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Islamic Views on the Position of Women in Law and Society

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ABSTRACT

This study aims to describe the cultivation of the thought that women are considered inferior in position to men is at the root of the problem of gender inequality that still occurs today, not only in Indonesia but also around the world, to erode the thinking of a society that has been firmly entrenched, it takes a thorough effort from various sides, including religion. This study uses data collection tools from articles on Google Scholar and google.com. The method of delivering material in this activity is through Zoom Meetings with students at one of the universities in Tangerang. Gender equality from the perspective of Islamic teachings, men and women already have their innate nature and character since birth that is different both physically and psychologically, with such differences that do not mean that according to Islam men are superior or inferior to women but only show the existence of different forms of phising and psychic or character, as well as their rights that should be the same as men but in reality women many are limited to their rights in society. This research shows that gender equality and woman's rights intelligence is very important to implement because it contains religious character value-based character education.

INTRODUCTION

One of the understandings of Islamic teachings is the result of ijtihad ulama which has changed the law related to the function and position of women. At first, they had gotten the best possible position, then the next time they (women) received out-of-place treatment, and now their rights will be placed in their proper proportions. *Keywords: women's position, Islamic views, society*

Some Muslims (clerics) have restricted and deprived women of their rights and looked contempt towards them, among others by marginalizing them in the house. As was the case in the middle ages, Muslim women were required to have a face covering and were not allowed to participate with men in social relations. As a result of their face covering and separation from social life, over time opinions arose that prohibited women from entering schools. They are not allowed to leave the house for any reason, including to study and work. Besides not being able to distinguish which teachings of Islam are pure and which teachings are only

traditions, also they adhere to hadiths related to the statements of the Prophet Muhammad SAW, then this group also quotes verses from the Qur'an to strengthen their opinions.

In Rasyid Ridha's book, *Nida'Li al-jins al-Latif*, we find a firm and complete explanation of what is the duty and responsibility of women as Muslim women. If we compare it with the work of Qasim Amin, the content is indeed different but there is one thing that they both certainly feel the need of the "one", which is to want to straighten out the teachings of Islam. Only, Rasyid Rida, like his teacher Muhammad Abduh, make the change must go back in time; while Qasim Amin is different from his teacher, to make the change he must look far ahead not backward.

Qasim Amin's idea, which explains the "similarities" between men and women, seemed too advanced in his time, considering the understanding that men were superior to women was deeply rooted in society. But 1 (one) century later, it is no longer too unfamiliar.

In his book *Tahrir al-Mar'at*, Qasim Amin wants every woman to have her rights as desired by Islam, such as the right to education and teaching. In his second book *Al-Mar'ah al-Jadidah*, he urged Egyptian women to do as French women do so that they might progress and be free; which in turn later they can advance and liberate the whole society.

In her efforts to find and find falsehoods, especially those related to women's rights, Mernissi did not hesitate to criticize even famous Companions or Clerics. He said that Islam unequivocally distinguishes the exclusively humanitarian dimension of the Prophet Muhammad Saw with the intention of not being confused with Divine revelation. Therefore, it is only shah if we consider that the Clerics and Imams are mere mortals who do not escape error, for It is God alone who has the absolute truth. As explained by the figure Fatimah Mernissi regarding the position of women in Islam. Previously, Fatimah Mernissi was one of the Muslim feminist figures born in Morocco in 1940, she criticized some of the hadiths, especially sanad and matannya which were felt to be detrimental to women. From his critical attitude, many of his works were born about equality between men and women. One of them is her book entitled, *Woman and Islam: An Historical and Theological Enquiry* which was translated by Yaziar Radianti with the title, *Women in Islam*. In this book, Mernissi explores matters related to the position of women in Islam.

In her quest to seek and find the truth, especially about women's rights, Mernissi did not hesitate to criticize even the famous Companions or Clerics. He said that Islam unequivocally distinguishes the exclusively humanitarian dimension of the Prophet Muhammad Saw with the intention of not being confused with Divine revelation. Therefore,

it is only shah if we consider that the Clerics and Imams are mere mortals who do not escape error, for It is God alone who has the absolute truth.

