Questioning Female Genital Mutilation/Cutting (FGM/C); Between Tradition and Islamic Tenets

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Abstract

The practice of female circumcision or FGM/C (Female Genitalia Mutilation/Cutting) in Indonesia is a purification process by removing najis or dirt in the female genital area, and it helps control women’s sexual desires so that they are far from evil. Based on this motivation, FGM/C makes women increasingly subordinated by assuming infertility and being responsible for the satisfaction of sexual relations with their partners. Apart from tradition, this phenomenon is also based on the strong influence of Islamic religious doctrine, which generally makes parents feel compelled to fulfil it. Through a qualitative approach with descriptive-analytical methods, this research will compile and explain the data to be analyzed and draw conclusions. The results of this study indicate that there is no concrete evidence that correlates female circumcision with sexual harmony; female circumcision is purely a tradition and not an Islamic teaching.

Keywords: Female Genitalia Mutilation/Cutting (FGM/C), Female Circumcision. Sexual Intercourse.

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Introduction

Female circumcision is a global issue where women and children are victimized. The practice, known as Female Genital Mutilation/Cutting (FGM/C), has captured the world's attention, and its elimination is a joint effort. In 2011, the United Nations (UN) called on the international community to intensify efforts to eliminate the practice of female circumcision. In September 2015, a global target was established in the Sustainable Development Goals (SDGs) with five main targets, including eliminating violence against children, child marriage, and female genital mutilation, which are expected to be achieved by 2030.¹

Indonesia is one of the countries where female circumcision is still widely practised. As a country with a majority Muslim population, spiritual encouragement is one factor that dramatically influences the perpetuation of the practice of female circumcision. It is stated that according to the opinion of the majority of Shafi‘iyah scholars, female circumcision is obligatory, while in the view of other scholars, it is sunnah. Several studies have been written regarding Islamic legal views on female circumcision, especially in the Indonesian context.²

Meanwhile, based on Komnas Perempuan’s qualitative study in 2017, the reason why female circumcision is still widely practised. Apart from the religious background, it is also due to the assumption of some people that women will become binal, have excessive sexual desire, be hypersexual, and have difficulty controlling their libido if they are not circumcised. This view will affect the woman's life from when she is a girl until after marriage. Women will always feel that they are below men and must serve them. In turn, the patriarchal culture will be nurtured so that it is inevitable that men will always dominate women in this condition. With a patriarchal perspective, the biological aspect of sexuality is transformed into a product of the human activity, thus creating a power relationship between husband and wife that should not occur.³ Anthropologically, female circumcision is primarily intended to prevent sexual transgressions.⁴ Thus, there is an assumption that women must cause sexual offences that occur. It further demonstrates the weak position of women.

In the Malay community of Sambas, West Kalimantan, female circumcision is even used as a ritual for someone who has just converted to Islam. This practice has been passed down for generations. For them, maintaining the continuity of tradition and culture, including female circumcision, is a must to preserve the ancestors' heritage. In the local practice, circumcision is a sign of Islam for both men and women. If someone is born into a Muslim family, they will be circumcised as a child. As converts to Muslim, Dayak or Chinese women who convert to Islam, they are still obliged to be circumcised as a sign of their Islam in addition to reciting the two sentences of the shahadat (creed). In this condition still obliged

³ Persimpangan antara Tradisi dan Modernitas: Hasil Kajian Kualitatif Pemotongan/Pelukaan Genitalia Perempuan (P2GP) di 10 Provinsi 17 K瑙paten/ Kota; Komna Perempuan, hal 45-46
⁴ Heri Purwosusanto, “Khitan, Perempuan dan Kekerasan Seksual,” Jurnal Studi Gender dan Anak, Vo.7, No.2, 2020, No.129
to be circumcised; it is a sign of their Islam and to say the two sentences of shahadat (doctrine). Therefore, apart from being a tradition, they understand female circumcision as a religious requirement. According to residents, they realize that there is no obligation to circumcise women. However, they do it to uphold traditional values.\(^5\)

From the explanation, find several questions. What is the practice of female circumcision, especially in Indonesia? Is the practice of female circumcision an application of local cultural values, or does it have a basis in Islamic teachings? How does Islamic law view the practice of female circumcision? What is the review of the religious arguments used to justify the practice of female circumcision? Using the Maqāṣid ash-Sharī`ah approach, this paper will try to answer these questions.

