

## The Role of Indonesian Women *Ulama* Congress (KUPI) in the Search for Gender Equality-Based Islamic Law

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**Abstract:** The Indonesian Women *Ulama* Congress (KUPI) is an important milestone in integrating the principles of gender equality into the discourse of Islamic law in Indonesia. This Congress not only reflects women's leadership in religious studies but also offers strategies to respond to the challenges of gender inequality that are often legitimized through the interpretation of Islamic law. This study aims to analyze the role of KUPI in developing gender equality strategies through a contextual methodological approach based on *maqâshid al-sharia*. This research is classified as qualitative research with a phenomenological approach. Data were collected through document analysis, participant observation, and in-depth interviews with KUPI figures. The analysis combined a critical perspective on societal patriarchal structures and a hermeneutic approach to interpreting religious texts. The results of the study indicate that there are three strategic approaches that KUPI can fight for in fighting for gender equality, namely: (1) reinterpretation of Islamic law that is inclusive of gender issues; (2) community-based advocacy; and (3) strengthening the *ulama* network. This study concludes that KUPI plays a key role in building a more just Islamic legal paradigm that is not only rooted in Islamic tradition but also in line with human rights principles.

**Keywords:** gender equality, gender hermeneutics, Islamic law, KUPI, *maqâshid al-sharia*

Abstrak Kongres Ulama Perempuan Indonesia (KUPI) merupakan tonggak penting dalam upaya mengintegrasikan prinsip-prinsip kesetaraan gender ke dalam diskursus hukum Islam di Indonesia. Kongres ini tidak hanya merefleksikan kepemimpinan perempuan dalam kajian keagamaan, tetapi juga menawarkan strategi untuk merespons tantangan ketimpangan gender yang sering dilegitimasi melalui interpretasi hukum Islam. Penelitian ini bertujuan untuk menganalisis peran KUPI dalam mengembangkan strategi kesetaraan gender melalui pendekatan metodologis yang kontekstual dan berbasis *maqâshid al-sharia*. Penelitian ini tergolong penelitian kualitatif dengan pendekatan fenomenologis. Data dikumpulkan melalui analisis dokumen, observasi partisipatif, dan wawancara mendalam dengan tokoh-tokoh

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KUPI. Analisis dilakukan dengan memadukan perspektif kritis terhadap struktur patriarki dalam masyarakat dan pendekatan hermeneutik dalam interpretasi teks-teks keagamaan. Hasil penelitian menunjukkan ada tiga pendekatan strategis yang dapat diperjuangkan oleh KUPI dalam memperjuangkan kesetaraan gender yakni: (1) reinterpretasi hukum Islam yang inklusif terhadap isu gender; (2) advokasi berbasis komunitas; dan (3) penguatan jaringan ulama. Penelitian ini menyimpulkan bahwa KUPI memainkan peran kunci dalam membangun paradigma hukum Islam yang lebih adil, tidak hanya berakar pada tradisi Islam tetapi juga selaras dengan prinsip-prinsip hak asasi manusia.

**Kata kunci:** kesetaraan jender, hermeneutikan jender, KUPI, hukum Islam, *maqâshid al-sharia*

## Introduction

History shows that Islamic jurisprudence, which was mostly developed and interpreted by male scholars, resulted in gender-biased understandings and practices and subordination of women in almost all aspects of social life.<sup>1</sup> In such a fiqh perspective, women are placed in the shadow of men and only move in a very limited space.<sup>2</sup> Women have the rights and obligations to take care of the family's internal needs, such as preparing family meals, caring for children, washing and ironing clothes, tidying up the house, and so on. As a result, women are always marginalized because they do not have access to play a role in the public space.<sup>3</sup>

In the context of religious life in Indonesia, the differentiation of roles between men and women supported by a patriarchal understanding

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<sup>1</sup> Linda Firdawaty et al., "Husein Muhammad's Thoughts on Gender Equality in Islamic Inheritance Law," *Al-Adalah*, 19.2 (2023): 223–44, <https://doi.org/10.24042/adalah.v19i2.13123>. See also Mohamed Sulthan Ismiya Begum, Indriaty Ismail, Ahamed Sarjoon Razick, and Mohamed Mahroof Ali Abdullah. "Gender Equity in Muslim Family Law: Modern and Contemporary 'Ulamâ's View." *Al-Ahkam*, 34.2 (2024): 221-256..as well as the method of legal reform that he uses when understanding verses about inheritance. This research is field research. Data was collected through virtual interviews. Data analysis was descriptive qualitative, with masalah theory, and historical and sociological approaches. The research findings show that one of the reasons why verses about inheritance need to be reinterpreted, according to Husein, is because these verses fall into the category of mutashabihat verses (interpretable

<sup>2</sup> Muhammad Rikza Muqtada et al., "Fiqh Contestation on Women's Public Leadership in Indonesia and Malaysia: Reproducing Qur'anic and Hadith Interpretations," *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 19.1 (2024): 221–48, <https://doi.org/10.19105/al-lhkam.v19i1.13163>. it was found that: 1 Compare Amalia Lathifah, "Interpretation of Verses on Women in Islamic Law Politics." *MILRev: Metro Islamic Law Review*, 2.1 (2023): 10-26.

<sup>3</sup> Inayah Rohmaniyah, Samia Kotele, and Rr Siti Kurnia Widiastuti, "Reclaiming an Authority: Women's Ulama Congress Network (KUPI) and a New Trend of Religious Discourse in Indonesia," *Academic Journal of Interdisciplinary Studies*, 11.3 (2022): 60–70.

of religious teachings can also be easily found. One example is that even though the number of female clerics who are active in society has been so large, the status of female clerics has not been considered equal to that of male clerics.<sup>4</sup> Likewise, with the managerial and leadership aspects of Islamic boarding schools, for generations, the leadership of Islamic boarding schools has been seen as an absolute and hereditary right for boys so that even though a girl has the same abilities, the right to lead/manage the Islamic boarding school has never been given to her. Such is because the position of the caretaker of the Islamic boarding school tends to be similar to that of the monarchy, where the kyai or leader of the Islamic boarding school is usually a man. At the same time, women are only considered as companions, not as leaders.

