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Hadith Interpretation from a Gender Perspective: *Maqāṣid* and Women's Experience in Indonesian Fatwas

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Abstract:

Despite documented health risks and persistently high prevalence rates, the Indonesian government long deferred decisive regulatory action on female circumcision. This action reflects a hesitation shaped by the Indonesian Council of Ulama (MUI)'s 2008 fatwa, which framed the practice as a legitimate Islamic observance that the state had no authority to prohibit. This regulatory impasse persisted for over a decade, during which public health objectives remained subordinated to religious normative authority. The situation shifted only after the Indonesian Women Ulama Congress (KUPI) issued its fatwa in 2022, providing the Islamic legal legitimacy that enabled the government to formally ban the practice through Government Regulation No. 28 of 2024. The debated *ḥadīth* corpus — the principal textual basis for legal reasoning on female circumcision, understood as a pre-Islamic cultural practice that acquired religious associations within the Islamic juristic tradition — is interpreted through divergent *maqāṣid*-based methodologies with profoundly different epistemological and policy consequences. Utilising qualitative textual analysis of both fatwas, this article addresses two interrelated questions: how MUI and KUPI differ in their *maqāṣid* frameworks mediating the relationship between *ḥadīth* authority and ethical evaluation, and to what extent women's actual experiences are recognised as epistemically relevant in the assessment of contested prophetic reports. The findings reveal two contrasting orientations: MUI deploys *maqāṣid* primarily as regulatory constraints that preserve inherited juristic precedent, while KUPI incorporates women's experiential knowledge as a constitutive interpretive input that reconfigures the evaluation of *ḥadīth* authority in light of Qur'ānic and Sunnah-based commitments to preventing harm, maintaining dignity, and providing justice. By demonstrating how gendered epistemologies reshape the interpretive function of *maqāṣid* in *ḥadīth* analysis, this article contributes to debates on Islamic legal methodology, religious authority, and policy legitimacy in Muslim-majority societies.

Keywords: hadith interpretation; *maqāṣid al-Sharīʿah*; female circumcision; women's lived experience; gendered epistemology.

Introduction

Despite the growing prominence of *maqāṣid al-sharīʿah* (the objectives of Islamic law) discourse in Islamic legal methodology, its systematic integration into ḥadīth interpretation remains underdeveloped.¹ Ḥadīths continue to serve as primary sources of Islamic legal authority, but their interpretive treatment is frequently insulated from sustained ethical interrogation. Recent scholarship on *maqāṣid al-ḥadīth* has sought to address this limitation by emphasising purposive and contextual interpretation of prophetic traditions.² However, much of this literature remains analytically abstract and is insufficiently based on concrete legal controversies.³ This limitation becomes especially consequential in debates concerning women's bodies, where women often appear as objects of legal regulation rather than as epistemic subjects whose experiences inform the articulation of ethical judgment.⁴ In this sense, a key unresolved question in contemporary ḥadīth studies concerns not only how prophetic reports are authenticated or interpreted textually, but how *maqāṣid* may function internally within ḥadīth interpretation as a genuinely evaluative framework.

¹ Nur al-Dīn bin Mukhtar Al-Khadimī, 'Al-Sunnah al-Maqāṣidiyyah: I'tibār al-Maqāṣid Fī al-Sunnah al-Nabawiyyah al-Sharīfah', in *Maqāṣid Al-Sharīʿah Al-Islāmiyyah Fī Ḍaw' Al-Sunnah Al-Nabawiyyah Al-Sharīfah*, ed. Aḥmad Al-Raysūnī (2019), 1–57; Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A System of Approach* (London: IIIT, 2007), pp. 232–233.

² A number of important contributions addressing this issue were presented at the International Seminar on Maqāṣid and Hadith, held in Meknes, Morocco, in 2018. The papers from this seminar were subsequently published in a collected volume edited by Aḥmad Al-Raysūnī, ed., *Maqāṣid Al-Sharīʿah al-Islāmiyyah Fī Ḍaw' al-Sunnah al-Nabawiyyah al-Sharīfah* (London: Mu'assasat al-Furqān li-l-Turāth al-Islāmī; Markaz Dirāsāt Maqāṣid al-Sharīʿah al-Islāmiyyah, 2019); Deri Rizal et al., 'Reinterpreting Religious Texts on Gender Equality: The Perspective of Ahmad Syafii Maarif', *JURIS (Jurnal Ilmiah Syariah)* 23, no. 2 (November 2024): 327–36, <https://doi.org/10.31958/juris.v23i2.10233>; Makmunzir Mukhtar et al., 'Gender, Inheritance, and the Living Qur'an: The Implementation of Justice for Women in Inheritance Distribution in Aceh, Indonesia', *El-Usrah: Jurnal Hukum Keluarga* 9, no. 1 (May 2026): 60–83, <https://doi.org/10.22373/ujhk.v9i1.30612>; Muhammad Iqbal Juliansyahzen et al., 'Sharia, Gender, and Science in the Construction of 'Iddah: The Response of Banyumas' Ulama', *El-Mashlahah* 14, no. 1 (June 2024): 189–210, <https://doi.org/10.23971/el-mashlahah.v14i1.7917>.

³ Misbah ul Hassan, Hafiz Muhammad Hassan, and Muhammad Abrar, 'Hadith and the Challenges of the 21st Century: A Contemporary Perspective', *Advance Social Science Archive Journal* 03, no. 02 (2025): 2576–86; Iqbal Nursyahbani et al., 'Maqāṣid Al-Nabawī: Pendekatan Ilmu Maqāṣid al-Syarīʿah Dalam Kajian Hadis', *Jurnal Studi Agama* 8, no. 2 (2024): 84–102, <https://doi.org/10.19109/jsa.v8i2.25240>; Kholisuddin, 'Penggunaan Pendekatan Maqasid Syariah Sebagai Instrumen Kontekstualisasi Makna Hadits', *Nabawi* 1, no. 1 (2020): 74–95, <https://doi.org/10.55987/njhs.v1i1.4>.

⁴ Ziba Mir-Hosseini, 'The Construction of Gender in Islamic Legal Thought and Strategies for Reform', *Hawwa* 1 (2003): 1–28; Muhammad Danil et al., 'From Provider to Partner: Reconstructing the Legal Concept of Livelihood Obligation in Indonesian Islamic Family Law through the Lens of Gender Justice and Maqāṣid al-Sharīʿah', *Sakina: Journal of Family Studies* 10, no. 2 (June 2026): 160–73, <https://doi.org/10.18860/jfs.v10i2.29511>.



The debate on female circumcision⁵ in Indonesia illustrates this methodological tension with particular clarity. Survey data indicate that 46.4 per cent of Indonesian women aged 15–49 have undergone female circumcision, with a significant proportion involving cuts to the genitalia.⁶ Despite this prevalence and the WHO's classification of FGM as a human rights violation, state regulation has been marked by prolonged hesitation, shaped by competing religious authorities. The government's 2006 prohibition was reversed following MUI's Fatwa No. 9A of 2008, which declared the prohibition contrary to Islamic law. Regulatory ambiguity persisted from Ministerial Regulation No. 1636/2010 to its revocation by Ministerial Decision No. 6 of 2014, neither of which established a clear prohibition. The situation shifted only after the Indonesian Women Ulama Congress (hereinafter, KUPI) issued its prohibitive fatwa in 2022 (No. 08/MK-KUPI/XI/2022), which contributed to the government's formal ban through Government Regulation No. 28 of 2024, in which Article 102(a) mandates the “elimination of female circumcision practices” as part of reproductive health protection for children. At the centre of this regulatory trajectory lies the ḥadīth corpus — the principal textual basis for legal reasoning on female circumcision — which is interpreted through divergent *maqāṣid*-based methodologies, with profoundly different epistemological and policy consequences.⁷

In both fatwas that shaped this governmental deliberation, ḥadīths function as the primary textual basis for legal argumentation. The perceived clarity of prophetic reports on female circumcision, together with their sustained reception in classical *fiqh* (Islamic jurisprudence) discourse, has positioned ḥadīths at the centre of

⁵ The practice is referred to by multiple terms in scholarly and policy literature, each carrying distinct conceptual and normative implications. “Female genital mutilation” (FGM) is the term adopted by the WHO and United Nations bodies, foregrounding its status as a human rights violation. Putri Rahmah Nur Hakim et al., ‘Contesting Sharia and Human Rights in the Digital Sphere: Media Representations of the Caning Controversy under the Qanun Jinayat in Aceh’, *Journal of Islamic Law* 6, no. 2 (July 2025): 206–35, <https://doi.org/10.24260/jil.v6i2.3600>. “Female circumcision” is more commonly used in Islamic juristic discourse, where it carries religious connotations. “Female genital cutting” (FGC) is preferred in some anthropological and public health literature as a more neutral descriptive term. In Indonesian Islamic legal discourse, KUPI designates the practice as *Pemotongan dan/atau Pelukaan Genitalia Perempuan* (P2GP) to emphasise its physically injurious character while remaining intelligible within a religious register. This article uses “female circumcision” in Islamic juristic contexts, “FGM” when referencing WHO and international human rights frameworks, and “P2GP” when specifically discussing KUPI's fatwa formulation. For further conceptual distinctions, see WHO, *Female Genital Mutilation: A Joint WHO/UNICEF/UNFPA Statement* (Geneva, 1997); and KUPI, *Hasil Musyawarah Keagamaan KUPI Ke-2* (Jakarta: KUPI, 2023).

⁶ Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, *Kondisi Perempuan Indonesia Tahun 2024 (Hasil Pendataan Survey Pengalaman Hidup Perempuan Nasional)* (Jakarta, 2025).

⁷ KUPI is the only religious authority in Indonesia that has publicly declared female genital cutting and injury (P2GP) without medical reason to be prohibited, including female circumcision. This position was announced to more than 1,500 congress participants from diverse organisations, networks, and government representatives during the Second KUPI Congress in Jepara in November 2022, and it received wide national media coverage. In mid-2024, the Indonesian government subsequently prohibited female circumcision through Government Regulation (PP) No. 28/2024. Amid ongoing public controversy, government institutions, especially the Ministry of Women's Empowerment and Child Protection and the Ministry of Health, invited KUPI to develop religious arguments supporting the policy and to disseminate them through its networks in pesantren, universities, *majlis taklim*, youth groups, and local communities (interview with Nyai Hj. Masruchah, Secretary of the KUPI Deliberative Council, February 16, 2026).



normative debate. While earlier juristic discussions rarely engaged *maqāṣid* explicitly in relation to this issue, both the Indonesian Council of Ulama (hereinafter, MUI) and KUPI consciously invoke *maqāṣid al-sharī'ah* within their respective legal reasoning, yet to markedly different ends. This divergence has significant methodological implications, bearing directly on how ḥadīths are selected, evaluated, and interpreted in relation to ethical outcomes and policy considerations.

