

ANALYSIS STUDY OF THE MOVEMENT OF THE
INDONESIAN WOMEN'S ULAMA CONGRESS (KUPI)
IN AGAINST SEXUAL VIOLENCE
AND CHILD MARRIAGE

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ABSTRACT

Society's stigma regarding the role of women in the erroneous interpretation of religious texts makes women a creature that occupies the second position after men. The discriminatory interpretation of religious texts has limited the scope for women. One movement that pays attention to women's issues is the Indonesian Women's Ulema Congress (KUPI). KUPI formulates issues such as sexual violence, child marriage, and environmental damage. This research examines two issues, namely fighting sexual violence and child marriage with an analytical study of the movement of the Indonesian Women's Ulama Congress. This type of qualitative research uses descriptive-analytical and descriptive-interpretive methods, describing and explaining the consequences of sexual violence and child marriage. The results of this study indicate that sexual violence and child marriage are not at all good for anyone, instead they are bad. Therefore, these two things must receive serious attention from various parties in prevention efforts.

Keywords : *KUPI; Sexual Violence; Child Marriage; Age.*

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A. INTRODUCTION

Various forms of violence and injustice against women seem getting legality through religion and culture with a gender ideology. On a practical level, this gets its instrumentation through social construction which is standardized through family values. It is this position that makes the practice of violence and injustice seem having its legalization formulation (Murniati, 2004). The social construction of society which is biased towards gender has very broad and serious implications so that feelings of submission, not independence and dependence arise. This makes women have psychological and sociological problems to liberate themselves as beings who are independent and sovereign over their personalities.

According to Rofiah (2021) some people still see women as objects, both in the family and in the public space. Women are often compared without being seen from their biological experience, such as menstruation, pregnancy, giving birth, childbirth and breastfeeding. While the social experience is stigmatization, marginalization, subordination, violence and double burden (Rofiah, 2021). Justice should be described in general based on human conditions whose impacts are shared and equal, between one human being and another human being, with disabilities and abilities, men and women.

Interaction relations that exist in society, are still occurring and there are patterns of oppression and violence against women. One of the causes of sexual violence is the lack of education about sex (Gustrisia & Faisal, 2021; Wulandari & Suteja, 2019). Education on the values of equality and good sex education can help preventing sexual violence that

often occurs in both adult women and underage women in marriage. (Wijaya & Ananta, 2022).

Marriage is an important phase in life that certainly requires readiness, both financially, mentally and emotionally. The unpreparedness of children psychologically in living household life has the potential to cause conflict (Maula, 2019), to domestic violence (KDRT), and the imbalance in power relations makes women more likely to become victims of violence (Grijns et al., 2018). Meanwhile, from the health aspect, girls who marry at a young age are at risk of experiencing miscarriage, impaired reproductive function, medical complications to the threat of death for both mother and child during the birth process. (Dini & Nurhelita, 2020; Ningsih et al., 2021). Therefore, it is necessary to have a mature age standard for both men and women before marriage (Asrori, 2015; Sari & Sunarti, 2013).

Child marriage is still a phenomenon in society (Amalia, 2017; Salmah, 2017). Some of this occurs due to poverty which makes parents feel that marrying their children is a solution to improve the economy so that they do not have to pay for the life and education of their children, or the will of the child himself who only has love as capital due to a lack of education about marriage itself. Apart from poverty, another thing that drives parents to hasten marriage is the wrong interpretation of religion and culture (Wardah, 2017).

The rise of cases of domestic violence and divorce is the result of the couple's unpreparedness in going through the marriage. In addition, sexual violence is also often felt in marriage. Husband and wife sexual relations must be based on the consent of both parties and there is no coercion. The lack of education and socialization in the community

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regarding these two things has made these cases increase. Therefore this theme is important to be raised as a form of knowledge and lessons for the community so that they are more aware of the types of sexual violence and child marriage as well as efforts to prevent these two things.

These things encourage the feminist movement or social movement that fights for justice and equality for women. Feminism exists and continues to develop according to the times. It is here to build public awareness of justice between men and women without discrimination and violence against women (Hearty, 2015; Suhada, 2021). Religious teachings and proclamations have a dominant potential in the application of biased gender ideology. Therefore, in this context, religion can also be an inspiration and encouragement for gender inequality.