Realizing the existence of such a deep gap and social inequality between men and women while believing that Islamic teachings give women the same rights and authority as men,<sup>5</sup> Indonesian Muslim women activists then rose and gathered in a shared awareness to correct the religious understanding and cultural practices that were seen as very patriarchal. They developed religious opinions to challenge male authority supported by a patriarchal spirit and tendencies to understand and interpret Islamic teachings. Their main goal was to find methods and approaches to reinterpret religious sources to realize Islamic law's sensitivity to gender issues and improve women's societal position. Under this revolutionary awareness and spirit, the Indonesian Women's *Ulama* Congress (KUPI) was born. The institution was not intended at all to eliminate male *Ulama*; it was, however, a part of the affirmation process of Indonesian female *Ulama* to ensure that women have an equal position

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<sup>4</sup> Zainul Mun'im et al., "Revisioning Official Islam in Indonesia: The Role of Women *Ulama* Congress in Reproducing Female Authority in Islamic Law," *AHKAM: Jurnal Ilmu Syariah*, 24.1 (2024): 135-152, <https://doi.org/10.15408/ajis.v24i1.34744>. the religious views of the Indonesian Government, known as official Islam, tend to be masculine and patriarchal in determining laws. The masculinity of official Islam can easily be found in some regulations in Indonesia. The establishment of the Indonesian Congress of Women Islamic Scholars (Kongres *Ulama* Perempuan Indonesia, KUPI

<sup>5</sup> As explained in the Qur'an, Surah Ali Imran: 190-191, women are servants of Allah, the same as men.

and balanced identity with male *Ulama*.<sup>6</sup> Women Islamic Scholar is a special nomenclature that emerged to oppose religious movements and discussions that marginalize women while developing a new paradigm that many women have the right to be recognized as Muslim Scholars, on par with their male counterparts.

The presence of KUPI, which Indonesian Muslim female scholars drive, has attracted the attention of several researchers, including Eva F. Nisa, who showed that KUPI has played a significant role in strengthening the voice of civil Islam in Indonesia, especially in promoting the idea that women can become *Ulama*.<sup>7</sup> Other researchers, Amrin Ma'ruf, Wilodati, and Tutin Aryanti, concluded that the KUPI Religious Conference is one of the key activities that illustrates the efforts of Indonesian female *Ulama* to develop new fiqh principles to create new perspectives on personal ethics and gender-based religious understanding.<sup>8</sup> In addition to them, other researchers, David Kloss and Nor Ismah, concluded that KUPI's main significance lies in expanding the global Islamic feminist project from a scientific and intellectual movement to a social movement that resonates locally.<sup>9</sup>

This article explores the Indonesian Women *Ulama* Congress (KUPI) as a transformative initiative integrating gender perspectives into Islamic jurisprudence. It argues that the presence of female *Ulama* contributes significantly to building a more inclusive, just, and harmonious society.

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<sup>6</sup> Ayu Usada Rengkaningtias, "Wacana Keulamaan Perempuan dalam Teks Ikrar Kebon Jambi," *Musawa*, 17.1 (2018): 282.

<sup>7</sup> Eva F. Nisa, "Muslim Women in Contemporary Indonesia: Online Conflicting Narratives behind the Women Ulama Congress," *Asian Studies Review*, 43.3 (2019): 434–54, <https://doi.org/10.1080/10357823.2019.1632796>. Indonesian Muslim women successfully convened the world's first congress of women Muslim scholars (KUPI)

<sup>8</sup> Amrin Ma'ruf, Wilodati Wilodati, and Tutin Aryanti, "Kongres Ulama Perempuan Indonesia dalam Wacana Merebut Tafsir Gender Pasca Reformasi: Sebuah Tinjauan Genealogi," *Musawa: Jurnal Studi Gender dan Islam*, 20.2 (2021): 127–46.

<sup>9</sup> David Kloos and Nor Ismah, "Siting Islamic Feminism: The Indonesian Congress of Women Islamic Scholars and the Challenge of Challenging," *Taylor & Francis Online, History and Anthropology* Vol. 34 (2023), <https://doi.org/https://doi.org/10.1080/02757206.2023.2249495>.

## Research Methods

This research uses a qualitative method with a phenomenological approach. Data were collected through document analysis, in-depth interviews with KUPI figures, and participant observation at the Congress. The analysis was conducted using the framework of Islamic gender theory, which combines a critical perspective on patriarchal structures in society and a hermeneutic approach to interpreting religious texts.

## Result and Discussion

### A Glimpse of the Term *Ulama* (Islamic Scholars)

In Indonesia, the term for *ulama* varies from region to region, such as *Teungku* in Aceh, *Ajengan* in Sunda, *Syekh* in North Sumatra/Tapanuli, and *Tuan Guru* in Nusa Tenggara, South Kalimantan, East Kalimantan, and Central Kalimantan.<sup>10</sup> According to the Indonesian National Encyclopedia, the term ‘*ulama*’ is the plural form of the word ‘*alim*’, which means someone who is knowledgeable in Islam. In its original meaning, the term *ulama* includes scientists from various fields, such as the humanities, religion, and social and natural sciences. Thus, the term ‘*ulama*’ refers to someone without specific limitations. However, over time, the definition of ‘*ulama*’ has narrowed and now more often refers to someone who masters religious knowledge, especially in *fiqh*. This definition tends to be dominant and is used by most Muslim communities.

