

Epistemology of the 2022 Indonesian Women's Ulama Congress on the Prohibition of the Practice of Female Circumcision from the Perspective of Hakiki Justice

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Abstract: This article analyzes KUPI 2022 recommendation on Female Genitalia Cutting and Injury (P2GP) or female circumcision. Female circumcision is still practiced in various countries including Indonesia, with the excuse of carrying out religious orders for the sake of women's glory and cultural existence. This view is troubling, a form of injustice that continues and has an impact on women, if women are not circumcised then women get a negative stigma. The purpose of this article is what are the reasons why the Indonesian Women's Ulama Congress (KUPI) prohibits the practice of female circumcision? How is female circumcision from the perspective of ultimate justice? This article is a literature research, by examining the KUPI 2022 recommendation on female circumcision as a primary source, then analyzed qualitatively, analyzed based on the theory of ultimate justice. The result of the analysis is that, some scholars view that female circumcision is for the honor of women, but none of the Hadiths that are the basis of female circumcision have reached the level of sahih, and even their position is even dhaif. On this basis, KUPI recommends that female circumcision is prohibited (Haram to be performed) with various considerations. The accusation that if women are not circumcised, their libido and lust will be unstoppable is contrary to the Islamic values of true justice. The contribution of this article is shown for the legislative government to make a policy prohibiting P2GP actions.

Keyword: KUPI, Female Circumcision, Ultimate Justice.

Abstrak: Artikel ini menganalisis rekomendasi KUPI tahun 2022 tentang Pemoangan dan Pelukaan Genitalia Perempuan (P2GP) atau Khitan bagi perempuan. Khitan perempuan hingga saat ini masih dipraktikkan diberbagai negara termasuk Indoensia, dengan alasan menjalankan perintah agama demi kemuliaan perempuan dan eksistensi budaya. Pandangan ini meresahkan, bentuk kezaliman yang berkelanjutan dan berdampak pada perempuan, jika perempuan tidak diKhitan maka perempuan mendapatkan stigma negatif. Tujuan artikel ini adalahapa alasan Kongres Ulama Perempuan Indonesia (KUPI) melarang praktik Khitan bagi perempuan? Bagaimana Khitan perempuan perspektif keadilan hakiki? Artikel ini merupakan penelitian pustaka, dengan mengkaji rekomendasi KUPI 2022 tentang Khitan perempuan sebagai sumber primer, kemudian di analisis secara kualitatif, dianalisis berdasarkan teori keadilan hakiki. Hasil analisis bahwa, sebagian ulama memandang bahwa Khitan perempuan itu adalah untuk kemuliaan terhadap perempuan, akan tetapi Hadis yang menjadi dasar Khitan perempuan tidak ada satupun yang mencapai derajat sahih, dan bahkan kedudukannya malah *dhaif*. Atas dasar ini maka KUPI merekomendasikan bahwa Khitan bagi perempuan adalah dilarang (Haram untuk dilakukan) dengan berbagai pertimbangan. Tuduhan bahwa perempuan jika tidak diKhitan tidak terbenjung libidonya dan hawa nafsunya bertentangan dengan nilai-nilai Islam yaitu keadilan hakiki. Kontibusi artikel ini ditunjukkan untuk pemerintah legislatif untuk membuat kebijakan larangan tindakan P2GP.

Kata Kunci: KUPI, Khitan Perempuan, Keadilan Hakiki.

A. Introduction

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Historically, female circumcision was first practiced in Egypt as part of a traditional ceremony reserved exclusively for women who had reached adulthood. The tradition of female circumcision in Egypt was a cultural acculturation between the Egyptians and the Romans who were living in Egypt at the time (Hendra Geptha & Panjaitan, 2022) Female circumcision in Africa is known as Khitan firauni (Khitan ala Fir'aun) which is still going on today. Because many of the perpetrators are now Muslims, certain parties understand that this is the teaching of Islam in terms of female circumcision, even though it is not only Muslim women who perform the Khitan firauni. It is very sadistic and against the teachings of Islam. There are several types of Khitan pharaohs: 1. the clitoris is trimmed; 2. there is also a part of the inner lips of the vagina is cut; 3. there is also a part of the hole where the menstruation comes out is sewn up (Cholidi, 2022).

The strong view of the importance of female circumcision, until now female circumcision in sociological reality is still widely practiced in countries around the world including Indonesia or areas with a majority Muslim population. In Indonesia, the practice of female infant circumcision is not only based on Sharia law, but also on customs and culture that have been passed down from generation to generation. In Indonesia, female circumcision is carried out as a tradition or traditional ceremony, which sometimes forces a large-scale party that leads to isyraf or extravagance, even though sometimes the costs to fulfill the implementation of the traditional ceremony go into debt in order to maintain dignity (Suraiya, 2019). Like the ancient Javanese concept, the female circumcision ceremony is intended to show the transition from childhood to adolescence, which is marked by being allowed to wear traditional clothing, namely dressed with jarit or long batik cloth with a wolo belt model, which is a model of kebaya clothing for teenagers. In fact, because of the strong nuances of ancient Javanese customs, if there are girls who have not been circumcised, they are given ridicule that leads to discrimination.

