



The Ummah's Rejection of the Prophetic Message and Its Relevance in with Feminist Legal Theory's Criticism of the Marriage Law

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Abstract

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The background (academic anxiety) of this article is the ummah's rejection of the prophetic mission and the Indonesian people's rejection of the law. No. 1 of 1974 concerning Marriage (UUP). The factor of rejection is the lack of or understanding of the request for change. The people rejected the Prophet's invitation to change towards the path of goodness, while the Indonesian people refused to change because they did not understand that the UUP had a more authoritative status than conventional fiqh which they called Islamic law. And one of those who reject (criticize) the UUP is the Feminist Legal Theory group. Of course, the rejection of the prophetic treatise and the rejection of the UUP has relevance. The formulation of the problem in this article is 1). How are the stories and reasons for the rejection of the people against the prophetic message? 2) Why do Feminist Legal Theory criticize the Marriage Law? 3) What is the relevance of the rejection of a prophetic mission with the rejection of the Marriage Law? The type of writing this article is a research library (literature review), the analysis approach is qualitative, which is descriptive analysis

INTRODUCTION

In terms, the word Prophet is someone who receives revelation from God SWT through the intercession of angels or inspiration or true dreams¹. The sending of the Prophets or Messengers by God is a manifestation of the line of difference between heaven and earth and between God and his creatures.² The purpose of prophethood is to show what man can know and teach what he does not or has not understood³. A prophet, then, is a human being who acts as a receiver conveying God's messages to mankind⁴. In addition, the main task of a prophet as stated in the Qur'an is to give good news (at-tabsyir) as well as warn (al-indzār), QS.al-Baqarah [2]: 213 and QS. An-Nisa [4]:165⁵. According to Muhammad 'Ali as-Sabuni, the task of the prophets is to save the people from the grip of shirk and idolatry, chaos and moral depravity (QS. Al-Baqarah [2]: 213).⁶

The problem is that the mission and noble task of the Prophet and the Rosul are rejected by their people. Quoting the opinion of Prof. Dr. Khoirudin Nasution, M.A. The background of rejection is lack of or not understanding the changes that are brought. Most of the Prophets succeeded in understanding and eventually the people accepted the message of the prophetic message, but there were

¹ Eni Zulaiha, "The Phenomenon of Prophets and Prophethood in Qur'anic Perspective", in Al-Bayan: Journal of Qur'anic and Tafsir Studies 1, 2 (December 2016), pp. 151.

² M. Anwar Nawawi Habib Shulton Asnawi, *Dinamika Hukum Perkawinan Di Indonesia Tinjauan Hukum Keluarga Islam Terhadap Legalitas Perkawinan Kepercayaan Penghayat* (Yogyakarta: CV. Bildung Nusantara, 2022), <https://balaiyanpus.jogjapro.go.id/opac/detail-opac?id=346958>.

³ Hammudah Abdalati, *Islam in the Spotlight*, (translated) Anshari Thayib, (Surabaya: Bina Ilmu, 1981), p. 32

⁴ Murtadha Muthahhari, *The Philosophy of Prophethood*, (Jakarta: Pustaka Hidayah, 1991), pp. 9.

⁵ Department of Religious Affairs of the Republic of Indonesia, *Encyclopedia of Indonesian Islam* (Jakarta: Department of Religious Affairs, 1987-1988), pp. 659.

⁶ Muhammad 'Ali as-Sabuni, *An-Nubuunah wa alAnbiya'*, (Beirut: 'Alim al-Kutub, 1985), 2830.

also those who were not successfully understood.⁷

The rejection of the prophetic treatise turned out to be the same as some Indonesian people also rejected the birth of the UUP. And the group that rejects the UUP is divided into two groups. First, the rejection in the era of the plan to enact the UUP.⁸ Second, rejection until the current enactment. One of the groups that rejected in the sense of criticizing the UUP in the post-enactment era of the UUP was the Feminist Legal Theory (FLT) movement with its basic feminist legal theory. According to Feminist Legal Theory, some articles of the UUP can be gender discriminatory against women.⁹ Feminist Legal Theory emphasizes delegitimation to reject the dominance of a certain order or structure, namely the patriarchal and masculine structure in society, which is used as the basis for drafting legislation.¹⁰ The core of the Feminist Legal Theory movement is to fight for justice with a gender perspective, which strongly rejects all forms of discrimination that marginalize women.¹¹ A thought that seeks to make a breakthrough on the enactment of laws against women and the discrimination that women get from the law.¹²

