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Feminist Jurisprudence, Women *Ulama* and *Iftā* in Indonesia: Dutiful Daughters or '*alMuftiyāt alMujadilāt*'?

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SHORT BIO

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ABSTRACT

Eight years ago a group of Indonesian women scholars who constituted themselves as 'women ulama' claimed the epistemic authority to pronounce on matters of Islamic law, and enacted it by issuing three collective fatwas. Six years later they repeated this process and issued four more fatwas. How should we read this development, in terms of the Muslim women's movement, and the growth and development of Islamic law? Recognising the fatwa as the fundamental element of Islamic legal thought, the work of KUPI continues and expands modern processes of collective fatwa making. Significantly KUPI also add a framework derived from women's experiences of the law; namely attention to ma῾rūf (goodness), mubādalah (hermeneutics of reciprocity), and hakiki (substantive or true) justice. Even as Muslim women advance innovative readings of classical Islamic law and its legal processes, feminism remains entwined in a colonial history that is difficult to lose. And so the feminist associations of the work of the KUPI remain muted for now. Their achievements, however, must be announced and celebrated.

KEYWORDS
feminist jurisprudence, fatwa, muslim women Indonesia

Over the past eight years, a potentially feminist fatwa-making practice has emerged. The Congress of Indonesian Women Ulama (known by its Indonesian acronym of KUPI), emerged at the confluence of Indonesian and international women's movements and anti-colonial struggles as well as state and treaty commitments to gender equality, to recognize women's religious authority. Having brought together facilitative aspects of fatwa-making and social activism, the KUPI has combined mechanisms of consensus-building in Islamic law with Indonesian civic movements, drawing on a history of women's movement-building, the religious authority of women-led *pesantrens,* and the analytics produced by gender studies at universities to enable a mechanism of law reform that addresses contemporary challenges faced by women in Indonesia.

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What achievements are signaled by this development and how do we understand them in the broader contexts of Islamic law, the production of justice in Muslim societies, and transformative Muslim feminist praxis? Are the women ulama of the KUPI dutiful daughters or, rather, modern day *mujadilāt*, or even, potentially, *almuftiyāt almujadilāt* (the debating women muftis) of our time?[1]

Among the milestone moments in historic gender struggles are the women of the Iranian Revolution, which took place almost 50 years ago, and the inspirational work subsequently published in Zanan magazine. The Dossiers of Women Living Under Muslim Laws (WLUML) in the UK, the numerous publications of Sisters in Islam (SIS) in Malaysia, workshop style outputs of Karamah in the US, and the publications, briefs, and global campaigns of Musawah are more recent outcomes of the progressive growth of the women's movement for change in the practice and understanding of Islamic law. [2] The result is a vibrant movement of gender-based legal reform effected through scholarship and activism.

In a lesser-known example, around 2008, FeminIjtihad was formed to facilitate law reform in Afghanistan. A knowledge building project, FeminIjtihad brought together scholars and researchers to identify and share literature and interpretive tools for feminist legal reform. Their aim was to develop a resource book "to push for law reform in Afghanistan". [3] Knowledge previously unavailable to non-specialists would be presented in accessible language and made easily available. This focus on epistemic authority and access to knowledge resources points to a key element of Islamic law, namely the location of pietistic authority in a genealogy of legal scholarship. FeminIjtihad used a genealogy of scholarship, primarily progressive, but also located in a historical trajectory of legal thought, to guide the work of Afghan advocates as they reformed local legal practice. Most feminist, Afghan law reform projects have since ended and Afghanistan's laws now restrict women's access to both education and the public sphere more generally.

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1 The debating women muftis. See below for more on this terminology.

2 See their websites for what work has been done. Musawah: https://www.musawah.org/knowledge-building/; WLUML https://www.wluml.org/; Sisters in Islam https://sistersinislam.org/who-we-are/; Karamah https://karamah.org/about/.

3 "Welcome to FemIjtihad" document, unpublished, my private library.

Characteristically, feminist scholarship in Islamic law engages critically and productively with the genealogies of Islamic law in the various branches of positive law, jurisprudence, judgement, legal history, and the making of *fatwas* which is known as *iftā.* Gendered and feminist interrogations of the history, products, and mechanisms of Islamic law include the works of Ziba Mir Hosseini, Riffat Hassan, and Asghar Ali Engineer, among others who have provided a foundation upon which the global Muslim women's movement has steadily been built over time and, eventually, localized.[4] Examples of local movements include the Canadian Council of Muslim Women (CCMW), Strategic Initiative of the Horn of Africa in Ethiopia (SIHA), and The Women's Memory Forum in Egypt.[5] Groups like the Muslim Personal law Network in South Africa have been specifically oriented toward legal reform and have prioritized the practice of *khula* and Muslim marriage contracts. More impactive, and with a longer history, are the informal Women's Sharī'ah 'Adālats in India launched by Bharatiya Muslim Mahila Andolan (BMMA) and the Muslim Women's Jama'at.[6] The core conceptual thread that connects this work is a focus on solutions that emerge from women's experiences of the law.

In the BMMA's Sharī'ah 'Adālats, which launched in 2004, women claim the title *qazi,* or judge, and focus on the intersections of Qur'anic law and constitutional law. They have an established training program that offers them epistemic authority through a madrasah certificate at the *Dar-ul-'Uloom-i-Niswan*. The Sharī'ah 'Adālats use Islamic law practices of "arbitration (*taḥkīm*) and mediation (*waṣāṭah, ṣulḥ*)" and encourage the active use of a marriage contract, or *nikah-nama,* to manage the marital

4 For a detailed history of gender and legal reform, see Fatima Seedat and Justine Howe. "Gender and the Study of Islamic Law: From Polemics to Feminist Ethics," in *The Routledge Handbook of Islam and Gender,* 1st ed., ed. Justine Howe. (Routledge, 2021). 83-97.

5 Some of their work is available at the following: Women Memory Forum https://wmf.org.eg/en/; Muslim Personal Law Network https://www.facebook.com/mplnetworkSA/; Canadian Council of Muslim Women https://www.ccmw.com/; Strategic Initiative for women in the Horn of Africa https://sihanet.org/; Bharatiya Muslim Mahila Andolan (BMMA) https://www.facebook.com/BMMA2015/.

6 Justin Jones, "Where Only Women May Judge': Developing Gender-Just Islamic Laws in India's All-Female 'Sharī'ah Courts," *Islamic Law and Society* 26, no. 4 (2019): 437-466

authority and legal options of both husbands and wives.[7] Many of the women *qazis* have worked as advocates or social reform activists in local women's circles and dispute resolution forums.[8] The Women's Sharī'ah 'Adālats are a milestone development in the continuing growth and evolution of Islamic law. Much like the KUPI, they represent a particular convergence of movements for law reform and social change specific to the Indian subcontinent and its unique history of colonial rule.

Changes in Muslim legal practice through various histories under colonialism have meant that Muslim polities have had to adapt differently to the colonial impositions on local law and legal practice. In some cases, such as in some areas of India, Islamic law was removed entirely except for within family law. In other cases, Islamic law continued to frame the national legal context and influenced various elements of everyday law and legality. Some nations such as Indonesia saw Islamic legal councils being established with state recognition. Indeed, it is apparent that Islamic law has responded in various ways to these changing geo-political and social configurations and their legal practices.

A major challenge in studying Islamic law is a combination of orientalist and Islamophobic narratives that seek to characterize the history of Islamic law as delayed, stagnant, and speculative.[9] Contrary to this belief, Muslim scholarship and late Western academia posit instead the narrative of Islamic law as a dynamic system of legal and spiritual thought originating with the Prophet of God (peace be upon him), and continuing immediately thereafter with the *fatwa* being elemental to the origins and growth of the law.[10] The *fatwa* is the fundamental element of Islamic legal thought and practice, tracing its origins from legal practice prescribed by the Qur'an, (namely Q4:176) and Prophetic practice, and continuing in the time of his successive followers. As the fundamental unit of legal thought that enables the

7 Jones, "Where Only Women May Judge," 457.
8 Jones, "Where Only Women May Judge," 441.
9 One example is in Joseph Schacht, *The Origins of Muhammadan Jurisprudence*. (Oxford: Clarendon Press, 1979). For the alternative, see Wael B Hallaq, "From Fatwās to Furū: Growth and Change in Islamic Substantive Law." *Islamic Law and Society* 1, no.1 (1994): 29-65.; Omer Awass, *Fatwa and the Making and Renewal of Islamic Law*. (New York: Cambridge University Press, 2023) 284.
10 Hallaq, 1994; Awass, 284.

production of norms for social and individual life, the fatwa is crucial to the movement of the law through time.[11]

Umar Awass (2023) traces the movement of *fatwa*-making or *iftā* from the production of communal norms for the nascent communities surrounding the Prophet, to international fatwa bodies with elaborate *iftā* practices to illustrate that the *iftā* is a scholarly legal practice that responds to extant social specifics. *Fatwas* form the foundation for the development of complex systems of legal practice, coalescing around prominent jurists and their distinctive legal practices, and culminating over time in schools of legal thought.[12]

Dialogic inquiries characterized by a question and response, each *fatwa* generally begins with a question from a petitioner, presented in a manner that allows the jurist to understand their primary concern. In response, the scholar proceeds methodically before presenting the *fatwa*. The first task is to locate the matter within the broader realm of existing law (whether religious or transactional, etc.), while making connections or adaptations to corresponding areas of the law. Next, the scholar must identify the legal ruling before presenting the *fatwa* to the petitioner. In this final phase the scholar must ensure compliance with the definitive texts of Islamic law, specifically the Qur'an and hadith, as well as the intellectual practices of analogous reasoning (*qiyas)* and the established legal opinion in the form of existing juristic consensus (*ijma),* all while maintaining the objectives of the law (*maqāṣid al-shariah*). Change is prompted by differences in circumstances, whether it be individual, geographic, and temporal. The *fatwa,* however, must nevertheless adhere to the objectives of the law. This is the established process for *iftā.*[13]

Responding to political change, Awass observes that in post-colonial contexts there appears to be a change in the practice of *iftā*, namely the emergence of "a sort of hybrid jurisprudence in that it is not merely an extension of those historically established legal norms and rulings, but it is a

[11] Hallaq, 1994; Awass 2023.
[12] Awass, 284.
[13] Egypt's Dar Al-*Iftā* offers a quick reading on the process of *iftā:* https://www.dar-aliftā.org/en/fatwa/what-is-fatwa

product of a new legal rationale that is addressing novel sociohistorical conditions".[14] Furthermore, the processes of *fatwa* making continues to evolve, specifically toward collective *iftā*.

To illustrate this, Taqwa Zabidi describes *fatwas* as a bridge linking the past and the future and explores how national and international *iftā* bodies adjudicate biomedical issues in gender ambiguity. Their processes "bridge the gap between Islamic and biomedical perspectives, put Islamic scholars and medical practitioners together and connect Muslims around the world".[15] Closing the gap between the past and the present, between the jurisprudential heritage and novel circumstance and science, Zabidi's analysis points to contemporary *fatwa*-making that has grown beyond the function of individual scholars into institutional and collective practices that also includes various non-legal expertise, such that collective *iftā* practices now effect global Muslim practice. As Awass observes, international *iftā* bodies take a collective approach to *iftā*, gathering scholars from a variety of legal schools as well as a host of subject matter experts to collectively produce *fatwas* relevant to contemporary Muslim concerns.[16]
For Muslim feminist, legal scholarship, the emergence of the KUPI's collective *fatwa*-making is a significant milestone. The KUPI has laid claim to a fundamental element of Islamic law, asserting the epistemic authority of women *ulama* and their capacity for *iftā*, relying on the principles of consensus building in women's movement-building and global sisterhood. Furthermore, the movement has expanded on international trends in collective *fatwa*-making to harness the historical dynamism of the *fatwa* as a mechanism for legal responsiveness to evolving demands for justice.

Methodologically, the KUPI has both remained within the classical law systems of *fatwa*-making but also enriching them as the authors of the articles in this issue will illustrate. Kamala Chandrakirana and Faqihuddin Abdul Kodir (2025) offer a detailed analysis of the history and politics around the KUPI, noting amongst its collective "male and female ulama, as well as secular women's rights and social justice activists". Uniquely KUPI uses a tripartite epistemic framework, authored by Badriya Fayumi, Faqihuddin

14 Awass, 251

15 Taqwa Zabidi, "Analytical Review of Contemporary Fatwas in Resolving Biomedical Issues Over Gender Ambiguity," *Journal of Religion and Health* 58, no. 1 (2019): 153-167. doi: 10.1007/s10943-018-0616-0.

16 Awass. 251.

Abdul Kodir (featured in this issue) and Nur Rofiah. In producing *fatwas*, the KUPI is directed by three concerns: "what is "*maʿrūf,* that which is religiously, reasonably, and socially acceptable; *keadilan hakiki*, a substantive understanding of justice; and *mubādalah*, the principle of reciprocity" (Nurmila 2025). Nina Nurmila's work offers an insightful exploration of each aspect of the three principles that guide the KUPI's thinking. Importantly, these also function alongside the traditional sources of the law, namely Qur'an*, the Hadith*, analogical reasoning and the juristic consensus of historical and contemporary scholars*.* Furthermore, the KUPI draws on the national constitution and, significantly, the lived realities of women (Nurmila 2025).

As Nor Ismah observes, the KUPI has both used and innovated the traditional *fatwa* format. Indeed, the KUPI *fatwas* are structured differently from others such as the Indonesian Ulama Council (MUI). The KUPI *fatwas* feature seven sections concluding with references and detailed appendices. According to Nor Ismah, the KUPI "places particular emphasis in the sections *taṣawwur*, *adillah*, and *istidlāl*" (Ismah 2025). These opening sections of the *fatwa* offer a detailed description of the issue, the analysis, and the interpretive reasoning. The former aspect is especially important for the KUPI's approach as it presents women's lived experiences, that subsequently becomes the primary concern that must be addressed when providing a remedy to the problem raised by the petitioner (Ismah 2025). This detailed attention in the opening foregrounds women's experiences so that the final *fatwa* produces "substantive or true justice (*keadilan hakiki*)" for both men and women (Ismah 2025).

To illustrate this further, Nor Ismah shows that, unlike the MUI's brief issue summary, the structure of the KUPI's *fatwa* on sexual violence, the conception or the *taṣawwur,* provides detailed context for the issue including data reflecting women's real-life experiences. This enables the KUPI to highlight the gendered nature of the issue and the lived experiences of women that is then incorporated into its legal reasoning. Ismah argues that "These are not merely background elements, but integral to the analytical and interpretative process. This substantial part of KUPI's methodology is a prerequisite for the process of fatwa" (Ismah 2025). A further unique aspect is that the KUPI's *fatwas* allow for specificity by distilling each *fatwa* concern into three separate questions focusing on distinct aspects of the main concern. Thereafter, the *fatwas* include "nine essential values, with the

Qur'anic and Prophetic principle of compassion (*kerahmatan*), the framework of *maqāṣid al-sharīʿa* (objectives of shariʿa), and the approaches of *maʿrūf* (goodness), *mubādalah* (hermeneutic of reciprocity), and *keadilan hakiki* (substantive or true justice)" (Ismah 2025). Finally, the *fatwas* also refer to Indonesian law and international human rights law, expanding the scope of juristic thought to include specificities of historical time, national location, and socio-political circumstance. This echoes developments elsewhere whereby *fatwas* are now marked by hybridity, in that they are "not entirely new, nor are they a rehash of legal doctrines of the past",[17]

To return to our opening concern, how should we understand the achievements of the KUPI? What the KUPI offers should be celebrated as an additive development to modern trends in collective *fatwa*-making. Representing a unique convergence of historical legal practice with contemporary knowledge and experience, the KUPI *fatwas* continue a strong legal tradition that maintains the functional links of *iftā* to social change. Awass has shown that, similar to legal responses that originate in the specific social and religious concerns, there is a "reciprocal relationship between fatwas and social change in Muslim society".[18] So, while the KUPI has expanded some aspects of *iftā*, they have also remained faithful to the history and function of *iftā* as a responsive mechanism of social change.

In the broader contexts of Islamic law, we may review the KUPI's achievements alongside similarly groundbreaking work elsewhere. Characteristically the women *qazi's* of the Sharī 'ah 'Adālats and the women *ulama* of the KUPI share an important strategy in the inclusion of male allies who they rely upon at times to facilitate their work and at other times to authorize it. Where communities would accept a male scholar's verdict more easily, the Women's Sharīʿah 'Adālats refer to trusted male scholars to complete the work they began. Among the woman *ulama*, Nelly van-Doorn Harder shows that the KUPI has also found "that a shift in the patriarchal mindset can only happen when they include male religious authorities" (van-Doorn Harder 2025).

And in this matter, there may also be room for feminist critique. In using the mechanisms of *iftā* remaining within the parameters of Islamic law, we may

[17] Awass, 2023, p. 252
[18] Awass, 2023 p. 3.

question whether the KUPI risks becoming a dutiful daughter of a historically complicit father or patriarchal law. Similar critique has been levelled against the BMMA that was accused of maintaining the distance between women and the legal protection of the state. Replicating parochial turf struggles amongst religious and state authorities, secular feminist critique accuses Muslim feminists of perpetuating and, thus, insulating Muslim family law from state reform. Ahmad Nuril Huda highlights the "counterpublics discourse" created by the KUPI's digital footprint and online fora, where the community surrounding the KUPI have resisted feminist labelling because of the many ways in which feminism shares in a colonial past (Huda 2025).

Rose Braidotti once complained that feminist philosophers practiced philosophy as "dutiful daughters" performing a "mimetic repetition of established academic and intellectual conventions based on the phallologocentric codes".[19] It stood to reason for Braidotti that rather than replicating "an institution that has theorized and practiced the oppression, exclusion, and symbolic disqualification of women", legitimate feminist philosophy required "reinventing a new kind of philosophical style, based on sexual difference", namely a new theoretical style focused on embodied subjectivity.[20] The sexually differentiated subject is significant not only for the material differences in the body of the speaking subject, but for the different experiences that differently sexed individuals encounter: the "female feminist subject is the site of intersection of subjective desire with wilful social transformation".[21]

To extrapolate from Braidotti' s critique, feminist *iftā* should not be merely a dutiful daughter's re-creation of a patriarchal system shaped only by inherited legal norms and practices. Moreover, it should not replicate the phallocentric logics of its inheritance but, rather, be informed by the experiences of differently sexed individuals. Finally, it must be transformative. The KUPI illustrates all three of these aspects, primarily as a group advocating for social change at the intersections of women's movements for justice and *iftā*, and an Islamic legal mechanism for social responsiveness. The KUPI both inherits and transforms historical legal tools,

19 Rosi Braidotti, "Embodiment, Sexual Difference, and the Nomadic Subject" *Hypatia* 8, No. 1. (Winter, 1993): 2

20 Braidotti, 5

21 Braidotti, 3

and, in response to phallocentric logics, prioritizes the experiences of women.

Neither of the above two innovative movements in Islamic law at present can be accused of merely wanting to be dutiful daughters. While they remain within the systems of Islamic law, the simultaneous work to prioritize women's lived experiences in legal thought, generally monopolized by phallocentric logics and praxis, locates them instead in a trajectory of historical dispute that is not so dutiful to the patriarchs as it is to the Qur'an and early Muslim practice.

For women reading from within the tradition, the KUPI's practice resonates Qur'anically, particularly with '*alMujadila*', differently translated as the debating, pleading, or disputing woman, Khawlah bint Tha'labah. Sura 58 of the Qu'ran is named after the disputing woman who demands the Prophet provide a better legal solution to her marital problem. Khawlah explains how her husband has practiced an abusive form of marital separation, for which she requires relief. The Prophet looked to local tradition and received a revelation to offer Khawlah a solution, but Khawlah is unhappy, and finds the solution unjust. In her complaint to the Prophet and her plea to God for an alternative remedy, we see the concerns of a woman who determined that the legal practices of her time did not meet the parameters of her belief in God's justice. And so, she asks the Prophet to return to God for a better a solution that provides her family with real justice. Modern day '*mujadilāt*' (plural of *mujadila*), the KUPI offers diligent and experience-based intellectual dispute with the history and the present of Muslim legal thought, demanding solutions that address the concerns of contemporary Muslim societies in their specific contexts to produce *haqiqi*, that is, real justice.

The KUPI has evidently taken valuable counsel from Kawlah's example. Not the dutiful daughters of a patriarchal tradition, perhaps the daughters of Khawlah: women ulama engaged in legal discourse responsive to women's real concerns. Women producing *fatwas*! Those who practice *iftā* are otherwise known as *mufti* (m) or *muftiya* (f),and many women are *muftiyāt*. Would the KUPI allow us, or even find it useful, to think of them as women muftis engaging the historical legal tradition? Following the tradition of Khawlah, may we speak of '*almuftiyāt almujadilāt*', or the debating women muftis, pursuing just solutions for Muslim women?

The KUPI engages with the phallocentric logics and praxis of the Indonesian State, local custom, and the historical systems of Islamic law. Attentive to *maʿrūf* and *mubādalah,* guided by a demand for *haqiqi,* or real justice, the KUPI represent the best aspects of Islamic law, religious and intellectual effort, and local and international women's rights mechanisms for solidarity and consensus-building, shaping a potentially feminist *fiqh*. However, until feminism finds less resistance in Indonesia, or is more effectively redeemed from its colonial legacies, that announcement may, for now at least, need to remain muted.

The celebration of the KUPI's achievement, however, should not be. To that end, this volume offers a deep-dive into the history, philosophy, processes, and strategies of the KUPI, as the abstracts below illustrate:

Chronicles of a Collective Claim to Religious Authority: KUPI's Women Ulama by Kamala Chandrakiranai and Faqihuddin Abdul Kodirii

This paper chronicles KUPI's collective claim to religious authority for women ulama in Indonesia, from the perspective of the initiators of this movement. It reveals some of the thought process behind key actions taken by KUPI during its first decade in making this collective claim, particularly on how KUPI locates itself in Indonesia's multiple histories of struggle towards social justice, how it constructs its broad-based and inclusive movement in order to make its bold claim, and how recognition of religious authority takes form at the community level and in the personal lives of KUPI's women ulama. This chronicle draws on the authors' engagements, analysis, and reflections as part of the initiators and leadership of KUPI.

KUPI Approach to Qur'an and Hadith Re-interpretation by Nina Nurmila

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. 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. 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 *maʿrūf* (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.

Issuing Justice: Women Ulama, Fatwas, and the Ratification of Indonesia's Sexual Violence Crime Bill by Nor Ismah

The ratification of the Sexual Violence Crime Bill in May 2022 reflects the collective efforts of diverse actors advocating for gender justice in Indonesia, including women ulama from the Congress of Indonesian Women Ulama (Kongres Ulama Perempuan Indonesia/KUPI). Central to this achievement is the KUPI's pioneering 2017 fatwa condemning sexual violence, which empowered women ulama to mobilize support for the bill. This article explores how KUPI's fatwa galvanized support for the Bill, helped to overcome resistance, and built lasting coalitions, thereby drawing attention to the overlooked role of women in issuing fatwas and in navigating and reshaping traditional religious frameworks to address gender-based violence. Using qualitative methods—including online observation, textual analysis, and interviews—I examine how women ulama challenge patriarchal interpretations of Islamic law and assert their authority in public religious discourse. I argue that, in social movements, fatwas can serve as internal innovations that offer shared moral guidance, unite actors, and act as mobilizing tools to drive policy change. This study contributes to a deeper understanding of female religious authority in Islamic jurisprudence and

highlights shifting gender dynamics in contemporary Muslim societies, with a specific focus on Indonesia.

KUPI's Gender Campaigns, Digital Activism, and a Counterpublic in the Making by Ahmad Nuril Huda

The expansion of the Internet and social media platforms over the past decades has empowered many progressive Muslim women's groups associated with the Congress of Indonesian Women Ulama (KUPI) to leverage digital realms for their Islamic feminist campaigns. However, their digital initiatives often remain undervalued due to the marginalization of their gender discourses compared to the dominant conservative narratives surrounding women's issues in the country. The aim of this article is to examine the last four years of the KUPI's online feminist campaigns, especially those from after its second congress in November 2022. I focus on the KUPI's creative endeavors to expand their feminist ideas through activities in online spaces and the potential of these endeavors to create an environment where they can articulate and increase their voices against the patriarchal discourses on women prevalent in Indonesian society. I draw my data from a combination of online observation from the KUPI's media networks, interviews with individuals involved in the KUPI's digital initiatives, and desk research on KUPI-related topics. I frame the data with a theoretical approach that examines the intersection of women's digital activism and the creation of counterpublics in contemporary society. This framework acknowledges the capacity of these Islamic feminist activists to publicly discuss women-related issues, raise awareness about gender justice, and foster collective action aimed at improving women's health and well-being.

Observations From The Outside: The KUPI Factor by Nelly van Doorn-Harder

The second convening of the KUPI in November 2022 was attended by international participants who had firsthand opportunity to gauge its relevance beyond Indonesia. Many non-Indonesian scholars and religious activists who observed the developments related to the KUPI conferences in 2017 and 2022 agree that they represent a significant movement within the Muslim world, particularly in Indonesia, where female scholars are actively shaping the discourse on Islam and gender, promoting

interpretations that support women's rights and social justice. The central questions in this article are: What makes the KUPI a distinct and promising movement? How can it establish a lasting presence in Indonesia? Not every Muslim community is ready to accept the ideas and methods of the KUPI. Issues that play out at the grassroots level or within women's circles escape the interest or attention of the mostly male interpreters. The KUPI questions and challenges the dominant patriarchal interpretations of the Qur'an. This is bound to find resonance among Muslim women across the Muslim world and makes translating the KUPI materials into other languages more urgent than ever.

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Chronicles of a Collective Claim to Religious Authority: KUPI's Women Ulama

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SHORT BIO

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ABSTRACT

This paper chronicles KUPI's collective claim to religious authority for women ulama in Indonesia, from the perspective of the initiators of this movement. It reveals some of the thought process behind key actions taken by KUPI during its first decade in making this collective claim, particularly on how KUPI locates itself in Indonesia's multiple histories of struggle towards social justice, how it constructs its broad-based and inclusive movement in order to make its bold claim, and how recognition of religious authority takes form at the community level and in the personal lives of KUPI's women ulama. This chronicle draws on the authors' engagements, analysis, and reflections as part of the initiators and leadership of KUPI.

KEYWORDS
Women ulama, religious authority, collective claim

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Introduction

> *Throughout the history of Islam since the time of the Prophet, women ulama have prevailed and contributed to shaping Islamic civilization but our presence and role have been marginalized by a history unilaterally constructed over centuries.*
> *The existence of women ulama with our roles and responsibilities throughout time is, essentially, the calling of our faith and a historical inevitability.*

This statement was made as part of a pledge in front of around 600 women ulama[1] who came from various parts of the country at a traditional Muslim boarding school, Pesantren Kebon Jambu, located in a small town at the outskirts of Cirebon in West Java. On this occasion, the first convening of the Congress of Indonesian Women Ulama (known by its Indonesian acronym, KUPI), the women ulama committed to eliminating all forms of injustice by claiming the right to interpret Islamic texts as equal inheritors (alongside male ulama) of the Prophet's mission on Earth. This pledge, known as the Ikrar Kebon Jambu, closes with an added affirmation that the women ulama are also citizens who bear rights and the responsibility of achieving the nation's aspirations as stipulated in Indonesia's constitution, including to uphold equality and human rights for all.

The national convening on 27–29 April 2017 was a unique moment that witnessed the inaugural articulation of KUPI's autonomous voice representing a new community of Indonesian women ulama. While there have been other occasions in Indonesia's history when religiously-learned Muslim women have publicly expressed their collective voice, this occasion was distinct in two ways. First, KUPI was established outside existing, mainstream, religious mass organizations such as Nahdlatul Ulama and Muhammadiyah,[2] and is open to people coming from diverse Islamic organizations and traditions. Second, KUPI's definition of women ulama is inclusive of male ulama who commit themselves to the struggle for gender

[1] In Indonesian, the word 'ulama' is used both to indicate reference to the singular and plural.

