INDONESIAN WOMEN'S ULAMA AND THE RESISTANCE AGAINST PATRIARCHAL SOCIAL CONSTRUCTION

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ABSTRACT

This paper aims to examine the position and role of Indonesian Women's Ulama in responding to the social problems of women in the patriarchal culture of Ulama' which is dominated by male Ulamā' in Indonesia. Using Peter L.Berger and Luckmann's (1966) social construction theory, this paper seeks to explore the capacity of Indonesian Women's Ulama in solving socio-religious problems, especially in the field of female law and social issues in Indonesia. Law-making in Indonesia cannot be separated from the patriarchal construction built by the intellectual hegemony of male Ulamā' (Islamic scholars) and the existence of social inequality between men and women in the dominance of social interpretations which results in the dominance of masculinity in the public sector. This paper uses qualitative research methods with data collection techniques in the form of observation and documentation. The conclusions of this paper are 1) the intellectual ahistorism of women socially constructed through verbalization, visualization, and adaptation in the socio-cultural scientific tradition; 2) the cultural backwardness experienced by women when men step forward in their socio-cultural intellect in the public sector such as law, education, politics and economics.

Keywords: *Indonesian Women's Ulama, Patriarchal Social Construction, Feminism*

INTRODUCTION

Ulamā' (Islamic scholars) have a central role in building and conditioning the community for mutual progress in religious and state life, especially in Indonesia. As a social agent and answer to social problems, many Ulamā' are dominated by human Ulamā' in matters of religion and social relations of the male sex. The consequence is that the products of interpretation and reading of socio-religious and humanitarian issues are not immune from the tendencies of masculinity found in the pillars of intellect.

In matters relating to social relations between men and women, for example, ulema dominated by men provide interpretations and opinions that are indirectly in accordance with the tastes and reasoning of the ulama's masculinity that merge in social institutions with the assumption

of "negative" to the position and the role of women in answering every problem of society. Not infrequently, when male Ulamā' respond and express their opinions regarding women, the response or expression is always returned to the issues of female sexism and motherism which then has implications for community dogmatism for the role of women who are "ālim" in religion.

In this regard, there is an article by Yayuk Fauziah (2010) that focuses on strengthening the justification of the position and role of female ulama by taking into account the controversy of female ulama among the jurists by using the methodology of patriarchal fiqh deconstruction and socio-theological approach. In addition, there is the article Jamal Ma'mur Asmani (2015) which specifically examines the legality of women's leadership in the perspective of Nahdlatul Ulamā' (NU). Through a study of the sociology of law on the changes in NU decisions in the NU National Conference from 1992 to 1999, this study concluded that women may become leaders on the condition of capability, integrity and stability in their domestic roles. The next struggle for gender equality is that Indonesian women ulama hold a congress called KUPI (Indonesian Women's Ulama Congress). This congress according to Nisa (2019) has strengthened the voices of civil Islam in Indonesia through its symbolic preferences. In addition, Nor Ismah (2016) sees that Women Ulama have built their authority through a community base as part of an effort to gain their religious authority, especially their involvement in fatwa production in Indonesia.

Based on the four problems of the articles above, this article has a different side where it tries to raise social and humanitarian issues, especially concerning the issue of women in terms of their role and position in the eyes of patriarchal[1] Ulamā' as a result of social construction which for centuries is outlined in Islamic and cultural literatures and social actions that are subordinate and subaltern to the intellectual space and action of women ulama. In addition, this study is a study of religious studies in terms of the feminist perspective of Indonesian Women Ulama with a focal point on how the role and position of Women Ulema in Indonesia, followed by *Nyai* (the wifes of Kiai), *Ning* (the daughters of Kiai) and Indonesian Muslim women activists in addressing social problems related to the codification of women's law in Indonesia.

METHODE OF RESEARCH

This type of research is qualitative research. Furthermore, this study uses a descriptive analysis method for the data collected in two ways, namely observation and documentation techniques found on the online news and the Central Agency on Statistics's website. The data collected is all data relating to the Indonesian Women's Ulamā', *kitab kuning* (the yellow book of pesantren), women's legal news and the results of reports of social inequality against women in Indonesia.

RESULTS

This article uses the theory of social construction initiated by Peter L. Berger and Thomas Luckman (1966). The theory of social construction has two main objects of reality related to knowledge, namely subjective reality and objective reality[2]. The subjective reality is in the form of individual knowledge. This reality is the construction of the definition of reality which is owned by individuals and is constructed through the process of internalization. The subjective reality

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[1] Patriarchy literally means the rule of the father's side. This term has quite extensive usage but generally has a tendency to describe the condition of superiority of men over women. Dadan Supardan. Pengantar Ilmu Sosial: Sebuahn Kajian Pendekatan Struktural (Jakarta: Bumi Aksara. 2013), 148.

[2] Peter L. Berger and Thomas Luckmann. *The Social Construction of Reality*. (London: Penguin Group, 1966), 8.

possessed by each individual is the basis for engaging in the process of externalization, or the process of social interaction with other individuals in a social structure. It is through this externalization process that individuals collectively are capable of doing objectivation and bringing up a new objective reality construction[3].