Normatively, the main source of Islamic law, the Qur'an, does not have a single verse that mentions female circumcision explicitly (lughawi) or implicitly (ma'nawi). Likewise, in the hadith, there is not a single sahih hadith that mentions the law of female circumcision explicitly and explicitly, so that the existing texts give birth to various views of scholars with their respective arguments according to their knowledge and perspectives. The Qur'an, as the main source of Islamic law, does not contain a single verse either explicitly or implicitly explaining female circumcision (El-Dirani et al., 2022). Female circumcision in Muslim societies is thought to have originated from a past tradition that predates the revelation of Islam, in fact it became a tradition almost 2000 years before Islam (Nuruzzaman, 2005).

Although in 2010, the Ministry of Health had already banned female circumcision with the issuance of Circular Letter No. HK.00.07.1.3.1047a in 2006, because it was considered harmful to health and female circumcision had been proven to have no scientific and sexual benefits. However, the regulation was softened after the issuance of Permenkes No. 1636/2010 on female circumcision in the provisions of Article 5 paragraph (2) which only limits the prohibition of female circumcision to: 1. if it is performed by cauterizing the clitoris; 2. if it cuts or

damages the clitoris either partially or completely; 3. if it cuts or damages the labia minora, labia majora, hymen or hymen and vagina either partially or completely.

Female circumcision has caused multiple controversies both from medical circles, women's protection activists, one of which rejects circumcision for women is a group of female scholars in Indonesia, this group of female scholars is called the Indonesian Women's Ulama Congress (KUPI). KUPI through a congress held in 2022 issued a recommendation on female circumcision (Anshor, 2018). KUPI through the results of the Congress emphasized that Circumcision or Circumcision of baby girls or better known as Female Genitalia Cutting or Injury, hereinafter introduced as P2GP is not recommended or can be prohibited due to several fundamental reasons outlined in the Congress results.

The view of female circumcision needs to be recontextualized, because female circumcision creates a negative stigma, moreover the basis used regarding female circumcision is basically a matter of cultural construction, so that this view weakens the status of women. Therefore, this article examines in depth the results of the KUPI recommendations through the congress held in 2022 regarding the prohibition of female circumcision. The issue of female circumcision is important to be studied in depth, for the following reasons: 1. The perspective of people's thoughts on the stigma that has been hereditary in Indonesia regarding the benefits of circumcision for baby girls; 2. The controversy of the Ulama and some traditional leaders regarding the urgency of performing female circumcision, some consider that female circumcision is good for women, but there are those who think that female circumcision violates women's human rights.

The analysis of this article complements the results of other similar studies, some previous studies were conducted by (J. Farida et al., 2018), Farida found that the implementation of female circumcision in the Demak community generally coincides with Javanese traditional ceremonies for infants/children. The purpose of female circumcision for the people of Demak Regency is so that the girl becomes a pious child and can control her lust so as not to "*ngintil kakung*" (hypersex). Next (Azizah, 2022), explained that the context of male and female circumcision is very different. The practice of male circumcision is recommended for better health reasons, while the practice of female circumcision does not have any benefits, it can even damage health and leave psychological trauma for some women. Research on Khitan was also conducted by (Suraiya, 2019), this research is related to female circumcision in the perspective of history, medical and Islamic law, the results of Ratna's research explain that female circumcision is part of the sharia order. Another research by (Sholeh, 2012), This research examines the substance and dictum of the fatwa on female circumcision, the argumentation for the stipulation of the fatwa on female circumcision, and the protection of women's rights.

The similarity of this article with the research above is that it analyzes the Khitan for women both historically and on the basis of shari'a, but the Gap analysis of this article focuses on the KUPI recommendations on the prohibition of Khitan for women analyzed from a human rights perspective. The author's literature review has not found any research that specifically examines KUPI recommendation on the prohibition of Khitan for women. KUPI recommendation on the prohibition of female circumcision becomes a novelty in the analysis of this

article. The question to be answered in this article is what is the urgency of KUPI 2022 recommendation regarding the prohibition of Khitan practices for women, then how is the practice of Khitan for women from a human rights perspective? Practically, the contribution of this article is to provide answers to the controversy about the law of Khitan for women, so that the government through the legislature needs to make a policy prohibiting P2GP actions.

B. Research Methods

This type of article is the result of library research, which explores literature on Khitan for women, both historically, Islamic law and the results of KUPI in 2022. The literature research is analyzed with a qualitative method, the author will analyze the KUPI Recommendation of 2022 related to the prohibition of the practice of Khitan for women. The approach used is sociological, this approach aims to explore the provisions of the verse on Khitan for women, the author reveals sociologically both social conditions in the classical era at that time and social in the modern era today, seeing the provision of female circumcision is due to cultural factors of patriarchy, but in the current modern situation it turns out that female circumcision also reaps the pros and cons related to women's health.

The sources of data for this article are literature sources on female circumcision and documents from the KUPI recommendations in 2022 on the prohibition of female circumcision. Data analysis techniques use an inductive framework. Inductive is a way of thinking that starts by looking at specific things then drawing a new, more general conclusion. Through this inductive framework, general conclusions are drawn by looking at concrete facts that are specific in nature. Special things, namely conditions and views related to the stigma of women having to be circumcised, from this special fact are then analyzed which are general in nature, namely theories and norms about women's human rights. Special facts are analyzed qualitatively using the theory of ultimate justice. The concept of this theory is clearly stated in the Qur'an and Hadith, and is contained in several Indonesian national legal regulations.

