Islamic law.<sup>10</sup>

## 2. Women and Gender

Talking about gender in a practical scope is widely interpreted as a state of "inequality" which will give birth to discrimination, oppression, injustice, subordination and the like that are vulnerable to women. So that there is a great sense of sympathy from the community to women and try to make efforts to improve the situation by empowering women.<sup>11</sup>

Gender is used as a tool to analyze and understand the problem of discrimination against women. Gender is a social and cultural construction that categorizes men and women. There is a long journey regarding this genderization process, resulting in the idea that gender is God's provision (nature) and biology that cannot be changed anymore. These thoughts influence human beliefs and community culture about the necessity of men and women to think and act in accordance with these social rules.<sup>12</sup>

The most prominent marginalization of women is caused by gender, namely gender inequity and gender differences. When traced, women are actually victims of gender bias in the community. Domestic work, which is often done by women, is considered a lowly and unprofitable job by men. From this it is clear that it is men who cause women to always be in an inferior area under male power because they control the public domain.<sup>13</sup>

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<sup>8</sup> Ija Suntana, *Politik Hukum Islam*, ed. Beni Ahmad Saebani (Bandung: CV Pustaka Setia, 2014).

<sup>9</sup> Meri Kurniati, "Tinjauan Fiqh Siyasah Terhadap Implementasi Ketentuan 30% Kuota Keterwakilan Perempuan Dalam Anggota DPRD (Studi DPRD Lampung Barat Tahun 2019-2024)" (Universitas Islam Negeri Raden Intan Lampung, 2020).

<sup>10</sup> Ija Suntana, *Politik Hukum Islam*.

<sup>11</sup> Hasnani Siri, "Gender Dalam Perspektif Islam," *Al-Ma'iyah* 7, no. 1 (2014): 232–51.

<sup>12</sup> Hasanah, "GENDER DALAM DAKWAH UNTUK PEMBANGUNAN (Potret Keterlibatan Perempuan Dalam Politik)."

<sup>13</sup> Ratna Dewi, "Kedudukan Perempuan Dalam Islam Dan Problem Ketidakadilan Gender," *NOURA: Jurnal Kajian Gender* 4, no. 1 (2020): 2655–6200.

The existence of discrimination against women, according to gender analysis, manifests as follows:

- a) The emergence of marginalization of women for gender-biased jobs.
- b) The subordination of women based on custom, culture and religion as well as stereotypes that are often considered weak, emotional and stupid.
- c) The existence of negative labels (stereotypes) that create injustice, for example: men should not cry.
- d) Physical violence against certain genders in both subtle/psychic forms.
- e) The existence of a longer workload for women who work outside, because household management is identical to women's work, resulting in a double workload.<sup>14</sup>

### 3. Women and Politics

Women comes from the word "empu" which means master or person who is skillful / powerful. It can be translated that women are the owners of their entire body and are the masters of themselves. The word woman shifts its meaning to something related to wives and households, or also known as house keepers. The word woman in Javanese is translated as "wani ditoto" which means dare to be arranged. This meaning makes it seem as if a woman is someone who is difficult to have control over herself.<sup>15</sup>

The terms woman and woman have the same meaning, both are synonyms. When explored more deeply, these two terms have different connotations and meanings. According to the Big Indonesian Dictionary (KBBI), woman is translated as a person (human) who has a vagina (genitals), usually able to menstruate, become pregnant, give birth or breastfeed. Meanwhile, the term woman is usually pinned on an adult woman. Perempuan in a psychological or gender context is defined as a trait inherent in a person to be feminized. Whereas in the physical context is one of the sexes characterized by the presence of reproductive organs in the form of the uterus, eggs and breasts so that women can become pregnant, give birth and breastfeed.<sup>16</sup>

Politics is a process or stage of the formation and distribution of power within the scope of society. The formation referred to in this case is the process of making decisions in the state.<sup>17</sup> Understanding classical democratic theory, it is explained that sovereignty is fully in the hands of

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<sup>14</sup> Very Wahyudi, "Peran Politik Dalam Perspektif Gender," *Politea: Jurnal Politik Islam* 1, no. 1 (2018): 63–83.

