

# KUPI Approach to Qur'an and Hadith Re-interpretation

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## SHORT BIO

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## ABSTRACT

Critical theory argues that knowledge is not value free. It is influenced by the interest, context, and background of the knowledge producers. Many books of *tafsir* (Qur'anic exegesis) have been written, primarily by men based on their experiences. These *tafsirs* are not free from male interest. As Farid Esack argues, classical *tafsirs*, mostly written by men, tend to be male-biased and discriminatory against women.<sup>1</sup> Since the late 1990s, with the growing influence of global Muslim feminism, there have been increasing number of books in Indonesia that criticize the male-biased interpretations of the Qur'an and produce alternative readings from an equal gender perspective, such as those written by Nasaruddin Umar, Zaitunah Subhan, Nurjannah Ismail, Husein Muhammad, and many others.<sup>2</sup> Recent works have been produced by Badriyah Fayumi, Nur Rofiah and Faqihuddin Abdul Kodir, the leading founders and organizers of the Congress of Indonesian Women Ulama (KUPI). This article explores three new methodologies of *tafsir* developed in the current Indonesian context by three scholars: Badriyah Fayumi's reading of *ma'ruf* (religiously, reasonably, and socially acceptable), Nur Rofiah's concept of women's *haqiqi* (real) justice, and Faqihuddin Abdul Kodir hermeneutical approach of *qirā'ah mubādalah* (reciprocal reading). These new approaches to understanding Islamic sources were launched during KUPI II in 2022 to be KUPI's methodology.

## KEYWORDS

Gender justice, reinterpretation of the Qur'an, *ma'ruf*, *qirā'ah mubādalah*, women's *haqiqi* justice.

## Introduction

This article introduces three new methodologies developed by Indonesian scholars in reinterpreting Islamic textual sources to argue for gender justice. These three methodologies provide alternative ways of reading the Qur'an and Hadith that counterbalances the dominant male-biased, patriarchal readings that subordinate women. These new readings are a critique of dominant interpretations of the Islamic sources and provide an alternative discourse of Islam that is friendly to women. These three methodologies

<sup>1</sup> Farid Esack, *Qur'an Liberation & Pluralism. An Islamic Perspective of Interreligious Solidarity Against Oppression* (Oxford: Oneworld Publications, 1997).

<sup>2</sup> Nina Nurmila, "The Influence of Muslim Global Feminism on Indonesian Muslim Feminist Discourse," *Al-Jami'ah Journal of Islamic Studies* 49, No. 1, (2011): 33–64.

were launched during the second Congress of Indonesian Women Ulama (KUPI) in 2022. This article will begin by explaining the Indonesian context prior to the development of these three methodologies, especially in regards to gender discourse in Islam. As these scholars are the leading organizers of KUPI, this article will also explain the background, aims, venue, and process of the KUPI.

Indonesia is a majority Muslim country in Southeast Asia, with Australia in the south, the Philippines in the north, and Malaysia and Singapore in the West and Timor Leste in the East. Its current population estimates at 280,000,000 with around 85 percent identifying as Muslim. In the past, Indonesian Muslims have tended to take for granted many things written in books of *tafsir* (Qur'anic exegesis) and *fiqh* (Islamic jurisprudence), that had been written in Arabic and translated into Indonesian. These books have been primarily written by men. Since all knowledge is situated and not value-free, *tafsir* is also shaped by the background and interest of its producers.<sup>3</sup>

One of the consequences that can be noted from *tafsirs* being written by men is the tendency for them to be male-biased and patriarchal.<sup>4</sup> An example of a patriarchal *tafsir* is the work of Ibnu Kathir (1301–1374), one of the most influential classical exegetes. In his interpretation of the Qur'anic verse 4: 34, he positions men as inherently superior to women, portraying men as senior, educators, and leaders.<sup>5</sup> While this *tafsir* may have been relevant to his day-to-day life, in the context of Damascus, Syria 1301–1374, it is no longer relevant to contemporary Indonesia, where a growing number of Indonesian women are educated and hold senior and leadership positions in the public sphere, such as university professors and rectors.<sup>6</sup>

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<sup>3</sup> Ben Agger, *Cultural Studies as Critical Theory*, (Abington, UK: Spon Press, 1992).

<sup>4</sup> I do not mean to overgeneralize that all men are patriarchal because women can also be patriarchal, and men can be feminist. Being feminist is achieved through knowledge, such as learning about gender and injustices against women due to their biology.

<sup>5</sup> Ibn Kathir, *Tafsir Al-Qur'an al-Karim* (Retrieved July 28, 2024, from <http://www.altafsir.com/Tafasir.asp?tMadhNo=0&tTafsirNo=7&tSoraNo=4&tAyahNo=34&tDisplay=yes&Page=3&Size=1&Languageld=1>, n.d).

<sup>6</sup> For more elaboration on how this *tafsir* is male-biased and patriarchal, see Nina Nurmila, "Proposing Feminist Interpretation of the Qur'an and Affirmative Policy to Support Women Leadership in Indonesian State Islamic Higher Education," *Musawa. Jurnal Studi Gender dan Islam*, Vol. 19 No. 2, (2020): 125–140.

