

The increasing role of women's fatwa-making in Indonesia

Women Islamic scholars in Java, Indonesia's most populated island, are challenging male authority through fatwa-making. Their actions foster broader perspectives in fatwa formulation, enriching Islamic jurisprudence, promoting inclusivity within Indonesian society and marking a significant shift towards gender justice.

A fatwa, defined as an Islamic legal opinion that is not legally binding, is issued by an individual or a group of Islamic scholars. Typically, it involves posing a question to the scholars (ulama) and receiving their opinion in response, adhering to standard jurisprudence guidelines. Throughout this process, the ulama establish authority by aligning their fatwas with their interpretation of 'God's judgment.' Those seeking guidance, in turn, recognise this authority by accepting or adhering to the issued fatwa.

Records indicate limited participation of women in fatwa-making forums. Major fatwa-making forums are organised by the main Muslim organisations such as Muhammadiyah, known as Majelis Tarjih, Nahdlatul Ulama (NU), referred to as Bahtsul Masail, and the Indonesian Ulama Council (Majelis Ulama Indonesia/MUI), known as Fatwa Commission. Specifically, within the MUI, from 1975 to 1998, no more than five female ulama became members of the Fatwa Committee. In 2017, out of the 38 members of the Leadership Council of MUI, only five were women, and within the Fatwa Commission, out of 72 members, only seven were women. Notably, historian Michael Laffan has documented that during the 2002 NU National Meeting's Bahtsul Masail, only one female participant, Najichah Muchtarom, engaged in a discussion concerning the creation of the political party Partai Kebangkitan Bangsa (PKB) and the implications of returning to NU's 1926 Khittah (NU's formal 'vision').

However, this male dominance has long been contested and is increasingly so.



A religious deliberation concerning child marriage during the inaugural KUPI, facilitated by Maria Ulfa Anshor, a former commissioner of the Indonesian Child Protection Commission. The event took place at Pesantren Kebon Jambu Al-Islamy in Cirebon, West Java, on April 27, 2017. Credit: Author.

Historical contestation

A prayer house affiliated with Aisyiyah, the women's wing of Muhammadiyah, illustrates the historical involvement of Muslim women in issuing Islamic legal opinions and guidance. The establishment of a prayer house in Kauman, Yogyakarta, in 1923 marked a significant development, with a primary focus on preaching and instructing Islamic rituals. According to Aisyiyah, adhering to these rituals was believed to bring great blessings to women. Women were required to learn ritual prayers' texts, and concerns like jingling necklaces during prayers and not fully adhering to Ramadhan fasting requirements were addressed. Instruction in Islamic Jurisprudence (*fiqh*) regarding women's 'impurity' during menstruation and childbirth, such as abstaining from fasting during these periods, aimed to facilitate women's adherence to Islamic teachings and that they received the rewards intended.

Religious studies scholar Pieterella Van Doorn-Harder, has researched instances of women influencing fatwa-making within organisational contexts in the 1970s. Before NU issued a 1972 fatwa on birth control, Ibu Muhammad Baidawi—an activist from Jombang affiliated with the Muslimat (the women's wing of NU)—recognised its importance. She believed that the NU fatwa could serve as the foundation for her to communicate the permissibility of birth control to NU women during the *majelis taklim*, the NU women's meeting forum. This forum serves not only as a platform for informal education but also for women's empowerment and religious education. At that time, as the women's wing of the largest mass Muslim organisation, NU Muslimat, was already engaged in national initiatives such as immunisation and maternal health programs.

Ibu Muhammad Baidawi persuaded her husband, the local NU chairman, to issue a fatwa permitting birth control methods. Despite the initial fatwa on oral contraceptives, scepticism about conventional healthcare facilities led NU women to establish a clinic for birth control services. Subsequently, another fatwa allowed coitus interruptus with spousal agreement.