[2] There is a multitude of Islamic mass organizations in Indonesia, however, Nahdlatul Ulama and Muhammadiyah are considered the largest, with memberships estimated to be around 95 million and 60 million people, respectively, in a country with a total population of 280 million.

equality. It also welcomes secular women's rights activists who constructively engage with religious communities. As a result of this unique amalgam, KUPI stands distinct from other spaces led by religiously-learned Muslim women who organize at massive levels in Indonesia.

Amidst the growing academic literature on KUPI's production of religious knowledge, this paper chronicles KUPI's collective claim to religious authority for women ulama in Indonesia. It draws on the authors' engagements, analysis, and reflections as some of the initiators and leadership of KUPI.

Indonesia's Women Ulama: Trajectories of a Public Life

Indonesia's women ulama have had a public role since the early 1900s when the country was still a colonized nation. To raise public awareness on the rich and bold public lives of Indonesian women ulama, the KUPI initiators published a book entitled Journeys of Struggle: The Religious Leadership of Indonesia's Women Ulama[3] for its inaugural convening in 2017. The book provides the profiles of 18 women who utilize their religious knowledge to introduce new thinking, measures, and institutions in their respective communities based on the principle of equality between men and women in Islam. Some of the 18 women included were born in the late 1800s and occupied public roles that were recorded since the early 1900s. By including these women, KUPI established itself as part of, and a continuation of, a century-long history of the public role and leadership of women ulama in Indonesia. The book, along with a commitment to further document past and current journeys of women ulama, adds to the wealth of evidence backing KUPI's argument that the existence and role of women ulama in Islam, and in Indonesia specifically, is a historical inevitability borne out of a strong genealogy of women leaders in the region.

It is worth highlighting three women in the book who had prominent public roles during the first half of the 20th century. The profiles of these women illustrate the significance of a religious education within the family at a time

[3] KH Helmi Ali Yafie, ed., *Jejak Perjuangan: Keulamaan Perempuan Indonesia,* (Jakarta, KUPI, 2017). Also see KUPI's digital encyclopedia (in Indonesian): https://kupipedia.id/index.php/Ulama_Perempuan_Dalam_Sejarah_Islam_Indonesia).

when formal schooling for girls did not exist. Moreover, it shows how the public roles of women ulama were shaped by broader socio-political struggles of their time.

Siti Walidah (1872–1946), later known as Nyai Ahmad Dahlan, was the daughter of a prominent ulama in Yogyakarta and married Ahmad Dahlan, founder of Muhammadiyah, one of Indonesia's largest Islamic mass organizations. In 1914, two years after Muhammadiyah's founding, she led a women's initiative promoting literacy and Qur'anic studies.[4] Five years later, Aisyiyah, Muhammadiyah's women's wing, opened a kindergarten and later a school for female teachers. A strong advocate for gender partnership in marriage and against forced marriage, Siti Walidah remained active in Muhammadiyah and Aisyiyah after her husband's death in 1923, even chairing a Muhammadiyah summit in 1926.[5] Both organizations grew as part of the anti-colonial movement. Aisyiyah participated in Indonesia's first women's congress in 1928, which marked women as a united political force. In 1930, Muhammadiyah issued a fatwa allowing women to speak publicly before mixed audiences. During the Japanese occupation Aisyiyah was banned, though Siti Walidah continued her resistance through teaching.[6]

Rahmah El-Yunusiah (1900–1969) was born into a respected family of ulama in Minangkabau, West Sumatra.[7] Her father was a qadi and scholar of astronomy, and her mother came from a lineage of prominent ulama. Her brother, a reformer fluent in several languages, founded an Islamic school in 1915 where Rahmah studied both Arabic and Latin script. Unsatisfied with the school's lack of focus on women's issues, she formed a study group with four other women to explore these concerns. Married at 16 to a progressive young ulama, she amicably divorced after six years. In 1923, she founded an Islamic school for women at a local mosque that offered courses in religious studies, Arabic grammar, and other life skills. She also opened a literacy school for housewives and trained in midwifery, first aid, and physical

4 *Ibid*, 115.

5 Rohmatun Lukluk Isnaini (2016), "Ulama Perempuan dan Dedikasikan dalam Pendidikan Islam (Telaah Pemikiran Rahmah El-Yunusiyah," *Jurnal Pendidikan Agama Islam* 4, no.1 (2016): 13.

6 See https://tirto.id/sejarah-3-januari-lahirnya-siti-walidah-atau-nyai-ahmad-dahlan-dda4 and https://beritaalternatif.com/emansipasi-perempuan/. Accessed 22 July 2024.

7 Yafie, ed., *Jejak Perjuangan*, 147.

education at a Dutch school, earning her a certification as a midwife. In 1933, Rahmah led a public protest against colonial policies targeting local schools and indigenous marriages and was fined 100 gulden for "speaking on politics".[8]

Khoiriyah Hasyim (1906–1983), daughter of Nahdlatul Ulama founder Hasyim Asy'ari, was raised in the reformist environment of Pesantren Tebuireng in East Java. At 13, she married one of her father's top students who later led the pesantren and introduced modern subjects like science and the Latin alphabet.[9] Both her father and husband were key influences in her religious education. In 1933, Khoiriyah co-founded *Pesantren* Seblak, an institution that educated both male and female students. After her husband's death, she remarried and moved to Mecca, where she opened the first women's madrasah in 1942 and served pilgrims while engaging in trade. She stayed connected to Indonesia through articles in Gema Insani, encouraging critical thinking and a spirit of struggle among female students. Returning to Indonesia in 1969, she took over *Pesantren* Seblak and expanded its curriculum to include the sciences and current affairs, as well as setting up a library and newspaper subscriptions for students. She supported the government's family planning program, believing that it was necessary to reduce maternal mortality and poverty and encouraged women to earn their own income as a means of achieving well-being in both this world and the hereafter.[10]

These life stories demonstrate how women's religious knowledge in the early 1900s required progressive male family members and explains why their

8 Alfatikha Ainia Prihadi, "Kontribusi Rahmah El Yunusiyah dalam Pengembangan Pendidikan Islam Perempuan di Indonesia," in *Sejarah Tokoh dan Pelaksanaan Pendidikan Perempuan di Indonesia,* Cornelius Bayu Astana, et al. (Klaten: Penerbit Lakeisha, 2023), 110.

9 Mahrus As'ad (2012), "Pembaruan Pendidikan Islam Hasyim Asy'ari", *Jurnal TSAQAFAH* 8, no. 1 (2012): 105-134. See also Yafie, ed., *Jejak Perjuangan,* 239.

10 Wildan Ichzha Maulana, "Nyai Hj. Khoiriyah Hasyim 1908-1983: Putri Jombang Pelopor Pendidikan Perempuan dan Pejuang Emansipasi," in *Sejarah Tokoh dan Pelaksanaan Pendidikan Perempuan di Indonesia,* Cornelius Bayu Astana, et al. (Klaten: Penerbit Lakeisha, 2023), 15–29.

pathways in public life started with the issue of girls' education.[11] When Islam was emerging as a socio-political force in the resistance against Dutch colonial rule,[12] educating girls was an emancipatory mission linked to the broader nationalist struggle for independence. As Islamic mass organizations, like Muhammadiyah and Nahdlatul Ulama, grew in strength with the rise of Indonesia's nationalist movement, affiliated women actively organized to recruit other women from their respective religious communities. They formed the women's wings of their respective parent organizations, supporting the shared struggle by providing "cultural and social skills as mothers and wives".[13] They also engaged with secular women's organizations from diverse political orientations by taking part in the struggle for a free and united Indonesia, beginning with Aisyiyah's participation in the first Women's Congress in December 1928.[14]

While the public life of women ulama was established early in Indonesia's history, the development of an autonomous voice evolved through a gradual progression under a sovereign Indonesia. After independence in 1945 and the first national elections in 1955, political factionalism ensued in the new sovereign country. Organized Muslim women in the women's wings of Islamic mass organizations fell in line with the position of their affiliated male-dominated parent bodies. When a bill on marriage was debated in the national parliament, these Islamic women's wings stood apart from secular women's groups by supporting the legalization of polygamy.[15] For two decades, the country was in the grips of continuous power struggles amongst the political parties that culminated in mass violence in the mid-1960s. Subsequently, Indonesia suffered 32 years of authoritarianism under

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11 The noted women were contemporaries of Kartini (1879–1904), a prominent women's rights advocate from Central Java whose letters with European feminists are read internationally and is officially recognized as a national hero in Indonesia.

12 As'ad, "Pembaruan Pendidikan Islam," 105–134.

13 Etin Anwar, *A Genealogy of Islamic Feminism: Pattern and Change in Indonesia,* (London: Routledge, 2018), 38.

14 The Women's Congress was convened following the Youth Congress in October 1928 which produced a pledge declaring a commitment to a unified nation of Indonesia and has been recognized as a key moment in Indonesia's independence movement.

15 Nina Nurmila, *Women, Islam and Everyday Life: Renegotiating polygamy in Indonesia* (New York: Routledge, 2009), 52–54. For a description of Muslim women's response to the issue of polygamy in a 1937 draft bill on marriage during the colonial period, see Anwar, *A Genealogy of Islamic Feminism*.

a military dictatorship, known as the "New Order", in which any kind of independent political activism was non-existent, including for women. Independent organizing only began to emerge during the last decade of the New Order, during the late 1980s.

It was in 1984 when the seeds of what would eventually grow to be the autonomous movement of KUPI was planted, namely with Indonesia's ratification of the international convention on eliminating discrimination against women, CEDAW. CEDAW's ratification also opened the way for integration of women into the government's national development agenda. Four years later, the New Order government required all state universities to set up centres for gender studies, though the first was only established in 1995 by a state Islamic university, in Yogyakarta.[16] Other state Islamic universities around the country soon followed suit, enabling gendered perspectives to flourish from within the scholarship on Islam and the steady growth of young female graduates of the *pesantren* and Islamic secondary schools who were proficient in gender analysis after graduating from their tertiary education.

The autonomous voice of young women ulama further blossomed along with the growth of the pro-democracy movement during the final years of the authoritarian regime. During this period, leaders of Indonesia's major Islamic mass organizations became prominent national figures in the push for democracy. Muslim youth, both male and female, who wanted to take part in the democratization process began to experiment with new ways of organizing within a nascent civil society. They joined secular non-governmental organizations (NGOs) that were advocating for social justice and human rights or set up their own NGOs to address issues of democracy and gender equality rooted within their own religious contexts and traditions. Among the latter was the organization Perhimpunan Pengembangan Pesantren dan Masyarakat (Association for the Development of Pesantren and Society), better known as P3M, that convened study circles on urgent social issues of the time, including gender equality and women's reproductive rights.[17] The energy of "Reformasi", this period of post-

[16] See description by the Islamic State University Sunan Kalijaga, Yogyakarta: https://psw.uin-suka.ac.id/id/page/prodi/1134-Sejarah-Singkat

[17] P3M stands for See Lies Marcoes, "The Encounter of Two Streams of Feminism and Its Influence on the Development of the Progressive Muslim Women's Movement in Indonesia," KITLV, Leiden University, 2022.

authoritarian rebuilding of the Indonesian nation-state following the regime change in 1998, permeated all walks of life and invigorated social movements in both religious and secular spaces. Two of the three organizations that eventually became the initiators of KUPI, Rahima and Fahmina, were born out of engagements with and within P3M. The dynamic interweaving between the religious and secular spaces for women's rights activism continued to flourish during the Reformasi period.

The development of Islamic scholarship on gender in the various Islamic universities as well as the day-to-day experience of dealing with obstacles in male-dominated progressive Islamic contexts led the way for the further strengthening of an autonomous Islamic women's movement like KUPI. Critical Muslim feminist scholarship and discourse began to flourish, focusing on women's reproductive rights and bodily autonomy. In 2004, Maria Ulfah Anshor, a *pesantren* graduate, published a book entitled 'Fiqh on Abortion' bringing together her knowledge of Islamic text and feminist analysis on women's reproductive rights and applying this perspective in her leadership of the young women's wing of Nahdlatul Ulama (NU), Fatayat NU, during the first decade of the 2000s. In the Muhammadiyah community, Siti Ruhaini Dzuhayatin, a former director of the gender studies program at the Islamic State University Sunan Kalijaga, published 'Muhammadiyah's Gender Regime: The Contestation of Gender, Identity and Existence' (2015) based on her insights and experience in various leadership positions, including as one of only two female members of Muhammadiyah's council of religious opinion, Majelis Tarjih, for 1995-2002.[18] Maria Ulfah Anshor is now a member of KUPI's Deliberative Assembly, while Siti Ruhaini Dzuhayatin is a member of its Advisory Council.

However, as autonomous gender-responsive religious thought grew, the initiators of KUPI were also made keenly aware of the limits of women ulama's capacity in influencing mainstream religious institutions. In 2004, Musdah Mulia,[19] a prominent feminist Muslim scholar, led the drafting of a new regulatory framework for the Muslim family while she was senior advisor

[18] See biographies of both women in kupipedia.id: https://kupipedia.id/index.php/Maria_Ulfah_Anshor and https://kupipedia.id/index.php/Siti_Ruhaini_Dzuhayatin

[19] See https://muslimahreformis.co/musdah-mulia-indonesias-foremost-islamic-woman-scholar-and-the-influences-on-her-thinking-part-iii/

to the Ministry of Religion. The document, notoriously called the "Counter Legal Draft on Islamic Family Law",[20] was developed in the euphoria of Reformasi, inciting civil society's progressive Muslim scholars, both male and female, to reform the existing state-sanctioned "Compilation of Islamic Family Law". The new draft provided alternatives to the existing discriminatory provisions, based on the notion that equality between men and women is Islamic. The document was immediately attacked by conservative Muslims, and the project was closed by the ministry. Musdah Mulia, herself, received fierce public denouncements and even threats of violence. This was a traumatic lesson for progressives and feminists in the Muslim community; a warning of the fragility of bold reform efforts within Islam and the vulnerability of attempts to bring them into existence. The necessity of making the claim for religious authority a solidly collective endeavour became increasingly clear for those who eventually came together a decade later to declare KUPI as a new movement.

Constructing a Collective Claim to Religious Authority

> *KUPI is not an organization but a movement.*
> *It is a meeting ground between [deliberative] thought and movement [building].*
> *Such thinking is developed into beneficial knowledge*
> *for education, dissemination, and advocacy so that it could lead to the social transformation we envision.*[21]

Like their predecessors from the early 1900s, the initiators of KUPI were also responding to broader socio-political issues of the time. The sense of urgency for a national gathering to express the autonomous voice of women ulama arose as a response to a key political moment: the escalation of Islamist narratives into Indonesia's mainstream politics as the country approached the elections for local governments in 2017. Campaigns

[20] See https://www.researchgate.net/publication/347222981_Counter_Legal_Drafting_of_the_Islamic_Law_Compilation_A_Gender_Perspective

[21] Opening speech at the 2nd KUPI Congress in Jepara, 24 November 2022, by Chair of KUPI's Deliberative Assembly, Badriyah Fayumi.

opposing religious minorities running for office used symbols of Islam and mobilized Islamist movements.[22] A candidate for the governorship of Jakarta, Indonesia's capital city, was falsely accused of blasphemy and, in the face of popular pressure by Islamists, sentenced to imprisonment. This occurred after years of persecution of minorities in the name of Islam and the failure of government and law enforcers to provide protection. [23]

The rise of supremacist narratives of Islam also had a strong gendered dimension. Local governments created policies enforcing Muslim dress codes and headcovers for women and girls. One province that had implemented sharia prohibited the close proximity of women and men who were not related by blood or marriage, and was sanctioned by public caning in 2003. Child marriage, female genital cutting, and polygamous marriages were on the rise and widely claimed to be standard Islamic practice.

The initiators of KUPI resolved to take on a leadership role in Indonesia's national scene by publicly voicing women ulama's distinct vision for Islam and the nation through a national congress. Following the first convening of the congress, KUPI's women ulama came together and firmly established itself as a movement. Movement-building was resolved to be one of the ways in which KUPI would make its claim to religious authority and be truly collective. This collective nature of the claim would also be manifested in two other ways: first, by the convening of a congress every five years in which timely Islamic legal opinions (fatwa) are produced and second, through the collective leadership of KUPI's Deliberative Assembly.

From there, KUPI's vision of its movement has been one that is simultaneously intellectual, social, cultural, and spiritual. As an intellectual movement, it produces knowledge; as a cultural movement, it creates space and expression; as a spiritual movement, it offers prayers and worship; and, as a social movement, it engages in activism, alongside women's and other social justice movements, pushing for transformative change.

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22 See Marcus Meiztner and Burhanuddin Muhtadi, "Explaining the 2016 Islamist Mobilization in Indonesia: Religious Intolerance, Militant Groups and the Politics of Accommodation," *Asian Studies Review* (2018): 1–19, https://doi.org/10.1080/10357823.2018.1473335.

23 See Rachael Diprose, Dave McRae and Vedi R. Hadiz, "Two Decades of Reformasi in Indonesia: Its Illiberal Turn*," Journal of Contemporary Asia*49, no. 5 (2019): 691–712. https://doi.org/10.1080/00472336.2019.1637922

For KUPI, the core of its movement lies in communities of women ulama working within five distinct areas of service: leaders of *pesantren*, academics in Islamic universities, preachers in community-based prayer groups (*majelis taklim*), community organizers engaging with local religious institutions, and Muslim youth. It considers the family, the community, the state, social movements, and the natural environment to be simultaneous arenas for its struggle. KUPI requires individuals or organizations in its movement to share common values and goals, including through the active application of three concepts: *ma'ruf,* that which is religiously, reasonably, and socially acceptable; *keadilan hakiki*, a substantive understanding of justice; and, *mubadalah*, the principle of reciprocity.[24] Additionally, it calls for the referencing of the Qur'an, Hadith, *Aqwāl al-ʿUlamā* (views of religious scholars), the national constitution, and the lived realities of women in taking a position and formulating Islamic legal opinions on social issues relating to the relations between men and women.

KUPI's collective claim to religious authority is lodged primarily through its national convening, called a "congress" in the spirit of past significant congresses in Indonesia's history. By naming the convening the "Congress of Indonesian Women Ulama", the initiators of KUPI invoke two historic moments in Indonesian women's leadership in the national political scene. In 1928, the "Women's Congress" was a coming together of religious and secular women's organizations during the nascent years of Indonesia's anti-colonial independence movement to establish women's leadership in this struggle. In 1998, the year Indonesia ended 32 years of authoritarian rule, women and feminist activists from around the country gathered in what was called the "Indonesian Women's Congress" to ensure women's political participation in, and benefit from, the post-authoritarian democratization agenda. By adopting the format of a women's congress, the KUPI positioned itself as an integral part of the genealogy of Indonesian women's leadership during key historical moments.

KUPI's congress is convened every five years and held in a *pesantren* led by women who upholds the values and goals of KUPI. The congress functions as the summit in a collective process of producing Islamic legal opinions or fatwa on critical issues affecting women and the nation. Given

[24] See Nina Nurmila's paper in this issue.

the non-binding nature of the fatwa, KUPI facilitates a participatory process in its formulation which would, in turn, ensure that it is grounded in the lived realities of women and then adhered to by its supporters in the daily lives of communities. Decisions on which issues to address through the fatwa are made collectively, including through consultations with key stakeholders. To support the preliminary work in drafting the fatwa, KUPI convenes qualified teams of ulama, male and female, involving secular women's rights and social justice activists who are selected to enrich the deliberations based on their distinct experiences and analyses. During the congress, each draft fatwa is discussed in a session open to all participants for questions and inputs and then finalized by a team of KUPI's women ulama.

KUPI has produced three fatwas during its first convening: on sexual violence, child marriage and environmental degradation due to social inequality. While the first two issues reflected familiar issues faced by women, the fatwa on environmental degradation was also an act of solidarity to the struggles of the indigenous women of Kendeng village in Central Java who were protesting the encroachment of a mining company into their community. On the second convening, KUPI produced five fatwas: on forced marriage, abortion due to rape, female genital cutting, the marginalization of women in addressing violent extremism, and environmental sustainability and women's welfare through waste management.

During KUPI's three-day congress, multiple parallel thematic discussions are also held in the *pesantren* compound. They are carried out as collaborations with civil society organizations working on a diversity of issues relevant to KUPI's goals and agendas, such as on child marriage, migrant workers, religious radicalism. These thematic discussions lead to the drafting of policy recommendations for the government as another outcome of the KUPI convenings alongside the fatwa.

Other activities occupy the *pesantren* compound too: information booths by civil society organizations, a reproductive health clinic, and stalls selling books, crafts and food. The plurality of issues, concerns and constituencies addressed during the congress reflect KUPI's intention to provide a big umbrella for the social transformation agenda and is the outcome of a continuous engagement and dialogue between women ulama and activists in Indonesia's women's movement and other social justice movements.

To sustain its collective claim to religious authority, KUPI has constructed a model of collective leadership in the form of its Deliberative Assembly which is the movement's highest decision-making body. The KUPI Deliberative Assembly, or *Majelis Musyawarah KUPI*, is currently comprising of 14 individuals who were among the initiators of KUPI as well as representatives of the five organizations that function as the organizational pillars of the movement. The Assembly is led by a chairperson and a secretary and has areas of focus assigned to its remaining members: knowledge development, *syiar* (dissemination), movement building and networking. The five organizational pillars are Rahima, Fahmina and Alimat which were the first initiators of KUPI plus two others, GusDurian and AMAN Indonesia, which joined the KUPI leadership towards the second congress. As pillars of the movement, these five organizations reflect an alliance of diverse social forces in Indonesia's civil society, each with their own distinct histories.

Rahima had dedicated 15 years conducting an adult education program, called *Pendidikan Ulama Perempuan* (Education for Women Ulama), with a double focus: on understanding Islam from a gender perspective and on building skills for critical social analysis. The idea of a national convening of women ulama also answered Rahima's need to consolidate energy among the alumni of its education program which, at that time, had reached 300 women.

Fahmina, a key partner to Rahima, further deepened the knowledge base for such a convening with the rich Islamic scholarship that it had built on gender, pluralism and democracy over more than a decade. Under the leadership of Kyai Husein Muhammad, Fahmina also conducted its own capacity building program, called *Dawrah Kader Ulama Perempuan* (Learning Circle for Cadres of Women Ulama). It was clear to both organizations, whose work was oriented to the grassroots, that a strong and impactful autonomous voice of women ulama would not be possible without Alimat, a network of women ulama as well as scholars and activists with experience in advocating for legal reform and policy change at the national level.

Established upon the return of Indonesian delegates to the launching of Musawah, a global movement for equality and justice in the Muslim family,[25]

[25] https://www.musawah.org/

Alimat saw itself as an integral part of an emerging transnational movement in the Muslim world. Its aim is to catalyze synergy among Muslim women's movements to ensure equality and justice in the Indonesian family from the perspective of Islam. Its membership reflects a cross-section of institutions within Indonesia's women's movement, with members from the more mainstream women's wing of Indonesia's largest Muslim mass organizations, such as Nahdlatul Ulama's Fatayat and Muhammadiyah's Aisyiyah, as well as leaders of feminist civil society organizations, such as PEKKA working with rural women heads of households, and feminist academics from Islamic and secular universities. Alimat's first chairperson was a politician-intellectual who had held a seat in the national parliament while leading a *pesantren*. The National Commission on Violence Against Women (Komnas Perempuan)[26] which carries a presidential mandate on policy reform and public education for women's human rights played a key role in facilitating the establishment of Alimat and several of its commissioners joined as individual members.

By the second convening of KUPI, the core organizers of KUPI expanded to two other organizations. Gusdurian is a national network of interfaith leaders and activists advocating for a pluralistic and democratic Indonesia and led by the late President Abdurrahman Wahid's daughter, Alissa Wahid.[27] Gusdurian broadened KUPI's support system to frontline defenders of pluralism, human rights and democracy. AMAN Indonesia, which is the Indonesian chapter of the Asian Muslim Action Network, had built an international network focusing on the issue of women, peace and security in Muslim contexts and widened KUPI's reach abroad.

After two congresses over eight years, KUPI's collective claim to religious authority for women ulama continues to be a process in the making. The collective nature of this claim is constructed through the way the movement is imagined, by the narrative that its struggle is legitimized, and in the model of its collective leadership.

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26 https://en.komnasperempuan.go.id/

27 The name 'GusDurian' is taken from the nickname of Abdurrahman Wahid, the late charismatic leader of Nahdlatul Ulama who played a critical role in Indonesia's prodemocracy movement in the 1980s and later became the President of Indonesia (1999–2001).

Recognizing Religious Authority: The Personal in the Collective

While KUPI's claim to religious authority for women ulama is made as a collective endeavour, recognition of such authority remains inseparable from the personal journeys and heritage of the individual ulama associated with it. As Rahima, Fahmina and Alimat worked to convene the first KUPI congress, the personal lineage of key persons in these organizations to long-standing and well-respected *pesantren* and ulama played a significant role in establishing the credibility of this initiative in the eyes of their peers and to the eventual support that it received. Husein Muhammad, the esteemed elder and guru among the KUPI initiators, comes from a prominent *pesantren*, *Pesantren* Arjawinangun, in Cirebon, West Java. He also has familial affiliations to the leadership of several historically significant boarding schools in East Java, such as *Pesantren* Lirboyo, *Pesantren* Jombang, *Pesantren* Langitan, and in Central Java, namely *Pesantren* Lasem. It is also notable that the site of KUPI's first convening, *Pesantren* Kebon Jambu, while a relatively small boarding school, it is affiliated with *Pesantren* Babakan Ciwaringin which is among the oldest Islamic boarding schools in the country (some say dating back to the 18th century). Badriyah Fayumi, who is the leading figure in KUPI, leads *Pesantren* Mahasina at the outskirts of Jakarta alongside her husband. Her family lineage is traced to a long line of prominent ulama from Pati, Central Java, including a former chair of the Indonesian Council of Ulama. The importance of such lineages in building social legitimacy and credibility reflects the cultural nature of Indonesia's community of *pesantren*-based ulama. But there was also a political dimension in KUPI's ability to garner support and protection during a volatile period when political mobilization of Islamist vigilante groups was rising around the local elections of 2016/2017. Prior to the convening, KUPI leaders approached national political figures to garner support, including through video recordings of the then Indonesian Vice President, the Chair of the Council of Muslim Ulama, the Grand Imam of Indonesia's national mosque, and a progressive senior ulama with a large national following.

At the community level, each woman ulama associated with KUPI navigates her newly emergent religious authority in different ways, shaped by her local contexts and personal journey. To some extent, these differences are also influenced by the five-year gap between the first and second KUPI

convening. In 2017, the initiative to gather women ulama from around the country and produce original *fatwa* was unprecedented and generated admiration and resistance. By the time of the second convening, there was more confidence among the KUPI organizers after gaining growing support and playing a decisive role towards the passage of a bill on sexual violence by the national parliament.[28]

Interviews[29] with two women ulama who hosted the KUPI convenings of 2017 and 2022 illustrate how KUPI's collective claim to religious authority affected their lives and status in their respective communities. Masriyah Amva[30] (born 1961) and Hindun Anisah (born 1974) are both daughters of leaders of *pesantren* and come from long lineages of prominent local religious leaders. Masriyah's father was the head of a small traditional *pesantren* and her mother was a preacher in the community. She and her sisters received the same opportunity for education as their brother although she herself never completed higher education. Hindun grew up in a prominent *pesantren* for women led by her mother and grandmother. Her mother pursued higher education in the school on Qur'anic studies and used to send her letters describing the achievements of various women leaders. When her time came, Hindun decided to enroll in two universities at once: in an Islamic university studying Sharia Law and in a secular university studying political and social sciences, both in the second largest university town in the country, Yogyakarta. At this time, gender studies were growing steadfastly in Indonesia's universities. Hindun then went on to graduate school in the Netherlands where she focused on gender and medical anthropology.