The social construction theory sees that religion is part of culture, and is a construction of humans because there is a dialectical relationship between society and religion. In the form of texts, values, norms, rules and so on, religion is an objective entity outside of human beings. Thus, what is conveyed by the public about religion is moved by an indirect objectivation process in which the text or norm in which it increases the process of internalization in the individual human, because religion is interpreted by society as the direction of life. On another aspect, religion also develops an externalization process because it becomes a reference to norms and values that help guide and control people's actions. [4]

In social life, the human tendency to repetition of actions which he deems fit, orderly and provide comfort because these actions have become a habit. It is this dialectical repetition or continuous repetition that started the formation of an social institution. At the moment of the emergence of standardized role differentiation in social groups (societies between men and women) that's where the human groups have formed an objective institution (objectivation process). Institutions, with all the provisions that govern the role of their members, function to provide a sense of order and comfort to their members. This is what Berger calls the objectification or institutionalization process of an action from humans. [5]

Berger abstracts the process of forming this institution as the process of externalization of objectivation. In the process of externalization, at first, a group of people carried out a number of actions. If these actions are deemed appropriate and successfully resolve their mutual dispute at the time, then the action will be repeated. After that action experiences consistent repetition (dialectics), human logical awareness will formulate that the fact occurs because there are rules that govern it. This is the stage of objectivation in which an institution (social institutions) becomes an objective reality after going through this process.

Dialectics between humans and society occurs through three processes, two of which are externalization and objectivation. While the third is internalization. Through internalization, humans become products rather than (formed by) society. Through internalization, humans become products rather than (formed by) society. Internalization has the function of transmitting an institution as an independent reality especially to new community members, so that the social institutions can be maintained from time to time - even though community members who conceptualize social institutions themselves also continue to experience internalization, so that the status of objectivity an institution in their awareness remains strong.[6]

ULAMĀ AND WOMAN

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3 Margaret M. Palomo. *Sosiologi Kontemporer* (Jakarta: Rajawali Press, 2010), 301.
4 Peter L.Berger & Thomas Luckhmann. *Tafsir Sosial atas Kenyataan* (Jakarta: LP3ES, 1990), 33-36.
5 Geger Riyanto. *Peter L Berger: Perspektif Metateori Pemikiran.* (Jakarta: LP3ES, 2009), 106-107.
6 Geger Riyanto. *Peter L Berger ...*, 111.

Terma "ulamā" is derived from Arabic which is a plural form of "ʾālim", meaning people who have knowledge in depth or in other words, people who have quality knowledge in various fields. In al-Qur'an the word of 'ulamā is mentioned in two places, namely surah Al-Syu'arā: 197 and surah Fāṭir: 28. In surah Al-Syu'arā, the Ulamā' in question is the ulamā' of the Bāni Israel. Here the al-Qur'an criticizes their attitude among Jews who reject the revelations revealed to the Prophet Muhammad, while their own scholars have known this clearly. Whereas in the Surah Fāṭir, the ulamā was intended to be general. However, the connection with the verses around him shows that the ulama is a person who always thinks and ponders all matters around him and even the universe then takes lessons from him. [7]

Azyumardi Azra (2002) stated that at first the term "ulama" simply meant "one who knows" or "one who has knowledge". There are no specific limitations on this understanding. But along with the development and formation of Islamic sciences, especially sharia or fiqh, the notion of "ulama" narrowed to "people who have knowledge in the field of fiqh".[8] Although in the Middle East today, the term 'ulama tends to broaden again to include "people who are experts in theology and general sciences", but in Indonesia in general, the understanding of scholars becomes limited and limited to characterize those who are experts in religion alone, more specifically fiqh or shari'a. However, sometimes in the Indonesian context people who are experts in this field have not been seen by the wider community as scholars. It is very possible that they are considered Muslim intellectuals or intellectuals. There is another factor that becomes important in the Indonesian Muslim community that a new person is truly recognized as an ulema, if recognized by the community itself as an ulama. This recognition is not because it is based on the mastery or understanding of the person in religion but also considerations of moral integrity and morals that are complemented by closeness to the people. This factor is referred to by Azra as a religio-sociological factor. [9]

Horikoshi (1987) and Mansur Noor (1990) distinguish the kiai from the ulama in their role and influence in society. Ulama is a more general term and to someone who is knowledgeable. The ulama are a group that has a clear social function and role as intellectuals who guard tradition which are considered as the basis of primordial identity between individuals and society. In another expression, the most important function of ulama is the role of orthodox as upholders of the faith by teaching religious doctrines and maintaining orthodox religious practices with Muslims. [10]

In the Islamic world, the term ulama is used for broad meanings, and at least Muslims understand and understand the meaning of the word. In Indonesia, some local terms such as the word "ustadz" are also used for the equivalent term "ulama". In addition, different local designations in each region appear the terms "Ajengan" (Sundanese), "Teungku" (Aceh), "Shaykh" (North Sumatra / Tapanuli), "Buya" (Minangkabau), "Tuan Guru" (Nusa Tenggara, South Kalimantan, East Kalimantan and Central Kalimantan). [11] However, the most popular term used to refer to a higher level of scholarship is the term "Kiai".[12] Indeed, the title of "Kiai" is generally pinned to the leader of a *Pesantren* (Islamic Boarding School), but many Islamic scholars (Ulamā')

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7 Rusjdi Ali Muhammad. *Revitalisasi Syariat Islam di Aceh: Problem, Solusi dan Implementasi* (Ciputat: Logos Wacana Ilmu, 2003), 73-74.

8 Azyumardi Azra. *Biografi Sosial-Intelektual Ulama Perempuan Pemberdayaan Historiografi*, dalam buku Ulama Perempuan Indonesia. (ed) Jajat Burhanuddin (Jakarta: Gramedia Pustaka, 2002), 28.