Existing scholarship on ḥadīth and female circumcision has largely remained confined to discrete strands: *isnād* (the chain of narrators) criticism,⁸ *fiqh*-based acceptance or rejection of textual meanings,⁹ and discussions of women's experiences that remain methodologically detached from ḥadīth interpretation.¹⁰ Even when *maqāṣid* are invoked, they tend to function as post-hoc ethical justification rather than as an operative framework embedded within the interpretive process itself.¹¹ Studies on Indonesian fatwas have examined MUI's legal reasoning and KUPI's emerging authority, but none have subjected both fatwas to sustained comparative analysis centred on their divergent *maqāṣid*-based ḥadīth interpretations and the epistemic status they assign to women's lived experiences.¹² This is the gap this article seeks to address.

⁸ Norazam Khair Mohd Ithnin, Ishak Sulieman, and Abdul Halim Ibrahim, 'Re-Evaluating the Authenticity of Hadith on the Shariah Ruling of Female Circumcision in Malaysia', *Al-Bayan: Journal of Qur'an and Hadith Studies* (Leiden, The Netherlands) 21, no. 2 (2023): 217–42, <https://doi.org/10.1163/22321969-20230133>; Abdul Rahman Sakka, 'Kritik Sanad Hadis Khitan Terhadap Perempuan Sebagai Kehormatan', *NUKHBATUL 'ULUM: Jurnal Bidang Kajian Islam* 7, no. 1 (2021): 99–118, <https://doi.org/10.36701/nukhbah.v7i1.324>.

⁹ Tartila Yazofa, Ahmad Zuhri, and Juli Julaiha, 'Khitan Tradition among Muslims: Integrating Ibnu Hajar's Thought and Modern Science', *Living Hadis* 9, no. 2 (2024): 160–74, <https://doi.org/10.14421/livinghadis.2024.5913>; Umma Farida, D. I. Ansusa Putra, and Abdurrahman Kasdi, 'Membincang Khitan Perempuan: Perspektif Hadis Dan Medis', *Journal of Qur'an and Hadith Studies* 11, no. 1 (2022): 19–38, <https://doi.org/10.15408/quhas.v11i1.23851>.

¹⁰ Anizar Ayu Pratiwi, 'Epistemology of the 2022 Indonesian Women's Ulama Congress on the Prohibition of the Practice of Female Circumcision from the Perspective of Hakiki Justice', *SMART: Journal of Sharia, Tradition, and Modernity* 4, no. 1 (2024): 16–34, <https://doi.org/10.24042/smart.v4i1.20528>.

¹¹ Ilham Mundzir and Yulianti Muthmainnah, 'The Progressiveness of Quranic Interpretation in the Fatwa of Muhammadiyah on Female Circumcision', *Indonesian Journal of Islam and Muslim Societies* 12, no. 2 (2022): 285–311, <https://doi.org/10.18326/ijims.v12i2.285-311>; Roudhatul Jannah, 'Sunat Perempuan Dalam Tinjauan Maqashid Syariah Menurut Al-Ghazali', *International Conference on Syari'ah and Law (ICONSYAL) - Online Conference*, 2021; Mufliha Wijayati, 'Pemetaan Pendapat Ulama Untuk Pencegahan Praktik Pelukaan Dan Pembedahan Genitalia Perempuan (P2GP)', *Al-Mizan* 19, no. 1 (2023): 185–206, <https://doi.org/10.30603/am.v19i1.3778>.

¹² Siti Hanna et al., 'Woman and Fatwa: An Analytical Study of MUI's Fatwa on Women's Health and Beauty', *AHKAM: Jurnal Ilmu Syariah* 24, no. 1 (2024): 171–84, <https://doi.org/10.15408/ajis.v24i1.37832>; Zainul Mun'im et al., 'Revisioning Official Islam in Indonesia: The Role of Women Ulama Congress in Reproducing Female Authority in Islamic Law', *AHKAM: Jurnal Ilmu Syariah* 24, no. 1 (2024): 135–52, <https://doi.org/10.15408/ajis.v24i1.34744>; Nur Rofiah, Nikmatullah Nikmatullah, and Zakiyatul Mufidah, 'The Traces of Qur'anic Women's Hakiki Justice Interpretation in KUPI's Fatwas', *PALASTREN: Jurnal Studi Gender* 17, no. 1 (2024): 1–22; Zakaria Syaefi, 'Tracing Maqashid Al-Shari'ah in the Fatwas of Indonesian Council of Ulama (MUI)', *Journal of Indonesian Islam* 11, no. 1 (2017): 99–124, <https://doi.org/10.15642/JIIS.2017.11.1.99-124>.



This study examines how MUI and KUPI interpret the same ḥadīth corpus yet construct opposing normative conclusions, through two interrelated research questions: 1) how do their respective *maqāṣid* frameworks differ in mediating the relationship between ḥadīth authority and ethical evaluation, and with what epistemological content are shared *maqāṣid* objectives filled? 2) To what extent are women's lived experiences recognised as epistemically relevant, rather than merely supplementary, in the assessment of contested prophetic reports? By treating *maqāṣid* not as external ethical commentary but rather as an interpretive framework embedded within ḥadīth analysis itself, and by positioning women's lived experiences as methodologically constitutive rather than peripheral, this article contributes to debates on methodological renewal in Islamic legal reasoning and recommends broader dissemination of KUPI's Islamic arguments to ensure that no more female babies are exposed to the harmful consequences of non-medical female circumcision practices.

Method

This study employs qualitative textual analysis as its primary methodological approach, involving three sequential and interrelated analytical stages. The first stage constructs a textual baseline through a systematic survey of ḥadīths on female circumcision drawn from canonical collections, including the *Sunan* of Abū Dāwūd, Ibn Mājah, and al-Bayhaqī, as well as *Ṣaḥīḥ* al-Bukhārī and *Ṣaḥīḥ* Muslim, mapping each narration along three dimensions as documented in existing studies: *isnād* status as assessed by classical and contemporary *ḥadīth* critics; *matn* content and the range of meanings attributed to it across juristic traditions; and reception history within classical fiqh. This baseline serves as a controlled reference point against which the interpretive choices of MUI and KUPI can be systematically assessed, making visible not only what each institution cites but also what it omits, how it arranges evidence, and what authenticating criteria it applies or bypasses.

The second stage conducts a close comparative reading of the MUI fatwa (2008) and the KUPI fatwa (2022) as structured legal-textual artefacts concerning female circumcision. Both documents are treated as sites of argumentative construction in which interpretive choices carry methodological significance. The comparative analysis attends to four specific dimensions: ḥadīth selection and arrangement, juristic framing, *maqāṣid* deployment, and epistemic positioning of women's experience. First, ḥadīth selection and arrangement encompass which prophetic reports are cited, in what sequence, and whether the *isnād* status is explicitly addressed or tacitly assumed. Second, juristic framing encompasses how classical fiqh positions are mobilised to anchor or extend normative conclusions. Third, *maqāṣid* deployment involves whether *maqāṣid* function as post-hoc ethical commentary appended to textual citation, or as an operative interpretive framework embedded within the reading of ḥadīths themselves — the distinction between what this article calls “preservation-oriented” and “transformative” *maqāṣid* orientations. A preservation-oriented approach treats inherited juristic consensus as the primary content of *maqāṣid* objectives, deploying them to regulate rather than reassess established practice. A transformative approach treats *maqāṣid* as evaluative criteria capable of critically interrogating inherited rulings in light of ethical outcomes and actual realities. Fourth, epistemic positioning of women's experience is also



emphasised in terms of whether and how women's actual bodily experiences are incorporated into the interpretive process as empirical data, as ethical criteria, or as constitutive epistemological input that shapes which *maqāṣid* are foregrounded and how harm is defined.

The third stage moves from descriptive analysis to normative methodological reconstruction. Drawing on KUPI's interpretive approach as a constructive model — situated in dialogue with contemporary *maqāṣid* theory, particularly Auda's systems-oriented framework, and with feminist Islamic hermeneutics as developed by scholars including Mir-Hosseini and Wadud — this stage identifies what a more epistemologically inclusive *maqāṣid*-based ḥadīth interpretation would require, with the case of female circumcision as its demonstrative ground. Primary sources comprise the full texts of both fatwas, classical ḥadīth collections, and their critical apparatus. Secondary sources include scholarship in *maqāṣid* theory, ḥadīth hermeneutics, feminist Islamic jurisprudence, and Indonesian Islamic institutional discourse. While the Indonesian policy context provides the empirical framework, the methodological argument developed here addresses a structural gap in Islamic legal reasoning with implications that extend beyond the Indonesian case.

Results and Discussion

This study finds that the divergent legal conclusions of MUI and KUPI on female circumcision are not rooted in differential access to prophetic traditions but in three fundamentally different interpretive procedures. They are the selection and arrangement of ḥadīths, the positioning of *maqāṣid* vis-à-vis ḥadīth authority, and the epistemic status assigned to women's lived experiences within the interpretive process. These findings depart from existing studies in two significant respects. First, prior studies on ḥadīth and female circumcision have largely remained confined to discrete analytical strands — *isnād* criticism, fiqh-based textual evaluation, and discussions of women's experiences — without systematically integrating these dimensions within a single interpretive framework.¹³ Even when *maqāṣid* are invoked, they tend to function as post hoc ethical justification rather than as an operative hermeneutical framework embedded within ḥadīth interpretation itself.¹⁴ Second, existing fatwa studies on female circumcision have not sufficiently examined how methodological divergence in ḥadīth interpretation carries direct governance consequences.¹⁵ The following analysis elaborates these findings through a

¹³ See for examples: Sakka, 'Kritik Sanad Hadis Khitan Terhadap Perempuan Sebagai Kehormatan'; Ithnin, Suliaman, and Ibrahim, 'Re-Evaluating the Authenticity of Hadith on the Shariah Ruling of Female Circumcision in Malaysia'; Yazofa, Zuhri, and Julaiha, 'Khitan Tradition among Muslims: Integrating Ibnu Hajar's Thought and Modern Science'; Farida, Putra, and Kasdi, 'Membincang Khitan Perempuan: Perspektif Hadis Dan Medis'; Pratiwi, 'Epistemology of the 2022 Indonesian Women's Ulama Congress on the Prohibition of the Practice of Female Circumcision from the Perspective of Hakiki Justice'.