Masriyah and Hindun came to lead their respective *pesantren* by marriage to the *pesantren* head or *kyai*. Their distinct personal journeys shaped their life trajectories during and after hosting the KUPI convenings. Masriyah became leader of *Pesantren* Kebon Jambu upon the death of her husband, the 'kyai'. Her decision to take over the role of her husband had not been well received by the community nor by her own students (called *santri*). Parents began to pull their children out of her *pesantren* in large numbers

28 See Nor Ismah's paper in this issue.

29 The authors thank Iklilah Muzayyanah Dini Fajriyah, lecturer at the University of Indonesia and chair of Alimat, for her assistance in these interviews. The interviews were conducted on 6-7 May 2024 with Masriyah Amva and on 13 May 2024 with Hindun Anisah.

30 *Nyai* is a title associated with the wife of the *kyai*, the male head of a *pesantren*.

and Masriyah felt unjustly treated as a woman. She reflected about the differential attitude towards men and women: "Why is it that when a man loses his wife, he will be OK but when a woman loses her husband, like me, her light diminishes. I contemplated why for women it is like that, and for men it is different." Masriyah began to put in writing her questions and contemplations in the form of poetry and subsequently produced 21 publications.[31]

Hindun came to her position of leadership in Pesantren Hasyim Asy'ari Bangsri, in Jepara, Central Java, through marriage to the son of the *pesantren* head, Nuruddin Amin, who eventually took over leadership from his father. As a newcomer to the *pesantren* and the community, Hindun had to acquaint herself with the local traditions and conventions. In the early years, she received criticism for being an outsider who was intent on reforming the *pesantren* learning curriculum. Aside from her scholarly achievements, her associations with the international world raised questions for some and, at one point, led to accusations of being heretical (in Indonesian, *sesat*).

Both Masriyah and Hindun stood their ground and made progress in their own ways. Masriyah continued to quietly lead, despite feeling bullied and unjustly compared to her late husband. She eventually succeeded in regaining the trust of her students and their parents and, after almost a decade, managed to increase the number of students tenfold by the time she hosted the first KUPI convening. She sees her turning point as the time she realized that women lean on men and men lean on Allah and decided that she must copy the men. She made a declaration to her students in a mosque insisting that they not leave her *pesantren* because "I have found someone to take the place of our deceased leader that is much smarter, much wealthier, greater and more honorable, more in every way, and this is Allah." She then positioned herself as the aide of the true leader of her *pesantren*, Allah, which she thought would be more acceptable to the students and the community.

Despite accusations of being a heretic, Hindun continued her activism on women's rights and became a defender of local women victims of domestic

[31] For example, booklet titles such as 'Rising from Despair' (Kompas, 2010); 'Secrets of the Almighty' (Kompas, 2012); and, 'Tafakkur on Love' (Kebon Jambu, 2015).

violence, exploitation and human trafficking. She also expanded her engagements beyond the local community, joining national civil society organizations, such as Rahima and a Muslim legal aid foundation, as well as taking up a leadership position in a network of grassroots women leaders across diverse *pesantren*. In her *pesantren*, Hindun reformed the curriculum and introduced an innovation by creating and leading a space for dialogue between male and female students.

In April 2017, Masriyah hosted 600 people in her *pesantren* for the first KUPI convening. Her welcome speech reflects her frame of mind shaped by her personal journey as a female *pesantren* leader. She said: "I am a nobody. I am not a real ulama. But when I lean on Allah's light, then I too become full of light. I become someone that meets people's needs. And people call me an ulama. In truth, I am a nobody." She had used a similar narrative in responding to her detractors after taking over the *pesantren* leadership a decade before. She had said to them: "To those who compare me with the kyai, I say do not compare me to him. The kyai is the sky and I am the ground. The sky and the ground. Do not insist that I must be like the kyai." She closed her welcoming statement by declaring herself a feminist and her *pesantren* open to everyone in all their diversity.

When Hindun made her welcome speech, in November 2022, in front of 1600 participants of KUPI's second convening, she invoked female historical figures of Jepara to establish her adopted district as a compelling site of women's leadership in the national scene. These strong female figures were Princess Shima who led Jepara in the 7th century and known for her law enforcement achievements; Princess Kalinyamat who led Jepara in the 16th century and expanded its maritime trade; and, Kartini, a national hero in advocating for girls' education at the turn of the 20th century. "These three heroes are Jepara's icon," she said, "who inspired us as women in Jepara and whom we want to emulate … [and] it is for this reason we nominated ourselves to be the host of KUPI." Hindun's long view back, including into Indonesia's pre-Islamic history, and claim for national standing reflect an eye set beyond the boundaries of the *pesantren* – a view shared with her husband who is also a member of the local parliament representing the political party established by Nahdlatul Ulama. Recalling Kartini, a hero of Indonesia's feminist movement, also expressed her close affinity to the secular women's movement.

Both Masriyah and Hindun recognize that, by hosting the KUPI convenings, they experienced changes in the way others relate to them. They were surprised to receive invitations addressing them as '*ulama perempuan KUPI'* or KUPI's women ulama and saw this as a new identity and status. Masriyah says, after hosting the KUPI convening, "Indonesia began to see me". Hindun describes it as such:

> "Before KUPI, among the *pesantren* community, the '*nyai*' was considered simply as the wife of the *kyai* … Women's religious knowledge was recognized only in a limited way for memorizing the Qur'an and leading prayers but not for generating [Islamic] thought …. People who wanted to ask me a question would first go to my husband, even though he would then turn to me for the answer. They didn't feel confident if they did not go to the *kyai* first. For example, on the issue of menstruation, which is women's biological condition, they preferred to direct the question to my husband or his brother who is also a custodian of the *pesantren*."

Hindun now receives even more questions directly through her Instagram account. After KUPI, she adds, people inside and outside her *pesantren* see her in a new way: not only as the wife of the *kyai* and the custodian of the *pesantren* but also recognized as someone with capacity in her own right. She was surprised to receive invitations from traditional male religious leaders to speak in front of an audience of both men and women. A particularly notable development for Hindun was hearing from a female lecturer at Islamic university that, after attending the KUPI convening, she found courage to defy her husband's prohibition to pursue graduate studies and came to Hindun to seek her support in her scholarly pursuit.

Beyond the personal, the *pesantren* that Masriyah and Hindun lead also benefited specifically from being hosts of the KUPI convenings. Masriyah's *pesantren* received support from the Ministry of Religion to set up a *pesantren*-based Islamic school of higher education, *Ma'had Aly*. She also received an offer of collaboration from the University of Indonesia to teach English for the *pesantren* students and from a local bank to finance a laundry service for the *pesantren*. Her students now come from far-flung areas of Indonesia, not just locally. Hindun's *pesantren* now has more prominence in her district, researchers come to write about the *pesantren*, and artists

borrow the space for their performances. Her students, known to be Hindun's protégé, receive opportunities for scholarships abroad.

Through her wide network, Hindun also observes a shift among the broader *pesantren* community, particularly among young women.

> "Sometimes, after the first KUPI convening, people considered this a momentary euphoria. But after the second convening, there was a realization that this is something serious by women ulama with undeniable capacity. For example, among the *nawaning* [young daughters of *kyai* and *nyai*], not many participated in the first convening and were skeptical of KUPI. But after attending KUPI's second convening, they took part and several of them shifted in their paradigm …. I was surprised that two years afterwards, the *nawaning* were addressing key thematic issues in their *tafsir* studies (Qur'anic text interpretation), such as on sexual violence, adopting KUPI's phrases."

Despite all the encouraging changes, Masriyah and Hindun both recognize that resistance to the idea of women ulama with religious authority is still strong particularly at the centers of traditional religious authority. But even here, Hindun found that the open confrontation has been gradually replaced by backroom grumbling (*bisik-bisik*). She believes the evidence of wide support for KUPI is an influencing factor in this regard. Both women ulama continue to gain public recognition. Masriyah has since been a recipient of several awards recognizing her cultural contributions as a woman ulama, while Hindun now holds a seat at the national parliament after joining in the elections representing her political party in Central Java.

KUPI has shifted the structure of opportunities and constraints for Masriyah and Hindun as women ulama navigating their emergent religious authority. Public recognition of their personal achievements, in turn, also contributes to KUPI's collective stature. In KUPI's social media spaces, such personal accomplishments are celebrated as a collective gain affirming how these personal and collective journeys are directly interconnected.

The possibility of the collective claim by KUPI's autonomous Indonesian women ulama – at both the collective and individual levels – is generated from this dynamic context combined with an openness to new ideas, new

ways and new points of view from outside single Muslim traditions as well as from the secular world, including Indonesia's feminist movement. KUPI also benefits from Indonesia's large ecosystem of social networks among the *pesantren* community and the national system of Islamic education of which its women ulama are part. Even when there is resistance to KUPI's views, they are still able to find alternative spaces for dialogue due to such robust connections. Politically, it has also benefited from the Indonesian government's turn against radical Islamist movements and violent extremism and the subsequent openness to progressive and moderate Islam which began around the time of KUPI's first convening.

In closing, KUPI's experience in claiming and navigating religious authority illustrates the dynamic interplay across multiple social political forces, uniquely grounded in Indonesia's Islamic formation and shaped by specific historical moments.

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Interviews

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Nyai Hindun Anisah, leader of Pesantren Hasyim Asy'ari Bangsri, Jepara, Central Java, interviewed on 13 May 2024.

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.[1] 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.[2] 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 *maʾrūf* (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, *maʾrūf*, *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

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

2 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.

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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.[3]

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.[4] 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.[5] 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.[6]

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

4 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.

5 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&LanguageId=1, n.d).

6 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[7] 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.[8] This was accompanied by the Indonesian government's policy that saw the beginnings of Gender and Development (GAD) in the early 1990s.[9] 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,[10] Zaitunah Subhan,[11] Nurjannah Ismail,[12] and Husein Muhammad.[13]

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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7 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.

8 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.

9 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.

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

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

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

13 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.[14] Fahmina, based in Cirebon, West Java, promotes an interpretation of Islam that is friendly to women and stands for gender justice.[15] 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.[16] It was from the collaboration between these three organizations, Rahima, Fahmina, and Alimat,[17] that the Congress of Indonesian Women Ulama (KUPI) was born.

The Congress of Indonesian Women Ulama (KUPI)

Ulama, the plural of *ʿālim*, refers to a person with *ʿilm* (knowledge), specifically religious knowledge. While both men and women can possess *ʿilm*, 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.

14 Kupipedia, "Pengkaderan Ulama Perempuan," accessed July 28, 2024, https://kupipedia.id/index.php/Pengkaderan_Ulama_Perempuan.

15 Kupipedia, "Fahmina," accessed July 28, 2024, https://kupipedia.id/index.php/Fahmina.

16 Musawah is the global movement for equality and justice in the Muslim family.

17 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.[18] Though women's presence in religious scholarship declined after the 8th century, they nevertheless continued to contribute, particularly in Indonesia.[19] 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: *maʿrūf* (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

[18] 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.

[19] 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.[20] 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).[21] 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.[22]

KUPI Methodologies: *Maʿrūf*, *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: Maʿrūf 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

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

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

[22] 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 *maʿrūf* approach during her master's studies at UIN Jakarta.[23] In her MA thesis, she noted that the Qur'an uses the word *maʿrūf* 32 times, 18 of which appear in verses on marriage, family, and husband-wife relationships. The word *maʿrūf* 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 *maʿrūf* 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".[24] The Hanafi School of Law defines *maʿrūf* 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".[25]

Building on the above definitions, Fayumi defines *maʿrūf* 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 *maʿrūf,* it must emerge from a dialogue between revelation that contains universal values, and the social reality that is local and particular.[26] For example, in line with this definition, Fayumi contends that polygamous marriage is not *maʿrūf* 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

23 Badriyah Fayumi, "Konsep Makruf dalam Ayat-ayat Munakahat dan Kontekstualisasinya dalam Beberapa Masalah Perkawinan di Indonesia" (MA diss., Syarif Hidayatullah State Islamic University, 2008).
24 *Ibid*, 40.
25 *Ibid*, 43.
26 *Ibid*, 57.

the existing wife. She regards this restriction as *maʿrūf* and even recommends asking permission from the children of the union as they would also be affected by their father's additional marriage.[27]

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*.[28]

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. T ogether 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 *Qira`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-*

[27] *Ibid*, 153.
[28] Vevi Alfi Maghfiroh, "Faqihuddin Abdul Kodir", accessed 22 October 2023, https://kupipedia.id/index.php/Faqihuddin_Abdul_Kodir, 2021.

Mar'a fī '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*).[29]

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 *maʿrūf* 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 practic ed by both men and women, just as the meaning of badness prohibited by the text must be avoided by both men and women.[30]

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[31] that

[29] 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 Marsso (London: Oneworld Academic, 2022), 181–209.

[30] *Ibid*.

[31] 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 mubādalah*, 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,[32] and; (3) *al-juz'iyyāt* (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'iyyāt* and should be reinterpreted to align with fundamental Islamic values.

The following breakdowns the steps to interpret the texts using *qirā'ah mubādalah*: (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

[32] 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-Qawa'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 (*tawhīd*), 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.[33]

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.[34]

Other examples of *qirā'ah mubādalah* 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 mubādalah* reveals that anyone—husband or wife—who is ungrateful, neglects their partner's needs, or seeks

33 Abdul Kodir, "*Qirā'a Mubādala: Reciprocal Reading*," 196.
34 *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.[35]

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).[36]

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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35 *Ibid,* 198.

36 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.[37] In the Western academia, Rofiah's approach aligns with the feminist standpoint developed by Sandra Harding in the 1970s.[38] 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.[39]

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 (*tawḥīd*), belief (*īmān*), *islām (peace), iḥsān* (perfection), justice, humanity, benefit, safety, health, security, sustainability, and other moral values that guide one towards attaining their noble character,

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

38 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.

39 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.[40]

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:[41]

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).[42]

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40 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.

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

42 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.[43]

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.[44]

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

43 Rofiah, "Reading the Qur'an", 64–65.
44 Rofiah, "Tafsir perspektif keadilan."

justice and ensure well-being for all, including girls.[45] 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*."[46]

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 *maʿrūf* message within the verse/verses, ensuring that it aligns with the mission of Islam as a blessing for the entire universe (*raḥmatan lil 'ālamin)*, embodies noble character

45 Rofiah, "Reading the Qur'an", 80.
46 *Ibid*, 80.

(*akhlāq karīmah)*, and ensure it is reasonable and socially acceptable. This message is categorized by the credo of *Maqāṣid Sharī'a* (the intended aims of shari`a) to either derive benefit (*jalb al-mashāliḥ*) or prevent harm (*daf' al-mafāsid*). 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.[47]

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 *maʿrūf* 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 *maʿrūf*, 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

[47] Faqiuddin 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.[48]

In one of the KUPI's fatwas about child marriage, the *maʿrūf* 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 *raḥmah* (full of love and affection) family. To create this peaceful and loving family is the joint responsibility (*mubādalah)* 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 *maʿrūf, mubādalah* 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.[49]

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.[50]

48 *Ibid.*
49 *Ibid*.
50 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: *maʿrūf, qirā'ah mubādalah* and women's *haqiqi* justice approach. The use of these three methodologies in interpreting Islamic sources has provided alternative readings to support gender justice.

Maʿrūf means kindness or something that is religiously, reasonably and socially acceptable. By using the *maʿrūf* 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 mubādalah,* 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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Issuing Justice: Women Ulama, Fatwas, and the Ratification of Indonesia's Sexual Violence Crime Bill

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SHORT BIO

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ABSTRACT

The ratification of the Sexual Violence Crime Bill in May 2022 reflects the collective efforts of diverse actors advocating for gender justice in Indonesia, including women ulama from the Congress of Indonesian Women Ulama (Kongres Ulama Perempuan Indonesia/KUPI). Central to this achievement is the KUPI's pioneering 2017 fatwa condemning sexual violence, which empowered women ulama to mobilize support for the bill. This article explores how KUPI's fatwa galvanized support for the Bill, helped to overcome resistance, and built lasting coalitions, thereby drawing attention to the overlooked role of women in issuing fatwas and in navigating and reshaping traditional religious frameworks to address gender-based violence. Using qualitative methods—including online observation, textual analysis, and interviews—I examine how women ulama challenge patriarchal interpretations of Islamic law and assert their authority in public religious discourse. I argue that, in social movements, fatwas can serve as internal innovations that offer shared moral guidance, unite actors, and act as mobilizing tools to drive policy change. This study contributes to a deeper understanding of female religious authority in Islamic jurisprudence and highlights shifting gender dynamics in contemporary Muslim societies, with a specific focus on Indonesia.

KEYWORDS
Fatwa on sexual violence, Sexual Violence Crime Bill, women's fatwa-making, Indonesian women ulama

Introduction

The plenary session of the Indonesian Republic of People's Representative Council (Dewan Perwakilan Rakyat Republik Indonesia/DPR), held on April 12, 2022, was led by the chairperson, Puan Maharani. This session, also attended by various women's organizations and Indonesian civil society networks, was set to ratify the Sexual Violence Crime Bill into law. After hearing the report on the results of the bill discussion from Willy Aditya from the DPR Legislative Body, Puan Maharani proceeded with the ratification.[1]

[1] See https://www.youtube.com/watch?v=HekyjVoocgE accessed 1 June 2024.

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"Next, we ask each faction: can the Sexual Violence Crimes Bill be approved for ratification as a law?" Puan Maharani asked. The faction members responded, "Agreed". Hearing this, Puan immediately banged the gavel and said, "Thank you." The audience responded with applause and cheers of joy. Members of the women's organizations and civil society networks seated in the balcony waved enthusiastically, as did the chairperson. She then continued the process. "Next, we will ask all members again: can the Sexual Violence Crimes Bill be approved to be passed as a law?" she asked, once more receiving an affirmative response from the council members present. For the second time, she struck the gavel and was greeted by another warm response from the audience.[2]

"We felt pure joy and relief when six parliamentary factions expressed their agreement on the Sexual Violence Crime Bill," explained a representative from Rahima, a Muslim women's NGO based in Jakarta and part of the Congress of Indonesian Women Ulama network. Other representatives from the Civil Society Organizations sector appeared similarly overjoyed, embracing government officials, especially members of the factions that had championed the discussion from the beginning. Those from Rahima were moved to tears as they witnessed the bill's ratification.[3]

Indonesia made history by passing the Sexual Violence Crime Bill, following a lengthy process since its initial proposal in 2012 by the National Commission on Violence Against Women. Indonesia's legislative system allows the public to submit proposals to the Legislative Body that may then be advanced for discussion in the People's Representative Council (Dewan Perwakilan Rakyat/DPR) meetings and potentially adopted as a DPR initiative. This proposal can then be adopted by DPR factions, individual members, DPR commissions, the Regional Representative Council, or the government. In the case of the Sexual Violence Crime Bill, the draft was

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2 *Ibid.*

3 Pera Soparianti dan Andi Faizah, "Advocates Corner Series: Rahima's Journeyin Advocating for the Criminalisation of Sexual Violence in Indonesia," *Musawah.org*, 27 June 2022.

proposed as an initiative by Commission 8 and progressed through to ratification in the plenary session.[4]

While several laws in Indonesia address aspects of sexual violence, such as the Criminal Code, the Child Protection Law, and the Domestic Violence Law, they are limited in scope and fail to comprehensively define, prevent, and respond to sexual violence. The Criminal Code focuses mainly on physical violence and outdated moral categories, often resulting in inadequate justice for victims. Other laws either apply only to children or to domestic settings, leaving many cases unaddressed. In contrast, the Elimination of Sexual Violence Bill offers a comprehensive legal framework to address sexual violence by focusing on prevention, victim protection, and justice. It identifies nine forms of sexual violence: rape, sexual harassment, forced contraception, forced abortion, forced marriage, sexual torture, sexual exploitation, sexual slavery, and forced prostitution. The Bill outlines the main punishments for sexual violence, including imprisonment, social work, and rehabilitation, along with special sanctions like restitution, revocation of rights, and loss of professional or political status. It also includes victim-centered procedures, such as fair evidence handling, protection from criminalization, and access to recovery services before and after trial. The bill allows for multiple charges in complex cases and is essential for ensuring justice and legal certainty for victims.[5]

However, the journey toward the ratification of the Sexual Violence Crime Bill was far from smooth. The Bill was highly contested and attracted both strong support and opposition. Critics argue that certain articles—such as Article 6, addressing forced sexual intercourse, and Article 10, concerning forced marriage—could criminalize practices commonly carried out by family members, such as husbands or parents. Additionally, Article 12 on sexual exploitation raised concerns, as it focuses solely on forced sexual acts. Opponents worried that this could be interpreted as implicitly allowing

4 See Edriana's interview with Willy Aditya, https://www.youtube.com/watch?v=B11a8erOm_c accessed 1 June 2024.

5 Atikah Rahmi, "The Elimination of Sexual Violence Bill: Prevention Effort and Access to Justice for Victim," *Advances in Social Science, Education and Humanities Research*, volume 592 (2021): 452 and 454.

consensual sexual activity outside of marriage, which they view as conflicting with moral and religious values.[6]

Willy Aditya, head of the team responsible for drafting and ratifying the Sexual Violence Crime Bill, noted two predominant phobias that surfaced in the DPR hearing room. First, "sexual consent phobia" that feared the possible opening of the door to *zinā* (sexual relations outside marriage) and premarital sex, as the Bill posited consensual sexual relations as outside the realm of criminal law. This fear failed to recognise how sexual consent affirms individual sovereignty over one's body. Second, "gender phobia" that viewed gender as a Western doctrine incompatible with religious values. These two phobias have become firmly established over time, particularly within patriarchal cultural and societal structures that regard sexuality as shameful, taboo, and obscene, consequently silencing victims of violence.[7]

Dina Afrianty (2021) suggests that the public policy debate on the criminalization of sexual violence has been influenced by religious doctrine and state ideology. The Pancasila principle of the "Belief in One God" is commonly understood to imply that policies, particularly on moral issues, should be grounded in religion, especially Islam. Certain perspectives on human and women's rights are rejected as Western ideas that clash with "Islamic values" and are, thus, viewed as unsuitable for shaping public policy. Indeed, it becomes clear that the inclusion of a progressive Islamic perspective that advocates for women's justice, such as the efforts of women ulama from the Congress of Indonesian Women Ulama network, is urgently needed in this debate.[8]

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6 Faqihuddin Abdul Kodir, Yulianti Muthmainnah, and Pera Soparianti, *Tanya Jawab Seputar RUU Penghapusan Kekerasan* Seksual *dari Pandangan Kongres Ulama Perempuan Indonesia (KUPI)*, (Jakarta: Alimat-Kupi-Komnas Perempuan, 2020), 30, 39, and 54.

7 See Edriana's interview with Willy Aditya.

8 Dina Afrianty, "Indonesia's fight for a law against sexual violence needs to involve a discussion of Islamic values", *Melbourne Asia Review*, December 1, Edition 8, (2021).

This article explores the groundbreaking KUPI fatwa condemning sexual violence, issued during the first congress in 2017 in Cirebon, West Java.[9] Issued amid the advocacy efforts for the Sexual Violence Crime Bill, the fatwa empowered women ulama to actively champion its passage, with their religious authority proving instrumental in addressing and overcoming resistance to the legislation. This political moment highlighted the growing recognition of women ulama's religious authority in society. Using qualitative methods, including online observations, textual analysis, and interviews, the discussion in this article aims to investigate how women ulama challenge conservative religious norms by issuing fatwas on sexual violence, and how the process of ratifying the Sexual Violence Crime Bill illustrates the KUPI fatwa's effectiveness as a tool for social policy.

In this article, I examine the KUPI fatwa on sexual violence, not only as a knowledge product resulting from KUPI's religious deliberations, but also by considering its formation process, including interactions among the parties involved and the dimensions that emerge from these interactions. To achieve relevant results, I focus on three elements while studying the KUPI fatwa. First, I consider women and their experiences as sources of knowledge. Second, I examine a multi-site approach to fatwa-making that involves looking at the sites where women ulama issue fatwas, contexts that, in the KUPI's case, are embedded within a social movement. Third, I explore doctrinal changes and ethical practices within the fatwa-making process.[10] I contend that for social movements pushing for policy change, fatwas can serve as powerful internal tools that offer shared moral guidance and help unite and direct various actors. Beyond just raising awareness, movements need strong organizing structures to build coalitions, face opposition, and stay active over time. The KUPI's female ulama use fatwas as part of this structure, helping to mobilize people and strengthen the movement's efforts for lasting policy change.

This article begins with a brief introduction to the KUPI fatwa condemning sexual violence, emphasizing its key implications by recognizing women's

9 For a detailed explanation of the first Congress of Indonesian Women Ulama, please refer to David Kloos, and Nor Ismah, "Siting Islamic Feminism: The Indonesian Congress of Women Islamic Scholars and the Challenge of Challenging Patriarchal Authority." *History and Anthropology* 34, no. 5 (October 20, 2023): 818–43.

10 Nor Ismah, "Women's Fatwa-Making in Indonesia: Gender, Authority, and Everyday Legal Practice, *International Journal of Islam in Asia*, 4 (2023): 75–97.

experiences as a vital source of knowledge. The discussion then examines the role and significance of the KUPI fatwa within social movements advocating for policy change. Finally, the article's last section explores the essential aspects of doctrinal changes and ethical practices involved in the KUPI's fatwa-making process.

KUPI's Fatwa against Sexual Violence

The KUPI aims to restore women's authority in Islamic jurisprudence by empowering them to interpret religious texts and issue fatwas. Existing research on KUPI fatwas have examined the issues addressed in its congresses. Three major topics discussed during the first congress in 2017 were child marriage,[11] sexual violence,[12] and environmental destruction.[13] Among the issues discussed in the second congress in 2022 were forced marriage[14] and female genital mutilation (FGM).[15] The research broadly explained the KUPI trilogy method in fatwa-making that includes *maʿrūf* (goodness), *mubādalah* (hermeneutic of reciprocity), and *keadilan hakiki perempuan* (substantive or true justice of women). Additionally, these studies discuss the significance of the KUPI fatwas in promoting a gender-just society through fatwa-making.[16]

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11 Taufik Hidayatulloh and Bahro Syifa, "Analysis Study of the Movement of the Indonesian Women's Ulama Congress (KUPI) In Against Sexual Violence and Child Marriage", *SMART: Journal of Sharia, Tradition and Modernity*, Volume 2, Number 2, (2022): 127–142.

12 Wilda Aulia Maulida Afni, "Implementation of The CEDAW Convention on Sexual Violence Through the Congress of Indonesian Women Ulama, Proceeding of the International Conference of Gender and Feminism 2023 on "Feminist Theory and Practice: Efforts to Maintain Human Values", Center of Gender Studies, Universitas Jember, Indonesia.

13 Moh. Rofqil Bazikh, "Ecotheological Exegesis: A Study of Indonesian Women's Ulema Congress Opinion", *Al-ʻAllāmah Journal of Scriptures and Ulama Studies* 1, No. 1, (2024): 55–75.

14 Arifah Millati Agustina and Nor Ismah, "Challenging Traditional Islamic Authority: Indonesian Female Ulama and the Fatwa Against Forced Marriages," *Journal of Islamic Law* 5, No. 1, (2024): 125–146.

15 Zharin Zhafrael Mohamed and Anizar Ayu Pratiwi, "Indonesian Muslim Feminism's Criticism of the Practice of Cutting Female Genitalia from a Human Rights Perspective," *Journal of Islamic Mubadalah* 1 No. 1 (June 2024): 1-13.

16 Faqihuddin Abdul Kodir, *Metodologi Fatwa KUPI: Pokok-Pokok Pikiran Musyawarah Keagamaan Kongres Ulama Perempuan Indonesia*, (Cirebon: Fahmina Institute, 2021).