Literature review or previous research on prophethood has been written by a number of researchers, including research written by Khoirudin Nasution,¹³ the title of his research "On the Rejection of the Ummah of the Prophetic Treatise and its Relevance to the Muslim Rejection of the Marriage Law", the contents of this study explain that the Ummah rejects the prophetic treatise, the same as the Indonesian people there are those who reject the presence and stipulation of Law No.1 of 1974 concerning Marriage (UUP), the background of rejection is lacking or not understanding the changes brought. Furthermore, Eni Zulaiha's research,¹⁴ the title of this research is "The Phenomenon of Prophets and Prophethood in the Perspective of the Qur'an", this research discusses the meaning of prophets and messengers, the characteristics of prophethood in the Qur'an, and the prophetic mission and the verses of the Qur'an about the Prophet.¹⁵ The next research is the work of Siti Malaiha Dewi,¹⁶ entitled "Contextualization of the Mission of the Prophetic Message in Counteracting Radicalism", FIKRAH: Journal of Aqidah Science and Religious Studies", this study explains that the mission of the prophetic treatise of Muhammad SAW is universal for all humans, not only for those who believe, but also for those who do not believe. Excellent preaching has been practiced by Rasulullah SAW which has proven

⁷ Khoirudin Nasution, "The Ummah's Rejection of the Prophetic Message and Its Relevance to Muslim Rejection of the Marriage Law", in ADHKE: Journal of Islamic Family Law, Volume 2, Number 1, June 2020, p. 25.

⁸ Yasmeen Hasan and Hervin Yoki Pradikta, "Constructing Women's Right to Justice in Indonesian and American Criminal Law: A Comparative Study," *Journal of Islamic Mubadalah* 1, no. 1 (2024): 51–61, <https://journal.brajamustipublication.com/index.php/jim/article/view/4>.

⁹ Sineb El Masrar, Ahmad Burhanuddin, and M Anwar Nawawi, "Disabled Women's Rights in Indonesian Islamic Family Law: A Mubadalah Perspective," *Journal of Islamic Mubadalah* 1, no. 1 (2024), <https://journal.brajamustipublication.com/index.php/jim/article/view/3>.

¹⁰ FX Adj Samikto, *Critical Legal Studies, A Critique of Modern Law*, (Jakarta: Citra Aditya bhakti, 2005), p. 68. 68. See also Habib Shulton Asnawi, "Feminist Legal Theory Criticism of Law. No. 1 of 1974 concerning Marriage" An Effort in Upholding the Justice of Women's Human Rights, in *Al-Ahwal: Journal of Islamic Family Law* (Department of Islamic Family Law Faculty of Sharia and Law Sunan Kalijaga State Islamic University), *Vol 4, No 1 (2011)*, pp. 120. <http://ejournal.uin-suka.ac.id/syariah/Ahwal/search/search>.

¹¹ Linda Firdawaty et al., "Yusuf Al-Qardhawi's Perspective of Ihdad and Its Relevance to Career Women's Leave Rights in Bandar Lampung," *Jurnal Ilmiah Al-Syir'ah* 21, no. 2 (2023), <https://doi.org/10.30984/jis.v21i2.2343>.

¹² Niken Savitri, *Women's Human Rights*, (Bandung: PT Rafika Aditama, 2008), p. viii.

¹³ Khoirudin Nasution, "The Ummah's Rejection of the Prophetic Message and Its Relevance to Muslim Rejection of the Marriage Law", in ADHKE: Journal of Islamic Family Law, Volume 2, Number 1, June 2020, pp. 25.

¹⁴ Eni Zulaiha, "The Phenomenon of Prophets and Prophethood in Qur'anic Perspective", in *Al-Bayan: Journal of Qur'anic and Tafsir Studies* 1, 2 (December 2016), pp. 150.