This statement is in line with the opinion of Harun Nasution who asserts that in Islam which is *ma'shum* – that is, by being preserved from errors in the matter of *ijtihad* – is only the Prophet Muhammad Saw. Besides him, even including the Companions, it is possible to err in their *ijtihad*. Therefore, the teachings produced by the Companions, the *Tabi'ins*, and the Clerics after them, are not absolute and true, but are relative and is truth. Specifically, regarding her determination to do a book on women's rights, Mernissi revealed: "... inspired by the blazing passion for science, I read al-Thabari and the works of other authors, in particular Ibn Hisham, author of *Sirat* (Biography of the Prophet); Ibn Sa'ad, author of *al-Thabaqat al-Kubra* (Collection of Biographies); al-'Asqalani, author of *al-Ishabat* (Biography of the Companions); and collections of hadiths al-Bukhari and al-Nasa'i. All this is to understand and make clear the anti-women mystery that Muslim women had to face even in the 1990s". The source of the "harassment" of women, according to Mernissi, is a result of the large number of false Hadiths that are driven by political interests as well as economic interests.

Research Methods

The research method carried out is the method of delivery via zoom meeting. Researchers chose to use the method of delivering via zoom meet to determine how to find, collect, process and analyze

data from the study. Data collection with literature study techniques, Research aims to obtain a complete picture of something by the views of society and data obtained from several books as well as other literary works, which aims to express the Islamic view of the position of women in law and society.

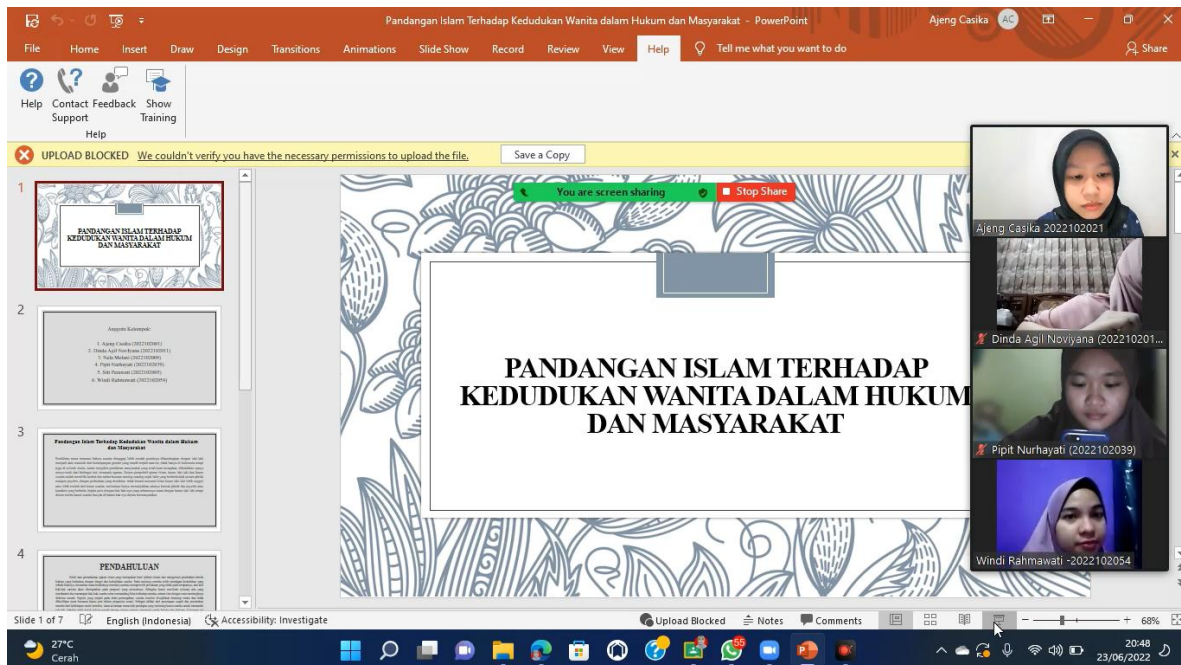


Figure 1: Webinar Speaker Presentation
Source: Implementation of PKM by the Author (2022)

Community service activities with the theme "Islamic views on the position of women in law and society". This community service activity will be held on June 23, 2022, and starts at 19:00 WIB until 21:00 WIB.

