

Revisioning Official Islam in Indonesia: The Role of Women Ulama Congress in Reproducing Female Authority in Islamic Law

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Abstract

Until now, 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) has introduced a new perspective on gender amid the dominance of official Islamic masculinity. This article focuses on the role and position of KUPI amid the dominance of official Islamic masculinity in Indonesia. Through content analysis and Charles Peirce's theory of knowledge construction, the author found that KUPI has successfully become a center for reproducing female authority in Islamic law. This is achieved by reinterpreting several government rules and policies that tend to be masculine and disadvantageous to women. The success of KUPI as a center for the reproduction of the authority of women Islamic scholars plays a role in revising official Islam. KUPI accomplishes this by offering a new paradigm that embodies the values of justice and gender equality.

Abstrak

Pandangan-pandangan keagamaan Pemerintah Indonesia yang dikenal dengan istilah *official Islam* selama ini masih cenderung maskulin dan patriarki dalam menetapkan hukum. Maskulinitas *official Islam* dapat dengan mudah ditemukan dalam sebagian aturan di Indonesia. Penyelenggaraan Kongres Ulama Perempuan Indonesia (KUPI) memunculkan perspektif baru terkait gender di tengah dominannya maskulinitas *Official Islam* tersebut. Artikel ini menganalisis peran dan posisi KUPI di tengah dominannya maskulinitas *Official Islam* di Indonesia. Melalui pendekatan *content analysis* dan teori konstruksi pengetahuan Charles Peirce, penulis berargumen bahwa KUPI telah berhasil menjadi pusat reproduksi otoritas ulama perempuan di Indonesia. Hal ini dicapai dengan melakukan penafsiran ulang terhadap beberapa aturan dan kebijakan pemerintah yang cenderung maskulin dan merugikan perempuan. Keberhasilan KUPI menjadi pusat reproduksi otoritas ulama perempuan ini berperan dalam merevisi *Official Islam* tersebut. Hal ini dilakukan oleh KUPI dengan menawarkan paradigma baru yang lebih mengandung nilai-nilai keadilan dan kesetaraan gender.

Keywords:

Indonesian Congress of Women Islamic Scholars; female authority; Indonesian official Islam; Gender

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Introduction

In the history of Islam, religious interpretations and opinions have often been dominated by gender-biased interpretations, particularly in the field of Islamic law. Although early Islamic history records that women Islamic scholars have been part of every civilization of knowledge (Alwani, 2019), scholarly authority has been concentrated mainly among men since the Middle Ages. This domination has led to the disregard of the interpretations and opinions of women Islamic scholars. Gradually, Islamic governance adopted male Islamic scholars' opinions as the state's official stance (Barazangi, 2008). The official religious views of the Islamic State can be found in the explanations provided by John L. Esposito (1975). He explains that religious views prohibiting women from appearing in public spaces became the state's official stance in the Middle Ages. According to Khalid Abou el Fadl (2001), the prioritization of religious views by the state led to the Islamic legal framework becoming increasingly patriarchal in the Middle Ages. Such patriarchal religious views often remain the primary reference for the state and its various official institutions. For example, the fatwas issued by the official Saudi Arabian institution known as the Council for Scientific Research and Legal Opinion (CRLO) often contain arguments rooted in classical Islamic jurisprudence, which tends to be authoritarian and patriarchal.

The official religious stance of a state that adopts particular religious views is known as "official Islam." Michael Robbins and Lawrence Rubin (2017) highlight the phenomenon of official Islam in Muslim-majority countries. They both provide examples of Middle Eastern countries such as Morocco, Jordan, Tunisia, and Egypt that have reinforced a particular Islamic paradigm as the official doctrine of the state. This finding indicates that these countries' dominant interpretations and opinions on religion have become integral to the government's official policies regarding religious matters. This phenomenon can also be observed in Muslim-majority countries outside the Middle East, including Indonesia. The Indonesian government has also adopted religious views as part of its official policies on religious matters. This explanation shows that official Islam is not limited to a specific geographical area but is a pattern in various Muslim-majority countries. Thus, official Islam indicates a tendency to affirm a particular interpretation or school of Islam as the official and legally valid one within the state's power structure.

According to Brown (2017), the state's control and supervision of various religious activities have led to the establishing of official institutions and the emergence of the state's official interpretations. Bureaucratic interpretations of official Islam often clash with other religious perspectives in the competition for religious authority. For example, government official institutions' involvement in issues such as endowments (*waqf*), fatwas, education, worship, family law, and broadcasting frequently faced criticism from groups with different religious views.

In Indonesia, there is also an official state Islamic school of thought that adopts particular religious views. In gender issues, the official religious opinions of the state often emphasize male authority. This gender-biased official Islam stems from Indonesian Government policies since ancient times. O'Shaughnessy (2009: 38-41) and Maria Platt (2017: 74) provide examples of women-unfriendly policies during the New Order era. In 1973, the New Order Government resulted in the 1973 Marriage Law Bill, which proved controversial. In its original form, the bill proposed to abolish polygamy, establish civil registration as the only legal signifier of a marriage, require the use of a civil court only (rather than an Islamic court) and allow inter-religious marriage. The proposal attracted accusations from Muslim leaders that the bill was an exercise in 'Christianization'. Eventually, the bill was revised and enacted as the 1974 Marriage Law, which allowed court-sanctioned polygamy and required marriage based on religion.

O'Shaughnessy (2009) also explains that Marriage Law No. 1 of 1974 provides different legal rights and obligations for men and women. The different rights and obligations of spouses were defined in two articles (31 and 34). Husbands were charged with protecting wives and providing all household requirements. Wives were required to manage these resources and the household to the best of their ability. The linguistic distinction made in the law between husbands

as heads of 'family' rather than households and women as managers of 'household' also suggests that the creation of gendered legal subjectivities was directed at reshaping the broader social order.