<sup>15</sup> Diah Eka Pratika, "Perempuan Dalam Kontestasi Politik (Studi Sosiologi Gender Di Dewan Perwakilan Rakyat Republik Indonesia)" (Muhammadiyah Makasar, 2018).

<sup>16</sup> Anita Marwing and Yunus, *Perempuan Islam Dalam Berbagai Perspektif (Politik, Pendidikan, Psikologi, Ekonomi, Sosial, Budaya)*, *Repository.Iainpalopo.Ac.Id*, Pertama (Yogyakarta: Bintang Pustaka Madani, 2021).

<sup>17</sup> Marwing and Yunus.

the people, carried out through collective action to achieve the goals and future of the people and to determine those who are entitled and considered capable of holding power and issuing policies. So it can be interpreted that political participation characterizes that they understand and want to be involved in political activities (there are no restrictions between men and women).<sup>18</sup> There are several opinions as to why democracy should be related to gender. First, the existence of politics includes daily affairs and this cannot be separated from human rights and women's political rights. Secondly, the views of different groups should be considered as a strategy in formulating various decisions. In essence, democracy should be inclusive of the opinions of men and women.<sup>19</sup>

In the beginning, women and politics were unimaginable for developing countries. This was because the culture of these countries emphasized that women's roles were within the domestic sphere of the family. Over time, this kind of thinking has been eroded by the number of women in the western world who have entered politics.

According to Will Kymlicka, cited by Sri Warjiyati, the cause of the limited political rights experienced by women is because men as people who control women's lives including reproductive, economic, and employment decision-making. Women's political participation is a voluntary action taken by women who are members of the political women's caucus group, which consists of various professions, namely: political observers, women activists, lecturers, female cadres of political parties, and so on.<sup>20</sup>

Political rights are rights stipulated by legislation. Men and women have the same rights in the political sphere, although for certain rules men still have a larger portion. Talking about women's political rights is automatically related to obligations. Political rights in this case are individual rights, which are obligations for the collectivity of individuals. Against these political rights, women are given the authority to use them or not, as long as they do not have any ties to utilize these rights, but with regard to political rights this can only be used by people (men or women) who meet certain conditions.<sup>21</sup>

The political rights referred to in this case are the rights to elect political parties, members of the Council, and to nominate regional heads. The view of women's political rights in Political Islamic Law varies, including: 1) does not recognize the existence of women's political rights, because in this sector women cannot be aligned with men. 2) recognizing the existence of

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<sup>18</sup> Yusuf Fadli, "Islam, Perempuan Dan Politik: Argumentasi Keterlibatan Perempuan Dalam Politik Di Indonesia Pasca Reformasi," *Journal of Government and Civil Society* 1, no. 1 (2018): 50, <https://doi.org/10.31000/jgcs.v1i1.267>.

<sup>19</sup> Joni Lovenduski dan Azza Karam, *Perempuan Di Parlemen Bukan Sekedar Jumlah, Perempuan Di Parlemen Bukan Sekedar Angka* (Sweden: Internationa Idea, 2002).

<sup>20</sup> Warjiyati, "Partisipasi Politik Perempuan Perspektif Hukum Islam."

<sup>21</sup> Siti Marlina, "Perempuan Dan Pilkada Dalam Perspektif Kesetaraan Gender Menurut Hukum Islam," *Al-Risalah* 15, no. 1 (2012): 12–13.

women's political rights, except in terms of the right to become a state leader. 3) Women's political rights are conditional depending on the country, because this is not related to religion, fiqh or Islamic law.<sup>22</sup>

The discussion about women and politics is still a topic of discussion among the public. There are several interests that form the background of this discussion, including: politics, history, religion and customs in society. When examining the legislation, there is no difference between men and women, the only term found is citizen. Article 6 paragraph 1 of the 1945 Constitution explains that the requirements to become president are Indonesian citizens. This article can be interpreted that there are 2 (two) general provisions that qualify the president. First, women are allowed to become president, second, men and women have the same position in the law.<sup>23</sup> Equalizing opportunities between men and women in decision-making with the realization of women's representation in parliament is a strategy for gender equality in the political field.<sup>24</sup>