How religion can create injustice. Of course the potential for injustice is not because of religion, but because the process of developing religion is regulated by the patriarchy (Murniati, 2004). So that people still believe that the Islam they understand teaches inequality for men and women in all things. As a result, women experience various forms of inequality and discrimination in their environment. They experience marginalization, subordination, stigmatization and double burden as well as violence in various verbal and non-verbal forms. The core of Islamic teachings is monotheism as an acknowledgment that only Allah SWT. who deserves to be worshiped (Karim, 2017). Islam exists to protect and liberate culturally and structurally oppressed groups. Islam upholds the principles of human equality and universal human values (Mayer, 2018).

The National Commission on Women reminded that one of the obligations of the State, the party that ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

was to eliminate practices that harm women and girls. Child and forced marriage, female genital mutilation, dowry violence and honor killings are examples of harmful practices. The Indonesian government has committed to ending child marriage by 2030 as part of achieving the SDGs. Ending child marriage will help realize Indonesia's Golden Year 2045 vision of sovereignty, progress, justice and prosperity (Komnas Perempuan, 2021).

Many parties, including organizations or institutions that fight for human values and gender equality, provide views on sexual violence and child marriage. One of them is the KUPI (Indonesian Women's Ulema Congress). They were present by issuing several fatwas which were very urgent and should receive greater attention. This research will discuss the two fatwas above, sexual violence and child marriage.

Much research has been done on the KUPI (Indonesian Women's Ulama Congress), such as the study conducted by Ulfiyati (2019) who examines female religious leaders related to their views and roles in preventing child marriage, the results of this study describe the views of female scholars regarding children born to weak mothers who have the potential to give birth to weak babies, so child marriage is far from the purpose of marriage (Ulfiyati, 2019). Likewise Ma'ruf et al (2021) conducted a study on the Indonesian Women's Ulama Congress with a study of discourses seizing post-reform gender interpretations (Ma'ruf et.al., 2021). In contrast to previous research, here the researcher focuses on the study of the movement of female clerics against sexual violence and child marriage.

B. METHOD

This study is used to evaluate the movement of the Indonesian Women's Ulama Congress (KUPI) against sexual violence and child marriage, so the methods used are descriptive - analytical and descriptive - interpretive. The descriptive-analytical research method was used to describe and explain the convening of the Indonesian Women's Ulama Congress (KUPI) movement. In addition, the descriptive-interpretative method is used as an illustration of the results of studies on changes in behavior related to the interpretation of sexual violence and child marriage.

C. RESULT AND DISCUSSION

I. Definition of Sexual Violence and Child Marriage

Violence in Latin is *violentus* which comes from the word *vi* or *vis* meaning power or rulling (Junaidi, 2017; Puspita, 2018). Violence is any physical or verbal action or behavior that reflects an attack on individual freedom or dignity, and is carried out individually or in groups. Law Number 12 of 2022 concerning Crimes of Sexual Violence states that sexual violence is any disgraceful, rude, offensive or other action against a person's body, sexual desire and reproductive function, by force, against someone's will, someone's desire, so as not to allow other people to agree freely, because of power relations and/or unequal gender relations, which result in harm or may result in physical, psychological, sexual, economic, social, cultural and political suffering or misery, including in a marriage bond that occurs in in social life.

In language, the word marriage means union, also understood as a contract or relationship. Marriage is called a contract, because it is a bond

from the contract itself (Ja'far *et.al.*, 2021). In addition, there are also those who interpret it with the meaning of "mixing" which means the mixing of husband and wife in marriage or sexual relations. Marriage can also come from the word *Nukh* which means genitals. It is also said that "in pairs" is also called marriage since it became the cause of intercourse ('Uwaidah, 1998).

Early marriage is child marriage when one or both parties are under 18 years of age (Ridwan, 2015; Shufiyah, 2018). Child marriage and child engagement are customs whereby a child, usually before puberty, marries or becomes engaged to an older person or other child. According to the Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection that a child is defined as someone under the age of 18, including children in the womb.