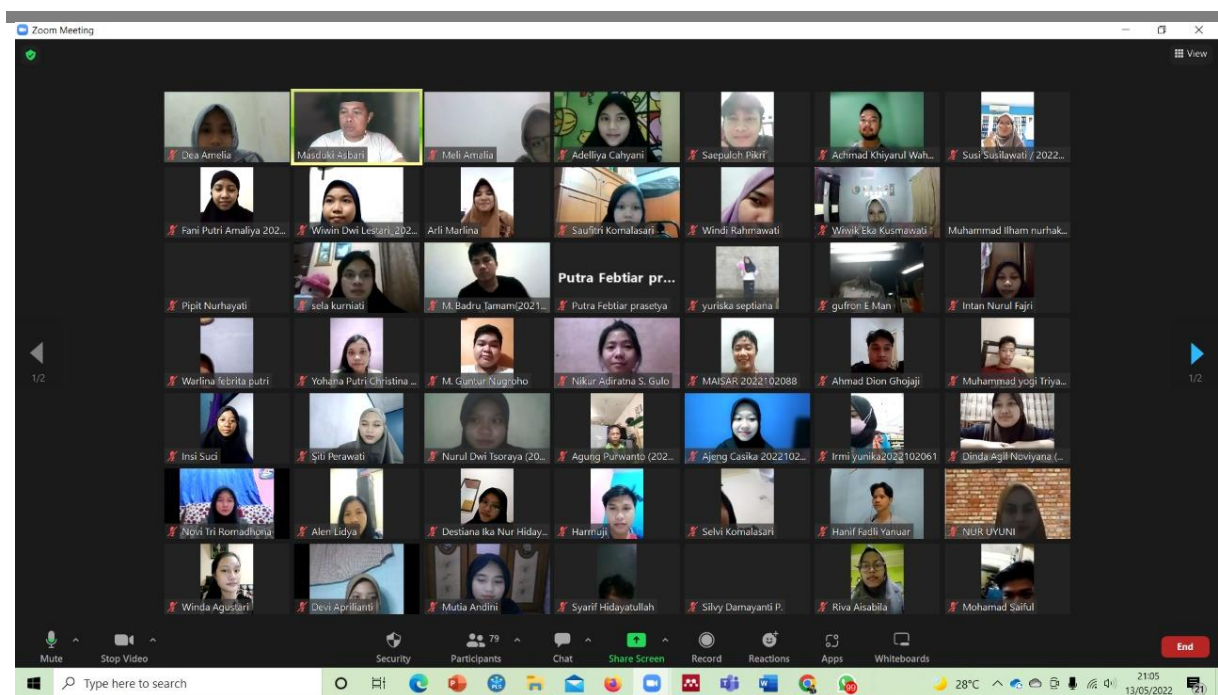


Figure 2: Zoom meeting participants

Source: Implementation of PKM by the Author (2022)

Meanwhile, related to the media used in this activity is a zoom meeting media with a method of delivering material with a lecture or discussion method between speakers and participants. This activity is divided into two sessions, the first session is the delivery of material by the speaker and the second session is a discussion and question and answer between the participants and the speaker.

DISCUSSION

A. The Position of Women Before the Coming of Islam

Looking at the Arab region precisely in Makkah City where Islamic teachings were born, we will find a phenomenon quite concerning in pre-Islamic times, where female

children were planted alive. During the Jahiliyah (before Islam), Arab society viewed women as very low-ranking creatures. They will feel very embarrassed because his wife gave birth to a woman's child which he also regarded as a disgrace.

Women in the jahiliyyah period were at a level of humiliation and humility. They become symbols of backwardness and disgrace. Life there as a woman is regarded as the scum and excrement of society and has no right to inheritance. A husband has the right to marry any woman without any restrictions and attachments, whereas a woman is hindered and forbidden to marry if the husband has passed away or is divorced so that he will never remarry forever. (Imarah Muhammad, 2005: 7). Women are regarded as beings who have no rights, they are only used as lust-mongers, comforters, and slaves to men.

