

Fulfillment Of Women's Educational Rights According To Universal Declaration Of Human Right (UDHAM) And Islamic Law

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ABSTRACT

This research is to see the fulfillment of women's educational rights according to the Universal Declaration of Human Rights (UDHR) and Islamic law. The problem is what is the right to education for women according to the UDHR and how Islamic law views women's right to education. The method used to achieve the objectives of this research is normative legal research, namely research whose data is sourced from secondary data. The nature of this research is descriptive, which aims to provide an overview of women's rights to education. The research results show that education is the key to freedom which helps an individual to develop himself and then contribute to society. This concept has become an international consensus. In the context of human rights, education is a human right that must be respected, fulfilled and protected. In the UDHR it is known that every individual has the right to obtain education, at least basic education. When some people find it difficult to obtain the right to education which is their basic right, the party who is obliged to fulfill this right is none other than the state. Islam places women in a very noble position. Islam does not prohibit women from studying and teaching knowledge, in fact it is Islam that requires them to seek knowledge and gives them the freedom to provide teaching about the knowledge they have mastered. Islam does not deny the intelligence of women.

Keywords: *UDHR, Islamic Law, Women's Education.*

INTRODUCTION

The first World Conference on women held in Mexico City by the United Nations in 1975 showed that in every country the status of women was lower than that of men and were backward in various aspects of life, both as actors and enjoyers of the results of development. Various forms of injustice befall women, such as marginalization, subordination, stereotypes, violence and double burdens. Including in the world of education. Education for Women. It

can't only be obtained from official institutions such as schools or universities. But instill in the mindset that every place is a space for knowledge or education. With that, every step will feel like it has benefits and benefits because it is always accompanied by knowledge. Women are the first madrasa for their children. How a mother educates her child from the cradle will certainly have an influence until the child grows up. Therefore, women have a very large role in the world of education.

Education is very fundamental for human life. Education changes, deepens, and broadens a person's perspective on an issue. An educated person allows himself to be more open and clearer within facing problems. Education and teaching are an integral part of people's lives in the global era and must be able to provide and facilitate the growth and development of intellectual, social and personal skills and teaching is a process, action and way of teaching (Agus Suprijono, 2012:2).

Education is the most important basis for human life. With education a person can improve the quality of his life, both from the quality of reason, thinking, behavior to the economy. The function of education is of course obtained by teaching. Teaching must be given to everyone to get a decent and quality education. Therefore, every human being in this world has the right to receive education and teaching, including all women. Thus, there should be no reason to discriminate against or neglect women's education. This means that women can study any field, but in reality there is still an education gap. The gap between women and men still appears to exist. In reality, many women are prevented from obtaining educational opportunities. This is in line with Kodir's statement in his book "For example, women, because their social position is considered weak, have more limited opportunities to obtain education than men" (F.A. Kodir, 2006:10).

On the other hand, education is the main social institution that enables the achievement of democracy and equality. Through education, culture is transformed, social functions and status are reproduced and created. In any social context, the transformational function of education is inevitable because it touches socially and economically the lower levels of society who are less fortunate. The transformation of education resulted in egalitarianism and the formation of a meritocratic social system. A meritocracy, as opposed to an aristocracy, is a social system in which all members of society are given equal opportunities to develop their abilities and climb the social hierarchy. In summary, at the macro level education has political, social and economic functions. (Bahrul hayat: 2012: 2).

Based on records from the Central Statistics Agency (BPS) in 2021, it shows that there is still a gap in obtaining education between women and men, 16.09% of women aged 15 years and over do not have a diploma, while only 11.65% of men just. Apart from that, 5.35% of women aged 15 years and over are illiterate, while only 2.57% of men are illiterate (Yudha Nata Saputra, 2022:1)

Rights are something that is invisible and owned by everyone, both men and women. Especially for women, a woman actually has many rights. One of them is the right of women to receive education and teaching in the field of educational sciences.

With the development of time and time, women's rights, especially in obtaining education and teaching, have shown that not many, if not all, women have received this right. There are many factors that cause women not to get their rights, some don't want to or maybe

there's no money and there are many more social factors. Even though every human being living in the world has legal protection to get a decent education.

RESEARCH METHOD

Research comes from English consisting of the words "re" and "to research" which comes from "circum/circare" which means to check again. Research can be said to be a means of strengthening, fostering and developing human knowledge. Legal research methods are research that is applied or applied specifically to legal science. This research is classified as a type of normative legal research, Normative Legal research is legal research carried out by examining library materials or secondary data (Soerjono Soekanto & Sri Mamudji, 2003:13). Normative legal research is also called doctrinal legal research. According to Peter Mahmud Marzuki, normative legal research is a process of finding legal rules, legal principles and legal doctrines to answer the legal issues faced (Peter Mahmud Marzuki, 2010: 35). Research data sources include primary legal materials, secondary legal materials and tertiary legal materials. The data collection method was carried out using document study techniques, which were analyzed using qualitative analysis techniques.