¹⁴ See for examples: Wijayati, 'Pemetaan Pendapat Ulama Untuk Pencegahan Praktik Pelukaan Dan Pemotongan Genitalia Perempuan (P2GP)'; Mundzir and Muthmainnah, 'The Progressiveness of Quranic Interpretation in the Fatwa of Muhammadiyah on Female Circumcision'; Jannah, 'Sunat Perempuan Dalam Tinjauan Maqashid Syariah Menurut Al-Ghazali'.

¹⁵ See for examples: Della Octavia Indiana, 'Hukum Khitan Bagi Perempuan Menurut Fatwa Dar Al-Ifta al-Misriyyah Dan Fatwa Majelis Ulama Indonesia', *Jurnal Madzhab* 1, no. 2 (2024): 73–84, <https://doi.org/10.15575/madzhab.v1i2.1038>; Hanna et al., 'Woman and Fatwa: An Analytical



comparative examination of both fatwas, situated within the empirical and regulatory context that renders their methodological divergence practically consequential.

Female circumcision is neither a modern phenomenon nor an exclusively Islamic one. Documented in historical literature as an ancient custom long predating not only Islam but all the Abrahamic religions, the practice has been recorded across the Global South — in sub-Saharan Africa, the Middle East, South America, Australia, and Southeast Asia — and continues to be performed across diverse religious and cultural contexts.¹⁶ A 2018 report by Komnas Perempuan (Women National Commission), drawing on UNICEF data, estimated that 200 million girls across 30 countries have experienced some form of female genital cutting or injury.¹⁷ The WHO classifies female genital mutilation as comprising all procedures involving partial or total removal of the external female genitalia for non-medical reasons, with no health benefits and documented risks including severe bleeding, infections, menstrual difficulties, and complications in childbirth. Given this condition, the WHO recognises it as a violation of human rights, bodily integrity, and children's rights. The WHO further explicitly prohibits health workers from performing the procedure, warning that medicalisation creates a false sense of safety and inadvertently legitimises the harm.¹⁸ This international normative consensus has prompted decisive responses from national governments and religious institutions alike. For instance, Egypt, a Muslim-majority country, criminalised female circumcision in 2016 with a two-year prison sentence. Dar al-Iftā', the country's official fatwa institution staffed by Azhar scholars, also has campaigned against the practice since 1996.¹⁹

In Indonesia, while no comprehensive national registry exists, available data reveal a practice that is widespread and unevenly distributed. A 2017 study by the Centre for Population and Policy Studies at Universitas Gadjah Mada, drawing on 4,250 households across ten provinces, found prevalence rates ranging from 83.7 per cent in Gorontalo to as low as 2.7 per cent in East Nusa Tenggara. More recently, the 2024 National Survey on Women's Life Experiences (*SPHPN*), released by the Ministry of Women's Empowerment and Child Protection, found that 46.4 per cent of women aged 15–49 had undergone the procedure; the majority (58.5 per cent) were circumcised but only symbolically by cutting turmeric to symbolise the circumcision

Study of MUI's Fatwa on Women's Health and Beauty'; M. Asrorun Ni'am Sholeh, 'Fatwa MUI Tentang Khitan Perempuan', *AHKAM: Jurnal Ilmu Syariah* 12, no. 2 (2012): 35–46, <https://doi.org/10.15408/ajis.v12i2.964>.

¹⁶ Amirbahram Arabahmadi, 'Combating Female Genital Mutilation in Northeast (Horn) Africa and Its Challenges', *African Health Sciences* 20 (December 2020): 1955–67, <https://doi.org/10.4314/ahs.v20i4.54>; Nawal M. Nour, 'Female Genital Cutting: A Persisting Practice', *Reviews in Obstetrics & Gynecology* (United States) 1, no. 3 (2008): 135–39.

¹⁷ Komnas Perempuan, *Persimpangan Antara Tradisi Dan Modernitas: Hasil Kajian Kualitatif Praktik Pemotongan/Pelukaan Genitalia Perempuan (P2GP) Di 10 Provinsi 17 Kabupaten/Kota*, ed. Siti Nurwati Hodijah and Indraswari (Jakarta: Komnas Perempuan, 2018), pp. 22–27.

¹⁸ WHO, *Female Genital Mutilation: A Joint WHO/UNICEF/UNFPA Statement* (Geneva: World Health Organization, 1997), and see also fact sheet of female genital mutilation in: <https://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation>.

¹⁹ Nadia Atsil Gustina and Laras Ayu Nareswari, 'Intersectionality Analysis of the Impact of Anti-Female Genital Mutilation/Cutting Policies in Indonesia and Egypt', *Jurnal Politik* 9, no. 2 (2023): 38–67, <https://doi.org/10.7454/jp.v9i2.1136>; Indiana, 'Hukum Khitan Bagi Perempuan Menurut Fatwa Dar Al-Ifta al-Misriyyah Dan Fatwa Majelis Ulama Indonesia'.



without involving any physical female genital cutting, while 41.4 per cent experienced some form of physical injury, ranging from minor incision to removal of the labia minora.²⁰

These figures provide the empirical background against which Indonesia's regulatory responses must be understood. The Ministry of Health's 2006 Circular (No. HK.00.07.1.3.1047) explicitly prohibited healthcare workers from performing female circumcision on medical grounds. This measure was effectively reversed following MUI's Fatwa No. 9A of 2008, which declared the prohibition contrary to Islamic law and called on the government to regulate rather than ban the practice. In direct response, the Ministry of Health issued Regulation No. 1636/MENKES/PER/XI/2010, which permitted medicalised female circumcision under controlled conditions.²¹ The regulation stipulated that the procedure may only be performed by licensed healthcare personnel, particularly female practitioners, upon the informed consent of the woman, her parents, or legal guardian, and under strict procedural and hygienic conditions. Crucially, it explicitly prohibited cauterisation of the clitoris and any cutting or damage to the clitoris, whether partial or total. While these restrictions were intended as protective safeguards, the regulation's overall effect was to grant legal recognition to female circumcision as a medical procedure — a position that drew sustained resistance from medical professionals and women's rights activists, who argued that, unlike male circumcision, no anatomical basis exists for removing or injuring any part of the female genitalia, and that the practice carries documented health risks with no demonstrable clinical benefit. This resistance contributed to the revocation of Regulation No. 1636/2010 through Ministerial Decision No. 6 of 2014.²²

However, the 2014 decision introduced no clear prohibition: its Article 2 mandated the Health and Sharia Advisory Council (*Majelis Pertimbangan Kesehatan dan Syara'*) to issue implementation guidelines for female circumcision — guidelines whose substantive content differed insignificantly from the revoked 2010 regulation. The result was continued regulatory ambiguity, during which the practice not only persisted but also intensified in some regions. It was not until KUPI issued its prohibitive fatwa at its Second Congress at Pesantren Hasyim Asy'ari, Jepara, in 2022 that the government found the religious legitimacy to act decisively. This fatwa declared any form of female genital cutting or injury without medical indication, including female circumcision, as *haram*. This culminated in Government Regulation No. 28 of 2024 on the Implementation of Law No. 17 of 2023 on Health, whose Article 102(a) explicitly mandates the “elimination of female circumcision practices” as part of reproductive health protection for infants, toddlers, and pre-

²⁰ Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, *Kondisi Perempuan Indonesia Tahun 2024 (Hasil Pendataan Survey Pengalaman Hidup Perempuan Nasional)*.

²¹ Aisyatul Azizah, 'Status Hukum Khitan Perempuan: Perdebatan Pandangan Ulama Dan Permenkes RI Nomor 1636/MENKES/PER/XI/2010', *Musawa: Jurnal Studi Gender Dan Islam* 19, no. 2 (2020): 173–86, <https://doi.org/10.14421/musawa.2020.192.173-186>.

²² Yulita Dewi Pratiwi, 'Transplantasi Pengaturan Larangan Praktik Female Genital Mutilation Melalui Studi Perbandingan Indonesia Dengan Mesir', *Jurnal HAM* 13, no. 1 (2022): 45–64, <https://doi.org/10.30641/ham.2022.13.45-64>.



school children.²³ At the centre of this entire debate, which drives both MUI's permissive position and KUPI's prohibition, lies the ḥadīth corpus on female circumcision, interpreted through divergent methodological procedures and mediated by fundamentally different epistemological consequences by the objectives of Islamic law (*maqāṣid al-sharī'ah*).

Fatwa Methodology: Shared Foundations, Divergent Procedures

Both MUI and KUPI operate through the principle of *ijtihād jamā'ī* — collective legal reasoning — though their institutional configurations differ significantly. MUI exercises this through a formally structured Fatwa Commission with established procedural protocols, while KUPI deliberates through religious deliberation forums that are more participatory and community-embedded. In terms of primary textual sources, both institutions draw on the Qur'an, ḥadīths, and the opinions of classical and contemporary Islamic scholars. One notable methodological distinction, however, is that KUPI explicitly incorporates the 1945 Constitution of the Republic of Indonesia (hereinafter, the 1945 Constitution) as a normative reference frame — a move that MUI does not make with comparable explicitness or consistency. Regarding legal derivation, MUI employs both the *qawli* approach — adopting existing juristic rulings from the classical schools — and the *manhajī* approach — applying the methodological frameworks of classical jurists to arrive at new conclusions, particularly on contemporary social and economic issues. KUPI similarly draws on both approaches, but foregrounds women's lived experience as a primary consideration in the selection, evaluation, and formulation of legal positions — a dimension entirely absent from MUI's stated fatwa methodology.²⁴ Consequently, on issues concerning women, MUI's approach tends to navigate between existing madhhab positions in search of contextually appropriate rulings,²⁵

²³ Following the regulation's enactment, the Ministry of Women's Empowerment and Child Protection involved KUPI in formulating and socialising religious arguments against female circumcision. KUPI collaborated with the Indonesian Midwives Association, Women's Parliamentary Caucus, and Ministry of Health to support the government regulation. When a pesantren in Tuban, East Java, announced female circumcision, KUPI lobbied to stop it. Two KUPI figures visited the pesantren and engaged in dialogue (Interview with Nyai Hj. Masruchah, February 16, 2026, and Ikiliah Muzayanah Dini Fajriyah, March 17, 2026).

