



Leadership in the Family from the Perspective of Modern Family Jurisprudence

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Abstract

The evolving view in society regarding the status and role of women is still divided into two opposite poles. On the one hand, it is generally argued that women should be in the home, serve their husbands and only have a domestic role. Meanwhile, on the other hand, there is also a growing notion that women should be free in accordance with their right to freedom. In this study, the authors used a type of library research. The primary data source in this study is progressive Muslim fiqh. The secondary data sources are books that support the author to supplement from the primary data source. The result of this study is Q.S. An-Nisa: 34 it is often mistaken that all men are female leaders, including in the family. The word ar-rijal in question is a man in particular, that is, a certain husband because of the consideration of the continuation of the verse because they provide for part of their property. So here is a continuation of the verse God has exaggerated some of them over others, which shows that the man in question is the one who has advantages in various respects from the female

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A. Introduction

It is known that a family is a group consisting of two or more individuals who are bound by blood, marriage, or adoption, and who live together or separately. A very deep and strong relationship is formed, often referred to as a spiritual and emotional bond. The presence of blood ties indicates the strength of the intended relationship. In family life, husbands and wives generally play a role in jointly fostering well-being, both physically, materially, and spiritually, as well as in elevating the family's status in society. The responsibility of primarily obtaining the family's income is placed on the husband as the head of the household, while the wife's role in this regard is considered as a supplement to the family's income.¹

Islam does not differentiate between males and females, both in terms of position, dignity, status, abilities, and opportunities to contribute. An undeniable fact is that women are an integral part of society. Biologically, women are different from men, but in terms of rights and obligations as human beings, they are equal. Therefore, the presence of women is not just a complement to men, but rather an equal partner in various aspects of life, both in domestic realms like household and in public spheres.²

The prevailing views in society regarding the status and role of women are still divided into two opposing poles. On one side, it is generally believed that women should be within the home, devoted to their husbands, and only have domestic roles. On the other hand, the notion

¹ Erma Yuliani, "Peran Wanita Sebagai Kepala Rumah Tangga," *Sosiatri-Sosiologi* 4, no. 2 (2016): 213.

² Ida Novianti, "Dilema Kepemimpinan Perempuan Dalam Islam," *Yinyang* 3, no. 2 (2008): 1.

has also developed that women should be free in accordance with their rights to freedom. Women of the present era take on many public and social roles. This phenomenon is claimed as a symbol of equality between men and women. Moreover, a significant number of women demand justice and equal rights in all fields. However, religion is still often used as a pretext to hinder the advancement of the concept of gender equality and marginalize women's roles in areas related to the public sphere.³

In many aspects, women are granted rights, responsibilities, and opportunities equal to those of men. However, in matters related to women's nature and dignity, Islam places them according to their position.⁴ Discussions about women in Islam are always intriguing. Islam pays significant attention to women and various aspects of their lives. From the verses of the Qur'an and the sayings of the Prophet, it is not difficult to prove how Islam genuinely cares about women's issues and positions them equally.⁵

M. Quraish Shihab, one of the prominent Muslim scholars in Indonesia, has provided numerous perspectives on women within the family context. According to him, women's status in the view of Islamic teachings is not as commonly assumed or practiced by many societies. Islamic teachings, essentially, grant significant attention and an esteemed position to women.⁶

B. Research Method

In this research, the author employs a type of literature review methodology, which involves a series of activities related to the collection of bibliographic data.⁷ According to Abdul Rahman Sholeh, library research is a study that employs a method of gathering information data by utilizing facilities available in libraries, such as books, magazines, documents, historical records.⁸ In this library research, the data sources, which consist of written materials, comprise primary and secondary data sources.⁹ Primary data sources are those obtained directly from the research subject as sought-after information sources. These are also referred to as firsthand data. In this study, the primary data source is progressive family fiqh. As for secondary data sources, these are data acquired through other parties, not directly from the research subjects themselves. In this study, the secondary data consists of books that support the author in complementing the primary data source.

