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# Interpreting bulugh: enhancement of women's rights through management of marriage within Salafi community in Wirokerten, Yogyakarta

Fatum Abubakar

*Islamic Thought and Muslim Societies (ITMS), Universitas Islam Negeri Sunan Kalijaga*

*Faculty of Syari'ah and Islamic Economy, IAIN Ternate*

*E-mail: bsa.fatum@gmail.com*

Euis Nurlaelawati

*Faculty of Syari'ah and Law, Universitas Islam Negeri Sunan Kalijaga*

*E-mail: enurlaelawati@hotmail.com*

Ahmad Bunyan Wahib

*Faculty of Syari'ah and Law, Universitas Islam Negeri Sunan Kalijaga*

*E-mail: ahmadbunyanwahib@gmail.com*

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## Abstract

This article discusses Salafi Wirokerten women and the enhancement of their status and rights through management of marriage and interpretation of *bulugh*.

1

It therefore observes the practice of marriage within Salafi women in terms of age and their attitudes toward their own *manhaj*. It also seeks to see the Salafis' attitude in general toward the state law of marriage. The materials of this article were obtained from an ethnographic investigation that was conducted in a Wirokerten village in Banguntapan sub-district of Yogyakarta between 2018 and 2019 through interviews, participatory observations, and group discussions. Deploying a socio-legal approach, this article finds that Salafi women have notions to improve their rights, and they stress the importance of the maturity of religious knowledge. This article also argues that Salafi women identify themselves as Salafi agents by transforming authority to gain *manhaj* recognition of marital management as a source of strength and empowerment. It concludes that Salafi women have an important role in bridging the relations between the Salafi and the state and that while negotiating state law with their own *manhaj*, Salafis often need to refer to Islamic doctrines to base and strengthen their position. Not only do they refer to Islamic teachings but they also propagate narratives of the significance of study and of being knowledgeable to do and thus to marry.

Artikel ini mendiskusikan perempuan Salafi Wirokerten dan peningkatan hak perempuan mereka melalui manajemen perkawinan dan interpretasi *bulugh*. Artikel ini mengamati praktik pernikahan perempuan Salafi kaitannya terutama dengan isu usia pernikahan dan sikap mereka terhadap *manhaj* mereka sendiri. Artikel ini juga berupaya melihat sikap Salafi secara umum terhadap hukum perkawinan negara. Bahan-bahan dan data untuk artikel ini diperoleh dari penelitian etnografi yang dilakukan di sebuah dusun Wirokerten kecamatan Banguntapan Yogyakarta pada rentang tahun 2018-2019, melalui wawancara, observasi partisipatif, dan diskusi kelompok. Menggunakan pendekatan socio-legal artikel ini menemukan bahwa wanita Salafi memiliki prinsip-prinsip dan gagasan untuk meningkatkan hak-hak mereka, dan mereka menekankan pentingnya kedewasaan pengetahuan agama. Artikel ini juga menegaskan bahwa perempuan Salafi mengidentifikasi diri mereka sebagai agen Salafi dengan melakukan transformasi kewenangan atau otoritas untuk mendapatkan pengakuan *manhaj* tentang manajemen perkawinan sebagai sumber kekuatan dan pemberdayaan. Selain itu, disimpulkan bahwa perempuan Salafi memiliki peran penting dalam menjembatani hubungan negara dan *manhaj*, dan bahwa ketika menegosiasikan hukum negara dengan *manhaj* mereka sendiri, Salafi

sering merujuk pada doktrin-doktrin Islam untuk memperkuat posisi mereka. Mereka tidak hanya merujuk pada ajaran atau doktrin Islam tentang pentingnya pendidikan tetapi juga menyebarkan narasi-narasi pentingnya studi dan berpengetahuan luas sebelum melakukan tindakan dan tentunya juga sebelum melakukan pernikahan.

**Keywords:** *Salafi women; Marriage age; Management of marriage; and Women's right*

## Introduction

This article discusses the Salafi community of the Pesantren Jamilurrahman, one of the earliest Salafi pesantrens, located in Wirokerten Yogyakarta. Pesantren Jamilurrahman marks the initial stage of the development of Salafi institution in Indonesia. The Pesantren was set up in 1995 by Abu Nida under the umbrella of Majelis at-Turots al-Islamy Foundation as a model of Salafi village.<sup>1</sup> As the other communities of Salafi, Salafis in Wirokerten follow the Salafi manhaj in general such as segregation between man and women, and vividly applying physical identities such as wearing trousers right to ankle for men and *niqab* for women. Nonetheless, these Salafis have quite distinct policies regarding its members' rights to some fields, including marriage and education, where the government of Indonesia has put its rules to manage that issues in ways that benefit its citizens particularly women who often receive a discriminative legal position.