C. Results

The Practice of Female Circumcision in the Frames of Religion and Culture

The term female circumcision is a translation from Arabic, namely *Khitan al-untsaat* or *Khitan al-banat*, it is also said that *khafdh al-banat* reduces the sensitivity of the genitals of girls, because by circumcising girls, it means that the sensitivity of the genitals is not too high, so that libido (sexual power) in adolescence can be controlled (Hermanto, 2016). Circumcision in the Javanese community in Indonesia is referred to as circumcision, while in Sundanese it is called Sudat, indeed the Sundanese language easily adds the letters *Nun* or *Mim*, easily transferring the meaning of the origin of the word, hence the term child circumcision and disundatan. The subtle language is *disepitan*, derived from *sebitan*, the best term is cleaned. *Sesebitan* are small pieces of cloth left over from cutting clothes (Mustapa, 2010).

Circumcision, which is often called "Circumcision", is a well-known practice in society that has been recognized by the religions of the world. Circumcision is not only applied to men, but also to women. In many cultures, it is often seen as a

sacred event like marriage. Its sacredness appears in the things that are done (organized) for it. However, the phenomenon of sacredness with the ceremony does seem to apply only to the circumcision of boys. For the circumcision of girls, the sacred nuances are rarely seen (Husein Muhammad, 2007).

The practice of male circumcision is almost the same in every place, namely by cutting off part of the skin covering the head of the penis kasyafah (Al-Atsqalani, 1993). Whereas Khitan women is carried out differently in each place. Some are done only symbolically or remove part of the clitoris (clitoris) and some cut the lips of the vagina / labia minora (Elga Sarapung, n.d.). Some are done by cutting the uppermost skin of the genitals, which is shaped like a grain, or like a rooster's comb. It is obligatory to cut the upper part of the skin of the genitals and not to remove the cut (Makhluf, 1971). Quoting Shaykh Zainuddin, female circumcision is to cut a little flesh located above the urethra which is shaped like a cock's comb called *bizhir* (clitoris) (Al-Maribari, 1993). According to the explanation of Shaykh Sayyid Sabiq, Khitan for women is to cut the top part of the faraj. According to him, Khitan is an ancient tradition (*sunnah qadimah*) (Sayyid Sabiq, 2006).

The concept of female circumcision emerged centuries ago and until now, especially in Indonesia, some groups of people still apply female circumcision. However, the tradition of female circumcision has also drawn pros and cons from several groups and organizations. The opinion of WHO (World Health Organization), states that female circumcision is a form of violence against women and must be ended, because female circumcision always causes excruciating pain, both during and after circumcision (Sauki, 2010). In addition, the extreme practice of female circumcision is often carried out using traditional unsterilized cutting tools, such as scissors, tweezers, broken glass, thin iron, needles or other sharp objects.

The reason some groups of people still maintain the practice of female circumcision is based on two reasons, namely for religious reasons and preserving cultural traditions. From the Islamic community who apply the tradition of Khitan for women based on the Hadith of the Prophet SAW, although when reviewed the Hadith is weak in terms of the quality of the Sanad and Perawinya. Some of these scholars include Ibn Qudamah, who said that Khitan for women is not mandatory, with the opinion that it is not mandatory, meaning that female Khitan is allowed. This is based on the words of the Prophet Muhammad SAW:

Umm 'Atiyah, a female circumciser from the Ansar in Madinah, said. "Circumcise a little and do not overdo it, for it will brighten the face and please the husband" (Narrated by Abu Dawud and Baihaqi).

One study judged it to be a da'eef Hadith, because one of the narrators was Muhammad ibn Said who died on the cross because he was a zindiq and he had fabricated 4,000 false Hadiths (Suraiya, 2019). Still Umm 'Atiyah reported a hadith that was sourced from Dhaha' Qais:

Dhaha' Qais reported: "There was a woman in Madinah who performed female circumcision named Ummu 'Atiyah, and the Prophet said to her: 'O Ummu 'Atiyah, circumcise a little and do not overdo it, for that will brighten the face and please the husband'" (narrated by Baihaqi and Thabrani).

It does not reach the level of sahih because one of its narrators, A'la ibn Hilal ar-Raqiy, was a mistrustful person who used to distort the chain of transmission, and

there was also a narrator whose name is unknown. There is a very popular Hadith, sourced from Uthamah, that the Prophet Muhammad said: *Circumcision is a Sunnah for men and a glory for women* (narrated by Imam Ahmad, Baihaqi, Thabrani).

This hadith is used as an excuse to circumcise girls, and they view the ruling as *mandub* (sunnah). According to Rofiq, the position of this hadith is *mauquf*, i.e. it is attributed to a companion and the chain of narrators named Hajja ibn Arthah who is *mudallis* (concealing the defects of the hadith) reluctant to use the "symbol" *akhbarana* (it has been told to me) (Rofiq, A., Wahyuni, B., Limbeng, J., Nurwati Hodijah, S., & Biantoro, 2019).

Through the Hadith, it can be explained the definition that the term *Khitan* for boys is cut while for women is *khifadh*, so logically the word *Khitan* in the Hadith is not for women. Later there were some contemporary scholars such as Yusuf Qordawy who added the legal provision of "mubah = permissible", referring to the neutrality of the meaning obtained from the word "makrumah" in the Hadith of the Prophet *Al Khitanu sunnatan lir rijaal makrumatun lin nisaa*, namely *Khitan* is a sunnah (Messenger's decree) for men, and *makrumah* (glory) for women (Al-Qardhawi, 2007).

