



Islamic Perspective About Women's Reproductive Health Rights

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Abstract

The issue regarding the reproductive system is an essential topic within gender discussion. Discrimination against women often results in violence, which one of the forms is the violence of the female reproductive system. Most Indonesian women have not earned the full rights to their reproductive health. It is not yet recognized by most Indonesian women that the rights of the reproductive system are autonomic, which indicates that each individual must own the right completely.

The issue regarding the fulfillment of the female reproductive system is usually described in the fiqh doctrine, which tends to be gender biased. If we can analyze the issue more profoundly, the Al Qur'an's principle gives a proper analysis regarding the health of the reproductive system. Within surah An Nisa', Allah highlighted that men and women are equally responsible for growing humanity. It is clearly stated within the holy Al Qur'an that woman's rights must be held accountable, respected, and protected. As an example, the holy Al Qur'an forbidding to conduct sexual intercourse with women during their period. Another example is that the holy Al Qur'an explains that pregnant and breastfeeding women are in their vital stage, and they must be protected.

As there are different doctrines between the fiqh and al-Qur'an regarding the issue of the female reproductive system, it is clear that the gender position of women within fiqh becomes an essential topic to discuss. We need to dig deeper and develop a new understanding of fiqh, which is fiqh's gender responsiveness, as we believe that fiqh discussion must develop from time to time, following the modern human rights discourse.

Keywords: Islam, Reproductive Health, Woman's Rights

Introduction

Reproductive health issues that have been rolling in lately are an interesting phenomenon to pay attention to. At first, this issue was not very attractive to gender observers. Still, in its journey, this issue has become an essential part of the study of gender inequality, especially in Indonesia. Discrimination

against women creates various problems of violence, one of the problems of violence is violence related to women's reproductive organs. Women in Indonesia, in general, have not had their rights to reproductive health fulfilled, or it is not sufficiently understood that reproductive rights are autonomous rights, where each

individual should have the right to fulfill them.

Departing from the problems above, gender observers try to use a gender perspective to dismantle why women have not received justice concerning their reproductive duties. Religious doctrines legitimize discrimination against women. The products of religious law that are constructed in the book of Fiqh are still gender-biased, this indicates a strong dominance of men in the construction of fiqh thought. For example, in the tradition of Fiqh thought, there is still an understanding that women are "servants of men's sexual needs". According to Agus Muhammad Najib, Fiqh is the result of the understanding, conclusion and interpretation of the Fuqaha towards the Qur'an and Hadith as a response to the challenges of the times. So it is natural that there are many different views among the fuqaha. Therefore Fiqh is local, temporal, and very historical (Najib, 2002:165). But in reality, this understanding of fuqaha continues to live and be ingrained in society

Votes for a just reinterpretation of products of Islamic jurisprudence (read Fiqh) continue to be echoed. but it seems that the echo did not fully get an adequate response. Discrimination against women continues on the grounds of religion. If traced back, the problems that led to the obstruction of women's reproductive health rights would lead to religious realities that are still gender-biased. Marriage is considered the formal legitimacy of male power over women.

Thus men have the authority to control the soul and body of women without any outside interference. It is only natural that too much domestic violence goes unrevealed. because it is bounded by four strong walls, which are called households and are not touched by any law. Thus, relations within the household are, in fact, a model for the relations of power relations in the broader society, as is the view of the Marxist perspective, which sees the family through its function to serve holders of economic power in society (Abdullah, 1997:141). In the Qur'an, you can find so many verses that teach the equality of men and women. Both in domestic and public spaces. The Qur'an also recommends always upholding justice in any case, this implies that the Qur'an should be placed as a guide to morality to direct every human being to optimize the quality of his humanity. Thus it is clear that there is no discrimination against women in the Qur'an. Even the Koran clearly explains that women have the same rights as men in the public and domestic spheres.