³ Istibsyaroh, 2004, *Hak-Hak Perempuan Relasi Jender Menurut Tafsir Al-Sya'rawi*, TERAJU (PT. Mizan Publika: Jakarta

⁴ Riesti Yuni Mentari, 2011, *Penafsiran Al-Sya'rawi Terhadap Al-Qur'an Tentang Wanita Karir*, UIN Syarif Hidayatullah: Jakarta

⁵ Lily Zakiyah Munir, 1999, *Memposisikan Kodrat: Perempuan Dan Perubahan Dalam Perspektif Islam*, Mizan: Bandung

⁶ Nurul Irfan, 2010, *Perspektif M. Quraish Shihab Terhadap Wanita Pekerja*, IAIN Tulung Agung: Tulung Agung

⁷ Mahmud, 2011, *Metode Penelitian Pendidikan*, Pustaka Setia: Bandung

⁸ Abdul Rahman Sholeh, 2005, *Pendidikan Agama Dan Pengembangan Untuk Bangsa*, PT. Raja Grafindo Persada: Jakarta

⁹ Saifudin Azwar, 2007, *Metode Penelitian*, Pustaka Pelajar: Yogyakarta

C. Results and Discussion

1. The concept of leadership in the Qur'an

Leadership is an inevitable element in life. It is inherent in human nature to constantly form communities, and in a community, a leader is always needed. A leader is the individual considered as a reference within that community. A leader is someone who provides vision and purpose. The Quran extensively addresses social and political aspects of life, and leadership is one of them. In the Quran, leadership is expressed through various terms, including Khalifah, Imam, and Uli al-Amr. The first term, Khalifah, is a word formed in the pattern of al-sifah al-musyabbahah bi alism al-fa'il, which conveys the meaning of the doer. Therefore, the word 'khalifah' signifies a successor, leader, and representative. The term 'khalifah' can be interpreted as a being entrusted and tasked by Allah to manage and utilize the entire potential of nature according to His guidance, with humans acting as representatives of Allah.¹⁰

The term Khalifah is mentioned 127 times in the Quran, and its meanings range from verbs like to replace, to leave, or nouns like substitute or heir. However, it can also mean to deviate as in conflicting, breaking promises, or various other meanings.¹¹ On the other hand, the term khilafah emerges 22 times from the word khalf, meaning succession, replacement, generational shift, representative, or ruler. According to the Encyclopedia of Islam, this term appeared in Islamic governance history as a political institution synonymous with imamah, which means leadership.¹²

The usage of the term "khalifah" in the verses of the Quran, both in singular and plural forms, can be understood to primarily connote leaders who are granted authority to govern a certain territory on Earth. In the book *Al-Sunan Al-Tarikhiyah fi Al-Qur'an* by Muhammad Baqir Al-Sadr, as mentioned by Quraish Shihab, it is proposed that the concept of "khilafah" or leadership referred to as "khalifah," "khalaf," and "khulafa" in the Quran comprises four interconnected elements. These are: humans as "khalifah," "khalaf," and "khulafa," the universe as portrayed in the Quran (referred to as 'al-Ard'), the relationship between humans and the world, and the fourth element being Allah, the bestower of the assignment and responsibility of leadership.¹³ The concept of replacement mentioned in the Quran pertains to both generational replacement and leadership replacement.¹⁴ Generational replacement refers to a generation obedient to Allah being succeeded by a generation in defiance of Allah's command. Leadership replacement, on the other hand, involves the change of leadership within the community, such

¹⁰ Ahmad Thib Raya, 2015, *Mengenal Hakikat Diri Untuk Mengenal Allah*, CV. Berkah Utami: Makassar.

¹¹ M. Dawam Raharjo, 2002, *Ensiklopedi Al-Qur'an: Tafsir Sosial Berdasarkan Konsep-Konsep Kunci*, Paramadina: Jakarta.

¹² Raharjo.

¹³ M. Quraish Shihab, 1996, *Membumikan Al-Qur'an*, Cet. XII, Mizan: Bandung.

¹⁴ Abd. Muin Salim, 1994, *Konsepsi Kekuasaan Politik Dalam Al-Qur'an*, Raja Grafindo Persada: Jakarta.

as presidents, kings, and even on smaller scales, like social, communal, and political organizations.¹⁵

The second term, Imam, originates from the word *أَمَّ*, which means to go towards, intend, deliberately lead, be an imam, and guide. The word "*إِمَامَةٌ*" is the verbal noun (al-Ism al-masdar) form derived from the word *أَمَّ*, signifying leadership. According to Ibn Manzur in *Lisan al-'Arab*, the word imam has several meanings, including being someone followed by a group, whether leading them on the right path or leading them astray (Quran, Surah al-Isra'/17:71). Imam can also mean an example, illustration, or model. Additionally, imam can refer to a thread stretched over a building to help with construction and ensure its alignment.¹⁶