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¹⁶ Siti Malaiha Dewi, "Contextualizing the Mission of the Prophetic Message in Counteracting Radicalism", FIKRAH: Journal of Aqidah Science and Religious Studies, Volume 3, No. 2, (December 2015), 130.

to be effective and successful. The next research was written by Salamah Noorhidayati,¹⁷ with the title "Revealing the Facts of the Prophethood of Maryam AS", describing how the concept of prophet and its characteristics in general, how the relationship between women and revelation, how the different views of scholars, especially interpreters related to the status of Maryam and the Qur'anic argument for the determination of Maryam as part of the chain of prophets in the perspective of gender justice interpretation. The next research was written by Arif Nuh Safri,¹⁸ the title of this research is about "The Authenticity of the Prophetic Message (Pluralism and Humanity)", the results of this study state that the success of the Apostle in carrying out the mandate from Allah is the nature and attitude of mercy and compassion of the Apostle. With this mercy and compassion, the Apostle has succeeded in creating a new civilization towards enlightenment in the Islamic world in particular and in the world universally.

Novelty and Gap analysis of this article with the results of previous research studies lies in the formulation of the problem, in this article analyzing the story and reasons for the rejection of the prophetic treatise, the reasons for Feminist Legal Theory to criticize the Marriage Law, and the relevance of the rejection of the prophetic mission to the Marriage Law.

RESULTS AND DISCUSSION

The Story and Reasons for Rejecting the Message of Prophethood

The missions of the Prophets and Messengers that were rejected by their people can be grouped into several stories, including:

a. The story of Prophet Noah AS.

The story of the rejection of Noah's message by his people is mentioned in the Qur'an surah al-Hud (11): 25-27. The essence of the treatise brought by Prophet Noah AS., is the prohibition of worshipping other than God, and the command to worship only God. While the reason for the rejection of the people is because the people see Noah as an ordinary human being, has no advantages, even a lowly person. The same point is also mentioned in surah al-Mumin (23): 23-27.¹⁹

The people of Prophet Noah (especially the leaders, nobles and wealthy) rejected his teachings, they mocked and accused him of being a liar and a common man. Nevertheless, Noah maintained a good relationship with them on the basis of faith. Although Noah preached day and night to invite his people to believe, his people continued to worship idols. Noah had worked hard day and night, preaching but the results could be said to be nonexistent, because only a few people could follow him. Finally his people were buried by a great flood except for a few believers who were put into a boat with some animals.²⁰

b. The story of Prophet Ibrahim AS.

The story of the rejection of the message of prophet Ibrahim AS. by his people is mentioned in surah Maryam (19): 42-48. When Ibrahim asked his father and his people why they worshipped statues. They replied because our fathers did so, as mentioned in surah al-Anbiya (21): 52 and 53. So, the people of prophet Ibrahim refused on the grounds that their fathers and ancestors did so.²¹ They continued the idol worship that had been the tradition of their fathers and grandfathers. The people of Prophet Ibrahim

¹⁷ Salamah Noorhidayati, "Revealing the Fact of the Prophethood of Maryam AS", YIN YANG. Vol. 9 No. 1 (January-June 2014), pp. 19-36.

¹⁸ Arif Nuh Safri, "The Authenticity of the Prophetic Message (Pluralism and Humanity)", ESENSIA: Journal ofkFUPI, UIN Suka Yogyakarta, Vol. XIII No. (January 1, 2012), pp. 184.

¹⁹ Khoirudin Nasution, "The People's Rejection of the Prophetic Message, pp. 28-32.

²⁰ Muh. Daming. K., "The Story of Prophet Noah AS According to the Qur'an", in Al-'Adl Journal Vol. 6 No. 1 January 2013, pp. 91.

²¹ Khoirudin Nasution, "The People's Rejection of the Message of Prophethood, p. 30.

AS seemed but unwilling to realize their mistake, and still worshipped idols that were actually of their making as well.