B. The Position of Women After the Coming of Islam

From the perspective of Islamic teachings, men and women already have their innate nature and character since birth that are different both physically and psychologically. No one can dispute such a reality. With such a difference, it does not mean that according to Islam, men are superior or inferior to women, but only shows the existence of different forms of physics and psychics or characters. The philosophical meaning embodied behind such creation is, that the two must be able to work together and play a role according to their respective nature and character. Allah SWT. has declared in His words :

"Verily I do not waste the charity of those who do charity among you, whether male or female, (for) some of you are derivatives of some of the others". (QS Ali Imran: 195).

The above verse explains that as men come from men and women, so too do women also come from men and women. Both are human beings, there is no advantage over the other in the judgment of faith and charity.

In the hadith it is also said that the woman was created from the ribs of a man According to Quraish Shihab, the hadith should be understood as the existence of a specific nature and character in a woman, so that we are extra careful towards her, not to demean her. A woman is a human being who has the same position as men, responsibilities, and obligations with the destiny that God has set.

Allah Almighty said in QS. An-Nisa verse 11. Another point of view on equality is found in the Qur'an surah Al Ahzab Verse 35 " The word male and female is repeated many times by mentioning the same thing like what to have and the charity to be done ". Men and women differ not because of judgment from Allah Almighty, or to say that one of them is nobler than the other. Discussed the law of the Qur'an Surah Al-baqarah " Establishes that the testimony of 2 Women is equivalent to the testimony of a man. The discrepancies in the legal testimony are not based on the incompetence of women and their honesty.

C. Women as Creatures That Are Different From Men

Islam considers women as the same role as men and vice versa. Men and women are not opponents to compete with each other they were created by Allah To help each other help as human beings to achieve their perfection, Protection of Islam against women to be preserved with tenderness and beauty.

Women can also be the highest leaders among scholars (scholars, scholars, politicians, and practitioners) turned out to be a problem from the past until now. This happens methodologically systematic thinking (ushul al-fiqh) is seen to be due to different approaches to understanding and interpreting the texts of the Qur'an and the sunnah of the Messenger of Allah, and the assessment of the existence of the ijma ulama as a source and postulate of law or as a method of legal istinbat so that the implications of it produce different laws. It can therefore be said that the problem of women becoming leaders is included in the dynamic ijthadiyah shutter of all time. Logically, scientific experts have different views on addressing the problem.

D. Women and the Nature of Humanity

If we compare the views of women in the days before the coming of Islam who regarded them as creatures of lack of reason, lack of religion, lack of potential, and lack of human value, especially when compared to men, then with the current view that puts forward the equality of humanity between men and women, we recognize two changes at this level. The modern view that interrogates the Quran and hadith objectively and openly leads to a real positive change to the point of recognition of women's humanity and their role in life. Meanwhile, the bold lifting of women's issues today, motivates scholars to return to interrogating and researching reality, which led to the formation of a fair view of women.

An example of the pro and contra case of women's equality in Indonesia. All religions teach goodness, and living beings are equal in the eyes of the Creator. As with men, Islam views women as equal and even glorifies them. This is proven not only in the holy verses of the Quran, but also through the treatment of the Prophet Muhammad SAW towards women, and the rights of women given after the arrival of Islam on earth.

"The hereditary idea that women are considered inferior in position to men is the root of the problem of gender inequality that still occurs today, not only in Indonesia but also around the world. To erode the deeply entrenched thinking of society, takes a thorough effort from various sides, including religion. Moreover, religion is the foundation of national and state life, and has a great influence on social life," said Secretary of the Ministry of Women's Empowerment and Child Protection (Kemen PPPA), Pribudiarta Nur Sitepu in the Event of Socialization of Gender Equality in an Islamic Perspective.

The Natives believed that all religions, without exception, viewed his entire creation as an equally good being in the eyes of the Creator, who did not deserve to be treated in a discriminatory manner. In line with Pribudiarta, the Grand Imam of Istiqlal Mosque, KH. Nasaruddin Umar said that Islam upholds women and equality.