Ibn Faris in *Maqayis al-Lughah* mentions that the term imam has two fundamental meanings. The first is every person whose footsteps are followed and whose affairs are prioritized. This is why the Prophet Muhammad is referred to as the imam al-aimmah, and a leader of the people is often called imam al-ra'iyah or in some hadiths, al-imam al-a'zam. Additionally, Ibn Faris mentions that imam can also signify a thread for straightening a building.¹⁷ In the Quran, the word imam appears 7 times, and the word aimmah appears 5 times. The term imam in the Quran holds various meanings, such as prophet, guide, scripture/book/text, straight path, and leader.¹⁸

The third term, Ulu al-Amri is translated by Quranic scholar Nazwar Syamsu as functionaries, individuals entrusted with responsibilities or assigned to carry out specific functions within an organization.¹⁹ H.A. Djazuli in his book *Fiqh Siyasah* explains that the term amir or ulil amri from the perspective of constitutional law refers to ahl al-hal wa al-'aqd, which means those who hold the highest authority in governance and have the power to enact laws that are binding on the entire community in matters not explicitly addressed by the Quran and Hadith.²⁰

2. Progressive Family Fiqh Reasoning

The emergence of progressive family jurisprudence is closely linked to a concern rooted in the assessment that Islamic law in general, and family law in particular, are often accused and simultaneously challenged as contributing to the image of Islam as an overly normative and traditional religion. The sluggishness or even cessation of the development of Islamic law following codification has positioned Islam's lag far behind the general advancement of human

¹⁵ Wahyuddin, 2011, *Kepemimpinan Khalifah Usman Bin Affan*, Alauddin Press: Makassar.

¹⁶ Muhammad ibn Mukrim ibn Manzur al-Misri, 1992, *Lisan Al-'Arab*, Juz. XII, Dar Sadir: Beirut.

¹⁷ Abu al-Husain Ahmad ibn Faris ibn Zakariya, *Mu'jam Maqayis al-Lughah*, Juz. I (Beirut: Dar al-Kutub al-Ilmiah, 1999).

¹⁸ Said Agil Husin Al-Munawar, 2002, *Al-Qur'an Membangun Tradisi Kesalehan Hakiki*, Ciputat Press: Jakarta.

¹⁹ Raharjo, *Ensiklopedi Al-Qur'an: Tafsir Sosial Berdasarkan Konsep-Konsep Kunci*.

²⁰ H. A Djazuli, 2003, *Fiqh Siyasah; Implementasi Kemaslahatan Ummat Dalam Ramburambu Syariah*, Kencana: Bogor.

civilization. The issue of the closed door of *ijtihad*, which dominated for centuries, has truly rendered the Islamic community dependent on intellectual references from classical and medieval eras, accompanied by their inability to engage in dialogue with an ever-evolving reality.²¹

On March 7-8, 2006, The Institute of Defence and Strategic Studies (IDSS) organized a seminar with the theme "Progressive Islam and The State in Contemporary Muslim Societies" at Marina Mandarin Singapore. The chosen theme was based on the perceived need for an exploration of the progressive dimensions of the resurgence of the Muslim community. The Islamic resurgence itself, which has often been traced back to the 19th century, carries a rational and cosmopolitan approach in addressing the issues within Islamic societies.²²

The study and exploration of the progressive dimensions of Islam nowadays have become more prominent based on an awareness and the need for two things: firstly, to creatively and positively respond to the negative perceptions of the global world that often views Islam as a religion slow to adapt to the pace of time, thus creating a significant gap between the Islamic world and the West. Secondly, there is a realization that one of the strategies to combat extremism, often attributed to Islam, is by empowering the progressive elements and aspects within Muslim communities, bridging the gap between the Islamic world and others.²³

3. **Progressive Family Fiqh Methodology**

In the contemporary Islamic world, there are at least 6 trends among groups of Muslim thinkers currently emerging. Firstly, the legalist-traditionalists emphasize on laws developed and interpreted by scholars in the pre-modern period. Secondly, the theological puritans focus their thinking on the ethical and doctrinal dimensions of Islam. Thirdly, the political Islamists lean towards the political aspects of Islam, with the ultimate goal of establishing an Islamic state. Fourthly, the Islamist extremists tend to use violence against individuals and groups they perceive as adversaries, whether Muslim or non-Muslim. Fifthly, the secular Muslims believe that religion is a personal matter. Lastly, the progressive *ijtihadists* consist of modern thinkers aiming to reinterpret religious teachings to address the needs of modern society. It's within this last category that progressive Muslims position themselves.²⁴