There are several things that become challenges for women in the political sector, including gender disagreement, subordination of women, and patriarchal political culture.<sup>25</sup> The discussion of gender in society has always been a polemic. Men and women are basically different, when viewed from the sex. Gender disagreement in this case involves roles and functions in society, resulting in differences in social roles and status in society that favor men and women. The understanding in society reconstructs that men are naturally stronger than women. In fact, gender equality is defined as the equality between men and women in obtaining opportunities for all their rights as human beings in providing roles in all fields.<sup>26</sup>

The freedom to participate in activities in the sphere of government is part of the political rights of citizens. There are several articles in the legislation that provide opportunities for women to participate in the political sphere. as stated in Article 28D paragraph (3) of the 1945 Constitution: "every citizen has the right to equal opportunity in government". In addition to this article, Law No. 12/2003 on the General Election of Members of the DPR, DPD and DPRD, Law No. 2/2008 jo. Law No. 2 Year on Political Parties, and Law No. 22 Year 2007 on the Implementation of General Elections, these laws and regulations seem to be a breath of fresh air

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<sup>22</sup> Marlina.

<sup>23</sup> Fadli, "Islam, Perempuan Dan Politik: Argumentasi Keterlibatan Perempuan Dalam Politik Di Indonesia Pasca Reformasi."

<sup>24</sup> Marlina, "Perempuan Dan Pilkada Dalam Perspektif Kesetaraan Gender Menurut Hukum Islam."

<sup>25</sup> Marwing and Yunus, *Perempuan Islam Dalam Berbagai Perspektif (Politik, Pendidikan, Psikologi, Ekonomi, Sosial, Budaya)*.

<sup>26</sup> Gusmansyah, "Dinamika Kesetaraan Gender Dalam Kehidupan Politik Di Indonesia."

for women to be able to move in politics, able to compete in the contestation of the political map.<sup>27</sup>

Patriarchal political culture<sup>28</sup> is the cause of women's subordination in politics. Political culture is supported by traditions in society. Political culture and ethos are covered by a masculine lifestyle, so that men make political rules in accordance with male values and norms. There are two signs inherent in Indonesian culture, namely: A relationship structure that shows a father-son or superior-subordinate relationship, this relationship ultimately leads to male domination and excludes women.<sup>29</sup>

The challenges or obstacles for women who are involved in politics are individual and institutional. Gender imbalance makes women feel insecure and lack confidence. Women who are able to compete and enter politics are those who feel competent and have a proper education. Meanwhile, many women with low levels of education have less access to information and technology, resulting in a lack of understanding of the political field for these women. One of the institutional challenges is that the national education system does not provide enough information about gender equality. In addition, there is a lack of understanding of gender issues from government officials (policy makers) so that policies made pay less attention to women.<sup>30</sup>

## **B. The Role of Women in Political Contestation of Pilkada in Banten**

### **1. Overview of Banten Province**

Banten is a province resulting from the expansion of West Java province. Banten Province is an autonomous region formed based on Law Number 23 Year 2000. Banten Province consists of 4 districts, namely Serang, Tangerang, Pandeglang and Lebak. And 4 cities, namely: Serang, Cilegon, Tangerang and South Tangerang.

Table 1 The governors who have served in Banten province

No	Name	Years	Description
1	Hakamuddin Djamal	November 17, 2000 - January 11, 2002	who was appointed directly by the central government
2	Djoko Munandar	January 11, 2002- October 20, 2005	who was elected by the Regional People's Representative Council (DPRD)

<sup>27</sup> Nila Sastrawati, *Laki-Laki Dan Perempuan Identitas Yang Berbeda: Analisis Gender Dan Politik Perspektif Post Feminisme*, 2nd ed. (Makasar: Alauddin Press, 2018).

<sup>28</sup> A system in social structure and practice in which men dominate, oppress, and exploit women.

<sup>29</sup> Marwing and Yunus, *Perempuan Islam Dalam Berbagai Perspektif (Politik, Pendidikan, Psikologi, Ekonomi, Sosial, Budaya)*.

<sup>30</sup> Marwing and Yunus.

3	Ratu Atut Chosiyah	January 11, 2007-11 January 2012	was elected as the first female Governor in Indonesia through direct elections in 2006
4	Ratu Atut Chosiyah	(January 11, 2012-29 July 2015	was re-elected the following period
5	Rano Karno	August 12, 2015-January 11, 2017	
6	Wahidin Halim	May 12, 2017-May 12, 2022	Wahidin Halim's acting successor is Al Muktabar after being inaugurated on May 12, 2022.