²⁴ On the institutional fatwa methodologies of MUI and KUPI respectively, see: Pedoman Penetapan Fatwa Majelis Ulama Indonesia Tahun 2015; and Faqihuddin Abdul Kodir, *Metodologi Fatwa KUPI: Pokok-Pokok Pikiran Musyawarah Keagamaan Kongres Ulama Perempuan Indonesia* (Cirebon: Fahmina Institute, 2022). The distinction between *qawli* and *manhajī* approaches in MUI's framework, and the foregrounding of women's lived experience in KUPI's deliberative procedure, are formally documented in these institutional sources. Bhismoadi Tri Wahyu Faizal et al., 'The Dynamics of Contemporary Fatwas in the Digital Age: A Study of the East Java MUI's Resistance to the Paylater System', *MILRev: Metro Islamic Law Review* 5, no. 1 (May 2026): 785–812, <https://doi.org/10.32332/milrev.v5i1.12240>; Muhammad Rasyid et al., 'Science And Its Role In Changes In Islamic Legal Thought (An Analysis Of Changes In The Fatwa Of The Indonesian Ulema Council Due To Recent Scientific Findings)', *Syariah: Jurnal Hukum Dan Pemikiran* 23, no. 2 (2023): 120–37, <https://doi.org/10.18592/sjhp.v23i2.11361>; Bagya Agung Prabowo, Nurjihad, and Rohidin, 'Analyzing the Legal Reasoning behind the Prohibition of Cryptocurrency Transactions in Indonesian Fatwa and Regulations', *Al-Manahij: Jurnal Kajian Hukum Islam*, 19 December 2025, 335–54, <https://doi.org/10.24090/mnh.v19i2.14974>.

²⁵ Siti Hanna et al., 'Woman and Fatwa: An Analytical Study of MUI's Fatwa on Women's Health and Beauty', *AHKAM: Jurnal Ilmu Syariah* 24, no. 1 (2024): 171–84.



while KUPI's approach actively ensures that women's experiences shape the interpretive process itself, including the possibility of advancing new juristic positions where existing ones inadequately address women's realities.²⁶ The fatwa on female circumcision represents the most consequential point of divergence between these two methodological orientations, despite both institutions grounding their reasoning in the same authoritative sources.

Texts of the Hadith on Female Circumcision

Although Q. 16:123 — calling believers to follow the religion of Abraham — is occasionally cited in discussions of female circumcision, its scope is general and does not specifically address the practice.²⁷ The primary textual foundation for legal debates on female circumcision, therefore, lies not in the Qur'an but in the ḥadīth corpus, which constitutes the principal basis for *fiqh* reasoning on this issue and the primary site of interpretive contestation between MUI and KUPI, as this article demonstrates. The relevant narrations fall into two categories: those that address female circumcision indirectly and those that refer to it directly. Indirect narrations include reports that Abraham was circumcised at the age of eighty,²⁸ that circumcision is among the five practices of *fiṭrah*,²⁹ and that ritual bathing becomes obligatory “when the two circumcised parts meet”.³⁰ These narrations are widely classified as *ṣaḥīḥ* (valid) and have been employed — particularly within the Shāfi‘ī school — as part of the juristic reasoning that extends the religious significance of circumcision to women, yielding rulings that range from obligatory (*wājib*) to recommended (*sunnah*) to honourable (*makrūmah*).³¹

The direct narrations, by contrast, are considerably more contested. They are: (1) The report of Ibn ‘Abbās, that the Prophet (peace be upon him) said, “*Circumcision is sunnah for men and makrūmah for women.*”³²; and (2) the report of Umm ‘Aṭiyyah al-Anṣāriyyah, that there was a woman who performed circumcision in Medīna, and the Prophet (peace be upon him) said to her, “*Do not cut excessively, for that is more*

<https://doi.org/10.15408/ajis.v24i1.37832>; Nur Faizah et al., ‘The Role of Indonesian Women Ulama Congress (KUPI) in the Search for Gender Equality-Based Islamic Law’, *Al-‘Adalah* 21, no. 2 (December 2024): 323–46, <https://doi.org/10.24042/adalah.v21i2.23698>.

²⁶ Faquiddin Abdul Kodir et al., ‘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): 519–45, <https://doi.org/10.19105/al-lhkam.v19i2.16617>.

²⁷ Yusman Gunara, Nursalim Irsyad, and Eni Zulaiha, ‘Khitan Perempuan Dalam Isyarat Ayat Ayat Al Qur’an’, *SPECTRUM: Journal of Gender and Children Studies* 4, no. 2 (2024): 124–35; Aidatul Fitriyah and Gohar Rahman, ‘Reinterpreting Gender in the Qur’an: Realizing Inclusive Interpretation in the Modern Era’, *An-Nisa’ Journal of Gender Studies* 17, no. 2 (December 2024): 117–32, <https://doi.org/10.35719/annisa.v17i2.303>.

²⁸ Muḥammad ibn Ismā‘īl Al-Bukhārī, *Ṣaḥīḥ Al-Bukhārī* (Liechtenstein and Cairo: Jam‘iyyat al-Maknaz al-Islāmī, 2000), vol. 2, p. 656, no. 3391.

²⁹ Al-Bukhārī, vol. 3, p. 1214, no. 5952.

³⁰ Muḥammad ibn Yazīd al-Qazwīnī Ibn Mājah, *Sunan Ibn Mājah* (Liechtenstein and Cairo: Jam‘iyyat al-Maknaz al-Islāmī, 2000), p. 89, no. 651.

³¹ Wizārat al-Awqāf wa al-Shu‘ūn Al-Islāmiyyah, *Al-Mawsū‘ah al-Fiqhiyyah* (Kuwait: Wizārat al-Awqāf wa al-Shu‘ūn al-Islāmiyyah, 1990), vol. 19, pp. 26–28.

³² Aḥmad ibn al-Ḥusayn Al-Bayhaqī, *Al-Sunan al-Kubrā*, ed. Muḥammad ‘Abd al-Qādir ‘Aṭā (Beirut: Dār al-Kutub al-‘Ilmiyyah, 2003), vol. 8, p. 563, no. 17565.



pleasing to the woman and more beloved to the husband.”³³ The report of Ibn ‘Abbās has been judged weak (*ḍa‘īf*) by virtually all classical and contemporary ḥadīth scholars. The report of Umm ‘Aṭīyyah was likewise judged weak by all classical authorities, including the transmitter himself, though some contemporary scholars — most notably al-Albānī — have upgraded its status to *ḥasan* (good).³⁴

This contested transmission status constitutes opposing views between those who defend female circumcision as part of Islamic tradition and those who reject it as religiously unfounded.³⁵ Among the latter, al-Qaraḍāwī offers one of the most systematic critiques, arguing that neither the Umm ‘Aṭīyyah report nor the *makrūmah* ḥadīth can serve as a legal basis. Abū Dāwūd himself described the Umm ‘Aṭīyyah ḥadīth as weak (*laysa bi al-qawīyy*) due to the presence of an unknown transmitter (*majhūl*) in its chain;³⁶ al-Qaraḍāwī further rejects the view, advanced by al-Albānī, that the multiplicity of its chains elevates the report to the level of *ḥasan*, maintaining that a collection of weak chains remains weak.³⁷ A parallel judgment applies to the *makrūmah* ḥadīth, deemed weak by classical authorities, including Aḥmad b. Ḥanbal, al-Bayhaqī, and al-Ṭabarānī.³⁸ Even if these narrations were provisionally accepted, al-Qaraḍāwī argues that their meanings do not establish female circumcision as a religious obligation.³⁹ The Umm ‘Aṭīyyah ḥadīth reflects prophetic guidance addressing an existing social practice rather than instituting a binding legal norm. Similarly, the term *makrūmah* denotes a culturally valued custom rather than a juristic obligation — subject to reassessment in light of practical harm. While the classical legal maxim holds that “the default ruling of customary practice is permissibility” (*al-aṣl fī al-‘ādah al-ibāḥah*), this permissibility is not unconditional: where clear evidence of harm exists, the counter-principle applies: “harm must be eliminated” (*al-ḍarar yuzāl*). On this basis, al-Qaraḍāwī, Grand Mufti ‘Alī Jumu‘ah, and Abū al-Surūr conclude that female circumcision belongs at most to the realm of permissible practices (*al-mubāḥāt*), which may be restricted or prohibited once harm is sufficiently demonstrated.⁴⁰

³³ Sulaymān ibn al-Ash‘ath al-Sijistānī Abū Dāwūd, *Sunan Abī Dāwūd* (Liechtenstein and Cairo: Jam‘iyyat al-Maknaz al-Islāmī, 2000), vol. 2, p. 878, no. 5273.

³⁴ Muḥammad Nāṣir al-Dīn Al-Albānī, *Silsilat Al-Aḥādīth al-Ṣaḥīḥah Wa Shay’ Min Fiqhihā Wa Fawā’idihā* (Riyadh: Maktabat al-Ma‘ārif lil-Nashr wa-al-Tawzī‘, 1995), vol. 2, p. 347.

³⁵ Muḥammad ibn ‘Alī Al-Shawkānī, *Nayl Al-Awtār Sharḥ Muntaqā al-Akḥbār Min Aḥādīth Sayyid al-Akhyār* (Beirut: Dār al-Fikr, 1983), vol. 1, pp. 137-140; For current studies see: Sakka, ‘Kritik Sanad Hadis Khitan Terhadap Perempuan Sebagai Kehormatan’; Ithnin, Suliaman, and Ibrahim, ‘Re-Evaluating the Authenticity of Hadith on the Shariah Ruling of Female Circumcision in Malaysia’.

³⁶ Abū Dāwūd, *Sunan Abī Dāwūd*, vol. 3, p. 878.

³⁷ Yusuf Al-Qaraḍāwī, *Al-Hukm al-Shar‘ī Fī Khitān al-Ināth* (Cairo: al-Amānah al-‘Āmmah al-Majlis al-Qawmī li-Ri‘āyat al-Ṭufūlah, 2006).

³⁸ Muḥammad Nāṣir al-Dīn Al-Albānī, *Silsilat Al-Aḥādīth al-ḍa‘īfah Wa-al-Mawḍū‘ah Wa-Atharuhā al-Sayyi’ Fī al-Ummah* (Riyadh: Maktabat al-Ma‘ārif lil-Nashr wa-al-Tawzī‘, 1992), vol. 4, p. 407.