A fatwa is an Islamic legal opinion[17] provided by an ulama or *mufti* (the one issuing the fatwa) as an answer to a question posed by a *mustafti* (the one asking the fatwa) formulated in line with established jurisprudential principles. However, a fatwa is not legally binding as the *mustafti* can either follow or leave the fatwa. The methods and the processes of issuing fatwas have evolved over time. The main parts of fatwa reasoning are the Qur'an and Hadith, and traditionalist ulama also include *taqlīd*, that is, an adherence to the authority of past scholars from one of the four canonical schools (madhhab).[18] While fatwas were once issued solely by individual muftis, they are now often produced collectively by fatwa institutions that also, as in the Indonesian context, release various types of statements.[19]

In Indonesia, each fatwa-making body, such as the state-sanctioned Indonesian Ulama Council and Nahdlatul Ulama's Bahtsul Masail, follows its own unique methods and procedures for issuing religious rulings. This includes how they apply religious texts and principles to a fatwa. These methods shape how their fatwas are structured, usually resulting in written statements published in print or online. Typically, a fatwa responds to a question from someone seeking religious guidance. However, both the Indonesian Ulama Council and Bahtsul Masail also issue "fatwa-like" declarations that are not tied to a specific question but, instead, address broader societal issues or respond to laws.[20] In addition to differences in methods and procedures, each fatwa institution uses its own processes and structure. The Indonesian Ulama Council, Bahtsul Masail, and KUPI even have their own terms for the steps and sections in their respective processes.

The KUPI addressed three major questions in its first congress—including one on sexual violence—through a process of discussion and consensus

17 Syafiq Hasyim, *The Shariatisation of Indonesia: The Politics of the Council of Indonesian Ulama (Majelis Ulama Indonesia, MUI)*, (Leiden: Brill, 2023), 22.

18 Nico J. G. Kaptein, "The Voice of the 'Ulama': Fatwas and Religious Authority in Indonesia", *Archives De Sciences Sociales Des Religions*, 49e Année 125 (Jan–Mar 2004): 115–30.

19 Kaptein, "The Voice of the 'Ulama'.

20 *Ibid*. See also Pradana Boy Zulian, *Fatwa in Indonesia: An Analysis of Dominant Legal Ideas and Mode of Thought of Fatwa-Making Agencies and Their Implications in the Post-New Order Period*, (Amsterdam: Amsterdam University Press, 2018).

established in advance. These discussions involved both Muslim women scholars and activists from outside religious institutions. The KUPI uses the term "sexual violence" in its fatwa on the issue, emphasizing that such acts are prohibited both within and outside of marriage. The fatwa also highlights the important distinctions in Islamic law between rape and *zinā* (sexual relations outside marriage), particularly in terms of their definitions, the punishments applied, and the types of evidence required. Below is a summary of the KUPI's fatwa on sexual violence based on its written statements:

The questions are:

1. What is the Islamic law on sexual violence?

2. Is rape the same as *zinā* (sexual relations outside marriage) with regard to the aspects of definition, punishment, and evidence required in Islamic law?

3. What is the view of Islam towards government authorities and parties who have a responsibility to protect victims of sexual violence but do not fulfil their obligation? Does Islam contain the concept of imposing punishment for these offenders?

The religious positions and views are:

1. The law regarding sexual violence in any of its forms, as stated in the *taṣawwur* (description) and *istidlāl* (analytical and interpretative reasoning), is that sexual violence is *ḥaram*. This applies for sexual violence committed both inside and outside the bond of marriage;

2. Rape is not the same as *zinā*, seen from the viewpoint of definition, punishment, and required proof to prosecute;

3. The view of Islam towards state authorities and other parties who have a responsibility to protect victims of sexual violence but do not fulfil their responsibility and in some cases even act as perpetrators of sexual violence [is as follows]: a) The state has a responsibility to guarantee the fulfilment of all of its citizen's rights, including the rights of victims of

> sexual violence. If the state and/or law enforcement officers neglect this duty or create difficulties regarding the fulfilment of citizens' rights, the state has failed to uphold principles of justice and has committed despotic acts that contravene the Constitution of the Republic of Indonesia; b) In the case that the state or other parties who have a responsibility to protect become, in fact, perpetrators of violence—including perpetrators of sexual violence—the view of Islam is that the sins and the punishment for these perpetrators should become more severe (*taghlīẓu al-ʿuqūbah*). This is because these parties have carried out multi-layered violations: the violation of sexual violence itself and then the neglect to fulfil their responsibilities to protect victims and the rights of citizens. This applies both for state authorities and other parties who have been given a mandate to protect.[21]

The KUPI introduced a recent innovation in its approach to fatwa-making, evident in how fatwas are structured, the way questions and answers are formulated, the sources they draw upon, and the interpretative methods employed. The first notable innovation lies in the structure of the fatwas, as documented in the KUPI's report. Each fatwa includes the followings sections: *taṣawwur* (description), *adillah* (sources), *istidlāl* (analytical and interpretative reasoning), *sikap dan pandangan keagamaan* (religious positions and views), *tazkiyah* (recommendations), *maraji*ʿ (references), and *marāfiq* (appendices).[22] This structure differs from the typical structure of fatwas issued by the Indonesian Ulama Council (MUI) that consist of a brief issue description (*deskripsi masalah*), problem formulation (*perumusan masalah*) with specific questions, legal rulings/*ḥukm* (*ketentuan hukum*), which are the answers, and the foundational basis (*dasar penetapan*) such as Qur'anic verses, Hadiths, scholarly opinions (*aqwāl al-ʿulamā'*), and previous MUI fatwas that reinforce the ruling.

The structure of the KUPI's fatwa on sexual violence places particular emphasis in the sections *taṣawwur*, *adillah*, and *istidlāl*. Unlike the MUI's brief issue summary, the *taṣawwur* serves as a critical component in the KUPI's fatwa structure, providing context for the issue with data and real-life experiences. This approach enables the KUPI to highlight the gendered

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21 Tim KUPI, ed. *Dokumen Resmi Proses dan Hasil Kongres Ulama Perempuan Indonesia 25–27 April 2017*, (Cirebon: KUPI, 2017), 57 and 78–81.

22 *Ibid*, 52–54.

nature of the issue and incorporate that perspective into its legal reasoning. This section also integrates the substantial part of its fatwa-making, namely the incorporation of women's lived experiences and the perspective of substantive or true justice (*keadilan hakiki*). These are not merely background elements, but integral to the analytical and interpretative process. This substantial part of the KUPI's methodology is a prerequisite for the process of fatwa production, enabling the KUPI to issue fatwas that are progressive, rooted in gender equality, and aimed at bringing benefit, especially for women.[23]

Another aspect is the formulation of questions and answers. Typically, fatwa requests begin with a question such as, "What is the legal judgment on...?" with the response directly addressing the question. However, the KUPI committee approached this differently. One major issue in discussions on sexual violence is the assumption that it only occurs in prohibited sexual relations, such as *zinā* (sexual relations outside marriage) or rape, often leading to a misunderstanding of what sexual violence is. This assumption also excludes marital rape from being recognized as sexual violence.[24]

As such, the KUPI's fatwa on sexual violence addresses three main questions: (1) What is the legal judgment on sexual violence?; (2) Are rape and *zinā* equivalent in terms of definition, punishment, and proof?; and (3) How does Islam regard state officials or other responsible parties who fail to protect victims of sexual violence—or who, in some cases, become perpetrators themselves? Does Islamic law acknowledge the possibility of aggravated punishment in such cases? Among these three questions, I focus specifically on the first two, as they aim to articulate an alternative Islamic legal perspective on marital rape. To respond, the KUPI drew on *adillah* (textual proofs) from the Qurʾan, Hadith, *aqwāl al-ʿulamā'* (sayings/commentary of religious scholars), and the Indonesian constitution. These sources emphasize equality in status and dignity between men and

[23] Faqiuddin Abdul Kodir, Nor Ismah, Samia Kotele, Wakhit Hasyim, and Fadzila Din, "Maqāṣid cum-Mubādalah Methodology of KUPI: Centering Women's Experiences in Islamic Law for Gender-Just Fiqh." *Al-Ihkam: Jurnal Hukum dan Pranata Sosial*, 19, no. 2, (2024): 521-2.

[24] Monika Arnez and Eva Nisa, "Advocating for Change: Cultural and Institutional Factors of Sexual Violence in Indonesia", in *Gender, Islam and Sexuality in Contemporary Indonesia*, eds. Monika Arnez and Melani Budianta, (Springer, 2024), 24-25.

women, the responsibility to uphold individual autonomy and human rights, and the fundamental distinctions between rape and *zinā* that affect both the victim's protection and the offender's punishment. By using *istidlāl* (analytical and interpretative reasoning), the KUPI elaborated on these *adillah*, using data on sexual violence to support and form its conclusion that (1) all forms of sexual violence, both outside and within marriage, are haram (unlawful); and (2) rape is distinct from *zinā* in definition, punishment, and proof requirements.

As illustrated, the KUPI's fatwa on sexual violence is developed through an analytical process grounded in *adillah* and *istidlāl*. In analyzing these sources in relation to sexual violence, the KUPI integrates nine essential values[25] with the Qurʾanic and Prophetic principle of compassion (*kerahmatan*), the framework of *maqāṣid al-sharīʿa* (objectives of shariʿa), and the approaches of *maʿrūf* (goodness), *mubādalah* (hermeneutic of reciprocity), and *keadilan hakiki* (substantive or true justice). This methodology is evident in the fatwa's *taṣawwur* (description) and *istidlāl* (analytical reasoning) sections. The KUPI also incorporates international law and women's lived experiences, though these are not explicitly listed among the *adillah* to avoid resistance from broader Indonesian Muslim communities who are unfamiliar with the KUPI's approach and could reject the fatwas. [26]

Indeed, it is important that the KUPI dp not to adopt a completely different methodology from other fatwa-making bodies in Indonesia given that the authority of the fatwa depends on adhering to a commonly accepted method of fatwa-making, namely scholarly legal judgement. This is particularly crucial as the KUPI is still in the process of establishing its own authority in this field.

[25] The nine essential values are *ketauhidan* (monotheism), *kerahmatan* (compassion), *kemaslahatan* (social good), *kesetaraan* (equality), *kesalingan* (mutuality), *keadilan* (justice), *kebangsaan* (nationality), *kemanusiaan* (humanity), and *kesemestaan* (universality).

[26] Tim KUPI, *Dokumen Resmi Proses dan Hasil Kongres Ulama Perempuan Indonesia*. See also Nor Ismah, "Women Issuing Fatwas: Female Islamic Scholars and Community-Based Authority in Java, Indonesia." PhD diss., Leiden University, 2023.

The KUPI's Fatwa Advocating for the Sexual Violence Crime Bill

The KUPI's fatwa on sexual violence gained momentum when conservative groups challenged the ratification of the Sexual Violence Crime Bill. A key reason for the ten-year delay from the National Commission on Violence Against Women's (Komnas Perempuan) initial efforts to the law's enactment on 9 May 2022 was the impact of these conservative forces. The Prosperous Justice Party (Partai Keadilan Sosial, PKS), supported by Aliansi Cinta Keluarga (Family Love Alliance, AILA) significantly obstructed the law's progress until it was finally passed by parliament on 14 April 2022. PKS have argued that the law was insufficient, as it did not include punishments for *zinā*, premarital sex, and LGBTQ+ issues, behaviors it considers contradictory to Islamic norms.[27]

Monica Arnez and Eva Nisa highlight key reasons for the significance of the KUPI's fatwa in the discourse surrounding the Sexual Violence Crime Bill. First, sexual violence was the primary focus at the first KUPI congress, as the Sexual Violence Crime Bill is considered essential for safeguarding human dignity against such violence, aligning with the *maqāṣid al-sharīʿa* (objectives of shariʿa), particularly in protecting honor (*hifẓu al-ʿirḍ*), lineage (*al-nasl*), and life (*al-nafs*).[28] Second, the KUPI's fatwa effectively addresses the objections from opponents of the Sexual Violence Crime Bill, specifically concerning the distinctions between marital rape and *zinā*, affirming that while both are prohibited in Islam, they are not the same.[29]

The KUPI clarified that rape is not a form of *zinā* but, rather, is considered *ḥirāba*, where the perpetrator forcibly compels the victim into non-consensual sexual intercourse, which is committing both *zinā* and coercion.[30] Unlike some countries, such as Pakistan, where conservatives label rape as *zinā-bi al-jabr* (forced sexual relations outside marriage), the KUPI maintains that rape is distinct. Defined by jurists like Sayyid Sabiq,

27 Arnez and Nisa, "Advocating for Change: Cultural and Institutional Factors", 24-25.
28 Tim KUPI, *Dokumen Resmi Proses dan Hasil Kongres Ulama Perempuan Indonesia,* 81.
29 Arnez and Nisa, "Advocating for Change: Cultural and Institutional Factors", 33-34.
30 Tim KUPI, *Dokumen Resmi Proses dan Hasil Kongres Ulama Perempuan Indonesia,* 83.

ḥirāba involves acts of public disruption, violence, or assault, including attacks on women (*ḥatk al-ʿaraḍ*), theft, and destruction of property or agriculture. The KUPI's categorization of rape as *ḥirāba* aligns with Asifa Quraishi's perspective.[31]

The conservatives' rejection of the Sexual Violence Crime Bill was partly based on the assumption that it would trigger disharmony between husbands and wives, ultimately undermining the foundation of the family unit. Faqihuddin Abdul Kodir, a prominent figure in the KUPI, emphasized the need to address this misconception, saying: "The impression might be that the draft law merely ensures the security, comfort, and freedom of women in public spaces, which is then perceived as a threat to family resilience, as husbands could easily be reported".[32]

In response to such criticisms, the women ulama of the KUPI, represented by Badriyah Fayumi, another key KUPI leader, argued during a public hearing with the legislative body that both the public and domestic spheres are equally important as safe and comfortable spaces for everyone, especially women. She stressed that when women are unsafe in the domestic sphere or become victims of violence, this insecurity also threatens the foundations of the family.[33]

While Faqihuddin acknowledged that the KUPI's fatwa on sexual violence has not yet fully addressed the shared rights of men and women within the family context, he noted that as societal contexts and challenges evolve, it is crucial to adopt a family-centered perspective in addressing such issues. This includes recognizing that violence involving family members, whether as perpetrators or victims, deeply harms the family structure, making prevention efforts within the family essential.[34]

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31 Asifa Quraishi, "Her Honor: An Islamic Critique of the Rape Laws of Pakistan from Woman-Sensitive Perspective," *Michigan Journal of International Law* 18, 2 (1997): 289 and 315, cited by Arnez and Nisa, "Advocating for Change: Cultural and Institutional Factors", 33-34.

32 Author's interview with Faqihuddin Abdul Kodir, 1 December 2024.

33 See https://www.youtube.com/live/YdqGl_pEeZk accessed 29 November 2024.

34 Author's interview with Faqihuddin Abdul Kodir, 1 December 2024.

Nevertheless, the KUPI's fatwa on sexual violence serves as a key reference. As Sari Narulita from Alimat, one of the original KUPI organizers alongside Rahima and Fahmina, explains, "[w]hen AILA distorted the Sexual Violence Crime Bill by framing it as a religious issue, KUPI took the initiative to counter these accusations".[35] The KUPI, along with the academic community and women's rights groups, participated in a public hearing with the People's Representative Council (Dewan Perwakilan Rakyat, DPR),[36] to emphasize how postponing the bill would lead to more women becoming victims of gender-based violence, as witnessed between 2019 and 2020. They urged the DPR to review their evidence, comprised of a comprehensive study highlighting the empirical, theoretical, philosophical, and sociological justifications for a robust legal framework to address sexual violence.[37]

To clarify the position of the KUPI fatwa on sexual violence within the broader context of social movements (i.e. the context in which it was issued), I draw on Sydney Tarrow's definition of social movements as "collective challenges, based on common purposes and social solidarity, in sustained interaction with elites, opponents, and authorities". This definition is characterized by four empirical features: collective challenge, common purpose, social solidarity, and sustained interaction.[38] Additionally, the organizational innovations seen in social movements of the 1960s, driven by both the sheer volume of new movements and significant internal developments, demonstrates how changes can emerge through innovative structures, strategies, and approaches within the movements themselves. Moreover, broader technological and social transformations result in expanded resources and networks, equipping organizers with unprecedented tools and connections that contributed to a dynamic landscape for organizational growth and change.[39]

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35 Author's interview with Sari Narulita, 27 October 2024.

36 See https://www.youtube.com/live/YdqGl_pEeZk accessed 1 June 2024.

37 Dina Afrianty, "Indonesia's fight for a law against sexual violence".

38 Sydney Tarrow, *Power in Movement, Social Movements and* Contentious *Politics,* Second Edition, (New York: Cambridge University Press, 1998), 4.

39 *Ibid*, 131.

Thus, I argue that within the social movements that advocate for policy change, fatwas serve as a form of "internal innovation"[40] providing value-based guidelines to unify and direct all involved parties towards common goals. Indeed, social movements need more than just framing. Rather, they must bring people together, form coalitions, confront opposition, and ensure sustainability beyond peak mobilization. This highlights a key resource of "mobilizing structures". Through the authority of the KUPI's female ulama, fatwas can act as a mobilizing tool within the social movement structure to drive policy changes.[41]

In her presentation on how to use a fatwa in advocacy for the Sexual Violence Crime Bill, Rubiyanti Kholifah, the director of Asian Muslim Actions Network Indonesia, elaborates on how fatwas function as an internal innovation that mobilizes structures within the movement. The KUPI fatwa works in six key domains. First, after being established at the first KUPI, the fatwa was disseminated across the entire KUPI network, reaching educational institutions and government bodies. Organizations affiliated with the KUPI voluntarily conducted outreach in their constituencies. Second, guidance was developed based on the fatwa's arguments to support the urgent passage of and counter opposition to the Sexual Violence Crime Bill.[42] Third, creative advocacy efforts, including KUPI webinars and in-person seminars, were organized to highlight the importance of the Sexual Violence Crime Bill. These initiatives aimed to spark conversations about the bill's significance among youth and women in remote areas. Fourth, a National Prayer led by women ulama was held to encourage national unity and promote well-being. Fifth, advocacy was conducted through Balcony Advocacy, empowering women leaders to confidently voice women's experiences and knowledge. And last, public hearings with parliament members provided a platform for women ulama to present their perspectives on the bill, fostering open dialogue with the members, including those from conservative Islamic parties. These hearings were streamed on platforms like YouTube, allowing the public to observe the political discourse in real-time.[43]

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40 *Ibid*, 132.

41 *Ibid*, 123.

42 Rubiyanti Kholifah, "KUPI from the Perspective of the International Community," presented at the Women Ulama Learning Visit pre online workshop organized by INFID, Fahmina, and KUPI, 19 September 2024.

43 *Ibid*.

Grounding the KUPI's Fatwa in the Indonesian Public Muslim

The rise of social movements, like the KUPI, has been significantly supported by technological and social advancements, particularly the expansion of social media. Social media and television provide these movements with powerful platforms to communicate their messages widely and mobilize support without needing to build large-scale physical organizations.[44] By using media to create impactful, memorable material and actions, such as civil rights demonstrations, the Sexual Violence Crime Bill, or the KUPI's fatwa on sexual violence, social movements are better placed to draw widespread attention, inspire public sympathy, and encourage others to join, making media itself a critical resource for growth and influence.

Efforts to promote the KUPI fatwa and progressive perspectives supporting the Sexual Violence Crime Bill ratification illustrate how the KUPI's fatwas by women ulama are not only ethical practices but also a push for doctrinal and policy shifts regarding sexual violence. This shift aims to reshape religious and cultural views that have traditionally overlooked women's rights in cases of sexual violence.[45] A critical factor in perpetuating sexual violence is "rape culture", described by Buchwald et al. as a societal norm condoning both physical and emotional harm against women.[46] Arnez and Nisa add that institutions like religious schools, offices, and police stations may create "secluded spaces" that, with limited transparency and restricted access, help to conceal unethical behaviors and enable abuse. Unlike the notion of "separate worlds" that addresses legal and moral boundaries, the "opacity of secluded spaces" highlights how isolation and power imbalances within these systems create conditions that facilitate unchallenged abuse.[47]

It was through the use of social media that the KUPI and its networks, including Rahima, Fahmina, and Alimat, were able to utilise the KUPI fatwa

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44 Tarrow, *Power in Movement, Social Movements and* Contentious *Politics,* 131.

45 Ismah, "Women's Fatwa-Making in Indonesia: Gender, Authority, and Everyday Legal Practice," 75–97.

46 Emilie Buchwald, Pamela R. Fletcher, and Martha Roth, (eds), *Transforming a Rape Culture*, revised, (Editions, 2005), xi.

47 Arnez and Nisa, "Advocating for Change: Cultural and Institutional Factors", 27.

on sexual violence as a mobilizing tool. Indeed, Rahima and the KUPI have actively advocated for the ratification of the Sexual Violence Crime Bill since 2017. Their efforts began with a study of the bill, leading to campaigns and lobbying efforts. The KUPI formally presented its views to the DPR on October 3, 2018. However, due to the heated discussions and numerous issues related to Islam, the KUPI, in collaboration with Alimat and Rahima, documented their religious perspectives on sexual violence, the necessity of the Sexual Violence Crime Bill, and other topics that had raised public questions.[48] Since 2019, they contributed to drafting *Daftar Inventaris Masalah* (problem inventory list) for the Sexual Violence Crime Bill and created campaign materials that circulated throughout KUPI's network and grassroots communities.[49]

In August 2020, the KUPI, Alimat, and Rahima published a pocketbook, titled *Tanya Jawab Seputar RUU Penghapusan Kekerasan Seksual dari Pandangan Kongres Ulama Perempuan Indonesia (KUPI)* (Questions and Answers Regarding the Bill on the Elimination of Sexual Violence from the Perspective of the Congress of Indonesian Women Ulama (KUPI)),[50] that was shared with parliament, Islamic organizations, and CSOs to support the legalization of the bill and addressed questions from opposing parties. The book is divided into two parts. The first provides an introduction that outlines the context of sexual violence in Indonesia, the urgency of ratifying the Sexual Violence Crime Bill, and the purpose of the pocketbook. The second features a question-and-answer section of 21 questions, categorized into three groups, addressing various topics related to the Sexual Violence Crime Bill. The first group addresses basic questions concerning definitions, the scope of the bill, and its importance. Second were questions about the Islamic perspective on sexual violence and the state's role, with responses grounded in arguments from the Qur'an, Hadith, and *aqwāl al-ʿulamā* (views of religious scholars). The third group listed questions addressing controversies raised by Muslim groups opposing certain aspects of the bill.

48 Abdul Kodir, Muthmainnah, and Soparianti, *Tanya Jawab Seputar RUU Penghapusan Kekerasan Seksual*.

49 Shopariyanti dan Faizah, "Advocates Corner Series: Rahima's Journey". Author's interview with Pera Shopariyanti, 5 March 2023.

50 Abdul Kodir, Muthmainnah, and Soparianti. *Tanya Jawab Seputar RUU Penghapusan Kekerasan Seksual.*

Figure 1: The front image of the book: Questions and Answers Regarding the Bill on the Elimination of Sexual Violence from the Perspective of the Congress of Indonesian Women Ulama (KUPI).[51]

One of the questions in the pocketbook asks "Does this Sexual Violence Crime Bill legalize *zinā* and homosexuality (LGBT)?". The answer provided explains how this is a misunderstanding of the bill:

This is not true. The Final Bill does not address *zinā*, sexual orientation, or LGBTQ+ issues at all. The absence of discussion on these topics does not imply approval. The primary focus of the Final Bill is on all forms of sexual violence inflicted on victims, both inside and outside of marriage. It does not address sexual relations prohibited by Islam but instead focuses on nine specific acts of sexual violence: sexual harassment, sexual exploitation, forced contraception, forced abortion, rape, forced marriage, forced prostitution, sexual slavery, and sexual torture. These nine forms are concrete examples of violence reflected in the experiences and testimonies of sexual violence victims (Author's translation).[52]

[51] Source: a screenshot taken by the author.

[52] Abdul Kodir, Muthmainnah, and Soparianti. *Tanya Jawab Seputar RUU Penghapusan Kekerasan Seksual,* 54-55.

Another question included in the pocketbook concerns the opposition from groups rejecting the Sexual Violence Crime Bill, who claim it would undermine the integrity of the family. They ask, "If the Sexual Violence Crime Bill is important in the eyes of Islam, why is there resistance from some Muslims? Is it true that it will damage the foundations of the family?". In response, the pocketbook provided the following explanation:

Absolutely not. The Final Bill aims to improve the quality of the relationship between husband and wife, encouraging them to view each other as partners who provide mutual affection, love, and happiness. It seeks to prevent a situation where one partner views the other solely as a means of satisfying sexual desires, which could lead to coercion and ultimately harm the marriage bond. The Qur'an outlines five pillars of a quality marital relationship. First, marriage is a strong bond (*mīthāq ghalīẓ*, An-Nisa, 4:21) that both parties must uphold with determination, words, and actions. Second, marriage is a partnership (*zawāj*), symbolized in the Qur'an by the imagery of a husband and wife being garments for one another (Al-Baqarah, 2:187). Third, spouses must treat each other with kindness and fairness (An-Nisa', 4:19). Fourth, they should engage in consultation and deliberation (*tasyāwur*, Al-Baqarah, 2:233). Fifth, there must be mutual willingness and consent (*tarāḍin*, Al-Baqarah, 2:233). Sexual violence violates these principles, making the marital bond fragile and prone to collapse. The Sexual Violence Crime Bill upholds these five pillars to ensure that acts of sexual violence do not undermine the foundation of marriage.[53]

This pocketbook is based on the KUPI fatwa on sexual violence, incorporating verses from the Qur'an used by the fatwa as its textual evidence (*adillah*). One such verse is Surah an-Nisa' [4:19] that emphasizes the importance of treating wives with kindness. The explanations in this book adopt the KUPI trilogy approach of *maʿrūf* (goodness), *mubādalah* (hermeneutic of reciprocity), and *keadilan hakiki perempuan* (substantive or true justice of women). *Maʿrūf* refers to values that are recognized, understood, accepted, appreciated, and supported by the Qur'an, Hadith, and common rationality. For instance, the five pillars of a quality marital relationship as outlined in the Qur'an are considered *maʿrūf*, that is, commonly acknowledged and agreed upon principles. As Faqihuddin Abdul Kodir, the leading figure of KUPI, explains, "We apply this concept of *maʿrūf*

[53] *Ibid*, 26-27.

in the context of relationships through *mubādalah*, inviting both men and women to act toward achieving these shared goals". *Mubādalah* ensures that both men and women are equal participants and beneficiaries of these goals, while maintaining an awareness of biological and social differences, which is the essence of substantive or true justice for women.[54] The publication of the pocketbook demonstrates that the KUPI fatwas can serve as a foundation for generating knowledge and creating contextually appropriate narratives. These can include other pocketbooks, social media content, and materials for religious lectures.

At the grassroots level, Rahima, the women's NGO affiliated with the KUPI, mobilized women ulama from various regions in Indonesia to educate and advocate using media campaigns countering the patriarchal narratives that opposed the Sexual Violence Crime Bill. A notable achievement of these grassroots efforts was seen in 2019 during a collaboration with the National Commission on Violence Against Women to create a safe space for women ulama to learn about the bill. Once informed, these women began sharing their knowledge within their communities. For instance, a woman ulama from Tasikmalaya, West Java, organized a discussion on "Reviewing the Importance of the Criminal Law against Sexual Violence Bill" that was attended by members of Nahdlatul Ulama Female Student Association and the Indonesian Islamic Student Movement in Tasikmalaya Regency. Similarly, another woman ulama from Madura, East Java, addressed the bill from an Islamic perspective to her community, which primarily consisted of stay-at-home mothers.[55]

The KUPI network also expressed their support for the bill on social media. For instance, @CherbonFeminist shared an infographic outlining five reasons for the urgent passage of the Sexual Violence Crime Bill.

[54] Author's interview with Faqihuddin Abdul Kodir, 1 December 2024

[55] Pera Soparianti dan Andi Faizah, "Advocates Corner Series: Rahima's Journey".

Figure 5-7: Content from the Instagram account @CherbonFeminist.[56]

Five reasons why the Elimination of Sexual Violence Bill must be passed! First, *dar'ul mafasid* (preventing harm); sexual violence continues to occur in various forms. Second, *jalbul mashalih* (attracting public benefit); many victims remain unprotected and do not receive adequate support. Third, *nahyi munkar* (forbiding wrong); the various forms of sexual violence are harmful and must be prevented, with perpetrators facing deterrent sanctions. Fourth, *hifdhul 'irdh* (protection of dignity); human dignity must be safeguarded against all forms of harm, including violence. Fifth, *hifdhun nasl* (protection of offspring); the health and well-being of future generations must be protected from harmful influences (Author's translation).