DISCUS AND ANALYSIS

Women's Right to Obtain Education According to the UDHR (DECLARATION UNIVERSAL HUMAN RIGHT)

Education is the key to freedom that helps a person to develop himself. To then contribute to society. This concept has become an international consensus. In the context of human rights, education is a human right that must be respected, fulfilled and protected. The state must guarantee every citizen to receive education. The state must create a conducive climate so that its citizens can obtain education.

The right of every human being to receive education has been formulated simultaneously with the formulation of human rights. Human rights themselves are basic rights that are inherent in a person from the moment he is born. This right is a gift from God Almighty. Because of its nature, it is universal for anyone, regardless of national background, ethnicity, religion, gender and so on. This right cannot be revoked or reduced by anyone, except by God.

The United Nations (UN) first declared Human Rights on December 10 1948 after going through a fairly long procession (Husein Muhammad, 2016: 106).) This agreement is known as the Declaration of Universal Human Rights (UDHR). This agreement is a statement by the world community as an effort to end war and human oppression caused by an unjust system of power relations. The content of the UDHR contains 30 articles that explain the rights that humans have.

The UDHR, as a UN body that focuses on human rights, provides direction regarding women's rights in many contexts, including women. Various UDHR documents, such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), indirectly recognize the rights of women. UDHR, Article 26, underlines the right of every citizen to get an education. Although it does not specifically detail women's rights, this article states that women should aim for the full development of human potential and the enhancement of human dignity. Then in the International Covenant on Civil and Political Rights (ICCPR), Article 3, prohibits discriminatory practices in the

implementation of the rights guaranteed by this agreement. It creates a legal basis for fighting gender discrimination in women and provides protection for women's rights.

Several articles of the International Convention on Human Rights include: "All people are born free and have equal dignity and rights. They are blessed with reason and conscience and should associate with each other in a spirit of brotherhood." (Article 1). "Everyone has the right to all the rights and freedoms set forth in this declaration, without exception of any kind, such as descent, color, sex, language, religion, political or other positions or other origins, nationality or social origin, property rights, birth status or other status." (Section 2). "Everyone has the right to life, the right to personal freedom and security." (article 3) "Everyone may be subjected to ill-treatment or cruelty, which is inhumane or degrading." (Article 50) (Husein Muhammad, 2016: 108)

In Indonesia, throughout the history of the struggle of Indonesian women, the names of women who took part in political and educational activities have been recorded. In the category of physical struggle against invaders such as Cut Nyak Dien, Martha Tiahahu, Yolanda Maramis and others. In the national movement the names Rasuna Said and Trimurti emerged. Meanwhile, Dewi Sartika and R.A Kartini are remembered as people who fought for women's rights to get a decent education. Raden Ajeng Kartini's determination to fight for education for women began with her sadness at seeing the plight of women in her home region of Rembang, Central Java. Then 1928 was the most important moment in the history of women in Indonesia. A women's congress was held. Some of the recommendations included demanding that the colonial government add more schools for girls; providing scholarships for female students who have the ability to study but do not have educational costs, the institutions are called *stuidie fonds*; and establishing an institution and establishing literacy eradication courses, health courses and activating efforts to eradicate child marriage (Husein Muhammad, 2014: 241).

Until the end of the 19th century and the beginning of the 20th century, women in Indonesia had not achieved freedom in various ways. At that time, women were not allowed to get an education. Parents think their daughters do not need to continue school. It is better for daughters to be married off straight away or encouraged to work in the public sector as domestic servants or informal workers. These conditions make school-aged girls from poor families a social group whose socio-economic and cultural rights are violated. They cannot get the right to obtain (enjoy) quality education. General international instruments contained in the UDHR include Article 26 (1) which reads:

Article 26 of the 1948 Universal Declaration of Human Rights states: "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit". Based on the quote above, basically everyone has the right to get quality education, especially at the basic education level. Basic education should be mandatory. Technical and vocational education in general should be open to everyone, and higher education should be accessible to everyone in the same way, based on merit".