"In the Quran it says the noblest person is the most devout person. So, this has nothing to do with gender, nationality, skin color, and others. Islam highly upholds women and equality," said KH. Nasaruddin Umar. The Quran has said that women can be successful and become leaders through 3 (three) letters that tell the story of Queen Balqis. The Prophet Saw was the first to allow women to join the battlefield. It was the Prophet Himself who proclaimed women's independence.

KH. Nasaruddin Umar also recounted that long ago before Islam came to earth (Pre-Islamic times), women were not allowed to inherit. However, when Islam came, women gained the right to inheritance. In pre-Islamic times also the birth of women should not be in aqiqah kan (birth feast), but the Prophet Saw said that women can also be aqiqahkan. In addition, in pre-Islamic times, women's dowry was accepted by the guardian, but after Islam came, women were entitled to receive a marriage dowry.

"The issue of gender inequality is not a religious issue, but an improper culture and interpretation of religion, so that women become victims. Stop doing tyranny in the name of religion," KH concluded. Nasaruddin Umar.

Before the presence of Islamic teachings brought by the Prophet Muhammad SAW, many great civilizations existed in parts of the world such as Greece, Rome, India, China, Egypt, and others, and there were also major religions such as Jews, Christians, Buddhists, etc., but all these civilizations and religions did not have a serious concern for women, even tended not to respect at all the rights of women who had a degraded position. Unlike these major civilizations and religions, the teachings of Islam pay great attention to women and aspects of their lives. Islam comes with justice and equality between men and women and respects its dignity and dignity. Thus, Islam expands the space of roles and fulfills women's rights perfectly, respects humanity, and recognizes its involvement with men in all fields of work and duties, except work that is inconsistent with its dignity, dignity, and womanhood.

E. Women's Rights

The placement of women's position by Islam on dignity, dignity, and a high degree equal to that of men can be seen from the existence of several rights inherent in women in various aspects of their lives.

1. The right of women to worship/religion and to go to heaven, not just monopolized by men, is mentioned in QS 4: 124

It means: "Whoever works the charities of the shaleh, both men and women are believers, so they go into heaven and they were not persecuted even in the slightest". QS Ghafir: 40;

That is to say: "And whoever works a pious charity whether male or female is in a state of faith, then he will go to heaven, they are given a blessing in it without hisab". QS Al-Nahl: 97.

That is to say: "Whoever works pious charity, both male and female in a state of faith, we will indeed give him a good life and indeed we will reward them with a better reward than what they have done".

2. Rights in the political sphere. Among others, it is mentioned in QS Al-Taubah : 71

That is to say: "And the people of faith, male and female, some of them (are) to be helpers to some of the others. They told (to do the makruf and prevent the Munkar..." The word "awliya" in the above verse can mean cooperation, help, and mastery. Then the editor "telling to do the makruf and preventing the munkar" gives an idea of the obligation to cooperate between men and women in various aspects of life. As for the sentence "telling to do the makruf", its scope is very broad, including the function of control, providing input and criticism to the ruler (political issues).

In QS Al-Mumtahanah 12, it tells the story of women in the time of the Prophet performing bai'at to the Prophet and his teachings. This shows that women have political rights and choices that must be protected, Islam also encourages its people, both men, and women, to always be deliberative in solving the problems of their lives in this world. (wa shawirhum fi al-amri). Again in the verse, there is no discrimination because the khitab or audience in the verse includes both men and women. And includes "all their affairs". Historical reality: Ummu Hani once gave a guarantee of security (political asylum) to a group of musyriks, and his actions were justified by the Prophet's saw. Aisyah, together with the male Companions, led directly the war known as the Jamal war or the Onta War against Ali ibn Abi Talib, regarding the issue of the succession of the change of caliphate at that time.

3. The right of the treasury, receiving an inheritance, having the result of his efforts, and the right to work.

In QS Al-Nisa' : 32 Allah swt. Said

That is to say: for men the right (part) of what is bestowed upon him and for the woman the right (part) of what is bestowed upon him.