The majority of the population of Banten Province has a strong Islamic religious level with a high level of tolerance. The religion of the people of Banten province is diverse, there are Muslims, Protestants, Catholics, Buddhists, Hindus, and Confucianists. In Banten Province there are Sundanese and Baduy tribes. The Banduy tribe is an indigenous Sundanese tribe of Banten that still maintains anti-modernization traditions, both the way of dressing and other ways of life. The Baduy Rawayan tribe lives in the kendang mountain cultural reserve area.<sup>31</sup>

## 2. Women's Contestation in the Political Map of Pilkada in Banten

The role of women in politics is now growing, this is after the gratification of the Convention on Civil and Political Rights which guarantees democratic rights for women, namely the right to vote and the right to stand for elections.<sup>32</sup> As happened in Banten Province, in the election of regional heads, both in the district / city and province, women have participated in the political contestation of the Regional Head Election and can even win the election and serve up to 2 (two) leadership periods.

The Banten Provincial Head Election was first held on December 3, 2001 organized by the Banten Provincial DPRD, previously the Governor's seat was occupied by Hakamuddin Djamal without going through general elections. The first provincial election was followed by 3 pairs of candidates at the time, namely Djoko Munandar\_Ratu Atut Chosiyah, Ace Suhaedi

<sup>31</sup> Biro Pemkesra Provinsi Banten, "Sejarah Terbentuknya Provinsi Banten Website Resmi Biro Pemerintahan Dan Kesejahteraan Rakyat Provinsi Banten," 2015.

<sup>32</sup> Warjiyati, "Partisipasi Politik Perempuan Perspektif Hukum Islam."

Madsupi-Tubagus Mamas Chaerudin and Herman Haeruman Al-Bantani-Ade Sudirman. The inaugural election was won by the Djoko Munandar-Ratu Atut Chosiyah pair with a percentage of 53.62%.<sup>33</sup> Ratu Atut became the only female candidate for Banten Governor in 2001.

The second Banten Provincial Election was held on November 26, 2006. The election this year was followed by 4 (four) candidate pairs, namely: Drs. H. Tb.Tryana Sjam'un - Benjamin Davnie, Hj. Ratu Atut Chosiyah - Drs. H. Mohammad Masduki, Drs. H. Irsjad Djuwaeli, MM - Drs. Mas Achmad Daniri, M.Ec and Dr. H. Zulkiefli Mansyah, S.Em, M.Sc - Hj. Marissa Haque, S.H., M.Hum. Based on the decision of the Banten Provincial KPU Number: 23/KEP-KPUD/2006 on the Determination of Recapitulation of Vote Counting Results at the Provincial Level in the Election of Governor and Deputy Governor of Banten in 2006 won by the pair Hj. Ratu Atut Chosiyah - Drs. H. Mohammad Masduki with 1,445,457 valid votes with a percentage of the total valid votes of 40.15%.<sup>34</sup> The second Banten Provincial Election was followed by 2 (two) women, Ratu Atut Chosiyah who previously served as Deputy Governor returned to contest the election and won as Governor of Banten. In addition to Ratu Atut, Marissa Haque participated in the Banten Provincial Election in 2006, although only as a companion to Zulkiefli Mansyah and won second place with 1,188,195 valid votes and a percentage of the total valid votes of 33.01%,<sup>35</sup> indicating that the people's vote could not defeat the incumbent candidate.

The next Banten Provincial Election was held on October 22, 2011. There were 3 (three) pairs of candidates who participated in this year's election, namely: Ratu Atut Chosiyah, S.E - H. Rano Karno, Drs. H. Wahidin Halim, M.Si - Hj, Irna Narulita, S.E., M.M, and H. Jazuli Juwaini, MA - Drs. H. Makmun Muzakki R. Based on the decision of the Banten Provincial KPU Number: 055/Kpts/KPU-Prov-015 / 2011 concerning the Determination of the recapitulation of the Results of the Counting of Votes at the Banten Provincial Election Commission Level in the general election of governor and Deputy Governor in 2011, won back by Ratu Atut Chosiyah-Rano Karno with the acquisition of valid votes 2,136,035 and the percentage of valid votes 49.64%.<sup>36</sup> Ratu Atut Chosiyah was re-elected Governor of Banten in the 2011 election. In 2011 it was not only Ratu Atut who tried his luck in the Banten election, but there were other women who took part in the election, namely Irna Narulita who accompanied Wahidin Halim even though she was unable to defeat Ratu Atut Chosiyah, although in this period Ratu Atut did

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<sup>33</sup> Komisi Pemilihan Umum Provinsi Banten, "Kepala Daerah Provinsi Banten" (2023).