4. **Progressive Fiqh Family Leadership**

Every institution requires leadership to direct and guide the family towards the desired ideals and aspirations, namely a family of benefit (*maslahah*) that encompasses tranquility

²¹ YUSDANI, 2011, *Menuju Fiqh Keluarga Progresif*, Kaukaba: Yogyakarta

²² THOLHATUL CHOIR, 2009, *Islam Dalam Berbagai Pembacaan Kontemporer*, ed. Ahwan Fanani Pustaka Pelajar: Yogyakarta.

²³ YUSDANI, *Menuju Fiqh Keluarga Progresif*.

²⁴ ABDULLAH SAIED, 2006 *Islamic Thought An Introduction*, Routledge: London and New York.

(sakinah), love (mawaddah), and compassion (rahmah). Leadership within the family is always dynamic and continuously negotiated according to the capabilities and conditions of each family.²⁵ The Quran mentions that:

"Men are protectors and maintainers of women, because Allah has made one of them excel the other, and because they spend out of their possessions (to support them). Therefore, righteous women are obedient and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part you fear ill-conduct, admonish them (first), (next) refuse to share their beds, (and last) beat them (lightly, if it is useful); but if they obey you, do not seek a way against them; surely Allah is High, Supreme." (Quran, Surah An-Nisa: 34)

This verse is often misunderstood to mean that all men are leaders over women, including within the family. The term "ar-rijal" is the plural form of "kaya," which is translated as men, although the Quran doesn't always use it in that sense. In the book "Wawasan Al-Qur'an," it is explained that "ar-rijalu qawwamuna ala an-nisa" does not mean men in general, as further emphasized in the continuation of the verse, which states that they (husbands) spend from their wealth, specifically for their wives. If the intention was to refer to all men in a general sense, then the consideration wouldn't hold true.²⁶ Moreover, the verse uses "lam ma'rifah" in "ar-rijalu," indicating specific individual men.²⁷

According to M. Quraish Shihab, who quotes Muhammad Thahir Ibn Asyur in his commentary, there's an opinion that needs careful consideration. That is, the term "ar-rijal" is not used in the Arabic language, including in the Quran, to mean husband.²⁸ This is unlike the terms "an-nisa" or "imroah" which are used to mean wife. However, the specific meaning of "ar-rijal" that Quraish Shihab is referring to is men, particularly individual men, such as certain husbands. This is due to the consideration mentioned in the continuation of the verse, as they spend from their wealth. Hence, the verse's continuation "Allah has made one of them excel the other" indicates that the men referred to have superiority in various aspects over women.²⁹

Nasaruddin Umar, through his analysis of the root words in Arabic, found that the term "rijal" does not actually refer to gender, but rather emphasizes the aspect of masculinity. According to him, the gender of angels is never indicated. Similarly, "nisa" cannot solely be interpreted as women but rather signifies feminine traits. This linguistic analysis further clarifies that the intended meaning of the verse is that leadership, including within the family, should prioritize masculine qualities, which can be possessed by both men and women.³⁰

²⁵ YUSDANI and Muntoha 2013, *Keluarga Masalahah*, PSI UII dan KIAS: Yogyakarta.

²⁶ M. Quraish Shihab, 2007, *Tafsir Al-Misbah: Kesan, Pesan Dan Keserasian Al-Qur'an*, Lentera Hati: Jakarta.

²⁷ YUSDANI and Muntoha, *Keluarga Masalahah*.

²⁸ Shihab, *Tafsir Al-Misbah: Kesan, Pesan Dan Keserasian Al-Qur'an*.

²⁹ YUSDANI and Muntoha, *Keluarga Masalahah*.

³⁰ Nasaruddin Umar, 1990, *Argumen Kesetaraan Gender: Perspektif Alquran*, Paramadina: Jakarta.