**Methods**

This research is normative legal research that covers several aspects of norming, including principles, norms, rules from laws and regulations, court decisions, agreements, and doctrines (teachings).\(^6\) The core study discussed is the law interpreted as a concept of norms or rules that apply in community life in an area, and the law becomes the basis or basis for the behaviour of a person or society. Therefore, this research uses a conceptual approach. This research is a literature study collecting data from documents or library materials.\(^7\) Content analysis is used to analyze the meaning and intent of arguments and opinions on the law of female circumcision and its effect on sexual harmony.

In detail, there are several stages carried out by researchers to carry out this research. It begins with determining the study’s subject matter and the research method. It was followed by collecting research data, examining the history of female circumcision and some views on its law by paying close attention to the arguments used in determining the law, both naqli and aqli statements. In addition, paying attention to the latest studies on the culture and practice of female circumcision carried out in various places, both in Indonesia and in several countries, and the latest studies on the views of some contemporary scholars on the law of female circumcision. In the next stage, the analysis is conducted using theories of hadith and maqāṣid ash-Sharī`ah.

**Result and Discussion**

**Definition and Practice of Female Circumcision**

Female circumcision has been a global issue for decades. In 1997, the World Health Organization (WHO), together with the worldwide humanitarian and development organization for children's rights, the United Nations Children's Fund (UNICEF), and the global reproductive health, gender equality, population and development strategy organization, the United Nations Population Fund (UNFPA), made a joint agreement to

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\(^5\) Ali Sander, Sri Sunantri, “Tradisi Khitan Perempuan (Sejarah dan Perkembangannya pada Masyarakat Melayu Sambas Desa Kubangga Teluk Keramat)”, *Jurnal Sambas (Studi Agama, Masyarakat, Budaya, Adat, Sejarah)* Vol. 3 No.1 Februari 2020, P-ISSN 2615-1934, hlm. 31-32


\(^7\) Soekanto, *Pengantar Penelitian Hukum*, 21.
oppose the practice of female circumcision strongly. Since then, concerted efforts have been made to eradicate sexual violence in the form of female circumcision worldwide, ranging from research to working with communities and seeking political policy changes in countries that practice female circumcision. The result has been the revision of legal policies that support the practice of female genital mutilation, including the passage of laws against the course in 26 African and Middle Eastern countries and 33 migrant countries that practice female genital mutilation.8

Unlike male circumcision, which has uniform standards worldwide, the practice of female circumcision does not have a Standard Operating Procedure (SOP), so in preparation, it is done in a variety of ways, which if summarized into four types. The first type involves cutting off part or all of the clitoris and its prepuce (the skin covering the clitoris). The second type consists in cutting off part or all of the clitoris and labia minora, with or without cutting off the labia majora. The third type is narrowing the vaginal opening by cutting and shaping the labia minora or labia majora into a partition with or without clitoridectomy, sometimes by stitching. The fourth type is any harmful practice performed on the female genitalia for non-medical purposes; for example, piercing, incising, slicing, and cauterization (burning to kill germs).

In Indonesia, the first and fourth types of female circumcision are practised. Some practices are only symbolic by attaching sharp objects such as razor blades or knives to the clitoris. These three types are performed with cultural customs and religious demands as the main underlying factors. Many parents, religious leaders and community leaders from Madurese cultural backgrounds still believe that female circumcision is obligatory. They become supporting actors in the female circumcision tradition.9

The rise of female circumcision in Indonesia is taken seriously by Komnas Perempuan Indonesia. Indonesia's representation in The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) organized by the United Nations in 2012. Thus, Indonesia is committed to raising public awareness, especially among religious groups and religious leaders, that all forms of female genitalia cutting and maiming (P2GP) are practices that harm and violate women’s human rights.10 Since then, various efforts, from research to socialization, have been initiated to eliminate this practice in Indonesia.

Meanwhile, legal policies in Indonesia have not been firm in addressing the practice of female circumcision. In 2006, the Ministry of Health issued Circular Letter No. HK.00.07.1.3.1047a prohibiting medical personnel from practising female circumcision. Two years later, the Indonesian Ulema Council (MUI) responded to the circular. MUI has a different view from the Ministry of Health. In 2008, MUI issued fatwa No. 9A on the law prohibiting female circumcision, which contained a rejection of the prohibition of female circumcision. At this time, the community needed clarification about following the Ministry of Health's ban or obeying MUI's fatwa. Two years later, the Minister of Health Regulation