c. The Story of Prophet Moses

The story of Prophet Musa AS and Aaron facing defiance from Pharaoh, Haman and Qarun is contained in surah Yunus (10): 75-78. The essence of this verse is the command to worship Allah. The people protested because they were asked to turn away or leave from doing what they could do their ancestors.²² Prophet Moses, assisted by his brother Prophet Aaron, was sent by Allah to bring the teachings of Tawhid to the Egyptians, but both were mistaken for sorcerers and madmen. Although threats and even murder plans were always carried out by Pharaoh, Moses never gave up. The second mission carried by Moses was the Liberation of the Children of Israel from the shackles of oppression and slavery.²³

d. The Story of Prophet Saleh and Hud

The story of the rejection of the Samud people against prophets Saleh AS and Hud AS, as mentioned in surah Hud (11); 62. Based on this verse, the reason for the rejection is because they were told to abandon their worship that they got/inherited from their fathers.²⁴ The rejection response of the Aad people from Prophet Hud's preaching is a repetition of history like what happened to the previous prophet Noah and the prophets who will come after him. The response of the rejection of the prophet's da'wah went through a process and had a storied level of defiance, starting only as a refusal and surprise at the da'wah which he considered something new without any more response and without any arguments or reasons for rejection, then the next stage led to reviling and insulting the messenger of God by calling him a fool and crazy. Then at the next stage their defiance is accompanied by a strong response and will usually issue reasons that are identical to the traditions of the ancestors that are maintained, until it reaches the last stage of rejection characterized by arrogance by directly challenging the creator to bring concrete evidence or the promised punishment.²⁵

e. The Story of Prophet Shu'aib

The rejection of prophet Shuaib AS by the people of Madyan who cheated in weighing, as mentioned in surah Hud (11); 84. The rejection is mentioned in surah Hud (11);87. The essence and reason for the rejection was because they were told to abandon the worship and trade practices that they had inherited or followed their fathers, namely trading by reducing the scales.²⁶

f. The Story of Prophet Muhammad

As mentioned in surah Hud (11): 109. This verse shows how the pre-Islamic Arabs who were accustomed to following the traditions of their ancestors, were then asked by the prophet Muhammad to leave them. When asked to those who denied the oneness of Allah, the answer was no, but would follow what was obtained from their fathers, as mentioned in surah Luqman (31); 21. In essence, they

²² Khoirudin Nasution, "The People's Rejection of the Message of Prophethood, p. 30.

²³ Effendi, "Historicity of the Story of Fir'aun in Islamic Perspective" in Al-Adyan, Volume 13, No. 1, January-June, 2018, pp. 93.

²⁴ Khoirudin Nasution, "The People's Rejection of the Message of Prophethood, p. 30.

²⁵ Sutrisno Sutrisno, "The Story and Materials of the Prophet Hud's Da'wah", in Al-Misbah Journal, Volume 13 Number 1, January-June 2017, pp. 191.

²⁶ Khoirudin Nasution, "The People's Rejection of the Message of Prophethood, p. 31.

refused because they were asked to leave what was the worship and tradition of their fathers.²⁷ The same point is illustrated in surah Saba (34); 43 and Al-Syuara (26); 70 to 74.

From some stories and rejection of the people against the message of the Prophet and Rosul as above, it can be described that the mission of the message of the Prophet and Rosul is:

- a. The prophetic message ordered the people to change and leave their worship or God, which was inherited and had been done by their fathers and ancestors, to worship Allah SWT, who must be worshipped.
- b. The prophetic message instructs its people to change and abandon the bad habits and dholim (mungkar) that they do because they follow the teachings of their ancestors towards the teachings of the Prophet and Rosul which are full of kindness, humanity and benefit.
- c. The prophetic message and the Prophet ordered them to change and abandon the worship and trade practices that they had inherited or followed from their fathers, namely trading by reducing the scales, towards behavior and trading in a good, fair and honest manner.

Feminist Legal Theory's Critique of the Marriage Law

Feminist Legal Theory's rejection of UUP is a rejection in the era after the enactment of UUP until its current enactment. According to Feminist Legal Theory, law and legal theory are male dominant. Or in summary it can be said that men write law and legal theory. It can be said that men write law and legal theory. This can be seen from the legal theorists who put forward their theories, which are almost entirely men. Thus, the writing and thinking of legal thinkers who are almost entirely male will directly or indirectly influence the theories they produce. Or in other words, these theories are produced through a male frame of mind and based on a male perspective as well. Feminists believe that history is written from a male perspective and in no way reflects the role of women in the making and compilation of history, this male-made history has biasedly created concepts of human existence, gender potential and social engineering that produce language, logic and legal structures that reflect the character and values of the male perspective.²⁸