9 Azyumardi Azra. *Biografi Sosial-Intelektual Ulama Perempuan Pemberdayaan Historiografi...,* 29.

10 Ali Maschan Moesa. *Nasionalisme Kiai: Konstruksi Sosial Berbasis Agama* (Yogyakarta: LkiS, 2007), 60.

11 Rusjdi Ali Muhammad. *Revitalisasi Syariat Islam di Aceh...,* 73.

12 Ali Maschan Moesa. *Nasionalisme Kiai: Konstruksi Sosial Berbasis Agama* (Yogyakarta: LkiS, 2007), 60.

who are quite influential in the community get the title of "Kiai" despite not leading the Pesantren.
[13]

Kiai according to Ali Maschan Moesa (2007) is more synonymous with studies of the yellow Islamic books (kitab-kitab kuning). The Kiai in a scientific discussion forum (*baḥtsu al-Masā'il*), looked at social problems by studying them by looking at what was in the yellow Islamic book or fiqih. The Islamic books that contain the science of Jurisprudence are interpretations of the ulama in which it has a central role and is positioned as an instrument of social life, especially the national and state affairs. [14]

In the socio-cultural life of the Indonesian people and Muslim society in general, Ulamā' tend to give symbolic and intellectual impressions with traditional features highlighted by special symbols such as beards, caps, turban and sarong. Whereas intellectual characteristics that are more recognized as social identity are one's ability to understand and explore the yellow Islamic book. The narrowing of the term ulama is not commensurate with what is perceived by the al-Qur'an as that there is no explicit difference between the religious sciences and general sciences. Everything belongs to God, including knowledge. Al-Qur'an emphasizes whether with science humans are aware of God so as to give birth to moral behavior in accordance with the teachings of God or not. This is because in reality, religious sciences can also be distorted by certain people for their worldly and personal interests.

The term Ulamā' when viewed from a gender perspective (biological differences between men and women) does not clearly indicate specifically for certain sexes (men). This terminology is more appropriate for a neutral gender. Because in Arabic there is no longer a special term for women (*mu'annast*) as a synonym for the plural form "Ulamā'" for men. That is, the term ulama can refer to the sexes of men and women. And according to Azra, ulama will become gender biased if after the word ulama is followed by a certain gender such as male Ulamā or female Ulamā'. [15] This is the same as the human term in the Arabic "*insān*" which is mentioned for masculine (*mudzakkar*) and feminine (*mu'annast*). Human women and men are also human (human), so there is no term "*insānatun*" specifically to refer to women.[16]

However, despite this a fundamental question arises regarding sexual equality in the terms of the 'ulama, is there also an equal portion of the priesthood between men and women as contained in Islamic literature? This matters seems to be a historical accident about women in which their roles and functions are distorted in the socio-cultural construction booths contained in the literature of opinion, qaul, or fatwa, and patriarchal relics on women's roles in the public arena and are more positioned as humans complement for men to maintain and cover up the genitals contained in the household (domestic role).

One of them is what was recorded by Qasim Amin in his book "*Tahrīr al-Mar'ah*" that there are non-Hanafiah schools forbidding women from their talak rights. The fiqh scholars (Ulamā' Fiqh) reasoned that women were specifically indicated by lack of reason, lack of religion and favoring their passions. This perspective was rejected by Qasim Amin and advocated giving equal

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13 Zamakhsyari Dhofier. *Tradisi Pesantren: Studi Pandangan Hidup Kyai dan Visinya Mengenai Masa Depan Indonesia* (Jakarta: LP3ES, 2015), 93.
14 Lihat, Ali Maschan Moesa. *Nasionalisme Kiai: Konstruksi Sosial Berbasis Agama...*, 230 and 275.
15 Azyumardi Azra. *Biografi Sosial-Intelektual Ulama Perempuan Pemberdayaan Historiografi...*, 28.
16 Hibbah Rouf Izzat. *Al-Mar'ah wa ad-Din wa al-Akhlaq* (Beirut: dAr al-Fikr, 2000), 183.

rights to women to divorce as imposed by Imam Maliki's madzhab for women could convey their divorce to the judge (*al-Qāḍlī*) of men (husbands) who put him in danger or hurt him. [17]

He then highlights the social problem of "marriage of women" in which fiqih scholars (Ulamā' Fiqh) in their yellow Islamic books give the definition of "marriage" as "a contract where men can have a female "*Buḍ'u*". The term *Buḍ'u* in the Pesantren tradition sometimes calls it "*Buḍu*'", a synonym for the meaning of female genitals (*farjun*), intercourse (*jimā'*), dowry marriage (*mahrun*) from the origin of the word " *baḍa'a - yabḍa'u* " which it means "to cut or splitting ".[18] This definition according to Qasim Amin, both for men and women that marriage is nothing but to get pleasures with all the fulfillment of biological lust. So as to deny all ethical-social obligations for both partners as educated and socially and socially responsible human beings. [19]

On the other hand, the teaching of the yellow book about marriage as in the study of the Pesantren tradition, men are given the right to educate and control their wives not only in the social domain but even in theological domain. As described in the book *Uqūdu al-Lijain fi Bayāni Huqūqi Zaujain* (Pearl String in Explaining the Rights of Husband and Wife) by Shaykh an-Nawāwi al-Bantānī:

> If a wife makes all night time to worship and during the day is always fasting, while her husband invites her to sleep together but he is late to fulfill the call even if only briefly, then later on the Day of Judgment he will come chained and shackled, and he is gathered with the devil in the lowest place. [20]

If we look at the fragment of the text, it is very possible if a woman or wife is socially and intellectually constructed as a person who can serve the satisfaction of her husband on his bed throne (private / domestic space). Gender is the result of socio-cultural construction and can change according to the times.[21] The social construction built is the domestication of women as housewives who are ready to serve their husbands day and night. The social construction built is the domestication of women as housewives who are ready to serve their husbands day and night. This is because men are superior human beings with everything they have such as intellectual, religious and physical. While women are inferior who tend to be emotional and obey their desires. Even a progressive figure Abul A'la al-Maududi still thinks that women are troubled from the beginning (by nature). According to him, women are tragic and biologically flawed creatures who prevent them from doing anything but giving birth to children and simple household tasks. [22]

Fatima Mernissi in her book Beyond The Veil: Male / Female Dynamics in Modern Muslim Society, said that there is a dis-structure through a stereotypical view of the hijab, which becomes a strict barrier between men and women in the public and domestic world. The public world is the world of men while the domestic world is the world of women.[23]

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17 Qasim Amin. *Tahrir al-Mar'ah.* (Mesir: Dar as-Syuruq, 2008), 408-409.