<sup>34</sup> KPU Provinsi Banten, "Rekapitulasi Penghitungan Perolehan Suara Pada Pemilihan Gubernur Dan Wakil Gubernur Banten Tahun 2017," <https://banten.kpu.go.id/page/read/41/rekapitulasi-penghitungan-perolehan-suara-pada-pemilihan-gubernur-dan-wakil-gubernur-banten-tahun-2017>.

<sup>35</sup> KPU Provinsi Banten.

<sup>36</sup> KPU Provinsi Banten.

not complete his leadership because he stumbled over a corruption case so that Rano Karno who became Ratu Atut's partner as Deputy Governor occupied the seat as Acting Governor until 2015-2017.

In 2017 the Banten regional election was held again, precisely on February 15, 2017 with candidates Dr. H. Wahidin Halim, M.Si - Andika Hazrumy, S.Sos., M.AP and H. Rano Karno, S.IP - H. Embay Mulya Syarief. Based on the Decree of the Banten Provincial General Election Commission Number: 08/Kpts/KPU-Prov.015/2017 won by Dr. H. Wahidin Halim, M.Si - Andika Hazrumy, S.Sos., M.AP with 2,411,213 valid votes and a percentage of the total valid votes of 50.95%.<sup>37</sup> This year there were no women who participated in the race for Governor and Deputy Governor.

In 2015, in the simultaneous regional elections in Banten Province, there were 6 candidates from among women, namely: Airin Rachmi Diany as candidate for Mayor of South Tangerang, Ratu Tatu Chasanah as candidate for Regent of Serang, Irna Narulita as candidate for Regent of Pandeglang, Ratu Siti Romlah as candidate for Regent of Pandeglang, Lie Claudia Chandra as candidate for Deputy Mayor of South Tangerang and Elvier Ariadiannie Soedarto Poetri as candidate for Deputy Mayor of South Tangerang.<sup>38</sup> This shows that women's interest in participating in the regional election contestation is quite high, even though they have to compete with men.

In addition to the participation of women in the Banten provincial election contestation, the district / city area is also not free from women leaders. Of the 8 regencies/cities in Banten province, 3 regencies were led by female regents, including: Lebak District Regent Iti Octavia Jayabaya (January 15, 2014 - January 15, 2019) and (January 15, 2019 - January 15, 2024), Pandeglang District Regent Irna Narulita (March 23, 2016 - March 23, 2021) and (April 26, 2021 - April 26, 2024) and Serang District Regent Ratu Tatu Chasanah (February 17, 2016 - February 17, 2021) and (February 26, 2021 - February 26, 2024).<sup>39</sup> Even previously, the regional head in the city of South Tangerang was led by a woman, namely, Airin Rachmi Diany for 2 periods, namely 2011-2016 and 2016-2021. The Regent of Lebak Regency Iti Octavia Jayabaya was no less in the spotlight for being the 20th and first Regent of Lebak Regency from among women.<sup>40</sup> In addition to the regional heads led by women, the Deputy Regent of Pandeglang for the 2011-

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<sup>37</sup> KPU Provinsi Banten.

<sup>38</sup> "6 Srikandi Cantik Ramaikan Pilkada Serentak Di Banten - Pilkada Liputan6," n.d.

<sup>39</sup> Komisi Pemilihan Umum Kabupaten Serang, "Kepala Daerah Kabupaten Serang."

<sup>40</sup> Komisi Pemilihan Umum Kabupaten Lebak, "Kepala Daerah Kabupaten Lebak" (2023).

2016 period was also held by a woman named Heryani Yuhana who accompanied Regent Erwan Kurtubi.