Since the mid-1990s, Indonesia has seen a change in context, where many scholars have begun to critically examine existing gender injustices. This shift is the result of many factors. First is the New Order<sup>7</sup> government's initiative in the 1970s to provide educational facilities such as primary school in each village and secondary school in each sub district. As a direct result of this initiative, there was a noted increase 20 years later of individuals who had by this point completed, at least, their first degree. Second, the influence of global feminism reached Indonesia by the mid-1990s due to the translation of the works of global Muslim feminists, such as Fatima Mernissi, Riffat Hassan, amina wadud, and Asghar Ali Engineer.<sup>8</sup> This was accompanied by the Indonesian government's policy that saw the beginnings of Gender and Development (GAD) in the early 1990s.<sup>9</sup> Included in the implementation of this policy was the provision of gender training for government staff, non-government organizations, and academics. Consequently, an increasing number of Indonesians became more critical to gender injustice. Combined with the increased level of education, many were able to apply gender-sensitive lenses in rereadings of patriarchal interpretations of the Qur'an and offer new readings that support gender justice. Among them were scholars Nasaruddin Umar,<sup>10</sup> Zaitunah Subhan,<sup>11</sup> Nurjannah Ismail,<sup>12</sup> and Husein Muhammad.<sup>13</sup>

Since 1998, Indonesia has undergone major change due to the end of the authoritarian New Order government after 32 years in power. This marked

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<sup>7</sup> The New Order is the term for the presidency of Soeharto (1966–1998), Indonesia's second president, in contrast to the previous presidency under Soekarno (1945-1965), which is known as the Old Order.

<sup>8</sup> Nina Nurmila, "The Influence of Muslim Global Feminism on Indonesian Muslim Feminist Discourse," *Al-Jami'ah*, UIN Yogyakarta, Vol. 49, No. 1, (2011): 33–64.

<sup>9</sup> Indonesia, as part of the international network, adopted the Women in Development (WID) approach in the 1970s and progressed to the Women and Development (WAD) approach in the 1980s, which then became Gender and Development (GAD) in the early 1990s.

<sup>10</sup> Nasaruddin Umar, *Argumen Kesetaraan Jender Perspektif Al-Qur'an*, (Jakarta: Paramadina, 1999), 247–265.

<sup>11</sup> Zaitunah Subhan, *Tafsir Kebencian: Studi Bias Jender dalam Tafsir al-Qur'an*, (Yogyakarta: LKiS, 1999), 177–180.

<sup>12</sup> Nurjannah Ismail, *Perempuan dalam pasungan. Bias laki-laki dalam penafsiran*, (Yogyakarta: LKiS, 2003), 326.

<sup>13</sup> Husein Muhammad, *Fiqh perempuan: refleksi kiai atas wacana agama dan gender*, (Yogyakarta: LKiS, 2001).

the beginning of the Reform Era, a period characterized by the emergence of many non-government organizations (NGOs), including Rahima and Fahmina, both founded in 2000, followed by Alimat in 2009.

Rahima is the name for the Center of Information for Islam and Women's Reproductive Rights and runs various programs such as Education for Women's Ulama.<sup>14</sup> Fahmina, based in Cirebon, West Java, promotes an interpretation of Islam that is friendly to women and stands for gender justice.<sup>15</sup> Similarly, Alimat is a movement that seeks equality and justice in Indonesian Muslim families, and was established after several of its founders participated in the Musawah Global Meeting in Kuala Lumpur, Malaysia, in 2009.<sup>16</sup> It was from the collaboration between these three organizations, Rahima, Fahmina, and Alimat,<sup>17</sup> that the Congress of Indonesian Women Ulama (KUPI) was born.

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

*Ulama*, the plural of *‘ālim*, refers to a person with *‘ilm* (knowledge), specifically religious knowledge. While both men and women can possess *‘ilm*, ulama has traditionally been associated with men. The establishment of Alimat, which literally means “women’s ulama”, changed this stereotype. I was invited to join this movement in 2009, soon after its founding.

I was invited on the recommendation of Kiai Husein Muhammad who had garnered a positive impression of my work from Faqihuddin Abdul Kodir. Despite my academic background—a PhD from the University of Melbourne—I initially questioned whether I fit the category of *alimat*. However, reflecting on its definition as “a woman with knowledge”, I gradually embraced the label with confidence.

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<sup>14</sup> Kupipedia, “Pengkaderan Ulama Perempuan,” accessed July 28, 2024, [https://kupipedia.id/index.php/Pengkaderan\\_Ulama\\_Perempuan](https://kupipedia.id/index.php/Pengkaderan_Ulama_Perempuan).

<sup>15</sup> Kupipedia, “Fahmina,” accessed July 28, 2024, <https://kupipedia.id/index.php/Fahmina>.

<sup>16</sup> Musawah is the global movement for equality and justice in the Muslim family.

<sup>17</sup> Kiai Husein Muhammad and Faqihuddin Abdul Kodir are among the leading persons in the three organizations that organized the KUPI.

I was not alone in this. The initiators of KUPI acknowledged that despite women playing active roles as ulama since the Prophet's era, their contributions had largely gone unrecognized.<sup>18</sup> Though women's presence in religious scholarship declined after the 8th century, they nevertheless continued to contribute, particularly in Indonesia.<sup>19</sup> KUPI was founded as a platform for women ulama to strengthen their scholarship, connect with one another, and collaborate with male ulama, the government, and civil society to build a more just Islamic culture.

The first KUPI Congress, held at Pondok Pesantren Kebon Jambu al-Islamy in Cirebon, West Java in 2017, led by Masriyah Amva, tested whether Indonesian society would accept women ulama. By the second Congress, held at Pondok Pesantren Hasyim Asy'ari Bangsri Jepara in Central Java in 2022 and led by Hindun Anisah and her husband, Nuruddin Amin, the KUPI had gained confidence in its acceptance and used the opportunity to advance its own methodologies: *ma'rūf* (that which is religiously, rationally, and socially acceptable), women's *haqiqi* (substantive or real) justice, and *qirā'ah mubādalah* (reciprocal reading). Both congresses addressed similar issues of environmental destruction (refined in the second KUPI to focus on waste management) and sexual violence that the first KUPI broadly prohibited inside and outside marriage but, in the second KUPI, was further specified to include protection from pregnancy resulting from rape, forced marriage, and female genital mutilation.