In pre-modern Islam, the boundaries between “religious” and “secular” learning were less clear today. Those identified as “*ulama*” must have made significant contributions to fields of knowledge outside the Islamic world. Many other terms are commonly used to describe a person’s competence in Islamic religious knowledge besides Islamic jurist, theologian, philosopher, and sufi: *muhadith* (referring to the study of hadiths/reports attributed to the Prophet Muhammad), *mufasir* (Quranic interpreter), *fakih* (legal expert) and *mufti* (legal advisor).<sup>11</sup>

<sup>10</sup> *Ensiklopedi Nasional Indonesia*, 17th ed. (Jakarta: PT. Cipta Adi Pustaka, 1996), p. 5.

<sup>11</sup> Muhammad Qasim Zaman, “*Ulama*” in *Islamic Political Thought: An Introduction* (The United Kingdom: Princeton University Press, 2015), p. 71.

In modern times, some “new religious intellectuals”—that is, those educated not in traditional Islamic educational institutions but in Western or Westernized colleges and universities—sometimes claim that they should also be considered “*ulama*.” As Hasan al-Turabi (b. 1932), a Sudanese Islamist who received a doctorate in law from the Sorbonne, said, “Since all knowledge is divine and religious, a chemist, engineer, economist, or jurist is an Islamic scholar.” Although the boundaries are sometimes blurred, the term “*ulama*” is usually understood to mean those who claim religious authority based on their foundation in Islamic sciences.<sup>12</sup>

Meanwhile, based on Azra’s research, the female *ulama* already existed, especially in the classical period’s Middle East. This is evidenced by several female scholars mentioned in several classical Islamic sources.<sup>13</sup> Unfortunately, Azra explained, detailed information about them is still very limited and is often considered a ‘dark history.’ According to Azra, two arguments can explain why the existence of Female Muslim Scholars in the public sphere in the classical period was minimal. First, female Muslim scholars did not get a place in the flow of public information because of the lack of writings and publications that treat them as female Muslim scholars. Despite the undeniable presence and contribution of female scholars, their roles have fluctuated, with many of their identities not adequately documented in the history of civilization.<sup>14</sup> Second, it is related to the lack of opportunities to get education and training, especially in classical Islamic literature compared to men.<sup>15</sup>

The same is true in Indonesia. The Indonesian historical landscape also lacks substantial mention of female scholars who have made significant contributions to the development of Islam. Despite the nation’s history, Indonesian Islamic historiography does not give them a proper place. Various factors that contribute to the practice of marginalization and

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<sup>12</sup> Muhammad Qasim Zaman

<sup>13</sup> Azyumardi Azra, “*Biografi Sosial-Intelektual Ulama Perempuan: Pemberdayaan Histiografi*,” *Pengantar dalam Buku Ulama Perempuan Indonesia*, ed. Jajat Burhanuddin (ed.) (Jakarta: PPIM IAIN Jakarta dan Gramedia, 2002), p. 13.

<sup>14</sup> Siti Nurjanah and Iffatin Nur, “Gender Fiqh: Mobilization of Gender-Responsive Movement on Social Media,” *Ijtihad : Jurnal Wacana Hukum Islam dan Kemanusiaan*, 22.1 (2022): 1–18, <https://doi.org/10.18326/ijtihad.v22i1.1-18>.

<sup>15</sup> Azyumardi Azra.

discrimination against the role of women have been recognized,<sup>16</sup> Especially those related to cultural constructions that crystallize in society.<sup>17</sup> Moreover, the doctrine of androgenic patriarchy is justified by religious justification by some Islamic thinkers. Many verses of the Qur'an and the hadith of the Prophet have been interpreted in a misogynistic manner, which exacerbates the misunderstanding of the existence of women.<sup>18</sup>

Another factor that makes the existence of women *ulama* very minimal is the criteria mistakenly perceived as a figure of *ulama*. Society believes that an *ulama* masters Islamic teaching and carries out the mission of prophecy, leading his people towards glory, spreading virtue, preventing evil, and becoming a fighter and upholder of truth. Every *ulama* is responsible for fulfilling the mission to the entire community at all levels, even in difficult circumstances.<sup>19</sup> Thus, a person is considered *ulama* not only based on expertise in fiqh but must also be recognized by society through moral integrity and intense involvement in socio-religious activities such as the *Majelis Taklim*, *Pengajian*, *Tahlilan*, and others. In addition, still, in the Indonesian context, *ulama* is generally born from or leaders of Islamic boarding schools, commonly called *kiyai*, with the characteristics of Islamic scholars who have religious knowledge, master standard classical Islamic material, and have noble characteristics and personalities such as *tawadhu'* (humble), *amânah* (trust), and honest.<sup>20</sup> These unwritten criteria imposed by society also apply to female *ulama*. Even though Female clerics have demonstrated their ability to bring about positive changes, they still have to face various challenges, including gender stereotypes and public perceptions that sometimes question their competence.<sup>21</sup> These obstacles are the

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<sup>16</sup> KUPI's official documents.

<sup>17</sup> M. Kalis, *Muslimah yang Diperdebatkan*, (Yogyakarta: Buku Mojok, 2019), p. 20.

<sup>18</sup> Agustin Hanapi, “‘Peran Perempuan dalam Islam,’” *Gender Equality: Internasional Journal of Child and Gender Studies*, 1.1 (2015): 23.

<sup>19</sup> Badruddin Hsubky, *Dilema Ulama dalam Perubahan Zaman* (Jakarta: Gema Insani Press, 1995), p. 25.

<sup>20</sup> Abd Kadir. Ahmad, *Ulama Bugis* (Makasar: Indobis Publishing, 2009), p. 19.