### **3. Women Leaders in Banten**

The emergence of women leaders in Banten province is expected to provide an open mind related to gender equality among its people in the local and national scope. Examining the number of regional heads in Banten seems to be a separate trend in this province. This signals the absence of barriers and provides opportunities for women to participate in the political sphere. The position of women leaders in districts / cities in Banten Province reached 37.5% and even previously reached 50% when Airin Rachmi Diany served as Mayor of South Tangerang.

When examined further, the participation of women in the contestation of regional elections in Banten Province needs to be taken into account. Of the four district/city leaders in Banten Province, all of them served by completing the length of the period allowed to serve, which is 2 years. In fact, some previously participated in parliament and also as deputy regional leaders. Similar to female politicians who participated in the district / city election contestation, the female Governor who once served, Ratu, participated in the Governor's election contestation twice, although in the second period he did not complete his leadership because he stumbled upon a corruption case.

These female leaders in Banten Province participated in the election contestation until they finally succeeded in becoming regional leaders. The victory of these women leaders cannot be separated from family support and even become a relay and legacy of family leadership. When examined further, these regional leaders in Banten seem to be trapped in dynasties and family politics. If traced further in relation to women leaders in Banten, a common thread will be found with the opinion expressed by Mahpudin. Ratu Atut Chosiyah who participated in the contestation of the Governor's Election even up to 3 times, with 1 time as a candidate for deputy governor and 2 times as a candidate for Governor, even from 3 times his participation in the election contestation won by defeating other male candidates. Ratu Atut Chosiyah was the first female governor to be directly elected by the people in 2007. Ratu Atut's husband is a politician member of the House of Representatives (2009-2014).

Pandeglang Regent Irna Nuralita is the wife of former Pandeglang Regent for two periods (2000-2005) and (2005-2009) named Achmad Dimiyati Natakusumah. The leadership estafeta as Pandeglang Regent was not directly passed on to his wife, because from the time he stepped down the leadership with his wife as Regent there was a 7-year gap even though both served 2 periods. Regent of Lebak Regency Iti Octavia Jayabaya is the daughter of the former Regent of Lebak for 2 periods Mulyadi Jayabaya (2003-2013). Iti Octavia is the same as her father, now

serving as Regent of Lebak for the 2nd period. Ratu Tatu Chasanah who is now serving as Regent of Serang for the 2nd period is the younger brother of Ratu Atut Chosiyah, former Governor of Banten. Likewise, Airin Rachmi Diany, who served as Mayor of South Tangerang for two terms, is the sister-in-law of Ratu Atut Chosiyah.

Talking about women regional leaders in Banten Province and the actions of their families in supporting the careers of these leaders, the term political dynasty emerged. The phenomenon of political dynasties has actually existed since the time of President Soeharto and has even strengthened and spread to the regions since the birth of regional autonomy.<sup>41</sup> The emergence of a political dynasty in Banten began when Ratu Atut Chosiyah became Acting Governor to replace Djoko Munandar, who was dismissed due to a corruption case. Ratu Atut's political dynasty even reached the executive and legislative domains. In mapping the typology of this political dynasty, its presence has actually been pioneered and built by Ratu Atut's father, Chasan Sochib as a community leader and then developed by Ratu Atut Chosiyah.<sup>42</sup>

Regardless of the opinion of political dynasties or leadership relay and family inheritance, these female politicians who became regional heads in Banten have achievements to be proud of. With their victory, in the second election period alone, it already indicates that they are supported by their people. In addition, outside achievements were also obtained, such as the achievement given to the Pandeglang Regent Iti Octavia Jayabaya was awarded as the best Regent in Asia in 2019 by the Asia Global Council and Seven Media, besides that, this Pandeglang Regent was considered successful in removing Lebak Regency from its status as a disadvantaged area in 2019.

Airin Rachmi Diany, who has served as Mayor of Tangerang for 2 periods, cannot be separated from the achievements she has made during her tenure as Regional Head. The achievements she made are: (1) in the Education Sector, achievements exceeded the targets in the Regional Medium-Term Development Plan (RPJMD) in the Education sector, which included: Expected Years of Schooling, Teacher Competency Test and the number of students at kindergarten, primary and junior high school levels. (2) In the Health Sector, the number of health centers has increased from 25 units to 31 units and the decline in stunting rates and improvements in health insurance. (3) Infrastructure, construction of public facilities such as:

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<sup>41</sup> Mhd. Alfahjri Sukri, "Dinasti Politik Di Banten : Familisme , Strategi Politik Dan Rendahnya Partisipasi Politik Masyarakat," *Jurnal Ilmu Sosial Dan Ilmu Politik* 10, no. 2 (2020): 171.