Because of this, MUI then issued Fatwa No.9.A Year 2008 dated May 7, 2008. If observed, this MUI Fatwa is in a neutral position. Although it is mentioned in the Hadith as a permissibility, in many other Hadiths it is emphasized that if someone wants to do it, do it without injuring the vagina. For example, Abu Daud narrated:

"Cut just a little on the upper skin of the perpuce or the skin covering the clitoris, and do not cut too deep (do not cut the clitoris), so that the woman's face is more radiant and preferred by her husband".

So in this case, female circumcision is not a recommendation like male circumcision, but merely permissible, with no legal consequences at all. A number of hadith studies have concluded that the traditions on female circumcision, when viewed from the perspective of their sanad, do not reach the level of *hasan* or *sahih*. The traditions that do exist only allow the cutting of a very small part of a woman's prepuce (Ghozali, n.d.).

In fact, there is a threatening tone so that the implementation of female circumcision does not endanger women. This means that even if Islam allows the practice of female circumcision, it must be ensured that it does not cause harm or danger (*dharar*) to women. Because often the extreme practice of female circumcision is usually carried out using traditional cutting tools that are not sterile, such as scissors, tweezers, broken glass, thin iron, needles, and other sharp objects (Mulia, 2014).

Although the Hadiths as above are *mauquf* and weak in quality. However, the practice of female circumcision is still carried out by some groups of people, all done solely in the name of religion, namely circumcision for glory, meaning that it is based on the reason for carrying out religious rules. Generally, Muslims who perform female circumcision cite religious reasons. They believe that circumcision is an obligation in Islam, although historically, circumcision was not introduced by Islam because it was practiced long before the arrival of Islam.

Meanwhile, female circumcision is maintained as an effort to maintain the continuity of cultural identity. There is an assumption in the community that performing the traditional or cultural ritual of *Khitan* is an important initiation

stage for a woman to enter the stage of maturity and become an official part of a community group.

In addition, in the pre-Islamic era, the culture of the community's assessment of women was very discriminatory, women were always used as a source of disaster, women were a source of slander and so on. Thus, female circumcision was culturally intended to protect and control women's sexuality and reproductive functions. The community believes that circumcision allows women's sexual desire to be controlled. Women were forbidden to have passionate sexual desires because it would endanger society. This is because if women cannot restrain their sexual stimulation, they will fall into the practice of sex outside of marriage. Furthermore, a woman who is not circumcised will be very doubtful about her loyalty to her partner or husband. Women should be circumcised so that they will not be tempted to become prostitutes or sex peddlers. Women are not meant to enjoy sexual gratification, but are created to give sexual gratification to men. This is the gender-biased view that is widespread in traditional Indonesian society as a Patriarchal culture.

Ultimate Justice as a Contextualization of Women's Rights

The Qur'an was revealed to be a guide for humans so that they become creatures who know their God and are able to carry out the mandate as God's representatives on earth (*khalîfah alLâh fî al-ardl*) as well as possible (Habib Shulton Asnawi dan M. Anwar Nawawi, 2022). That is why all verses of the Qur'an contain educational values, both explicit and implicit (Mustaqim, 2011). One of the ways God educates and teaches humans is through stories. So in the Qur'an, Allah tells many stories of prophets, figures, and previous people so that they can become examples (*uswah hasanah*) and lessons (*'ibrah*) for all of us. In fact, what is interesting is that the verses of the Qur'an containing the story are more than the verses of the law where according to A. Hanafi's count there are about 1600 verses about the story, while the verse about the law is only 330 verses (Hanafi, 1983).

One of the stories in the Qur'an is a teaching/education through verses about the glory of women. Through the story of these verses, God gives a lesson that women have the same glory as men, without discrimination. Islam came to proclaim the humanity of women as whole human beings (Mu'in et al., 2023). Women are noble creatures who have dignity. Islam affirms that all humans (men and women) are created from the same element (*nafs wahidah*). Islam firmly places women as equal partners of men (Mahmudah et al., 2022). The verses about the glory of women are a benchmark for upholding gender equality and justice in all areas of life, especially in the family (domestic) sector. Because the fact is that in society there is still a strong assumption that Islam teaches the inequality of women and men (Irfan et al., 2021). This false assumption has resulted in women experiencing various forms of gender inequality and injustice, one form of injustice against women that still occurs today is the practice of female circumcision (Asnawi, 2012).

On the basis of the dignity of women taught in Islam, the theory of ultimate justice is important to be interpreted as a construction in the interpretation of the law, including the law of circumcision for women. The theory of ultimate justice becomes the actualization of Islamic law in the current era of digitalization (Pradikta et al., 2023). The actualization of true justice does not make the rich the

sole standard of justice for the poor, the healthy for the sick, adults for children and the elderly, non-disabled people for the disabled, whites for blacks, and any majority for any minority. The special conditions of the poor, sick, children, elderly, disabled, black, minorities are even given special attention to ensure that justice can really be obtained by them (Mu'in et al., 2023).

In theory, female circumcision is closely related to female sexuality. In the view of Islam, sexuality is an important part of human relations that must be regulated within a religious, social, ethical, and spiritual framework. Speaking of sexuality in Islam, it must first be viewed from the perspective of the Qur'an. The Qur'an several times mentions issues of sexuality, such as marriage, the treatment of husband and wife in the household, divorce, iddah and problems related to sexual perversion such as what happened to the people of Luth. However, the Qur'an never explicitly addresses the issue of circumcision (Ghazali, 2002).