<sup>21</sup> Akmal Abdul Munir et al., “The Reasons for Permission to Marry Ahlul Kitâb Women in the View of Sayyid Sabiq,” *Al-Adalah*, 18.2 (2021): 289–302, <https://doi.org/10.24042/adalah.v18i2.10350>. some allow it and some forbid it. Sayyid Sabiq is among the scholars who

answer to why the word *ulama* is mostly identified by society as a male figure.

### Indonesian Women *Ulama* Congress (KUPI)

The Indonesian Women *Ulama* Congress (KUPI) was born through a long series of works by Muslim women activists in Indonesia.<sup>22</sup> It began around the early 1990s through works led by the Pesantren and Community Development Association (P3M) and was continued by three subsequent organizations: RAHIMA, FAHMINA, and ALIMAT.<sup>23</sup> These three organizations then initiated the First Indonesian Women *Ulama* Congress, held on April 25-27, 2017, at the Kebon Jambu al-Islamy Islamic boarding school in Cirebon. One of the female clerics who initiated KUPI and hosted KUPI I was Ibu Nyai Hj Masriyah Amva, who successfully introduced the terms female *Ulama* and female intellectuals through the forum.<sup>24</sup>

KUPI I was attended by 519 participants from various regions in Indonesia, consisting of several female clerics from various organizational affiliations, such as *Majelis Ta'lim*, *Majelis Sekolah*, *Asrama*, *Kiyai*, and *Bu Nyai*. Also present were 131 academics, researchers, and female activists representing countries such as Malaysia, Afghanistan, Bangladesh, Saudi Arabia, Pakistan, Nigeria, Kenya, Singapore, Thailand, the Philippines, Australia, the United States, and the Netherlands.

Among the activities held in KUPI is religious deliberation. This consultation forum plays an important role in echoing the spirit of

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allows Muslim men to marry women of the People of the Book under strict requirements to avoid harm and negative impacts that will occur if the marriage is carried out. This paper discusses the law of Muslim men marrying women of ahlul kitāb (the People of the Book

<sup>22</sup> Zunly Nadia, "Ulama Perempuan dan Moderasi Beragama: Kajian Atas Musyawarah Keagamaan Kongres Ulama Perempuan Indonesia," *Prosiding Konferensi Gender Dan Gerakan Sosial* 01.01 (2022): 718–729.

<sup>23</sup> Nor Ismah, "Destabilising Male Domination: Building Community-Based Authority among Indonesian Female Ulama," *Asian Studies Review*, 40.4 (2016): 491–509, <https://doi.org/10.1080/10357823.2016.1228605>.

<sup>24</sup> Fikriyah Istiqlaliyani, "Ulama Perempuan di Pesantren: Studi Tentang Kepemimpinan Nyai Hj. Masriyah Amva," *Jurnal Educatio FKIP UNMA*, 8.1 (2022): 104–9, <https://doi.org/10.31949/educatio.v8i1.1670>.



religious texts with the reality of women's lives.<sup>25</sup> The forum is a decision-making forum for Indonesian female clerics on socio-religious issues. Here, the participants discuss the views of female clerics on various issues that develop in society, including issues of injustice experienced by women and their impact on social life in general. The discrimination of women as individuals who are equal to men has been pushed aside as the root of this injustice, including the elimination of their potential to carry out social responsibilities and Islamic missions in social, national, and religious life.<sup>26</sup>

The deliberation was conducted in an open, participatory, dialectical, and responsive manner. The results will be religious views (*ijtihad*) that can be used to solve society's problems today.<sup>27</sup> Before the meeting, several *halâqah* (small meetings/limited discussions) were held by community groups, institutions, or individuals who believe in and adhere to the vision of the KUPI movement. The *halâqahs* were also preceded by some studies that explored relevant data and analysis considerations and arguments.<sup>28</sup> The results of the Congress are manifested in the form of a statement of KUPI's religious attitudes and recommendations, which were structured as follows: (1) *Tashawwur* (description): an explanation of the issues or problems that will be decided and discussed comprehensively, including facts and problems in the field. (2) *'Adillah* (legal basis): refers to the sources of law that are the basis for decisions, including the Qur'an, Hadith, statements of scholars, and the constitution of the Republic of Indonesia. (3) *Istidlâl*: an analysis process that uses evidence from the Qur'an and Hadith. (4) Religious attitudes and views reflected in the conclusions of deliberation. (5) *Marâji*: refers to references or sources used in decision-making. (6) *Marâfiq*: attachments that include direct quotations from the Qur'an, Hadith, statements of scholars, and the constitution of

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<sup>25</sup> Nadia, "Ulama Perempuan dan Moderasi Beragama: Kajian Atas Musyawarah Keagamaan Kongres Ulama Perempuan Indonesia."

<sup>26</sup> Kodir, "KUPI."

<sup>27</sup> Faqihuddin Abdul Kodir, *Menguatkan Eksistensi dan Peran Ulama Perempuan Indonesia (Rencana Strategis Gerakan Keulamaan Perempuan Indonesia Paska KUPI, 2018-2022)* (Cirebon: Fahmina, 2018), p. 14.

<sup>28</sup> Faqihuddin Abdul Kodir, *Metodologi Fatwa KUPI*, (Cirebon: Cirebon: KUPI, 2022), p. 23.

the Republic of Indonesia. (7) *Tazkiya*: Recommendations are given to related parties as a follow-up to the deliberation decision.<sup>29</sup> The results of the KUPI congress and recommendations have been mandated to all KUPI participants to be socialized and implemented among the wider community, government institutions, and social organizations.