The state's policy on gender equality, especially in marriage matters, did not emerge from a political-legal vacuum. The government was more inclined to accommodate the aspirations and interpretations of traditionalist Islamic groups that emphasized male authority over women. This was done for political purposes to appeal to traditionalist Islamic groups, which were politically crucial in supporting the continuity of the government (Butt, 2008). Therefore, it is not wrong to say that the legal aspects that emphasize male authority in Indonesia are a legacy of power relations between the government and gender-biased interpretations of scholars.

Responding to such gender-biased official Islam, an Indonesian Congress of Women Islamic Scholars (Kongres Ulama Perempuan Indonesia, KUPI) has been established. It has been pioneered by women concerned with gender justice issues from an Islamic perspective, including scholars, leaders of Islamic boarding schools (pesantren), activists, and academics. The strategic position of KUPI as a congress of women Islamic scholars in responding to gender issues becomes intriguing when connected to official Islam, which represents the Indonesian Government's religious perspective. Several studies on KUPI have been published. Wahid's research, entitled "*KUPI: Gerakan Baru Perempuan Indonesia*," focuses on the historical aspect of its establishment. According to Wahid, there is no historical record of women Islamic scholars ever convening a congress, whether in Indonesia or around the world. Although KUPI does not claim to be the "first congress," in that historical context, KUPI can be referred to as the first congress of women Islamic scholars in Indonesia and the world. Another article by Ma'ruf (2021) titled "*Kongres Ulama Perempuan Indonesia dalam Wacana Merebut Tafsir Gender Pasca Reformasi: Sebuah Tinjauan Geneologi*." This article concludes that KUPI has successfully presented the symbolic preferences of women Islamic scholars in Indonesia. Similarly, Kloos and Ismah (2023), entitled "*Siting Islamic Feminism: The Indonesian Congress of Women Islamic Scholars and the Challenge of Challenging Patriarchal Authority*," argue that the primary significance of KUPI lies in the way in which it expands the global Islamic feminist project from a scholarly and intellectual movement into a locally resonant and potentially impactful social movement.

In addition to the three articles mentioned above, there is a research book written by Faqihuddin Abdul Kodir titled "*Metodologi Fatwa KUPI: Pokok-pokok Pikiran Keagamaan Kongres Ulama Perempuan Indonesia*." In his book, Kodir (2022) examines explicitly the methodology employed by KUPI in formulating its fatwas. As far as the researcher's observations go, no research article attempts to analyze the role of KUPI in challenging the dominance of official Islam adopted by the state in its policies. This article evaluates KUPI's role in producing women's knowledge about Islamic law and gender justice within women-unfriendly official Islam.

Method

This article is a qualitative study that seeks to understand a specific phenomenon through careful data collection and sharp analysis. Primary data for this research was obtained from documents containing the decisions made by KUPI in its first congress in 2017 and the second congress in 2022, as well as interviews with key figures involved with KUPI. Secondary data includes books, articles, and research on official Islam in Indonesia and KUPI. Both primary and secondary data will be analyzed using Charles Peirce's theory of thought construction. This theory holds that the process of thought undergoes five dialectical processes. It begins with a belief. This belief transforms into a habit known as a 'habit of mind'. This habit must be doubted to become 'doubt'. 'Doubt' is then reexamined to obtain a new understanding called 'inquiry'. Finally, 'inquiry' gradually evolves into a new thought known as 'the new logic' (Munitz, 1981). Scholars rarely dare to doubt religious thoughts that have become 'habit of mind' or habitual in thinking, thus

perpetuating these thoughts as habits deemed correct. This theory will be used to analyze the role of KUPI in questioning any official Islamic religious views that have become habits of mind.

Mapping Official Islam on Gender in Indonesia: The Masculinization of Islamic Law

Official religious institutions play various roles in Middle Eastern countries. The diverse religious tasks undertaken by the state have given rise to a broad bureaucracy in religious affairs. According to Brown (2017), these official Islamic institutions reflect the realities of developing countries, including strengthening state control and supervision over various religious activities, even though state power is never absolute. The above facts are known as the bureaucratization of religion, a bureaucratic political system responsible for determining and interpreting a religious doctrine (Sezgin & Kunkler, 2014). Samuel Rascoff also supports this conclusion in his research on the development of official Islam in America. He concludes that one of the factors behind the emergence of government-sponsored official Islam is deradicalization purposes. The government is interested in suppressing radical religious interpretations by promoting moderate religious interpretations as the official Islam endorsed by the government (Rascoff, 2012).

Brown, Sezgin, and Rascoff's explanation of official Islam in the Middle East and America is not significantly different from that of Indonesia. Lately, the Indonesian government has been actively promoting moderate Islam. Interestingly, this only applies to national political issues, such as the issues of NKRI (the Unitary State of the Republic of Indonesia), nationalism, multiculturalism, pluralism, and other national political issues. In gender-related matters, however, the government tends to prefer the views of classical Islamic scholars, which sometimes contain gender bias. This explanation indicates that official Islam in Indonesia has two contradictory sides.

On the one hand, the official Islam of Indonesia presents its moderate face, but on the other hand, it shows its textualist and traditionalist face. During the New Order era, state policy emphasized "natural" gender roles, encouraging women to adopt the role of wives and men to hold leadership positions in both household and public affairs (Blackwood, 2007). According to Susan Blackburn (2004), the masculine and patriarchal gender ideology was influenced by the military, which was the political approach during the New Order era. This policy continues the religious doctrine of the Old Order that has long been practiced in Indonesia.

During the Reformation Era, Indonesia had a female president who subsequently enacted legislation regarding domestic violence, and there was a growing shift in the representation of women in feminist literature (Hatley, 2002). This was part of an effort to reform the amorality of the previous regime by establishing a new moral order as the foundation of a democratic nation (Brenner, 2011). The Reform Era is often called the beginning of gender equality development in Indonesia. The government issues several women-friendly policies. Some of these policies can be found in the Anti-Domestic Violence Law, Gender Mainstreaming Policy, General Election Law, which requires 30% female candidacy in parliament, and other policies (Wieringa, 2015). The fact of gender equality development in this Reform Era does not mean that the official Islam in Indonesia has changed its masculine nature. Official Islam in Indonesia still retains many women-unfriendly policies, as found in the *Kompilasi Hukum Islam* (KHI). According to Augustina Situmorang (2007), achieving more significant gender equality during the Reformation Era is still questioned. Still, there has undoubtedly been a shift in gender norms reflected in the increasing proportion of young women who remain unmarried, pursue education, and marry later. Situmorang's explanation above indicates that official Islam, which is the official religious view of the state, is still far from gender equality and justice, although not as bad as previous regimes.