The KUPI network's efforts to disseminate the KUPI fatwa on sexual violence reflects a commitment to transforming the fatwa from a formal written document into accessible products that cater to grassroots readers. This transformation involves, not only changes in form, but also in language. The

[56] Source: a screenshot taken by the author.

active involvement of female ulama in this process highlights their role as cultural brokers, as defined by Clifford Geertz, navigating the critical connections between local systems and the broader context.[57] These female ulama serve as active agents of social change, continually adapting to the evolving dynamics of politics, economics, and culture.

Conclusion

This article has discussed the historic passage of Indonesia's Sexual Violence Crime Bill in 2022, initiated by the National Commission on Violence Against Women in 2012. As elucidated above, the path to ratification faced challenges, including what has been referred to as "sexual consent phobia" and "gender phobia", terms that reflect the deep-rooted patriarchal norms that perceive female sexuality as taboo. Such perspectives hindered discussions on sexual consent and framed gender-related issues as Western ideologies incompatible with Islamic values. The article has highlighted the need for a progressive Islamic perspective in public policy debates such as was provided through the efforts of women ulama from the KUPI network during the ratification efforts of the bill.

In 2017, the KUPI issued a groundbreaking fatwa condemning sexual violence, empowering women ulama to advocate for the Sexual Violence Crime Bill. This fatwa illustrates the growing recognition of women ulama's religious authority and their role in challenging conservative norms. Indeed, the KUPI's efforts to reclaim women's juristic authority through fatwa-making signified a critical shift in Islamic interpretation, particularly regarding issues such as sexual violence. By employing a trilogy methodology that emphasizes goodness (*maʿrūf*), hermeneutic reciprocity (*mubādalah*), and substantive or true justice for women (*keadilan hakiki*), the KUPI distinguished itself from the existing male dominated fatwa institutions, such as the Indonesian Ulama Council. This differentiation is evident in the structure and formulation of the fatwas, as well as in the use of sources for legal reasoning (*adillah* and *istidlāl*).

[57] Clifford Geertz, "The Javanese Kijaji: The Changing Role of a Cultural Broker", *Comparative Studies in Society and History*, Vol. 2, No. 2, January, (1960): 228-249.

Examining the KUPI fatwa on sexual violence through a gendered lens highlights the centrality of women's experiences as sources of knowledge and the evolving role of fatwa issuance in shaping social policy. It underscores the ethical practices and doctrinal shifts involved in the KUPI's fatwa-making process, once which challenges conservative interpretations, particularly on gender relation and sexual violence, and promotes a gender-just perspective within Islamic jurisprudence.

The fatwa also functions as a key component in broader social movements, aligning with Sydney Tarrow's definition of such movements as collective actions rooted in shared goals and social solidarity. As a form of "internal innovation", the fatwa offers value-based guidelines that unify diverse stakeholders and direct collective efforts toward policy change. The KUPI strategically disseminates the fatwa through its network, advocacy materials, webinars, and public hearings, mobilizing support, amplifying women ulama's voices, and engaging wider audiences in debates around the Sexual Violence Crime Bill. These mobilizing structures not only empower participants but also enhance the movement's capacity to confront resistance and maintain momentum, contributing to a more inclusive and transformative discourse on sexual violence in Indonesia.

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KUPI's Gender Campaigns, Digital Activism, and a Counterpublic in the Making

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SHORT BIO

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ABSTRACT

The expansion of the Internet and social media platforms over the past decades has empowered many progressive Muslim women's groups associated with the Congress of Indonesian Women Ulama (KUPI) to leverage digital realms for their Islamic feminist campaigns. However, their digital initiatives often remain undervalued due to the marginalization of their gender discourses compared to the dominant conservative narratives surrounding women's issues in the country. The aim of this article is to examine the last four years of the KUPI's online feminist campaigns, especially those from after its second congress in November 2022. I focus on the KUPI's creative endeavors to expand their feminist ideas through activities in online spaces and the potential of these endeavors to create an environment where they can articulate and increase their voices against the patriarchal discourses on women prevalent in Indonesian society. I draw my data from a combination of online observation from the KUPI's media networks, interviews with individuals involved in the KUPI's digital initiatives, and desk research on KUPI-related topics. I frame the data with a theoretical approach that examines the intersection of women's digital activism and the creation of counterpublics in contemporary society. This framework acknowledges the capacity of these Islamic feminist activists to publicly discuss women-related issues, raise awareness about gender justice, and foster collective action aimed at improving women's health and well-being.

KEYWORDS
Women ulama; Islamic feminism; gendered counter-publics; women's digital activism

Introduction

With the expansion of the Internet and social media platforms over the past few decades, digital realms in Indonesia have become a significant field for gender campaigns among progressive women Muslim groups affiliated with the Congress of Indonesian Women Ulama (*Kongres Ulama Perempuan Indonesia*, henceforth the KUPI). However, in her study about the KUPI's digital movement published in 2019, only two years after its founding, feminist anthropologist Eva F. Nisa half-lamented about its deficiency to reach wider audiences, especially among non-progressive Muslim

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majorities.[1] Although Nisa's study offered valuable insights into the KUPI's digital efforts, it was conducted during the movement's incipient stages when its digital potential was only beginning to take shape. Additionally, despite many advancements in the KUPI's digital initiatives since Nisa's research, its Islamic feminist ideas have still not penetrated conservative majority groups in Indonesia.[2] This indicates that comprehending this phenomenon requires a broader temporal perspective, actively considering the ongoing evolution of the KUPI's efforts to amplify gender voices through online actions beyond their immediate reception within prevailing gender discourses in Indonesian society.

In this article, I examine the KUPI's online campaigns over the past four years, starting from the conclusion of its second congress in November 2022. I focus on how the KUPI has strategically expanded its digital initiatives and how this effort can facilitate the creation of a counterpublic supporting the amplification of Islamic feminist ideas. I collected my data through a combination of online observation on the KUPI's media networks, interviews with individuals involved in the KUPI's digital initiatives, and desk research on KUPI-related topics. I frame the data through the lens of women's digital activism that emphasizes the significance of the Internet and social media in feminist endeavors to amplify gender discourses and drive social change through activities in digital realms.[3] I combine this perspective with Warner's concept of "counterpublics" that refers to a public devised by marginalized groups to challenge dominant discourses, while being reflective of its subordinate status.[4]

I start this article by discussing the role of new media technologies in the development of Islamic feminism around the globe and in Indonesia. I then explore media strategies employed by the KUPI organizers to expand their gender discourse, focusing on how they devised a social media strategy to enhance their digital presence. Last, I analyze the KUPI's Instagram posts concerning its fatwa on female circumcision practices and explore how KUPI's digital activism helps establish an Islamic feminist counterpublic that

1 Eva F. Nisa, "Muslim Women in Contemporary Indonesia: Online Conflicting Narratives behind the Women Ulama Congress," *Asian Studies Review* 43, No. 3 (2019): 434-54.

2 See Pieternella van Doorn-Harder's contribution to this special issue.

3 Carmit Wiesslitz, ed., *Women's Activism Online and the Global Struggle for Social Change*. (Switzerland: Palgrave Macmillan, 2023), 1.

4 Michael Warner, "Publics and Counterpublics," *Public Culture* 14, No. 1 (2002): 49-90.

runs against the country's conservative and patriarchal Muslim-majority discourses on gender issues.

Islamic Feminism After the Media Age

The spread of Islamic feminism is largely shaped by the advance of media technology and its proliferation in Muslim societies. In a world dominated by patriarchy, women's voices are often confined to spaces where they are effectively silenced. However, with the rise of the media age, which connects individuals through democratic logics of mediation practices, Islamic feminist activists are able to amplify their voices and reach audiences previously inaccessible to them. This section will examine the intersection of the media and Muslim women's movements, before doing so, however, it will clarify the concept of Islamic feminism and its development in an Indonesian context.

Islamic feminism is a highly contested term.[5] I approach it here as an analytical category to comprehend any "feminist discourses and practices articulated within an Islamic paradigm".[6] This approach encompasses various initiatives that, irrespective of their stance on feminist labels, attempt to produce a progressive interpretation of Islamic texts promoting gender reform in society. An Islamic feminist project systematically engages with the Qur'an and other textual genres of Islamic interpretive tradition, complemented with the secular sciences, such as linguistics, history, psychology, and anthropology. While men can be part of the project, it is predominantly led by women from diverse educational backgrounds, but knowledgeable in traditional Islamic sciences. Its shared goals are to deconstruct patriarchal discourses, seek gender justice and equality, and reformulate the position of women in Islamic law and societies. As a gender reform project, Islamic feminism is characterized by its commitment to the production of Islamic interpretive knowledge, serving as the grounds to claim gender equality.[7]

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5 Amal Grami, "Islamic Feminism: a new feminist movement or a strategy by women for acquiring rights?", *Contemporary Arab Affairs* 6, No. 1 (January 2013): 102-13.

6 Margot Badran, *Feminism in Islam: Secular and Religious Convergences*. (One World Publications, 2009), 242.

7 Mulki Al-Sharmani, *Islamic Feminism: Hermeneutics and Activism*. (Bloomsbury Academic, 2024); see also Annita Kynsilehto, ed., *Islamic Feminism: Current* Perspectives. (University of Tampere, 2008).

Muslim women participating in leadership roles are abundant across Islamic histories and the rise of women's rights consciousness and movements in Muslim-majority countries can be traced back to the late nineteenth century.[8] However, Islamic feminism as a discourse is a recent phenomenon, initially observable between the 1980s and 1990s amongst Islamic feminist activists and scholars in different parts of the world, including Indonesia. It emerged at a moment of increasing gender-conservative, Islamist narratives and deep disaffection with secular authoritarianism,[9] along with the rise of political Islam and gender in both global and local contexts.[10] While Islamic feminism is a global occurrence, its articulations in different Muslim geographies vary from place to place. This difference is due to the variety of focal issues faced by women's Islamic movements across the globe, relative to their domestic political challenges and culturally inflected expressions of Islam. Therefore, an understanding of an Islamic feminist project must pay attention to the diversity of Muslim societies and avoid making any unsupported generalizations.[11]

In Indonesia, Islamic feminism has emerged from specific historical and political moments. Anwar examines the evolution of Indonesian Islamic feminism, from its birth in the 1900s to its established forms in the 1990s.[12] While initially seeking to establish an ethic of women's agency grounded in Islamic teachings, Indonesian Islamic feminism has, instead, been shaped by a combination of global forces, like colonialism, developmentalism, and transnational feminism, and local factors, including indigenous cultures, nationalism, and Islamic reformism. A significant development occurred in the 1980s when several Muslim NGOs focused on civil society and women issues began appearing across the country, pioneered by P3M[13] and, later,

8 Eva F. Nisa, "Women and Islamic Movements," in *Handbook of Islamic Sects and Movements*, ed. Muhammad Afzal Upal, Carole M. Cusack. (Brill, 2021),151-175.

9 Margot Badran, "Between Secular and Islamic Feminism/s: Reflections on the Middle East and Beyond," *Journal of Middle East Women's Studies*, Vol. 1, No. 1, (2005): 6-28.

10 Ziba Mir-Hosseini, "The Challenges of Islamic Feminism," *Gender a výzkum / Gender and Research* 20, No. 2 (2019): 108-22.

11 Nisa, "Women and Islamic Movements," 151-75.

12 Etin Anwar, *A Genealogy of Islamic Feminism: Pattern and Change in Indonesia*. (Routledge, 2018).

13 P3M is the abbreviation for *Perhimpunan Pengembangan Pesantren dan Masyarakat* ('Association for the Development of *Pesantren* and Society').

by the likes of Kalyanamitra and Rifka Annisa. These NGOs cultivated women's equality programs and awareness, especially in Muslim-dominated environments like *pesantren* (Islamic boarding schools). Notably, those involved in emancipatory movements are mostly affiliated with various Muslim groups, each representing different interpretations of Islam in the country. These include Aisyiyah from the "modernist" Muhammadiyah, Muslimat and Fatayat from the "traditionalist" Nahdlatul Ulama (NU), and Muslim women within the PKS (the Prosperous Justice Party) and other Salafism-friendly groups that produce gendered Islamist narratives.[14]

Indonesian Islamic feminist movements are heterogenous. While similarly focusing on empowering their members to become progressive actors within their communities, especially on issues like education, marriage, and polygamy, women's Islamic movements have developed their own approach to these issues. For instance, while activists linked to Aisyiyah and Muslimat advocate for a complementary relationship between men and women, those affiliated with Fatayat promote gender discourses based on the principles of equality, including in matters of sexual relationships between married couples.[15] In contrast, women activists supporting Islamist discourses believe that women's primary responsibilities lie within the domestic spheres, pushing them to protect women's rights within polygamous marriages rather than seeking to outlaw polygamy.[16] Still, Muslim women from both Muhammadiyah and NU backgrounds do not necessarily support their peers' gender discourses, nor do they completely agree with the Islamist groups' views.[17] The above is evidence that Indonesian Islamic feminism consists of various heterogeneous approaches, sometimes contentious even amongst the internal Islamic organizations themselves. I will now turn to a discussion on the intersection between the media and Islamic feminism in Indonesia.

As mentioned previously, the expansion of Islamic feminism found its foothold in media roles. While print technology was instrumental to secular

14 Nisa, "Women and Islamic Movements," 151-175.
15 Pieternella van Doorn-Harder, *Women Shaping Islam: Indonesian Women Reading the Qur'an.* (University of Illinois Press, 2006), 31-38.
16 Rachel Rinaldo, *Mobilizing Piety: Islam and Feminism in Indonesia*. (Oxford University Press, 2013), 97-100.
17 Nisa, "Women and Islamic Movements," 151-75.

feminist campaigns, it was the advance of Internet technologies that hastened the spread of Islamic feminism across the world.[18] Scholars have theorized that the proliferation of new media technologies in Muslim societies enabled the birth of new Muslim actors. These are (primarily young) Muslim figures educated at non-conventional Islamic learning institutions, but comprehend Islamic knowledge and promote their Islamic understanding as a result of the democratic nature of the Internet and digital environments.[19] Islamic feminist leaders are part of these new figures. Previously discouraged from expressing their voices in male-dominated public spaces due to their marginalized identities as both (Muslim) women and feminist activists, they are now taking advantage of the democratic spaces provided by the print and digital culture to expand and accelerate their feminist projects.

When feminist ideas first arrived in colonial Indonesia in the early twentieth century, it was through access to Dutch books and magazines that inspired a small segment of elite young Muslim women in Java and West Sumatra to embark upon women's emancipation projects.[20] Since then, print media has played a significant role in raising gender equality awareness and propagating women's emancipation projects among these groups. A notable example is the 1926 launch of *Suara Aisyiyah* (Aisyiyah's Voice) by the modernist Muhammadiyah group. A century later, the role of print culture in disseminating Islamic feminist ideas remains just as instrumental, if not more so. Large publishing companies targeting secular female readers, like the Kartini Group, launched Amanah in 1986, the first-ever commercial magazine for Indonesian Muslim audiences.[21] NGO women's Muslim movements including Rahima and Kalyanamitra, also established their own magazines, Swara Rahima and Mitra Media, respectively. Indeed, the early 2000s witnessed the emerging popularity of women's Islamic magazines, including NooR, Ummi, Paras, and, a decade later, Auleea, all with their own

18 Badran, "Between Secular and Islamic Feminism/s," 7.

19 Dale F. Eickelman & Jon W. Anderson eds., *New Media in the Muslim World: The Emerging Public Sphere* (Indiana University Press, 1999).

20 Anwar, *A Genealogy of Islamic Feminism,* 36.

21 Nor Ismah, "Women Issuing Fatwas. Female Islamic Scholars and Community-Based Authority in Java, Indonesia" (PhD Diss., Leiden University, 2023), 212.

ideas on Islamic womanhood and targeted market audiences.[22] This is complemented by numerous books by Indonesian and international feminist thinkers that circulate the country's intellectual public spheres, further showcasing print culture's continued instrumental role in advancing Indonesian Islamic feminism.

The growth of Internet connectivity and social media users[23] over the last two decades in Indonesia has led many Indonesian Islamic feminist activists to utilize the Internet as a significant platform to voice their concerns about gender equality.[24] While the fascination many Indonesians have with social media may stem from their collectivist culture,[25] Internet-supported technologies provide various communication and knowledge-sharing opportunities that previous technologies did not afford. For example, they now offer immediate and delayed communications, one-on-one and one-to-many interactions, and convivial spaces for people of various ages and backgrounds,[26] fostering innovative ways to share ideas and connect with people. Even within a consumer regime influenced by television ads and media oligarchs, social media offers numerous chances to imagine new forms of self-identity, social connectivity, and participatory politics[27] among

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22 See Virgnia Hooker, "Shaping Modern Muslim Women," *Inside Indonesia* 10, (January 2011).; Nisa K. Illahiati, "Diskursus Identitas Perempuan dalam Majalah Perempuan Muslim Indonesia," *Bahasa dan Seni* 45, No. 1 (2017): 86-96; Carla Jones, "Dress for Sukses: Fashioning Feminity and Nationality in Urban Indonesia," in *Re-Orienting Fashion: the Globalization of Asian Dress*, ed. Sandra Niessen, Ann Marie Leshkowich, and Carla Jones (Berg, 2003), 185-212.

23 As of early 2024, Indonesia recorded about 183,5 million Internet users, 139,0 million of whom were active on social media, equivalent to 49.9% of the total population, of which 46.5% identified as female and 53.5 % male. This number, however, does not represent the unique individuals as many users engage with multiple social media platforms. See https://datareportal.com/reports/digital-2024-indonesia, last accessed December 25, 2024.

24 Zulfa Sakhiyya, et al, "From protest march to digital campaign: women's movement and critical literacies in Indonesia," *Gender and Education* 35, No. 4 (2023): 384-400.

25 Hamidah Molaei, "Social Media Usage, Social Relations, and a Sense of Community in Indonesia," *International Journal of Interactive Communication Systems and Technologies* 4, No. 2 (2014): 50-63.

26 Merlyna Lim, "@rchipelago Online: The Internet and Political Activism in Indonesia" (PhD Diss., University of Twente, 2005), 19-27.

27 Edwin Jurriëns and Ross Tapsell, "Challenges and Opportunities of digital 'revolution' in Indonesia," in *Digital Indonesia: Connectivity and Divergence*, ed. Edwin Jurriëns & Ross Tapsell (ISEAS Yusof-Ishak Institute, 2017), 1-20.

minority and marginalized groups, including women. This way, while social movements significantly depend on media for their growth and sustainability,[28] the Internet's communicative and connective capacities create a fertile ground for social activism as they improve one's experience with idea dissemination, member recruitment, network expansion, action mobilization, and internal/external communication.[29]

As noted by Nurmila,[30] Internet technology has significantly increased access to Islamic feminist materials previously inaccessible to Indonesian audiences due to geographical and political barriers. Following the COVID-19 pandemic, training sessions and real-time discussions on platforms like Zoom, Google Meet, and WhatsApp improved the visibility of Islamic feminist agendas in the country. Reminiscent of Bunt's "cyber-Islamic environments",[31] the digitalization of Islamic feminist sources and activities through online platforms has the potential to enable various elements in Muslim society to participate in the production of Islamic knowledge traditionally dominated by established religious authorities. This asks whether online activities of Islamic feminism could function to democratize religious discourses or, in contrast, reinforce the existing hierarchies in new forms?

Working in the context of North America, Faiza Hijri shows how Arab-American Muslim women activists and political leaders have utilized online spaces to reclaim their narratives around the body, space, and empowerment in both virtual and physical worlds. These women were feminist activists before the Internet age and online spaces have historically been fertile ground for the harassment and oppression of women's bodies and voices. However, leveraging the affordances of Internet technology,

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28 Meredith Weiss, "New Media, New Activism: Trends and Trajectories in Malaysia and Indonesia," *International Development Planning* 36, No. 1 (2014): 91-109.

29 Bart Cammaerts, "Social Media Activism," in *The International Encyclopedia of Digital Communication and Society*, ed. R. Mansell and P. Hwa (Wiley-Blackwell, 2015), 1027-34. The current version is published by LSE Research Online, http://eprints.lse.ac.uk/62090/, June 2015.

30 Nina Nurmila, "The Spread of Muslim Feminist Ideas in Indonesia: Before and After the Digital Era," *Al-Jāmi'ah: Journal of Islamic Studies* 59, No. 1 (2021): 97-126.

31 Gary R. Bunt, *Islam in the Digital Age: E-jihad, Online Fatwas, and Cyber-Islamic Environments*. (Pulto Press, 2003), 201.

they have harnessed social media to amplify their hitherto unheard voices,[32] underscoring the significance of online spaces in Muslim women's initiatives to fight for gender equality in contemporary times. Online platforms enable women activists to enhance their visibility and challenge dominant patriarchal narratives about women in society. The following section will examine the KUPI and its media strategy to demonstrate new media deployment for gender-equality campaigns in an Indonesian context.

KUPI and its Digital Campaigns

Initiated in 2015, the KUPI is a congress-based movement aimed at creating a safe(r) space in which to articulate gender discourses among female Islamic scholars in Indonesia and beyond. The KUPI was established by networks of feminist ulama and activists linked to Rahima, Fahmina, and Alimat. These are Muslim women's NGOs with strong ties to P3M and decades-long commitment to civil Islam and gender equality, highlighting the KUPI's uninterrupted link to the country's sustained progress in Islamic feminist discourses. The movement also involves female Islamic scholars from broader global organizations, including AMAN Indonesia and Musawah, further illustrating its resonance and engagement with Islamic feminist efforts on the international stage.

KUPI's gender campaigns are primarily developed through its congresses. The first congress took place on 25-27 April 2017 in Cirebon, West Java, followed by a second five years later in Bangsri, Jepara, Central Java. It includes various activities, but its main agenda is *musyawarah keagamaan* (religious deliberation), a session where the KUPI scholars work to produce community-based Islamic legal opinions (*fatwas*) on contemporary issues affecting women in Indonesia. During its first congress, the KUPI developed three fatwas addressing issues of sexual violence against women, child marriage, and environmental destruction. The second congress produced five fatwas covering issued on waste management for a sustainable environment, women-involving leadership to defend the nation from violent-supporting ideologies, and protection of women from forced marriage, rape-related pregnancy, and female-genitalia-cutting practices.[33]

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32 Faiza Hijri, "Claiming our Space: Muslim Women, Activism, and Social Media," *Islamophobia Studies Journal* 6, No. 1 (Spring 2021): 78-92.

33 Hasil Musyawarah Keagamaan Kongres Ulama Perempuan Indonesia Ke-2 - Kupipedia, last accessed October 01, 2024.

The congress featured renowned Islamic feminist scholars and activists from across Indonesia and abroad and attracted hundreds of Muslim women participants, mostly Muslim women from NU and *pesantren* backgrounds. Despite being held shortly after the COVID-19 pandemic, the second congress drew around 1,600 attendants,[34] showcasing the people's enthusiasm about feminist inquiries and topics. While most of the KUPI supporters come from the NU and Muhammadiyah, not all women affiliated with these organizations share the vision of the KUPI's Islamic feminist campaigns, let alone the organizations' male majority, dominant members.[35] Still, the KUPI enjoys sufficient backing from several Islamic organizations, Muslim intellectuals, political figures, and stakeholders, especially those committed to fostering the ideals of a moderate Islam.[36]

Cognizant of the persistent challenges of disseminating Islamic feminist ideas within conventionally male-dominated spaces**,** the KUPI leaders turned to print technology and digital platforms to broaden their audience beyond the congress sites. Since 2017, the KUPI has published numerous books written by its Islamic feminist scholars and activists. Numerous copies are distributed for free to relevant individuals and institutions thanks to the generosity of the KUPI donors, as well as being available for purchase at online and offline stores. One notable example of a KUPI-linked book is *Qirā'ah Mubādalah* ("Reciprocal Reading"), authored by one of the KUPI founders, Faqihuddin Abdul Kodir. The book has sold over eight thousand copies,[37] indicating significant acceptance of the KUPI ideals among educated audiences. Furthermore, a few of the KUPI books follow the language and format of *kitab kuning* (literally meaning yellow book),[38] classical Arabic-scripted texts of Islam commonly used as curriculum in

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34 Susi Ivvaty, Meneguhkan Peran Elite dan Komunitas di KUPI-2 Jepara (kompas.com), last accessed October 01, 2024.

35 Nisa, "Muslim Women in Contemporary Indonesia", 434-54.

36 "Moderate Islam" can be defined as an effort to adjust the implementation of sharia law with local peculiarities. Hisanori Kato, "The Nusantara Movement in Indonesia," in *Handbook of Islamic Sects and Movements*, edited by Muhammad Afzal Upal and Carole M. Cusack (Brill, 2021), 110-128.

37 Pers. Comm., Faqihuddin Abdul Kodir, December 15, 2024.

38 An example includes *al-sittīn al-'adliyyah fi al-aḥādīth al-nabawiyyah al-syarīfah' an taqwiyah huqūq al-mar'ah al-muslimah*, a compilation of sixty Hadiths about Muslim women empowerment, authored by Faqihuddin Abdul Kodir.

pesantrens, which are Islamic boarding schools established primarily to produce religious leaders or ulama. This implies the KUPI's serious effort to reclaim the authority of female Islamic scholars, particularly against their male ulama counterparts, who may feel unsettled or infuriated by the growing prominence of these female ulama.[39]

The use of the Internet and online platforms that provide the KUPI activists with inclusive spaces in which to expand their campaigns is also extensive. One example is *kupi.or.id*. Established in August 2022 and designed as the KUPI's official website, it features a variety of content related to the KUPI's history, missions, and programs, as well as updated events and photos from the last two congresses. Notably, this content is connected to another KUPI-linked page, namely *kupipedia.id*. Developed in 2021 and run like Wikipedia, it serves as an open and free web-based source listing the KUPI's fatwas, feminist figures involved, and other relevant audio-visual materials. This content is contributed by trusted members and is available for download to all. As of October 2024, *kupipedia.id* has uploaded 1,788 articles, with 905 content entries across a total of 4494 pages. In February 2025, the site recorded an estimated 3,200 monthly visitors, a relatively encouraging number for an Islamic feminist webpage.[40]

Aware that most Indonesians are active social media users, the KUPI uses platforms like Facebook, Twitter, and Instagram as instruments to promote its feminist ideas and projects. Its official social media, which is linked on its website, is dedicated to sharing the KUPI's fatwas and views on current women's issues and providing updates on activities led by KUPI-associated scholars. During the recent congress the KUPI significantly increased its online presence by utilizing its social media to publish testimonies from public figures, share its feminist agendas and gatherings, and disseminate its fatwas. This strategy encouraged many participants to share their personal experiences of the congress on their personal online accounts, thereby mobilizing digital spaces for KUPI-related posts and extending the engagement of the congress beyond its physical and temporal boundaries. Nevertheless, the KUPI's online platforms have generally gained little

[39] David Kloos & Noor Ismah, "Siting Islamic Feminism: The Indonesian Congress of Women Islamic Scholars and the Challenge of Challenging Patriarchal Authority," *History and Anthropology* 34, No. 5 (2023): 818-43.

[40] This number was sourced from similarweb.com on March 31, 2025.

attention from Internet audiences, as indicated by low engagement levels on its Facebook and Twitter. Over time, the KUPI's Instagram has emerged as the most vibrant platform despite its overall inferior engagement rate of 1.77% across a total of 486 media uploads and 6,732 followers.[41]

However, this shortage does not imply the insignificance of online spaces for KUPI campaigns. The KUPI's digital movement is organized in such a way that it can happen beyond its official websites and online platforms. As mentioned earlier, the KUPI is a network of various Islamic feminist groups and individuals, all with their own established organizations and communities. The KUPI encourages its associated scholars, activists, and supporters to address KUPI issues and agendas using their own identities and affiliations rather than representing the KUPI in their activities. Additionally, KUPI-linked activists and supporters often shared KUPI media postings through their personal accounts, allowing KUPI ideals to spread across non-KUPI platforms. A movement with robust Islamic feminist agendas, the KUPI faces unpopularity and resistance from many conservative Muslim majorities who are wary of feminist discourses. By spreading its agendas through non-KUPI affiliations, the movement can reduce the sensitivity surrounding KUPI projects and make them more acceptable to members and networks of these affiliations. The decision is, therefore, a deliberate strategy to enhance the dissemination of the KUPI agendas, navigate political sensitivities, and avoid potential backlash while ensuring the sustainability of its influence within diverse Islamic communities.