³⁹ Al-Qaraḍāwī, *Al-Hukm al-Shar‘ī Fī Khitān al-Ināth*, 17–18.

⁴⁰ Jamāl Abū al-Surūr and Ahmad Rajā‘ Abd al-Ḥamīd Rajab, *Khitan Al-Ināth Bayna al-Maghliṭ ‘Ilmiyyan Wa al-Multabas Fiqhiyyan*, ed. Aḥmad ‘Umar Ḥāshim, ‘Abd Allāh Al-Ḥusaynī, and ‘Alī Jum‘ah (Cairo: Dār al-Kalimah, 2013), 11–20; Ali Gomaa, ‘The Islamic View on Female Circumcision’, *African Journal of Urology* 19 (2013): 123–26, <https://doi.org/10.1016/j.afju.2013.02.007>.



An opposing position treats the ḥadīth corpus as collectively sufficient to establish female circumcision's religious legitimacy.⁴¹ This position affirms the *ṣaḥīḥ* indirect narrations while incorporating the weak direct reports through reliance on classical *fiqh* authority, arguing that their sustained reception within the juristic tradition, particularly the Shāfi'ī school, renders them normatively operative regardless of *isnād* weakness. From this perspective, ḥadīth interpreted through the classical madhabs establishes female circumcision as a sanctioned Islamic practice, making its prohibition religiously unacceptable.⁴² Analogous positions are found in the Fatwa (*Bahsul Masail*) of Nahdlatul Ulama at its 32nd Congress in Makassar (2010)⁴³ and the religious opinion of the Mufti Department of Negeri Sembilan (Malaysia, 2021),⁴⁴ both operating within the Shāfi'ī legal tradition.

Table 1. Textual Types, Transmission Status, and Interpretive Positions of Hadiths on Female Circumcision

No	Type	Hadith Text (Summary)	Main Source	Status in Hadith Studies	Position of Proponents	Position of Opponents
1	Indirect	Abraham was circumcised at the age of eighty	Ṣaḥīḥ al-Bukhārī, no. 3391	<i>Ṣaḥīḥ</i>	Cited as evidence that circumcision is part of the Abrahamic tradition; extended by some jurists to include women	Interpreted as specific to male circumcision, not applicable to women
2		Circumcision as part of the five practices of <i>fiṭrah</i>	Ṣaḥīḥ al-Bukhārī, no. 5952; Ṣaḥīḥ Muslim	<i>Ṣaḥīḥ</i>	Generalised to include women; cited in support of female circumcision as part of Islamic	Considered gender-specific to men; anatomical and ethical distinction

⁴¹ See: M. Asrorun Ni'am Sholeh and Lia Zahiroh, *Hukum Dan Panduan Khitan Laki-Laki Dan Perempuan* (Jakarta: Emir Penerbit Airlangga, 2017), pp. 7-19; Ithnin, Suliaman, and Ibrahim, 'Re-Evaluating the Authenticity of Hadith on the Shariah Ruling of Female Circumcision in Malaysia'.

⁴² M. Asrorun Ni'am Sholeh, 'Kontestasi Nalar Agama Dan Sekular Dalam Perumusan Kebijakan Publik: Studi Atas Fatwa MUI Tentang Hukum Pelarangan Khitan Terhadap Perempuan Dan Peraturan Menteri Kesehatan Nomor 1636/MENKES/PER/XI/2010 Tentang Sunat Perempuan', in *Fatwa Majelis Ulama Indonesia (MUI) Dalam Perspektif Hukum Dan Perundang-Undangan* (Jakarta: Badan Litbang dan Diklat Kementrian Agama RI, 2012), 487–524.

⁴³ PBNU, *Keputusan Mukhtar XXXII Nahdlatul Ulama*, ed. Abdul Mun'im DZ (Jakarta: Pengurus Besar Nahdlatul Ulama, 2010), pp. 232–39.

⁴⁴ Jabatan Mufti Kerajaan Negeri Sembilan Darul Khusus, 'Bersunat Bagi Anak Perempuan', 2021, <https://muftins.gov.my/soaljawab/bersunat-bagi-anak-perempuan/>.



				religious identity	emphasised	
3		“When the two circumcised parts meet, <i>ghusl</i> (bath) becomes obligatory”	Sunan al-Tirmidhī, no. 109; Ṣaḥīḥ Muslim	Taken as implicit recognition of female circumcision	Read as descriptive, not normative; not establishing legal ruling	
4	Direct	“Circumcision is <i>sunnah</i> for men and <i>makrumah</i> for women”	Musnad Aḥmad, no. 21050; al-Bayhaqī	<i>Ḍa‘īf</i> according to the majority of classical and contemporary ḥadīth critics	Accepted as normatively operative through sustained reception in classical <i>fiqh</i> ; some contemporary scholars have reassessed its transmission status	Judged weak as an independent legal proof; insufficient to establish a binding ruling on female circumcision
5		Hadith of Umm ‘Atiyyah: “Do not cut excessively (<i>lā tunhikī</i>)”	Sunan Abū Dāwūd, no. 5273	<i>Ḍa‘īf</i> according to all classical authorities, including the transmitter; upgraded to <i>ḥasan</i> by al-Albānī	Cited as evidence of prophetic awareness and implicit regulation of the practice; some contemporary scholars accept the upgraded transmission status	Judged weak by classical authorities; multiplicity of chains considered insufficient to elevate its evidentiary status; not binding as legal proof
6	Direct (Statement of Ibn ‘Umar)	Advice to women of Madinah to circumcise without excess	Outside Kutub al-Sittah; cited by al-Shawkānī	<i>Ḍa‘īf</i> ; non-prophetic report (<i>mawqūf</i>)	Cited as supplementary cultural-religious evidence supporting the practice	Considered non-authoritative; weak <i>sanad</i> and non-prophetic

Table 1 presents a disagreement over *isnād* evaluation and a deeper methodological divergence concerning how ḥadīth authority is constructed and what counts as legitimate interpretive evidence. Proponents of female circumcision treat the classical fiqh tradition as an authoritative interpretive layer that stabilises the normative implications of weak ḥadīths; opponents foreground *isnād* criticism and the criterion of harm to delegitimise those same texts. Crucially, neither position formally integrates women's lived bodily experience as an epistemological input — a silence that constitutes not merely an ethical oversight but a methodological limitation with direct implications for how prophetic authority is normatively constructed. It is precisely this limitation that the *maqāṣid*-based approaches of MUI and KUPI seek to address in divergent ways.

***Maqāṣid* and Hadith in MUI's Fatwa on Female Circumcision**

The MUI is the most authoritative semi-official Islamic legal body in Indonesia. Established in 1975, it functions as a key institution for issuing religious guidance to Muslims and advising the state on matters of Islamic law, ethics, and public policy. Its authority derives from institutional recognition, representation of major Islamic organisations, and strong continuity with classical Sunni jurisprudence. In matters of family law and bodily practices, MUI frequently positions itself as a guardian of Islamic orthodoxy, particularly when state regulation or global human rights discourse is perceived as threatening established religious norms. Syafei argues that MUI employs *maqāṣid al-sharī'ah* in a limited and instrumental manner.⁴⁵ Within MUI's fatwa practice, *maqāṣid* does not function as an independent evaluative framework but rather as auxiliary principles reinforcing conclusions already derived from textual sources and classical fiqh. References to *maqāṣid*, most commonly the prevention of harm (*dar' al-darar*), mainly appear as practical constraints on implementation rather than as criteria for reassessing the ethical legitimacy of a practice itself. Consequently, *maqāṣid* operates reactively rather than critically, subordinated to the preservation of legal continuity and institutional authority.⁴⁶

This methodological orientation is clearly reflected in MUI's 2008 fatwa of female circumcision.⁴⁷ Issued amid growing public controversy following the Ministry of Health's 2006 circular, the fatwa primarily responds to the perceived threat of prohibition rather than addressing female circumcision as an ethical problem in its own right. MUI frames the issue as a defence of Islamic normative authority and religious identity, consistently characterising the practice as a good part of Islamic identity and further as recommended *ibādah* of Islam, thereby affirming its religious legitimacy and rejecting unconditional prohibition. This characterisation is stated explicitly in the fatwa's operative rulings: "*Khitan terhadap perempuan adalah*

⁴⁵ Syafei, 'Tracing Maqāṣid Al-Sharī'ah in the Fatwas of Indonesian Council of Ulama (MUI)'.

⁴⁶ Ibid. See also: Nurhayati and Muhammad Syukri Albani Nasution, 'Maqāṣid Al-Sharī'ah in the Fatwa of the Indonesian Ulama Council Regarding Congregational Worship During the COVID-19 Pandemic', *ASy-Syir'ah* 54, no. 2 (2020): 251–75; Muhammad Sholihin and Fuad Zein, 'Maslahah Reasoning behind Fatwa of the Indonesian Ulama Council: Between Ijtihad's Method and Pragmatism', *Ijtihad* 36, no. 2 (2020): 1–10.

⁴⁷ Keputusan Fatwa Majelis Ulama Indonesia No. 9A Tahun 2008 Tentang Hukum Pelarangan Khitan Perempuan (2008).



makrumah, pelaksanaannya sebagai salah satu bentuk ibadah yang dianjurkan”⁴⁸ (female circumcision is honourable, and its practice represents a suggested act of religious observance), and further that “*Pelarangan khitan terhadap perempuan adalah bertentangan dengan ketentuan syari’ah karena khitan, baik bagi laki-laki maupun perempuan, termasuk fitrah dan syiar Islam*”⁴⁹ (prohibiting the practice of circumcision for women contravenes Sharia provisions on the ground that circumcision in both women and men is considered fitrah and syiar Islam).

In articulating this position, MUI presents its legal reasoning in a sequential presentation of textual authorities, without engaging with their transmission status or internal scholarly contestation. The fatwa opens with five Qur’anic verses related to obedience to the Prophet and following the path of Abraham (e.g., Q 16:123; Q 3:31–32; Q 3:95; Q 4:125), none of which directly address circumcision or women’s bodies. These are followed by six hadith texts: a report stating that circumcision is *sunnah* for men and *makrumah* for women; statements attributed to Ibn ‘Umar concerning moderation in female circumcision; a report from ‘Ā’ishah on the obligation of ritual bathing when the two circumcised parts meet; two reports of Umm ‘Atiyyah advising moderation in female circumcision; and a general hadith listing circumcision as part of Islamic *fitrah*. These narrations are presented cumulatively, without differentiation between descriptive, indirect, or weak reports, and are treated as mutually reinforcing. The fatwa then anchors its conclusion in classical *fiqh* authorities across the four Sunni madhabs, emphasising their agreement on the permissibility and, in some opinions, the obligation of female circumcision.