18 Atabik Ali, *Kamus Krapyak al-'Ashri* (Yogyakarta: Multi Karya Grafika, t.t), 332.

19 Qasim Amin. *Tahrir al-Mar'ah.* (Mesir: Dar as-Syuruq, 2008), 387.

20 Syeikh An-Nawawi al-Bantani. *Uqud al-Lujjain fi Huquqi az-Zaujain.* Terjemahan pdf digital https://sites.google.com/site/pustakapejaten/ajaran-dasar/terjemahan-kitab-uqudulujain-kitab-rumah-tangga/14-bab-10

21 Isyatul Mardiyati. Perempuan dan Kepemimpinan dalam Pendidikan Islam. *Raheema: Jurnal Studi Gender dan Anak*, Vol. 1 No. 1 2014.

22 Abu al-A'la al-Maududi. *Al-Hijab* (Bandung: Germa Press, 1994), 167 and see also Mazharul Haq Khan. *Wanita Islam Korban Patologi Sosial* (Bandung: Pustaka, 1994), 28.

23 Fatima Mernissi, *Menengok Kontroversi Peran Wanita dalam Politik* (Suabaya: Dunia Ilmu, 1997), 107-130.

Furthermore, moral, social and legal norms give men more rights than women, precisely for the reason that men are indeed "more valuable and superior" in public than women. On progress, This patriarchy has now become a term for all family systems as well as social, political and religious that demean even oppress women ranging from the household to the community.[24]

SOCIAL IN-EQUALITY AS A PATRIARCHAL INTERPRETATION CONSTRUCTION

Social society is an organization that consists of elements which are a unity, which is called a system. If in one system one of the elements does not function properly, the balance of the system will be disturbed as a whole. Imbalance or mismatch of elements in society will bind the emergence of social organization which will eventually change to social dis-integration. According to Soerjono Soekanto, social dis-organization and dis-integration is the process of waning norms and values in society because of changes that occur in social institutions.[25]

If social disintegration occurs, the situation in the community will result in a chaotic situation. In such circumstances, *anomie* (without rules) will be found, which is a situation where the community has no grip on what is good and bad. And can not see the limits of what is right and wrong. And can't see what's right and wrong. *Anomie*[26] according to Durkheim is a condition in society where the values and norms that govern community behavior are no longer valid.[27] This results in the inability of humans as members of society to measure their actions. They are no longer able to clearly see the boundary between what is good and what is bad.

The integrated process will also be found in a state of cultural lag, which is the difference in the level of progress between various parts of a culture. This condition begins with the fact that cultural growth is not always as fast as the whole. However, there are parts that grow quickly and there are other parts that grow slowly. Cultural lag can also be interpreted as differences in the rate of change of the two cultural elements that have a disproportionate correlation, so that one element is left behind by the other elements. This theory is broadcast by William F. Ogburn, which highlights the underdevelopment of the human mind with rapid technological development.[28]

Society consists of several elements or individual humans with various backgrounds they have based on gender (gender), class, and race. Imbalance and mismatch between elements of society or individual humans will disrupt social systems and institutions. There is a dimension of

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24 Budhy Munawar Rachman. *Penafsiran Islam Liberal atas Isu-Isu Gender dan Feminisme di Indonesia*, in the Book Rekonstruksi Metodologis Wacana Kesetaraan Gender dalam Islam. (Yogyakarta: Pustaka Pelajar, 2012), 35-36.

25 Soerjono Soekamto. *Sosiologi Suatu Pengantar* (Jakarta: Raja Grafindo, 2006), 75.

26 Anomie is usually associated with social structure and culture. According to Merton, culture is a set of organized normative values that govern behavior that is common to members of a society or group. Whereas social structure is a collection of organized social relations which in various ways imply members of the community or group. Anomies occur when there is a sharp separation between cultural norms and goals and the ability of socially structured group members to act in harmony with them. Namely, because of its position in the social structure of society, certain people are not able to act in harmony with normative values. Culture asks for the type of behavior that is not allowed to occur by social structures. George Ritzer. Teori Sosiologi: Dari Sosiologi Klasik Sampai Perkembangan Terakhir Postmodern. (Yogyakarta: Pustaka Pelajar, 2014), 436.

27 Anthony Giddens dkk. *Sosilogi: Sejarah dan Berbagai Pemikirannya* (Bantul: Kreasi Wacana, 2009), 51-54.

28 William F. Ogburn focused his attention on technological developments with social problems. Then he declared the theory of "cultural lag" as an adjustment of cultural factors, especially technology. Cultural lags will occur when variables in society cannot develop simultaneously, there is one variable that does not run parallel with other variables. He cited one problem in the development of the social network "Facebook" with social problems. Nanang Martono. *Sosiologi Perubahan Sosial: Perspektif Klasik, Modern, Posmodern, dan Poskolonial* (Depok: Raja Grafindo, 2016), 215-216 and 222-224.

social inequality arising from the lack of equal rights and dignity between each element of society or individual human beings under the guise of gender, social class or racial..