Islam itself carries a mission to liberate all forms of injustice and discrimination against all humans, including women. Many verses of the Qur'an explain the nobility of women and the true justice that must be obtained by both men and women (Nawawi et al., 2021). The message of morality in the Qur'an strongly emphasizes honor, true justice between human beings, as explained in the Qur'an:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۗ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاهُمْ ۗ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

Meaning: "Mankind, We created you from a male and a female and made you into nations and tribes so that you may know one another. Indeed, the noblest among you in the sight of Allah is the most pious among you. Indeed, Allah knows best." (Surat Al Hujurat Verse 13)

وَمَنْ يَعْمَلْ مِنَ الصَّالِحَاتِ مِنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ فَأُولَٰئِكَ يَدْخُلُونَ الْجَنَّةَ وَلَا يُظْلَمُونَ نَبِيرًا

Meaning: "Whoever does righteous deeds, whether male or female, and is a believer, they shall enter Paradise, and they shall not be wronged in the least" (Surat Ali 'Imran Verse 195).

From some of the verses about the glory of women as above, it can be seen that women are so noble in Islam, that in the Qur'an there is surah An-Nisa (women). In addition, there are several suras related to women, such as surah Maryam. Maryam was not a prophet or apostle at that time. In front of Allah, the position of men and women is the same, the only difference is their piety (Ardiansyah & Juwita, 2023). Women, of course, have similarities and differences with men and also the diversity of women. In order to fulfill women's real justice, their similarities with men must be considered. For example, they are the same:

1. Have an inherent status as a mere servant of Allah and an inherent mandate as *Khalifah fil Ardl*;
2. Physical, intellectual, and spiritual beings whose value is equally determined by how well they use their intellect so that their actions can impact the common good;
3. Both parties are important as husband and wife in marriage, because both are a pair (*zawaaj*) who are responsible for maintaining the peace of mind (*sakinah*) of both parties;

4. Both members of the family are responsible for realizing the benefits of the family as well as enjoying it;
5. Both members of the community who are responsible for amar ma'ruf nahi munkar in order to become khaira ummah;
6. Equally citizens who are responsible for realizing the country so that it becomes a gift for all citizens and even the universe so that it becomes baldatun thayibatun wa rabbun ghafuur.

The implementation of the theory of ultimate justice is to behave and respond to each other in a *halaalan, thayyiban, wa ma'ruufan* manner (permitted by religion, has a good impact on all parties, and is appropriate for reasonable beings) (Nasution & Nasution, 2021). In addition to similarities, the differences between men and women are also important to consider so as not to make men the sole standard of justice for women. At least the differences between the two as human beings are biologically due to differences in the reproductive system and socially due to the patriarchal system or a system that places women as objects while men are subjects, or women as secondary subjects while men are primary subjects (Wijaya, 2020).

D. Discussion

KUPI Recommendation on Female Genitalia Cutting and Disfigurement (Female Circumcision)

KUPI stands for Kongres Ulama Women Indonesia, a network of women scholars in Indonesia that was declared in 2017 (Zalikhho Su'ada, 2023). Women scholars are all scholars, both men and women, who have and practice a gender justice perspective (Source: Documents of KUPI I, 2017). Women scholars work intellectually and practically to integrate gender justice perspectives with Islamic sources in responding to the realities of life in order to uphold a just and civilized humanity. Through KUPI, these women scholars gather and meet from various backgrounds, both internally to consolidate themselves, and also externally to respond to current issues.

KUPI goal is to present the figure of women as active subjects of Islamic scientific authority, by getting a symmetrical position with men. KUPI is present as a form of affirmative movement to present ulama from among women, who have been co-opted by male ulama (Ma'ruf et al., 2021). The implementation of KUPI is an affirmative step to build a network between scholars (especially women) in Indonesia and from outside Indonesia with a concentration on updating Islamic law in gender discourse. With the scientific capabilities of pesantren, the KUPI initiation was built on the knowledge of classical Islamic scientific literacy combined with contemporary scientific approaches. KUPI does not intend to get rid of the character of male scholars as a counterpoint, rather women want to get symmetrical partners and recognition with male scholars (Rengkaningtias, 2018). So that the power of male clerics as a source of power and authority (powerandauthority) in life in the social environment and pesantren can be negotiated. Women have the right to appear to be an Islamic authority, not only as a secondleader as marginalized voices in society.

The KUPI Religious Deliberation is a series of Congress activities in the form of a religious forum specifically formed to discuss crucial issues submitted by the

community in order to obtain answers as the religious attitudes and views of women ulama (Source: KUPI I Documents, 2017). The crucial issues in question are issues that are troubling because they relate to various forms of injustice that are sustainable and have an impact on women in personal and social life at large. These attitudes and decisions are important to issue because of the inherent religious understanding that preserves injustice and inequality in the midst of society, whereas the mission of Islam is precisely to transform human life from inequality to justice and from injustice to benefit (Source: KUPI I Document, 2017).

As an effort to respond to crucial issues and inequality against women, KUPI organized the first KUPI, the first Congress was held in 2017 at Pondok Pesantren Kebon Jambual-Islamy, Cirebon. Then the second KUPI was held in 2022 at the Hasyim Asy'ari Islamic Boarding School, Bangsri, Jepara, Central Java.