Since the 1980s, Perhimpunan Pengembangan Pesantren dan Masyarakat (P3M), the Centre for Pesantren and Community Development, has played a crucial role in empowering Muslim women, particularly those from pesantren (Islamic boarding schools), through its Fiqhunnisa' (Arabic: *fiqh* on women's matters) program. This program aims to cultivate critical thinking and offer a nuanced understanding of Islamic knowledge from a gender and women's rights perspective. The P3M laid the groundwork for the founding of Rahima in 2000, a Jakarta-based centre for the study of women and Islam. Rahima initiated a program called Pengkaderan Ulama Perempuan (PUP) (Training for Female Ulama Cadres) in 2005, aimed at educating female ulama cadres and equipping them with a gender-sensitive framework and methodology for fatwa-making.

Muslim NGOs have played a crucial role in promoting critical thinking among Indonesian women about women's agency, and women's rights. Graduates of Rahima's PUP program, primarily from NU backgrounds, have extended their network from educational leadership to active participation in religious dialogue and fatwa issuance, facilitated by Rahima and other Muslim NGOs, culminating in the establishment of the inaugural Indonesian Congress of Women Ulama (Kongres Ulama Perempuan Indonesia, KUPI) in 2017.

Recent contestation, especially the Congress of Women Ulama

As I have documented in my research, women are increasingly able to claim juristic authority. I conducted thorough ethnographic fieldwork in Indonesia spanning from February 2017 to February 2018. While my base was in Yogyakarta, I frequently journeyed to various cities across Java. Applying Islamic studies, anthropology, and gender as analytical lenses, I observed the phenomenon of women issuing fatwas occurring across various platforms. These platforms encompass fatwa forums affiliated with mass Muslim organisations like NU, grassroots initiatives, exemplified by *majelis taklim* and individual consultations, print and online media, and social movements, particularly evident at the Indonesian Congress of Women Ulama.

In April 2017, three Muslim women NGOs—Rahima, Fahmina based in Cirebon, and Alimat, an Indonesian movement advocating ‘equality in the family’—jointly organised the inaugural KUPI. KUPI has played a pivotal role in challenging male-centric and patriarchal authority within Islam. The event drew 519 registered participants and 131 observers from various countries such as Afghanistan, Bangladesh, Malaysia, Saudi Arabia, Australia, and the USA. Additionally, guests, speakers, and participants who attended specific segments of the program swelled the total attendance to over 1,500 individuals, with particularly high numbers during the opening and closing ceremonies. The majority of attendees were alumni and members of Rahima, Fahmina, and Alimat programs. From this number, 90 percent came from an Islamic background or worked for Islamic institutions, Islamic boarding schools, and majelis taklim, while 10 percent were secular activists, academics, and journalists.

Impact was achieved through the introduction of innovative concepts such as *ulama perempuan* (female Islamic scholars) and *keulamaan* (clerical capacity) of women, along with the provision of frameworks for gender-sensitive approaches to Islam, particularly in relation to the issuance of gender-sensitive fatwas.

The term ‘ulama perempuan’ is less common than ‘nyai’ (a female leader of an Islamic boarding school), ‘mubaligah’ (female preacher) and ‘ustazah’ (female Islamic teacher) in Indonesia, but it carries a higher level of quality, capability, and authority. KUPI defines ulama as an individual with profound knowledge, deep reverence for Allah, noble character, commitment to conveying knowledge, dedication to upholding justice, and a mission to contribute positively to the

universe.

The term 'perempuan' as defined by KUPI, has both biological and ideological meanings. Biologically, it refers to individuals with female genitals, capable of menstruating, becoming pregnant, giving birth, and breastfeeding. Ideologically, it extends beyond biology, encompassing a perspective, awareness, and movement advocating for women's justice in familial and societal relations with men. Under this definition, anyone can engage in activities supporting women's well-being and striving for a dignified and just life. These distinctions help clarify 'perempuan ulama' (women with clerical capacity) and 'ulama perempuan' (ulama with a gender justice perspective). The former includes all women, regardless of their stance on gender justice, while the latter comprises ulama, regardless of gender, actively integrating gender justice perspectives into Islamic teachings to promote a just and civilised humanity.

The reformulation and definition of the term *ulama perempuan* highlights that the inclusive role of ulama extends beyond men to include women. This role is not exclusively reserved for those with official certifications from religious institutions or belonging to ulama families but is open to individuals with clerical capacity actively involved in society, advocating for just social change.