Inequality that occurs in women - for example - not a few social events that disturb, reduce and even eliminate the basic rights of women in social life. Based on the findings of the 2015 Social Barometer Index, there is a need to conduct further studies on aspects that cause gender inequality. Aspects perceived as a source of inequality are property, income, living environment, family welfare, health, home / residence, employment opportunities, education, decision making related to his welfare and law. The two aspects that are judged to be the most lame are opportunities to get work and income. However, this aspect of gender inequality cannot be seen just like that. To see gender inequality as a whole, it is necessary to look at the population in Indonesia from aspects that are considered to be a source of gender inequality, such as comparisons between genders in positions and types of work that have implications for differences in salary received.[29]

From the search of the 2015 Social Barometer Index, it can be understood that the community still has an understanding and belief in comparing on behalf of gender for a position and type of work so that gender differences are what determine the difference in salary received by male or female workers . Another inequality is the deprivation of women's rights in the freedom of decision-making in relation to welfare, whether it is related to education, law and family welfare. This social reality cannot be denied anymore that social inequality based on gender differences has become a root that is difficult to uproot but not impossible to be dismantled.

The inequalities that occur will give birth to a precedent of social disintegration, in which one part of his society in the name of the superior (men) has mastered all lines of life and based patriarchal perceptions into a socio-cultural system that is not disputed by other elements of society (women / inferior). So, what remains is the anomie activities in a patriarchal society that only he is the holder of life control and decision makers relating to what is good and bad for women.

Social disintegration or social imbalance under the guise of biological differences between men and women (sexual differentiation) at least have implications for social disadvantage in women. As elements of society that share the rights and space to advance and prosper, women will become elements of society that are lagging behind by men. The growth of society by men is far more advanced than the society of women. The culture and education of male society, the pace of change in several steps has left the culture and education of women. So that the cultural lag or cultural lag in the environment of women is increasingly common and cannot be avoided if the wider community does not understand the importance of awareness about gender equality and future threats due to gender discrimination.[30]

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29 Bagus Takwin dkk. *Buku laporan Mendeteksi Ketimpangan Sosial Melalui Penilaian Warga*. http://infid.org/wp-content/uploads/2017/05/Buku_Laporan_Ketimpangan_Sosial_2016_low.pdf. H. 28. accessed on May 27, 2017

30 According to Mansour Fakih, etymology Gender is gender. The terminology is a trait inherent to men and women socially and culturally constructed. Look, Mansour Fakih. *Gender Analysis and Social Transformation*. (Yogyakarta: Student Library, 2003), hlm. 8. The term gender is used to explain the different roles of women and men who are innate as God's creations. Gender is the differentiation of roles, positions, responsibilities and division of labor between men and women determined by the community based on the nature of women and men deemed appropriate according to norms, customs, beliefs or habits of the community. Gender is not the same as nature. Nature is something determined by God, so humans are not able to change or reject. Meanwhile, nature is universal, for example giving birth, menstruation and breastfeeding is natural for women, while having sperm is natural for men. Gender injustice is an unfair condition resulting from social systems and structures, so that both women and men become victims of the system. Men and women differ only because the nature of men and women is different. Gender justice will be able to occur if a condition is created in which the social portion and cycle of women and men are equal, harmonious, balanced and harmonious. This term was issued by the Central Agency on Statistics. https://www.bps.go.id/Subjek/view/id/40#subjekViewTab1 accessed on May 27, 2017

In social science, society is a group of people who live together and are united by the same feelings. Absolute society is a unique life for humans. While humans are agents for their own lives for the sake of happiness, peace and well-being of their own. That is, in humans there is an area of subjectivity itself when individuals take action in the social world through awareness.[31]

Social inequality based on sexual differentiation and cultural lag of womenhood is not an objective and fixed reality (destiny). It is a social construct that continues to change over time which has long been instilled by men through the construction of patriarchal culture under the guise of religion (clergy). Social construction is created, manipulated and even stopped, although usually with a new social construction. Such social constructionist tendencies are related to skepticism about alleged female ahistorism and skepticism about legal claims about perceptions of neutrality, objectivity, and attitudes that do not distinguish gender.

Women in the family are institutionalized as mothers who are able to provide generations of offspring where the future is expected to be useful for parents, religion and country. Educating, caring for and protecting property and children is a noble activity. A noble responsibility is given to women as mothers who take care of their household from morning to night (housewifization). The latent role and function of a household woman in a social structure is considered to be a legitimate and appropriate role so that the opportunities for women in their future are in the household chambers. Maybe this is considered normal, but what is even more ironic is that women in the household are not given their rights as elements of society who are able to be independent.

Excessive stereotyping of the position of women who are considered human beings is half of the perfection of men. The superiority of men in intellectual, religious, personality and physical is very reasonable if men have a greater role and function in the public sphere while women, their role is quite central in the domestic / private sphere. The independence of women cannot develop and act according to their background of interests and talents because most are in the perception of society that "*women, heaven and hell do not depend on the husband or the men*". Heaven's wifes on earth is to follow their husbands who have functional positions or work positions in certain community institutions, for example the husband being a state officials, while female hell depends on the willingness of husbands in all aspects of life.

In the book of *Uqūd al-Lujjain* stated that:

God's pleasure depends on the pleasure of her husband, so a wife must prioritize her husband's interests and requests from things that according to religion are offered (recommended) such as Monday-Thursday fasting, especially requests related to sexual desire.[32]

The husband should warn his wife that his wife is no more like a slave in the eyes of his master. Or like a helpless prisoner because the wife has no right to use her husband's property unless he gets his permission. Even according to Majority of Ulamā' that a wife must not use her property even though it is absolutely her own unless she has received the

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31 Nur Syam. *Islam Pesisir* (Yogyakarta: LkiS Pelangi Aksara, 2005), 35.

32 Siti Ruhani Dzuhayatin. *Rekonstruksi Metodologis Wacana Kesetaraan Gender dalam Islam* (Yogyakarta: Pustaka Pelajar, 2002), 18-19.

blessing of her husband. Because the position of the wife is like a person who bears many debts that must limit the use of his property.[33]

The society in acting will follow the social order or system which is considered to have given order in their lives related to social interactions between men and women. At first the conscious act of men towards women is in accordance with the facts set by the rules of social interaction contained in the cultural structure of Muslim societies and religious texts (the yellow Islamic book as a legacy of social reading from classical Ulamā') which he studied in a manner personal and delivered through recitals.