One form of Feminist Legal Theory criticism of the UUP is Article 4 paragraph (2) concerning Polygamy Conditions which states: That the Court can give permission to a husband who will have more than one wife if: a). The wife cannot fulfill her obligations as a wife, b). The wife gets a disability or disease that cannot be cured, c). The wife cannot bear offspring. This article seems pro-polygamy, all the reasons that allow husbands to practice polygamy are only seen from the perspective of the husband's interests, and do not consider the perspective of women's justice (the wife is the only source of mistakes and shortcomings). In fact, in society, there are also many men or husbands who are unable to fulfill their obligations as husbands, husbands who have physical disabilities or incurable diseases, or husbands who cannot provide offspring (barren). This UUP provision on polygamy clearly shows the subordinate position and injustice of women before marriage law. Feminist Legal Theory's rejection of the UUP is based on several reasons:

1. Legal theories that have been presented by legal thinkers have concentrated on patriarchal jurisprudence and seem very masculine. So that the resulting legal products also present the interests of men and are not friendly to women's rights.
2. The theories that are presented and attempted to be understood are legal theories developed by men and about how men play a role.

²⁷ Khoirudin Nasution, "The People's Rejection of the Prophetic Message, pp. 31-32.

²⁸ Niken Savitri, *Women's Human Rights*, pp. 27-28.

3. The UUP has not adopted their demands for the promotion of women's human rights.²⁹
4. Another reason is due to the daily facts that still show gender inequalities both in the family environment, the wider community and in the Court (judge) or law enforcement itself.³⁰
5. Laws are gender-biased due to the background of thought, experience and perspective of the originators who mostly use "masculine" values as a reference. In the formation or formulation of legislation, it is inseparable from the political element in the legislation process which is influenced by the dominant mindset.³¹
6. The validity of the UUP is solely from a male perspective. It is said that law and *legal theory* are men's land, it is men who compose laws and theories about law.³² The male values inherent in the reality reflected in the law then have an impact on other groups that are not represented in these values, these values have become so pervasive that they are considered general and absolute values by negating the existence of other values.

Meanwhile, rejection of the UUP during the era-before, during the discussion of the draft, until the ratification of the UUP-came from organizations and individuals. Such as Muslim organizations and individuals. *Sarekat Isteri Jakarta* at its meeting in Jakarta 1 week after the *Isteri Sedar* Congress (June 1931), where the *Isteri Sedar* congress made a resolution on the prohibition of polygamy, gave a negative response to *Isteri Sedar's* demands. The result of the *Jakarta Sarekat Isteri* meeting was to protest the resolution to ban polygamy. Ratna Sari, Chairperson of Persatuan Muslim Indonesia (Permi), who spoke at the Congress of all Indonesian women in Jakarta in 1935. Ratna Sari disagreed that polygamy was considered degrading to the status of women, arguing that Islam only allows polygamy, not encourages it. Therefore, the permissibility of polygamy according to Islam is adjusted to the existing demands.³³ Other negative responses also emerged during the discussion of the bill in the DPR, both through individuals and organizations. Among the criticisms can be noted, for example, the views of Asma Sjahroni, a representative of the United Development faction (FPP), who called the bill an indication of the revocation of customary marriage law and Islamic marriage law, which is followed by most Indonesians.³⁴

The draft articles that are considered to have received the harshest criticism from Indonesian Muslims include the draft rule that polygamy must obtain permission from the court (articles 3, 4 and 5), even in his book M. B. Hooker, "*Islamic Law In South-East Asia*", explains the rule that polygamy and divorce can only be carried out after obtaining permission from the court, categorized as a rule that is contrary to Islamic teachings.³⁵ In addition to the rules on polygamy, registration as a valid condition of marriage (article 2 paragraph (1) and article 44), the minimum age limit for marriage, 21 years for men and 18 years for women (article 6), marriage between adherents of (mixed) religions (article 11), engagement (article 13), divorce must be with the permission of the court (article 40), child adoption (article 62). On the issue of registration, for example, it is stipulated that registration is a condition of

²⁹ Sahbana, "Indonesian Women in the Family from an Islamic Perspective, in, Journal of Shari'ah Science, *Gender Justice in Islamic Shari'ah*, (Yogyakarta: UIN Press, 2001), p.

143. 143.

³⁰ Habib Shulton Asnawi, "Feminist Legal Theory Criticism of Law. No. 1 Year 1974 on Marriage, p. 124.