The acknowledgment of women's clerical capacity further reinforces their roles and perspectives, shaped through their interactions with their religious followers. They have gained increased confidence in championing social change within their communities. For instance, they actively present arguments and religious interpretations with a gender perspective, addressing issues that discriminate against women, such as female circumcision, polygamy, and limitations on women's participation in the public sphere.

Issuing fatwa

KUPI is particularly concerned with issuing fatwa, especially those specifically related to women, to address instances of discriminatory fatwas. Between 1926 and 1999, NU's fatwa forum, Bahtsul Masail, addressed 45 formal considerations of various matters specifically related to women, among a total of 438 issued fatwas. These 45 fatwas covered matters such as worship, marriage, and social issues such as women leaving the house, public speaking, cycling, night work, and holding positions in legislation and village leadership. The fatwas displayed notable gender

bias by reinforcing stereotypes and advocating for the domestication of women. Similarly, the 1997 NU National Meeting in Lombok indicated limited progress in gender equality, allowing women to engage in the public sphere only as long as they adhered to their perceived natural duty at home (*kodrat*).

At its inaugural congress, KUPI issued three fatwa addressing child marriage, sexual violence, and environmental disasters impacting women. In its second congress, held in Central Java, in 2022, KUPI issued fatwa covering:

- Women's role in safeguarding the nation from extremism;
- Waste management for environmental sustainability and enhancing women's safety;
- Safeguarding women from the dangers of forced marriage;
- Protecting women's lives from the consequences of pregnancy resulting from rape;
- Preventing harmful practices such as female genital mutilation without medical justification to protect women's health and well-being.

The 2017 congress has established a methodology for formulating fatwas. KUPI integrates traditional fatwa methodologies from institutions like the MUI with a justice-oriented framework, facilitating the creation of fair and just fatwas. Adhering to the established fatwa structure, KUPI considers *adillah* (sources) such as the Qur'an, the hadith, and *aqwalul 'ulama* (ulama opinions), along with the addition of the Indonesian Constitution. Information about women's experiences, gathered through various meetings preceding KUPI as well as from organisational reports, and international conventions such as the UN's Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), are integral to KUPI's framework, but they are approached as perspectives to be considered rather than anything more prescriptive to prevent potential controversy.

According to KUPI, the fatwa-making procedure involves four key elements. Firstly, it identifies nine essential values—monotheism, compassion, social good, equality, reciprocity, justice, nationalism, humanity, and universality—as the basis for ethical reasoning in fatwas. These values ensure that both men and women are seen as complete subjects with dignity, entitled to be involved in and benefit from life. Women's life experiences, considering both biological and social conditions, become authoritative sources for KUPI's knowledge production, including fatwas.

Secondly, KUPI emphasises compassion, a core message of the Qur'an and hadith, as

integral to its vision of fatwa-making. Compassion translates into noble character, justice, kindness, peace, social good, and support for vulnerable groups, including women and children. This vision reflects *akhlaq karimah* (virtue), justice, kindness, peacefulness, social good, and compassion for the universe (*rahmatan li al-'alamin*). Thirdly, KUPI employs the framework of *maqashid shari'ah* (the goals of shari'a) as the basis for legal reasoning to protect human rights.

Fourthly, KUPI utilises *ma'ruf* (goodness), *keadilan hakiki* (substantive justice) and *mubadalah* (hermeneutic of reciprocity), to strengthen the application of fulfilling the goals of the shari'a in fatwa-making. The *ma'ruf* approach, proposed by Badriyah Fayumi, one of the KUPI leaders, drawn from the Qur'an, emphasises goodness, truth, and appropriateness according to shari'a, common sense, and societal views. *Keadilan hakiki*, coined by Nur Rofiah, a renowned and esteemed female Islamic scholar of *tafsir* (Qur'anic interpretation), critiques patriarchal systems which use women's biological conditions to justify inequality. It necessitates considering women's experiences, both biological and social, encompassing menstruation, pregnancy, childbirth, postpartum, breastfeeding, and challenges of stigmatisation, subordination, marginalisation, and the dual burden of domestic and public tasks. Women's real experiences guide fatwas to increase their relevance and alignment with women's concerns.