In Surat an Nisa' the first verse, Allah confirms that women and men are elements that are jointly given the task of raising humans. The Qur'an also recommends that women be respected and their rights protected. We can find this order of protection in various themes discussed in the Qur'an, for example, in the verse that talks about menstruation and the prohibition against having intercourse with a menstruating woman. In an empathetic tone, the Qur'an also states that pregnant women and

breastfeeding are weak and growing, so they must receive adequate protection.

In this study, the authors used a library research approach, in which data information was obtained with the help of materials in the library, such as books, journals, magazines, and other documents. Data collection procedures were carried out by recording and reviewing various books and literature relevant to the focus of the study. At the same time, data analysis is done using content analysis to get a valid meaning. This is done by comparing, sorting purposes and combining various relevant meanings.

With this background in mind, the author would like to raise the theme of Islamic Perspectives on Women's Reproductive Health Rights with a focus on the issue of whether Islamic teachings are an obstacle to the fulfillment of women's reproductive health rights, as well as how Islam views women's reproductive health rights.

Understanding Reproductive Health

Thoughts about women's reproductive rights cannot be separated from the concept of human rights. Conceptually, human rights depart from two basic ideas. First, every human being is born with inherent individual rights. Second, the rights of every human being can only be guaranteed by emphasizing the obligations of society and the State to ensure freedom and opportunities for every human being to carry out these fundamental freedoms (Purwandari, 2000:02).

Husein Muhammad, in his book *Female Fiqh, Reflections of the Kiai on Religion and Gender Discourse*, defines health which etymologically comes from the words *shahha*, *yashihhu*, *shihhah*, which means the disappearance of disease or the absence of disease in the body, or apart from all defects, health is also interpreted as a state or psychological/mental condition with which healthy proportionate actions are produced (Muhammad, 2002: 93).

Thus, if the definition of health above is related to women, it will relate to the reproductive organs, their functions, and the processes for these functions to take place. This is a natural connection, considering that reproductive health issues are crucial for women. Thus, reproductive health is a physical and spiritual condition that is disease-free, intact, clean, and protected from things that interfere with the reproductive system, its functions and processes (Purwandari, 2006: 302).

Such a broad understanding of reproductive health will also involve many issues. It can affect the health of women's reproductive organs, pre-reproduction (adolescence), during production (pregnancy and lactation), and post-reproduction (menopause). Other issues that need attention in women's reproductive health are fulfilling their sexual needs satisfactorily and safely, not being forced, their rights to regulate births, determining the number of children, and their rights to get good treatment from all parties in the health sector. Domestic and public, the right to obtain correct health information and

services, and so on. Ultimately, the issue of women's reproductive health comes down to everyone's attitude towards the creation of the female type itself, which was created equal and equal to other kinds of creatures. Health thus can also mean healthy socially.

Reproductive Health in Islam

Islam is often perceived as having teachings that are not friendly to women. For example, women as wives are treated as objects in household life. So it is only natural that it is always perceived according to the perception and perspective of men. The dominance of men over women is maintained in society by using religious reasons. The same goes for reproductive health issues. Many women even do not know their reproductive health rights. Traditionally, women are treated as passive beings and are not responsive to their reproductive rights.

If you look closely, the Qur'an actually has verses that emphasize the equality of men and women in both the public and domestic spheres. For example, in Surat al Ahzab (33): 35 (Ministry of Religion, 2009), Allah says:

إِنَّ الْمُسْلِمِينَ وَالْمُسْلِمَاتِ وَالْمُؤْمِنِينَ
وَالْمُؤْمِنَاتِ وَالْقَنَاتِ وَالْقَنَاتِ وَالصَّادِقِينَ
وَالصَّادِقَاتِ وَالصَّابِرِينَ وَالصَّابِرَاتِ وَالْخَاشِعِينَ
وَالْخَاشِعَاتِ وَالْمُتَصَدِّقِينَ وَالْمُتَصَدِّقَاتِ
وَالصَّامِينَ وَالصَّامَاتِ وَالْحَافِظِينَ فُرُوجَهُمْ
وَالْحَافِظَاتِ وَالذَّاكِرِينَ اللَّهَ كَثِيرًا
وَالذَّاكِرَاتِ أَعَدَّ اللَّهُ لَهُمْ مَغْفِرَةً وَأَجْرًا عَظِيمًا