Maqāṣid reasoning appears only marginally in the final ruling, limited to the stipulation that the procedure must not cause *ḍarar* (harm). As explained by M. Asrori Ni‘am, a member of MUI’s Fatwa Commission, female circumcision falls within the category of ritual practices (*‘ibādāt*) not subject to rational inquiry (*ghayr ma‘qūl al-ma‘nā*), understood as part of the legacy of the *millat Ibrāhīm* and regarded as a prophetic tradition that must be preserved.⁵⁰ Within this framework, *ḥifẓ al-dīn* functions as the dominant *maqṣad*, safeguarding established religious symbols and preventing perceived disruptions of Islamic tradition, while *ḥifẓ al-nafs* is invoked only in a narrowly regulatory sense, confined to the requirement that the practice not cause excessive physical injury. The extent to which *ḥifẓ al-nafs* functions only as a procedural limit rather than an evaluative criterion is evident from the fatwa’s sole regulatory specification, saying that “*Khitan perempuan dilakukan cukup dengan hanya menghilangkan selaput (jaldah/colum/paerputium) yang menutupi klitoris, khitan perempuan tidak boleh dilakukan secara berlebihan, seperti memotong atau melukai klitoris (insisi dan eksisi) yang mengakibatkan dlarar*”⁵¹ (Female circumcision is performed only

⁴⁸ First Ruling of Fatwa MUI No. 9A Tahun 2008. It says that “Female circumcision is *makrumah*, and its performance constitutes one of the recommended forms of worship”.

⁴⁹ Second Ruling of Fatwa MUI No. 9A Tahun 2008. It says that “The prohibition of female circumcision contradicts the provisions of Islamic law, since circumcision — for both men and women — is among the practices of *fitrah* and the symbols of Islam”.

⁵⁰ Sholeh, ‘Fatwa MUI Tentang Khitan Perempuan’, p. 37.

⁵¹ Third Ruling of Fatwa MUI No. 9A Tahun 2008. It says that “Female circumcision is performed by removing only the membrane (*jaldah/colum/paerputium*) covering the clitoris. Female circumcision

by removing a membrane that covers the clitoris; female circumcision must not be excessively done, such as cutting or injuring the clitoris—incision and excision—which causes *dlarar*). The *maqāṣid* of *ḥifẓ al-naḥs* thus operates exclusively at the level of procedural regulation, leaving the normative validity of the practice entirely intact.⁵²

This construction of *ḥifẓ al-dīn* rests on the assumption that classical jurists endorsed female circumcision as part of the Abrahamic legacy, despite the absence of explicit Qur'anic or ḥadīth evidence, thereby overriding concerns about weak transmission and elevating contested reports to normative authority. Equally significant is what MUI's *maqāṣid* framework entirely excludes: women's lived experiences as an epistemological input. Throughout the fatwa, women's bodies are the object of legal regulation, yet women are absent as epistemic subjects. No testimony from women who have undergone the procedure is incorporated, nor is experiential or medical evidence foregrounded as a criterion for ethical assessment. The sole point at which women's experience might be said to appear is through a technical expert — a medical professional cited to establish procedural safety thresholds — yet this presence is procedural rather than epistemological, and the expert was not involved in the deliberative formulation of the fatwa itself. This epistemic exclusion is structurally consistent with a *maqāṣid* framework in which *ḥifẓ al-dīn*, constructed through classical textual authority alone, forecloses the possibility that embodied female experience could carry methodological weight in determining the ethical validity of a practice. This configuration — preservation-oriented, text-insulated, and experientially evacuated — becomes the critical point of departure for KUPI's contrasting approach.

Re-centring *Maqāṣid* in KUPI's Fatwa on Female Circumcision

The KUPI represents a distinct configuration of Islamic legal authority in Indonesia. Unlike MUI, which operates as a semi-official national fatwa body, KUPI functions as a collective network of women ulama whose legal positions emerge through deliberative, participatory, and community-based processes. First convened in April 2017 at Pesantren Kebon Jambu, Cirebon, KUPI articulates its religious positions through religious deliberation forums in which fatwas are collectively formulated with the participation of female ulama, subject-matter experts, activists, and women with direct lived experience of the practices under deliberation. This structural difference is not merely organisational; it is methodologically consequential, as it determines who counts as an epistemic subject in the construction of legal meaning.⁵³

Methodologically, KUPI places *maqāṣid al-sharī'ah* at the centre of legal reasoning, not as a supplementary principle but as a critical and evaluative

must not be performed excessively, such as by cutting or injuring the clitoris — whether by incision or excision — which would result in harm or injury”.

⁵² Sholeh, 'Fatwa MUI Tentang Khitan Perempuan', pp. 41-42.

⁵³ Inayah Rohmaniyah, Samia Kotele, and Siti Kurnia Widiastuti, 'Reclaiming an Authority: Women's Ulama Congress Network (KUPI) and a New Trend of Religious Discourse in Indonesia', *Academic Journal of Interdisciplinary Studies* 11, no. 3 (May 2022): 60–70, <https://doi.org/10.36941/ajis-2022-0068>; Mun'im et al., 'Revisioning Official Islam in Indonesia: The Role of Women Ulama Congress in Reproducing Female Authority in Islamic Law'.



framework for interpreting and assessing Qur'anic verses and ḥadīths.⁵⁴ This orientation departs from conventional *maqāṣid* reasoning that treats ethical objectives as abstract or gender-neutral ideals, and responds directly to the methodological limitation identified in MUI's approach. Operationally, KUPI's experience-based *maqāṣid* methodology proceeds through three interrelated moves: centring women's experiences in problem conceptualisation (*taṣawwur*); organising Qur'anic and ḥadīth evidence around universal and gender-inclusive ethical values (*adillah*); and deriving legal judgments (*istidlāl*) that prioritise justice, harm prevention, and human dignity. Women's experiential knowledge thus actively shapes how *maqāṣid* is understood, prioritised, and applied rather than merely illustrating legal outcomes already determined by classical authority.⁵⁵

This methodology is most clearly reflected in KUPI's treatment of female circumcision at its Second Congress in Jepara in 2022.⁵⁶ Rather than approaching the issue as a matter of preserving inherited legal permissibility, KUPI frames female genital cutting or injury (P2GP) without medical indication, including female circumcision, as a contemporary ethical problem requiring critical reassessment through *maqāṣid al-sharī'ah*. The deliberative process preceding the fatwa is itself methodologically significant, as it incorporates the testimonies of women with lived experience of the practice alongside medical, legal, and human rights expertise. Through *taṣawwur*, P2GP is situated within its anatomical, medical, psychological, social, and cultural dimensions, explicitly establishing the biological distinction between male and female genitalia and rendering analogies between male and female circumcision both medically and ethically untenable.

The KUPI's fatwa establishes a fundamental anatomical distinction between male and female genitalia. The male genital organ is enclosed and possesses a foreskin — a layer of skin that can be removed without cutting underlying flesh — whose removal in male circumcision can improve hygienic function and is accordingly recognised in medical science with established standard operating procedures taught across medical, midwifery, and nursing education. The female genital organ, by contrast, is open in structure: all skin is attached directly to flesh, and no part of it can be removed without cutting flesh itself. The clitoris, the organ most vulnerable to cutting in P2GP, is anatomically equivalent to the glans of the penis, not to the foreskin; and while the clitoral hood is sometimes mistakenly equated with the male foreskin, the analogy is false, since the clitoral hood functions not as an impediment to cleanliness but as a protective covering for the clitoris — the organ with the highest density of nerve endings in the female body — shielding it

⁵⁴ Abdul Kodir, *Metodologi Fatwa KUPI: Pokok-Pokok Pikiran Musyawarah Keagamaan Kongres Ulama Perempuan Indonesia*, pp. 92-112. Zulfi Ida Syarifah et al., 'Trends In Modern Women's Relations In Social Problems: Islamic Law In Tafsir Al-Qurtubi', *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 25, no. 2 (December 2025): 218-32, <https://doi.org/10.30631/alrisalah.v25i2.1540>; Supriyadi Supriyadi, Abdul Qodir Zaelani, and Linda Firdawaty, 'The Problematics of the Five Pillars of Household Concept in Mubādalāh Theory from the Perspective of Michel Foucault's Power Relations', *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 26, no. 1 (June 2026): 1-20, <https://doi.org/10.19109/nurani.v26i1.31124>.

⁵⁵ Abdul Kodir et al., 'Maqāṣid Cum-Mubādalāh Methodology of KUPI: Centering Women's Experiences in Islamic Law for Gender-Just Fiqh'.

⁵⁶ Tim Perumus MK KUPI, *Hasil Musyawarah Keagamaan Kongres Ulama Perempuan Indonesia (KUPI) Ke-2* (Jakarta: KUPI, 2023), 211-279.



from constant friction in daily life. Because the clitoral hood is thin and closely attached to the clitoris, its removal frequently results in clitoral injury as well, severing nerve tissue and blood vessels that serve the female genital organ in its multiple reproductive functions as the passage for urine, menstrual blood, birth fluids, and ultimately the birth of children itself. P2GP thus carries documented risks of severe bleeding, permanent nerve damage, disruption of reproductive function, and death — harms that, in KUPI's *maqāṣid* framework, are not peripheral considerations but the primary epistemological ground on which the prohibition is built.⁵⁷

In constructing its *maqāṣid* framework, KUPI proceeds by first establishing a broad Qur'anic ethical horizon through fifteen verses emphasising human dignity, harm prevention, justice, and care for the vulnerable, including affirmations of human honour (Q. 17:70), prohibitions of harming women (Q. 33:58), injunctions against endangering future generations (Q. 4:9), commands to treat women with kindness (Q. 4:19), and imperatives of justice and communal responsibility (Q. 5:2; Q. 4:58; Q. 3:110).⁵⁸ KUPI then foregrounds ḥadīths articulating overarching ethical imperatives: the prohibition of harm,⁵⁹ the command to honour women,⁶⁰ the duty to protect children, especially girls,⁶¹ and prophetic teachings on compassion⁶² and responsibility.⁶³ These ḥadīths are not employed to derive atomistic rulings but function collectively to establish ethical criteria against which specific practices, such as the contested ḥadīths on female circumcision, are evaluated. *Maqāṣid* here mediate the relationship between ḥadīth authority and ethical evaluation not by overriding prophetic texts but by embedding their interpretation within a principled ethical horizon derived from the strongest and most authoritative reports.⁶⁴

Having established this ethical framework, KUPI then turns to the contested ḥadīths commonly cited in support of female circumcision. Rather than centring its analysis on *isnād* evaluation alone, KUPI reframes the core question: can the continuation of female circumcision, given its empirically documented harms, be ethically justified within the objectives of sharī'ah? KUPI acknowledges the scholarly consensus regarding the weakness of the Umm 'Aṭiyyah ḥadīth, notes the absence of any reliable report that the Prophet circumcised his daughters or wives, and interprets the *makrumah* designation as reflecting localised custom rather than binding religious obligation. KUPI argues that the indirect *ṣaḥīḥ* ḥadīths pertain specifically to male circumcision and cannot be extended to women, given the anatomical and ethical distinctions established in the *taṣawwur* stage. Ḥadīth authority is thus neither

⁵⁷ KUPI, *Hasil Musyawarah Keagamaan Kongres Ulama Perempuan Indonesia (KUPI) Ke-2*, pp. 234-235.