The KUPI media activists have organized "KUPI media" into three categories: core media, network media, and supporter media. The core media includes media accounts directly established by the KUPI and its primary networks and consist of two components: first, all websites and online accounts affiliated with the KUPI and *Mubadalah* (*mubadalah.id*, discussed later); and second, media accounts created by the KUPI's main organizing bodies, including Rahima, Fahmina, Alimat, and AMAN Indonesia. The second category encompasses media platforms associated with the KUPI's larger networks, including *islami.co*, *gusdurian.net*, *neswa.id*, and other networks promoting a moderate interpretation of Islam.

[41] This statistic was scratched from socialblade.com on July 21, 2024.

The final category refers to media platforms from the KUPI's secular media contemporaries, such as Kompas and Magdalene,[42] that support the KUPI campaigns by featuring and disseminating its gender perspectives.[43] Supposedly, the categorization of the KUPI's media reflects the organization's strategy to expand its campaigns across various digital formats and platforms. That said, an analysis of the KUPI's online campaign should consider media types beyond its official websites and platforms, such as *Mubadalah.*

Mubadalah Activism

Mubadalah is an Internet-based gender campaign, enacted through *mubadalah.id* and its affiliated social media platforms, that actively creates KUPI spaces in digital arenas. The term "mubādalah" (*kesalingan,* or reciprocity, subsequently called *mubadalah*) was first introduced by Faqihuddin Abdul Kodir to describe the KUPI's approach for interpreting Islamic texts that emphasizes the reciprocal nature of all forms of gender relations.[44] While the term signifies its affiliation with the KUPI, it also bears witness to the initiative's unique historical and ideological background.

The term originated on Kodir's personal blog, created in 2016 to share his writings on *mubadalah*-related topics, primarily in academic styles. As the blog gained positive feedback from his fellow Islamic feminists, he was encouraged to transform it into a data bank on Muslim women leaders, issues of gender justice, and *mubadalah* principles, among other subjects. After the first KUPI congress, Kodir expanded his blog into a digital movement, fully supportive of KUPI campaigns in the online realm, with funding provided mainly by the Fahmina Foundation.[45] Today, organized by a small team, who I refer to here as *Mubadalah* activists, *mubadalah.id* has grown to be a major reference platform that disseminates the KUPI fatwas and feminist ideas. It does so by "promoting relations of reciprocity,

42 Kompas is a national daily newspaper established in 1965 (see Berita Terkini Hari Ini, Kabar Akurat Terpercaya - Kompas.com). Magdalene is a digital media dedicated to women empowerment and gender justice (see Redaksi Magdalene).

43 Pers. com., Faqihuddin Abdul Kodir, October 13, 2024

44 Faqihuddin Abdul Kodir, *Qirā'ah Mubādalah. Tafsir Progresif untuk Keadilan Gender dalam Islam.* (IRCiSoD, 2019).

45 Pers. Com., Faqihuddin Abdul Kodir, October 13, 2024.

cooperation, and true justice in Islam in order to build a civilization that is dignified, sustainable, and inclusive for all humanities living under the mercy of God".[46]

The spirit of activism is at the heart of *Mubadalah*'s online activities. Initially, *Mubadalah* media was run by a few individuals with backgrounds in gender activism and Islamic studies, but they lacked training in information and communication technology (ICT). This pushed them to acquire ICT skills by all means possible, including self-learning from the Internet and benchmarking against more established gender-related online media. In its early years, *Mubadalah* media faced severe criticism as its posts were perceived as overly "serious" and "theological".[47] The website also underwent multiple address changes due to various challenges, moving through several domains before finally settling on *mubadalah.id*. Despite these difficulties, the team remained motivated to improve their knowledge and skills in website optimization, content creation strategies, and online media management.[48]

By 2020, during the pandemic, they began restructuring the editorial board of *mubadalah.id* and established its standard operational procedures while inviting more people to help develop the website. The pandemic pushed people to rely on digital devices for social interaction and influenced the development of their website positively. They organized training sessions to teach young people about the KUPI's interpretive methodology[49] and how it could be applied to relevant gender issues, thereby fostering the emergence of future content creators supporting the KUPI's ideals. Their efforts were rewarded. *Mubadalah.id* had long struggled to maintain a steady flow of daily content, with contributors primarily limited to its editor and KUPI-affiliated feminist scholars and activists. Since 2022, however, the website has consistently posted eight articles every day, with most contributions coming from graduates, predominantly young writers, of the *Mubadalah* training program. Currently, the average daily visitors for the website ranges from

46 Redaksi Mubadalah: Keadilan dan Kesetaraan Gender - Mubadalah
47 Nisa, "Muslim Women in Contemporary Indonesia," 434-54.
48 Interview, Zahra Amin, October 9, 2024.
49 This includes Kodir's *mubadalah* perspective, Rofiah's substantive justice concept, and Fayumi's idea of goodness. See Nina Nurmila's paper of this edition.

2,500 to 5,000,[50] representing a significant audience for an Islamic feminist platform, a notion not widely accepted by the country's Muslim majorities.

Mubadalah's website organizes its articles into several distinct categories, including *Aktual* (current), *Kolom* (feature), and *Rujukan* (reference). Each category addresses women's issues from the *Mubadalah*/KUPI perspectives, while featuring different types of content. *Aktual,* for instance, includes update articles on the KUPI's gender programs. *Rujukan* are articles discussing specific Islamic feminist principles and approaches. While distinct in content, all articles across these categories maintain a similar, popular writing style and include vibrant illustrations, reflecting the website's goal of appealing to a broader audience.

Alongside the website, *Mubadalah* created accounts on Facebook, Twitter (X), YouTube, and Instagram to enhance its digital campaigns. While the website features various articles on gender issues, its social media platforms serve as additional channels from which to reach wider audiences by reposting articles on Facebook and Twitter pages, live-streaming offline gender campaigns on its YouTube channel, and appropriating selected articles into visual content for Instagram posts. Its engagement on Facebook, Twitter, and YouTube is relatively low, evidenced by its limited number of followers and posts lacking comments. However, *Mubadalah* has gained significant popularity on Instagram, with approximately 45,000 followers, more than the number of follower of any other online platforms associated with the KUPI's networks.

Created on 9 October 2017, six months after the first KUPI congress, *Mubadalah'*s Instagram has uploaded over 2,000 posts, with an average of 668 likes and 7.6 comments per post, making up for its low engagement rate of 1.5%.[51] This statistic, however, does not fully illustrate the growth of *Mubadalah'*s popularity. The account struggled to gain traction in the first two years after its creation. Most posts during this period received less than 100 likes, many with zero comments. This sluggish growth can be attributed to the posts' design quality. Visually bland and filled with excessive text written in Arabic, the posts failed to attract the general Instagram audience.

[50] Interview, Zahra Amin, October 9, 2024.
[51] This statistic is based on my inquiry using socialblad.com, conducted on June 21, 2024.

Mubadalah's media team admitted that they started the platform without sufficient knowledge of how to create engaging social media content.[52]

The tide began to shift in mid-2019, when a post on 9 May of the same year, entitled "Is Shaking Hand with a Person of Different Sex Permissible?", hit more than 1,000 likes and 110 comments. Since then, *Mubadalah*'s Instagram has seen increased engagement, with more than 304 of its posts gaining at least 1,000 likes by September 2024, along with approximately 18,800 comments. Posts about polygamy have attracted significant attention, both for good and ill reasons. The most popular post, "Aisyah's Protest against Muhammad's Polygamous Marriage", garnered 14,300 likes and 746 comments, along with three other posts on polygamy receiving more than 4,000 likes each. Other topics that receive high engagement include ones about a childfree lifestyle, head-coverings (*jilbab*), female genitalia circumcision, fasting for women during a menstrual period, education and financial independence for women, and women's participation in advocating for regulations supporting women's and family welfare, including the bill on sexual violence (RUU-TPKS) and the bill on family resilience (RUU-HALU).

The increased popularity of *Mubadalah*'s Instagram can be attributed to a range of social media management skills and strategies**.** Since early 2019, the account has consistently uploaded at least one post a day, and from late 2020 onward, the designs of its posts have become more creative, playing with color, compositions, graphic presentations, and diverse audio-visual formats. The reduced use of text is also notable across their recent posts. Nurajizah, the administrator of *Mubadalah*'s Instagram, explained that the platform developed specific strategies to maintain and expand its audience, which included greater attention to the visual design, strategic use of hashtags, attention to optimal timings for posts, and collaborations with other relevant media accounts. Its recent posts also refrain from using theological justifications written in Arabic, enhancing their clarity and accessibility. According to Nurajizah, this change reflects a significant shift in its targeted followers from countering gender discourse produced by Islamist groups to spreading Islamic-feminist messages to a universal audience, hence, the use of accessible language for the general public.[53]

[52] Interview, Abdullah, October 9, 2024.
[53] Interview, Fitri Nurajizah, October 9, 2024.

Mubadalah's Instagram content focuses on relevant issues rather than on specific individuals. Each post is derived from articles published on its website, where key issues are specifically selected by the editorial board based on its political relevance in current public debates. This approach ensures that not every article is converted into an Instagram post. Instead, a single post on *Mubadalah*'s Instagram can cover the scope of multiple articles covering the same topic and can be shared repeatedly based on its urgency to influence public opinion. This strategy proves to be effective, as it limits the individual popularity of the post and allows it to reach diverse audiences by sharing common interests in issues affecting women's well-being. The combination of social media management skills and strategies has successfully increased the number of *Mubadalah*'s Instagram followers, averaging 120 new accounts per month.

Nevertheless, *Mubadalah* activists also recognize the importance of offline strategies to support their online campaigns. One notable initiative is the *Mubadalah* Goes to the Community (MGC) program, whereby *Mubadalah* activists visit universities, Islamic boarding schools, and local community centers to promote the KUPI gender campaigns. *Mubadalah* activists acknowledge the significance of the MGC's offline activities in generating stronger emotional connections, as they involve facial expressions, physical interactions, and vocal tone variations that enhance emotional engagement.[54] The importance of offline campaigns is furthered by the fact that online campaigns are internet dependent, a challenge in remote areas especially in the eastern provinces of Indonesia.[55] The fact that their potential audiences reside in educational institutions with regulated Internet access, including *pesantren*, exacerbates the challenge. By engaging in offline activities, they can build an emotionally charged connection with their online audiences while still reaching potential followers who are not easily accessible through online channels. The offline encounters are expected to transition into online interaction once the audiences are wired to the Internet.

54 Interview, Zahra Amin, October 9, 2024.

55 Onno W. Purbo, "Narrowing the Digital Divide". In *Digital Indonesia: Connectivity and Divergence,* edited by E. Jurriëns and R. Tapsell (ISEAS–Yusof Ishak Institute, 2017), 75-92.

This situation supports other research suggesting the significance of offline activities and their connectedness to the success of an online project.[56]

A Counterpublic in the Making

> "The goal of our media activities is to seize keywords of "*Mubadalah*", of "KUPI", and of "*ulama perempuan*" in Google." (Mubadalah Media Activists, October 9, 2024)

Scholars argue that mass media can trigger the rise of alternative arenas for debates that are not fully controlled by the state or other dominant institutions and can foster shared ideas and sentiments among people from diverse cultural backgrounds.[57] Close to the Habermasian public sphere, which has been criticized for its Eurocentric, universalistic, and patriarchal character,[58] this arena should be approached from one that emphasizes non-European trajectories and the contribution of members of subordinate and marginalized groups in society.

Warner's idea of the multiplicity of publics is crucial here. He writes, "A public is the social space created by the reflexive circulation of discourse",[59] suggesting that various publics exist within the social totality, all with their own senses of audience and discourse. In her 1992 article, Nancy Fraser observes the presence of arenas created by marginalized groups to deliberate their own needs and objectives, opposing the public that works for the dominant groups.[60] She calls these arenas "subaltern counterpublics", as they allow subordinated social groups to formulate oppositional interpretations of their identities and interests against those created by the dominant discourses. Warner, however, defines counterpublics not simply by their oppositional nature, but by their attempt

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56 See, for example, Danah Boyd, *It's Complicated: The Social Lives of Networked Teens* (Yale University Press, 2014), 24.

57 Birgit Meyer and Annelies Moors (eds.), *Religion, Media and the Public* Sphere. (Indiana University Press, 2006), 3-4.

58 Luke Goode, *Jurgen Habermas: Democracy and the Public Sphere*. (Pluto Press, 2005): 1-2.

59 Warner, "Publics and Counterpublics", 62.

60 Nancy Fraser, "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy," *Social Text*, No. 25/26 (1990): 67.

to "supply different ways of imagining stranger-sociability and its reflexivity", or their ability to recognize their subordinate status.[61] For him, counterpublics remain oriented to "a relation of strangers" that is not merely strategic but also foundational to its memberships and effects. A counterpublic, in short, is a public characterized by its endeavor to counter dominant discourses while simultaneously being reflexive of its subordinate status.

Social media and the Internet produce arenas where marginalized women's groups can freely articulate their concerns and initiate collective actions to generate discourses, promote social changes and establish an alternative public sphere.[62] They provide these women with new opportunities to create safer spaces for self-expression and participatory politics in ways that are both different from and opposing of the dominant groups. The KUPI's digital movement, as reflected in the quotation above, expresses a similar spirit of creating an alternative public space that runs in favor of its feminist interests and against dominant discourses on women that exist across many patriarchal cultures in Indonesia. To further examine this idea, I will focus on *Mubadalah*'s Instagram posts on female circumcision practices.

Issues of female circumcision, also known as female genitalia cutting and hurting, or P2GP, have gained significant attention among *Mubadalah* digital activists. There are over 53 articles on P2GP published by *mubadalah.id*. While the first article on P2GP appeared in September 2016, the majority were released after July 2019, with most being published between 2021-2024, shortly before and after the topic was deliberated at the second KUPI congress. All these P2GP articles share the same rejection of any form of female circumcision practices performed without medical reasons because the practices lack a solid Islamic-legal foundation and have no medical advantages.

Mubadalah's Instagram actively posts content on P2GP. Among its 300 posts hitting more than 1,000 likes/views, six focus specifically on P2GP and female circumcision practices. The first post on P2GP, made on April 1, 2020, features a graphic silent video, a "warning" to its audiences that no part of a female genitalia organ should be circumcised. The video garnered

61 Warner, "Publics and Counterpublics", 87.

62 Manuel Castells, *Networks of outrage and hope: Social movements in the Internet age*. (Willey, 2012); Wiesslitz (ed.), *Women Activism Online*, 2023.

7,516 views and received 125 comments. The lastest two posts, uploaded on May 24 and June 5, 2024, showcase short videos of KUPI-affiliated scholars, including Nur Rofiah and Ulil Abshar Abdalla, discussing the danger and irrelevance of female circumcision. As of October 2024, these six posts have collectively earned 21,300 likes and views, along with 960 comments. This engagement indicates the significance of P2GP issues to *Mubadalah*'s Instagram followers and broader audience.

Mubadalah's posts on P2GP aim to amplify the KUPI's fatwa on this matter. According to the fatwa, any form of harmful and medically uninformed practices associated with P2GP are prohibited in Islam, and all stakeholders in society must engage in innovative efforts to prevent and eradicate these practices. The fatwa defines P2GP as any procedure that involves cutting a female genitalia organ, be it done partially, entirely, or otherwise, that is harmful to a woman's life, and is executed with no medical reasons. Examples include piercing, slicing, burning, cutting, and scrapping the female genitalia organs. The urgency to issue the fatwa is said to stem from the wide celebration of P2GP practices among many Indonesian families in both rural and urban areas. The involvement of local practitioners (known as *dukun sunat*), alongside medical workers, highlights the societal negligence of this issue.[63] Moreover, the fatwa seems to respond to a previous fatwa by the MUI, the state-supported council of Indonesian ulama, that still considers the practice part of Islamic teachings provided it is limited to the removal of the clitoral hood (*praeputium*) and does not involve any excessive actions such as cutting or injuring any part of the clitoris.[64]

To the best of my knowledge, the most popular post about P2GP was uploaded on August 29, 2021, and is titled "Female Circumcision Has No Advantage, it is Harmful Instead". The post received 661 comments, making it the second most commented post on *Mubadalah*'s Instagram.[65] It is based on an article called "Is Female Circumcision an Urgent Matter?" authored by a *Mubadalah* contributor, Sulma Samkhaty Maghfiroh, and featured in *mubadalah.id* a day earlier. The comment section was extensive and filled with arguments from both sides. Notably, individuals in favor and against the practice referenced Islamic teachings and medical evidence to support their

63 HasilMKkupi2_(5).pdf, last accessed December 25, 2024.
64 M. Asrorun Ni'am Soleh, "Fatwa MUI Tentang Khitan Perempuan," *Al-Hikam* 12, No. 2 (2012): 35-46.
65 Instagram, last accessed December 12, 2024.

points, regardless of their educational and religious backgrounds. Many comments included personal experiences about the issue and highlighted similar practices found in various local cultures throughout the country. Additionally, a significant number of commenters stated that the post offered new perspectives to understanding issues around female circumcision. This demonstrates the ability of *Mubadalah*'s digital activism to create a space where individuals from diverse backgrounds can access information and engage in public debates about previously undiscussed, if not completely overlooked, issues affecting women.

Some people, however, would go an extra mile deeper into the debate. A noteworthy perspective comes from @najxx.axxxxx, a female Instagram enthusiast affiliated with an Islamist "*Tarbiyah*" movement.[66] She advocated for a non-harmful form of female circumcision and emphasized the importance of carefully selecting religious sources and guiding figures when discussing this topic. In her comment, she clarified her argument by distinguishing circumcision from WHO's banned practice of female genitalia mutilation (FGM). She also referenced a fatwa from the MUI that supports non-harmful female circumcision practices. She concluded her comment with a cautionary note: "Beware, everyone. Do not turn what our religion considers noble into something abhorrent or forbidden".[67]

Her assertive comment sparked a lively discussion. It attracted 75 responses, making it the longest thread of comments on the post. Most of the reactions came from *Mubadalah* supporters, including @tia-xxxxxxxx and @julxxs-hexxxx. While the first is a *Mubadalah* contributor, the second is a self-professed agnostic spiritualist with progressive views on gender issues who has been a loyal reader of *mubadalah.id*. They attempted to counter @najxx.axxxxx's argument by highlighting the flaws in the legal texts commonly used to justify female circumcision and debunking the myth of its medical benefits. Several commenters joined the thread to defend @najxx.axxxxx, particularly @ummxxxxxxx and @aljaxxxxxxxxxxxx. However, their comments only led to an influx of responses from other *Mubadalah* supporters, eventually forcing @najxx.axxxxx and her peers to abandon the battleground.

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66 It refers to an Islamist predication movement mushrooming across mosques of the top Indonesian secular universities in the 1980s, which subsequently became the backbone for the establishment of the Prosperous Justice Party (PKS).

67 Instagram, last accessed December 12, 2024.

Despite the intense nature of the debate, both sides approached the discussion with goodwill, avoiding insults and ridicule. The post did receive a few aggressive comments. For example, @randoxxxxxxxx referred to *Mubadalah*'s posts as "devilish". Similarly provocative comments appeared on other posts on Mubadalah's Instagram, and there were some attempts to phish the website. However, while these threats are noticeable, *Mubadalah*'s activists are not deterred from continuing their work. Nurajizah explained that the *Mubadalah* editors decided to focus on comments and responses delivered with positivity, while minimizing their participation in the comment sections.[68] This approach ensured that discussions on *Mubadalah*'s social media platforms remained constructive. As far as I have observed, however, dedicated followers of *Mubadalah* tend to fervently defend *Mubaladah* posts against accounts that express adverse or dissenting reactions. This is demonstrated in another comment thread on a similar post, where @julxxs-hexxxx engaged in a heated debate with an account identified as @xxarabxxx regarding the legal basis for female circumcision practices in Islam.

This observation highlights that *Mubadalah*'s Instagram has enabled members of the KUPI community to create an alternative space for voicing their concerns about women's sensitive and ignored issues, such as the P2GP practices. At the same time, however, the public that emerges from their online activities is rife with oppositional discourses. It is clear that the discourse about P2GP practices raised by @julxxs-hexxxx, @tia-xxxxxxxx, and other KUPI like-minded people goes against the dominant, conservative views on the topic. Despite provocation from opponents of Islamic feminism, they have found the space provided by *Mubadalah*'s Instagram sufficiently safe for them to express their feminist opinions publicly. In fact, their conversations on *Mubadalah*'s Instagram frequently sidelined the opinion of the conservative majority, a challenging feat to accomplish in offline settings.

Mubadalah's Instagram followers are primarily young individuals in their 20s and 30s, with most profiles identified as female. Understandably, the discussion on the P2GP post was dominated by female participants, although a few male-identified profiles are noticeable. Based on my observations, the male participants are either loyalists of the conservative

[68] Interview, Fitri Nurajizah, October 9, 2024.

gender discourses or supporters of the KUPI feminist agendas. However, I rarely found male commenters in the P2GP post who used *Mubadalah*'s Instagram as a reference to gain information about Islamic gender discourses. Those males in support of the KUPI's feminist agenda tended to use their participation in the debate to demonstrate their knowledge of and commitment to Islamic gender reform projects. In contrast, women's participation in the debate revealed a different dynamic. In general, female participants who support or oppose the KUPI's feminist discourse do so in militant ways, as evidenced by the opinions they voiced across their lengthy and multiple comments. Indeed, the discussions occurring in the KUPI's digital space reinforced existing dissenting opinions about Islamic gender reform initiatives within intra-Islamic groups and organizations. Nevertheless, some female audiences do use the platform as a source of religious reference. For example, @lina_yxxxxxxxx1 writes, "Before reading this post, I thought female circumcision was obligatory".[69] Given that there were numerous similar comments, the KUPI's digital public presents an opportunity for female participants to access a democratic source of Islamic knowledge centered on women-empowering discourses. If this observation is accurate, the KUPI's public has the potential to challenge dominant, patriarchal structures of religious authority.

Interactions between *Mubadalah* and its audience primarily occur through Instagram posts. However, since most of *Mubadalah*'s Instagram content consists of infographics, those interested in fully engaging with the material might visit *Mubadalah*'s website. Editor-in-Chief for *Mubadalah,* Zahra Amin, noted that most visitors to *mubadalah.id* are students from Islamic universities in Indonesia who find the site through Google searches, with the most common search terms relating to Islamic family law. This indicates that many young visitors view *Mubadalah* as a valuable resource for learning about issues related to Islamic family matters. Amin also mentioned that several Islamic boarding schools within the KUPI's network have partnered with *Mubadalah* to use its website as a media reference for discussions around women's and family issues.[70] This trend demonstrates the KUPI's potential to disrupt traditional structures of Islamic authority through the use of digital platforms.

69 Instagram, last accessed December 12, 2024.
70 Interview, Zahra Amin, October 9, 2024.

Still, this public is cognizant of its subordinate status. This is evidenced by some of *Mubadalah*'s Instagram posts, including those about P2GP, that intentionally avoid using the term "fatwa" when referencing the KUPI's religious views. Ismah's contribution to this special issue extensively discusses the KUPI's religious deliberation procedures, acknowledging their outcomes as fatwas. In various "informal" settings, many KUPI-linked scholars refer to these religious opinions as fatwas, and so do several articles featured in *mubadalah.id*. However, in official documents, KUPI scholars have opted to label the outcomes of their religious deliberations as "a religious view" (*sikap dan pandangan keagamaan*) instead of a "fatwa", an attitude followed by *Mubadalah*'s Instagram administrators.

The hesitation among the KUPI network to use the term "fatwa" arises from its strong association with religious authority, which, in Indonesia, is predominantly associated with established religious institutions like the NU, Muhammadiyah, and the MUI. Many KUPI-ulama believe that using the term fatwa might offend leaders of these institutions who have traditionally been responsible for issuing fatwa to most Muslims in the country.[71] They argue that the phrase "religious view" is a more neutral term that could help garner broader support. By avoiding the term "fatwa", the KUPI feminist activists strategically aim to ensure that their gender campaigns reach a wider range of audiences.

This decision indicates that the KUPI is conscious of its subordinate position. This awareness has, subsequently, shaped how the KUPI engages with its online audiences, as demonstrated by the content of *Mubadalah*'s Instagram that focuses on issues rather than people, a strategic move to reach a diverse range of participants. It also influenced how the KUPI defines its affiliates' membership. As discussed earlier, the KUPI encourages its scholars and activists to carry out their feminist activities without using the KUPI label. This strategy ensures that their feminist messages can be distributed across various Islamic organizations and groups that may be unfamiliar with the KUPI or are sensitive to a movement associated with feminism. Likewise, most KUPI scholars and activists prefer not to identify themselves as "feminists",[72] given that the term carries negative

[71] Pers. comm., Faqihuddin Abdul Kodir, October 13, 2024.

[72] I am thankful to Kamala Chandrakirana and Faqihuddin Abdul Kodir for making me aware of this information.

connotations for many (religious) individuals and groups in Indonesia. These strategic moves aimed at defining membership, reaching wider audiences, and maintaining sustainability suggest the emergence of a nascent counterpublic within the KUPI's digital activism.

Conclusion

I have discussed the commitment, hard work, and strategic moves around the KUPI's online campaign efforts by focusing on those involved in *Mubadalah* digital activism. As a relatively marginalized group, comprising of female ulama and Islamic feminist activists, the KUPI often found it challenging to discuss its religious views and feminist ideas in offline public settings. However, by utilizing the Internet and social media platforms, as demonstrated by *Mubadalah*'s Instagram, they have created a space where they can expand their Islamic feminist campaigns to wider audiences. This space is not devoid of resistance or online threats. However, it offers a safer and more engaging environment for KUPI activists to amplify their feminist discourses. Through this digital public, they can initiate conversations on gender issues, albeit at times heated discussions, that occasionally overshadow those of the conservative majority, a situation that is more difficult to achieve in an offline sphere. The KUPI's public offers an alternative perspective and source on Islamic interpretations on women's issues, opposing the prevailing male-bias interpretations. Their digital initiatives subvert the patriarchal narratives about women that are dominant across Indonesian communities, as well as destabilize the traditional structures of religious authority that have produced and sustained these narratives. Nevertheless, the KUPI's public is conscious of its subordinate status, especially when compared to other more established publics. This awareness has prompted them to devise strategic ways to organize their affiliates' membership and to effectively circulate their feminist discourses across a wider range of audiences. The public that emerges from the KUPI's digital activism walks the lines of a developing counterpublic.

In July 2024, the government enacted a regulation that eliminates all forms of P2GP practices. This is significant news for the KUPI community. While it may be too early to say whether this regulation is directly linked to the KUPI's digital activism, it is essential to emphasize that digital spaces provide the KUPI people with new avenues to imagine their activism strategies and the broader impacts of their efforts on society differently.

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Observations from the Outside: The KUPI Factor

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SHORT BIO

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ABSTRACT

The second convening of the KUPI in November 2022 was attended by international participants who had firsthand opportunity to gauge its relevance beyond Indonesia. Many non-Indonesian scholars and religious activists who observed the developments related to the KUPI conferences in 2017 and 2022 agree that they represent a significant movement within the Muslim world, particularly in Indonesia, where female scholars are actively shaping the discourse on Islam and gender, promoting interpretations that support women's rights and social justice. The central questions in this article are: What makes the KUPI a distinct and promising movement? How can it establish a lasting presence in Indonesia? Not every Muslim community is ready to accept the ideas and methods of the KUPI. Issues that play out at the grassroots level or within women's circles escape the interest or attention of the mostly male interpreters. The KUPI questions and challenges the dominant patriarchal interpretations of the Qur'an. This is bound to find resonance among Muslim women across the Muslim world and makes translating the KUPI materials into other languages more urgent than ever.