The official Islamic views in Indonesia reflect the mainstream Islamic paradigm from classical times to the present. This paradigm emphasizes the masculine aspect of Islamic law. Therefore, it is not surprising that scholars conclude that the official Islamic paradigm in Indonesia is influenced by traditionalist Islamic groups that emphasize male authority over women. This is

consistent with Butt's explanation that the government often adopts the religious views of traditionalist Islamic groups. The purpose of such adoption is to gain political support from traditionalist groups (Butt, 2008). Although there have been some advancements in gender justice during the Reform Era with the emergence of women-friendly policies, as discussed above, these advancements are limited to only a few government policies.

Essentially, the official Islamic perspective in Indonesia can be observed in several aspects. Nathan J. Brown (2017) explains that official Islam is responsible for issuing policies in various fields, including endowments and charity, advice and scriptural interpretation, education, prayer, family law, and broadcasting. Brown's explanation is the conclusion of his research on the map of official Islam in Middle Eastern countries. This conclusion may differ in other Muslim countries, such as Indonesia, particularly in gender studies. While the above aspects may not necessarily entail women-unfriendly policies, Brown's conclusion can serve as an initial argument for mapping official Islam regarding gender equality in Indonesia. One of the most highlighted aspects by researchers concerning official Islam in Indonesia regarding gender is family law. For example, researchers argue that several ambivalent norms exist within Marriage Law No. 1/1974 and the *Kompilasi Hukum Islam*. On the one hand, the government acknowledges the legal capacity of women is equal to men, but on the other hand, they reinforce roles based on gender, with women in the domestic sector and men in the public sector (Hidayah, 2023; Prihatinah, 2005).

As a reflection of Islamic law in Indonesia, the *Kompilasi Hukum Islam* (KHI) tends to be patriarchal. This is evident in its articles, which often prioritize men and place women in the domestic sector. These regulations are embodied in marriage laws, such as engagement, the requirements for marriage, dowry, marriage prohibitions, polygyny, annulment of marriage, the rights and obligations of husband and wife, child maintenance, divorce, and inheritance share (Hadi, 2014). When measured against the principles of Islamic teachings, many of the rules in the *Kompilasi Hukum Islam* (KHI) do not align with the principles of equality (*al-musawāh*), brotherhood (*al-ikhā'*), and justice (*al-'adl*), which are fundamental principles of Islam.

Take for example, the regulations on polygamy in the *Kompilasi Hukum Islam*, which are seen as being filled with gender inequality. The *Kompilasi Hukum Islam* states that polygamy can be practiced if one or several conditions have been met, including the wife's consent, the ability to treat multiple wives fairly, and the financial capability to support more than one wife. Consequently, if one of the conditions covered in the *Kompilasi Hukum Islam* has been met, the wife's consent is no longer required (Nurlaelawati, 2010). Gender inequality in regulations can also be found in divorce matters. Euis Nurlaelawati (2013) explains that Law Number 1 of 1974 concerning Marriage and the *Kompilasi Hukum Islam* stipulates the need for permission from the Religious Court for a divorce, regardless of which party initiates the divorce. However, in reality, women more often come to court to resolve their marital issues than men. In recent years, the percentage of divorces initiated by women has been increasing. In 2001, 57.5 percent of all divorces in Indonesia were initiated by women, while men initiated 42.5 percent. In 2009, 66.4 percent of divorces were initiated by women and only 33.6 percent by men.

Nurlaelawati's explanation above illustrates the impact of marriage regulations in Law Number 1 of 1974 and the *Kompilasi Hukum Islam* on gender inequality. Tibor Kozma (2012) explains that determining whether women are truly oppressed significantly depends on whether they benefit from the existing system. According to Nurlaelawati (2013), the high divorce rate is initiated by women and the low divorce rate is initiated by men. It is caused by two factors. First, women cannot secure a divorce without going to court. They often have no choice but to rely on state law and go to court to petition for divorce or to finalize it administratively. Second, men see *ulama'* -not the state- as guardians of Islamic law and consider their authority absolute. Therefore, men tend to orient themselves towards classical Islamic law, which grants an exclusive right to

divorce without going through the court. The fact explained by Nurlaelawati indicates that the regulation tends to favor men more than women. This is evident from the ability of men to obtain a divorce without going through the court, while women often have to rely on a more formal and time-consuming legal process.

This discussion indicates that the profound gender disparities have indeed occurred through a very long process. The formation of gender role differences is shaped, socialized, reinforced, and even socially or culturally constructed through interpretations of religious teachings and laws. Therefore, official Islam in Indonesia is an integral part of the process of masculinizing Islamic law.

Until now, scholars and researchers have mainly focused on gender inequality in family law when critiquing the concept of official Islam's masculinity in Indonesia. They rarely discuss and examine gender issues beyond the study of Islamic family law. Diah Ariani Arimbi (2009) explains that gender discourse in Indonesia is primarily related to family law, such as marital relationships and divorce. If there is any gender discourse outside of these legal aspects, it usually only addresses women's involvement in politics.