Meanwhile, a more specific rule can be found in Article 13 paragraph (2) which states: "The States Parties to this Covenant recognize that in order to strive for the full realization of this right:

- a. Basic education should be mandatory and freely available to everyone;
- b. Further education in its various forms, including secondary technical and vocational education at the advanced level in general, must be available and open to everyone by all appropriate means, and in particular through the gradual provision of free education;
- c. Higher education must be available to everyone equally on the basis of ability with all appropriate means, and in particular through the gradual provision of free education;
- d. Primary education should be encouraged or strengthened wherever possible for those who have not received or have not completed their primary education;
- e. The development of a school system at all levels must be actively pursued, an adequate scholarship system must be established, and the material conditions of teaching staff must be continuously improved” (Musa Kazhim and Edwin Arifin, 2003).

From the editorial of the UDHR above, it can be seen that every individual has the right to obtain education, at least basic education. When it is difficult for some people to obtain the right to education which is their basic right, the party who is obliged to fulfill this right is none other than the state. (Bahrul Hayat, 2012:196).

In Indonesia, from the start, guarantees for the right to education for the Indonesian people have been included in the State Constitution, specifically in Article 28. This guarantee continues to be refined through amendments to the 1945 State Law of the Republic of Indonesia, Article 28c paragraph (1), which reads: Every People have the right to develop themselves through fulfilling their basic needs, have the right to receive education and benefit from science and technology, arts and culture, in order to improve the quality of their lives and for the welfare of humanity.

To ensure the fulfillment of women's right to education, it is necessary to immediately increase access and expand learning opportunities for school-aged girls, especially in poor, remote and isolated areas. Opening vocational schools that are relevant to the needs of empowering women and local communities, are responsive and anticipatory and can help achieve social goals that can guarantee access and equity for students, then improve the quality of education and increase opportunities for women to ensure that women obtain knowledge and skills, so that It is hoped that gender equality and justice can be realized.

There are several factors that cause educational disparities, which in general are the practice of educational discrimination which begins when children receive their first education by their family (parents) at home, then continues unknowingly by teachers and other educational environments at school. (Eddy Basuki, Gunawan, 2013: 95)

1. Injustice At Home. The differences in views and treatment between girls and boys are generally based on the nature of women to conceive or have children. Women are considered weak creatures, who must be protected. With different natures from men, it seems as if there are roles inherent in women, namely the role in the household which deals with providing food, which is related to keeping the house clean because cleanliness is one of the determining factors for health, which is also related to education. In carrying out education at home, a mother or father, whether consciously or not, will expect and position girls to be active

at home. This is reflected in the various household chores assigned to girls. To run errands at home. Girls are more concerned with domestic tasks and boys are more directed to competitive activities outside the home.

2. Gender Bias in Schools. Gender injustice that occurs in school education is often not realized by educators/teachers, parents and also the students themselves. In general, teachers feel they treat all students, girls and boys, fairly. However, educators often do not realize that the children who are mostly asked to answer the teacher's questions are the children who raise their hands, most of whom are boys. In fact, it could be that girls don't dare to raise their hands to answer questions. Because generally girls don't have the courage to express their opinions or are shy. To deal with female students who often lack self-confidence, are shy, and lack independence, teachers should always motivate them.

Education can indeed be interpreted as the foundation of a person's success which can instill positive values in life so that it can improve a person's quality of life. And teaching is the process by which someone teaches and conveys their knowledge. For this reason, every human being in this world has the right to receive education and teaching, including all women. Every woman, like every man, has the right to education and teaching.

Rights are something that is invisible and owned by everyone, both men and women. Especially for women, a woman actually has many rights. One of them is the right of women to receive education and teaching in the field of educational sciences.

Even though women are seen as weak or easily tired, this is only from a physical perspective. However, women are actually more idealistic, feminist and strong. Women's right to receive education and teaching here is intended to improve the quality of their lives, both from the quality of reason, thinking, behavior to economics. But everyone is entitled to it. If you think and look at it, it is not only a man who has the right to receive education and teaching because a woman also has the right to receive it. In the current era and time, women's rights, especially in obtaining education and teaching, are not many, if not not all women get these rights.

Women's Right to Obtain Education According to Islamic Law

In the history of the ancient Greeks, women were valued the same as objects that could be bought and sold. The respect for women during those times was very dirty and disgusting. Women were labeled as the cause of strife, the cause of war and division, up to the worst label, namely the symbol of the abomination of the devil's actions. This situation is not much different in the traditions of Arab society. at that time. When Islam came, the dignity and worth of women was not immediately recognized, women were still placed in a low and useless position. The belief that girls were incapable of fighting made Arab society at that time choose to bury baby girls alive rather than raise them. (Ibrahim Hussein, 2019: 39).