⁵⁸ KUPI, p.217-223.

⁵⁹ Ibn Mājah, *Sunan Ibn Mājah*, p. 339, no. 2432.

⁶⁰ Ibn Mājah, pp. 269-270, no. 1924.

⁶¹ Al-Bukhārī, *Ṣaḥīḥ Al-Bukhārī*, vol. 3, p. 1228, no. 6061.

⁶² Muslim ibn al-Hajjāj al-Qushayrī Al-Naysābūrī, *Ṣaḥīḥ Muslim* (Liechtenstein and Cairo: Jam'iyat al-Maknaz al-Islāmī, 2000), vol. 2, p. 809, no. 4826.

⁶³ Al-Bukhārī, *Ṣaḥīḥ Al-Bukhārī*, vol. 1, p. 169, no. 901.

⁶⁴ KUPI, *Hasil Musyawarah Keagamaan Kongres Ulama Perempuan Indonesia (KUPI) Ke-2*, p.223-225.



absolutised nor dismissed; it is ethically mediated through the objectives of *sharī'ah*, the consequences of harm, and women's lived testimonial knowledge.⁶⁵

KUPI's *istidlāl* concludes that female circumcision without medical indication simultaneously violates *ḥifẓ al-nafs*, *ḥifẓ al-'aql*, *ḥifẓ al-'ird*, *ḥifẓ al-nasl*, and, by extension, *ḥifẓ al-dīn* itself, inverting MUT's dominant *maqṣad* and demonstrating that the same overarching objective can yield diametrically opposed legal conclusions depending on the epistemological content with which it is filled. KUPI further situates its reasoning within Indonesia's constitutional and human rights framework, citing provisions that guarantee life, bodily integrity, dignity, and freedom from violence. On this basis, KUPI concludes that any form of P2GP without a medical indication is prohibited, and that the use of authority to prevent such practices constitutes a religious obligation. These conclusions are stated in the fatwa's formal religious position, saying that “*Hukum melakukan tindakan pemotongan dan/atau pelukaan genitalia perempuan (P2GP) yang membahayakan tanpa alasan medis adalah haram*”⁶⁶ (the law allowing for female genital removal and/or cutting, which is harmful and based on no medical reason, is haram), and further, that “*Hukum menggunakan wewenang sebagai keluarga, tokoh agama, tokoh adat, tenaga medis dan media dalam melindungi perempuan dari bahaya tindakan pemotongan dan/atau pelukaan genitalia perempuan (P2GP) tanpa alasan medis adalah wajib*”⁶⁷ (the law using family, religious figure, customary figure, medical professional, and media as the authority to protect women from any harm arising from female genital removal and/or cutting without any medical reason is mandatory)

KUPI's prohibition is further convergent with contemporary medical science, Indonesian constitutional law, and international human rights standards. Medical evidence confirms that all forms of female genital cutting carry documented risks with no health benefit — a systematic review and meta-analysis of evidence from 2009 to 2022 found significantly increased risks of obstetric complications, genitourinary infections, sexual dysfunction, and mental health disorders.⁶⁸ Under Indonesian law, Articles 28G(2) and 28H(1) of the 1945 Constitution guarantee every person's right to be free from degrading treatment and to physical wellbeing; Law No. 39 of 1999 on Human Rights (Article 33) protects the right to be free from torture; Law No. 35 of 2014 on Child Protection (Article 76A) prohibits physical harm to children without medical justification. Internationally, Female Genital Mutilation (FGM) is recognised as a violation of the UDHR, CEDAW, the ICPD Programme of Action, and SDG 5.3, on which basis the WHO, UNICEF, and UNFPA have jointly committed to a coordinated global strategy for its complete eradication.⁶⁹

⁶⁵ KUPI, p.211-217.

⁶⁶ Point (a) of Fatwa KUPI (No. 08/MK-KUPI-2/XI/2022). It says that “The ruling on performing female genital cutting or injury (P2GP) that is harmful without medical indication is prohibited or *ḥarām*” KUPI, *Hasil Musyawarah Keagamaan Kongres Ulama Perempuan Indonesia (KUPI) Ke-2*, p. 247.

⁶⁷ Point (c) of Fatwa KUPI (No. 08/MK-KUPI-2/XI/2022). It says that “The ruling on using authority as family, religious leaders, customary leaders, healthcare workers, and media in protecting women from harmful P2GP without medical indication is obligatory or *wājib*”. KUPI, p. 247.

⁶⁸ Christina Pallitto et al., ‘Exploring the Health Complications of Female Genital Mutilation through a Systematic Review and Meta-Analysis’, *BMC Public Health* 25, no. 1 (2025): 1387, <https://doi.org/10.1186/s12889-025-21584-z>.

⁶⁹ See: Komnas Perempuan, *Persimpangan Antara Tradisi Dan Modernitas: Hasil Kajian Kualitatif Praktik Pemotongan/Pelukaan Genitalia Perempuan (P2GP) Di 10 Provinsi 17 Kabupaten/Kota*, pp. 16-38; Marifat



Within the Islamic world, since 2007, Egypt's Dar al-Iftā' has maintained that female circumcision has no basis in Islamic law and constitutes a harmful cultural practice — a position that provided the religious legitimacy for Egypt's criminalisation of the practice in 2016.⁷⁰ KUPI's fatwa thus stands at the convergence of Islamic *maqāṣid* ethics, Indonesian constitutional law, international human rights standards, and authoritative Islamic fatwa positions — a multi-framework legitimacy that renders the government's 2024 prohibition both religiously intelligible and legally defensible.

Women's lived experiences constitute KUPI's most significant methodological contribution. Testimonies of women experiencing bleeding, infection, sexual dysfunction, psychological trauma, and life-threatening complications are not treated as supplementary sociological data; they are incorporated as morally salient epistemic evidence that informs the formulation of *maqāṣid* itself, shaping which ethical objectives are foregrounded, how harm is defined, and ultimately how prophetic reports are normatively positioned. It is this procedural difference, rather than mere disagreement over *isnād* evaluation or juristic precedent, that constitutes the methodological contribution this article seeks to analyse and extend.

Divergent *Maqāṣid* Orientations and their Consequences

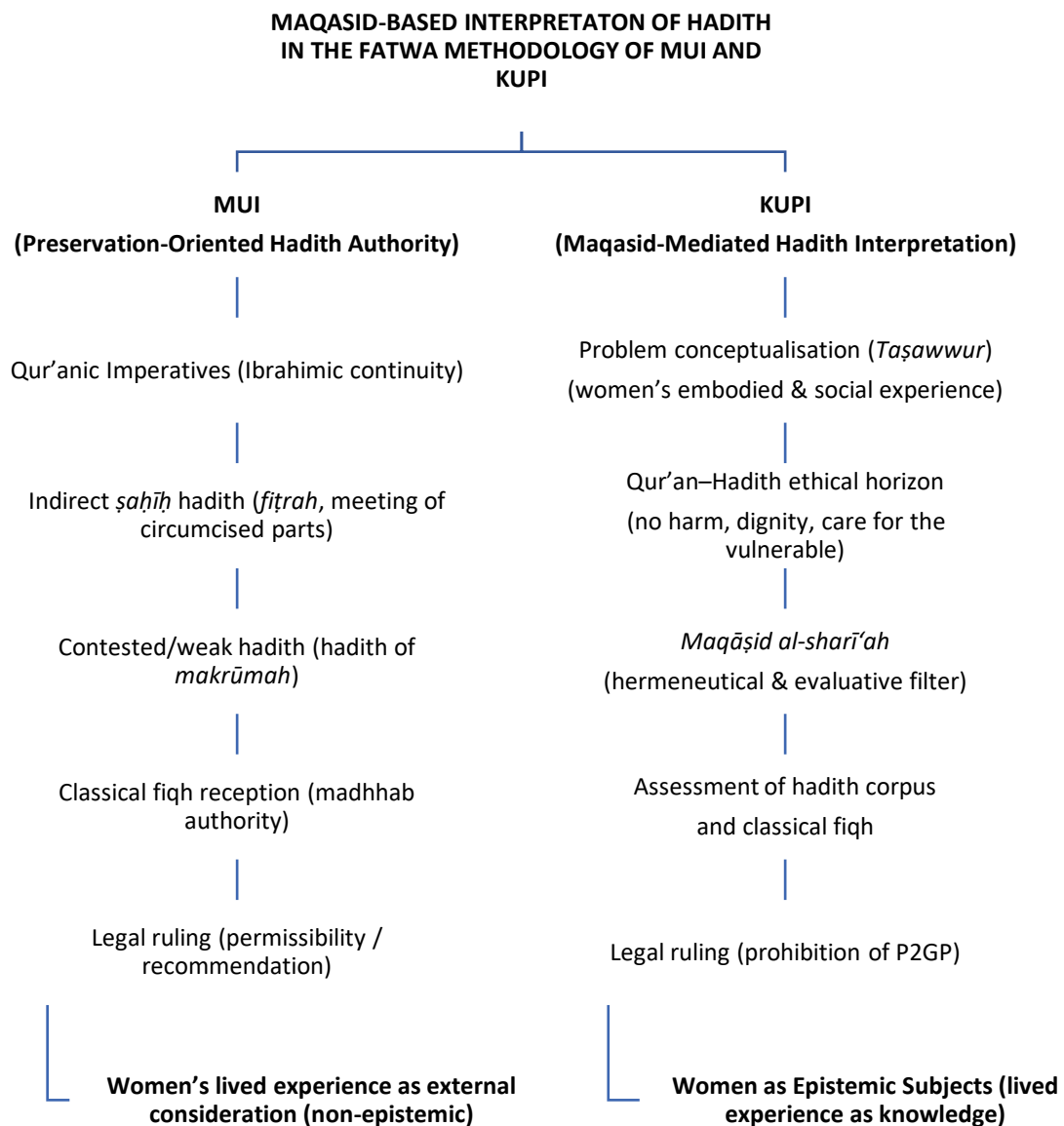
One of the most significant factors sustaining the high prevalence of female circumcision in Indonesia is its embeddedness in religious conviction — a practice transmitted across generations as part of inherited Islamic identity. Yet Indonesia simultaneously presents the contrasting phenomenon: a growing number of Muslim communities and religious scholars who have abandoned or actively rejected the practice on Islamic grounds, grounded in Islamic ethics of bodily protection and harm prevention. These two positions represent two distinct models of Islamic religious practice that coexist and increasingly compete within Indonesian Muslim society. MUI's fatwa embodies the first: a preservation-oriented religiosity that treats inherited juristic tradition as the primary measure of Islamic authenticity. KUPI's fatwa embodies the second: an ethics-based religiosity that evaluates inherited practices through the objectives of *sharī'ah*, foregrounding the protection of human life, dignity, and bodily integrity. Crucially, both models draw on the same authoritative sources. This shared textual foundation renders KUPI's position religiously credible rather than merely progressive.