The masculinization of Islamic law, as seen in official Islam in Indonesia, has been ongoing since the Middle Ages. In the early days of Islam, male dominance as religious authorities did not wholly prevent women from establishing their authority. Many women Islamic scholars were considered to have authority in various fields of knowledge, especially in Quranic interpretation (*tafsir*), *hadīth*, and jurisprudence (*fiqh*). However, since the Middle Ages, very few women Islamic scholars could be considered to have authority in Islamic studies (Alwani, 2019). This has significantly impacted the paradigm of Islamic law. In Indonesia, the role of women is determined not only by the state's power as applied in the Marriage Law but also by Islam, which plays a crucial role in the domestication of women. As explained by Asghar Ali Engineer (2008), Islamic law has historically been masculine and has functioned to perpetuate male dominance over women. Therefore, Indonesia's official Islam paradigm is similar to most Islamic law paradigms, as they share a masculine and patriarchal nature.

If the explanation above is analyzed using Charles Peirce's theory of thought construction, the masculinization of Islamic law in official Islam reflects the "habit of mind." The "habit of mind" is a belief that has evolved into a habitual way of thinking. Peirce believed that thought should be constructed through five dialectical processes. A thought begins with a belief, a firm statement about an accurate proposition (Munitz, 1981). This belief gradually forms a "habit of mind." A well-established habit of mind must be tested and doubted through "doubt." Then, it evolves into "inquiry" and "the new logic," which represents a new belief that is the antithesis of the old belief (Munitz, 1981). Referring to Peirce's theory above, it can be concluded that the masculinization of Islamic law in official Islam is a "habit of mind" that has been ongoing for centuries. In the words of Muḥammad Arkūn (1986), the process of masculinizing Islamic law in official Islam is a pattern of Islam that purifies religious thought and has endured for centuries.

Very few scholars dare to critically question the "habit of mind" in official Islam. Among the few critics are NGOs such as the Yayasan Kesejahteraan Fatayat in Yogyakarta, P3M (Asosiasi Pondok Pesantren dan Pengembangan Masyarakat), Yayasan Rahima, and Yayasan Puan Amal Hayati (Hidayah, et. al. 2024; Arimbi, 2009). They all represent some scholars who have attempted to challenge the "habit of mind" regarding the masculinity of Islamic law that has been entrenched for centuries. This aligns with Fanani's explanation (2009) that the difference between those who are confident and those who doubt can be seen in feelings and behavior. Those who doubt will always feel uncomfortable and strive to find the right belief to dispel their doubts.

In recent years, since 2017, the Indonesian Congress of Women Islamic Scholars (KUPI) has been held. One of its goals is to produce scholarly authority for women Islamic scholars (KUPI, 2021b). One of its agendas is to examine gender-related issues from the perspective of Islamic law and contemporary feminism (Kloos & Ismah, 2023). If we look at the vision, mission,

and ideas that have been produced, KUPI is an agency that seeks to question the "habit of mind" as a belief that has become a habit in official Islam's thinking regarding gender. KUPI strives to reinterpret religious interpretations that have long been patriarchal, moving toward interpretations that prioritize gender justice, especially for women.

KUPI as Production Center of Female Religious Authority

KUPI originated from a long history of activism by Muslim women in Indonesia. One of these initiatives began with the ideas of Lies Marcoes at P3M (Perhimpunan Pengembangan Pesantren dan Masyarakat) in the early 1990s. There were few research studies and discussions on Indonesian Muslim women at that time. This finding was significantly different compared to the abundant research on the lives of Muslim women in other parts of the world, such as Africa, Afghanistan, Iran, and the Middle East. Based on this statistical disparity, Lies Marcoes needed broader and more in-depth studies on Muslim women in Indonesia (Arimbi, 2009).

Following the issuance of the Kompilasi Hukum Islam, which generated pros and cons regarding polygamy, divorce, and other family laws, as previously explained, many Muslim feminists have expressed their interests more effectively and systematically. They have established women's study centers that often organize seminars to discuss the protection of women experiencing violence, orphaned children, and other vulnerable groups such as single mothers (Nurlaelawati, 2010). These groups include Tim Pengarusutamaan Gender Kementerian Agama, Asosiasi Perempuan untuk Keadilan, Rahima, which primarily consists of young members of NU (Nahdlatul Ulama), Rifka al-Nisa, Yasanti, LSPPA (Lembaga Studi Pengembangan Perempuan dan Anak), and others (Nurlaelawati, 2010).

The historical explanations above indicate that changes in Indonesia's political landscape have led to increased discourse on gender and Islam. Both men and women Islamic scholars can articulate their ideas about gender relations through discussions and writings. This aligns with Euis Nurlaelawati's conclusion (2010) that the primary public actors in the gender debate within family law are no longer just men but also women driven by gender equality. Similarly, Rachel Rinaldo concludes that the resurgence of Islam in Indonesia has impacted the increased involvement of women in civil society. Women's Muslim organizations play a significant role in reshaping the Indonesian nation-state in the 21st century. The increased role of Islam in the public sphere provides significant opportunities for women to engage in national debates on Islamic legal issues such as abortion and pornography (Rinaldo, 2008). Through their participation in these debates, Muslim women activists should be recognized as key players in advancing gender justice in Indonesia.

As described above, this social background provides the historical context for establishing the Indonesian Congress of Women Islamic Scholars (KUPI). Therefore, David Kloos and Nor Ismah (2023) believe that founding KUPI is a logical step in responding to the dynamics of official Islam in Indonesia. The initiative to establish KUPI came from three organizations: Rahima, the Fahmina Institute of Islamic Studies founded by Kiai Hussain Muhammad in 2000, and Alimat as a coalition of activists with a mission to support gender equality and justice. These three organizations felt the need for a more ambitious effort to amplify the voices of women ulama in the public sphere of Indonesia, gaining recognition beyond the local community (Ulfiyati, 2019). In its implementation, KUPI collaborated with several groups and NGOs, such as AMAN Indonesia (Asian Muslim Action Network Indonesia), which focuses on conflict resolution through empowering women's leadership.

The first KUPI was held at the PP. Kebon Jambu Babakan Ciwaringin Cirebon in 2017. More than 500 participants from various countries attended the event. The participants are not only from Indonesia but also from 15 other countries, including Mossarat Qadeem (Pakistan), Zainah Anwar (Malaysia), Hatoun Al-Fasi (Saudi Arabia), Sureya Roble-Hersi (Kenya), Fatima

Akilu (Nigeria), and Roya Rahmani (the Ambassador of Afghanistan in Indonesia). The congress took place over three days, from April 25 to 27, 2017 (KUPI, 2022).