The International Conference of the KUPI I forum achieved three main things. First, the pledge of female clerics declares the existence, role, and contribution of female clerics. Second, the religious attitudes and views resulting from the deliberation. Third, recommendations from the KUPI parallel discussion. These three achievements are the basis for KUPI programs and activities in the future. In addition, this forum has also succeeded in issuing fatwas on three main issues, namely sexual violence, child marriage, and environmental crisis.<sup>30</sup> KUPI I has also succeeded in inventorying several female clerics who have contributed to national development and civilization.<sup>31</sup> Some of them have been included in the golden historical record. However, many female clerics' contributions have not been adequately recognized in national development or Islamic history.<sup>32</sup> Despite these significant achievements, however, one point of criticism needs to be considered: the figures involved tend to be older adults and do not involve the new generation. This criticism is important to respond to, considering that KUPI's struggle is still long. Therefore, the change of generations needs to be prepared as early as possible.

The success of KUPI I further encouraged activists to implement KUPI II, which was held at the Walisongo State Islamic University (UIN) Semarang and the Hasyim Asy'ari Islamic Boarding School, Bangsri Jepara, Central Java. Like KUPI I, the central theme raised in KUPI II was not much different from that of KUPI I, namely "Emphasis on the Role of Female *Ulama* in Creating a Just Islamic

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<sup>29</sup> KUPI, Official Document of the Process and Results of the Indonesian Women's Ulama Congress.

<sup>30</sup> Rohmaniyah, Kotele, and Widiastuti.

<sup>31</sup> Ida Zahara Adibah, "Kontribusi Ulama Perempuan dalam Perkembangan Islam di Nusantara," *Jurnal Wahana Akademika: Jurnal Studi dan Sosial*, 6.2 (2019): 99–113.

<sup>32</sup> Ida Zahara Adibah

Civilization.” At this time, the number of participants attending the event doubled, amounting to 1,600 participants from 32 provinces in Indonesia and 31 foreign countries. Government, regional, and national military representatives were present to recognize this movement through participation in the opening and closing ceremonies.

Meanwhile, the consolidation of knowledge has been formed over the past five years in national and state life.<sup>33</sup>As with KUPI I, KUPI II uses a framework of thought in religious deliberation, namely women’s knowledge and experience with equality (*mubâdala*), goodness (*ma’rûf*), and true justice, women’s biological experience (pregnancy, childbirth, breastfeeding, and menstruation) and gender injustice.<sup>34</sup> The five issues discussed and decided by KUPI include the role of women in preventing extremism, household waste management to protect the environment, protection of women from pregnancy caused by rape, protection of women from forced marriage, and protection from the dangers of cutting and touching women’s genitals.<sup>35</sup> In addition, KUPI II also held a testimonial session to collect evidence from the Qur’an and al-Hadith, as well as historical evidence of female scholars in the past, from the prophethood to the afterlife, which can be used as evidence of the existence of female scholars in the history of Islamic civilization. All of this evidence was then collected to be used for future purposes.

KUPI’s success in presenting female clerics in the public sphere results from a long and ongoing struggle for the education of female clerics. Various historical events have been experienced through dialectics that have occurred on various platforms throughout time. After the New Order era, sexuality and Gender became major topics of debate in Indonesia, encouraging Islamic thinkers, both liberal and conservative, to compete in discussions on both issues. KUPI offers transformative thinking related to various issues that marginalize the position and role of

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<sup>33</sup> Rizka Nur Laily M, “5 Isu Krusial Kongres Ulama Perempuan Indonesia (KUPI) II, Dorong Keadilan,” n.d.

<sup>34</sup> Enok Ghosiyah, “Ulama Perempuan Milenial: Wacana dan Legalitas Gerakan Kongres Ulama Perempuan Indonesia ( KUPI )”, 9.01 (2023): 1–20.

<sup>35</sup> M, “5 Isu Krusial Kongres Ulama Perempuan Indonesia (KUPI) II, Dorong Keadilan.”

women, especially in countries with Muslim majorities.<sup>36</sup> Five years after the 1st KUPI congress, a lesson has been learned. The KUPI movement has become a reference for policymakers because it has reflected various societal problems.<sup>37</sup> These processes and progress have created a new arena for the women's moral movement and represent the rise of Muslim women's intellectualism in Indonesia.<sup>38</sup>

### KUPI's Religious *Manhaj* (Method)

Knowledge is the starting point for Muslims to realize religious aspects. Based on the process of knowledge, Islam cannot be separated from the religious texts of the Qur'an and Hadith, which become the guides and main reference for every Muslim to gain the best life in this world and in the hereafter. Types of knowledge in Islam can be classified into *ulûm al-'aqlîya* (argumentative and rational science) and *ulûm al-naqlîya* (science based on transmission and inheritance). This typology is the basis of Islamic epistemology and knowledge and is divided into four approaches. The first is the constructive approach that uses logic and the *Qiyâs* (analogy) approach. The second is the theological approach<sup>39</sup>, which is based on theology and discusses divine knowledge. The third is the philosophical approach heavily influenced by Neoplatonic and peripatetic Islamic philosophy, emphasizing the importance of using reason to find the unknown foundations of knowledge. The fourth is the mystical approach, which emphasizes the importance of intuition as a basis for understanding knowledge that comes from God.<sup>40</sup>

<sup>36</sup> E S Rahmawati and M Aprilyanti, "Metodologi Fatwa Kongres Ulama Perempuan Indonesia (KUPI)," *Kupipedia.Id*, 2017, 1–12.

<sup>37</sup> Enok Ghosiyah, "Ulama Perempuan Milenial.

<sup>38</sup> Kusmana, "The Qur'an, Woman, and Nationalism In Indonesia Women Ulama Moral Movement," *Al-Jami'ah*, 57.1 (2019): 83–116, <https://doi.org/10.14421/ajis.2019.571.83-116>.

<sup>39</sup> About theological approach see Abderrahman Youssouf Ethmane, "الأثر العقدي والسياسي، في انقراض المذهب الفقهي بالغرب الإسلامي والأندلس: The Theological and Political Effects of Extinction of Fiqh Madhab (Juristic Doctrine): A Study of the Extinct Madhahib in the Islamic West and al-Andalus." *Malaysian Journal of Syariah and Law*, 7.1 (2019): 109-123.