Existing social realities require humans to respond to existing social institutions in the form of acceptance, rejection or adjustment (adaptation). Language and action are human means to construct their socio-cultural world related to interactions with women through externalizing moments. Simply put, the process of externalization is the process of humans issuing ideas from the world of ideas to the real world (subjective reality). The meaning of man about social reality refers to women being pulled out of their ideas into the real social world. Both of these realities are related to interpretations of sacred texts, opinions of Ulamā, laws, norms and values that are related to women and their position. This externalization process is carried out either through language (verbalization), action (visualization) and traditionalism (adaptation).

All forms of results from externalization were seen as objective social fact products. In addition, he has crystallized into people's minds about an object of reality that is found in their environment such as domestication, and housewifization. These social realities are then legitimized through social interactions constructed by the community as a result of intersubjective or inter-subject relations. This is the objectivation process according to Berger's social construction theory.

Furthermore, these understandings of domestication and comfort of the women who developed objectively began to be absorbed and internalized to each individual society and transformed them into their subjective realities. Or in a simple sense, humans absorb everything related to the objective and then will be realized subjectively in their respective lives. And actions or understandings like this are done repeatedly as a dialectic of reality that is unstoppable but not impossible to change slowly.

DISCUSSION
THE RESISTANCE OF INDONESIAN WOMEN'S ULAMA TO AHISTORICAL WOMEN INTELLECTUALS

As stated previously, there are not many or even very few Muslim scholars. Probably, its absence is not because there are no female Ulamā' who have roles and contributions in religious and social matters. However, due to the lack of biographies of female figures in Indonesian Muslim societies or even none because they were excluded by the hegemony of Islamic figures (Ulamā' or Islamic scholars) from among men.

In the study of Islamic studies, feminist studies of religion have long and interesting origins. It might be to place a woman or group of women in a historical period, which opposes the

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33 Syaikh Imam an-Nawawi al-Bantani. *Uqud al-Lujjain fi Huquq az-Zaujaini.* Buku pdf digital. https://sites.google.com/site/pustakapejaten/ajaran-dasar/terjemahan-kitab-uqudulujain-kitab-rumah-tangga/13-bab-10

restrictions introduced by religious authorities on them. David Bouchier describes feminism with various forms of resistance to various forms of social, personal or economic discrimination in which women suffer as a result of their sex.[34] Here, "patriarchy" as an object of feminist criticism is defined as a system of power and domination of men over institutionalized women, including men and the natural world as a whole. While "sexism" is a patriarchal ideology, a set of beliefs that support and reinforce opinions about the feminist distinction between sex and gender, where sex refers to the nature given biologically and gender is cultural perceptions and expectations about what should be for men men and women.[35]

Religion as a way of life is believed by its adherents, has a very important role to be the main value system among Muslim communities, even though in social reality it has been acculturated with the values of traditional beliefs or local traditions. This system of values (local religion and traditions) provides the basis for community life in terms of social and family relations and the roles of men and women. By social definition, women are mothers or prospective housewives who are paired with men or their husbands. Whereas men as fathers or prospective fathers are interpreted as breadwinners, without seeing their real contribution to family survival.[36]

In this process, women are given the role of housewives who are considered "unproductive" who depend on and carry out free household work. As a result, women become isolated, marginalized, have no organizational base and experience political and economic power.[37] Not only that, men as breadwinners where the opportunity for action is dominant in the public sphere is very little time to contribute to family survival. The arrival of men to the household is only as a mere breadwinner and provider. So that social pathology will emerge where the functioning of social institutions called families. As a result, responsibility for children is devolved to women, while men do not merely provide a living provider and material. Here, women are increasingly oppressed and wronged because they do their best to maintain the stability of the integrity of their households from the threats of division among their elements.

There was an attempt by Gayatri C. Spivak (born 1942) to deconstruct these oppressive structures. By using the term "subaltern"[38] that is the group that experienced oppression from other groups who are more powerful. Spivak is a postcolonial figure attacking colonial thinkers who position marginalized subaltern groups as a uniform form, they are only labeled as "colonized" or "indigenous" without looking at ethnicity, gender, education and others. Subaltern is a marginal group that is always the object of a dominant and powerful class. They are a group that has never been written in history. Subaltern groups are not monolithic. They have their own complexities,

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34 David Bouchier. *The Feminist Challenge : The Movement for Women's Liberation in Britain and The United State* (London. Macmillan, 1983), 2.

35 Peter Connolly. *Aneka Pendekatan Studi Agama.* (Yogyakarta: Ircisod, 2016), 65.

36 Julia Suryakusuma. *Ibuisme Negara: Konstruksi Sosial Keperempuanan Orde Baru.* (jakarta: Komunitas Bambu, 2011), 1.

37 Julia Suryakusuma, *Ibuisme Negara....*, 2.

38 The term subaltern was originally used by Antonio Gramsci to refer to "inferior groups". this term was later used by Ranajit Guha, an Indian historian, to relive Indian history. Guha has provided a more detailed explanation than Gramsci because he has provided something new and a clear framework for explaining who is friend and who is the opponent. The oppression dichotomy is not only done by outside groups but also by internal groups. Oppression not only occurred between colonial-anti-colonial, employer workers, military civilians but also occurred in the elite-subaltern groups. inferior groups are groups in society that are subject to the hegemony of the ruling classes. This group consists of the working class, farmers, poor people and other oppressed groups or controlled by other groups. Nanang Martono. Sosiologi Perubahan Sosial: Perspektif Klasik, Moderk, Posmodern, dan Poskolonial (Jakarta: Raja Grafindo, 2016), 112-113.