The first KUPI held in 2017 issued several fatwas on various current issues, such as sexual violence, child marriage, environmental destruction, etc (KUPI, 2020). Meanwhile, the second KUPI in 2022 had the theme “*Meneguhkan Peran Ulama Perempuan untuk Peradaban yang Berkeadilan (Emphasising Female Ulama’s Role for Just Civilization)*” and took place at the Pondok Pesantren Hasyim Asy’ari in Bangsri, Jepara, Central Java. Several issues were discussed during this second congress, including the marginalization of women in safeguarding the NKRI, the protection of women from religious-based violence, waste management for environmental sustainability and women's safety, the protection of women from forced marriages, protection of women's lives from pregnancy resulting from rape, and protection of women from dangerous genital cutting and mutilation without medical reasons (KUPI, 2023). This second congress was attended by 80% of female activists and scholars out of 1361 participants (KUPI, 2022e). This data demonstrates that the KUPI Congress can attract women's interest in presenting their ideas and arguments related to gender issues from the perspective of Islamic law.

KUPI’s views are generated through congress activities and articles by members and participants of KUPI published on their website. 25 articles examine current gender-related issues, such as Arguments for Women's Political Leadership, Aurat and Slander of Women's Bodies, the Jurisprudence of Abortion, Women's Testimonies, Principles of Justice as the Basis for Monogamy Choice, and other article themes (KUPI, 2022d). Although these articles represent the personal views of each participant, they serve as a repository that forms the basis for Islamic law discourse in the development of the KUPI perspective over time. Of the 25 articles stored on the website, 20 of the authors are women Islamic scholars.

Over time, the KUPI Congress has successfully established itself as a center for reproducing religious authority among women Islamic scholars in Indonesia. The government fully supports the KUPI Congress's activities through the Ministry of Religious Affairs. The first congress in 2017 was attended directly by Lukman Hakim Saifuddin, the minister of religious affairs. Lukman (2022a) strongly connected with the Indonesian Female Ulama (KUPI) Congress. He highly appreciated the grand event while delivering his Minister of Religious Affairs speech. He supported the religious views and positions of KUPI, especially on the issue of preventing child marriages.

According to Lukman Hakim Saifuddin (2022a), KUPI has three strategic meanings related to relations, revitalization, and moderation. Regarding relations, KUPI has successfully advocated for justice by raising awareness of the roles and relationships between men and women. Lukman believes that gender relations issues are becoming increasingly urgent and relevant. Regarding revitalization, KUPI is seen as recognizing and revitalizing the role of women Islamic scholars, which has been ongoing since Aisyah Ra, the wife of the Prophet Muhammad. He appreciates KUPI's efforts to build a network of women Islamic scholars. KUPI has also succeeded in reaffirming and emphasizing the importance of moderation in Islam: Islam as *rahmatan lil alamin*, Islam that does not marginalize the position of women, and Islam that spreads goodness for all (KUPI, 2022c).

Meanwhile, the second congress in 2022 received full support from Yaqut Cholil Qoumas, the Minister of Religious Affairs that year. In one of his interviews, Yaqut expressed his full support for KUPI-II (Andrios, 2022). This support from Yaqut indicates that KUPI has successfully become a center for reproducing religious authority among women. National issues related to law, society, and culture are the focal points of KUPI's studies. The explanation above demonstrates that KUPI is an agent that seeks to respond to official Islam in Indonesia, which tends to be masculine in implementing rules related to Islamic law.

The masculinity of Islamic law has deeply ingrained itself as a predominant paradigm in every action and regulation in Indonesia. In Peirce's terms, this reality is called the "habit of mind."

One of the objectives behind organizing KUPI is to cast doubt on this "habit of mind" within official Islam in Indonesia. As Peirce explained, beliefs that have become a habit of mind need to be examined and questioned through a process of doubt to discover a new paradigm that upholds the values of gender justice (Munitz, 1981). The deep and comprehensive methodology for determining Islamic law, combined with a feminist perspective, allows the decisions and resolutions produced by KUPI to advocate for gender justice based on Islamic law. The subsections below will discuss a more detailed explanation of the methodologies and approaches used by KUPI in its conferences.

KUPI's Fatwas and Their Methodology

The results of the KUPI Congress adhere firmly to the Quran and the Hadith. KUPI sees integral and non-contradictory units in conveying God's message for the world's welfare. Therefore, interpretations of both (the Quran and the Hadith) must mutually support one another. Meanwhile, knowledge sources outside the Quran and the Hadith, such as social sciences, exact sciences, philosophy, or life facts, are also integrated within the same framework. KUPI views all sources as a complete, holistic, and coherent system. In formulating religious views on social life issues, the legal foundations of KUPI always refer to the Quran, the Hadith, the opinions of scholars, and the country's constitution. The Quran and the Hadith are the primary sources for the fatwas and religious views of KUPI. This is done by collecting Quranic verses and Hadith thematically related to social issues, translating them, and explaining their meanings and relevance. On the other hand, the opinions of classical scholars serve as legal sources by selecting and prioritizing one or several views of scholars deemed relevant to the issue under consideration (Tim KUPI, 2017).