In regard with marriage issue, the government of Indonesia has long taken the role of regulating the concept of marriage through the Marriage Act of 1974. This law is the result of a long struggle that began in the 1920s by many Indonesian women's organizations. The struggles started with the holding of the Indonesian Women's Congress. Along

<sup>1</sup>Noorhaidi Hasan, *Laskar Jihad, Islam, Militancy, and the Quest for Identity in Post-New Order Indonesia*, Southeast Asia Program Publications, Southeast Asia Program, Cornell University Press, 2006, 48.

the way controversies and challenges arose, especially from various non-governmental organizations. For example, on the issue of raising the minimum marriage age for women, secular modern organizations such as the NGO Rifka an-Nisa, argue that raising the age of marriage for women is inevitable, and this was supported by the Ministry of Women Empowerment and Child Support (KPPPA). Also, Islamic organizations and Muslim women's organizations, such as Aisyiyah and Muslimat, agreed on raising the minimum age of marriage.

The controversy before the enacting of the Marriage Act 1974 was reflected in the willingness of the Indonesian people to and not to comply with the Marriage Act 1974. Nonetheless, as Nurmila's research shows, many groups tend to agree and comply with it; not only do people from secular backgrounds but also those from religious backgrounds adhere to the Marriage Act 1974 in relation to the minimum age of marriage, marriage registration, and polygamy.<sup>2</sup> They also agree to abide by the provisions of the Marriage Act that depart from the classical fiqh, such as the rule of marriage dispensation in religious courts, marriage within pregnancy, and marital property

Salafi women in Wirokerten have never dispensed with marriage, as for them the obedience of the law of this country shows a positive impact on the access of Salafi women to their freedom to get their right to higher education, especially if they reinforce their doctrinal reasons on the Salafi manhaj of pursuing knowledge such as *utlub al-'ilm minal mahdi ila Allah* (search knowledge since your birth until the your death). Salafi women who devote themselves as *mushrifah* can establish themselves as the authority of Salafi female agents in order to reform their scientific as something of a

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<sup>2</sup>Nina Nurmila, "Polygamous Marriages in Indonesia and Their Impacts on Women's Access to Income and Property," *Al-Jami'ah: Journal of Islamic Studies*, Vol. 54, No. 2 (2016): 427.

force, although the general assumption says that women are only passive and can only exist if supported by men.

There is a large number of studies on Salafi manhaj in Indonesia written by Indonesian and Western scholars; previously, many studies focused mostly on formal institutions and male Salafis, looking at their patterns of movement,<sup>3</sup> youth movement,<sup>4</sup> radio dakwah,<sup>5</sup> Salafi pesantren<sup>6</sup> as well as their involvement in jihad movements.<sup>7</sup> Very few studies have addressed the lives of Salafi women. Then, studies focusing Salafi women in Indonesia has started to be done completing. The studies of Salafi women in this country and other countries debated about Salafi women's subordinated position,<sup>8</sup> internalization of Salafi doctrines,<sup>9</sup> identity negotiation,<sup>10</sup>

<sup>3</sup>Noorhaidi Hasan, "The Salafi Movement in Indonesia: Transnational Dynamics and Local Development", *Comparative Studies of South Asia, Africa and the Middle East*, Vol. 27, No. 1 (2007): 83-94; Krismono, "Salafisme Di Indonesia: Ideologi, Politik Negara, dan Fragmentasi", *Millah: Jurnal Studi Agama*, Vol. XVI, No. 2 (2017), 173-202.

<sup>4</sup>Chris Chaplin, "Salafi Activism and the Promotion of a Modern Muslim Identity: Evolving Mediums of Da'wa amongst Yogyakarta University Students," *South East Asia Research*, Vol. 26, No. 1 (2018), 3-20.

<sup>5</sup>Sunarwoto, "Radio Fatwa: Islamic Tanya-Jawab Programmes on Radio Dakwah," *Al-Jami'ah: Journal of Islamic Studies*, Vol. 50, No. 2 (2012), 239-278.

<sup>6</sup>Din Wahid, "Challenging Religious Authority: The Emergence of Salafi Ustadhs in Indonesia", *Journal Of Indonesian Islam*, Vol. 6, No. 2 (2012), 245-264; Ahmad Bunyan Wahib, "Pengorganisasian Dakwah Aktivis Islam Di Indonesia", PhD Thesis, Malaysia, 2008.

<sup>7</sup>Noorhaidi Hasan, "The Drama of Jihad in the Moluccas", in *Laskar Jihad: Islam, Militancy, and the Quest for Identity in Post-New Order Indonesia*, Cornell University Press, 2006, 185-214.

<sup>8</sup>Yuyun Sunesti, Noorhaidi Hasan, and Najib Azca, "Young Salafi-Niqabi and Hijrah: Agency and Identity Negotiation", *Indonesian Journal of Islam and Muslim Societies*, Vol. 8, No. 2 (2018): 173-198; Anassoffa'ul Jannah, "Konstruksi Identitas Kolektif Perempuan Gerakan Salafi: Studi Di Masjid Ibnu Sina Fakultas Kedokteran UGM Yogyakarta", Skripsi, UIN Sunan Kalijaga, 2014; Siti Tarawiyah, "Behind the Burqa: A Study on Ideology and Social Role of Salafi Women in South Kalimantan", *Conference Proceedings: Annual International Conference on Islamic Studies XII*, Surabaya, 2012, 1485-1500.