³¹ Wayne Morrison, *Elements of Jurisprudence*, International Law Book Services, 1994, p. 208.

³² Katharine T. Bartlet, *Feminist Legal Methods*, in *Feminist Legal Theory Poundation*, edited by D. Kelly Weisberg, tpmple University Press, 1993, p. 167. 167.

³³ Nurlena Rifai, "Muslim Women in Indonesia's Politics: An Historical Examination of the Political Career of Aisyah Aminy", (Montreal: MA Thesis at McGill University 1993), p. 32.

³⁴ Minutes of DPR XI, September 18, 1973, as cited by Abdul Hadi, Dissertation Draft, p. 79.

³⁵ M. B. Hooker, *Islamic Law in South-East Asia*, (Oxford, New York, Singapore; Oxford University Press, 1984), p. 272. 272.

a valid marriage. This rule is considered contrary to the teachings of Islam, which considers marriage as a very sacred bond and full of religious nuances.³⁶ The rejection of the UUP above is based on several reasons:

1. The birth of the UUP was a repeal of customary marriage law and Islamic marriage law, which is followed by most Indonesians.
2. The prohibition of underage marriage will instead provide an opportunity for promiscuity to flourish.
3. The rules on polygamy where being a second, third or fourth wife is still better for a woman than practicing prostitution.

The author himself agrees with the *Feminist Legal Theory* argument as above about polygamy which causes a lot of discrimination. The author does not state that polygamy is forbidden or prohibited, because in Shari'a the provisions regarding polygamy are written. The author only criticizes that the practice of polygamy that is widely practiced in society today does not depart from the provisions of the polygamy requirements in the UUP as above. In addition, the current practice of polygamy is also not in line with and far from the practice of polygamy ala-Rosulullah SAW. The practice of polygamy of Rosulullah SAW has a very noble mission, including maintaining the honor of old widows whose husbands died on the battlefield, poor widows, protecting neglected orphans, and uniting the tribes as an effort to get to know and embrace Islam. Today, polygamy is still practiced, but widows and orphans are forgotten and neglected.³⁷

If examined objectively, the practice of polygamous marriages in this era can be seen that, the first wife is physically and mentally healthy, the first wife is obedient and obedient to the husband, the wife carries out her obligations, the wife maintains the honor of herself and her family, the wife takes care of the husband and children, the wife maintains the household well, the wife can also provide and give birth to children and the wife can educate children to adulthood with love and affection, but the husband still commits polygamy, both legally (registered) and religiously (nikah siri). What % (percent) or how many men practice polygamy because the wife does not fulfill her obligations, or the wife gets a disability, or because the wife is barren? Polygamy is still practiced, but widows and orphans are forgotten and neglected.

If indeed the polygamy practiced today is not based on the UUP and the practice is also far from the practice of polygamy ala-Rosulullah SAW, then it can be concluded that the polygamy practiced is solely for the satisfaction of male biological lust. We need to reflect together that "polygamous marriage is not as enjoyable as spilling sperm in a new hole".

Relevance of the Rejection of the Prophetic Mission to the Marriage Law

The essence of the mission of the Prophet and Rosul as explained above is one, namely the message of change or the message that people change from polytheism to worship Allah SWT. The Prophet and the Rosul also invited to change the trade practices that they did as inheritance or following their fathers, namely trading by reducing the scales, towards behavior and trading in a good, fair and honest way. But, the people refused the command to change, the people wanted to maintain what was already established, the people wanted to maintain what had become a habit (tradition), some people followed what had become a habit (tradition) and worship of their fathers and ancestors.

³⁶ Khoirudin Nasution, "The People's Rejection of the Message of Prophethood, p. 34.

³⁷ Habib Shulton Asnawi, "Polygamous Marriage is Not as Pleasant as Spilling Sperm in a New Hole", in Media DEARY.co.id. <https://diary.co.id/lifestyle/perkawinan-poligami-tidaklah-senikmat-seperti-menumpahkan-sperma-di-lubang-yang-baru/>

Meanwhile, the reasons for the rejection of the UUP, as above, can be grouped into several reasons:

1. Rejection of the era of the plan to enact the UUP.

The planned minimum marriageable age rule is a rule that is not rooted in the needs of the Indonesian situation. The prohibition of underage marriage will actually provide opportunities for the proliferation of promiscuity. The rules on polygamy where being the second, third or fourth wife is still better for a woman than practicing prostitution. The birth of the UUP was the repeal of Customary Marriage Law and Islamic Marriage Law, which are followed by most Indonesians.