The second KUPI also introduced discussions on women's leadership countering intolerance and violence, raised by AMAN Indonesia, another

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<sup>18</sup> That is not to say that women have not been active intellectually, but rather that their historical presence has been mostly ignored. Examples of historical women religious scholars are Fatima Kamal al-Din Mahmud, in Cairo, Egypt in the fifteenth century, and `Aisha al-Bau'niya (d. 922H) in Damascus, Syria, in the beginning of the sixteenth century as discussed by Omaima Abou-Bakr in "Articulating Gender: Muslim Women Intellectuals in the Pre-Modern Period." *Arab Studies Quarterly* 32, 3 (2010): 127–144.

<sup>19</sup> In the context of a lack of proper recognition of women's agency and scholarship, two books distinctively acknowledge women's agency, scholarship, their re-reading of Islamic sources, and giving fatwa, especially on the women who were active in Muhammadiyah and Nahdlatul Ulama: Pieternella van Doorn-Harder, *Women Shaping Islam. Reading the Qur'an in Indonesia* (University of Illinois Press, 2006) and Nor Ismah, "Women Issuing Fatwas. Female Islamic Scholars and Community-Based Authority in Java, Indonesia" (PhD Diss., Leiden University, 2023).

organizer. Looking to expand its impact, the second KUPI invited more international scholars, doubling the number of participants to 1,600 attendees from 20 countries.<sup>20</sup> Guests included Zainah Anwar (Sisters in Islam, Malaysia), Hatoon Al-Fasi (historian and gender activist, Saudi Arabia), and Roya Rahmani (Afghanistan's ambassador to Indonesia at the time).<sup>21</sup> The goal was to inspire similar initiatives globally. Following the congress, Faqihuddin Abdul Kodir and Nur Rofiah began teaching KUPI methodologies internationally to Muslim feminists in Bangladesh, Egypt, Kenya, Malaysia, the Philippines, and Thailand. Since then, numerous studies on the KUPI have been published, including two dissertations—one at Leiden University and another at École Normale Supérieure de Lyon, France.<sup>22</sup>

## **KUPI Methodologies: *Ma'rūf*, *Qirā'ah Mubādalah* and Women's *Haqiqi* Justice**

The next section presents a brief overview of the academic background of each of the three KUPI scholars, followed by an analysis of their methodology.

### **1. *Badriyah Fayumi: Ma'rūf Approach***

Badriyah Fayumi was born 1971 in Pati, Central Java. She received her BA in Tafsir and Hadith Study Program from the Faculty of Theology, UIN Jakarta, following which she went to Egypt in 1995 for a year to study at Azhar University, where she gained Licentiate (LC), another BA in Tafsir. She later completed her master's degree in Islamic Studies, focusing on Tafsir, from UIN Jakarta. She and her husband are owners and leaders of Pondok Pesantren Mahasina Darul Qur'an wal Hadith (Islamic Boarding School to study Qur'an and Hadith). Moreover, Fayumi was a member of the parliament (2004–2009) due to which she had to give up her career as a

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<sup>20</sup> Tim KUPI, "Kongres Ulama Perempuan Indonesia Diiikuti 20 Negara", accessed October 19, 2024, <https://kupi.or.id/kongres-ulama-perempuan-indonesia-dikuti-20-negara/>

<sup>21</sup> "Sejarah dan Latar Belakang", KUPI, accessed August 5, 2024, <https://kupi.or.id/tentang-kupi/#>

<sup>22</sup> Nor Ismah, "Women Issuing Fatwas. Female Islamic Scholars and Community-Based Authority in Java, Indonesia" (PhD Diss., Leiden University, 2023), and Samia Kotele, "Indonesian Women Ulama from the Quest for Religious Authority to the Elaboration of a New Gender Theology" (PhD Diss., École Normale Supérieure de Lyon, France, 2024).

lecturer at the UIN Jakarta. She went on to become a commissioner on the Indonesian Commission of Children Protection (KPAI) between 2010 and 2014. Since then, alongside leading the Islamic Boarding School, she has headed Alimat (2015-2024) and the KUPI as well as being one of the Council Members of Indonesian Ulama (MUI). I have known her personally since the establishment of Alimat in 2009.

Fayumi started developing the *ma'rūf* approach during her master's studies at UIN Jakarta.<sup>23</sup> In her MA thesis, she noted that the Qur'an uses the word *ma'rūf* 32 times, 18 of which appear in verses on marriage, family, and husband-wife relationships. The word *ma'rūf* means to be "known" or "understood" and connotes kindness or righteousness, that which has been generally accepted. It is the antonym of *munkar* (something that cannot be accepted or understood). Another definition of *ma'rūf* based on the opinion of the exegetes is "anything which is regarded to be right and good according to shari'a, reason and social norms".<sup>24</sup> The Hanafi School of Law defines *ma'rūf* as synonymous with *'urf*, "anything that can be accepted wholeheartedly because it has strong basic reason and publicly being responded well because it does not contradict common sense or common nature and the general feeling of the community".<sup>25</sup>

Building on the above definitions, Fayumi defines *ma'rūf* as "anything regarded to be right and good according to shari'a, reason, and social norms, and can be accepted wholeheartedly". She argues that, for something to be *ma'rūf*, it must emerge from a dialogue between revelation that contains universal values, and the social reality that is local and particular.<sup>26</sup> For example, in line with this definition, Fayumi contends that polygamous marriage is not *ma'rūf* if the existing wife does not accept it wholeheartedly or if it negatively affects the existing marriage, despite it being stated in the Qur'an. She supports Indonesian state laws (1974 Marriage Law and the 1991 Compilation of Islamic Law) that restricts polygamous marriage by putting forth requirements such as permission from

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<sup>23</sup> Badriyah Fayumi, "Konsep Makruf dalam Ayat-ayat Munakahat dan Kontekstualisasinya dalam Beberapa Masalah Perkawinan di Indonesia" (MA diss., Syarif Hidayatullah State Islamic University, 2008).