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8 Female Genital Mutilation-WHO, 3th February 2020, [https://who.int](https://who.int) diakses pada Februari 2020.
10 Siaran Pers Komnas Perempuan Refleksi 35 Tahun Ratifikasi Konvensi CEDAW di Indonesia (Jakarta, 24 Juli 2019), [https://komnasperempuan.go.id](https://komnasperempuan.go.id) diakses pada 22 November 2021
(Permenkes) No. 1636/MENKES/PER/XI/2010 was issued, which contained provisions on the implementation of female circumcision. The issuance of this Permenkes indirectly allowed the practice of female circumcision, which drew various rejection responses from the community of women's and children's rights fighters. Four years later, the Ministry of Health revised the regulation by issuing Permenkes No.6/2014, which contains the revocation of Permenkes No. 1636/MENKES/PER/XI/2010. The latest development is the publication of Komnas Perempuan's qualitative study on the practice of female circumcision in 10 provinces and 17 districts/cities, with the seven highest prevalence rates according to the 2013 Basic Health Research (Riskesdas). The results of this study further opened public awareness of the risks of female circumcision practices.

In fiqh, female circumcision is known as khitan al-inta, khitan al-untsa, khitan al-mar'ah, and khifadh. According to Imam Al-Mawardi, female circumcision is performed by cutting the skin of the upper part of the farji, which is above the place where the penis enters, shaped like a seed or cock's comb and what must be cut is the upper skin, not the core. In female circumcision, in fiqh definition, is included in the first type of P2GP practice by cutting the upper part of the clitoral glans, which in the anatomy of the body is called the prepuce. This practice is also applied to female circumcision in Indonesia.

The History and Culture of Female Circumcision

Since before the advent of Islam, ancient Egyptians have practiced female circumcision along the Nile River. This tradition later spread to various regions, including Medina. Furthermore, historians suggest that the practice of female circumcision has been found since the time of the Pharaohs in the 16th century BC in ancient Egypt with evidence of clitoral cuts. This evidence is reinforced by the existence of reliefs from Egypt dating back to 2800 BC. Interestingly, the reliefs found are in the Sumerian region (current Iraq) adjacent to the city of Urk. According to archaeologists and historians, this city is most likely the place of origin of Prophet Ibrahim a.s. Prophet Ibrahim, a.s. as the bearer of the 10 commandments of God, one of which is khitan, is closely related to the Egyptian region. If we look at the distribution, it is assumed that the reliefs found are evidence that the ancient Egyptian civilization influenced the tradition of female circumcision practices in the Medina region.

Although it is still debatable whether the khitan teachings brought by Prophet Ibrahim a.s. were specifically for men or also for women, there are findings that in each region, female circumcision has different motives in practice. In his research, Anthoy Ried found that the reasons for practicing female circumcision in Southeast Asia differ from those in Africa regarding its correlation with sexual relations. In Indonesia, adult women in the Makassar region practice female circumcision in secret to increase sexual pleasure of the women themselves. It is in contrast to the motives for female circumcision in the African region.

11 Al-'Asqalaniy, Ibn Hajar, Fatih Al-Bari Syurth Shahih Al-Bukhari, Daar Al-Ma'rifah, Beirut, Juz 10, hlm. 340
13 Ratna Suraiya, “Sunat Perempuan dalam Perspektif Sejarah”, CENDEKLA: Jurnal Studi Keislaman Volume 5, Nomor 1, Juni 2019; P-ISSN 2443-2741; E-ISSN 2579-5303
which is done to improve male sexual satisfaction and reduce it in women.\textsuperscript{14} In Somalia, for example, the gruesome practice of female circumcision of the third type, infibulation, which involves closing and stitching the labia majora, is done to control a woman when she is unmarried, and the stitches will open when she gets married.\textsuperscript{15}

In addition to the differences in fiqhiyah scholarly opinions, as will be explained in the next sub-topic, the practice of female circumcision also triggers considerable debate in terms of tradition and culture. It makes it challenging to educate the public that female circumcision is not just a ritual but an effort to control women's bodies, especially their vital organs. Mandi Lemon culture is one of the customary practices of female circumcision that is still inherent in the Gorontalo population. Parents who do not perform this tradition will feel indebted to their children and are considered to neglect their responsibility for the child's future. Ideologically, it assumes that women deserve to be controlled because of the needs and expectations of their bodies. By performing female circumcision, her vital organs are mortgaged by her parents to fulfil the sexual needs of the child's partner in the future.\textsuperscript{16}