Meaning: "Indeed, Muslim men and women, believing men and women, men and women who remain in obedience, men and women who are righteous, men and women who are patient, men and women who are humble, men and women who give alms, men and women who fast, men and women who maintain their honor, men and women who recite (name) Allah a lot, Allah have provided for them forgiveness and a great reward".

This verse explicitly mentions the absence of discrimination against either men or women. The lack of discrimination, in this case, is, of course, also related to the protection of their reproductive rights.

In the Indonesian Muslim community, views on gender construction and reproductive rights issues are influenced by religious thoughts and understandings that develop in society, allowing for cultural cross-cultural crosses between Islam and local culture, and forming a distinctive religious pattern. The development of religious belief will always involve historical factors, which make religious interpretation inseparable from the issue of interests in which religious thought is constructed (Ilyas, 2009:5). So it is not surprising that the sacred message of religion, which was initially sent down to restore the honor of women who fell within the jahiliyah cultural structure, but in its development has been accused of being part of a structure that reinforces inequality in the gender structure, especially regarding women's reproductive rights.

In a broad sense, Islam's concern for human health is huge. Islamic religious teachings universally direct to a healthy life

physically and spiritually, which is a requirement for achieving a prosperous life physically and spiritually in this world and the hereafter. Therefore, if we look closely at the rules of religion, they will be directed at achieving these ideals. For example, the rules in Islam prohibit men and women from being alone together in a quiet place. This rule is a preventive effort to prevent prohibited acts between men and women, for example, sexual relations outside of marriage or adultery. But on the other hand, Islam encourages young people to marry immediately if they can.

يا معشر الشباب من استطاع منكم الباءة فليتزوج
فإنه أخص للبر و احصن للفرج

Meaning: "O young people, if there is readiness among you to marry, then marry. Because (marriage) can lower your eyesight and can better protect your reproductive organs (to be healthy)." History of at-Turmudzi (al Bukhari, 1950).

Protection of women's reproductive health rights is also reflected in the prohibition against intercourse with women who are having their menstrual period. women who are undergoing menstruation and postpartum periods get a dispensation from Allah SWT to be subject to the burden of taklif in worship. This is written in QS al Baqarah verse 222 as follows:

وَيَسْأَلُونَكَ عَنِ الْمَحِيضِ ۗ قُلْ هُوَ أَدْنَىٰ فَاغْتَرِلُوا الْبَسْمَ
فِي الْمَحِيضِ وَلَا تَقْرَبُوهُنَّ حَتَّىٰ يَطْهُرْنَ ۚ فَإِذَا تَطَهَّرْنَ
فَأُوْهُنَّ مِنْ حَيْثُ أَمَرَكُمُ اللَّهُ ۗ إِنَّ اللَّهَ يُحِبُّ الْمُطَهَّرِينَ
وَيُحِبُّ الْمُتَطَهِّرِينَ

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Meaning: "And they ask you (Muhammad) about menstruation. Say, "That is something dirty." Therefore stay away from the wife during menstruation; do not approach them before they are pure. When they are pure, interfere with them according to (the conditions) Allah has commanded you. Indeed, Allah loves those who repent and those who purify themselves."