<sup>40</sup> Reza Arjmand, "Introduction to Part I: Islamic Education: Historical Perspective, Origin, and Foundation," *Handbook of Islamic Education*, (International Handbooks of Religion and Education, 2018), p. 35.

Furthermore, KUPI developed a “gender *manhaj*” methodology that seeks to reinterpret and apply Islamic law through the lens of gender justice and equality.<sup>41</sup> The forum also sought to create a new epistemological approach to interpreting religious texts in relevant contexts through the perspective of essential justice and comprehensive hermeneutics. KUPI combines classical Islamic knowledge with a modern scientific approach by utilizing expertise from the *pesantren* tradition.

KUPI defines the term ‘women’ in two meanings: biological and ideological. The biological definition refers to individuals with female genitalia who experience menstruation, pregnancy, childbirth, and breastfeeding. In contrast, men do not experience these biological activities. Therefore, the suffering or health problems associated with these experiences cannot be interpreted by men or in forums attended only by men. Assessments must include women’s voices and be based on their direct experiences.

On the ideological side, ‘women’ are characterized as perspectives, consciousness, or movements that advocate for women’s justice alongside men, both in the context of the family and society. This description serves to differentiate it from the term ‘female scholars.’ In contrast, ‘female scholars’ are described as individuals of the female Gender who can convey knowledge, either through the lens of gender justice or without it. On the other hand, the term ‘female scholars’ encompasses all scholars, regardless of Gender, who have and use a gender justice perspective. Female scholars integrate the concept of gender justice with Islamic sources to address real-life circumstances and uphold a just and civilized society.<sup>42</sup>

KUPI formulated nine principles that later became its paradigm: divinity, equality, harmony, welfare, justice, nationality, humanity,

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<sup>41</sup> Doni Azhari and Syihabuddin Qalyubi, “The Rights of Sasak Noble Muslim Women in Choosing A Mate: An Analysis of The Marriage of Noble Women With Jajar Karang Men From The Perspective of Islamic Law,” *Al-Adalah* 20.2 (2023): 381, <https://doi.org/10.24042/adalah.v20i2.18416>. especially regarding the rights of Sasak noble women in choosing a life partner. The aim is to find out and analyze the rights of Sasak noble women from the perspective of gender and Islamic Law. According to Banjar Customary Law, a noblewoman (*menak*

<sup>42</sup> Tim KUPI, *Dokumen Resmi Proses dan Hasil Kongres Ulama Perempuan Indonesia*, (Yogyakarta: KUPI dan Bildung, 2017), p. 31.

universality, and mercy. These principles are then implemented through three basic frameworks (trilogies): *makrûf*, *mubâdala*, and true justice for women.<sup>43</sup> The concept of *makrûf* emphasizes a wise approach in responding to various problems that arise in society related to the existence of women. The concept of *mubâdala* ensures that women are seen as whole subjects and equal to men. Meanwhile, essential justice emphasizes the importance of paying attention to the biological and social experiences unique to women.<sup>44</sup>

In a broader context, *makrûf* manages interpretations of authoritative texts derived from revelation and real-life situations based on factual evidence. This concept is directed at identifying social norms supported, observed, and led by society at the local and global levels while remaining faithful to Islamic Sharia's basic rules, especially those concluded from its origins. The concept can also be used in issuing religious and social fatwas, practical knowledge, scientific findings, empirical data, traditions, agreements, laws, and global consensus in line with Islamic teachings and the nine basic principles of KUPI.<sup>45</sup> The concept of *ma'rûf* in essential justice must treat this biological experience positively. *Makrûf* does not exist if women are discriminated against based on their biological aspects. Likewise, legal decisions or policies, although supported by various interpretations, cannot be considered *ma'rûf* if women's unique experiences are ignored or their suffering is increased.<sup>46</sup>

The second concept is *mubâdala*. The '*mubâdala*' was initially introduced by Faqihuddin.<sup>47</sup> The concept, which was officially adopted by KUPI, has proven to be very relevant in addressing and correcting gender bias found in the verses of the Qur'an. This concept offers a way to reevaluate the traditional interpretation of the verses of the Qur'an, which often results in women being subordinated to men. The concept requires a methodological change in the interpretation of the verses of the Qur'an containing gender bias through a more progressive and

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<sup>43</sup> Faqihuddin Abdul Kodir, "Trilogi Fatwa KUPI" (2023).

<sup>44</sup> Faqihuddin Abdul Kodir, *Metodologi Fatwa KUPI*.

<sup>45</sup> Kodir.

<sup>46</sup> Kodir.

<sup>47</sup> Faqihuddin Abdul Kodir, *Metodologi Fatwa KUPI*.

comprehensive method of interpretation.<sup>48</sup> In the *mubâdala* perspective, the understanding of *ma'rûf*<sup>49</sup> must ensure equality between men and women. If *ma'rûf* is interpreted as the good of society, then the existence of the principle of gender equality in its acceptance becomes very important. The acceptance of men must reflect the acceptance of women and vice versa. When *ma'rûf* is seen as a beneficial custom, it must be drawn from both genders' shared experiences and traditions. Likewise, the application of the principles of *maqâshid sharîa*, which include five basic principles-protection of life (*hifdh al-nafs*), rationality (*hifdh al-'aql*), wealth (*hifdh al-mâl*), family or lineage (*hifdh al-nasal*), and faith (*hifdh al-dîn*).<sup>50</sup> Also, the direct experiences of women need to be considered, not just based on the views or experiences of men.