In Indonesia, women still face cultural violence produced by conservative religious ideology. The Directorate of Indigenous Communities of the Directorate General of Culture of the Ministry of Education and Culture (Kemdikbud) found that the people of West Nusa Tenggara (NTB) believed uncircumcised women would find it difficult to get a mate and no one would want to marry them. In Sumenep District, East Java, uncircumcised women will be labelled as women who cannot fulfil their sexual needs with only one man. In Medan, North Sumatra, the community will inevitably scorn uncircumcised mothers and children.\textsuperscript{17}

From a health perspective, this paradigm is a myth. There is no scientifically sound evidence to justify that being circumcised can give a woman more sexual pleasure with her partner or provide more sexual pleasure for her partner. The opposite risk is more likely to occur. If circumcised, women are at risk of having their sexual relations and even their reproductive organs disrupted. Furthermore, female circumcision is bad for health; even the risk of death is very likely to occur among the victims of female circumcision.\textsuperscript{18}

In addition, what is problematic in this P2GP issue is the practice that targets the exploitation of the bodies of minors who are still under the control or care of their guardians/parents. There is an imbalance of power relations between children and their parents regarding decision-making on the child's body. With all the motives, the body owner, who should have the right to decide how his body is treated, becomes a victim of cutting because he has no control over his own body. P2GP practices that injure vital organs must

\textsuperscript{14} Anthony Ried, \textit{Asia Tenggara dalam Kurun Niaga 1450-1680}, Jilid 1, yayasan Pustaka Obor Indonesia, Jakarta, 2014, hlm. 171
\textsuperscript{16} Budi Wahyuni, \textit{Lampiran II; Melestarikan Tradisi, Tanpa Menyakiti, Berkorban Tanpa Kekerasan: Upaya Perlindungan dan Pemenuhan Hak Asasi Perempuan; Kertas Konsep Pencegahan dan Penghapusan Pemotongan/ Pelukaan Genitalia Perempuan (P2GP)}, KOMNAS Perempuan, 2019, \url{https://komnasperempuan.go.id} diakses pada 22 November 2021
\textsuperscript{17} Kertas Konsep Pencegahan dan Penghapusan P2GP, hlm. 25
have the consent of the body owner. Therefore, other surgical processes on criticals, such as vaginoplasty and labiaplasty, do not experience the same condemnation as P2GP. Although sometimes, both operations are carried out only for aesthetic purposes.

**Ulama's Opinion on Female Circumcision**

The existence of discussions of female circumcision in the classical Islamic fiqh tradition indicates that religious motives may underlie the practice of female circumcision in Muslim countries, including Indonesia. However, there is a difference of opinion among the madhhab scholars regarding the ruling of female circumcision. The Shāfi‘īyah and Hanābilah view it as an obligation, while the Mālikiyah and Hanafiyah view it as a recommended practice. Ibn Qudamah, one of the great scholars of the Hanbal school, in his book Al-Mughnī argues that the ruling on female circumcision is limited to makrumah. Based on the opinions of these four madhhabs, at least the ruling on female circumcision narrowed down to three directives: obligatory, sunnah, and makrumah. Some books explain the legal basis using the same approach, which is based on the teachings of the millata Ibrāhim supported by the khifādh hadith. Others, such as Ar-Rabbani from the Mālikiyah, say that makrumah means sunnah, while Al-'Adawiy interprets it as mustaḥab.

Various legal products resulting from the ijtihad of classical scholars were born from different perspectives in interpreting the arguments of Shara'. Remember, contemporary scholars, such as the Grand Sheikh of Al-Azhar Ali Jum'ah, Sayyid Sabiq, and Yusuf al-Qaradhawi, gave their opinions on this matter. In reviewing a law, the scales used are maslahat and mafsadat, namely the achievement of sound and the rejection of damage as the purpose of enforcing Sharia, including in the case of female circumcision.

Today, health science is developing much more rapidly than in the days of classical scholars. The latest medical research has considered determining the benefits and harms of practising Female Genitalia Cutting and Injury (P2GP). Things still vague in classical biblical texts are becoming more brightly lit with the support of medical findings. For example, male circumcision, as something that Islam prescribes, is supported by medical science. That with circumcision, the penis will be cleaner, and the reproductive organs will be healthier. As for female circumcision, there is no scientific evidence either supporting or denying the relationship between female circumcision and sexual harmony, as believed by some community groups. What does exist is evidence that the practice of P2GP is a dangerous practice that can threaten life safety.