The legal sources above indicate that the fatwa methodology of KUPI utilizes the method of *intiqā'ī ijtihād*. *Intiqā'ī ijtihād* is a methodology for determining Islamic law by comparing various opinions of scholars and selecting one of those considered the most beneficial (Mun'im, 2021). According to Yūsuf al-Qarāḍawī (1996), *intiqā'ī ijtihād* is one of the fatwa methodologies that is relevant to contemporary issues. Several factors make this methodology highly necessary to ensure the relevance of Islamic law. These factors include the inevitability and demands of the current era, which require scholars to consider contemporary realities in legal matters. According to Alami and Hinchcliffe (1996), the method of *intiqā'ī ijtihād* is also known as the *takhayyur* or *tarjīh* method among Islamic jurists. There is a fundamental difference between the method of *intiqā'ī ijtihād* used by KUPI and the majority of scholars. While the majority of scholars choose a legal opinion by considering the figure who expresses that opinion and which opinion is more accessible for the community (al-Qarāḍawī, 2001), KUPI selects legal opinions based on nine fundamental values: monotheism, mercy, benefit, equality, mutuality, justice, nationality, humanity, and universality (Kodir, 2022). In the methodology of fatwa in KUPI, the hierarchy of the validity of a legal opinion does not depend on the figure stating that opinion (*mujtahid*). Thus, for KUPI, these nine fundamental values serve as the standard of benefit in the contemporary era. Therefore, all interpretations and opinions of scholars need to consider these nine fundamental values.

The nine fundamental values in the KUPI paradigm are embodied through three approaches: *mubāḍalah*, *ma'rūf*, and genuine justice for women. *Mubāḍalah* is an approach that believes that goodness enjoined by Islam is essentially for men and women, even though the text in verse only refers to one party. Similarly, badness prohibited by Islam applies to men and women, even though the text in the verse only refers to one party. The second approach is the *ma'rūf* approach. This approach emphasizes everything that contains values of goodness, truth, and appropriateness following sharia, common sense, and the general view of a society. Fayumi, as the Chairperson of the KUPI Steering Committee, provides an example of verse 19 of Surah

al-Nisā' (4), which obliges husbands to treat their wives in a *ma'rūf* manner. *Ma'rūf*, in this context, is something that is liked and accepted by feelings, justified according to sharia, and reinforced by tradition and societal norms (*'urf*). The third approach is genuine justice. This approach emphasizes the belief that men and women are equally primary creatures as stewards on earth and secondary creatures as servants of Allah.

The methodology and approaches, as explained above, serve as the basis for the fatwas and religious views of KUPI in its two congresses thus far. The two KUPI Congresses held in 2017 and 2022 have produced several fatwas. Interestingly, most of these fatwas are more focused on issues rarely associated with gender issues. Among these fatwas are: (1) Sexual violence. (2) Child marriage. (3) Environmental destruction. (4) Female genital mutilation. (5) Marginalization of women in safeguarding the nation. (6) Waste management and women's safety. (7) Protection of women's lives from the dangers of pregnancy resulting from rape. (8) Protection of women from the dangers of forced marriages.

One example of applying KUPI's methodology and approach can be seen in the fatwa concerning the marginalization of women in safeguarding the nation. KUPI has decreed that any law or practice that results in the neglect of women and jeopardizes the security of the nation from religious-based violence is prohibited (*ḥarām*) for every state institution, civil society, social organizations, and religious organizations within their respective authorities (KUPI, 2022a). Until now, issues related to the integrity of the Indonesian nation (NKRI) have rarely been associated with a gender perspective, but KUPI has a different view. For them, the reality shows that the efforts to maintain the integrity of NKRI have consistently marginalized the role of women (KUPI, 2022a).

For KUPI, women have been the most disadvantaged group and have always experienced layered vulnerabilities in religious-based violence, which poses a real threat to the resilience of the NKRI. Extreme religious views can damage and pose a danger to NKRI because they tend to legitimize women's position as a second gender that is inferior, subordinate, and marginalized. Therefore, according to them, the marginalization of women in national endeavors not only increases vulnerability and adverse effects for women but also threatens the nation's integrity. In establishing the prohibition of marginalizing women in safeguarding NKRI, KUPI utilizes several arguments, including verses from the Quran and Hadith, that emphasize the obligation of both men and women to uphold the peace of the homeland. Additionally, KUPI includes the opinions of scholars (*aqwāl al-ulamā*) that explain the competence of women in social work and their duty to fulfill responsibilities (KUPI, 2022a). The arguments above indicate that KUPI's fatwa methodology employs the approach of *intiqā'ī* ijtihad by selecting the opinions of scholars considered relevant to the nine fundamental values mentioned earlier, namely monotheism, mercy, welfare, equality, mutuality, justice, nationalism, humanity, and universality.

KUPI prefers the opinions of scholars who support the role of women in public spaces rather than those who prohibit it. One of the opinions cited by KUPI in its fatwa above is the opinion of Abu Syuqqah, who asserts that social work is a shared space between men and women. Sometimes, women have a more significant role because they possess higher positive emotional strength than men (KUPI, 2022a). This preference is based on equality, mutual respect, and justice, which are fundamental considerations for KUPI. Simply put, if men are encouraged to have a positive role in public spaces, the same encouragement should apply to women. It is only natural for men and women to be equal and complement each other. This is the theoretical framework behind the formulation of KUPI's fatwas in its two congresses so far.

Other KUPI fatwas follow a methodological pattern similar to the one described above. For example, the fatwa on the protection of women from female genital mutilation (FGM) and the fatwa on child marriage. The fatwa on female genital mutilation establishes that performing female genital mutilation (FGM) without a medical reason is prohibited (KUPI, 2022b). This fatwa is based on the phenomenon of non-medical FGM that still occurs in society. According to

the National Commission on Violence Against Women (2019), harmful non-medical FGM can be found in practices related to fashion and practices driven by religious interpretation, culture, or a combination of both (KUPI, 2022b). Another fatwa issued by KUPI regarding child marriage states that preventing child marriages that can lead to harm (*mafsadah*) is obligatory (KUPI, 2021a). According to KUPI, existing marriage regulations have not protected women. Although Article 7, Paragraph (1) of Marriage Law No. 1 of 1974 states that marriage is only permitted if the man has reached the age of 19 (nineteen) years. The woman has reached the age of 16 (sixteen) years. Other articles allow for exemptions by seeking dispensation from the court or other officials requested by both parents. Indeed, the government has established Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974. Still, this regulation only revises the minimum marriage age for women from 16 years old to 19 years old. According to KUPI (2021a), this rule still opens a legal loophole for many parties to proceed with child marriages, including permits granted by authorized officials (Religious Affairs Office or Religious Court).