<sup>9</sup>Aitemad Muhanna, "The Limit-Experience and Self-Deradicalisation: The Example of Radical Salafi Youth in Tunisia", *Critical Studies on Terrorism*, Vol. 10, Issue 3 (2017), 453-475.

<sup>10</sup>Sunesti, Hasan, and Azca, "Young Salafi-Niqabi and Hijrah: Agency and Identity Negotiation"...

construction of the collective identity,<sup>11</sup> and their social rules.<sup>12</sup>

In relation to Salafi women and marriage issues, Inge's work on Salafi women in the UK shows that Salafi women are indoctrinated into the Salafi *manhaj* to marry as soon as possible. She also found that they feel safe when they marry men of the same religious group. Hence, in Inge's view marriage with a spouse of the same group constitutes a commitment that brings them to a safer state of differences of religious views. Nonetheless, Inge argued that marriage at young age,<sup>13</sup> led them to a period of identity formation of themselves which is commonly associated to identity crises.<sup>14</sup> The work of Nisa on women in Makassar and Yogyakarta too finds the process of arranged marriage to be an effective medium for marriage among Salafi women.<sup>15</sup> She stated that marrying in the view of Salafi women is to marry at a young age (*al-zawaj al-mubakkir*). That is too due to the control of their own parents of their children attitude to avoid fornication.<sup>16</sup>

The focus of this article is different from what Inge and Nisa have discussed. While their works are concerned about women and their internalization of doctrine and the embodiment of piety in the selection of marriage couples, the focus of this article is on management of marriage within Salafi and the effort to enhance women's rights. It explores why Salafi women do not wish to marry under the age of marriage, which has an agency in enhancing Salafi women's rights, and how Salafi *manhaj* enhances the Salafi women's rights. This article is based on the fieldwork undertaken in Wirokerten Yogyakarta within two periods. The first period

<sup>11</sup>Anassoffa'ul Jannah, "Konstruksi Identitas Kolektif Perempuan Gerakan Salafi..."

<sup>12</sup>Siti Tarawiyah, "Behind the Burqa..."

<sup>13</sup>Anabel Inge, *The Making of a Salafi Muslim Woman: Paths to Conversion*, New York: Oxford University Press, 2017.

<sup>14</sup>Anabel Inge, *The Making of a Salafi Muslim Woman...*

<sup>15</sup>Eva F. Nisa, "Marriage and Divorce for the Sake of Religion: The Marital Life of Cadari in Indonesia 1", *Asian Journal of Social Science*, Vol. 39 (2011), 797-820.

<sup>16</sup>Eva F. Nisa, "Marriage and Divorce for the Sake of Religion...", 810.

lasted 5 months, from August 2018 to December 2018, and the second 8 months, from January 2019 to August 2019. Several visits were made to the KUA Banguntapan Sub-District to meet the number of couples who registered marriages above the appropriate marriage age stipulated in the Marriage Act 1974, and to do interviews to 10 unmarried Salafi women living in LPK Puteri (Women's Institute of Work Education). Besides that, observations through religious gatherings were conducted. This research is anthropological legal research, and therefore listens and observes the voices of Salafi women on marriage and their negotiation of their rights to education.

### **Rules on minimum age of marriage: *fiqh* and Indonesian law of marriage**

The minimum age limit of marriage in Islamic teachings, which are derived from the *Qur'an* and *Hadith* is not very clear. They in fact merely mention a phase to enter before marriage, called '*aqil baligh*'. Also, there are several views in defining the notion of maturity. The concept of *aqil baligh* in Islam gives a sign that both men and women are legally allowed to marry if they have arrived at that stage. The age in marriage according to Islam is inseparable from the recognition of regional diversity and standards of maturity according to the environment, social expectations, socialization process,<sup>17</sup> the reasons and legitimacy of religious teachings.<sup>18</sup> The diversity of social context in a region is essentially to give an idea of the age of a child with his or her ability to be responsible, cautious (*rushd*) and wisdom (*tamyiz*).<sup>19</sup>

In the *ushul fiqh* the notion of maturity of a person has legal consequences,

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<sup>17</sup>Elizabeth Levi, "Islamic Relief," in *International Encyclopedia of Civil Society*, 2010, 895-897.

<sup>18</sup>Quentin Wodon, "Child Marriage, Family Law, and Religion: An Introduction to the Fall 2015 Issue", *The Review of Faith & International Affairs*, Vol. 13, No. 3 (2015), 1-5.

<sup>19</sup>Mohammed Hussain Sheikh, "Islamic Law on Child Marriages", *The NILS United Kingdom Law Review*, Vol. 1 (2018), 163-174.



known as *al-ahliyah*. *Al-ahliyah* itself, is divided into two sorts, namely *al-ahliyah wujub* and *al-ahliyyah al adha*. *Al-ahliyah wujub* is the feasibility of man to receive the rights set for him and is subject to obligations. It is a basic characteristic inherent in every human being, whether male or female, fetus or child, *baliqh* or not, *rasyd* or *safih*, crazy or even healthy or sick.<sup>20</sup> Furthermore, *al-ahliyah* refers to the ability of the subject of the law to be recognized for his words and deeds in a sharia. So, it means that if he makes contract or *'aqad*, his contract is established by law.<sup>21</sup> This view then becomes a legal consequence that both a man and a woman are considered worthy and able to commit to marriage. The view of the permissible marriage is also found in the view of Salafi women. Tasya Dewi, for an example, revealed that in Salafism someone that reaches maturity (*bulugh*) is allowed to marry.