The rule of fiqh states that laws can change due to changes in the times. When Yusuf al-Qaradhawi reviews the theory of Fiqh change, he mentions at least ten things that affect

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20 Abu Al-Hasan Al-‘Adawiy, *Hasiyah Al-‘Adawiy’ala Kifayah Ath-Thālibi li Ar-Rabbani*, Daar El-Fikr, Beirut, Juz 1, hlm. 396

21 Wahbah Az-Zuhailiy, *Al-Wajiz fi Ushul Al-Fiqh Al-Islamiyy*, Daar el-Khair, Damaskus, Syiria, Juz 2, hlm. 10
changes in law, namely changes in place, time, circumstances, ‘urf, science, human needs, human abilities and their influence: general disasters, changes in social, economic and political situations, and changes in ideas and thoughts. The changes in knowledge referred to here are sharing knowledge and factual information. A faqih or mufti, for example, may at one time issue a fatwa and then discover that the hadith on which he based it is a dha'īf hadith, so based on this change in the knowledge, he changes his fatwa. It was the case with the Ahnaf scholars Abu Yusuf, Muhammad b. Hasan, and Zufar b. Hudzail as students of Imam Abu Hanifah whose opinions differed by up to one-third from that of their teacher. It is due to the changing times and changes in science.22

Thus, the change in the law regarding female circumcision should have shifted from being recommended to being forbidden based on changes in existing science. In addition, women as whole human beings who have full rights over the control of their bodies have the right to live without worry so that they can build a good family. Women have the right to enjoy sexual relations just like men. Sexual satisfaction is obtained by cooperation and serving each other to create harmony. These rights are fulfilled with the realization that a happy relationship is built by cooperation between man and woman as husband and wife, not by victimizing them with religious arguments still in dispute. Various perspectives on the arguments underlying the practice of female circumcision are sufficient to open the realization that female circumcision is merely a tradition, not a teaching of Islam.

An Overview of the Evidence for Female Circumcision

The legal basis for practising female Circumcision is usually based on several verses of the Qur’an, such as Surah An-Nahl verse 123, Surah An-Nisa’ verse 125, Surah Ali ‘Imran verse 95, and Surah Al-Baqarah verse 124. As for the traditions, they are usually based on several traditions, including 1) Hadith narrated by Muslim No. 257: "Abi Hurairah r.a. reported that the Prophet Muhammad said, "Fitrah is five or five things that are included in fitrah: circumcision, shaving pubic hair, cutting nails, plucking armpit hair, and shaving the moustache”; 2) Hadith narrated by Ahmad No. 2079. 2079: "Suraij told us, ‘Abbad told us (Suraij) -meaning ‘Abbad the son of Al-‘Awwan-, from Al-Hajjaj, from Abi Al-Malih ibn Usamah, from his father (Usamah), that the Prophet Muhammad, peace be upon him, said: "A circumcision is a natural act of nature. Said: "Circumcision is sunnah for men and makrumah for women.”; 3) Hadith narrated by Abu Daud No. 5271: "Umm ’Athiyah Al-Anshariyah reported that a woman was circumcised in Madinah, and the Prophet Muhammad (peace be upon him) said to her: "Do not cut excessively, for it brightens the face and pleases the husband.”

In Surah An-Nahl verse 123, Surah An-Nisa’ verse 125, and Surah Ali ‘Imran verse 95, there is a teaching to follow the millata of Ibrāhim. In Surah al-Baqarah verse 124: Prophet Ibrahim was tested by Allah with ten commandments (kalimāt), namely khitān, shaving the moustache, madhmadhah (rinsing the mouth), istinsyāq (putting water in the nose and then spitting it out), shaving the head, combing the hair, cutting the nails, shaving the pubic hair,

22 Yusuf Qardhawi, Majhībat Taqākhayr al-Fatwa fī ‘Asbīna, Maktabah Ta’līf wa Tarjamah, Rue Danielle Cassanova, France, hlm. 75
plucking the armpit hair, washing the place where faeces come out and the place where urine comes out with water.\textsuperscript{23} This verse relates to the following hadith reported by Muslim No. 257, which deals with fitrah. In some literature, the meaning of the word fitrah is disputed. Some say that fitrah refers to the absolute obligation, others refer to the responsibility specific to the prophets, and others interpret it as religion. Some categorically reject the idea that fitrah means obligatory, while others interpret it as required.\textsuperscript{24} Despite the debate, no certainty leads to women being the object of khitan law. It means that if we rely on this verse and Hadith alone, female circumcision is not directly based on the text but through istinbāth through qiyyās or using general al-lafdz.

