

The Issues and Muslim Women's Rights in the Rahima Foundation, Indonesia

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Abstract. This paper discusses the issues and Muslim women's rights which are adopted by the Rahima activist group, in Indonesia. Rahima is an Islamic Education, Information and Women's Rights Centre. It was founded in the year 2000, as a reaction to a massive discussion in the society regarding the issues of gender and Islam. Amongst the issues which they focused and discussed in this article are the law regarding abortion and new concept of mahram (a man whom a woman cannot marry). This is a documentation study which goes hand-in-hand with interviews done with the selected Rahima activists. The outcome is that Rahima is always up-to-date with the current women issues in Indonesia. They organised programmes to provide a better understanding of Islamic teachings which uphold the equalities of women in the society and how to value the pluralities.

Keywords: Rahima, women issues, women's rights, equalities, pesantren, Islam.

1. Introduction

Rahima is an Islamic Education, Information and Women's rights Centre. It is a board fighting for self-rights in a society which condone the inequalities towards women, according to the Islamic perspectives. It was founded on the 5th of August, 2000 in response towards the issues of gender and Islam. Its existence status was certified by a government body in Indonesia i.e. Notaris on the 11th of September, 2000 in Jakarta. Rahima officially commenced its activities in the month of February 2001 (Rahima 2010).

The word 'Rahima' consist of two meanings i.e. '*rahim perempuan*' (women's womb) which is a starting point for humans' life and another significance comes from one of Allah's name which is *al-Rahman* (The Most Beneficent) and *al-Rahim* (The Most Merciful) as we could find in the Asma'ul Husna. Rahima was given such a name to reflect a life which is full of love (Rahima 2010).

In the early stage, Rahima's activities focused only to the critical education and the distribution of information on women's rights in the *pesantren*. Later, it widened the scope to various groups beyond the border of the pesantrens. They reach for the schools, religious teachers, *majlis ta'alim* (informal religious education gathering), Muslim women organisation and university students' organisation. Rahima goes internationally as well as nationally (Rahima 2010).

2. The Issues and Muslim Women's Rights in Indonesia

The issues and Muslim women's rights in Indonesia is still a hot soup. The practice of inequalities towards women which should not in any way exist in this modern era is widely adopted. The places such as Batu and Malang in East Java, Indonesia, women were forced to padlocks their panties to protect themselves from being raped. The following discussion will touch on the issues and the rights women are fighting for, ignited and backed by Rahima. In the method of critical education, Rahima had brought forward the Indonesian women's inequalities issues which later come to the stage where they discussed the interpretation of the religious resources i.e. the Quran through its contemporary interpreters (F. A. Kodir 2008).

2.1. The Law Regarding Abortion

In Indonesian language they call *aborsi*, a word originated from English's abortion and Latin's *abortus* which means getting rid of 'a baby' from a pregnant woman. The Islamic scholars (fuqaha fiqh) calls abortion as '*isqath al-haml*'. Abortion, could be an 'abortion spontaneous' (the foetus comes out without any outside force) or 'abortion artificialis' (purposely /forced abortion). Abortion artificialis could either be done because of medical reasons or with non-medical reason. The second type of forced abortion becomes the issues debated among the Islamic scholars and the administrators (M. Zuhdi 1986).

There are three instances of abortions happened i.e. a married woman aborts because of a broken marriage, an unmarried woman aborts because of fear and a woman would get rid of a baby after she had been raped. Generally, the decision to abort a baby was made because of some external factors (the husband, the parents and the society). These external pressures are the inequalities where women do not have a complete right to make her own decision over her own pregnancy which leads to a mental and physical burden. The decisions to perceive or abort will later leave a negative effect to the women. According to the Islamic rites, an abortion before the fourth month is acceptable on acceptable reasons. A purposely abortion of a foetus from a unmarried couples are 'haram' (forbidden) in Islam. In Indonesia, there are still some legal discrepancies over the act of the abortion. Those aborting babies could face an imprisonment of 15 years (Law 23 Year 1992, rule 80 sentence 1) (A. Mumtazah, Y. Muthmainnah 2007).