The third concept is true justice. As equal individuals, men and women are entitled to various goodness, benefits, and welfare. The type of goodness men receive may be different from what women receive. The goodness that women deserve must be based on their specific experiences, which are different from those of men. Likewise, the benefits designed for women, given their unique experiences, may differ from those designed for men.<sup>51</sup>

KUPI is not just a congress activity; it is finished without follow-up. The organization has become a movement and will translate its results and implement them in society. KUPI has demonstrated its role in developing and advancing gender *manhaj* in Indonesia. Some concrete examples that prove this are the issuance of several fatwas on gender justice, sexual violence, environmental destruction, and child marriage. These fatwas

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<sup>48</sup> Akhmad Arif Junaidi, "Kongres Ulama Perempuan Indonesia (KUPI) and *Mubâdalah* Approach in Interpreting the Gender Biased-Qur'anic Verses," *Sawwa: Jurnal Studi Gender*, 18.1 (2023): 1–24, <https://doi.org/10.21580/sa.v18i1.17269>. About *Mubâdalah* see also Supriyadi, Supriyadi, Abdul Qodir Zaelani, Siti Mahmudah, and Ahmad Khumedi Ja'far. "Building Husband and Wife Partnership Patterns Among Regional Parliament (DPRD) Members from the *Mubâdalah* Perspective." *Al-Istinbath: Jurnal Hukum Islam*, 8.2 (2023): 445–464; Hanif al-Fauzi Nur, Agus Hermanto, and Abdul Qodir Zaelani. "Monogami dalam Tinjauan *Mubâdalah*." *El-Izdiwaj: Indonesian Journal of Civil and Islamic Family Law*, 3.2 (2022): 93–108.

<sup>49</sup> Maimun Maimun and Dani Amran Hakim, 'Siyâsah Syar'iyah and Its Application to Constitutional Issues in Indonesia', *As-Siyasi: Journal of Constitutional Law*, 3.1 (2023), pp. 111–30, doi:10.24042/as-siyasi.v3i1.15710.

<sup>50</sup> Kodir.

<sup>51</sup> Kodir.

have become the main reference for policymakers in efforts to reduce sexual violence and raise the minimum age for marriage for women to 19 years.<sup>52</sup> In addition, KUPI has played a significant role in ratifying the Sexual Violence Crime Law (TPKS), which was officially enacted on May 9, 2022. KUPI has also garnered support to accelerate the ratification of the Domestic Worker Protection (PPRT) Bill, which has been delayed for almost two decades. This Bill aims to provide legal protection and guarantees to Domestic Workers (PRT). In addition, KUPI also plays an important role in providing a religious perspective on the importance of women's roles in society. Inspiring the Women's Ulama Community, such as the Islamic Gender Justice Study Community and the *Mubâdala* Community.

The presence of KUPI has also received attention from the mainstream media in Indonesia.<sup>53</sup> Some digital spaces include media initiated by Fahmina, Rahima, Alimat, and Mubadala, including media under the name Kupipedia.<sup>54</sup> These media have been utilized to disseminate knowledge and a proper understanding of women. These messages are disseminated through the social media platforms of the Indonesian Family Love Alliance (AILA), Institute for the Study of Islamic Thought and Civilizations (INSISTS), THIS Gender, and so on.<sup>55</sup>

### **KUPI's Role in the Future Development of Islamic Law in Indonesia**

Movement is the core of KUPI's mission as a platform for learning and collaboration in creating gender justice. This movement is rooted in the reality of society based on healthy knowledge and sensitivity to morals and conscience. As a movement, KUPI must operate through a non-hierarchical, decentralized network managed collectively with equal

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<sup>52</sup> Akhmad Arif Junaidi, "Kongres Ulama Perempuan Indonesia (KUPI) and Mubâdalah Approach in Interpreting the Gender Biased-Qur'anic Verses," *Sawwa: Jurnal Studi Gender*, 18.1 (2023): 1–24, <https://doi.org/10.21580/sa.v18i1.17269>.

<sup>53</sup> Rahmawati and Aprilyanti, "Metodologi Fatwa Kongres Ulama Perempuan Indonesia (KUPI)."

<sup>54</sup> Kloos, "Siting Islamic Feminism: The Indonesian Congress of Women Islamic Scholars and the Challenge of Challenging."

<sup>55</sup> Ma'ruf, Wilodati, and Aryanti, "Kongres Ulama Perempuan Indonesia dalam Wacana Merebut Tafsir Gender Pasca Reformasi: Sebuah Tinjauan Genealogi."



leadership between the network and individuals. Everyone who supports and believes in women's leadership, true justice for women, and gender equality and applies a deliberation methodology that respects diversity and KUPI's results is considered part of this movement.<sup>56</sup>

KUPI can be considered an important development in Islamic intellectuals, especially in addressing gender issues within the framework of Islamic law. The presence of KUPI is an important initiative that has not only succeeded in creating an event but also a historic milestone that will continue to influence the role of space for Muslim scholars to make stronger contributions in the fields of religion, society, and culture. KUPI has laid down an early milestone of important developments in Islamic intellectualism, especially in efforts to address gender issues within the framework of Islamic law.<sup>57</sup> By bringing together female scholars from various backgrounds, the initiators of KUPI hope that this forum can encourage a more balanced and comprehensive understanding of Islamic teachings while offering a more inclusive approach to Islamic scholarship that respects and includes women's voices and experiences. This institution was established as a forum for female scholars to actively participate in religious deliberations and bring gender-sensitive perspectives to the forefront of Islamic legal discourse.