In this regard, the Indonesian Women's Ulema Congress (KUPI) was present and provided awareness that gender equality is an important thing that must be fought for (Jannah, 2020; Ulfiyati, 2019). The Indonesian Women's Ulema Congress (KUPI) movement reinterprets or changes interpretations in religious texts that legitimize women. The interpretation of gender bias is not something taught by Islam. Islam as a religion should provide justice, benefit and peace on earth. The Indonesian Women's Ulama Congress (KUPI) seeks to change society's perspective and the social inequality experienced by women to become better and fair in accordance with Islamic ideals.

2. Thoughts of the Indonesian Women's Ulema Congress (KUPI) Regarding the Issues of Sexual Violence and Child Marriage

Sexual violence is actually not only a women's problem, so the Indonesian Women's Ulema Congress (KUPI) is present not only for the

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involvement of female scholars, but human beings who are aware and have a complete understanding of the position and condition of women with all their problems to seek solutions. This is because meeting spaces and policies for substantive justice for women and girls are still urgently needed. How expensive is perspective and alignment with solutions to solving women's and children's problems. The community has little understanding of forms of sexual violence, one of which is due to the very narrow response of the state in its regulation.

Even though the national policy recognizes the terms sexual violence, rape, adultery or sexual harassment, until now there has been no comprehensive definition. The available policies experience ambiguity in meaning and are contradictory in terms of statutory, conceptual, historical or comparative legal aspects (Rahayu, 2017).

The high spike in cases reflects that sexual violence is a problem that must be addressed comprehensively, and the main control holder is the state, the government as the executor of laws and policy makers. This indicates that there is something wrong with the legal instruments.

The drafting team for the Indonesian Women's Ulema Congress (KUPI) explained sexual violence in its various forms, such as rape, sexual harassment, sexual exploitation, sexual torture, sexual slavery, sexual intimidation, forced prostitution, forced pregnancy, forced abortion, forced marriage, trafficking of women for the purpose of sexual intercourse, forced contraception and sterilization are actions that place women as sexual objects that do not have sovereignty over their own bodies are unjust acts (Muflihah & Mursyid, 2021).

The results of the Deliberation Document of the Indonesian Women's Ulama Congress (KUPI) explain that one of the main

principles of Islam is monotheism. Tawhid or only deify Allah SWT and contained in it divinity other than Him. A polytheist when he believes in Allah SWT and at the same time deifies other than Him (Rofiah, 2021). JSO in the context of sexual violence, discrimination against women and so on, Faith in Allah SWT as the only God has views on the relationship between men and women that are contrary to patriarchal views. Tawhid is the basis of all other values. That God is only Allah SWT, and everything else is His creation and His servant.

The Indonesian Women's Ulema Congress (KUPI) bases its Islamic vision on the idea of *rahmatan lil 'alamîn* (universal mercy) which is emphasized in various verses of the Koran and *akhlâq karûmah* (noble character) exemplified by the Prophet Muhammad. This idea, in the paradigm of the Indonesian Women's Ulama Congress (KUPI), is formulated in nine basic values: monotheism, mercy, benefit, equality, mutuality, justice, nationality, humanity, and universality (Kodir, 2022).

According to the formulation of the team from the Indonesian Women's Ulama Congress (KUPI) the law on sexual violence in all its forms is unlawful, whether committed outside or within marriage, because it is contrary to Islamic teachings and the Constitution and laws of the Republic of Indonesia. Rape is not the same as adultery, both from the definition, punishment and proof aspects. Islam views that the state is obliged to guarantee the fulfillment of the rights of all citizens, including the rights of victims of sexual violence (Jamaludin, 2021; Rahmi, 2019).

The law prevents child marriage in the context of realizing the benefit of a *sakinah, mawaddah, wa rahmah* family is mandatory since child marriage causes more harm or *mafsadah* than bringing benefits or benefits. The parties most responsible for preventing child marriage are parents, family, community, government and the state.