Another hadith by Imam Ahmad No. 2079 explicitly mentions women as the object of the law in addition to men. Based on this narration, circumcision for men is sunnah and for women is makrumah. Makrumah etymologically means glorified. It means that women who do it will be honoured. Commenting on the meaning of makrumah, Yusuf Al-Qaradzhawi argued that the real purpose of makrumah for women is considered reasonable by 'urf for them. In addition, there is no text from Shāfi‘i stating that it is obligatory or recommended. It is a flexible issue; what is considered reasonable in a specific time and region may not necessarily be good in other times and areas. Al-Qaradzhawi observed that some Muslim sites do not circumcise their women, such as the countries of the Gulf of Arabia and the whole of North Africa.\textsuperscript{25}

Next is the evidence that directly relates to the effect of female circumcision on sexual harmony. It was narrated by a woman named Ummu 'Athiyah, who said the Prophet passed by a woman he saw performing khifādh. Umm 'Athiyah was an Anshār woman, and the place where the Hadith was narrated was in Medina. It means that the practice of female circumcision was customary because the Prophet merely commented on what he had witnessed. It also understood from this Hadith that Islam did not descend in a cultural vacuum but came in the context of pre-existing traditions and culture.

In terms of its quality, the narration of the Hadith of Umm 'Athiyah is confusing. In the narration above, it is stated that Umm 'Athiyah was watching a woman performing khifādh at that time, while in another narration, it is said that it was Umm 'Athiyah who was performing khifādh at that time.\textsuperscript{26} Apart from the narration, there are also differences in the matan. In another matan, the word ikhfidhī is mentioned, which means to cut a little. It says: "O Ummu 'Athiyah, cut it lightly and do not overdo it, for indeed it brightens the face and pleases the husband."\textsuperscript{27}

In terms of its chain of transmission, hadith scholars doubt the validity of this hadith that explicitly links female circumcision with sexual harmony. Al-Hafizh Abu 'Abdillah explains that this tradition is saheeh according to Shaykhāni (Al-Bukhari and Muslim), but

\textsuperscript{23} Abu Abdillah Al-Hakim, \textit{al-Mustadrak 'ala Asb-Shahihain}, Daar El-Kutub Al-'Ilmiyah, Beirut, Juz 2, hlm. 293
\textsuperscript{24} Ibnu Bathal, \textit{Syarb Shahib Bukhari}, Maktabah Ar-Rasyd, Riyadh, Juz 9, hlm. 68; An-Nawawi, Abu Zakariya, \textit{Al-Mintah Sayarb Shahib Muslim}, Daar Ihya'i At-Turats Al-'Arabiyy, Beirut, Juz 3, Hlm. 147-148
\textsuperscript{25} Yusuf Al-Qardzhawi, \textit{Al-Hukum Fu SYar's fi Khitan Al-Inats}, \url{https://al-qaradawi.net} diakses pada 22 November 2021
\textsuperscript{26} Al-Adzim Abadiy, \textit{’An Al-Ma’bud wa Hayrijah Ibn Al-Qayyim}, Daar El-Kutub Al-'Ilmiyah, Beirut, Juz 14, hlm. 124
\textsuperscript{27} Al-Baihaqiy, Ahmad bin Husein, \textit{Ma’rifatu as-Sunan wa al-Atsar}, Daar al-Wafa, Kairo, Juz 13, hlm. 32
neither of them narrated it.\textsuperscript{28} Imam Tajuddin al-Fakahani writes that the narrator of this hadith was weakly reported from Anas. It is not found in any of the narrations in al-kutub at-tis'ah, the authoritative books of traditions, except in Sunan Abi Dawud. However, Abu Dawud himself, as a narrator, condemned it as a dha'if tradition noting that one of its musnids, Muhammad b. Hasan was an unknown person.\textsuperscript{29} It is because Abdul Malik Bin Umair did not have a student by the name of Muhammad bin Hasan, even though the hadith says that Abdul Malik narrated directly to Muhammad bin Hasan.\textsuperscript{30}