KEYWORDS
Female Muslim scholars; women's rights; religious interpretation; fatwa; religious authority

Introduction

Islam in Indonesia has often been said to be particularly unique. However, many consider it too far from the mainstream despite it being the largest Muslim-majority country in the world. Indeed, when learning about Islam's progressive developments in Indonesia, many focus on the non-replicability beyond its borders. At the same time, many observers who are interested in the KUPI wonder how important it is for those outside Indonesia to understand what is happening in this country regarding women's rights within Islam. In this article, I reflect on these questions from the perspective of a non-Indonesian scholar who has been studying the KUPI movement

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from its establishment, with particular interest in one of the KUPI's overarching goal of strengthening women's universal basic rights.

The second convening of the KUPI in November 2022 was attended by international participants who had the opportunity to gauge its relevance beyond Indonesia firsthand. Many non-Indonesian scholars and religious activists who observed the developments of the KUPI conferences in 2017 and 2022 agree that they represent a significant movement within the Muslim world, particularly in Indonesia, where female scholars are actively shaping the discourse on Islam and gender and promoting interpretations that support and further women's rights and social justice.

The central questions of this article are: What makes KUPI a distinct and promising movement? How can it establish a lasting presence in Indonesia? To address these questions, I will present arguments for why the KUPI's ideas and teachings are likely to continue growing within Indonesian society, while also briefly exploring the potential for translating these approaches to Muslim communities beyond Indonesia's borders. To contextualize this analysis, I begin with a brief overview of how such a unique congress of women ulama and their supporters became possible.

Foundations

After attending the first congress, Zainah Anwar, the former chair of Sisters in Islam, the Malaysian organization for Muslim women's rights, wondered:

> WHAT is it about the way Islam is taught and practised in Indonesia that over 500 women religious leaders could come together to issue fatwas declaring child marriage and sexual violence as haram? And to assert themselves as ulama with the authority and right to advance justice and equality as a common good for ALL?

Observing the extensive support the KUPI leaders received, for example from government authorities, Anwar and the other members of the Malaysian delegation were "gobsmacked" and "in tears" when:

> The Minister of Religion himself, Lukman Hakim Saefuddin, closed the event together with Gusti Kanjeng Ratu Hemas, a Member of the Regional Representative Council (second chamber of

> Parliament), and wife of the widely respected Sultan and Governor of Jogjakarta, both known as supporters of women's rights.

And to top it all, it was held in a *pesantren* (Islamic boarding school) in a village in Cirebon that was led by a woman, Nyai Masriyah Amva, who declared on stage that she was a feminist and a pluralist who embraced all of God's creations in all their diversity – to the cheers of the crowd.[1]

While moved to tears, the presence of high government officials and the reality that the host was a woman in charge of a *pesantren* with male and female students, begs the question of how the KUPI leaders had managed to muster this level of acceptance and support. The answer is that it was the fruit of several decades of careful planning and preparation. "KUPI is a culmination of small steps," Kamala Chandrakirana, one of the initiators, told me when explaining how the meeting started, stating "It is a platform, not an organization".[2] According to Dr. Nur Rofiah, "KUPI is the culmination of more than thirty years of effort to create space and mechanisms for the inclusion of female scholars in the production of religious knowledge in Indonesia".[3] The KUPI started as a reaction to pressing social and religious changes within Indonesian society. After the fall of the Suharto regime in 1998, Muslim extremist expressions grew, promoting misogynistic and anti-human rights ideas. They influenced many parts of society and set out to change mindsets about the status and role of Muslim women. In contrast to other Muslim countries, in Indonesia these extreme ideas were challenged by cohorts of women who were specialists in the study of the Qur'an and its related sciences. Moreover, many of them had intently studied the building blocks of patriarchy in religion as well as in local cultures, and its role in perpetuating gender inequalities. Paradoxically, they realized that the best way to challenge the existing social structures was to recruit the help of male religious authorities.

I came across the KUPI for the first time in Jakarta, 2016 when I ran into one of the main KUPI architects, Kiai Hussein Mohammed. Beaming with excitement, he told me about the first-ever international congress for women

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1 Zainah Anwar, "Grassroots Leaders Show the Way." .

2 Interview, Jakarta, June 6, 2023.

3 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 & Sarah Marsso (Oneworld Academic, 2022), 59.

ulama that would be held in 2017 in Cirebon. Excitement about this event grew steadily. When the congress finally happened, national and international press, government officials, prominent Muslim leaders, and representatives of Muslim organizations traveled to Cirebon to be part of this historic event. Articles appeared in Indonesian press as well as internationally. After the congress, a steady stream of op-eds, blogs, scholarly articles, and talks about Indonesian Muslim feminists continued to appear.[4] In Indonesia, the organizers and headliners created the *Kupipedia* site to store all written materials and media products related to the Congress. Many of them continued to spread the KUPI message via interviews, Qur'an study meetings, and other gatherings at the grassroots level and via digital platforms, such as Facebook and YouTube. For some, transmitting the KUPI message became a full-time job. Others connected it to their work as leaders of a *pesantren* (a Qur'anic boarding school), teaching the students and preaching to community members living in the vicinity of the school. Finally, with several of its leaders working in universities, the KUPI had many opportunities to spread its message at the academic level via teaching, research, and community engagement with professors operating as public intellectuals.

The KUPI became a phenomenon. In a special Ramadan edition (April 28-May 11, 2022), the journal *Gatra* discussed the accomplishments of the women Muslim leaders behind the KUPI. Their role could no longer be ignored or stopped, the journalist argued, because "women ulama exercise enormous influence. They are resilient and never stop debating the [dominant] discourse".[5] KUPI activist, Ninik Rahayu, agreed with this assessment. According to her, the women who envisioned the KUPI inspired many new women ulama communities across Indonesia, such as "the Islamic Gender Justice *Ngaji* [preaching] Community, the *Mubadalah* [a form of women-inclusive interpretations of Islam's textual tradition]"[6] and "the

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4 Links to press releases, newspaper articles, and features in various popular journals, such as *Time Magazine,* written after the first congress can be found in *Kupipedia*: https://kupipedia.id/index.php/Khazanah.

5 S.W. Mukhlison, "Mukadimah. Memuja Perempuan tebal Ilmu, *Gatra*, April-May, (2022):19.

6 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*, eds. Ziba Mir-Hosseini, Mulki Al-Sharmani, Jana Rumminger & Sarah Marsso, 181-212, (Oneworld Academic, 2022)

female ulama and community of Rahima, the network of women in Islamic boarding schools and preachers, the archipelago's *ning-ning* [a social and media integration] network, and others".[7]

The extensive excitement calls into question whether and how the KUPI phenomenon has influenced Indonesian society, and if it could influence Muslim communities in other countries. Finding a satisfactory answer to these questions is challenging. For example, when examining various articles and documents about the KUPI, the impression one is left with is that it is well-received across Indonesian society. However, as Eva Nisa's research, done after the first congress, illustrates, conservative groups of Muslim women maintain their patriarchal views concerning a woman's position in society and the family. Nisa's analysis highlights how these ideas are "firmly embedded in Indonesian culture"[8] due to the fact that these conservative groups have a much stronger digital footprint with many more followers than the KUPI women have. In comparison, the KUPI voices are lacking on social media.[9]

Muslim Women's Activism

Regardless of whether its ideas are fully embraced within Indonesia, we cannot deny that the KUPI is a powerful religious movement poised to have a significant impact, bringing about cultural and social change. Scholars of social change argue that such transformations are influenced by diverse and decentralized local forces, making them non-linear and unpredictable. In this context, it is essential to consider the unique role women play in transforming societies and religions. As many feminist scholars have argued, the patriarchal structures rest on the exclusion of women from decision-making processes. Sylvia Walby argues that women design alternative strategies to fight patriarchal forces perpetuating gender inequalities. Looking at what she calls the "intersecting complex inequalities" of gender, ethnicity, age, religion, sexual orientation, and disability, she makes the case for rethinking

7 Luviana, "KUPI's Female Ulamas Face The Heavy Challenges of Religious Fundamentalism." *Konde.Co*, October 14, (2022). https://www.konde.co/2022/10/kupis-female-ulamas-face-the-heavy-challenges-of-religious-fundamentalism/

8 Eva Nisa, "Muslim Women in Contemporary Indonesia: Online. Conflicting Narratives behind the Women Ulama Congress, "*Asian Studies Review* 43, no. 3 (2019): 447.

9 *Ibid*, 449.

the analysis of the contemporary world. Among others, she argues that incorporating women into economic and political life transforms gender relations and strengthens democratic structures.[10]

While the KUPI movement is unique, it is based on several principles that overlap with successful initiatives that aim to improve the lives of women and strengthen their rights across the world. In many cases, the principles of gender justice and education are intertwined. Often, local initiatives become national if the ideas are in line with the demands and opportunities of the time. In the United States of America (USA), for example, groups advocating for birth control, such as Planned Parenthood that was founded at the beginning of the twentieth century, gained influence in 1960 when anti-conception medicine made it possible to prevent or postpone having children. A decade later, these groups broadened their partnerships with women's groups worldwide, sharing their knowledge and strategies to strengthen women's reproductive rights globally.

Across the Muslim world, women, both individually and in groups, are working on re-interpreting the Islamic foundational texts, scrutinizing Islamic law, and creating movements of religious and social activism to further the rights of women. However, the reality is that fewer Muslim women trained to work on the texts and the law than there are who are trained as social activists. This reality is reflected in collections such as the *Oxford Handbook of Islam and Women* that features only five articles on women and the foundational texts and three on Islamic law in contrast to fourteen on religious and social activism.[11] At the same time, however, these articles show how Muslim women's socio-political activism spans a vast array of endeavors, including grassroots organizing, social media campaigns, legal advocacy, and involvement in political movements.

Muslim women's activism is diverse, reflecting the varied backgrounds and communities they represent. Their motivations range from secular ideals to deeply rooted religious convictions, often blending both to pursue numerous goals through different approaches. Additionally, Indonesian Muslim women have skillfully harnessed technological advancements to amplify their

10 Sylvia Walby, *Globalization and Inequalities: Complexity and Contested Modernities* (Sage Publications, 2009), 2.

11 Asma Afsarrudin, *The Oxford Handbook of Islam and Women* (Oxford University Press, 2023).

advocacy. Social media, in particular, has become a powerful tool, allowing them to connect, mobilize, and raise awareness on issues affecting their communities. These platforms enable Muslim women activists to voice their opinions, share personal stories, and challenge stereotypes or misinformation about Islam and Muslim women. These spaces are also used to engage in global movements, such as #MeToo, enhancing their influence and reach on a global scale.

The socio-political activism of Muslim women has far-reaching effects, resulting in significant changes in laws and policies in certain contexts, fostering solidarity across various social justice movements, and advancing the fight for gender equality within and beyond Muslim communities.

In the fields of education and legal reform, Muslim women have contributed to expanding educational access and reforming family laws that discriminate against women. For example, legal reformers such as Asma Jahangir, who co-founded and chaired the Human Rights Commission of Pakistan, has challenged laws and practices that marginalize women.[12] Muslim women are also increasingly visible in environmental preservation efforts, both locally and globally. Individually, women such as Amina Wadud, Asma Barlas, and Riffat Hassan have produced groundbreaking work on interpreting the Qur'an from a woman's point of view, work that has become foundational for many current initiatives. Another example is the work of Fatima Mernissi whose intellectual legacy has contributed to the revision of the Moroccan marriage law, particularly the reform of the Mudawana (Moroccan Family Code), in 2004. Her work provided the foundation for challenging traditional interpretations of Islamic law and encouraged the reinterpretation of religious texts. Arguing that gender equality was compatible with Islam, she pointed out the discriminatory aspects of the existing laws and raised awareness about the need for fundamental changes in family law. The 2004 version of the Mudawana incorporated several changes aligned to Mernissi's ideas, including raising the minimum age of marriage for women from 15 to 18, restricting polygamy, allowing women more rights in divorce proceedings, and allowing women's custody of children post-divorce.[13]

12 Asma Jahangir, "Speech by Ms Asma Jahangir," *Religion and Human Rights* 2, no. 1–2 (2007): 37–43.

13 https://timep.org/2023/07/07/the-moudawana-moroccos-nearly-20-year-old-family-code/

In regard to the KUPI movement, it is clear that it in addition to covering many religious and social activities but also benefits from the work of individuals who suggest new approaches from which to interpret the Qur'an and the Hadith. Despite many of its actions having social, cultural, legal, and economic impacts, the movement is grounded in the education and training of a future generation of religious leaders whose mindset is attuned to women's basic rights. It has brought together different modes of study, interpretation, and activism that strengthens the rights of Muslim women. At the same time, its strength is not solely derived from the fact that several of its key leaders, such as Badriyah Fayumi, Dr. Nur Rofiah, Kiai Husain Muhammad, and Dr. Faqihuddin Abdul Kodir, are well-respected feminist Qur'an scholars, but also due to the contribution the KUPI conferences have made to recognizing that women scholars can act with a degree of religious authority. One of the objectives of the KUPI II was "to recognize and affirm the presence of women *ulama* throughout the Islamic and Indonesian history".

This recognition of women's religious authority makes the KUPI movement unique and provides it with the strength necessary to serve as a force of religious and social change. A Pakistani observer acknowledged this reality when stating that "Indonesia is actively strengthening the role of women ulama, a concept that remains underdeveloped in many other countries, including Pakistan".[14]

In the Christian context, religious authority grounded in learning is reminiscent of initiatives historically taken by highly educated women and men to address patriarchal and suppressive structures within their churches. For example, during the 1990s, a group of Christian Coptic Orthodox nuns in Egypt set out to make the spiritual authority of women more visible.[15] Their ideas emboldened Coptic groups to advocate for women's rights within Egyptian society. Teaming up with Muslim activists, they went on to translate novel ideas on women's agency and authority into projects such as those

[14] Rubab Zainab, "Faith and gender equality: Lessons from Indonesia." Blog post, November 13, 2023, Accessible at: https://ibcenglish.net/faith-and-gender-equality-lessons-from-indonesia-2/

[15] Nelly van Doorn-Harder, "Mother Irini's Visions of Leadership: Pachomian Rule and Teaching of the Fathers." In *Copts in Modernity,* eds. Agaiby, Swanson and van Doorn-Harder. (Brill Publishers, 2021), 270-294.

against female genital mutilation, which in Egypt is practiced by both Muslims and Christians.[16]

The Indonesian Struggle to Strengthen Women's Rights

In each country, the road to strengthening women's rights varies. The KUPI women arrived at their highly educated station in different ways to women who were involved in the movement elsewhere. I argue that it is precisely the unique local struggles and circumstances specific to Indonesia that allowed for the creation of the KUPI. It aligns with organizations that have been advocating for women's basic rights since the early twentieth century, resisting patriarchal forces and designing strategies for their voices to be heard. Consequently, the KUPI is able to rely on various networks to promote its specific teachings. Furthermore, across the Archipelago, the KUPI has inspired many new groups of Muslim women activists. The creation of such cohorts, can be traced back to the Muslim women's organizations that started over a century ago. Groups such as Muhammadiyah-related 'Aisyiyah (1917) and Nahdlatul Ulama-connected Muslimat NU (1946), focused on illiteracy and religious education. While promoting arguments that sought to increase respect for women, they lobbied for access to education (religious and non-religious), worship spaces for women, and the protection of women's rights within the family.

The structures of these organizations put in place a system that allowed Muslim women at all levels of society to engage in study of the Qur'an. These organizations operated at the national, provincial, county, and local levels, providing education, advocacy, and leadership opportunities to women across different segments of society. To spread the KUPI message, its organizers could rely on similar networks, as well as new virtual and non-virtual platforms.

Women Ulama

For the KUPI conferences and subsequent activities to occur, many feminist, women ulama were needed. Indonesia stands out in the Muslim world since

[16] https://medium.com/@copticvoiceus/female-genital-mutilation-d4badf58f62e

its Muslim population can rely on a large cohort of women scholars who have had access to higher institutes of Islamic education since the 1960s. Their advanced understanding of Islamic teachings enables them to serve as spiritual, intellectual, and community leaders. Across society, they hold influential positions, such as leaders of Islamic boarding schools. They give sermons to their communities or teach in Islamic universities. Several are involved in local or national politics, translating their organizational and educational skills to a larger audience.

The current situation is founded on the launch of the Islamic Institutes for Higher Education by Abdul Wahid Hasyim, the first Minister of Religious Affairs (1949-1952), after Indonesia gained independence from the Dutch during the 1950s, and neither he nor the rest of the original committee specified gender restrictions in the initial policy documents. Consequently, when the first State Institute for Islamic Studies (IAIN) was established in 1960 (now known as Universitas Islam Negeri, or UIN), the institution could not legally exclude women students. This inclusive policy was significant as it allowed women to pursue higher education in Islamic studies, fostering a generation of female Islamic scholars (ulama) who would go on to play important roles in religious, educational, and social spheres. As early as 1994, IAIN Sunan Kalijaga in Yogyakarta started offering courses on Gender and Contemporary Thought in Islam. The works of feminist scholars, such as Amina Wadud and Fatima Mernissi, were translated into Bahasa Indonesia and used in the curriculum.[17] This policy also set a precedent for other Islamic educational institutions in Indonesia and resulted in the foundation of Women's Study Institutes that contributed to the broader movement for gender equality within Islamic contexts.

While it may seem logical for women to participate in the broader sphere of Islamic teaching, this cannot be taken for granted. As Nur Rofiah observed, "[d]espite years of activism on the ground and an increasing number of female religious scholars and preachers, Indonesian religious institutions and spaces remain dominated by men".[18] Women entering the field were met with fierce resistance. Even the NU, the organization that created Qur'an schools for women (*pesantren*) where many of the female ulama were given

[17] Etin Anwar, *A Genealogy of Islamic Feminism. Pattern and Change in Indonesia* (Routledge, 2018), 214-215.

[18] Nur Rofiah, "Reading the Qur'an," 76.

religious training before entering an Islamic university, actively fought to keep women out of positions of leadership.

In her dissertation, *Women Issuing Fatwas*, Nor Ismah provides an example of the complicated battles women within the NU had to wage to have their voices heard and opinions taken seriously.[19] She notes that fatwas that touch on women's issues yielded fierce resistance from conservative male scholars who felt they should be faithful to the teachings of the school of Islamic law they follow (*madhhab*). At the same time, those reading the Qur'an and its related sources with a lens focused on the well-being of women believe that the basic message of the Qur'an protects and promotes women's basic rights. In 2007, Hindun Anisah, who leads the *pesantren* for women in Jepara, which hosted the second KUPI conference, wanted the NU board to issue a fatwa on unregistered marriages (*nikah sirri*). In her capacity as a *pesantren* leader working at the grassroots level, and as one of the board members of the local branch of the *Lembaga Kemaslahatan Keluarga Nahdlatul Ulama* (LKKNU, the Nahdlatul Ulama Family Welfare Institute), she understood, firsthand, the difficult situations unregistered marriage can lead to.[20] For example, children born out of such a union are considered illegitimate. Growing up, these children cannot attend regular schools as they require official documents for registration. Consequently, their chances of finding well-paid jobs, opportunities to travel abroad, and participate in any activity that requires official registration are extremely limited. Moreover, when/if the couple breaks up, the woman has no recourse to any form of aid or support.

Since women did not have the authority to issue a fatwa, Hindun asked the local LKKNU forum, which focuses on issues related to family welfare, including women's empowerment, family education, and child welfare, to issue a legal opinion against unregistered marriages. The forum ultimately decided that it was forbidden:

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19 Nor Ismah, "Women Issuing Fatwas. Female Islamic Scholars and Community-Based Authority in Java, Indonesia" (PhD Diss., Leiden University, 2023).

20 LKKNU (Lembaga Kemaslahatan Keluarga, Family Welfare Institute) is a body within NU that promotes family welfare through reproductive health and family planning.

> not because the marriage itself is not in line with Islamic rules but because of something else, namely its negative impact on women and children. When a marriage is unregistered, a wife is potentially in a weak position when the husband leaves her, and their children cannot obtain a birth certificate from the government. [21]

However, most male NU leaders in Jepara opposed this legal opinion on formal grounds and considered it invalid because the forum lacked the religious authority required by the NU.[22] They agreed that the practice of unregistered marriage was detrimental to women, however, it did not then follow that it should be forbidden.[23]

While honoring the sacred texts, just as male ulama do, the KUPI leaders ask: "How can we reshape Muslim norms on gender and family relations through an approach towards the Qur'an that is grounded in both lived realities and the Qur'anic trajectory towards real, actual justice – or *haqiqi* justice?"[24] By including women's lived realities and the practice of real justice that takes into account women's unique experiences and realities, the KUPI women were driven to advocate against practices such as unregistered marriages.

In this context, it is important to emphasize that one of the transformative moments of the first KUPI conference was the understanding that women can have a level of religious authority on par with men and the acknowledgment that women can reach the level of learning that places them within the ranks of the ulama, the scholars of Islam. Ulama devote themselves to the study of the Qur'an, the Hadith, and their related sciences. Their goal is to preserve, transmit, and interpret Islamic knowledge.[25] According to Gaffney, the ulama's achievements in learning make them the agents of "the divine law whose task is to preserve, to codify, to interpret,

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21 Nor Ismah, "Women Issuing Fatwas," 76.
22 *Ibid*, 76.
23 *Ibid*, 75-76.
24 Nur Rofiah, "Reading the Qur'an," 58.
25 Muhammad Khalid Masud, Brinkley Messick and David S. Power. "Muftis, Fatwas, and Islamic Legal Interpretation." In *Islamic Legal Interpretation. Muftis and their Fatwas,* eds. Masud, Messick and Powers (Harvard University Press, 1996), 7.

and to transmit the verbal charisma of the prophet".[26] Farida and Kasdi call them "the prophetic functional switchers", "servants of God" who lead "the *umma* in promoting virtue and preventing crime".[27] Allowing women a space in this lineage of prophetic learning is a watershed event in itself. It could only happen because so many Indonesian women have reached the required level of religious education.

The level of authority the Congress bestowed on the women ulama allows for their knowledge to impact society. Indeed, knowledge "must be converted into authority, and for authority to be established, it must be projected as knowledge".[28] According to Indonesian intellectual, Mansour Fakih, social change "needs a collective process that combines study, investigation, social analysis, education, and action".[29] Examining the educational and activist backgrounds of some of the KUPI leaders reveals how the women ulama, along with their male collaborators, took this advice to heart as they set out to reinterpret religious texts in such ways that could influence society and strategized on how to spread the message to wider audiences. This audience might not be the millions of women following simplified conservative, patriarchal ideas. However, by changing the curriculum in the schools that train the future leaders of Indonesian Islam, they have the potential to reach an audience that will hold the same level of authority the KUPI women have.

The Network

In 2022, the journal *Gatra* issued a special Ramadan edition to celebrate female religious leaders and women ulama. Several women featured are the KUPI organizers: Nur Rofiah, Badriyah Fayumi, Hindun Anisah, Masriyah Amva, and Maria Ulfah Ansor. A separate section includes the male drivers behind the KUPI: Husein Muhammad and Faqihuddin Abdul Kodir. Their biographical sketches show how ulama activists are connected through educational lineage and NU-related activism. For example, Nur Rofiah, who currently teaches at the Higher Institute for Qur'anic Studies in Jakarta

[26] Patrick D. Gaffney, *The Prophet's Pulpit. Islamic Preaching in Contemporary Egypt.* (University of California Press, 1994), 39.

[27] Umma Farida and Abdurrohman Kasdi. "The 2017 KUPI Congress and Indonesian Female 'Ulama," *Journal of Indonesian Islam* 12, no. 2 (2018): 138.

[28] Gaffney, *The Prophet's Pulpit,* 35.

[29] Umma Farida and Kasdi, "The 2017 KUPI Congress," 139.

(PTIQ), was educated in the same *pesantren* as Hindun Anisah, Krapyak in Yogyakarta.

During the 1980s, NU activists collaborated with intellectuals from different Islamic organizations to launch various non-governmental organizations (NGOs) that would focus on research and activism related to certain pressing societal issues. These included the Institute for Economic and Social Research, Education, and Information (LP3ES) and the Institute for Social Development Studies (LSP). After Abdurrahman Wahid (1984-1999) took over the National Chair of the NU, he encouraged the establishment of several community development projects that focused on educating *pesantren* leaders and students in non-religious disciplines.[30] The goal was to create community development that could transform the traditional educational models and train future leaders of social change.

One of the NU initiatives that trained several of the current KUPI leaders was the Association for the Development of Pesantren and Society (Perhimpunan Pengembangan Pesantren dan Masyarakat, 1983), better known as P3M. One of its goals was to increase awareness of women's reproductive rights and gender among teachers and students in the *pesantren*. For the NU, these schools provide a rigorous spiritual, religious, and secular formation that had traditionally been the backbone of strong NU leadership.[31]

Several of the KUPI leaders were involved in the Fatayat NU organization, the NU branch for unmarried and younger women focused on women's rights and health and taught on issues of gender and feminism as conceptual tools for women to understand their circumstances. With its connection to one of the largest Muslim organizations in the world, the Fatayat NU came to serve as a large platform through which Muslim feminist ideas percolated down to the grassroots levels.[32]

All the KUPI organizers were involved in either one or more of the organizations backing the two KUPI conferences. For example, Nur Rofiah was on the board of Rahima and Alimat.

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30 Pieternella van Doorn-Harder, *Women Shaping Islam. Reading the Qur'an in Indonesia.* (University of Illinois Press, 2006), 34, 189.

31 Van Doorn-Harder, *Women Shaping Islam,* 189-202.

32 Etin Anwar, *A Genealogy,* 189.

To cooperate closely with religious leaders, teachers, and government officials, activists had established Rahima, the Center for Education and Information on Islam and Women's Rights Issues (2000). Alimat is a network of organizations that advocates for the reform of Indonesian family law. The third organization that was involved in the development of the KUPI conference was Fahmina, a study center on Islam and gender issues that prominent religious leader and feminist, Kiai Husein Muhammad, launched in 2001 at his *pesantren* in Cirebon to empower women.[33]

Several of the founding members serve on the boards of overlapping organizations that focus on strengthening the rights of Muslim women. They connect large and complex organizations, such as the NU, with their sprawling, nationwide programs to the NGOs. Sometimes, the two types overlap. For example, the Fatayat NU, the NU branch for younger women, became a type of NGO by focusing on issues of women's rights and health.[34]

This description serves to highlight how the two KUPI conferences allowed for a shift in the patriarchal mindset about the role and potential of women ulama. After the influence of the first conference became noticeable, in March 2022, for the first time in the organization's 100-year history, the Nahdlatul Ulama finally appointed two women to top leadership positions.[35] Two women in an ocean of men seems a small step. However, as Hindun's struggle shows, the first step for women is to have their religious authority acknowledged and their voices heard.

The Indonesian government took notice as well. During the second conference, one of the ministers conveyed the government's intention to support a push for greater women's representation in local government across Indonesia, saying that women ulama can play a major role in leading villages and empowering women in areas beyond religion, like education.[36]

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33 See the Fahmina website: https://fahmina.or.id/

34 Rachel Rinaldo, *Mobilizing Piety. Islam and Feminism in Indonesia* (Oxford University Press, 2013), 63-111.

35 https://www.aljazeera.com/news/2022/3/19/about-time-indonesias-nu-welcomes-women-to-top-leadership

36 https://en.antaranews.com/news/262249/ministry-drives-30-pct-womens-representation-among-village-officials

On March 22, 2025, during Ramadan, the KUPI leader Badriyah Fayumi was invited to deliver the day's sermon at the Istiqlal mosque in Jakarta, addressing thousands of worshippers, including numerous government officials. The invitation to lead this prestigious event signaled a clear acceptance of Badriyah's religious authority by Indonesia's top religious and political leaders.[37]

The KUPI Approach

Years of experience have made it clear to the KUPI leaders that a shift in the patriarchal mindset can only happen when they include male religious authorities in their deliberations. Badriyah Fayumi explained to me that in preparation for the conferences, they discussed their ideas with Indonesia's most influential leaders, including the Minister of Religious Affairs, Lukman Hakim Saifuddin, and Vice President Yusuf Kalla.[38] It was vital to explain to these leaders that women across religions struggle with the disconnect between their daily lives, lived practices, and male-oriented interpretations of the holy scriptures. In Fayumi's eyes, informing male religious leaders about their hermeneutical methods was crucial for their suggestions to be accepted by the larger public. The philosophy was that these leaders would help them wield power in public if they could be part of the solutions to strengthen women's rights in private.