Discussing this issue in the context of Salafi ideology, a slight mention of Saudi Arabia's scholars' view needs to be done. They view that women's marriages can be done even if they are still in swing.<sup>22</sup> Because of conservative commentary,<sup>23</sup> and conservatism movements,<sup>24</sup> they assume that a child is allowed to marry when it comes to puberty.<sup>25</sup> The influence of underage worship in Indonesia in the context of Muslims is influenced also on the grounds of Saudi Arabia's Salafi-Wahhabi trans-national

<sup>20</sup>Muhammad Abu Zahra, *Ushul Al-Fiqh*, Beirut: Dar al-Fikr, n.d., 329.

<sup>21</sup>Abd Wahhab Khallaf, *Ilmu al-Ushul...*, 136.

<sup>22</sup>Akram Alsaidi, "What Drives Child Marriage in the Arab World and How the World Is Combating the Problem", Seton Hall University: Law School Student Scholarship, 775 [https://scholarship.shu.edu/student\\_scholarship/775/](https://scholarship.shu.edu/student_scholarship/775/)

<sup>23</sup>Leonard C. & Andar Nubowo Sebastian, "The Conservative Turn" in Indonesia Islam: Implications for the 2019 Presidential Elections", *Asie. Visions*, 106 (2019), 1-30 [https://www.ifri.org/sites/default/files/atoms/files/sebastian\\_nubowo\\_indonesian\\_islam\\_2019.pdf](https://www.ifri.org/sites/default/files/atoms/files/sebastian_nubowo_indonesian_islam_2019.pdf).

<sup>24</sup>Valentina Lai, *Child Marriage: Its Relationship with Religion, Culture and Patriarchy*, Selangor: Sisters in Islam and Asian-Pacific Resource and Research Centre for Women (ARROW), 2008, 8 & 4

<sup>25</sup>Akram Alsaidi, "What Drives Child Marriage in the Arab World...", 12.

movement.<sup>26</sup> In other Muslim countries such as Pakistan,<sup>27</sup> sanctions are applied to those who perform underage marriages. Here, nevertheless, as in other Muslim countries, gender awareness of the division of domestic and public roles between women and men also has an influence in building a culture of underage marriage. The religion, too, has an important role in building gender awareness.<sup>28</sup>

Meanwhile, in Indonesia on December 22, 1973, the Marriage Act was passed and immediately signed by President Suharto on January 2, 1974.<sup>29</sup> Not all parties are entirely satisfied with the laws of this country, especially modern women's organizations that oppose raising the minimum marriage age. However, the increase in the marriage age is appreciated that state law requires dispensation from the Religious Courts before a 16-year-old girl wants to marry, a benchmark aimed at reducing the rate of underage marriage and divorce due to immature married couples.<sup>30</sup> In addition, the law has provided protection for the rights of children and women. Article 7 (1) Marriage is only permitted if the male has reached the age of 19 years and the woman has reached the age of 16 years old. In the event of an aberration of paragraph (2) this article provides also a space for those who have not attained the specified ages to request dispensation to the Religious Court or other officials appointed by both male's and

<sup>26</sup>Mark Woodward and Inayah Rohmaniyah, "The Tawdry Tale of 'Sheikh' Puji and Luftiana: Child Marriage and Polygamy in Indonesian Discourse", *Musāwa Jurnal Studi Gender dan Islam*, Vol. 22, Issue 2 (2009), 260,157-74.

<sup>27</sup>Fatum Abubakar, "Islamic Family Law Reform: Early Marriage and Criminalization (A Comparative Study of Legal Law in Indonesia and Pakistan)", *Al-Ahkam: Jurnal Ilmu Syari'ah dan Hukum*, Vol. IV, no. 02 (2019), 2527-8150.

<sup>28</sup>Jimoh Amzat, "Faith Effect and Voice on Early Marriage in a Nigerian State", *Sage Open* 10 (2020).

<sup>29</sup>Euis Nurlaelawati, *Modernization, Tradition and Identity The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Courts*, Amsterdam: Amsterdam University Press, 2010, 54.

<sup>30</sup>See article 7 of the Republic of Indonesia Law No. 1 of 1974 concerning Marriage. And also Supreme Court Regulation No.5 of 2019.

female's parents. With regards to the issue of age of girl in particular, these regulations are considered to be ambiguous by researchers and activists of child's right protection particularly when it comes to Law No. 35 of 2014 concerning Changes to Law No. 23 of 2002 on child protection stated in article 1 (1) where a child is defined as a person who is not yet 18 years old.<sup>31</sup> Therefore, persons of 18 years of age are considered children and are still under state supervision and protection, and are not yet capable to determine their own wishes.