Regarding the hadith about the makrumah ruling for female circumcision, Imam Ahmad ibn Hanbal as its narrator, also condemned this hadith as weak based on the confused sanad of a musnid named Al-Hajaj ibn Al-Arthah. In his Musnad, Imam Ahmad calls Al-Hajaj a mudallist or forger of traditions. As corroboration, he presents various narrations from the line of Al-Hajaj, which he finds questionable and thus gives the verdict of dha'if to this tradition narrated by Al-Hajaj.\textsuperscript{31} In addition to Al-Hajaj's narration, the Hadith about the ruling of makrumah is also reported by al-Baihaqi No. 17565: "Circumcision is circumcision for men, makrumah for women."\textsuperscript{32} In his book As-Sunan Al-Kubrā, Imam Al-Baihaqi notes that this hadith has a dha'if sanad. Agreeing with Imam Al-Baihaqi's narration, another hadith scholar, Al-Hafiz Shamsyuddin ibn Abdil Hadi, also noted the weakness of this hadith in his book of takhrīj hadith.\textsuperscript{33}

Thus, it is not surprising that many contemporary scholars have rejected the practice of female circumcision in general and its correlation with sexual harmony. Sayyid Sabiq, for example, says that the traditions that command female circumcision are all dha'if, none of which are saheeh.\textsuperscript{34} Similarly, Mahmud Shaltut agrees with Ibn Munzir's opinion that there is no hadith to refer to and no sunnah to follow in female circumcision. Even a Sahīh Hadīth, the phrase "sunnah" refers to a method practiced by the people at that time. It's not something that is uttered from the mouth of the Prophet.\textsuperscript{35}

Apart from the above review of hadith verification, another interesting point is to be discussed. The Prophet speaks the narrative in the Hadith that links female circumcision with harmony in sexual relations. The text of the Hadith reads, "cut only a little" and "do not overdo it." The Prophet Muhammad delivered this Hadith when the practice of female circumcision took place. He came and commented on it. The narrative likely implies that the Prophet wanted to abolish the tradition of female circumcision. By ordering them not to cut excessively, the indication is that he was criticizing the practice.

Moreover, the Prophet's next response is that "such a thing makes her face shine and is preferred by her husband." The phrase "thus" can be interpreted with two meanings. The books that support the practice of female circumcision will solve "such that" as "the upper

\textsuperscript{28} Abu Abdillah Al-Hakim, Al-Mustadrak 'ala Ash-Shabihani, Daar El-Kutub Al-Ilmiyah, Beirut, Juz 2, hlm. 293
\textsuperscript{29} Abu Dawud, Sulaiman bin Al-'Asy'Ats, Sunan Abi Dawud, Al-Maktabah AlAshriyyah, Beirut, Juz 4, hlm.368
\textsuperscript{30} Susanti Inadjo, Khitan Perempuan Perspektif Hadits (Studi Kasus Di Desa Sipayo Kecamatan Paguat Kabupaten Pahuwato Gorontalo), Tesis, UIN Alauddin Makasar, 2021, Hal. 155
\textsuperscript{31} Ahmad bin Hanbal, Musnad li Al-Imam Ahmad, Muassasah Ar-Risalah, Juz 34, hal 319
\textsuperscript{32} Abu Bakr Al-Baihaqi, Ar-Sunan Al-Kubro, Daar El-Kutub Al-Ilmiyah, Beirut, Juz 8, hal 563
\textsuperscript{33} Syamsuddin bin Abdil Hadi, Tantiq Al-Tasbiq fi Abadits At-Ta`liq, Adw'a As-Salaf, Riyadl, Juz 4, hal 582
\textsuperscript{34} Sayyid Sabiq, Fiqh As-Sunnah, Daar El-Kutub Al-`Arabiyy, Beirut, Juz 1, hal 37
\textsuperscript{35} Mahmud Syaltut, Fatawa Mahmud Syaltut, Maktabah Syamilah, Juz 1, hal 306; Zainuddin Al-Manawi, Faidl Al-Qadir, Al-Maktabah At-Tijariyah Al-Kubro, Mesir, Juz 1, hal 216
part of the clitoris that was cut a little earlier." It is possible that "such that" refers to its origin, namely "the presence of the clitoris as a whole." So if it is explained, the narrative will read, "the genitals (the top of the clitoris) are cut just a little and do not cut excessively, because the genitals (the top of the clitoris) will make her (woman's) face shine."

Similarly, the clause "it is preferred by the husband" usually means that the husband will feel more sexual pleasure if his wife has been circumcised. If looked at the results of Ried's research previously presented, it found that the practice of female circumcision is carried out by some women precisely for their sexual pleasure, not for the sexual satisfaction of their partners. That means the clause "it is more favored by the husband" can be interpreted that the husband will feel happy if he can make his wife feel sexual pleasure. Hence, the Prophet forbade cutting it excessively. It makes more sense because it is proven from a medical perspective that the only function of the clitoris is for sexual pleasure.