The KUPI methodology for issuing fatwas on FGM (Female Genital Mutilation) and child marriage above shares a similar pattern with other fatwas. KUPI employs the method of *intiqā'ī* ijhtihad with arguments from the Qur'an, Hadith, and the opinions of scholars that are most beneficial when evaluated against the nine fundamental values explained above. In the case of FGM, there are differing opinions among Islamic scholars. The majority of Shafi'i scholars argue that FGM is obligatory (*wājib*) for women (al-Jazāirī, 2003). In contrast, scholars of the Hanbali school contend that FGM is recommended (*sunnah*) for women (al-Maqdisī, 1997). These two religious perspectives differ from those of the Hanafi and Maliki scholars, who argue that there is no recommendation for women to perform FGM. This is because women do not have genitalia that needs to be removed for the sake of purity and cleanliness (*tahārah*) (al-Zuhaylī, 1997). However, some contemporary scholars, such as Maḥmūd Shalṭūt (1995) and 'Alī Jum'ah (2005) believe that FGM, or female circumcision, is not a religious obligation because it lacks strong textual evidence. KUPI chooses to adopt the viewpoints of these contemporary Islamic scholars due to their alignment with the Islamic legal maxims and the nine fundamental values mentioned above, employing the approaches of *mubādalāh*, *ma'rūf*, and genuine justice. The methodology of KUPI's other fatwas does not significantly differ from those discussed earlier. The pattern of the *intiqā'ī* ijhtihad methodology remains the most dominant approach evident in these fatwas.

The methodology and fatwas of KUPI indicate that KUPI tends to emphasize the principles of protection for women and gender equality. This conclusion can be understood from the methods and fatwas that KUPI has issued thus far. Every legal argument included in the fatwas must be relevant to the nine values that are the basis of KUPI's thinking in religious aspects: monotheism, mercy, benefit, equality, mutuality, justice, nationality, humanity, and universality. With these nine fundamental values, every fatwa established by KUPI always reflects the spirit of gender equality. The spirit of gender equality can even be found in fatwas that seemingly have no direct relation to gender relations, such as the fatwa on the obligation to uphold the unity of the Republic of Indonesia mentioned above. The tendency of the methodologies and fatwas of KUPI mentioned above is inseparable from the purpose of organizing KUPI, which is to produce knowledge for women and train female scholars within prominent figures and communities to support and implement the movement. One of its agendas is to examine gender-related issues using the perspectives of Islamic law and contemporary feminism.

The methods and approaches used by KUPI in every fatwa and religious viewpoint mentioned above are based on one fundamental approach, namely the feminist approach. This is further strengthened by the fact that the majority of KUPI figures are feminist activists in Indonesia. Lies Marcoes, Farha Ciciek, Siti Ruhaini Dzuhatin, Saporinah Sadli, and many other supporters of women's rights are categorized as Indonesian Muslim feminists (Robinson, 2006; Hidayah, 2012). They use a feminist perspective to position women's issues as integral to the

national social agenda. According to Arimbi (2009), the feminist activists mentioned above strive to deconstruct various normative religious concepts regarding gender relations commonly used by official Islam in Indonesia. The feminist approach in the KUPI fatwa methodology is also understood from the explanation of Faqihuddin Abdul Kodir (2023), who stated that feminism can be a tool to transform unjust teachings into fair teachings related to practices that discredit women. This explanation is reinforced by the acknowledgement of Nur Rofiah (2023), who explained that one of the foundational methodologies and approaches in Islamic law determination in KUPI leads to genuine women's justice. The emphasis on women's justice is a characteristic of the feminist paradigm.

The methodology and approach utilized by KUPI in each of its fatwas demonstrate the depth of scholarly authority among women Islamic scholars. This further underscores that KUPI, as a platform for the academic gathering of women Islamic scholars, has successfully reproduced female knowledge related to Islamic law. Historically, the determination of Islamic law has been predominantly dominated by men, often resulting in rules that tend to be patriarchal and masculine. In the following subsection, we will examine the position of these KUPI fatwas in the context of the state's official implementation of Islam in various aspects of life.

Revisioning Official Islam: From Masculinity to Equality in Islamic Law

The explanation above indicates that KUPI has established the scholarly authority of women Islamic scholars. Islamic legal methodology with a feminist approach has successfully introduced Islamic legal provisions that lean towards gender equality and the protection of women. It is well-known that the Islamic legal methodology and paradigm adopted by KUPI did not originate from space. Social, cultural, legal, and political aspects serve as determining factors, leading KUPI to provide fatwa responses that have been discussed previously.

The official Islam practiced in Indonesia has tended to be masculine and patriarchal. This can be understood from the government regulations explained above. Although there have been some women-friendly regulations, such as the Anti-Domestic Violence Law, Gender Mainstreaming Policy, and the General Election Law, which mandates 30% female representation in parliament, some other regulations reinforce social roles based on gender. This can be understood from the explanations in the previous subsection.

The masculinity of official Islam in Indonesia can also be found in other government policies. One of them is female genital mutilation/cutting (P2GP). In 2013, through the Ministry of Health, the government revoked Minister of Health Regulation Number 1636 of 2010, which governed the practice of FGM. This regulation had previously served as the standard operating procedure (SOP) for healthcare professionals in cases where there were requests from patients or parents to perform FGM on themselves or their babies (Wardah, 2014). The revocation of this Ministerial Regulation granted access to FGM practices without clear medical reasons because no sanctions were in place to regulate them. However, FGM practices without medical justification are hazardous. The KUPI (2022b) mentions several dangers that can arise from FGM practices that do not adhere to SOP, such as severed nerve networks that can lead to bleeding, potentially resulting in death. Therefore, KUPI forbids harmful FGM practices without clear medical justification.