The regulation has also raised continuous debates within activists, feminists, and practitioners and this has led to two times proposals of judicial reviews to increase the minimum age of both spouses to a higher age than that of child. The first one was brought in 2014 and was refused through decision No. 30-74 / PUU-XII / 2014.<sup>32</sup> The second one was brought by three child-marriage survivors, Endang Wasrinah, Maryanti, and Rasminah, in 2018, and was accepted. The Constitutional Courts agreed to raise the age and requested the parliament to amend it within three years. In 2019 the parliament announced the rising of the age from 16 and 19 to 19 for both spouses. Through the issuance of Law No. 16/2019, it amended the relevant article in the Law of Marriage and formally put a new norm that the minimum age of marriage for Indonesian spouses is 19.

### Salafi community: *manhaj*, women, and marriage issue

As a religious movement,<sup>33</sup> Salafis strictly arranged relationships between

<sup>31</sup>Muhrisur Afandi, "Islam Dan Wacana Kontemporer Tentang Perlindungan Anak Di Indonesia", in S.R. Dzuhayatin, L. Marcous-Natsir, M. Isnanto (eds.), "Menuju Hukum Keluarga Progresive, Responsive Gender, Dan Akomodatif Hak Anak, Jogjakarta: SUKA Press, 2014.

<sup>32</sup>Lauren Rumble, "The Cost of Inaction: Child Marriage in Indonesia", Kuala Lumpur: ISPCAN Conference 2016; Sonny Judiasih et. al., "Women, Law and Policy: Child Marriage Practices in Indonesia," *Jurnal Notariil*, Vol. 3, No. 1 (2018), 47.

<sup>33</sup>Quintan Wiktorowicz, "Anatomy of the Salafi Movement", *Studies in Conflict & Terrorism*, Vol. 29, Issue 3 (2006), 207-239; Henry Lauziere, "The Construction Of Salafiyya: Reconsidering Salafism From The Perspective of Conceptual History", *International Journal*

men and women. Mark Sedgwick photographed the restrictions on women in public spaces they thought were aimed at avoiding slander (disorder)<sup>34</sup> because there is a *non-mahram* in it, which in principle has implications on the obligation to wear the hijab.<sup>35</sup>

Nisa argued that the main principle that exists in the Salafi women's community in relation to marriage is the principle of equality (*kafa'a*) in the homogamous marriage that a marriage is conducted with also a Salafi member to become a Salafi couple, and through the intermediaries of the *ustadh* and the acceleration in term of maturity (*al-zawaj al-mubakkir*). By using the concept of *kafa'ah* through the early marriage of fellow Salafis, women seek to become *shalihah* women and become the figures of *shalihah* mother to print a *shalih-shalihah* family order.<sup>36</sup> Wirokerten Salafi women have a different notion on *al-zawaj al-mubakkir*. For the sake of the enhancement of women's rights of maturity and education, they abandon the willingness to conduct early marriage.

*Enhancement of women's right: management of 'mature and healthy internal friendship' before marriage*

These Salafi women are in search of their new identity. They left their young world and offered a conservative and strict way of life as Muslims. This motive for Salafi women to enter into their new lives is not monolithic.<sup>37</sup> Although some Salafi women choose their own Salafi choices, some others get encouragement from their parents and close family and even from their male teachers who are very influential in their lives. Salafi

<sup>25</sup> \_\_\_\_\_  
of *Middle East Studies* Vol. 42, No.3 (2010), 369-389.

<sup>34</sup>Mark Sedgwick, "Contextualizing Salafism", *Tidsskrift for Islam for Skning*, Vol. 4, No. 1 (2010), 7-12.

<sup>35</sup>Adis Duderija, *Constructing a Religiously Ideal "Believer" and "Woman" in Islam: Neo-Traditional Salafi and Progressive Muslims' Methods of Interpretation*, London: Palgrave Macmillan, 2011, 102.

<sup>36</sup>Nisa, "Marriage and Divorce for the Sake of Religion...", 800.

<sup>37</sup>Sunesti, Hasan, and Azca, "Young Salafi-Niqabi and Hijrah...", 173-197.

women at this stage, aged 16 to 22, are under parental supervision and control of their parents not to be influenced by men the same age as them. These Salafi women are blessed and live in their fellow communities and help them negotiate their chosen desires.

Enhancement of women's rights through management of marriage according to Salafi women is important and it has something to do with significance of education and the maturity of thought. According to the Salafi women's informant interviewed understanding the idea of the importance of women's rights begins with planting a love to science and with thinking of not to marry first. Syaimah admitted that she started to learn Salafi *manhaj* since junior high school, but at that time she did not fully love Salafi lessons. After knowing Salafi *manhaj* and more diligently learning how to love knowledge as taught in Salafism, she began to take learning more seriously by galvanizing her patterns and time, as well as multiplying her interactions with her boarding school friends. Other women fellows said that they had ideas of doing business as to enhance themselves as addressed by Sajidah and Hafidzah. They explained the agency process they are doing in applying their current marital arrangements as to allow them to become more mature in sense of education and mental readiness before marriage. The change of perception of the Salafi *manhaj* about the significance of women's empowerment was also experienced by Satri, who was introduced to the concept by her uncle. Satri experienced it in quite a different way from Sajidah and Hafidzah, as she was not previously interested in Salafi *manhaj*, and became familiar with Salafi teachings from the radio and Salafi lectures. She then abandoned her old habits and changed her day-to-day activities to match the *manhaj* they taught. Like female fellows, she then also improved her awareness of long period of education and delayed thinking of marriage soon.