Figure I: Implementation of KUPI II 2022



The recommendation issued by KUPI in 2022 which confirms that Circumcision or circumcision of infant girls or better known as Female Genitalia Cutting or Injury, hereinafter introduced as P2GP is not recommended or can be prohibited due to several fundamental reasons outlined in the Congress results, namely as follows (Anshor, 2018):

1. Female Genitalia Cutting or Injury (P2GP) or female circumcision is a form of violation of the right to life free from violence affecting 51% of girls under the age of eleven. (MOH RI 2013)
2. Cutting or damaging healthy genital tissue is proven to have no benefit in terms of health and is done for cultural or other reasons other than medical indications or treatment (Ministry of Women's Empowerment and Child Protection (KPPA), 2018)
3. P2GP is a painful and traumatic procedure that disrupts the body's natural functions.
4. P2GP has short, medium and long-term health consequences such as infection, bleeding, depression, labor complications and infertility.
5. Female circumcision is basically not practiced by the majority of Muslims around the world. So it can be ascertained that female circumcision is not obligatory as it is for male circumcision (U. Farida et al., 2022).
6. The practice of female circumcision is carried out precisely because of the negative stigma against women in a patriarchal culture that assumes that women are temptresses who have great desires, so female circumcision is considered as a way to control these sexual desires (Affifah, 2017).
7. In terms of health, P2GP (Khitan) or female circumcision has no benefit except to injure the clitoris and damage a number of septic nerves at the tip of the

clitoris, which risks urinary tract infections, and dangerous bleeding and even death (Eka Handayani, 2022).

KUPI prohibits female circumcision because female circumcision is also seen as a form of violence agains women that will have an impact on women's reproductive health (Njue et al., 2019). Considering the negative impact of female circumcision medically, the practice of female circumcision has not been found to be medically beneficial, even in several countries in Africa, female circumcision which is carried out by cutting off the clitoris by circumcision healers is very dangerous for women's lives. Whereas in the framework of hifz al-nafs, everyone has the right to stop all physical, psychological, and social dangers that can threaten their lives, including maintaining the dignity and human dignity inherent in themselves (Syahbandir et al., 2021).

Another reason KUPI recommends the prohibition of female circumcision is because of the negative views and stigmas of society, which label women as temptresses. In the history of patriarchal culture, the practice of female circumcision was carried out precisely because of the negative stigma against women, which assumes that women are temptresses who have great desire, so female circumcision is considered as a way to control this sexual desire. In traditional customary societies, there is also the idea that women should not have organs that are easily stimulated so that they are not easily tainted and slipped into disgrace that damages their chastity. As a wife, she must also be ready to serve her husband's sexual needs whenever he asks for it, while she herself is discouraged from asking her husband if she demands maximum sexual satisfaction from him. To this end, every cultural component must condition women to be ready to accept the above conditions, including by supporting the practice of female circumcision which will lead to sexual passivity, and thus women get the title of "glory" from a community of traditions and culture.

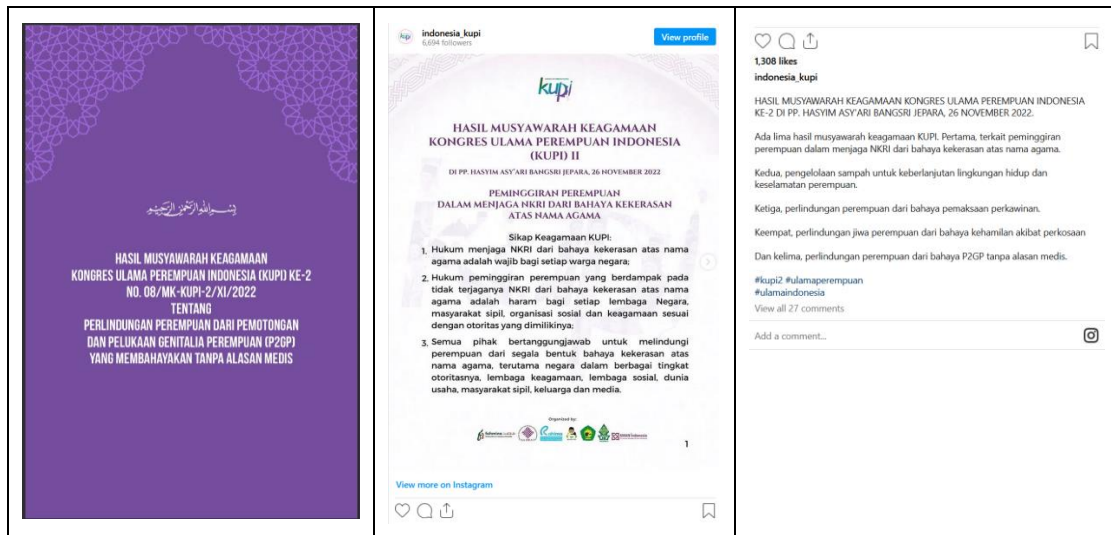
This mindset should not be developed anymore in society. This is because such a mindset can cause discrimination against women not only in the aspect of sexuality, but also the position of women in the patriarchal culture that is very strong in Indonesian society.

Referring to the results of the Religious Deliberation of the 2nd Indonesian Women's Ulama Congress (KUPI) No. 08 / MK-KUPI-2 / XI / 2022 concerning the Protection of Women from Harmful Cutting and Injury to Female Genitalia (P2GP) without Medical Reasons, that female circumcision has a negative impact on women. On this basis, KUPI decided the following stance and views:

No	Consideration	Attitude and Outlook
1	Dangerous	It is haram to perform harmful Female Genitalia Cutting and/or Injury (P2GP) without medical reasons;
2	Prevention	All parties are responsible for preventing harmful Female Genital Mutilation and/or Cutting (FGMC) without medical reasons, especially family members, community leaders, traditional leaders, religious leaders, NGOs, government, and media;
3	Protection	The law of using authority as family, religious leaders, traditional leaders, medical personnel and the media in protecting women from the dangers of Female Genitalia Cutting and/or Injury (P2GP) without medical reasons is mandatory.