<sup>24</sup> *Ibid.*, 40.

<sup>25</sup> *Ibid.*, 43.

<sup>26</sup> *Ibid.*, 57.

the existing wife. She regards this restriction as *ma'rūf* and even recommends asking permission from the children of the union as they would also be affected by their father's additional marriage.<sup>27</sup>

## 2. *Faqihuddin Abdul Kodir: Qirā'ah Mubādalah*

Faqihuddin Abdul Kodir was born in Cirebon, West Java, in 1971. After completing primary school, he pursued secondary education in Pesantren Dar al-Tauhid Arjawinangun, Cirebon (1983–1989). He went to Syria for higher education, earning two degrees, one from the Faculty of Da`wah [Preaching] (1989–1995) and the other from the Faculty of Shari`a at Damascus University (1990–1996). He went on to pursue his master's degree at Khartoum University, in the Damascus branch before transferring to the International Islamic University Malaysia, specializing in the development of *zakat fiqh* (Islamic law on almsgiving) between 1996 and 1999. In 2009, he began his doctoral studies at the Indonesian Consortium for Religious Studies (ICRS) in the Universitas Gadjah Mada (UGM), completed in 2015 with a dissertation titled *Abu Shuqqa's Interpretation of Hadith Texts to Empower Women's Rights in Islam*.<sup>28</sup>

Abdul Kodir is a lecturer at Siber Syekh Nurjati State Islamic University in Cirebon, Indonesia. Alongside his academic work, he is also an activist promoting religious tolerance and gender justice. Together with his teacher, Kiai Husein Muhammad, he is the founder of Fahmina and has been involved in managing Rahima and Alimat . A prolific writer, he has authored at least 12 books, the most well-known being *Qirā'ah Mubadalah: Progressive Tafsir for Gender Justice in Islam* which has been reprinted six times in 2019, twice in 2020, and again in 2021, 2022, and 2023. I met Faqih in 2007 during the Annual Conference of Islamic Studies in Riau. Following the conference, he invited me to collaborate in training women's activists in Indonesia and the Philippines on gender in Islam. Through Faqih, I was introduced to Alimat and became involved in KUPI.

*Qirā'ah mubādalah* is a method of reinterpreting the Qur'an and Hadith to ensure a just reading of the texts. Abdul Kodir was inspired by 'Abd-al-Ḥalīm Muḥammad Abū Shuqqa (1924-1995), the writer of six volume *Taḥrīr al-*

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<sup>27</sup> *Ibid*, 153.

<sup>28</sup> Vevi Alfi Maghfiroh, "Faqihuddin Abdul Kodir", accessed 22 October 2023, [https://kupipedia.id/index.php/Faqihuddin\\_Abdul\\_Kodir](https://kupipedia.id/index.php/Faqihuddin_Abdul_Kodir), 2021.

*Mar'a fi 'Aṣr al-Risāla* (The Liberation of Women at the Time of the Prophecy) to develop this new methodology. Abū Shuqqa advocates for a “hermeneutics of equality”, arguing that women must be recognized as subjects in the process of reading religious texts. This approach aims to liberate women from restrictive interpretation and promote egalitarian gender relation (*musāwah*).<sup>29</sup>

According to Abdul Kodir, the core of *qirā'ah mubādalah* is to foster equal cooperative relation between men and women in all aspects of social life, both within the family and in society and the state. This approach assumes that religious texts are addressed to both men and women as equal subjects to receive the main message of doing *ma'rūf* and preventing what is harmful and bad (*munkar*). Religious texts that are solely addressed to men should have the principal meaning interpreted in a way that also applies to women and vice versa where texts that are specifically addressed to women should have the principal meaning interpreted in a way that also applies to men. As a result, the meaning of kindness taught by the text should be understood as something that must be practiced by both men and women, just as the meaning of badness prohibited by the text must be avoided by both men and women.<sup>30</sup>

*Qirā'ah mubādalah*, as a new methodology in reading the Islamic sources, appears similar to the existing Ushul Fiqh concept, *mafhum mukhalafah*, however, they are different. The key difference between the two is that *mafhum mukhalafah* denotes that a provision contradicts what is stated in the text due to the opposite or differing conditions. For example, the provision that zakat must be given for the grazed goats indicates that zakat is not required for goats fed in a pen. Another example is the provision that an ex-husband should give maintenance to his ex-wife if she is pregnant, implying that he should not give maintenance if she is not pregnant. In contrast, *qirā'ah mubādalah* is a perspective and way of seeing<sup>31</sup> that

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<sup>29</sup> Faqihuddin Abdul Kodir, “*Qirā'a Mubādala: Reciprocal Reading of Hadith on Marital Relationships*,” in *Justice and Beauty in Muslim Marriage: Towards Egalitarian Ethics and Laws*, ed. Ziba Mir-Hosseini, Mulki Al-Sharmani, Jana Rumminger, and Sarah Marsoo (London: Oneworld Academic, 2022), 181–209.