As to support themselves to be consistent with such the shared idea

and thought mentioned above, all Salafi women claim that they need a supportive environment to keep up with the pursuit of science. Therefore, some Salafi women regularly attend learnings according to the schedule given, attend afternoon studies at LPK Puteri, and discuss some topics they learn from the Salafi forums outside the LPK Puteri. Many of them then even abandoned their friendships with old friends in their respective areas and found new friendships inside Salafi women 's LPK Puteri. The search of friends and then partners of the same group for them is a commitment to create safety and comfort in term of religious views and thought and save them from any different or contrary views of religious doctrines of other groups.<sup>38</sup> It also however needs to be noted that few of them in term of friendship after they joined Salafi's circle tried to keep their friendship with old friends, as experienced by Fatimah. Fatimah, for an example, narrated that she never distanced herself from her friends. However, as she took education classes more seriously, her old friends who are non-Salafi started to move away from her. She also said that while she behaved differently from her choices to join Salafi community, she did not blame others.

In addition to the commitment to Salafi *manhaj* as to determine the climate of association with the internal Salafi community, another one to be realized is to spread Salafi *manhaj* and to crave the partner of fellow Salafi. The Salafi Wirokerten women all shared the idea that their well-conversed mastery of religious knowledge would make them be considered "appropriate" or at least 'self-suitable' to obtain and accompany prospective husband who is religiously smart. Measures of religious mastery have also become awareness that formed into an agreement to increase women's right to be engaged with ideal men to accompany them with one of the qualifications being able to read the book of *gundhul* (yellow book). Thus,

<sup>38</sup>Inge, *The Making of a Salafi Muslim Woman: Paths to Conversion.*, 179.

the attempt of improving or enhancing women's rights through the arrangement of marriage by Salafi women towards the pursuit of adequate knowledge is a form of accommodation of the teachings in Salafi manhaj, i.e., to prioritize education rather than to do other good first. With sufficient knowledge, Salafi women believed that they would no longer be in the position of male sub-ordination and would instead become more empowered with wider freedom to choose partner they want to have.<sup>39</sup>

### *Marriage management and women's right to education*

These Salafi women began to delve into Salafism when they were in boarding school; inspired by their parents and closest relatives and with their peers, they began diligently following every lesson given by their teachers. Although in Salafi manhaj they must submit and adhere to the Salafi manhaj in order to marry early in order to avoid adultery and only take care of husbands and children at home,<sup>40</sup> they decided to have different thought and remained committed to the highest educational attainment than they should be burdened with household routines.

Hestika recounts that she was 16 years old when she entered Mustawa I; she felt the need for adjustment, but she became more and more interested in the knowledge gained in her school. She began her study until Mustawa 4 in the LPK Puteri. She felt that she had gained only little knowledge and had no desire to establish *ta'aruf* to marry. This desire grew out of herself and thanks to the encouragement of her own parents, she felt that she had not had adequate responsibility to be a good mother. Hestika said that she understood that marriage was the prophetic teaching, but she also found that Islam propagates Muslims to marry when they are capable to do. Accordingly, she decided without any doubt to continue her studies

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<sup>39</sup>Diana Pakasi, "Child Marriage in Indonesia: Practices, Politics, and Struggles," *Masyarakat: Jurnal Sosiologi* 24 (1) (May 27, 2019).

<sup>40</sup>Abd. Razzaq bin Abd. Muhsin Albat Al-Badar, *Sifatu Azza'ujati Shalehah*, n.d.

and sincerely and diligently pursued her *Mustawa* (level) in LPK Puteri. She was thankful that she had no resistance from the family to her decision.

This same thought and situation were also owned by Hestika, Fatimah and Septia, who took *Mustawa* II (level 2). They decided to study and enthusiastically went through their education in the LPK Puteri. They felt not ready of being home and had not had enough lessons to be mothers who would be busy taking care of their children and husbands. They instead wished to reach for *ibrah* of Salafi manhaj. Like Hestika who diligently studied in response to her fear of ignorance and lag and avoided the changing times around her, these three Salafi women decided to study first and delayed marriage. Savana, aged 18 years old, who seemed to have comfort within the interview, was happy to share the story about her desire to go to school in *Jamilurrahman*. She said that she got used to Arabic lessons and that she had previously been in *Pesantren* of bin Baz for one year while her parents were living in Bekasi. She chose to move into Jamil's *pesantren* back at *Mustawa* I (level 1) again along with her parents moving to Wirokerten. She then started studying at *Jamilurrahman* and found the lessons she received were very good for her. She also told her friends at *pesantren* of Bin Baz that she was very happy at *Jamilurrahman* and the lessons she gained had helped her increase the motivation. She said the discussion about the Quranic verses and prophetic sayings that stress the importance of studying and the discussion had motivated her to read more books and gain more knowledge.