Another innovative approach in KUPI's fatwa framework is *mubadalah* introduced by Faqihuddin Abdul Kodir, a prominent Muslim scholar of *hadits* (Prophet tradition). This method enables a gender-sensitive reinterpretation of Islamic texts, emphasising reciprocity in gender roles. Unlike feminist critiques challenging traditional scholarship, *mubadalah* integrates classical Islamic scholarship, modern methods, and feminist discourse to reinterpret texts in a gender-sensitive manner. It assumes that Islamic texts address both men and women, relationships should be cooperative and reciprocal, and all source texts are open to reinterpretation to align with changing contextual matters.

The KUPI methodology was utilised in its religious deliberations to issue KUPI's fatwas, shared through diverse media channels, and applied as a framework in studies and writing addressing women and human rights. The *ma'ruf*, *mubadalah*, and *keadilan hakiki* approaches empower women Islamic scholars (*ulama perempuan*) to exercise their Islamic authority, articulate views on Islam, and reinterpret Islamic texts from women's perspectives.

Ongoing challenges

The inauguration of the first and second KUPI congresses represents a transformation in the role of women as ulama. With a fatwa methodology amalgamating traditional and KUPI's perspective-based approaches, female ulama now have the tools to formulate fatwas, both independently and in collaboration with their counterparts at a national fatwa forum hosted by KUPI. This expanded space allows them to exercise their religious authority more extensively.

Despite the robust network and support received from many individuals and organisations, the KUPI movement encounters various challenges. These include resistance from male ulama counterparts, who believe that the gender justice movement and feminism contradict the values of Indonesian Islam. They argue that existing Islamic women's organisations in Indonesia, such as Fatayat and Muslimat of NU, are adequate to support the empowerment of Muslim women.

Another challenge involves criticisms of issued fatwas that tackle controversial issues such as sexual violence and protecting women from genital mutilation. There are also questions raised regarding the legitimacy of female authority to issue fatwas. Additionally, internal diversity among members poses a challenge, as does the difficulty of networking with conservative groups due to differing frameworks and interpretations of Islam. Spreading progressive views through media channels that resonate with the broader Muslim public and optimising the role of female ulama at the grassroots level are also areas requiring attention and strategic consideration.

In response to these challenges, KUPI, as a collective movement of Indonesian women ulama, has devised a strategy to mainstream KUPI's knowledge and fatwas with the support of organisations such as Rahima, Fahmina, Alimat, the Asian Muslim Action Network (AMAN) Indonesia, and Gusdurian, a community network that upholds the thoughts and values inspired by the life of Gus Dur. Efforts to introduce and translate KUPI's knowledge and fatwas are being implemented through grassroots programs, including initiatives such as KUPI Goes to Campus and Pesantren programs.

Several educational and advocacy programs have been undertaken to establish the legitimacy of fatwas produced by KUPI. For instance, supporting organisations of KUPI are actively advocating for the ratification of the Sexual Violence Crime Bill, inspired by the first KUPI Fatwa on sexual violence, which was successfully passed

in 2021. Additionally, the second KUPI Fatwa on waste management has been implemented through the Green Pesantren program within the KUPI network of pesantren (Islamic boarding schools).

The strengthening of the KUPI network is coordinated by supporting institutions through regular meetings involving female ulama, activists, and academics, as well as through clerical cadre training programs. Fahmina conducts Daurah Kader Ulama Perempuan Muda (Circle of Young Women Ulama Cadre), while Rahima focuses not only on conducting PUP for women but also targets male cadres.

Digital media platforms such as the websites Mubadalah.id and Kupipedia.id, along with various social media platforms including Facebook, Instagram, YouTube, TikTok, and Twitter (X), are extensively utilised for the dissemination of KUPI's knowledge and fatwas. Furthermore, digital media serves as a platform for female ulama to express their religious opinions using the KUPI fatwa method. Since 2022, Rahima has been coordinating a video program featuring the participation of Rahima's women ulama during Ramadan via the Swararahimadotcom YouTube channel.

Main image: The conclusion of the inaugural KUPI, featuring female Islamic scholars reading women's religious vows during the closing ceremony at Pesantren Kebon Jambu Al-Islamy in Cirebon, West Java, on April 27, 2017. Credit: Author.