<sup>30</sup> *Ibid.*

<sup>31</sup> Faqihuddin Abdul Kodir, *Qirā'ah Mubādalah. Tafsir Progresif untuk Keadilan Gender dalam Islam* (Yogyakarta: IRCiSoD, 2019), 217.

clarifies that the injunctions in the Qur'an and Hadith are intended and directed to both men and women. Therefore, even when men or women are not explicitly stated in the text, the provision applies to both in their relationship with each other. For example, by using *qirā'ah mubādalāh*, the Qur'anic verse 4: 19 that instructs men to treat their wife well should be understood as instruction to women to also treat their husbands well.

Like wadud, Abdul Kodir argues that the religious texts of the Qur'an and Hadith should be read holistically and not on a piecemeal basis. To achieve this, he differentiates text into three categories: (1) *al-mabādi'* (fundamental values), texts that contain fundamental Islamic values such as *tawhid* (monotheism), justice, cooperation, and benefit; (2) *al-qawā'id* (*thematic principle*), texts that contain values and norms in relation to specific areas such as economics, politics, and marital relationship,<sup>32</sup> and; (3) *al-juz'iyāt* (context specific) texts that contain the implementation of the fundamental values or principles to particular cases, such as gender roles in the public and private spheres. These texts should be interpreted in conjunction with the values and principles of Islam, both *al-mabādi'* and *al-qawā'id*. Texts on social and marital issues that mention either men or women can usually be categorized into *juz'iyāt* and should be reinterpreted to align with fundamental Islamic values.

The following breakdowns the steps to interpret the texts using *qirā'ah mubādalāh*: (1) identify whether the texts are about the relation between men and women in family or society, (2) ensure that the texts implicitly or explicitly refer to men or women as subjects and objects in relation to each

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<sup>32</sup> According to Abdul Kodir, partial and thematic principles related to husband and wife relationships, for instance, are the principle verses of five pillars of household: (1) commitment with the strong bond promise as the mandate from Allah Swt (*mītsāqan ghalīzan*, Quranic verse An-Nisa (4: 21); (2) the principle of partnership and reciprocity (*zawāj*, Quranic verse Al-Baqarah (2: 187 and ar-Rum, 30: 21); (3) the act of giving comfort/compliance (*tarādhin*, Quranic verse Al-Baqarah (2: 233); (4) treating each other well (*mu'āsyarah ma'rūf*, Quranic verse An-Nisa (4: 19); (5) the habit of consulting each other (*mushāwarah*, Quranic verse Al-Baqarah (2: 233). These five pillars are the principal teaching that are the references for the formulation of laws, agreements, contracts, and conducts in marriage and household issues. These are *al-Qawā'id*, not *al-Mabadi'*, because they are thematic on the issue of marriage and household. They are also the implementation of the fundamental values in *al-mabādi'*, namely monotheism (*tawhid*), justice, cooperation, and welfare.

other, (3) identify whether the content of the texts is about values and principles (*al-mabādi'*, or *al-qawā'id*,) or about specific conduct (*juz'iyyāt*). Texts about the principles (such as gaining benefits and avoiding harm) apply universally, but texts about specific conduct needs to be examined within their broader message before being applied to both men and women.<sup>33</sup>

Abdul Kodir applies this method to selected Hadiths. For example, he shows that several hadiths that instruct men to exhibit good character in their relations to their wives (Sunan Turmudzi, no. 1195), always act with kindness (Sahih Muslim, no. 3720), and take responsibility (Sahih Bukhari, no. 5243), are addressed to women to do the same in their relations with their husbands. This is because the principles of good character, kindness, responsibility are fundamental values and norms (*al-mabādi'*) universally applicable to all and, specifically, the pillar of marriage (*al-qawā'id*), binding both men and women for the benefit of them both. In Abdul Kodir's understanding, the Prophet frequently addressed men in hadiths due to their social responsibilities at that time, emphasizing that they should use their authority for the benefit of women, rather than acting in an authoritarian or oppressive manner.<sup>34</sup>

Other examples of *qirā'ah mubādalāh* in husband-wife relations can be seen in several Hadiths. One states that a wife who is ungrateful for her husband's kindness will enter hell (Bukhari no. 305). Another warns that a wife who refuses her husband's sexual needs will be cursed by angels (Bukhari no. 5248). A third declares that a wife who seeks divorce without a valid reason will not enter paradise (Abu Dawud no. 2226). These Hadith focus solely on women, instructing them to act righteously while remaining silent on men's responsibilities. However, Islam's core values apply to both men and women equally.

The Qur'an establishes that men and women are partners (9:71), must maintain a strong marital bond (4:21), treat each other kindly (4:19), consult one another (3:159), and strive for mutual satisfaction and well-being (2:187). Applying this perspective, *qirā'ah mubādalāh* reveals that anyone—husband or wife—who is ungrateful, neglects their partner's needs, or seeks

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<sup>33</sup> Abdul Kodir, "Qirā'a Mubādala: Reciprocal Reading," 196.