Satri, who sits at *Mustawa* II (level 2), said that she followed Salafism, as discussed previously, due to the influence of her uncle inviting her and her family into the Islamic path by reciting Islamic creed (*syahadat*). Similarly to others, she learned little by little about Salafi's *manhaj* and then practiced what she learned in Jamil's daughter's cottage and became aware of the significance of knowledge. Even another Salafi woman, Aisyun, began to



know Salafism from her home region in Subahim North Maluku. After she had completed her secondary level, she continued to Pondok puteri *Jamilurrahman*. Later, when she entered *Jamilurrahman* and currently at the level of Mustawa 4 she was taught about various opinions of *Salafi ustadh* about the importance of science. Aisyun also became aware that education is more significant than any other activity including marriage.

### **The interpretation of 'bulugh' and state minimum age of marriage**

#### *Propagation of the narrative of 'knowledgeable to do' and 'to marry'*

One of the inevitable consequences of the decision to perform an underage marriage is the disconnection of the journey to continue formal education. The age limit that is the benchmark of marriage in the rule of Marriage Act in Indonesia is—referring to the rule before the amendment issued in October 2019—sixteen years for women and nineteen years for men. Indonesian government considered it necessary to conduct advocacy for adolescents and youth to influence public opinion on the dangers of underage marriage.<sup>41</sup> While such is significant and relevant to hold, the narrative propagated and existing within Salafism in Wirokerten is quite different and significant as they relate it strongly to education. The narrative that is popular within them as to raise their awareness to continue education and to abandon their desire to perform underage marriages is the narrative in Islamic teachings that highlights enrollment to study in higher level. The narrative is derived from various proverbs, such as *uthlubul 'ilma minal mahdi ilaal lahdi* (search knowledge since your birth until the your death) *uthlubul 'ilma walau bi ash-shin* (go study even if you have to reach China), and so on.

These narratives are built to inspire Salafi women not to stop learning.

<sup>41</sup>Bowden Jeremiah, "Marriageable Age in Islam: A Study on Marriageable Age Laws and Reforms in Islamic Law", *Journal of Transdisciplinary Writing and Research from Claremont Graduate University*, Vol. 2, No. 1 (2013),12.

The propaganda to continue education within the Salafi community of Wirokerten is that education is not limited by age. The narrative seems to be very well echoed within Salafi women. In fact, the desire to study until a higher level is clearly expressed by Savana and Aisyun. Aisyun narrated that she was 19 years old and felt that she was too young to marry. She said that she wanted to continue studying first and dreamed to serve as *mushrifah* (religious supervisor in the community). The notion of the significance of education among Salafis in general and Salafi women in particular revealed about their strength particularly when they bring the notion to the issue of marriage that for them requires adequate knowledge. This is very evident through another strong narrative that is popular within them, i.e., be knowledgeable first and then do. Such this narrative and awareness to study demonstrate how Salafi women play their roles as agents for themselves through some layers. *First*, they prepare mature knowledge before marriage and argue that they would be first better prepared as to apply proper procedures and rules of establishing marriage commitments in accordance with the teachings in Salafi manhaj. *Second*, they understand that their educational maturity would bring them to a commitment of obeying their husbands while taking the decision of pursuing a career outdoors or to become housewives. And, *third*, they wish that they equip themselves with adequate knowledge they would obtain from higher education in order to be able to print the next generation of Salafi preachers in the best possible way.

It is therefore worth saying that the shared narrative of 'knowledgeable to do' shows that Salafi women in Wirokerten have formed themselves to be empowered or have done self-empowerment. They empower themselves to be more educated and be knowledgeable before doing anything, including marrying, as to shift and break the thought that power belongs to male. In more precise words, they expect that through their involvement

in negotiating Salafi manhaj by augmenting the narrative “first knowledge and then practice” and then ‘first education and then marriage’ they could be compatible with good partner and would be able to provide the best education for their children in the future.

### *The state minimum age of marriage and women’s agency*

The important concept that is at the root of Salafi relations with the government is seen from the understanding of *waliy al-amri* (state ruler). Sunarwoto described the concept of *waliy al-amri* within Salafism as a Salafi view of the relationship between the political agenda and the prevailing government. Salafism attempted to accommodate the states’ policies when their principles or teachings are allowed and accommodated.<sup>42</sup> To Salafis, *waliy al amr* that deserves obedience are those who meet Islamic requirements and they assume that states’ policies and decisions are made by most likely referring to the principles in accordance with sharia.<sup>43</sup> In this respect of adherence to the government, Salafi of Wirokerten hence supports the government in promoting the avoidance of underage marriages.

It is widely acknowledged that according to presidential instruction No. 1 of 1991 on The Compilation of Islamic Law (KHI) of the article 98 Paragraph (1) and 1974 Law of Marriage the minimum age of marriage for a child to be able to legally marry to marry in Indonesia is for men 19 years and for women 16 years. It is interesting that the interpretation departs from the legal opinion of Hanbalite that is referred to by Salafism. Hanbalite school views that the signs of the maturity (*bulugh*) of men and women consist of three: *first*, the production of sperm in a state of sleep and consciousness; *second*, growth of hair on sexual parts of body; and,

<sup>42</sup>Sunarwoto, “Negotiating Salafi Islam and the State: The Madkhaliyya in Indonesia”, *Die Welt Des Islams*, Vol. 60, No. 2-3 (2020), 205-234.