The Ministry of Religion's translation said "call to prayer" means "something dirty". We also find a similar translation in the interpretation of al jalalain, which interprets "call to prayer" as the same as "qadzar" (dirt), according to A. Qadry Azizy, such translation is not quite right because it is biased towards male egoism because not all men will think so. According to him, the word "call to prayer" would be more appropriate when it means "sick" or "makes sick". This meaning is seen as more suitable from a woman's point of view (Azizy, 2002: 222. Because when it is realized that menstruation is painful for women, then when they stay away from it to have sex, it is caused by compassion and not based on disgust. Protection of the health of the female reproductive organs In this verse, it can be further interpreted that

1. Pain will occur women if they are forced to have sex while menstruating. Therefore every man should be aware of this problem
2. Having sex during menstruation is also unhealthy for men due to exposure to menstrual blood.
3. It is said that even animals instinctively carry out this verse,

but humans are sometimes worse than animals.

Based on this verse, scholars agree that sexual intercourse is forbidden during menstruation. However, husbands can still fondle each other even during menstruation and childbirth.

The Qur'an in Surah Luqman verse 14 also very emphatically states that women undergoing their reproductive nature, such as pregnancy and breastfeeding, have a high and honorable position so that every human being is obliged to respect them.

وَوَصَّيْنَا الْإِنْسَانَ بِوَالِدَيْهِ حَمَلَتْهُ أُمُّهُ وَهَنَا عَلَى وَهْنٍ
وَفِصَالَهُ فِي عَامَيْنِ أَنِ اشْكُرْ لِي وَلِوَالِدَيْكَ إِلَيَّ
الْمَصِيرُ

Meaning: "And We command humans (to do good) to their parents. His mother had carried him in a state of increasing weakness and weaned him at age two. Be thankful to Me and your parents. Only to Me will you return".

This verse teaches that a mother undergoing reproductive tasks such as pregnancy and breastfeeding has a high and honorable position, so her husband and child have the right to be treated very well. It is the obligation of all parties to pay attention to women undergoing reproductive tasks to protect women's reproductive health. Well-maintained health will enable the birth of a healthy and intelligent generation.

Marriage as a Way of Healthy Reproduction

Marriage or marriage, in language can mean "bodily relations, union and

contract". Whereas in terms of syara', marriage is defined as "a marriage contract or marriage contract, namely a contract that allows a man and a woman to have sexual intercourse, to be close to each other without boundaries, kissing, hugging and so on in a lawful way" (Zuhaili, 1989: 30) With Thus it can be understood that marriage is a contract, not sexual relations, causally it can be interpreted that because of marriage or the existence of a contract, sexual intercourse is permissible.

Contracts in marriage are not the same as contracts in buying and selling, where the agreement makes the buyer the owner and can do anything with the goods or something he has bought, but the marriage contract can be analogous to a "halal certificate" which is given to both parties to enjoy pleasure and live life together by fulfilling each other's obligations so that a sakinah family is built.

Thus, marriage or marriage is a way recommended by Islam to manifest love between men and women healthily and responsibly, as Allah states in QS ar Rum 30: 21

ومن آياته ان خلق لكم من انفسكم أزواجا لتسكنوا
إليها وجعل بينكم مودة ورحمة إن في ذلك لآيات
لقوم يتفكرون

Meaning: "And among the signs of His power is that He created for you wives of your kind, so that you are inclined and feel at ease to him, and He made them between you with love and affection. Verily in that, there are signs for people who think."

Mawaddah In language, it means to love, while *Rahmah* implies affection.

Mawaddah wa rahmah will be formed from a sense of sincerity or pleasure to make their partner happy. So married couples who have been linked with mawaddah wa rahmah will have a strong bond in living their married life and will not be easily shaken by any problems.

With this foundation of love and affection, the life system that husband and wife live in their household must also go through healthy processes. Healthy ways of husband and wife relations in married life must be carried out with an attitude of giving and receiving sincerely, respecting each other, and understanding each other's interests without coercion and violence. This also means that sexual relations may not be carried out through coercion from whoever comes.