Education can be interpreted as the foundation of a person's success which can instill positive values in life so that it can improve the quality of life. For this reason, every human being in this world has the right to receive education and teaching, including all women. Every woman, like every man, has the right to education and teaching.

The practice of rights and obligations to fulfill the right to education for mankind is actually implied in the life of the Prophet as outlined in the Medina Charter. The charter essentially outlines five main things as the basis of social and state life. First, the principle of brotherhood which confirms that all humans come from one origin and therefore they are brothers. Second, the principle of helping each other and protecting the people of Medina, who

consist of various ethnicities, religions and languages, must help each other in facing opponents. Third, the principle of protecting the weak and persecuted. Fourth, the principle of mutual advice, and fifth, the principle of freedom of religion (Musdah Mulia, 2013: 17). The achievement of a civil life for the people emphasized by the Prophet at that time cannot possibly be achieved if one does not have knowledge, namely by functioning and optimizing the potential of reason through education.

Islamic teachings never teach discriminatory treatment between women and men. Islam places women in a very noble position. This is proven by sacred texts that describe these things. Several hadiths emphasize the importance of glorifying the position of mothers, several hadiths are also translations for the Prophet's preaching agenda which seeks to fight for and elevate the dignity and honor of women. One of the messages of the Prophet during the last Hajj or farewell Hajj also mandated protection for women (Nashriyah, 2018: 76).

If we find that Islamic teachings place women in a very noble position, social reality shows different facts. Islamic teachings, especially those relating to equal relations between men and women, are not implemented well. Until now, the view of society, which is mostly Muslim, still has a bad view of women. As a result, various forms of gender injustice often affect women, such as marginalization, subordination, violence and double burdens. Women tend to be seen as second class human beings and are seen as unfit to receive education. They are "only considered capable" and "only fit" to do domestic tasks, such as looking after the household, looking after children and cooking in the kitchen.

In the Islamic concept, every child is born in a state of fithri, namely innate potential (taken for granted) that is innate from birth, both regarding religious and rational potential. The educational process will help develop these two potentials (fithrah) so that children can develop optimally. In the future, this religious and intellectual capital can support the child's abilities so that he can carry out his duties as caliph fi alardli. The importance of education for humans can be based on Q.S al-Mujjadi, verse 11: "Allah will raise those who believe (men and women) among you and those who have knowledge (men and women) several degrees. The words "raised several degrees" contain the meaning of opening up the social structure for someone to carry out social mobility because the person concerned has the necessary requirements, namely ethics and morals and mastery of knowledge without distinguishing between men and women. Therefore, the verse of the Qur'an above is very relevant to the guidance of the Prophet: "Seeking knowledge is obligatory for every Muslim, male and female." (H.R. Ibnu Majah and Baihaqi from Anas) (Eddy Basuki, Gunawan, 2013: 104).

In pre-Islamic times, women did not have any role. Deprived of their rights, bought and sold like slaves, and inherited but not inherited. In fact, there are some nations in the world who consider women to have no spirit, thus making it a rationale for differentiating them from men in all respects. Based on this, women are prohibited from seeking knowledge and reading the holy books, because women are not fit to do so. However, with the presence of Islam carrying the mission of returning women's rights which had been confiscated and colonized by men in the era of ignorance. Islam came to the world bringing love to its creatures. Islamic religious teachings never look at someone based on gender, race or skin color. Everyone has the same rights before God in any field, including in the field of education. Islam elevates the dignity of women and gives back their rights which have been destroyed by male domination and have been destroyed by religious traditions, group fanaticism and narrow nationality. Among women's rights restored by Islam, is the opportunity for education, so that Islam has a mission that places the dignity of women on a par with men (Sadari, 2015: 52)

As a religion of humanity, Islamic teachings encompass and encompass all aspects of life and livelihood. Islam, since its inception, has taught and appreciated the principles of human rights (HAM). Respect and appreciation for humans and humanity are basic and important teachings in Islam. In the context of the human right to education, Islamic teachings pay great

attention to its followers who seek knowledge. The Qur'an and al-Hadith recommend and glorify everyone who has knowledge, even the law of seeking knowledge is obligatory for every human being, whether men, women, children or adults, and in gaining access to education they have the same rights.

Islam's attention to education is very intense and great. Pursuing knowledge in Islam is legally obligatory for all its adherents, both women and men. Because this matter is the main essence for fighting ignorance on earth. In the Koran there are many verses that instruct Muslims to become an intelligent people, a people who have higher knowledge than other people or nations, and to become a people who must be capable and intelligent in managing and managing the affairs of this world and the hereafter. This command is not only intended for men, but women are also included in it, there are many verses of the Koran and hadiths of the Prophet Muhammad who put science at a high level (Huzaemah Tahido Yanggo, 2010: 115-117). The Qur'an explains the importance of gaining as much knowledge as possible, from birth to the end of life. Without knowledge, human life would be empty. Apart from that, the Koran explains that humans (men and women) who have knowledge will be placed at a higher level.