and even though they talk, people don't pay attention to the story.[39] Spivak tries to include gender variables as objects of its study to see unequal relationships between men and women which are then analogous to binary opposition relations. The study of gender and feminism has become a crucial issue in postcolonial studies. There are several things that underlie this, first, both patriarchy and imperialism are seen as an analogy of dominance over the subordinated party. Various problems of women in patriarchal society and subjects that were colonized can be compared as options for struggle and attention from the feminist movement. Secondly, there is debate in some former colonial societies about whether gender issues and colonial pressure are really important political factors in women's lives.[40]

For example, the subordination of women with regard to their rights to be a decision maker and determinant of their family's welfare (domestic area), in the case of the famous Ulamā' Ahmad al-Habsyi was sued by his first wife Putri Aisyah Aminah on January 31, 2017 at the East Jakarta Religious Court. Ustadz al-Habsyi secretly had a relationship with another woman he had married for the past 6 years. This means that his second marriage (polygamy) without the knowledge of his first wife on the grounds of "destiny". Putri Aisyah Aminah's lawsuit was forced to do because she did not consider women's rights as a wife in the determination and decisions of her family's welfare. Ustadz al-Habsyi also could not do anything except the reason that all the events that befell the tempest of his household as an undeniable destiny.

Seeing the reasons made by ustadz al-Habsyi (destiny) and the subordination of the rights of women (his wife) in the welfare of his family it can be understood that there is a kind of action taken by al-Habsyi as the right thing and factual reality (objective) so that the decision to polygamy without as far as the wife's knowledge or permission from the wife is an absolute right that is owned by the husband and there is no need to ask permission from his wife or children. This is as written in the book of Uqūd al-Lujjain fi Huqūq az-Zaujain that "*the position of the husband for his wife is like the position of the parents to their children, because the obedience of the child lies with the parents and the effort to find the good pleasure of the parents is mandatory. Instead the obligation does not apply to husbands*".[41] That is, the husband does not need and is not obliged to ask for his wife's blessing and pleasure to take action or make decisions relating to the welfare of his family.

In addition, polygamy in Islam has reduced the position where the ability of people to polygamy is analogous to the ability of people to go on pilgrimage. Justice becomes a disposition for polygamy, because it is the ability that can be considered as a determining factor for polygamy. If the ability of the pilgrimage is essentially contained in the ability to cost, while the ability of polygamy lies in the ability to make a living. Justice in living on polygamy is reduced by the ability to provide for the household both physically and mentally. This event is very ironic but occurs because of social construction by patriarchal culture which is patented in the existing culture and social structure.

The saturation of women whose mobility and action is limited only to the domestic area makes women want to see it as a social gap due to sexual differences or differentiation in the public sphere (political, economic, and educational). Institutions formed by religious community

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39 Gayatri C. Spivak. *Can The Subaltern Speak?* In Ashcroft et. al. (eds). (The Post-Colonial Studies Reader. London: Routledge. 1995).

40 Nanang Martono. *Sosiologi Perubahan Sosial: Perspektif Klasik, Moderk, Posmodern, dan Poskolonial* (Jakarta: Raja Grafindo, 2016), 114.

41 Syaikh an-Nawawi al-Bantani. *Uqud al-Lujjain fi Huquq az-Zaujaini.* Buku pdf https://sites.google.com/site/pustakapejaten/ajaran-dasar/terjemahan-kitab-uqudulujain-kitab-rumah-tangga/19-bab-15

organizations and the state during the New Order regime such as Muslimat or Fatayat in Nahdlatul Ulama and Aisyiyah mass organizations in Muhammadiyah Ormas Organizations or PKK (Family Welfare Empowerment For Women), Dharma Wanita and the Ministry of Women's Role deliberately designed specifically for women with roles that are not far from the domestic role rather than the public.[42]

This fact is further strengthened by the fact that women are not much involved in the process of production and reproduction of religious social-intellectual discourse. This is further related to the fact that Indonesia's socio-intellectual world has not yet shown a large and significant contribution from women.[43]

On 25 to 27 April 2017, Ulama from women began to appear in public spaces by forming an event such as a congress, which was attended by around 35 participants from 16 countries at the Kebon Jambu al-Islamy Islamic Boarding School, Babakan, Ciwaringin Cirebon. Indonesian Women's Ulama Congress or abbreviated as KUPI departs from intellectual anxiety among women based on research research and personal experience related to social-humanitarian issues and problems. This congress is both religious thinking and decision making as a result of the congress's product (fatwa). The Indonesian Women's Ulama Congress is not only from among Mrs. Nyai as the wife of the leader of the pesantren, but more broadly among religious CSO scholars, women activists, researchers, women empowerment community workers who incidentally all not only come from the santri circles in the narrow sense, but also from non-santri academics.

In this congress, the involvement of women in the production and reproduction of a religious intellectual-social discourse becomes a study and discussion with a methodology built on the framework or epistemology of women's experiences and ways of thinking. So that the product of religious-social thought (Fatwa) - on the one hand - becomes an intellectual response of women to any problem that concerns humanitarian issues. And on the other hand, - by borrowing the term Gayatri C. Spivac - reconstructing all inter-subjective realities in a patriarchal culture that says women are resourceful and lack intellectual. Or in the proposition of the Minister of Religion, Lukman Saifuddin that this congress is not just recognition but also is a revitalization of women ulama.[44]

The three main discussions of the Indonesian Ulema Women's Congress are violence against women, the practice of child marriage with religious legitimacy and the effects of environmental destruction which afflicts women and marginalized groups. The three discussions are not arbitrary discussion studies or without a scientific approach, but rather they are reinforced with three scientific aspects; (1) research-based reality in the field, (2) religious thought-based methodology of islamic jurisprudence, (3) praxis level of work in reality field.[45] So that this congress also produces three fatwa products: (1) sexual violence or women inside and outside the marriage is forbidden. (2) prevention of early childhood marriages that cause damage is mandatory. (3) concerning natural damage in the context of social deviations, the law must be stopped even in the name of development.[46]

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42 Julia Suryakusuma. *Ibuisme Negara: Konstruksi Sosial Keperempuanan Orde Baru*. (jakarta: Komunitas Bambu, 2011), 8.