In the tradition developed in fiqh, there are still stereotypes of teachings that position women as servants of men's sexual needs or men's lust generators. Or in another sense, a wife may not refuse her husband's sexual desires. The wife's refusal will be seen as nusyuz, lawlessness, which the angels will curse until morning. The hadith reads:

عن أبي هريرة رضي الله عنه قال : قال رسول الله صلى الله عليه وسلم : إذا دعا الرجل امرأته إلى فراشه فأبت ان تجيء فبات غضبان لعنتها الملائكة حتى تصبح. أخرجه البخاري والمسلم

Meaning: From Abu Hurairah RA said: The Messenger of Allah said: "If a man invites his wife to bed, then he (the wife) rejects it, and the husband, because of that, becomes angry, then she (the wife) will be cursed (cursed,) by the angels until morning." History of al-Bukhari. (al-Bukhari, 1992)

Or another hadith:

إذا دعا الرجل زوجته لحاجته فلتأته ولو كانت على التنور. أخرجه الترميذي

Meaning: "If a husband invites his wife to bed, then let him fulfill it, even though he is in the kitchen." History of at-Turmudzi.

Facing the stereotype of women as described in the hadith above, one cannot understand what it is based on the formality of the text carried by the hadith..Several scholars of this hadith explain that the obligation of a woman (wife) to fulfill her husband's sexual desires is aimed at the wife who does not have any reason to refuse it. Wahbah az-Zuhaili, for example, said that the wife's obligation to serve her husband's wishes could be justified, except when she is carrying out responsibilities that cannot be abandoned. The wife's refusal can also be justified if she feels her husband will be wronged. (az Zuhaili, 1997:685) If this happens, the wife should also have the courage to express her objections, and the husband should also be willing to listen and consider them. This problem can also apply to a husband who refuses his wife's wishes. This is what the Qur'an says:

ولهنّ مثل الذي عليهنّ بالمعروف (البقرة)

Meaning: "And they (women/wives) have the right to get good treatment like their obligations (to treat their husbands)." QS Al-Baqarah, 2:228.

Ibn Abbas also said:

إني أحبّ ان أتزين لأهلي كما أحب ان تتزين لي

Meaning: "I like to dress up for my wife as I like her to dress up for me."

A woman's right to obtain health services also lasts when she is pregnant. Women, as "owners of the womb" carry a sacred mandate from Allah SWT to carry out reproductive tasks in their bodies. The woman's womb is where the seeds of life are sown, where the egg cell is brought together with the sperm cell, which is the initial process of human creation. For this heavy reproduction task the Qur'an emphatically emphasizes that this reproduction task is difficult and tiring. Giving birth to a woman is the most critical moment in her life. The risk of death was right before his eyes. So hard was the sacrifice of a woman giving birth that the Prophet SAW declared that she would become a martyr and guaranteed to go to heaven if death due to childbirth happened.. Therefore, every human should respect and always be kind to those carrying this mandate. This is explained in the Qur'an letter al Ahqaf 15:

وَوَصَّيْنَا الْإِنْسَانَ بِوَالِدَيْهِ إِحْسَانًا حَمَلَتْهُ أُمُّهُ
كُرْهًا وَوَضَعَتْهُ كُرْهًا وَحَمْلُهُ وَفِصْلُهُ ثَلَاثُونَ شَهْرًا
حَتَّىٰ إِذَا بَلَغَ أَشُدَّهُ وَبَلَغَ أَرْبَعِينَ سَنَةً قَالَ رَبِّ أَوْزِعْنِي
أَنْ أَشْكُرَ نِعْمَتَكَ الَّتِي أَنْعَمْتَ عَلَيَّ وَعَلَىٰ وِلْدِي وَأَنْ
أَعْمَلَ صَالِحًا تَرْضَاهُ وَأَصْلِحْ لِي فِي ذُرِّيَّتِي إِنِّي تُبْتُ
إِلَيْكَ وَإِنِّي مِنَ الْمُسْلِمِينَ

Meaning: We command humans to do good to their two parents, their mothers conceive them with difficulty and give birth to them with problems (also). Contain him until weaning him is thirty months so that when he is mature and reaches forty years of age, he prays: "O my Lord, guide me to be grateful for The favors that You

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have bestowed on my parents and me and so that I can do good deeds that You are pleased; do good to me by (giving kindness) to my children and grandchildren. Truly I repent to You, and indeed I am of those who surrender."