Ahmad Mustafa Al-Maragi states that "al-qiyam" refers to leadership, wherein those being led act according to the leader's will and choices. This is because the essence of "al-qiyam" lies in guidance and supervision in carrying out what is indicated by the husband, while observing all of his actions.³¹

Therefore, men within the household should embody the best role for their families as "qawwam," meaning they must fulfill their role to the best of their abilities, meeting all the conditions, pillars, and recommended practices in building the family. Men who do so are capable and possess the qualities that make them worthy of being regarded as "qawwam."³² Conversely, such a prominent role cannot be assumed by those who lack the necessary attributes, such as skills, wealth, and others. As a result, leadership within the family is highly dynamic and constantly negotiated, reflecting shared leadership between the father and mother, as well as between husband and wife. The husband assumes the role of the head of the household, and the wife as the homemaker, or it can also be the other way around.³³

Each partner must collaborate and complement each other to cover the shortcomings of one with consultation and affection. The paradigm of a leader as a servant of the community should be practiced by both men and women in leading their families to avoid developing a dictatorial, authoritarian, and oppressive leadership style.³⁴ It should be understood that the relationship between men and women in a household is not a partnership contract, a civil contract focused on marriage or employment, where the wife is akin to a servant for the husband to use. Instead, their relationship is one of tranquility (sakinah), love (mawaddah), and compassion (rahmah), bound by the "misaqan galiza," a mutual agreement that conditions the emergence of inner tranquility, affection, and mercy.³⁵

Therefore, a leader is a protector and receives good care from the family members, and there's even the possibility of receiving better care from both men and women and the family members. Perhaps, here lies one of the underlying wisdoms and implications of why the phrasing of the verse is not "ar-rijalu aimmat an-nisa" but rather "ar-rijalu qawwamuna ala an-nisa."³⁶ In this context, "qawwamuna" signifies the role of protector or caretaker, emphasizing the responsibility of providing and guiding within the family, rather than just focusing on a hierarchical or authoritative sense of leadership.

Both phrasings above might seem similar, but they're quite distinct. This is mainly due to the fact that the meaning encompassed within "qawwamuna" is much more profound and

³¹ Shihab, *Tafsir Al-Misbah: Kesan, Pesan Dan Keserasian Al-Qur'an*.

³² YUSDANI and Muntoha, *Keluarga Masalahah*.

³³ YUSDANI and Muntoha, *Keluarga Masalahah*.

³⁴ YUSDANI and Muntoha, *Keluarga Masalahah*.

³⁵ Ahmad Kusyairi Suhail, 2007, *Menghadirkan Surga Di Rumah*, Maghfirah Pustaka: Jakarta.

³⁶ YUSDANI and Muntoha, *Keluarga Masalahah*.

integral than that of "aimmah." Included within the meaning of "qawwamah" are elements of leading, guiding, nurturing, protecting, caring, fostering, and educating.³⁷ Therefore, it's clear that a leader assuming the role within a family doesn't imply they should be authoritarian or dominant in leadership without considering the desires of the family members. Likewise, it's also evident that a family leader doesn't necessarily have to be a man (husband), as it can also be fulfilled by a woman (wife).³⁸

D. Conclusion

Surah An-Nisa, verse 34, is often misunderstood to mean that all men are leaders over women, including within the family. The term "ar-rijal" is the plural form of a word translated as men, although the Quran doesn't always use it in that sense. According to M. Quraish Shihab, who quotes Muhammad Thahir Ibn Asyur in his commentary, an opinion is worth considering: the term "ar-rijal" is not used in the Arabic language, and not even in the Quran, to mean husband. This is unlike the terms "an-nisa" or "imroah," which are used to mean wife. However, the specific meaning of "ar-rijal" that Quraish Shihab is referring to is men, particularly individual men, such as specific husbands, due to the consideration mentioned in the continuation of the verse, as they spend from their wealth. Thus, there's a continuation in the verse, "Allah has made one of them excel the other," which indicates that the men referred to possess superiority in various aspects over women. Basically, this verse does not directly command men to be leaders or women to accept leadership. What is initially presented is a statement of fact. The initiation of the mention of legislating the rights of men and women, as well as the dynamics within the family, is due to the harmony of laws that pertain to family regulations. Moreover, Allah mentions this following the previous matters, as it pertains to the compatibility of laws that are related to family matters, especially laws concerning women.

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³⁷ Suhail, *Menghadirkan Surga Di Rumah*.

³⁸ YUSDANI and Muntoha, *Keluarga Masalah*.

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