<sup>42</sup> Agus Sutisna, "Gejala Proliferasi Dinasti Politik Di Banten Era Kepemimpinan Gubernur Ratu Atut Chosiyah," *Politik Indonesia* 2, no. 2 (2017): 107–9.

roads, bridges, sidewalks and the construction of a three-building RSUD and also strategic developments (library, mini stadium, terminal, gintung market, square).<sup>43</sup>

#### 4. Political Review of Islamic Law on Women's Contestation in the Political Map of Pilkada

Banten Province is a division of West Java province, and only officially became a province in 2000. Banten Province has held 4 Governor elections because the first Governor was appointed directly by the central government, for the next Governor elections were held. Of the four elections, three were held with female candidates, two were won by female gubernatorial candidates, and one was won by a female Deputy Governor candidate with the same candidate. In the district / city area of Banten province, it is the same, in every implementation of regional head elections, women are not separated from being candidates in the contestation. This indicates that Banten Province does not provide obstacles and provides equal opportunities for women to take part in politics, besides that it is also directly proportional to the desire and persistence of women in the Banten region.

Talking about women participating in the public sphere, which in this case is the political arena, the Koran does not explain in detail. The Quran only explains that men and women have the same position before Allah SWT. The Quran also does not give priority to a particular gender or the notion of "the second sex" and also does not prioritize certain tribes or the notion of "the first ethnic"<sup>44</sup>. As in the Quran Surah An-Nahl: 97

مَنْ عَمِلَ صَالِحًا مِّنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ فَلَنُحْيِيَنَّهٗ حَيَاةً طَيِّبَةً ۖ وَلَنَجْزِيَنَّهُمْ أَجْرَهُمْ بِأَحْسَنِ مَا كَانُوا يَعْمَلُونَ

*Whoever does righteous deeds, whether male or female, while believing, We shall surely give him a good life and We shall surely reward him with a better reward than what he has done. (Q.S An-Nahl: 97).*

This verse is in line with Al-Quran Surat Al-Hujurat: 13

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۗ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتَقْوَىٰ ۗ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

*O mankind! Indeed, We have created you from a male and a female, then We made you into nations and tribes that you may know one another. Indeed, the noblest among you in the sight of Allah is the most pious. Indeed, Allah is All-knowing, All-conscientious (Q.S Al-Hujurat: 13).*

Political Islamic law must be based on sharia in the sense that its control and direction must be able to lead society into a life that is just, friendly, maslahat and wisdom. There are 2

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<sup>43</sup> E Prihana, "Dua Periode Kepemimpinan Walikota Tangerang Selatan: Airin Rachmi Diany," *Lensa* 4, no. 50 (2021): 4–7.

<sup>44</sup> Fadli, "Islam, Perempuan Dan Politik: Argumentasi Keterlibatan Perempuan Dalam Politik Di Indonesia Pasca Reformasi."

important elements in the politics of Islamic law or fiqh siyasah, namely: 1) the ruler or the regulator, and 2) People or society. This is in line with the opinion of Wiryono Projodikoro: "State and society are 2 important elements in the field of politics". Seen in general, fiqh siyasah and politics have similarities, although when viewed in terms of function there are differences, Fiqh siyasah has a dual function of service (Khidmah) and direction / guidance (islah) while politics is only service. As seen from the political model of Islamic law or fiqh siyasah is divided into 2 types: 1) Siyasah Syar'iyah, which is oriented to the values of revelation, this model is produced on thoughts based on religious ethics and morals, 2) Siyasah Wadh'iyah, produced by the human mind from historical experience and customs, this model is acceptable to the majority of Muslims in Indonesia.<sup>45</sup>