From the review as above, the reactualization of the results of the Second KUPI Congress in 2022 related to the prohibition of female circumcision practically recommends to several layers of groups such as Individuals, Families, Communities, Medical Personnel, Ulama and Religious Leaders, Governments, Organizations, Educational Institutions and the Media, this can be seen in the Results of the Religious Deliberations of the 2nd Indonesian Women's Ulama Congress (KUPI) No. 08/MK-KUPI-2/XI/2022 Regarding P2GP is as follows:

Figure II: 2nd KUPI Document No. 08/MK-KUPI-2/XI/2022



No	Responsibility	Recommendation
1	Individuals	<ol style="list-style-type: none"> Educate yourself and the environment with knowledge about the adverse effects and dangers of P2GP without medical reasons from reliable sources; Actively participate in the prevention of harmful P2GP practices without medical reasons in accordance with their respective professional capacity and authority;
2	Family	For families celebrating the birth of a baby girl, first menstruation, and other phases of a woman's life, filling it with reproductive health education and prayers for safety without being accompanied by P2GP actions;
3	Community	<ol style="list-style-type: none"> Do not neglect the occurrence of dangerous P2GP without medical reasons, including providing protection to girls who will become victims; Not stigmatizing women who do not do it.
4	Medical Personnel	Do not advocate, offer, serve, allow, let alone profit from harmful P2GP practices without medical reasons.
5	Ulama and Religious Leaders	<ol style="list-style-type: none"> Actively participate in protecting people from the dangers of P2GP without medical reasons, especially vulnerable infants and girls; Synergize with the government and interfaith communities in preventing harmful P2GP actions.
6	Government	<ol style="list-style-type: none"> Create a policy to prevent dangerous P2GP actions without medical reasons and laws and regulations with legislators; Discipline medical personnel so as not to commit malpractice in the form of P2GP services without medical reasons; Revoke the practice license of medical personnel who serve P2GP without medical reasons

7	Society	Organizations and institutions in the community: Socialize the adverse effects and dangers of P2GP without medical reasons;
8	Educational Institutions	1. Conduct research related to P2GP and differences in male and female circumcision to serve as a basis for curriculum review and community service; 2. Conducting socialization of the adverse effects and dangers of P2GP without medical reasons in the educational institution environment
9	Media	Conduct socialization and public education on the dangers of P2GP without medical reasons, both through print and electronic media

A number of religious views and attitudes, as well as KUPI II recommendations were produced. One of them is the insistence on not performing female circumcision or cutting and wounding of female genitalia (P2GP) without medical reasons, because the law is haram. The nine recommendations above are intended for all parties who must be responsible for preventing P2GP without medical reasons. Anyone above by using their authority as religious leaders, traditional leaders, medical personnel, and families in protecting women from the dangers of cutting or P2GP without medical reasons is mandatory.

The nine KUPI recommendations above, on the basis that female circumcision in Indonesian society is still classified as very high even up to 70%, are carried out and understood as something that must be fulfilled by all parties. On this basis, the parties as above, including parents, must play an active role in preventing the circumcision of their daughters (Subhan, 1999). The practice of female circumcision (P2GP) has become a tradition that is believed to be a religious rule, so the resistance of midwives and parents to the practice is covered by the power of tradition and religion.

Thus, new efforts and breakthroughs are needed in providing understanding for traditional Indonesian communities regarding P2GP practices that cause pain and are very dangerous because the practice is at risk of causing bleeding and infection. Given that Indonesia is 60% dominated by traditional indigenous peoples who assume that religious understanding of the practice of female circumcision or P2GP is a cultural and religious imperative, there are also those who believe that the P2GP practice carried out for generations is able to control sexual desire, improve reproductive health and improve marital harmony is wrong. So that this perspective of thought certainly does not pay attention to the psychological aspects and mentality of children. In addition, the impact of female circumcision is the increasing number of violence against children and women caused by physical and psychological trauma. In this case, of course, the main losses and discrimination are felt by women and children.

The Practice of Female Circumcision from the Perspective of Ultimate Justice

The practice of female circumcision, which is based on religious recommendations, certain ethnicities, certain beliefs and traditions and the existence of various negative stigmas against women that grow due to patriarchal culture, has caused the practice of female circumcision to continue for generations, despite causing various controversies in various parties both supporting and rejecting and prohibiting the practice. However, in reality, the practice of female circumcision is reinforced by the high perspective of indigenous people with their

strong patriarchal understanding and religious arguments that also strengthen the practice (Hikmalisa Hikmalisa, 2022).

Quoting Husein Muhammad's view, the use of the word *Khitan* for women creates a narrative of injustice. *Khitan* means 'to cut'. The use of the word *Khitan*, which means cutting for women, for Husein Muhammad is a forced definition of women with terms that are actually intended for men. Women seem to have to participate in the sacrifices made by men, participating in the obligations imposed on men, even though women have different biological, reproductive conditions that cannot be equated with men. So the use of the word *Khitan* for women is actually inappropriate (Mubadalah.id, 2021).