In Islam, women are required to seek knowledge, as stated in the hadith of the Prophet SAW: "Searching for knowledge is obligatory for every Muslim". This hadith includes the definition of Muslimat, based on the consensus of the ulama, although the word al-Muslimat is not included in it. This hadith is a valid sanad, it is mentioned in the book Jami' Ash-Shaghir and according to the consensus of ulama it is also considered valid. Even Rasulullah SAW gave encouragement that people who teach lessons to women will have a double reward in the afterlife. Rasulullah SAW said, "Whoever has a female slave, then teaches and educates her well, then sets her free, then he will get a double reward" (H.R. Bukhari and Muslim). In this hadith, the Prophet indicated that the reward for teaching and educating is the same as the reward for freeing one's servants, a charity that receives much more encouragement, because of the value of freedom achieved in this charity.

There is no distinction between men and women in the opportunity to achieve maximum achievement, which is specifically emphasized in the verses of the Qur'an which mean the following:

1. Whoever does pious deeds, whether male or female, and he is a believer, then they will enter heaven and they will not be wronged even in the slightest (Al-Nisa 124).
2. Whoever does righteous deeds, whether male or female, in a state of faith, then We will indeed give him a good life and indeed We will reward them with a better reward than what they have done (Al-Nahl 97).

The verses above hint at the concept of ideal gender equality and emphasize that individual achievements, both in the spiritual field and in professional career matters, do not have to be monopolized by one gender alone. Men and women have the same opportunity to achieve optimal performance. However, in the reality of society, this ideal concept requires stages and socialization, because there are still a number of obstacles, especially cultural obstacles that are difficult to resolve.

One of the obsessions of the Koran is the realization of justice in society. Justice in the Koran covers all aspects of human life, both as individuals and as members of society. Therefore, the Qur'an does not tolerate all forms of oppression, whether based on ethnic group, skin color, ethnicity, and belief, or based on gender. If there is a result of understanding or interpretation that is oppressive or violates noble human values, then the results of that understanding and interpretation need to be discussed.

Islam does not prohibit women from studying and teaching knowledge, in fact it is Islam that requires them to seek knowledge and gives them the freedom to provide teaching about the knowledge they have mastered. Islam does not deny the intelligence of women, they are not

prevented from entering various professions, such as teachers/lecturers, doctors, entrepreneurs, judges, ministers, and even prime ministers or presidents. On condition that the woman has the ability to continue to adhere to Islamic law and is able to manage her career and family interests, for example, she does not neglect her household matters, must have her husband's permission and approval, continues to cover her private parts which must be covered, and is not alone with men. those who are not their muhrim, and other rules that have been established by religion to protect the dignity and dignity of women.

CLOSURE

Conclusion

Education is the key to freedom that helps a person to develop himself. To then contribute to society. Education makes women agents of change, not just passive recipients of empowerment programs. Education can also be a factor that allows women to have economic independence (independence) by working both outside and inside their home. This economic independence allows women to have a voice both within the family and in society, for example in managing family finances for food nutrition, health costs, children's education and others. Women who have a source of income in their hands tend to spend their income on the welfare and improvement of the quality of life of their children as the nation's next young generation. Thus, education is very important for women because its contribution to efforts to prepare the nation's next generation of superior quality is very large. The practice of rights and obligations to fulfill the right to education for mankind is actually implied in the life of the Prophet as outlined in the Medina Charter. The charter essentially outlines five main things as the basis of social and state life. First, the principle of brotherhood which confirms that all humans come from one origin and therefore they are brothers. Second, the principle of helping each other and protecting the people of Medina, who consist of various ethnicities, religions and languages, must help each other in facing opponents. Third, the principle of protecting the weak and persecuted. Fourth, the principle of mutual advice, and fifth, the principle of religious freedom. Islam does not prohibit women from studying and teaching knowledge, in fact it is Islam that requires them to seek knowledge and gives them the freedom to provide teaching about the knowledge they have mastered. Islam does not deny the intelligence of women.

Suggestion

Education is the key for a person to develop himself and contribute to society. Therefore, the state provides the broadest possible protection and educational rights to women. The state must create a conducive climate so that its citizens can obtain education. Islamic Sharia gives women the freedom to receive education, and women should be able to manage their career interests and family interests and their husband's approval.

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