Based on the arguments and considerations mentioned above, KUPI's fatwa on FGM recommends the following to the government: (1) Enacting legislation as a preventive measure against harmful FGM practices without medical justification. (2) Raising awareness about the dangers of FGM without medical justification during pre-marital counseling for prospective brides and grooms at the Office of Religious Affairs (KUA). (3) Revoke medical practitioners' licenses who provide FGM without medical justification (KUPI, 2022b).

The explanation above indicates that the government's official Islamic religious views and policies on the issue of FGM have received a response and reaction from KUPI. KUPI, as a center

for the reproduction of female scholarly authority in Islamic law, seeks to revise the government's official Islamic policies related to FGM, which are considered not to reflect gender equality and overlook women's safety. From Charles Peirce's theory of knowledge construction perspective, KUPI plays an agent attempting to question (doubting) religious views that have long been believed and have become a "habit of mind" in government policies.

The conclusion regarding KUPI's role in reproducing the scholarly authority of women Islamic scholars can also be found in the fatwa on child marriage. KUPI (2021a) establishes that preventing marriages that can cause harm to children is obligatory. This fatwa also corrects and revises the official Islamic paradigm related to marriage laws. As previously explained, official Islam in Indonesia has tended to be patriarchal and masculine, especially in family law matters. KUPI's fatwa on the obligation to prevent child marriages is a response to Marriage Law No. 1/1974, which still provides a legal loophole for many parties to conduct child marriages. Indeed, Article 7, paragraph (1), stipulates that marriage is only permitted if the man has reached the age of 19 (nineteen) years. The woman has reached the age of 16 (sixteen) years, but Paragraph (2) provides for exemptions by seeking dispensation from the court or other officials requested by both parents ([Undang-undang Republik Indonesia Nomor 1 Tahun 1974 Tentang Perkawinan, 1974](#)). The dispensation for child marriages is also implied in Article 15 of the *Kompilasi Hukum Islam*, which refers to Article 7 of Marriage Law No. 1 of 1974 ([Tim Penyusun Mahkamah Agung RI, 2011](#)). Therefore, KUPI wants to convey that the government's allowance for underage child marriages is prohibited because preventing such marriages is an obligation.

The fatwa issued by KUPI regarding child marriage was established at the first KUPI Congress in 2017. This fatwa provided recommendations, including the necessity for national regulations or policies related to eradicating child marriage and amending Law Number 1 of 1974 concerning marriage regarding the minimum age of marriage for women from 16 years to 18 years ([KUPI, 2021a](#)). These fatwa recommendations have successfully influenced the official Islamic view in Indonesia. This was evidenced when the government issued Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage. The fundamental point of this latest law is to change the minimum age for women to marry from 16 to 19 years ([Undang-undang Republik Indonesia Nomor 16 Tahun 2019 tentang Perubahan atas Undang-undang Nomor 1 Tahun 1974 tentang Perkawinan, 2019](#)). Despite several arguments, only one recommendation was ultimately approved by the government. However, this sufficiently demonstrates the role of KUPI in revising the official Islamic perspective in Indonesia.

If analyzed using Charles Peirce's theory of knowledge construction, it can be shown that KUPI's fatwa on child marriage is not significantly different from KUPI's fatwa on female genital mutilation (FGM). The role of both fatwas is to revise every aspect of official Islamic religious views that are masculine and enforced by the government in its policies and regulations. KUPI has acted as a change agent by questioning and doubting every official Islamic religious view in Indonesia that has become ingrained in its thinking as a "habit of mind." This explanation can also be found in other fatwas issued by KUPI, such as the fatwa on the Marginalization of Women in Preserving the NKRI from the Dangers of Religious-Based Violence ([KUPI, 2022a](#)).

The role of KUPI becomes even more evident when looking at the recommendations provided in its fatwas. In all the fatwas it has issued, KUPI consistently recommends that the government improve existing regulations. For instance, in the fatwa on FGM, KUPI (2022b) recommends that the government and legislative bodies promptly create policies and rules to prevent harmful FGM practices without medical justification. The same recommendation is also found in KUPI's fatwa on child marriage. In that fatwa, KUPI (2021a) recommends that the government ensure the existence of binding national regulations related to the prevention, handling, and elimination of child marriages and amend Marriage Law Number 1 of 1974, which is considered highly detrimental to women.

The explanations above highlight KUPI's role amidst the dominance of official Islamic religious views in Indonesia. Through its feminist perspective, KUPI's fatwas aim to revise every official Islamic view that tends to be masculine and patriarchal, replacing them with new perspectives that emphasize gender equality and the protection of women.

Conclusion

In its history, the construction of Islamic law has been dominated by masculine and patriarchal qualities. Therefore, most religious interpretations and opinions are dominated by gender-biased interpretations. This masculinity of Islamic law is also prevalent in official Islam in Indonesia. The religious perspective of the Indonesian government, which tends to be patriarchal, often leads to injustice and neglect of women's interests. This conclusion is evident in various regulations that have been established, such as family law and other rules. Besides regulatory aspects, the masculinity of official Islam in Indonesia can also be found in various government policies. Official Islam's masculinity in Indonesia has received negative responses and criticisms from various quarters, especially feminists and gender activists.

One of the scholarly responses and reactions is presented by KUPI as the sole platform for the academic gathering of women Islamic scholars in Indonesia. KUPI has successfully become a center for reproducing scholarly authority among women Islamic scholars in Indonesia. This conclusion can be observed through the increasing participation of women Islamic scholars and gender activists who willingly join KUPI Congresses. Most KUPI participants are *pesantren* women and gender activists. This influences every legal decision in its fatwas, consistently prioritizing gender issues with a feminist approach. As a center for the reproduction of scholarly authority among women Islamic scholars, KUPI presents new perspectives on Islamic law to the government, which has traditionally portrayed official Islam as masculine and patriarchal. With confidence, KUPI advises the government to change and revise the existing masculinity of official Islam into an Islam that embodies more gender equality values and protection for women. This is the most significant role of KUPI as a center for the reproduction of scholarly authority among women Islamic scholars, especially in Islamic law.

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