Furthermore, Husein Muhammad took Syaltut's view, which states that if it is based on the universal principle of *Shara'*, namely "It is not allowed to cut parts of the human body unless there is a great benefit to be obtained", then the original law of female circumcision is *Haram*. Medically, female circumcision does not reap benefits and will actually cause harm to women, therefore Syaltut uses considerations of benefit to become the basis of the law regarding female circumcision. If it is clear that there are many *mafsadah* that will be obtained by women if circumcised, while the benefits are not found, then the practice of circumcision should not be done (Syaltut, 1996).

The practice of female circumcision is a *fiqh* discourse that is present and must be placed as a product of the construction of religious leaders based on customary or cultural decisions that exist at certain times and regions. What needs to be understood is that female circumcision is not a natural thing, nor is it a religious decision that must be implemented and imposed on women. The practice is as much the result of a particular society's gender construction of what and how men are, and what and how women are, and this can differ and change within a time or place (Susanti, 2014).

Quoting, Hikmalisa Hikmalisa, if the legal basis for the implementation of male circumcision is so that men can increase sexual pleasure during intercourse and avoid disease, then the same basis should also be used in looking at female circumcision.

"Male circumcision has reached agreement from the scholars and medical experts regarding the benefits that will be obtained for men when circumcised, so male circumcision is recommended because it is seen as good from a medical perspective. So the ruling on male circumcision, whether it is obligatory or *sunnah mu'akkad*, is certainly the appropriate view. However, in the issue of female circumcision, the legal basis is not strong, while medically if women are circumcised by removing part of their genital organs, it will have a negative impact on women both physically and psychologically. Female circumcision, if done, will actually reduce women's pleasure during intercourse, of course it must be abandoned. Sexual satisfaction should be enjoyed by both husband and wife, not just one of them. Because sexual satisfaction is the right and responsibility of husband and wife, this is clearly the legal basis in the *Qur'an in al Baqarah (2): 187* which shows that women and men have the same position in sexual satisfaction." (Hikmalisa Hikmalisa, 2022).

Looking at Hikmalisa's opinion, it can be seen that there are a lot of irrational reasons or myths that accompany female circumcision, which try to scare women

into being circumcised, such as 'so as not to be bad' to become a pure woman, and so on. These reasons are perpetuated seamlessly as if they are facts that are believed to be true, when in fact they are weakening and abusing women. Many perform female circumcision to reduce women's sexual desire. As if women are only sexual objects and should not have their own desires. The negative stigma that if women are not circumcised, they will become "binal" or have uncontrollable lust is a cruel stigma, discrediting women and this is contrary to the true justice in Islam.

If circumcision for men aims for health and sexual pleasure, then for women what is seen is their health and sexual pleasure too, this is the ultimate justice. This does not mean that if men are circumcised then women must also be circumcised, it is not the normative text that is seen but the meaning and purpose of the text. For the sake of true justice between men and women, men are circumcised while women are not circumcised, because the reproductive organs between men and women have different natures, so the focus is on themashlahah or the purpose of Khitan itself, if men are circumcised it is good for health, but on the contrary if women are circumcised it will actually have a bad impact on women.

In the author's opinion, it is not the law of Khitan that needs to be challenged, where there is an act of Khitan on women as well as men. This is not the case. What is to be disputed is precisely how to provide health and comfort to women through not being circumcised, just as it is provided to men through circumcision. The main message of the hadiths on circumcision and sexuality is to ensure that women still have the nerves to be able to enjoy sexual stimulation, when not circumcised, as men enjoy it, when circumcised. This is how the mubadalah method works towards haiki justice in the issue of Khitan.

E. Conclusions

There is no single legal evidence from either the Qur'an or hadith as the legal basis for the law of female circumcision. The legal label of female circumcision is basically purely the result of scholarly ijihad and not a direct religious command or guidance. Female circumcision is a form of gender construction of the fiqh scholars. For whatever reason, the practice of female circumcision has a negative impact on both women's health (reproduction) and psychology. The harmful P2GP action without medical reasons is contrary to the mandate of the Indonesian State Constitution related to the right of every person to live and defend his life. So that the results of the 2nd Religious Deliberation of the Indonesian Women's Ulama Congress (KUPI) No. 08/MK-KUPI-2/XI/ 022 concerning P2GP, KUPI recommends to several layers of groups such as individuals, families, communities, medical personnel, clerics and religious leaders, governments, mass organizations, educational institutions and the media, that the practice of circumcision for women is haram (prohibited). The KUPI recommendation above is the responsibility of all, to prevent P2GP without medical reasons. Anyone above by using their authority as religious leaders, traditional leaders, medical personnel, and families in protecting women from the dangers of cutting or P2GP without medical reasons is mandatory.

The assumption that women need to be circumcised in order to reduce their sexual desire, so that they are not "binal" or so that their lust is controlled, is an incorrect view, contrary to women's justice, as if women are only sexual objects

and should not have their own desires. The real justice in the context of circumcision is that when men are circumcised, it does not mean that women are also circumcised. True justice for women is how to provide health and comfort to women's bodies (through not being circumcised), just as it is provided to men through circumcision. Men are circumcised because it is for good, on the contrary, if women are circumcised, it will have a negative impact on women, because the reproductive organ system between men and women is different. The real justice lies not in the law of circumcision in the name of glory, but rather in the purpose of circumcision, namely comfort, purity, health and other good effects of the results of circumcision itself.

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