Furthermore, the basic idea behind the formation of KUPI is to create an organization that is a driving force for positive change in the status and rights of women in Indonesia and to address the challenges and obstacles women face in this country. There are 5 (five) issues that KUPI fights for, namely: (1) Gender Equality, (2) Awareness and Education, (3) Empowerment, (4) Advocacy, and (5) Networking and Solidarity. KUPI works to achieve gender equality in Indonesia. This involves challenging and changing social norms and cultural practices perpetuating gender inequality. In addition, KUPI also seeks to raise awareness of women's

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<sup>56</sup> Nisa, "Muslim Women in Contemporary Indonesia: Online Conflicting Narratives behind the Women Ulama Congress." Indonesian Muslim women successfully convened the world's first congress of women Muslim scholars (KUPI

<sup>57</sup> Sadi Hassan Baram, 'The Priority of Application Regarding the Inheritance Provisions Differed between the Iraqi Personal Status Law and the Amended Law in the Kurdistan Region', *As-Siyasi*, 3.2 (2023), pp. 215–38, doi:10.24042/as-siyasi.v3i2.18440.

issues and provide education to women and the wider community. By increasing knowledge and understanding of women's rights and gender equality, KUPI seeks to change attitudes and beliefs. In addition, KUPI also seeks to empower women by giving them a collective voice and the means to participate in social, political, and economic matters. KUPI also seeks opportunities for women to engage in leadership roles and decision-making processes.

Furthermore, KUPI was formed to advocate for policy changes and legal reforms that will better protect and promote women's rights. This includes advocating for laws against gender-based violence, promoting access to education and health care, and addressing issues related to reproductive rights. KUPI has also built a communication and performance network between Muslim women's movement activists at the national and international levels.

KUPI advances women's leadership by instilling Islamic education and emphasizing the values of nationalism, humanity, and universality. Female clerics' leadership is also strengthened at the grassroots level. Islamic boarding schools and religious institutions have played an important role in advocacy work before the state. Thus, KUPI has played an important role in developing and advancing gender manhaj in Indonesia and increasing women's awareness and participation in public life.<sup>58</sup>

Furthermore, as an organization focusing on family and community development, KUPI has great potential to become an agent of change in creating gender equality. Through education, training, gender awareness campaigns, policy advocacy, and implementation of concrete programs, KUPI has played an important role in changing unequal mindsets and practices in gender relations. In its journey towards gender equality, KUPI does face various challenges, such as cultural resistance, strong gender stereotypes, and institutional constraints. However, with a strong commitment and holistic approach, KUPI has found new opportunities

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<sup>58</sup> Arifah Millati Agustina and Nor Ismah, "Challenging Traditional Islamic Authority: Indonesian Female Ulama and the Fatwa Against Forced Marriages," *Journal of Islamic Law*, 5.1 (2024): 125–46, <https://doi.org/10.24260/jil.v5i1.2319>.including the community of female ulama in Indonesia. Despite being a relatively new presence, the community of female ulama affiliated with the Congress of Indonesian Female Ulama (KUPI

to overcome these challenges and move towards a more inclusive and sustainable vision of gender equality.<sup>59</sup>

On the other hand, KUPI must also actively contribute to creating government policies, especially those related to Islamic law issues with a gender perspective. Such can be done through advocacy, lobbying, and political campaigns to support changes in laws and policies that impact women. By collaborating with the government and legislature, KUPI can assist in formulating more progressive regulations on women's rights. For this reason, they need to advocate, lobby, and campaign politically to support changes in laws and policies that impact women. By working with the government and legislature, KUPI can assist in drafting more progressive regulations for women's rights.

In the future, KUPI is expected to inspire the development of Islamic thought that combines the perspectives of justice, equality, and harmony between women and men and acts as a reference in policy changes and legal reforms, which support environmental sustainability and the realization of just and civilized humanity.<sup>60</sup> This institution is also expected to function as a religious movement with cultural, intellectual, spiritual, and structural dimensions. The cultural dimension is the basis, root, and means of culture to strengthen Islamic, humanitarian, national, and environmental sustainability values oriented toward gender justice. The intellectual dimension provides the foundation and basis for knowledge activities. The spiritual dimension focuses on divine values for the good of humanity. Meanwhile, the structural dimension directs KUPI to encourage participants to make transformative changes in social justice, including policy changes, to strengthen KUPI values so that they are not limited to discourse.<sup>61</sup>

## Conclusion

The Indonesian Women *Ulama* Congress (KUPI) has proven itself to be a strategic movement for mainstreaming gender equality in the

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<sup>59</sup> Rohmaniyah, Kotele, and Widiastuti, "Reclaiming an Authority: Women's *Ulama* Congress Network (KUPI) and a New Trend of Religious Discourse in Indonesia."

<sup>60</sup> Kodir.

<sup>61</sup> Kodir.

context of Islamic law in Indonesia. Through an approach that combines *maqâshid al-sharîa* and gender hermeneutics, KUPI has succeeded in offering an inclusive reinterpretation of Islamic law on gender issues, such as domestic violence, child marriage, and women's rights. This approach not only enriches the fiqh discourse but also strengthens the position of women in Islamic legal discourse, making them important actors in community-based advocacy and networks of female Ulama at the national and international levels. Despite facing challenges such as conservative resistance and limited access to decision-making spaces, KUPI has proven that the values of gender justice can be aligned with Islamic teachings. The innovative strategies implemented by KUPI have significantly contributed to building a more just Islamic legal paradigm based on tradition that is still relevant to modern human rights principles. This fact also shows that gender-based Islamic legal reform can be realized and necessary to answer contemporary and future social challenges.

### Author Contributions

Nur Faizah is responsible for finding funding sources, administering them, and conducting financial reports. Achmad Lubabul Chadziq also found funding sources, administered them, and translated them into English. M. Shaiful Umam also participated in finding funding sources, administered them, and translated them into English. Ahmad Rezy Meidina and Moch. Iqbal are responsible for conceptualizing and developing the methodology, maintaining data accuracy, and writing the Initial Draft. Ahmad Rezy Meidina also is responsible for editing and perfecting the final manuscript and implementing the publication process through OJS.

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