Figure 1. Conceptual Diagram of *Maqāṣid*-Based Hadith Interpretation
in the Fatwa Methodology of MUI and KUPI

Kilwakit, Siti Isnaini, and JM Muslimin, 'Female Circumcision: Cultural Practices, Islamic Law and Implications for SDGs', in *Towards Resilient Societies: The Synergy of Religion, Education, Health, Science, and Technology*, 1st Editio, ed. Maila D. H. Rahiem (London: CRC Press, 2025), 91–96.

⁷⁰ See: Indiana, 'Hukum Khitan Bagi Perempuan Menurut Fatwa Dar Al-Ifta al-Misriyyah Dan Fatwa Majelis Ulama Indonesia'.





The comparative analysis demonstrates that their divergent legal conclusions do not stem from access to different ḥadīth corpora but rather from fundamentally different procedures of engaging those traditions: how reports are selected and arranged, how *maqāṣid* is positioned vis-à-vis ḥadīth authority, and whether women's lived experiences are admitted as epistemically relevant in evaluating contested narrations. Figure 1 above visualises this structural divergence. MUI employs a cumulative and preservation-oriented interpretive logic. General Qur'anic imperatives to follow the path of Ibrāhīm and the Prophet Muḥammad are placed at the front, followed by indirect *ṣaḥīḥ* reports, then direct but contested narrations, and finally reinforced by classical fiqh authority. *Isnād* criticism is not foregrounded; weak reports remain normatively operative because juristic acceptance supplies practical *ḥujjiyyah*. The cumulative weight of this arrangement stabilises the authority of contested reports without requiring their independent authentication, thereby privileging reception history over transmission integrity. KUPI reverses this order

entirely. It first establishes a broad ethical horizon from Qur'anic and prophetic norms, including harm prevention, human dignity, and the protection of the vulnerable, and only then assesses circumcision-related narrations against this horizon. Indirect *ṣaḥīḥ* reports are read as descriptive or gender-specific rather than prescriptive for women; weak direct narrations are denied binding legal force where their application demonstrably entails harm. This procedural reversal — ethical horizon first, specific narrations second — makes KUPI's prohibition not a departure from Islamic authority but a more rigorous application of it.

Both MUI and KUPI invoke *ḥifẓ al-dīn* as a central *maqṣad*, yet fill it with diametrically opposed epistemological content: MUI constructs it from classical juristic consensus to preserve the inherited permissibility of female circumcision, while KUPI redefines it as the preservation of Islamic teachings mandating the protection of human life and dignity, with *ḥifẓ al-naḥs* becoming primary. The same overarching *maqṣad* thus yields opposing legal conclusions, demonstrating that the determinative variable is not the objective invoked but the epistemological content and interpretive procedure through which it is constructed. The sharpest contrast concerns the epistemic status of women's lived experience. In MUI's framework, women appear only as objects of legal regulation, while KUPI formally incorporates their testimonies as morally probative evidence that actively shapes which *maqāṣid* are foregrounded and how prophetic norms of mercy, justice, and non-harm are applied.

The methodological divergence carries consequences extending well beyond juridical debate into public governance. The Indonesian government's prolonged hesitation following MUI's 2008 fatwa illustrates the structural dependency of regulatory decision-making on authoritative religious pronouncements in a Muslim-majority society. KUPI's 2022 fatwa fundamentally altered this dynamic by grounding its prohibition in an internally Islamic argument derived from Qur'anic ethics, prophetic traditions, and *maqāṣid al-sharīʿah*. This argument emerged from a sociologically embedded process: layered consultations culminating in a national congress attended by more than 1,500 participants, including *pesantren* (Islamic boarding schools), universities, *majlis taklim*, youth groups, community organisations, activists, and researchers. This sociological grounding enabled the government to reinstate its ban in 2024, with KUPI's ruling functioning simultaneously as a normative justification and a sociological shield against potential religious opposition.⁷¹

For practices deeply embedded in religious and cultural identity, legal prohibition alone is insufficient without corresponding discursive legitimacy within Muslim publics. KUPI's *maqāṣid*-based reasoning, articulated in a recognisably Islamic idiom and disseminated through grassroots scholarly networks, provides the form of culturally rooted religious advocacy capable of sustaining policy implementation over time, furnishing the narrative infrastructure through which prohibition can be socially internalised as an expression of Islamic ethical

⁷¹ For information on the collective entity of KUPI, from which fatwas emerge and resurface, please refer to the following article: Kamala Chandrakirana and Faquiddin Abdul Kodir, 'Chronicles of a Collective Claim to Religious Authority: KUPI's Women Ulama', *The African Journal of Gender and Religion* 31, no. 1 (2025), <https://doi.org/10.36615/t0726023>.



commitments rather than their negation. The two models of Islamic religious practice represented by MUI and KUPI are not static. Transformation grounded in *maqāṣid* reasoning and prophetic ethics is increasingly visible in villages, rural *pesantren*, and community religious forums where female circumcision is being reconsidered by mothers, midwives, and local religious leaders on Islamic grounds. What KUPI's approach demonstrates is that such transformation does not require abandoning Islamic authority; it requires reading it more rigorously, more completely, and with greater attentiveness to the experiences of those whose lives and bodies it governs. If this model continues to gain traction, as current trajectories suggest, the majority position within Indonesian Muslim society may itself shift, not as a departure from Islamic tradition but as its most consequential renewal from within.

Conclusion

This article set out to examine how MUI and KUPI interpret ḥadīths on female circumcision through divergent *maqāṣid*-based frameworks, and to assess the extent to which women's lived experiences are recognised as epistemically relevant within those frameworks. Two conclusions directly address these objectives, followed by a third that concerns their broader implications. First, the divergence between MUI and KUPI is methodological rather than textual. Both institutions engage the same ḥadīth corpus, but differ fundamentally in how *maqāṣid* mediate ḥadīth authority and what counts as legitimate interpretive evidence. MUI's preservation-oriented framework stabilises the authority of contested prophetic reports through classical juristic reception, deploying *maqāṣid* primarily as post-hoc regulatory constraints. KUPI's transformative framework positions *maqāṣid* as a hermeneutical filter through which ḥadīth authority is ethically assessed, generating diametrically opposed legal conclusions from identical textual sources. This finding advances scholarly understanding of *maqāṣid al-sharī'ah* beyond the question of which objectives are invoked, toward the more consequential question of how those objectives are epistemologically constructed and through whose experiences they are filled.

Second, the incorporation of women's lived experience is a methodological necessity, not a peripheral supplement. Formally integrating women's embodied testimonies into *taṣawwur* and *istidlāl* alters which prophetic norms become controlling, how harm is defined, and how contested narrations are weighed. Excluding this dimension produces not a neutral reading but one that systematically privileges juristic continuity over the ethical demands of lived reality. The theoretical implication for Islamic family law is significant: legal disagreements on practices affecting women's bodies cannot be resolved by textual citation alone, nor by invoking *maqāṣid* as abstract objectives. What is required is methodological transparency regarding the epistemological content that those objectives are filled with, and formal recognition that women's embodied experiences constitute authoritative knowledge in Islamic legal reasoning.

Third, interpretive methodology carries direct governance consequences. The regulatory impasse that followed MUI's 2008 fatwa was broken not by secular medical discourse alone but by KUPI's internally Islamic argument, articulated by women ulama with recognised scholarly authority. This provided the normative legitimacy that enabled Indonesia's formal prohibition in 2024 and furnished the



discursive infrastructure through which Muslim communities can socially internalise that prohibition as an expression of Islamic values. Ensuring that no more female babies are exposed to the harmful consequences of non-medical female circumcision requires not only enforceable regulation but the sustained cultivation of Islamic arguments that Muslim communities can recognise as authentically their own. This is the point at which this article's methodological contribution becomes most consequential.

Two directions for future research follow. First, the Islamic theoretical grounding for recognising women's lived experience as an authoritative epistemic source within *ḥadīth* interpretation remains underdeveloped. A more systematic engagement with classical and contemporary Islamic epistemology, including the status of *khibrah* (experiential knowledge), *shahādah* (testimony), and *maṣlaḥah* as epistemological rather than merely legal concepts, is needed to situate KUPI's methodological innovation more firmly within the internal logic of the Islamic scholarly tradition. Second, field-based research is needed to examine how KUPI's *maqāṣid*-based arguments travel through its movement-based networks and how Muslim publics across different regions of Indonesia understand, negotiate, and respond to them in practice, providing insight into how interpretive shifts interact with existing cultural norms and shape trajectories of socio-legal transformation in Muslim-majority contexts.

Conflict of Interest Statement

The authors declare that they have no known competing financial interests or personal relationships that could have influenced the work reported in this paper.

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Credit of Author

Faqiuddin Abdul Kodir: Conceptualization, methodology, writing and editing this article; **Zunly Nadia:** Compilation of data and preparing original draft in Indonesian version.



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