Furthermore, the KUPI hermeneutical method is groundbreaking in itself. Carefully designed, this method is built on three principles. First, men and women work together. This objective translates into forms of well-being for the nuclear family as well. According to Fayumi, the ideal relationship between husband and wife is based on the concept of "*ma'ruf*" which guarantees a harmonious and happy family.[39] Second, Faqihuddin Abdul Kodir proposes a hermeneutical methodology that is rooted within the concept of reciprocity called *Qirã'a Mubãdala*. This method "unearths

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37 Fachrul Misbahudin, 03-24-2025, For the full text of this sermon in Indonesian, see: https://mubadalah.id/teks-lengkap-ceramah-nyai-badriyah-fayumi-di-masjid-istiqlal-jakarta/

38 Interview with Ibu Badriyah Fayumi, Jakarta, July 6, 2024.

39 Atun Wardatun and Abdul Wahid, "In Search of Autoethnography of Female Ulama: An Alternative Approach to the Study of Islamic Family Law," *Islamic Studies Review* 2, no. 1 (2023): 43.

principles which can lead to equal cooperative relationships between men and women in all spaces, both within the family and in society. The main premise of the *Qirā'a Mubādala* method is to ensure that men and women are equal subjects in the texts".[40] The method relies on two key Qur'anic principles that concern all: *Tawhid* (that God is one), "and the Qur'anic affirmation of reciprocal relationships between men and women".[41] Both ideas align with the third and final principle, Nur Rofiah's concept of *haqîqî* justice. That is, justice for women that embraces "the full humanity of all people" whatever their location, position, social condition, or privilege.[42]

Solidifying their stance, in 2017 the KUPI leaders issued a fatwa that linked the acceptance of women ulama with these principles. The advice in the fatwa concerning the role of female religious leaders (*Ulama Perempuan*) and their empowerment is explained as follows:

> The fatwa supports the role of female religious leaders in advocating for gender justice and addressing issues like child marriage, sexual violence, and environmental protection.

Followed by the advice to honor,

> Inclusivity in Religious Interpretation: It calls for a more inclusive interpretation of religious texts that takes into account the experiences and needs of women.

The three hermeneutical principles are the underlying forces that shape the famous KUPI fatwas. While applying traditional Islamic reasoning and textual interpretation, the principles make the fatwas relevant and applicable to Muslim women's lives globally. This is especially so given that the fatwas equally reflect the aspirations of international conventions such as the UN's Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Connection with such human rights instruments demonstrates that more than just Muslim women benefit from the fatwas. Child marriage, forced marriage, domestic violence, female genital mutilation, and environmental destruction concern women of all faiths as well. This reality

40 Abdul Kodir, "Qirā'a Mubādala," 187.
41 *Ibid,* 188.
42 Nur Rofiah, "Reading the Qur'an," 62.

makes the fatwas invaluable contributions, strengthening women's lives globally.

Giving a Fatwa Hands and Feet

To conclude this article, I will illustrate how the KUPI leaders have worked towards gaining broad support for their fatwas. The conception of a fatwa is initiated by a question from the community of believers. In the case of the KUPI fatwa, the questions were formulated by the KUPI leaders who discussed the precise wording with influential Muslim leaders. Below are some examples of those questions that the 2017 fatwa against child marriage sought to answer.

1. What is the legal ruling on preventing child marriage that causes harm in the context of establishing a harmonious and prosperous family (*sakinah*)?

2. Who are the parties responsible for preventing child marriage and similar practices?

3. What can be done for children who have experienced such marriages as a form of protection?[43]

These carefully constructed questions allow for clear answers that align with the KUPI philosophy. The abridged version of the fatwa against child marriage is as follows:

> **Prohibition of Child Marriage:** The fatwa strongly discourages and aims to prevent child marriage. It argues that child marriage can lead to significant harm (*mafsadat*) for the child, particularly concerning their physical, mental, and spiritual well-being.
>
> **Family Welfare (Kemaslahatan Keluarga Sakinah):** The fatwa emphasizes the importance of family welfare and the establishment of a harmonious, peaceful family (*keluarga sakinah*). Child marriage

[43] KUPI, *Hasil Musyawarah Keagamaan. Kongres Ulama Perempuan Indonesia (KUPI) Ke-1. Pondok Pesantren Kebon Jambu al-Islamy Babakan Ciwaringin Cirebon, Jawa Barat. 25-27 April, 2017 M/28-30 Rajab 1438 H*. (Umah Sinau Mubadalah, 2023), 23.

is seen as incompatible with these values, as it can disrupt the development and stability of the family.

A series of recommendations provide answers to the initial questions of who bears responsibility for preventing child marriage and what can be done to protect the girl-child who is married. The KUPI leaders, alongside others, address government authorities who can enact and enforce laws that prohibit child marriage and protect children's rights. Religious leaders are called to educate communities about the dangers of child marriage and to interpret religious texts in ways that support the well-being of children and reiterate to communities and families that they should avoid practices that harm children and support the development of healthy and stable families. The different authorities and communities must help these girls by providing legal and psychological support as well as educational opportunities.[44]

The fatwa emphasizes the severe negative impacts of child marriage across various aspects, including health, education, social well-being, and economic stability. It advocates for the prevention of child marriage by stressing its violation of children's rights as outlined in both national and international laws, such as the Convention on the Rights of the Child and Indonesia's Child Protection Act that promotes the well-being of all children, regardless of their socio-economic or cultural backgrounds. (Hidayatollah, Syifa, 2022, 136-138). And finally, the fatwa contributes to the 2019 revision of the Marriage Law that raised the minimum legal age of marriage to nineteen for both men and women.

The KUPI Factor

As this article has illustrated, the KUPI conference was only able to occur due to the specific religious education opportunities in Indonesia. Resultingly, it has succeeded in changing mindsets and lived realities, and several of the KUPI fatwas have influenced the enactment of national laws aimed at strengthening the position of women. The KUPI is a religious, educational, and interpretative movement that has already impacted Indonesian society. These movements take time to mature, especially given the time it takes to train a new generation of Muslim leaders. As a result, it

[44] *Congress of Indonesian Women Ulam. Official Documents on Process and Outcome,* (Kupi Offices, 2017), 103-105.

will also take time to translate the ideas of the KUPI into new interpretations of the Qur'an. However, the actions already taken have already demonstrated how the KUPI is built on knowledge and awareness building. The conservative majority of women that Eva Nisa's article discusses lack the level of religious knowledge the KUPI leaders can rely on to build their new programs.

Indeed, the KUPI is a movement that is here to stay. Among other organizations, the KUPI addresses issues that also concern the Indonesian government. For example, the authorities are keenly aware of the societal, medical, and psychological drawbacks of child, early, forced, and secret marriages. Statistics show that such unions often end in divorce. As a result, households headed by single mothers who lack of education will therefore find themselves in poorly paid jobs, risking the economic situation of the family. As argued earlier, a strength of the KUPI movement is that it has brought together different modes of study, interpretation, and activism to strengthen the rights of Muslim women.

However, not every Muslim community is ready to accept the KUPI ideas and methods. Issues that play out at the grassroots level or within women's circles tend to escape the interest or attention of the mostly male interpreters. The KUPI questions and challenges their dominant patriarchal interpretations of the Qur'an. This is bound to find resonance among Muslim women across the Muslim world, meaning that translating the KUPI materials into other languages is more urgent than ever. Connecting their work with the aspirations of CEDAW, who created a crucial platform for advancing women's rights internationally and holding countries accountable to their commitments, establishes a bridge between Muslim and non-Muslim women activists.

Indeed, it will take time for the KUPI method to be applied at a wider scale, both in Indonesia and other countries. However, the KUPI leaders are taking the initiative to convey their inspiring message to religious leaders of other Muslim countries. For example, in October 2024, they invited a group of female and male Muslim leaders from the Philippines, Malaysia, Thailand, and Pakistan to a conference titled "Advancing Gender Equality Through Faith". This was a collaboration between the International NGO Forum on

Indonesian Development (INFID) and the KUPI.[45] The goal of this meeting was "to share knowledge and best practices." (Zainab, 2024) One of the participants wrote that "[t]he experience was not only intellectually stimulating but also deeply inspiring, as it centered on empowering women ulama and their supporters to champion gender equality and social inclusion across the Muslim world".[46]

Clearly, there is a lot of room for specialized meetings involving high-level non-Indonesian women Muslim leaders. Such platforms allow for the exchange of ideas on how to apply the KUPI method outside Indonesia. In addition to targeted conferences, religious specialist courses, such as those provided by Rahima, for Indonesian and non-Indonesian women Muslim leaders could prove vital. Where it concerns activities outside Indonesia, it would follow that networks such as Musawah would be heavily involved in such initiatives. Moreover, we can expect the use of social media to speed up the impact and outcomes of these initiatives. The KUPI method shows that careful planning and deliberations are key to such initiatives and that it leads to long-lasting results.

However, the question remains if we can speak about a "KUPI factor" within and outside Indonesia. One of the questions the KUPI organizers have is whether their movement's woman-focused, hermeneutical approach to the interpretation of the Qur'an and Hadith has inspired individuals or groups in Muslim communities to follow their example. At this stage, it seems impossible to answer this question. I argue that the KUPI is still an evolving movement that needs to solidify its foundations within the Indonesian context before its ideas can be effectively translated and successfully adopted by other Islamic countries. Nevertheless, the KUPI's impact within Indonesia is undeniable. Indonesians have shown great enthusiasm for what the KUPI conferences have accomplished so far. One Indonesian observer called it "a turning point" for the nation's civil society, an event that created awareness about "the power of women clerics", and "a major influence through the fatwas that have been formulated, even though these fatwas have no legal binding in the country, they are believed, trusted and practiced".[47]

45 Interview with Dr. Riri Khoiriyah, Jakarta, November 5, 2024.
46 Rubab Zainab, "Faith and gender equality."
47 Hidayatulloh, Taufik and Bahro Syifa. "Analysis Study of the Movement of the Indonesian Women's Ulama Congress (KUPI). *Journal of Sharia, Tradition, and Modernity* 2, No. 2 (2022): 136-137.

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Appendix 1

Annotated Readings

Elizarni[i]

SHORT BIO

[i]Elizarni is an independent researcher and educator working in both formal and non-formal education in Aceh, Indonesia. She holds a doctoral degree in Educational Leadership from Ohio University, where her dissertation examined feminist pedagogies during and after the armed conflict in Aceh. Her work focuses on gender, education, and peacebuilding in post-conflict societies, with a strong commitment to community-based learning and social transformation.

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Introduction

The annotated readings present seminal works on female religious authority in Indonesia, each with a brief summary and reflection on its scholarly contribution.

Hefner, C. M. (2016). Models of achievement: Muslim girls and religious authority in a modernist Islamic boarding school in Indonesia. *Asian Studies Review*, *40*(4), 564-582.

The study by Hefner (2016) focuses on the religious authority of female students at Madrasah Mu'allimat, a prestigious Islamic boarding school for girls in Yogyakarta, affiliated with Muhammadiyah, the second-largest

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Muslim organization in Indonesia. The school receives recognition for its training cadre program that equips the students to take leadership roles and to carry out the mission of Muhammadiyah by promoting Islamic values through religious outreach.

Despite the school's long-standing prominence in Islamic science, a visible change has occurred among its students. Many are now choosing more prestigious careers that promise greater social mobility over careers in Islamic science. As a result, this has led to an identity crisis for Muhammadiyah and the school. Using ethnographic research methods, Hefner explores how the school's administrators and teachers perceive this shift and its implications for women's religious authority.

By highlighting the evolving aspirations of female students at Mu'allimat, Hefner's work challenges traditional views on women's religious authority as confined to Islamic sciences. Hefner argues for a broader understanding of authority that includes career and societal roles that allows for a dynamic model of contemporary Islamic femininity. The study highlights that the female students continue to embody religious values and piety, even as their career aspirations diversify.

One of the key aspects of the study is its focus on the moral and religious standards upheld by Mu'allimat students who serve as role models for societal leadership. Students are encouraged to maintain a public image of piety through their behavior and adherence to strict dress codes. Although some might view the school's dress codes and uniform requirements as limiting self-expression, for the Mua'llimat students, these rules are of great ethical importance as they symbolize discipline and unity within the student community and, thus, foster humility and cultural pride, reinforcing Islamic identity and Muhammadiyah values.

The Mu'allimat is a source of pride for Muhammadiyah in that it is a source of female religious authority. As elaborated by Hefner, the institution itself is almost entirely run by well-educated women who are Mu'allimat alumni, highlighting the leadership capabilities of these women in educational settings. Furthermore, this illustrates the significance of the institution in shaping religious education and female empowerment within the community. The institution facilitates Muslim women's independence by empowering

them through education and strong leadership opportunities within the institution.

Kloos, D. (2016). The salience of gender: Female Islamic authority in Aceh, Indonesia. Asian Studies Review, 40(4), 527-544

Kloos's study (2016) examines the vital role of female ulama in reshaping gender relations within the context of Aceh's Islamic traditions. Through an analysis of the experiences of two female ulama, the study exemplifies how religious authority can be wielded by women to challenge patriarchal structures, particularly in a region where the implementation of Islamic law has often been seen as a barrier to women's rights. Their authority has helped advance women's rights in Acehnese society, particularly through their advocacy for gender equality within the context of Islamic law.

The ability of female ulama to advocate for women's rights within the framework of Islamic law is significant. By combining their extensive Islamic knowledge with a progressive and open-minded approach to Islamic teachings, they are able to challenge misogynistic interpretations of Islamic law and promote gender parity. This nuanced approach allows them to address gender issues within a traditional Islamic context without rejecting the religious framework that may resonate more with conservative communities.

As educators and activists, the work of these female ulama highlights the intersection of religion, education, and social justice. They focus on reforming educational practices and establish pedagogies that address social justice concerns not only for gender equality but also broader societal and cultural assumptions that restrict women's role in Acehnese society. They incorporate Islamic texts like the Quran, Hadith, and Kitab Kuning (traditional Islamic texts) in their discussions of critical issues including sexuality, domestic violence, and community discord.

In summary, Kloos's research underscores the various power sources of female ulama in advancing women's rights within Islamic communities. These women's ability to reinterpret traditional Islamic knowledge and challenge patriarchal norms demonstrates the evolving role of women in

religious leadership and activism, contributing significantly to the ongoing transformation of gender dynamics in Aceh.

Ismah, N. (2016). Destabilising male domination: Building community-based authority among Indonesian female ulama. Asian Studies Review, 40(4), 491-509.

The study by Ismah (2016) explores how female ulama from Java conceptualize community-based authority through their direct engagement with everyday life. She examines the experiences of three women ulama who participated in Rahima's female ulama cadre program and highlights how the authority of these female ulama manifests itself in the community and alters the perceptions of the male ulama regarding their roles.

In her analysis, Ismah identifies three key aspects contributing to the community-based authority of female ulama that offer a nuanced understanding of how these women operate in spaces traditionally dominated by men.

First, female ulama demonstrate religious authority through their knowledge of the Qur'an, Hadith, and Kitab Kuning, issuing fatwas and providing religious guidance in the community. Beyond their religious expertise, their involvement in gender activism at both national and international levels strengthens their ability to address women's concerns within an Islamic framework.

Second, female ulama hold social and cultural authority by being influential leaders within their communities serving as teachers, preachers, and mediators. They also raise awareness on issues such as women's and children's rights, thus, enhancing their social and cultural influence.

Third, female ulama have leadership authority that is reinforced by their roles in pesantren (Islamic boarding schools) and madrasah (Islamic schools). They influence educational and religious practices and contribute to decision making and curriculum development in both their own institutions and other organizations.

These female ulama build upon their community-based authority to create a collective authority, forming forums at local and regional levels to support each other. This collective methodology provides a platform for national advocacy, allowing female ulama to address broader issues and issue fatwas on national matters, exemplified by initiatives like the congress of female ulama.

Despite ongoing challenges, these female ulama are recognized as charismatic agents of change who continue to adapt their religious knowledge to suit contemporary needs, contributing to a peaceful community and advocating for gender justice within the Islamic framework. Their extensive experience in religious knowledge and leadership capacity has earned the support of male ulama, as well as their families and communities, which strengthens their roles and fosters a growing acceptance of female leaders within religious discourses.

Birchok, D. A. (2016). Women, genealogical inheritance and Sufi authority: the female saints of Seunagan, Indonesia. Asian Studies Review, 40(4), 583-599.

Birchok's (2016) study analyzes the authority of two female saints, Maknih and Wan Doneh, who lived and were buried in Seunagan, Aceh, Indonesia. Both women are descendants of Habib Abdurrahim, a prominent male saint in the region. While leadership in the Habib Abdurrahim family has traditionally been a patrilineal succession, Birchok's study challenges traditional views of gender and leadership within the Islamic Sufi community.

The experience of these female Sufi leaders underscores the importance of spiritual charisma and influence in the transfer of authority within their community. They inherited a unique preternatural power from their father, Habib Muda, who was a son of Habib Abdurrahim. During their lifetimes, these women played pivotal roles in guiding and leading the rituals in the Syattariyah Sufi path practiced in Seunagan, which included both male and female members.

Through the intercession of these women, their influence continued even after their passing. Their graves became significant sites for locals seeking spiritual help and divine intervention. The ritual visitations of their graves demonstrates the deep reverence people have for these female saints, highlighting their special position among the prominent saints of their lineage.

The study also raises important questions about whether the lineage of these female saints could pass down spiritual power through their sons or if their matrilineal descendants might eventually take on leadership roles in Seunagan Syattariah. While the dominant expectation in the Habib Abdurrahim family and other Sufi communities may favor patrilineal succession, Birchok introduces the possibility that matrilineal lines can also play a role in the future leadership of the Seunagan Syattariah. This challenges rigid interpretations of Islamic genealogies and suggests that gender roles within spiritual leadership can be more flexible than traditionally assumed. By acknowledging the potential for leadership through female descendants, Birchok's research allows for further exploration on how Islamic practices can evolve to reflect local traditions and contemporary realities.

Although the future leadership of Seunagan Syattariah was still unclear during the study, Birchok's research suggests that leadership in the Seunagan Sufi lineage may not always strictly adhere to a male-only line. This challenges the notion that Islamic genealogies are exclusively patrilineal and implies that local traditions and practices may incorporate matrilineal connections as well.

In conclusion, Birchok's study offers a significant contribution to the understanding of gender and authority in Sufism, particularly in the context of Aceh. It highlights the complex relationship between spiritual power, gender, and lineage, suggesting that leadership in Sufi communities may be more fluid than traditionally believed. The possibility of a matrilineal inheritance of authority reflects broader trends where gender norms are being re-examined and challenged, paving the way for more inclusive spiritual leadership.

Farida, U., & Kasdi, A. (2018). The 2017 KUPI Congress and Indonesian Female 'Ulama'. IAIN Kudus.

Farida and Kasdi's (2018) study provides a detailed exploration of the advocacy efforts of female ulama in Indonesia following the 2017 KUPI Congress in Cirebon. The study highlights the central roles of female ulama in promoting social transformation through progressive interpretations of Islam, particularly in addressing issues of gender justice, humanity, and environmental sustainability.

The KUPI is a groundbreaking movement that has revitalized Islamic thought in Indonesia, empowering female ulama to foster societal development and promote progressive interpretations of Islam that prioritize gender justice. Post-congress, the ulama's da'wah has focused on the interconnectedness of gender justice and Islam's role in promoting peace. This is evident in their advocacy efforts mobilized through the three fatwas that were issued during the congress addressing sexual violence, child marriage, and environmental destruction.

One the strategies employed by the female ulama in this research is the transformation of their pesantren into shelters for vulnerable and marginalized groups. These shelters provide safe spaces for the impoverished, orphaned, and survivors of sexual abuse, showcasing the multifaceted support offered by these institutions. Moreover, some pesantrens have been reimagined as hubs for ecological and cultural diversity, emphasizing the importance of species egalitarianism and environmental preservation. This reflects a holistic understanding of the interconnectedness between humanity and nature.

Despite the risks involved, these female ulama remain steadfast in their belief that their actions align with Islamic values. These ulama actively engage in interfaith dialogue to promote moderate Islam and emphasize non-violence. Their commitment to principles of justice and compassion underscores the broader meaning of Islamic teachings. By emphasizing universality, Islam highlights the interconnectedness of humans and nature within the cycles of life, reinforcing the importance of virtues such as care, responsibility, and stewardship.

This research is valuable for understanding how Islamic feminism operates in grassroots and institutional contexts. It effectively showcases the multifaceted contributions of female ulama, demonstrating their ability to integrate faith-based activism with contemporary social challenges. By emphasizing their leadership in progressive religious interpretation and social advocacy, the study challenges patriarchal narratives within Islamic tradition.

Nisa, E. F. (2019). Muslim women in contemporary Indonesia: Online conflicting narratives behind the women ulama congress. Asian Studies Review, 43(3), 434-454.

The study highlights the First Congress of Women Ulama (KUPI) as a groundbreaking event that amplified the voices of women ulama and focused on advancing civil Islam in Indonesia. Praised for its agendas promoting gender equality, gender justice, and broader interpretations of Islamic teachings, KUPI has made significant strides. However, the study critiques its limited success in reaching a wider audience, particularly in comparison to the extensive influence of conservative Muslim women's groups.

As social media and internet platforms play a pivotal role in modern da'wa (proselytization) and shaping public discourse on Islam, conservative Muslim women's groups have effectively leveraged such medias to propagate their views, often overshadowing KUPI's online campaigns. For instance, Hijrah movements and morality campaigns led by conservative activists, which emphasize women's roles as housewives and mothers and call for a "return to true Islam," have gained substantial attention and engagement on social media. Messages advocating a return to "kodrat wanita" (women's biological roles) resonate strongly with audiences, often eclipsing KUPI's progressive narratives on gender equality.

While KUPI has made efforts to utilize digital tools, the author argues that it has not matched the success of its conservative counterparts in the online space. This discrepancy highlights the urgent need for more strategic and

widespread online campaigns to amplify KUPI's progressive messages and broaden its reach.

van Doorn-Harder, N. (2023). Women's Religious and Social Activism in Southeast Asia. The Oxford Handbook of Islam and Women, 444.

The article by Doorn-Harder (2023) provides a critical analysis of Muslim women's activism in Southeast Asia, focusing on Indonesia, Malaysia, and the Philippines. The study emphasizes the intersection of Islamic feminism and universal human rights, exploring how misogynistic interpretations of Islamic texts and the rise of radical Muslim movements, particularly in Indonesia and Malaysia, have marginalized women. In response, Muslim women activists have employed ijtihad (independent reasoning) to reinterpret Islamic teachings, advocating for gender justice and aligning Islamic principles with universal human rights frameworks.

The study highlights the importance of collaborative strategies employed by these activists, who work alongside Muslim intellectuals, religious leaders, policymakers, and government to advocate for gender-sensitive national laws. They tackle critical issues such as marital rape, polygamy, and child marriage, using Islam as a principle to strengthen their arguments for policy reforms. This collaborative approach underscores the activists' commitment to fostering partnerships and advancing women's rights within Islamic frameworks.

In addition, the author highlights the transnational dimensions within Islamic feminism by showing case how the activists foster solidarity across national and cultural boundaries. They have significantly contributed to the global Muslim feminist movement through initiatives such as the international online platform Musawah and the formation of Indonesia's first Congress of Female Ulama (KUPI) in 2017, both of which serve as milestones demonstrating the transformative impact of this activism.

Doorn-Harder's work is invaluable for understanding the nuanced ways in which Southeast Asian Muslim women navigate religious and social structures to promote gender equality. It offers a compelling example of how Islamic feminism operates locally and globally, contributing to the broader

discourse on gender justice in Muslim-majority societies. This study is a key resource for researchers examining the intersection of religion, gender, and human rights.

Appendix 2

Kebun Jambu Pledge on Women's Religious Leadership

> *In the name of Allah, the Most Gracious, the Most Merciful.*
> *I bear witness that there is no deity worthy of worship except Allah, and I bear witness that Muhammad is the Messenger of Allah.*

It is with deeply felt conviction that we state the following:

> Women, as men, are human beings endowed with the entire potential of humanity through reason and compassion (*akal budi*) and with body and soul (*jiwa raga*). These are the blessings of Allah SWT bestowed upon all humankind that cannot be diminished by anyone for any reason.
>
> Throughout the history of Islam since the time of the Prophet, women ulama have prevailed and contributed to shaping Islamic civilization but our presence and role have been marginalized by a history unilaterally constructed over centuries. The existence of women ulama with our roles and responsibilities throughout time is, essentially, the calling of our faith and a historical inevitability.
>
> Alongside male ulama, women ulama are inheritors of the Prophet's mission of *tauhid*, liberating humankind from all forms of subjugation other than to Allah, enjoining good (*amar ma'ruf*) and forbidding evil (*nahi munkar*), affirming dignity for all humankind, and refining our noble character for the benefit of all creation.
>
> As with our male counterparts, women ulama hold the responsibility of advancing this prophetic mission to eliminate all forms of injustice and oppression against fellow beings, including based on religion, race, nationality, groupings and sexuality. As holders of such responsibility, women ulama have the right to interpret Islamic texts, to develop and disseminate religious opinions relevant to this mission.

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As citizens of the Indonesian nation, women ulama hold the right and obligation to realize the aspirations of the nation and state, as enshrined in the Constitution, in our personal, family, community life and in [the functioning of] the state.

Pesantren Kebon Jambu
Babakan Ciwaringin, Cirebon, West Java
27 April 2017
30 Rajab 1438 Hijri

Ikrar Kebon Jambu tentang Keulamaan Perempuan

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ.

أَشْهَدُ أَنْ لاَ إِلَهَ إِلاَّ اللَّهُ وَأَشْهَدُ أَنَّ مُحَمَّدًا رَسُولُ اللَّهِ.

Kami dengan keyakinan sepenuh hati menyatakan bahwa:

Perempuan adalah manusia yang memiliki seluruh potensi kemanusiaan sebagaimana laki-laki melalui akal budi dan jiwa raga. Semua ini adalah anugerah Allah SWT yang diberikan kepada setiap manusia yang tidak boleh dikurangi oleh siapapun atas nama apapun.

Sepanjang sejarah Islam sejak masa Rasulullah SAW, ulama perempuan telah ada dan berperan nyata dalam pembentukan peradaban Islam, namun keberadaan dan perannya terpinggirkan oleh sejarah yang dibangun secara sepihak selama berabad-abad. Kehadiran ulama perempuan dengan peran dan tanggung jawab keulamaannya di sepanjang masa, pada hakikatnya, adalah keterpanggilan iman dan keniscayaan sejarah.

Ulama perempuan bersama ulama laki-laki adalah pewaris Nabi SAW yang membawa misi tauhid, membebaskan manusia dari penghambaan kepada selain Allah, melakukan amar ma'ruf dan nahi munkar, memanusiakan semua manusia, dan menyempurnakan akhlak mulia demi mewujudkan kerahmatan semesta.

Sebagaimana ulama laki-laki, ulama perempuan bertanggung-jawab melaksanakan misi kenabian untuk menghapus segala bentuk kezalimanan sesama makhluk atas dasar apapun, termasuk agama, ras, bangsa, golongan, dan jenis kelamin. Sebagai pengemban tangung jawab ini, ulama perempuan berhak menafsirkan teks-teks Islam, melahirkan dan menyebarluaskan pandangan-pandangan keagamaan yang relevan.

Sebagai bagian dari bangsa Indonesia, ulama perempuan memiliki hak dan kewajiban untuk mewujudkan cita-cita berbangsa dan bernegara sebagaimana dinyatakan dalam Konstitusi Negara Republik Indonesia pada kehidupan pribadi, keluarga, masyarakat, dan negara.

Pondok Pesantren Kebon Jambu
Babakan Ciwaringin Cirebon Jawa Barat
27 April 2017
30 Rajab 1438 H