An absolute rule forbidding abortion is not the wisest action. The Islamic scholars (fuqaha) and Majelis Ulama Indonesia MUI (the Indonesian Islamic Scholar Council) will decide situations on a case-to-case basis where circumstances of *darurat* (uncertain circumstances) will be taken into account. I personally would like to quote a view of Imam Abu Hanifah which said that an abortion could done on the reasons of 'darurat' (uncertain circumstances) such as in the case of a mother who has yet to have milk and unready to feed the coming baby or a husband who is incapable to bear the baby. An abortion should be a responsibility of both the man and woman and the education on abortion is necessary for the sake of rationality and fairness to women (A. Mumtazah, Y. Muthmainnah 2007).

2.2. New Concept of Mahram (a man whom a woman cannot marry)

Beginning from a mere quote "kami memerlukan perlindungan hukum bukan fatwa baru mengenai *mahram*" (we need a legal protection not a new rule regarding mahram); a new concept of *mahram* has been created, i.e. a rule of protection but not the law. This situation arises because there are several districts in Indonesia ruled that a woman is forbidden to go out of their house without a company of her mahram after 9.00 p.m. In Arabic, the word *mahram* means the opposite gender whom one cannot marry according Islamic Laws. One is a *mahram* to another because of *nasab*, one share the same breast-feeding mother and one has married to one another as stated in the Quran, surah al-Nisa' verse 22-36. According to the contemporary interpreters whose teachings become the basis of Rahima such as Asghar Ali Engineer and Lies Marcos, they states that the rule of *mahram* should be abolished because the situation are different from the era of the ancient uncivilised Arabs, whereas the government should take the responsibility to protect every citizen from all dangers. They are referring to the words of Imam Syafie and Yusuf al-Qaradawi (Y. Al-Qaradawi 1990) whom they quoted as saying, "as long as the situation is peaceful, a woman can go out without an individual *mahram*. The fact that a new concept of *mahram* is needed as the time has changed. In those days the Arabs travelled by the camel through a remote roads and deserts whereas at present, we travels in a safe vehicles and a journey is very much faster. The social-economic activities in those eras were more on agricultural sector than our current commercial situation, though they generally were in trade businesses (KH. H. Muhammad 2010).

An interview with Dr. Nur Rofi'ah (an Indonesian Women's Rights Activist), as written in a report (N. Rofi'ah 2010), states that a nation should create a peaceful environment for its people. This *mahram* concept is inclusive of the protection by the government to women who are away from their home and in which indirectly overruled the old Islamic rule concept where the protection should be provided by an individual man (F. A. Kodir 2008, Rahima 2010).

Because of a huge difference between the prophet's era and our current days in the aspect of technology etc, every Islamic matter has to take into account the current situation. A daughter of a religious teacher (Kiyai) has to study overseas for years without a mahram. A Sahih (undoubted) Religious Literal text about the mahram is unable to stop this new wave. The changes in the social, economic and cultural context need

this mahram concept to be amended accordingly, openly and still conserve the values of protection element. This goes in line with the fiqh method i.e. “Tidak boleh dinafikan perubahan hukum disebabkan perubahan zaman” (We cannot deny the changing of Islamic laws to suit the present situation). Al-Qaradawi said, “If the era changed and the situation does not require a law to change, we do not need to question the existing Islamic law” (Y. Al-Qaradawi 1990). With his changes, everyone especially woman, could live safely without denying the existing individual mahram concept (KH. H. Muhammad 2010).

3. Conclusion

Rahima fights for the Indonesian Muslim women’s rights through a critical thinking way, where mostly were done with the method of re-interpreting the Islamic texts i.e. Al-Quran and the al-Sunnah to a new approach. They educate and provide a clarification regarding the time where a rule had been revealed compared to our new era which had changed tremendously. Therefore the critical thinking attitude has to be present in one’s mind in order to accept the way brought by the Rahima, so that there would be no misinterpretation. Physically, Rahima moves very fast to fight for the Indonesian Muslim women’s justice. The result shown that although Rahima was founded in the year 2000, it has gone internationally. Last but not least, a fight for truth has to be on the clear right path.

4. References

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