From God's word, it can be understood that in carrying out the heavy reproductive tasks, namely getting pregnant and giving birth, then there are at least three basic reproductive rights that women have (Subhan, 2015: 230-231), namely:

First, the right to guarantee safety and health. This right is absolute, given the magnitude of the risks borne by a mother in carrying out her reproductive duties and functions. This task is generally long-term, from menstruation, having sex, conceiving, giving birth, breastfeeding, looking after, and caring to raising and educating children.

Second right is to guarantee welfare, which is not only when the production task takes place but throughout the mother's duty or as long as the woman still holds the status of wife and mother to her children. this is explicitly explained in the Koran surah al Baqarah 233

وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ
بِالْمَعْرُوفِ

Meaning: And on the shoulders of a father lies the obligation and responsibility to provide maintenance and protection for mothers and their children in a way that is ma'ruf

Third, The right to be involved in making decisions concerning the interests

of women/wives, especially in matters relating to the reproduction process. This is in line with the word of Allah SWT in sura al Baqarah 233 as follows:

وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنَ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُنَمِّئَ الرِّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا لَا تُضَارَّ وِلْدَةٌ بِوَالِدِهَا وَلَا مَوْلُودٌ لَهُ بِوَالِدِهِ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا وَإِنْ أَرَدْتُمْ أَنْ تَسْتَرْضِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا آتَيْتُم بِالْمَعْرُوفِ وَاتَّقُوا اللَّهَ وَعَلِمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ

Meaning: Mothers should breastfeed their children for two full years, that is, for those who want to perfect breastfeeding. And the father's obligation to feed and clothe the mothers in a ma'ruf way. Someone not burdened but according to ability levels. Let not a mother suffer misery because of her child and a father because of his child; the heir is also obliged to do so. If both of them want to wean (before two years) with their consent and deliberation, then there is no sin on either of them. And if you want your child to be breastfed by someone else, then there is no sin on you if you pay according to what is appropriate. Fear Allah and know that Allah is Seeing what you do.

This situation should awaken all parties to give serious attention to the health of women who are pregnant. He should not let the suffering be borne by women alone. The Prophet himself paid attention to women who were pregnant, as well as those who were breastfeeding when they were not required to fast. Even fasting becomes unlawful for them if it causes suffering for themselves or their children. They are, in this case, equated

with a sick person or fatigue from long journeys. More than that, the Qur'an has indicated this requirement when it obliges a child to be grateful to his mother after the obligation to thank God.

ووصينا الإنسان بوالديه حملته أمه وهنا على مهين
وفصاله في عامين ان اشكر لى ولوالديك الى
المصير

It means: "And We commanded humankind (to do good) to two parents; his mother had carried him in a state of increasing weakness, and weaned him in two years. Give thanks to your two parents and Me, only to Me is your return." Surah Luqman 34: 13.

A woman's right to refuse pregnancy (or to get pregnant) is also logical. It should receive serious attention, especially from her husband, in determining the number of children he wants. The majority of fiqh scholars state that children are the right of the father and mother together. Thus, a woman (wife) not only has the right to get sexual pleasure from her husband but also has the right to determine when to have children and how many.