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Marriage is not always happy and creates a *sakinah, mawaddah wa rahmah* family, many people fail to build a household due to the unpreparedness of the prospective husband and wife when carrying out the marriage. Marriages based on love (*mawaddah*) which usually occur in young people are certainly not eternal, because *mawaddah* tends to be related to sexual relations only. Another factor in the occurrence of child marriage is also due to sociocultural factors, in which these factors are often associated with religious norms or certain understandings that live in society (Ulfiyati, 2019).

Marriage is a sacred agreement, even marriage is a life union between a man and a woman which is formally confirmed by law and mostly religious (Tutik, 2015; Zamroni, 2019). A person's decision to marry can be driven by various considerations and decisions. These factors can be influenced by social, economic, political and other goals, even religious factors are also one of the reasons. Based on these conditions, female clerics reject child marriage because in fact marriage is not limited to sexual relations but rather emphasizes the purpose of sexual relations. So that for the benefit of the family and household, marriage should be carried out by people who have reached the age of maturity or adulthood.

3. The Contribution of the Indonesian Women's Ulama Congress (KUPI) to the Issues of Sexual Violence and Child Marriage

The religious views of the Indonesian Women's Ulama Congress (KUPI) contributed to the birth of policies which could then influence various parties, both institutions and civil society, including in the view of the Indonesian Women's Ulama Congress (KUPI) regarding the fatwa

banning practices and acts of sexual violence and child marriage. This is a turning point for various elements of the nation, especially civil society. The long process carried out by the Indonesian Women's Ulama Congress (KUPI) thanks to the cooperation and dialogue space carried out by female clerics produced maximum results. The good story of the Indonesian Women's Ulama Congress (KUPI) in awakening the power of women clerics has entered the world's consciousness, so that many Muslim countries hope that the enthusiasm of women clerics can also inspire other parts of the world.

Many activities target the community to reinterpret religious texts, so that they also benefit from the presence of the Indonesian Women's Ulema Congress (KUPI) on issues of sexual violence and child marriage. The Indonesian Women's Ulema Congress (KUPI) has a major influence through the fatwas that have been formulated, even though these fatwas have no legal binding in the country, they are believed, trusted and practiced. In addition, the Indonesian Women's Ulema Congress (KUPI) also oversees state policies such as the Basic Law (UUD) regarding the age of child marriage and the policy on the Draft Law on Sexual Violence (RUU TPKS) through reinterpretation of religious texts. The Indonesian Women's Ulema Congress (KUPI) networked with the National Women's Commission and other service agencies. So the Indonesian Women's Ulema Congress (KUPI) does not directly deal with these issues, but carries out escorts which then direct them to the relevant institutions for handling them.

The Indonesian Women's Ulema Congress (KUPI) does not stop at parliamentary activities. Yet to transform outcomes requires a movement of individuals and organizations which believe in the vision

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and mission of the Indonesian Women's Ulema Congress (KUPI), which work in a more coordinated way to ensure that these results materialize, being effective in practice. The Indonesian Women's Ulema Congress (KUPI) also carries out a number of advocacy, education, and thought and movement activities online and offline. The Indonesian Women's Ulema Congress (KUPI) continues to develop partnerships and networks with taklim assemblies, Islamic boarding schools and religious organizations.

D. CONCLUSION

The Indonesian Women's Ulema Congress (KUPI) views that sexual violence in all its forms is unlawful, whether committed outside or within marriage, because it is outside the teachings of Islam. The law prevents child marriage in the context of realizing the benefit of a *sakiinah, mawaddah, wa rahmah* family is mandatory since child marriage causes more *madllarat* or *mafsadah* than brings benefits. The parties most responsible for preventing child marriage are parents, family, community, government and the state. The Indonesian Women's Ulema Congress (KUPI) movement is carried out through online and offline advocacy, education, thought and movement activities. Established the *Mubadalah* majlis since 2018, dawn tadarus regarding hadiths about women in 2021 and Koran Kamisan with KH Husein Muhammad since 2019. Meanwhile, public education is carried out online, the production of KUPI perspective content on websites and social media that conducted by *mubadalah.id*, *swararahima*, *fahmina*, *kupipedia.id*, and others.

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