<sup>34</sup> *Ibid.*, 198–199.

divorce without just cause violates these principles. Just as a wife is warned about ingratitude, a husband must also appreciate his wife's kindness. If a wife is cautioned against neglecting marital duties, a husband is equally accountable. And if unjustified divorce is condemned, it applies to both spouses, reinforcing reciprocity and fairness in marriage.<sup>35</sup>

### **3. Nur Rofiah: Women's Haqiqi Justice Approach**

Nur Rofiah was born 1971 in Pemalang, Central Java. After completing primary school, she attended the Islamic boarding school (*pesantren*) Khoiriyah Hasyim, in Tebuireng, Jombang, in East Java. She earned her first degree on Tafsir and Hadith from the Faculty of Theology, UIN Yogyakarta, and her Master and Doctoral degree on the Science of Qur'anic Interpretation from Ankara University, Turkey, on Qur'anic exegesis. She is now a lecturer at the postgraduate studies program of Perguruan Tinggi Ilmu Al-Qur'an/PTIQ (Higher Education on Qur'anic Sciences). In addition to teaching, she is active in several Islamic organizations such as Fatayat (Nahdlatul Ulama young women's organization), Alimat, and Rahima. She is also the founder of *Kelas Gender dan Islam/KGI* (Gender and Islam Class).<sup>36</sup>

Rofiah developed a methodological framework for reading and interpreting the Qur'an based on the concept of women's *haqiqi* justice (Ind. *keadilan hakiki perempuan*). *Haqiqi* justice refers to a justice that does not use the strong and the dominant as the sole standard for the weak and the vulnerable. Women's *haqiqi* justice integrates both women's social and biological experiences. Rofiah developed this approach in response to male domination in Qur'anic interpretation to counterbalance the male norm and ensure that women's unique biological and social experiences are being considered when interpreting the Qur'an. Women have biological experiences that are different from those of men, such as menstruation, pregnancy, childbirth, and breastfeeding. Socially, due to their biology and the patriarchal system, women often experience subordination, marginalization, stigmatization, victims of violence, and double or multiple burdens. Her approach recognizes the diversity in women's experiences and

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<sup>35</sup> *Ibid*, 198.

<sup>36</sup> Nur Rofiah, *Nalar Kritis Muslimah. Refleksi atas Keperempuanan, Kemanusiaan, dan Keislaman*. (Bandung: Afkaruna, 2020).

avoids imposing a single standard for all women across different time and places. Rofiah believes that the Qur'an as a whole embodies the spirit of women's *haqiqi* justice.<sup>37</sup> In the Western academia, Rofiah's approach aligns with the feminist standpoint developed by Sandra Harding in the 1970s.<sup>38</sup> While Harding developed a feminist methodology for research and feminist knowledge productions across various fields, Rofiah applies this perspective specifically to reinterpret Islamic sources to produce gender-sensitive and egalitarian interpretations of Islam.

Rofiah argues that men and women have equal standing in multiple aspects of life: as servants of Allah, both possess physical, intellectual, and spiritual capabilities whose values depend on how they used these capabilities to benefit others; as husbands and wives, they are equally responsible for creating a peaceful relationship; as family members, they share responsibility for building, maintaining, and nurturing family life; as citizens, both men and women have equal roles in contributing to the prosperity and well-being of society.<sup>39</sup>

Rofiah categorizes the Qur'anic verses into three hierarchical levels: (1) the highest level relates to the ultimate objective of establishing a life system that becomes a blessing for all, including women; (2) the intermediate level is that of the moral foundation, the principle and basic values of Islam such as monotheism (*tawhīd*), belief (*īmān*), *islām* (peace), *ihsān* (perfection), justice, humanity, benefit, safety, health, security, sustainability, and other moral values that guide one towards attaining their noble character,

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<sup>37</sup> Nur Rofiah, "Tafsir perspektif keadilan hakiki Perempuan", accessed October 2024, <https://ibihtafsir.id/2022/02/14/tafsir-perspektif-keadilan-hakiki-perempuan/>

<sup>38</sup> Sandra Harding and other feminist scholars such as Dorothy Smith, Nancy Hartsock, Hilary Rose, Patricia Hill Collins, Alison Jaggar and Donna Haraway have developed standpoint feminist theory which has three principles: (1) that knowledge is socially situated or affected by the social condition of the knowledge producers; (2) that the marginalized group such as women can see or are aware of things that are not being experienced by non-marginalized group; (3) research or knowledge production should begin with the lives of the marginalized (Internet Encyclopedia of Philosophy/IEP, "Feminist Standpoint Theory", accessed on October 20, 2024, <https://iep.utm.edu/fem-stan/>). See also Sandra Harding, "Introduction: Is There a Feminist Method?" in *Feminism and Methodology. Social Science Issues*, ed. Sandra Harding (Bloomington and Indianapolis: Indiana University Press, 1987), 1–14.

<sup>39</sup> Rofiah, "Tafsir perspektif keadilan."

including through the ethical treatment of women; (3) the lowest level is of strategy or method, the pragmatic and practical guide for changing the concrete life system during the Qur'an revelation into the idealized system of Islam.<sup>40</sup>

Rofiah's categorization of the content of the verses is similar to that of Abdul Kodir's of the Qur'anic verses. Both scholars emphasize that the first levels guide the interpretation of the third level of verses. In fact, the third, and lowest, category of the verses can be changed and should be contextualized to adhere to the top two categories of verses, such as in the case of inheritance division, where, to achieve justice, males do not necessarily receive a higher portion of inheritance if they can no longer be the family providers. In line with other Muslim feminist scholars, Rofiah argues for a contextual reading of the Qur'an. To read the Qur'an contextually, she divides the verses into three categories:<sup>41</sup>

1. **Starting points:** these verses reflect the existing social norms at the time of the revelation when women were often treated as objects rather than full human beings. This way of thinking changed during the revelation. For instance, women were initially viewed as possession, but later, valued as jewels and treasures.
2. **Intermediary stage:** these verses represent a compromise and position men as the primary subjects and women only as secondary ones, thereby, attributing less value to women. Examples include verses on inheritance division, the value of female witness in the credit transaction, and the verses on polygamy.
3. **Final goal:** these verses affirm the full humanity of both men and women and uphold *haqiqi* justice, contained in the verses of mission and moral foundation. An example is the equal value given to men and women's testimony in the case of *li'an* (mutual cursing in adultery accusations).<sup>42</sup>

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<sup>40</sup> Rofiah, "Tafsir perspektif keadilan" and Nur Rofiah, "Reading the Qur'an Through Women's Experiences", in *Justice and Beauty in Muslim Marriage. Towards Egalitarian Ethics and Laws*, eds. Ziba Mir-Hosseini, Mulki Al-Sharmani, Jana Rumminger and Sarah Marsso (London: Oneworld Publications, 2022), 66.