The discussion about women's contestation in the political map of regional elections is part of siyasah dusturiyyah syarr'iyah. Siyasah Dusturiyyah has a very broad scope, when viewed in general, those included in this scope are: 1) the issue of Imamate, rights, and obligations, 2) the issue of the people, their status, and rights, 3) The issue of bai'at 4) the issue of walyul ahdi, the source of power and the criteria for imams, 5) the issue of representation, 6) the issue of ahlul halli wal'aqdi, 7) the issue of wizaroh and its comparison. The issues of siyasah dusturiyyah cannot be separated from two main things, namely kulli arguments (verses of the Koran, Sunnah, and maqashidussyar'iah), and ijtiḥad of scholars, because these rules can change according to conditions.<sup>46</sup>

As explained earlier, that issues related to dusturiyyah (women's contestation in the political map of regional elections) cannot be separated from the verses of the Koran or Sunnah as a kulli argument. The Quranic verse related to this is Q.S At-Taubah: 71

وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ يَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَيُقِيمُونَ الصَّلَاةَ وَيُؤْتُونَ الزَّكَاةَ وَيُطِيعُونَ اللَّهَ وَرَسُولَهُ أُولَئِكَ سَيَرْحَمُهُمُ اللَّهُ إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ

*And those who believe, men and women, some of them are helpers for others. They enjoin the good, and forbid the evil, perform the prayer, pay the zakat, and obey Allah and His Messenger. They will be given mercy by Allah. Indeed, Allah is the Mighty, the Wise. (Q.S At-Taubah:71)*

This verse can be understood that men and women must cooperate in any life. In addition, the verse commands to do good deeds, this command is intended for men and women. So it can be interpreted that women are also able to express the right opinion, be responsible for

<sup>45</sup> David Aprizon Putra Syarial Dedi, Mabruḥ Syah, *Fiqh Siyasah*, ed. Ihsan Nul Hakim, LP2 LAN Curup, 1st ed., vol. 1 (Bengkulu: LP2 IAIN Curup, 2019).

<sup>46</sup> Meri Kurniati, "Tinjauan Fiqh Siyasah Terhadap Implementasi Ketentuan 30% Kuota Keterwakilan Perempuan Dalam Anggota DPRD (Studi DPRD Lampung Barat Tahun 2019-2024)."

their actions and can participate in political activities. In other words, women have the right to hold political positions because they have the same political position and rights as men.<sup>47</sup>

In politics, it must uphold deliberation, as has been initiated in democratic politics. This is in line with Q.S Ash Shura: 38 which invites humans to deliberate.

وَالَّذِينَ اسْتَجَابُوا لِرَبِّهِمْ وَأَقَامُوا الصَّلَاةَ وَأَمْرُهُمْ شُورَى بَيْنَهُمْ وَمِمَّا رَزَقْنَاهُمْ يُنْفِقُونَ

*And (for) those who accept (obey) the call of their Lord and perform the prayer, and their affairs (are) decided by deliberation between them; and they spend some of the sustenance We give them, (Q.S Ash-Shura:38).*

The principle of deliberation should be used as a principle in managing life in society, including in the political sphere.

## CONCLUSION

The division of Banten from West Java Province affected the opportunities and opportunities for women to take part in politics. This opportunity was not wasted by women who wanted to participate in the Banten regional election contestation, one of which was carried out by Ratu Atut Chosiyah. The contribution of women in Banten province in the political arena is very large, especially their participation in the contestation of regional elections, both the election of the Governor and the election of district / city heads. Of the 8 districts/cities in Banten province, 3 of them are led by women, Lebak Regency, Pandeglang Regency, and Serang Regency, even previously the Mayor of South Tangerang was held by a woman. In addition to regents and mayors, there are also deputy regents who are held by women. Each of the regents and mayors served two terms, as did the governor although the second term was not completed. The participation of women in Banten Province in the Pilkada cannot be separated from the involvement of families who have previously served, so that it is finally referred to as a family political dynasty.

The political review of Islamic law on women's contestation in the regional elections is included in siyasah dusturiyyah. Women's participation in the political sphere, especially in this election, does not contradict the politics of Islamic law, although there are not a few who disagree with this. The Koran does not differentiate between men and women, as well as instructing humans to do good and always deliberate in managing life, even this is in line with democratic politics.

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<sup>47</sup> Arif Cahyono, “Peran Politik Perempuan Menurut Pemikiran Musdah Mulia Dalam Perspektif Fikih Siyasah” (Universitas Islam Negeri Raden Intan Lampung, 2018).

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