43 Julia Suryakusuma. *Ibuisme Negara...*, 8.

44 nu.or.id / jumat, 28 April 2017 diakses pada tanggal 28 April 2017

45https://kompas.id/baca/dikbud/2017/05/03/suara-perempuan-ulama-untuk-umat/ diakses pada tanggal 28 April 2017

46 jawapos, accessed on April 29, 2017.

It was not only the fatwa carried out by KUPI but also the criticism of the government to immediately reform the 1974 Marriage Law about the minimum limit for girl's marriage. Where female scholars agree that it is agreed that the minimum age for a woman to get married is 18 years, not 16 years as stated in the marriage law. The reason is that a 16-year-old woman is still very risky to get married. According to Gunilla Olson Chief Representative of UNICEF Indonesia, child-age marriages are indeed very risky. Best for girls under the age of 18. They are threatened with health problems due to early pregnancy. Most of them will drop out of school. Whereas in essence, healthy and educated girls are the basis for achieving a prosperous society. Child brides have a tendency not to complete secondary education six times more than those who marry at the ripe age. That will certainly limit career opportunities. [47]

In the Marriage Law No. 1 of 1974 stated that the minimum age for marriage is 21 years. However, with parental consent, boys are allowed to marry at the age of 19, while girls can marry at the age of 16. This rule is contrary to the Child Protection Act which prohibits marriages under the age of 18 years. After all, a marriage is done when men and women are mature enough so that both parties are ready physically, mentally and psychologically to foster the household. However, it is not uncommon to find children who are married / divorced.[48]

According to statistics, the Dropout Rate at the elementary school level was 1.41% in 2014. At the junior high school level, the dropout rate reached 2.24%. And at the level of high school education, the dropout rate reached 1, 47%. there are 39.48% of children aged 7-17 years who drop out of school due to lack of funds. 9.77% due to work. 3.92% due to the presence of distant schools. 4.86% due to marriage or household care, and the rest due to other reasons. The cause of underage marriage is very complex. Among these are gender inequality, poverty, religious practices and negative traditional values, failure of law, conflict, disaster and other emergencies. In 2014, it was recorded that 1.60% of girls aged 10-17 years in Indonesia were married.[49]

More specifically, 98.40% of girls aged 10-17 years are not married, while 1.60% of girls aged 10-17 years are married and divorced in Indonesia (1.53% married and 0.07% divorced) . From the figure of 1.60% of girls who have been married and divorced, there are 35.83% of marriages at the age of 15 years and under. amounted to 39, 45% were married at the age of 16 years. And 24.72% married at the age of 17 years. Seeing the phenomenon of marriage at a very young age for women, of course this can not be separated from the role of parents. The female Ulamā' assumed that there was a role for parents or people around her to interfere in the decision when her daughter would get married. And it is not uncommon for this to interfere, apart from being caused by economic factors, they take the side of religious legitimacy as a structural reference to persuade or accelerate the marriage of girls.

CONCLUSION

Ulamā' in the Islamic tradition is like a coin that has two sides. One side becomes the realm of men and the other side becomes the realm of women. Nevertheless, the side that often emerges and is seen is the realm of men while women are covered by the hegemony of men's intellectual

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47   http://www.jawapos.com/read/2017/04/29/126662/unicef-puji-sikap-ulama-perempuan-indonesia) jawapos April 29, 2017

48 Badan Pusat Statistik. Profil Anak Indonesia 2015. Diterbitkan oleh Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, 2015, 22.

49 Badan Pusat Statistik. Profil Anak Indonesia 2015. Diterbitkan oleh Kementerian Pemberdayaan Perempuan dan Perlindungan Anak. H. VII – VIII.

thought. In Islamic literature, it is almost certain that it is very difficult to find thoughts or contributive roles of ulama among women. So that the knowledge of the biographies of intellectual figures from women is limited to Aisha and other wives of the Prophet Muhammad. This can be considered as an intellectual disconnect (ahistorism) among women which is difficult to find from the time of the wives of the Prophet Muhammad to enter the millennium.

Women's intellectual Ahistorism is none other than understanding, knowledge and real reality that is socially constructed through verbalization (language), visualization (action) and adaptation (tradition adjustment) in traditionalism (culture and social structure) and Islamic literature (Islamic yellow book) as a result of classical religious scholars reading).

Religion when seen as part of a culture constructed by human subjective reality then becomes an objective reality in Muslim societies as a result of interpretations in the form of religious texts, value systems, norms and then what is done by feminist women who are subordinative and discriminatory towards women's rights and positions in the midst of social life. What is produced by the patriarchal culture in the interpretation of religion must be questioned on the role of women only in the domestic sector and becoming motherism in each of their housewifization. More women are marginalized, marginalized and obstructed by their rights and freedoms in production and also their contribution in the religious intellectual-social world. This matter is because there is a cultural lag or cultural backwardness experienced by women at a time when development and progress is increasing experienced by men in the public sector such as law, politics, economics and education. Concretely, starting with the holding of the Indonesian Women's Ulema Congress has given appreciation to the intellectual role of women on one side, and on the other hand, breaking the conscience of women to rise up and be independent in areas targeted by men. By contributing fatwas: (1) debate about women in every marriage outside, (2) winning early childhood marriages, (3) opposing environmental destruction for development reasons.

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