<sup>41</sup> Rofiah, "Tafsir perspektif keadilan" and Rofiah, "Reading the Qur'an", 62-63.

<sup>42</sup> A wife can nullify her husband's accusation of her committing *zinā* by using a similar oath.

According to Rofiah, the above three types of verse mirror the three different social system that range from hard patriarchies, soft patriarchies, into gender-just societies. Hard patriarchies refer to societies in which men are dominant and that set the standard of humanity. In this system, women are regarded as passive objects whose interests are not important. Soft patriarchies are systems where men are dominant, and women are treated as the second class. The needs and interests of women are treated the same as those of men without attention to the specific biological needs of women. Gender-just societies are the ideal societies in which women can achieve their *haqiqi* justice because men and women are considered equal subjects before Allah, with special attention to women's biological and social experiences.<sup>43</sup>

The Qur'an, according to Rofiah, is a system of teaching that gives complete and comprehensive guidance in the process to humanize all individuals, including women, through a gradual but continual move towards gender justice. *Haqiqi* justice for all, including women, requires the continual move towards the Islamic system of life that serves as a blessing for the universe, grounded in an Islamic moral foundation that upholds and glorifies human ethics, including those concerning women. This understanding of the Qur'an is intended to prevent the misuse of the Qur'an in the following ways: to legitimize bad treatment against women and to treat the specific contexts and injunctions addressed by the Qur'an in relation to the 7th century Arabia as the ultimate goal of Islam. It also serves to discourage interpreting verses on initial departure or temporary target as the final aim of Islam and to prevent Muslim societies that have the idealized vision of Islam from regressing.<sup>44</sup>

Rofiah uses the KUPI fatwa on child marriage as an example of her method for interpreting religious texts based on women's experiences. While child marriage negatively affects both male and female children, female victims of child marriage face additional risks such as pregnancy, childbirth, puerperium/post-partum bleeding (*nifas*), and vulnerability to marital abuse and sexual violence. These harms contradict the Qur'anic ethics to achieve

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<sup>43</sup> Rofiah, "Reading the Qur'an", 64–65.

<sup>44</sup> Rofiah, "Tafsir perspektif keadilan."

justice and ensure well-being for all, including girls.<sup>45</sup> Therefore, child marriage should be abolished.

The fatwa making process of the KUPI also differs from the male-dominated fatwas. Where traditional rulings often assess activities based on whether they might cause *fitna* (temptation) for men, the KUPI shifts the focus to women's well-being:

1. "if the activity absolutely can cause *fitna to men*, it is *haram* (prohibited);
2. if it may cause *fitna to men*, it is *makruh* (should be avoided);
3. if it is guaranteed it will not cause *fitna to men*, it is allowed [my emphasis]."

This was changed by the KUPI into the following guidelines of making fatwa:

1. "if it is absolutely harmful for women, it is *haram*; 2) if it may cause harm to women, it is *makruh*; 3) if it absolutely will not cause harm to women, it is *halal*."<sup>46</sup>

This shows how the standard of making fatwa has shifted from a male-biased consideration into being based on women's experiences and their well-being.

## The Trilogy of KUPI's Methodology

As mentioned earlier, Badriyah Fayumi, Nur Rofiah and Faqihuddin Abdul Kodir are the leading founders and organizers of the KUPI and their new methodologies in interpreting religious texts were officially adopted as the KUPI's methodology, launched during the second KUPI in 2022. These three methodologies for reinterpreting the Qur'an and Hadith act as a trilogy, with each approach supporting and complementing the others. When reading the Qur'anic verses, the first step is to identify the *ma'ruf* message within the verse/verses, ensuring that it aligns with the mission of Islam as a blessing for the entire universe (*rahmatan lil 'ālamīn*), embodies noble character

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<sup>45</sup> Rofiah, "Reading the Qur'an", 80.

<sup>46</sup> *Ibid*, 80.

(*akhlāq karīmah*), and ensure it is reasonable and socially acceptable. This message is categorized by the credo of *Maqāsid Sharī'a* (the intended aims of shari'a) to either derive benefit (*jalb al-mashāliḥ*) or prevent harm (*daḥ' al-mafāsīd*). This message establishes the reciprocal (*mubādalah*) responsibilities of men and women in its implementation. Both men and women are simultaneously active agents and recipients of the benefits derived from the verses. Similarly, neither men nor women should be perpetrators or victims of the harm prohibited by the message of the verses. This shared responsibility, in which both are recognized as human beings and subjects, should be supplemented with an awareness of women's *haqiqi* justice, whereby women's biological and social experiences are acknowledged as being distinct from those of men. These differences should be taken into consideration when interpreting Qur'anic verses or Hadith, especially when applying them, to prevent women's conditions from worsening due to their unique biological and social realities. Women's *haqiqi* justice emphasizes that our understanding of the texts should allow women to receive the benefit intended by the texts and protect them from the harms prohibited by the texts.<sup>47</sup>