Income for wife's health insurance

Livelihood is often interpreted as spending money needed for food, clothing, and housing, which in everyday terms is referred to in terms of clothing, food, and shelter. In the matter of maintenance which is the wife's right, in general, fiqh scholars think that the minimum income that is the responsibility of a husband for his family is the maintenance of basic needs, such as food, clothing, and shelter. Even for the issue of

residence, fiqh scholars allow taking the most straightforward way, such as contracting and not having to own it. (Dahlan, 1996:1281)

In matters relating to reproductive duties, if women's health is so important, is the husband obliged to provide maintenance (expenses) as a guarantee for his wife's health? So far, fiqh scholars think that the husband's obligation to provide maintenance for his wife is limited to only three areas. Namely clothing, food, and boards. These three types of subsistence are basic needs. This view is based on the verses of the Qur'an. For example :

وعلى المولود له رزقهن وكسوتهن بالمعروف
(البقرة 233)

Meaning: "And the father's obligation to provide food and clothing to mothers in a way that is *ma'ruf*." QS Al-Baqarah, 2:233.

اسكنواهنّ من حيث سكنتم من وجدكم ولا تضاروهنّ
لتضيّقوا عليهنّ (الطلاق 6)

Meaning: "Place them (*wives*) where you live and do not trouble them to constrict their (*hearts*)." QS at-Thalaq 65:6.

These verses were also reaffirmed by the Prophet. he said:

الا وحقهنّ عليكم ان تحسنوا إليهنّ في كسوتهنّ
وطعامهنّ (أخرجه الترمذي)

Meaning: "Pay attention (O husbands). Their (*wives*) rights over you are to provide them with clothes and food in a *ma'ruf* manner." History of at-Turmudzi.

Thus, neither the Al-Qur'an nor the hadith of the Prophet SAW explicitly

mentions the rights of wives to provide medicines or maintenance to guarantee health of their wives. Therefore, the scholars of the four schools of thought agree that the husband is not obligated to provide care for his wife's health facilities, in the form of medical expenses to see a doctor, money to buy medicines, and so on. According to them, the costs or costs for these purposes are borne by them, either from their own money or from their parents (family). They say these medications are necessary to maintain the body's origin. Therefore, these costs are not borne by the beneficiary of this body. This problem is analogous to building or repairing a rented (rented) house. Repairs to the rented house are the homeowner's responsibility and are not the obligation of the contracting party (tenant). As for medicines, they are analogous to desserts. This type of food does not have to exist or be provided. (Az Zuhaily, 1989:7380)

Understanding this explains that in the view of the four Islamic scholars of fiqh: Hanafi, Maliki, Shafi'I, and Hambali, medicine is not considered a basic need. This was due to the condition of the people at that time generally did not require treatment as it is today. They typically live in good health. However, today, the community's health needs have become part of the basic needs. Wahbah az-Zuhaili, a contemporary fiqh expert from Syria, rejects the views of the four Islamic scholars above. According to him, living for health includes obligations that must be fulfilled by the husband. It is the same as other necessities.

In the following explanation, Wahbab Zuhaili also emphasized that the provision of health care is a form of *mu'asyarah bi al-ma'ruf*. He said: "It's not *mu'asyarah bi al-ma'ruf*, if the husband is in good health, his wife can have fun (*istimta'*), but when he is sick, return it to his family." According to Wahbah, the 1985 Egyptian Marriage Law stipulates that maintenance for a wife includes food, clothing, shelter, medical expenses, and other things required by religion. This is the opinion of *fiqh*, which is more beneficial and more in line with the demands of social development. Religion certainly agrees with this view because religion exists to provide benefit and justice for humans.

Conclusion

In closing this paper, the conclusion of this study can be stated, namely that the Qur'an guarantees protection, safety, and health for women carrying out their reproductive duties during menstruation, pregnancy, childbirth, and breastfeeding. The discrepancy between *fiqh* and the Qur'an regarding the issue of women's reproductive rights is the root of why women's position in *fiqh* needs to be re-examined. For this reason, it is possible to develop new *fiqh* because it must develop. *Fiqh* is not a final concept because *fiqh* is the result of *ijtihad*.

An intensive study of religious views/traditions will impact human perspectives on sexuality and reproductive function. This will have implications for inhibiting or fulfilling women's

reproductive rights. So hopefully this article is helpful.

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