The verse explains that the man and the woman are both likely to obtain the grace of Allah SWT., including in the matter of ownership. Consequently, he will have absolute rights to the labor or the fruits of the labor/efforts made by each of Adam's children. In the matter of the inheritance of Allah SWT. Said

It means: "Allah tells you about (the distribution of heirlooms) for your children. That is, the part of a boy is the same as the part of two children female". (QS Al-Nisa': 11) This difference in the inheritance part is solely based on the difference in function between men and women in the household system according to the teachings of Islam.

In QS Al-Nisa': 34 is mentioned

that men are leaders or persons in charge of women. Will but we must see the verse in the context of domestic life in the position of a man as a husband. The indication, it appears with no the revocation of the rights of ownership and management of the wife's property, including the certain right to work and strive.

From QS Al-Taubah: 71 that we have mentioned earlier, we also obtain an overview of the necessity of establishing cooperation between men and women in various aspects of life. The Khitab in the verse does not distinguish between male and female. As I'tibar for us at the time of Prophet Muhammad PBUH. We can trace the history of Islamic women who pursued various types of professions, from political / government affairs to cosmetology/beauty salon issues. Recorded Ummu Salamah and Aisyah ra. (both wives of the Prophet), Shafiyah, Laila al-Ghiffariyah, and others along with the men competed on the battlefield. Khadijah Binti Khuwailid (the first wife of the Prophet saw.) and Qillat Ummi Bani Ammar are examples of successful merchants of his time. There is also Zainab Binti Jahsy who works as a tanner and Ummu Salim Binti Malhan who works as a makeup artist. Similarly, Raihah, the wife of Abdullah bin Mas'ud, was actively working because her husband's income could not meet the needs of her family.

4. The right to choose and determine a life partner.

Therefore, marriages that are not based on the bride's willingness are invalid, so a woman's guardian/parent must ask about a woman's willingness to be married. The Apostle said means: "The widow is more entitled (to marry) herself than her guardian. And a girl should be asked of her willingness, and the willingness of a girl is by her silence".

5. The right to study.

Likewise, when in the household she fosters feels that she is being treated unfairly and inhumanely by her husband, a wife has the right to sue for divorce in court. Islam highly upholds science and values people with knowledge. In the Hadith the Prophet is mentioned which means: "Studying is very mandatory for every Muslim, male and female".

CONCLUSION

From the perspective of Islamic teachings, men and women already have their innate nature and character since birth that are different both physically and psychologically. With such a difference, it does not mean that according to Islam, men are superior or inferior to women, but only shows the existence of different forms of physics and psychics or characters. The philosophical meaning embodied behind such creation is, that the two must be able to work together and play a role according to their respective nature and character.

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Women As Different Beings With Men Islam considers women to be the same role as men and vice versa. Men and women are not opponents to compete with each other they were created by Allah To help each other help as human beings to achieve their perfection, Protection of Islam against women to be preserved with tenderness and beauty. This happens methodologically systematic thinking (ushul al-fiqh) is seen to be due to different approaches to understanding and interpreting the texts of the Qur'an and the sunnah of the Messenger of Allah, and the assessment of the existence of the ijma ulama as a source and postulate of law or as a method of legal istinbat so that the implications of it produce different laws.

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real positive change to the point of recognition of women's humanity and their role in life. This is proven not only in the holy verses of the Quran, but also through the treatment of the Prophet Muhammad SAW towards women, and the rights of women given after the arrival of Islam on earth. Moreover, religion is the foundation of the life of the nation and state and has a great influence on the life of society.

Before the presence of Islamic teachings brought by the Prophet Muhammad SAW, many great civilizations existed in parts of the world such as Greece, Rome, India, China, Egypt, and others, and there were also major religions such as Jews, Christians, Buddhists, etc., but all these civilizations and religions did not have a serious concern for women, even tended not to respect at all the rights of women who had a degraded position. Unlike these major civilizations and religions, the teachings of Islam pay great attention to women and aspects of their lives. Islam comes with justice and equality between men and women and respects its dignity and dignity. Thus, Islam expands the space of roles and fulfills women's rights perfectly, respects

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