2. Rejection of the post-enactment era of UUP

This rejection criticizes the rules of the existing articles in the UUP which seem gender biased and discriminatory against women's rights, the UUP does not accommodate human values, especially women, the UUP needs to be amended which needs to be adjusted to current conditions.³⁸ *Feminist Legal Theory* argues that the legal theories that have been presented by the formulators of the 1974 Marriage Law, especially the article on "*polygamy*" are very thick with the patriarchal paradigm. The reason is that law and legal theory are dominantly male, or it can be said that men write law and legal theory. So that the resulting legal products also present the interests of men and are not friendly to women's rights.³⁹

The core reason for the rejection of the UUP for the *first group* was resistance to change. Society is not yet willing to change. The *second group*, through its criticism of *Feminist Legal Theory*, is that the UUP must change, because the articles in the UUP are gender biased and less favorable to women's rights. The relevance between the rejection of the prophetic treatise by the ummah on the one hand, and the rejection in the era of the enactment of the UUP by the Indonesian people on the other, is.⁴⁰

The relevance is "the same", that is, both refuse to change and both want to maintain the establishment.⁴¹ The factor of the people's rejection of the prophetic treatise and the rejection of the Indonesian Muslim community towards the UUP is because they do not understand the The strategy for strengthening harmonious families in Bandar Lampung in the era of society transformation 5.0 is through several methods, namely by increasing communication with all family members and involving them in all activities and decision making, utilizing technology and social media to create moments together, and all of this is supported by the government of Bandar Lampung city by facilitating it through programs focus on digital literacy, parenting techniques, communication skills, and emotional intelligence. meaning and significance of the form of change itself. The people do not understand that the teachings brought by the prophets are the teachings of truth that must be accepted for the salvation of life in the world and the hereafter, the salvation of all mankind (humanity). Quoting the opinion of Prof. Dr. Khoirudin Nasution, M.A., in his research entitled "*The Basis for Compulsory Compliance with the Marriage Law (UUP): A Study of Muhammad 'Abdub's Thought*", explained below:

Meanwhile, the Indonesian people do not understand that the UUP has a more authoritative status than the conventional fiqh that they call Islamic law. Another expression is that Indonesian people

³⁸ Habib Shulton Asnawi dan M. Anwar Nawawi, *Hegemoni Patriarkhisme Hak Keadilan Perempuan Dalam Undang-Undang Perkawinan Di Indonesia* (Yogyakarta: The Journal Publishing, 2022), <http://thejournalish.com/ojs/index.php/books/article/view/358>.

³⁹ Habib Shulton Asnawi, "Kritik Teori Hukum Feminis Terhadap UU Nomor 1 Tahun 1974 Tentang Perkawinan, Suatu Upaya Dalam Menegakkan Keadilan HAM Kaum Perempuan," *Al-Ahwal*, 2011.

⁴⁰ Habib Shulton Asnawi, "Runtuhnya Keadilan Perempuan (Kritik UU. No. 1 Tahun 1974 Tentang Perkawinan Perspektif Hak Asasi Manusia)" (Yogyakarta: Lintang Rasi Aksara, 2018), <https://scholar.google.com/scholar?cluster=11752760646969400945&hl=en&oi=scholar>.

⁴¹ Habib Shulton Asnawi Habib Ismail, "Discrimination Against Wife In The Perspective of CEDAW and Islam Mubādalāh," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan*, 20, no. 2 (2020), <https://ijthad.iainsalatiga.ac.id/index.php/ijthad/article/view/4994>, hlm. 34.

do not or do not understand that what they call Islamic law is the result of mujtahid thinking about the nash, the same as fiqh, fatwa, tafsir, jurisprudence and laws, including the UUP (codification). Even the UUP is more authoritative than fiqh, fatwa, tafsir, jurisprudence, because the UUP is the result of the ijtihad of many experts ('âlim, 'ulamâ) and many leaders (râ'is, ruasâ'). The experts involved in determining the UUP are experts from various scientific fields. The agreement of these experts and leaders in the language of Ushul Fikih is ijmâ', the third source of Islamic teachings after the Qur'an and sunnah of the prophet Muhammad SAW. While fiqh, fatwa, jurisprudence are the results of individual ijtihad (fardi). Although there are collective fatwas, the number of mujtahids involved in determining fatwas remains very limited compared to the experts and leaders involved in formulating and establishing the UUP.⁴²

The second relevance is "the same", which is both rejecting, except that the rejection of this UUP, after the UUP is currently in effect. The rejection of the UUP is represented by the *Feminist Legal Theory* group. This group rejects the UUP on the grounds that the UUP is far from human values, far from the principles of justice and gender equality.