The application of the trilogy can be seen, for example, in the reinterpretation of the Qur'anic verse 4: 34. First, it is essential to understand the message and meaning of *ma'rūf* in this verse, particularly in relation to responsibility (*qiwāmah*) in the family. One aspect of this responsibility involves fulfilling the needs of the spouse (*nafaqah*) physically, psychologically, sexually, and materially in terms of clothes, food, housing, and healthcare. The fulfilment of these needs is considered *ma'rūf*, in line with the principles of shari'a, and is both reasonable and socially acceptable in the context of spousal or marital and family relationships. The fulfilment of these needs should be implemented reciprocally (*mubādalah*) or should become the joint responsibility and right between husband and wife. Both husband and wife should be active agents contributing to meeting and receiving family needs. Technically, the responsibility can be alternated or shared based on the ability and opportunities of each. However, women's *haqiqi* justice approach requires men to provide financial support to women, especially when women

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<sup>47</sup> Faquiddin Abdul Kodir et.al, "Maqasid Cum-Mubādalah of KUPI: Centering Women's Experiences in Islamic Law for Gender-Just Fiqh", *Al-Ihkam. Jurnal Hukum dan Pranata Sosial*, Vol. 19, No 2, (2024).

are pregnant, giving birth, breastfeeding, and encounter social difficulties in finding job opportunities.<sup>48</sup>

In one of the KUPI's fatwas about child marriage, the *ma'rūf* aspect of marriage is in line with shari'a principles (religiously acceptable), and it is reasonable and socially acceptable to have a *sakinah* (peaceful), *mawaddah*, and *rahmah* (full of love and affection) family. To create this peaceful and loving family is the joint responsibility (*mubādalāh*) between husband and wife, taking into consideration women who may be biologically pregnant or socially have limited mobility. In the case of child marriages, children are not mature enough to take on the above responsibility. Female victims of child marriage are likely to get pregnant, give birth, and breastfeed all before they are biologically ready for the reproductive burdens and, therefore, are considered vulnerable to pain and even mortality. Socially, child marriage can restrict children, especially girls, from accessing education and other public benefits. By using *ma'rūf*, *mubādalāh* and women's *haqiqi* justice, the KUPI issued a fatwa declaring that the prevention of child marriage is an obligation for all parties, especially parents, religious and community leaders, and the state.<sup>49</sup>

The above discussion about the KUPI illustrates a changing paradigm in knowledge production in the form of fatwas that are based on women's experiences and framed with an equal gendered perspective. The issues taken into consideration by women's ulamas are also different from those discussed by male ulamas. The KUPI has issued fatwa on children marriage, sexual violence, and environmental destruction because women are disproportionate victims of these issues. Without sensitivity to these issues and a commitment to the lived experiences of women, such fatwas could not have been issued. The KUPI is unique to the Indonesian context, bringing women's agency in fatwa production to the center. The women who are in the KUPI are academicians, *pesantren* leaders, and human right activists whose voices are heard and respected. Their knowledge production has been used as references for the Indonesian government to advance women's rights.<sup>50</sup>

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<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*

<sup>50</sup> Rofiah, "Reading the Qur'an", 81-82.

## Conclusion

This article examined the unique dynamic of Indonesia since the influence of global Muslim feminism arrived in the 1990s that led to the production of a new Indonesian feminist scholarship working to reinterpret Islamic textual sources to achieve gender justice. The Indonesian context after the Reform Era has provided space for civil activism through the establishment of many non-government organizations, such as Rahima, Fahmina, and Alimat. These NGOs initiated the gathering of the first KUPI and others such as AMAN Indonesia and Gusdurian supported them during the second KUPI. The KUPI has become a forum to affirm the existence of women ulama and a celebration of knowledge production by those women ulama. The knowledge produced by them is, indeed, distinct from the existing male-biased knowledge. The knowledge (fatwa or Islamic legal opinion) produced argue in favor of the marginalized groups: victims of child marriage, sexual violence, and environmental destruction. In its second congress, the KUPI successfully launched three methodologies developed by its scholars: *ma'rūf*, *qirā'ah mubādalāh* and women's *haqiqi* justice approach. The use of these three methodologies in interpreting Islamic sources has provided alternative readings to support gender justice.

*Ma'rūf* means kindness or something that is religiously, reasonably and socially acceptable. By using the *ma'rūf* approach, we use shari'a, reason and custom to determine acceptable laws on certain issues. For example, even though polygamy is textually mentioned in the Qur'an (shari'a), if the practice is not approved by the first wife (and children), then polygamy is considered unlawful. To be lawful, polygamy should be textually (religiously), reasonably, and wholeheartedly accepted by all parties. *Qirā'ah mubādalāh*, developed by Abdul Kodir, successfully made women, the invisible subject in the text, visible equal subjects to the texts and ensured that the rules for men also apply to women (and vice versa) in husband-and-wife relationships. That is to say, that the directive for a husband to treat his wife well is also instruction for the wife to treat her husband well. Moreover, it is not only a wife who is risks not entering paradise if she asks for a divorce without any justifiable reason as a man can also ask for divorce or break marital relationship without justifiable reason. Furthermore, by using Nur Rofiah's women's *haqiqi* justice approach, the KUPI can issue fatwas to prohibit child marriage based on the painful experiences of female victims of child marriage who are vulnerable to early pregnancy, childbirth,

breastfeeding, and other social problems such as sexual and domestic violence due to the power im-balance between the child-wife and the husband. Rofiah's categorization of Qur'anic verses into (1) starting points, (2) intermediary stages, and (3) the final goal can help Muslim readers not to take for granted that the starting point of verses, such as the verses that tend to position women as object, is the final goal. The final goal is stated in the verses which positions women as equal subjects to men.

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