However, a review of the evidence used when the hadis is proven to be sahih. As the hadis used is dha'if, there is no need to elaborate on the possible meanings of the narrative, just as there is no need to elaborate on the importance of the ruling of makrumah. Moreover, one strong evidence of Shari'ah's intention to abolish this tradition is that there is no authentic evidence that the Prophet circumcised his daughters.36

A Maqāshid Ash-Sharī'ah Perspective

The purpose of Islamic law is to create human benefits, both in this world and in the hereafter. The benefits of this world and the afterlife cannot achieve except by paying attention to human needs, respecting them, and realizing them. To reach the gift, there are five main things (al-kulliyāt al-khams) that must be maintained, namely religion (hifz ad-dīn), soul or life (hifz an-nafs); the reason (hifz al–aql); offspring (hifz an-nasl); and property (hifz al-māl).37 From the aspect of the importance of realizing the benefits divided into al-kulliyāt al-khams, it can be divided into three, namely dharūriyyāt or urgent needs that, if not discovered, will damage or endanger life, ḥājiyāt or conditions that do not damage life, but will cause difficulties, and taḥsīniyāt or complementary needs that if not fulfilled do not damage or cause problems but become ethically and aesthetically inappropriate.38

In the practice of female circumcision, many research results show that female circumcision harms the victims, both physically and psychologically. Physical impacts can include 1) infection of the wound, especially if performed by untrained people or using unhygienic equipment; 2) uncontrolled bleeding, especially if the incision is too deep; 3) blockage of urine after circumcision due to pain, swelling, and urinary tract (urethra) disorders.39

The fiqh rule states that the original law regarding genital organs is haram.40 This rule is the basis for marriage legislation as a door to the legalization of sexual relations and the

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36 Al-Bayan, Juz 1, hal 102
38 Abu Ishaq asy-Syatiby, al-Muwāfaqāt ft Uṣūl asy-Syar‘iyyah, juz 2, h. 7-8
39 Ellen Gruenbaum, The Female Circumcision Controversy, h. 4-5
40 Al-Suyuthi, Al-Asybah wa An-Nazhair, h. 161
prohibition of adultery. The spirit is to close the way to cheating to protect offspring (hifz an-nasal wa tartīb an-nasal). Based on this rule, the practice of female circumcision is also prohibited until a strong argument shows its permissibility. Therefore, claims and reasons that female circumcision can increase the comfort of sexual intercourse must be validly proven as a condition to remove the prohibition.

The adverse effects in the form of reproductive health problems and the potential for death that threaten victims of female circumcision are not following the objectives of Islamic law (maqāshid ash-sharī`ah), especially the purposes of protecting the soul (hifz an-nafs) and protecting offspring (hifz an-nasal). More specifically, Imam Al-Ghazali even mentioned the protection of the genital organs (hifz al-budl`ī) as one of the maqāshid ash-sharī`ah.41 If female circumcision is prescribed, it will certainly have a beneficial impact, not the opposite, bringing harm to humans.

Conclusion

The practice of female circumcision in Indonesia has received a response from the government and religious leaders since 2006. The Indonesian Ulema Council (MUI) 2008 issued a fatwa prohibiting female circumcision. The Ministry of Health issued a new circular letter containing provisions on implementing female circumcision in 2010. The practice of female circumcision, known as Female Genitalia Injury and Cutting (P2GP) in various regions in Indonesia, is motivated by deep-rooted social structures and cultural values. In addition to traditional motives, female circumcision also receives support through religious texts. However, studies on the interpretation of the propositions and the validity of the hadiths state that the propositions used as a legal basis are still a matter of discourse today. The discovery in the field of health that the practice of female circumcision harms women, even threatening their lives, is a development that changes science, which affects changes in the law of female circumcision itself. This potential contradicts the principle of hifz an-nafs, which aims to maintain health to protect the soul. The adverse effects on the reproductive organs caused by female circumcision are also not in line with hifz an-nasal, which aims to protect the genital organs as reproductive organs to protect offspring while protecting the soul and offspring is the main part of maqāshid ash-sharī`ah.

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41 Al-Ghazali, Syifā Al-Ghali‘, h. 160; Abu Ishaq asy-Syathiby, al-Muwaqqaṭ fi Uṣūl asy-Syari’ah, juz 1, h. 31
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