This means that the relevance of the people's rejection of the mission of the Prophet and Rosul to the rejection of the UUP in the era of the enactment of the UUP and the era of the separation of the UUP that applies until now has the same relevance, namely "both reject". It's just that for groups or communities that reject the UUP have different times and historicalities. That is, the rejection of the era of the establishment of the UUP which considered Islamic law or fiqh to be more authoritative, while the rejection of the era of the UUP that applies to this day rejects the articles contained in the UUP represented by *Feminist Legal Theory* with demands that the gender-biased UUP must be reviewed in accordance with the principles of justice and gender equality.

CONCLUSIONS

As the three problem formulations and analysis above, the conclusions are:

1. The Prophet ordered his people to abandon their worship and change the bad habits/culture/traditions and dzolim (mungkar). While the reason the people of the Prophets rejected the Prophet's message was because their worship was inherited and had been done by their fathers and ancestors for a long time. Even the rejection, up to the diatribe that considers that the Prophet is an ordinary human being, crazy, despicable and misleading.
2. Feminist Legal Theory's rejection/criticism of the UUP is based on several arguments, including that law and legal theory are dominant patriarchal and masculine men. So that the resulting legal products are gender biased and do not accommodate justice and protection of women's rights. For example, regarding the rules of polygamy, this rule seems pro-polygamy, all the reasons that allow husbands to practice polygamy are only seen from the perspective of the husband's interests, and do not consider the perspective of women's justice (the wife is the only source of mistakes and shortcomings). Meanwhile, according to several other groups that oppose the birth of the UUP are: The birth of the UUP will revoke customary marriage law and Islamic marriage law, which are adhered to by most Indonesians. For example, the regulation on the minimum age of marriage, the prohibition of underage marriage will actually provide opportunities for the growth of promiscuity.
3. The relevance between the rejection of the prophetic treatise by the ummah on the one hand, and the rejection of the UUP by the Indonesian people on the other has something in common. Both refuse

⁴² Khoiruddin Nasution, "The Basis for Compulsory Compliance with the Marriage Law (UUP): A Study of Muhammad 'Abduh's Thought", in ADHUKI: Journal of Islamic Family Law, Vol. 1, Number 1, June 2019 (January-June 2019), pp. 1-16. URL: <http://jurnal.adhukiindonesia.or.id/index.php/ADHUKI/article/view/8/1>.

to change and both want to maintain the establishment. Both reject because they bring an invitation to change, the people reject change, the same as the Indonesian people also reject change. The factor of the people's rejection of the prophetic treatise and the Indonesian Islamic community's rejection of the UUP is because they do not understand the meaning and meaning of the form of change itself. The people do not understand that the teachings brought by the prophets are the teachings of truth that must be accepted for the salvation of life in the world and the hereafter, the salvation of all mankind (humanity). Meanwhile, Indonesian people do not understand that the UUP has a more authoritative status than conventional fiqh which they call Islamic law. The UUP is the result of the legalization of Islamic law, through comprehensive ijtihad.

What is interesting about the rejection mission of the UUP is that there are two groups that also have the same relevance, namely "both reject". It's just that this rejection of the UUP has a different time period, reasons for rejection and demands. First, the rejection in the era of the plan to enact the UUP. Second, the rejection in the era after the ratification of the UUP until its current enactment. The first group rejected the change (from classical fiqh to the UUP). The demand is to maintain Islamic law (fiqh). Meanwhile, the second group, through its criticism of Feminist Legal Theory, rejects some of the provisions of the UUP. The demand is that the provisions in the UUP that are gender-biased which result in negative stigma and discrimination against women must be revised (from the UUP towards a UUP that is more fair and friendly to women's rights).

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