<sup>43</sup>Sunarwoto, “Negotiating Salafi Islam and the State...”, 209.

third, the age of 15 years, and for women, including menstruation.<sup>44</sup>

The management of marriage by stressing the necessity of maturity in terms of particularly education constitutes a form of women's empowerment within the Salafi community. The examples of narrations by number of Salafi women above show that Salafi Wirokerten women marry above the minimum age in the state provisions. According to them the minimum age set by the state is in accordance with the age of *bulugh* and *aql*. In this regard, they seemed to follow Rasyid Ridha's opinion that *bulugh al-nikah* meant the ability of a person to do deeds that will bring good and avoid evil.<sup>45</sup> In this point, it is good to reveal that scholars point out that the measure of a woman's ability lies in three scopes: the ability of women to determine their own way of life, the ability to choose and determine their way of life including education, protection, recognition, and the ability to be admitted in the society, including with men. This is very much relevant to what Mir-Hosseini said of the importance of access for women to Islamic law to realize equality through the recontextualization of regional principles and *qiawah*<sup>46</sup> affirms the necessity of women's ability to express their equal position, which to Mahmood is very significant as to him the existence of female agencies means resistance to the hegemony of the existing system.<sup>47</sup> Above all, Mernissi also underlined that the participation of Muslim women in understanding the teachings of Islam and access to history is an effort to create justice.<sup>48</sup> Accordingly, education becomes an

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<sup>44</sup>Qudamah, *Al-Kafi Fi Fiqh Al-Imam Al-Mubajjal Ahmad Ibn Hanbal*, II, 193-194.

<sup>45</sup>Muhammad Rasyid Ridha, *Tafsir Al-Manar*, I. Mesir: Al-Manar, 2000, 396-397.

<sup>46</sup>Mahdi Zahraa, "Book Reviews - Ziba Mir-Hosseini, Kari Vogt, Lena Larsen and Christian Moe, Eds. Gender and Equality in Muslim Family Law: Justice and Ethics in the Islamic Legal Tradition. London: I. B. Tauris, 2013", *Islamic Studies*, Vol. 52, Issue 2 (2013), 217.

<sup>47</sup>Saba Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject*, I, New Jersey: Princeton University Press, 2005.

<sup>48</sup>Katherine Bullock, Fatima Mernissi, and Mary Lakeland, "The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam", *Journal of Law and Religion*, Vol.15, No. 1-2 (2000), 529-533.

important capital for women to be able to choose and decide their own desires.

In this context, women's ability to make decisions according to their own needs becomes an important part of women's agency for them to be more empowered. Education also brings about recognition and improvement of women's rights.<sup>49</sup> With much access and availability of educational institutions in *Pesantren Jamilurrahman* complex of Wirokerten and the support of their *ustadh*, *Salafism* direct itself to be hand in hand with the state to work in marriage management and women enhancement in terms of marriage and education. While not specifying the minimum age of marriage in its *manhaj*, *Salafism* basically goes with the state to empower its women and equip them to serve as Salafi agents to create benefits for themselves, the community, families, and the environment. Also, further studies on the legal policies of Salafis and of other Islamic groups on the issues of women rights need to be conducted as to provide strong empirical-based facts for state's policies on women empowerment.

### **Conclusion**

From the discussion, a number of conclusions are drawn that direct to a main finding that Salafis in Wirokerten have interpreted the concept 'bulugh' substantially and that with this has supported its female members (Salafi women) to enhance their legal status. First is that although in some other legal issues Salafi *manhaj* tends to be conservative, in marriage it is quite progressive and has allowed their female members (Salafi women) to propagate the notions of improving their rights and by interpreting *bulugh* more substantially, stressing the importance of the maturity of religious knowledge before stepping into a new circle of life, i.e., marriage, a notion

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<sup>49</sup>Akosua Darkwah, "Education: Pathway to Empowerment for Ghanaian Women?," *Ids Bulletin-Institute of Development Studies - Ids Bull-Inst Develop Stud* 41 (March 1, 2010): 28.

in line with the state rule of the age of marriage specified in the Marriage Act No. 1 of 1974 and then the Law No. 16/2019. Second is that Salafi women in Wirokerten have become new Salafi agents for themselves, redefining their positions as a source of strength and empowerment, and playing an important role in bridging relations between the state and their manhaj. The shared narrative of 'knowledgeable to do' shows Salafi women in Wirokerten have formed themselves be empowered or have done self-empowerment. Third is that Salafi women in Wirokerten seemed to have supported the government in the legal policy of minimum age of marriage. In so doing, they often seek to refer to Islamic doctrines to base and strengthen their own manhaj, an attitude that might prevent them from being in the same direction with the state laws in other legal issues, such as polygamy. These findings imply the significance for the state of involving the Salafi and such other Islamic groups in the creation and establishment of Islamic laws on women's rights in Indonesia. Also further research on the legal policies of Salafi and of other Islamic groups on the issues of women rights needs to be conducted as to provide strong empirical facts for states' policies on women empowerment.

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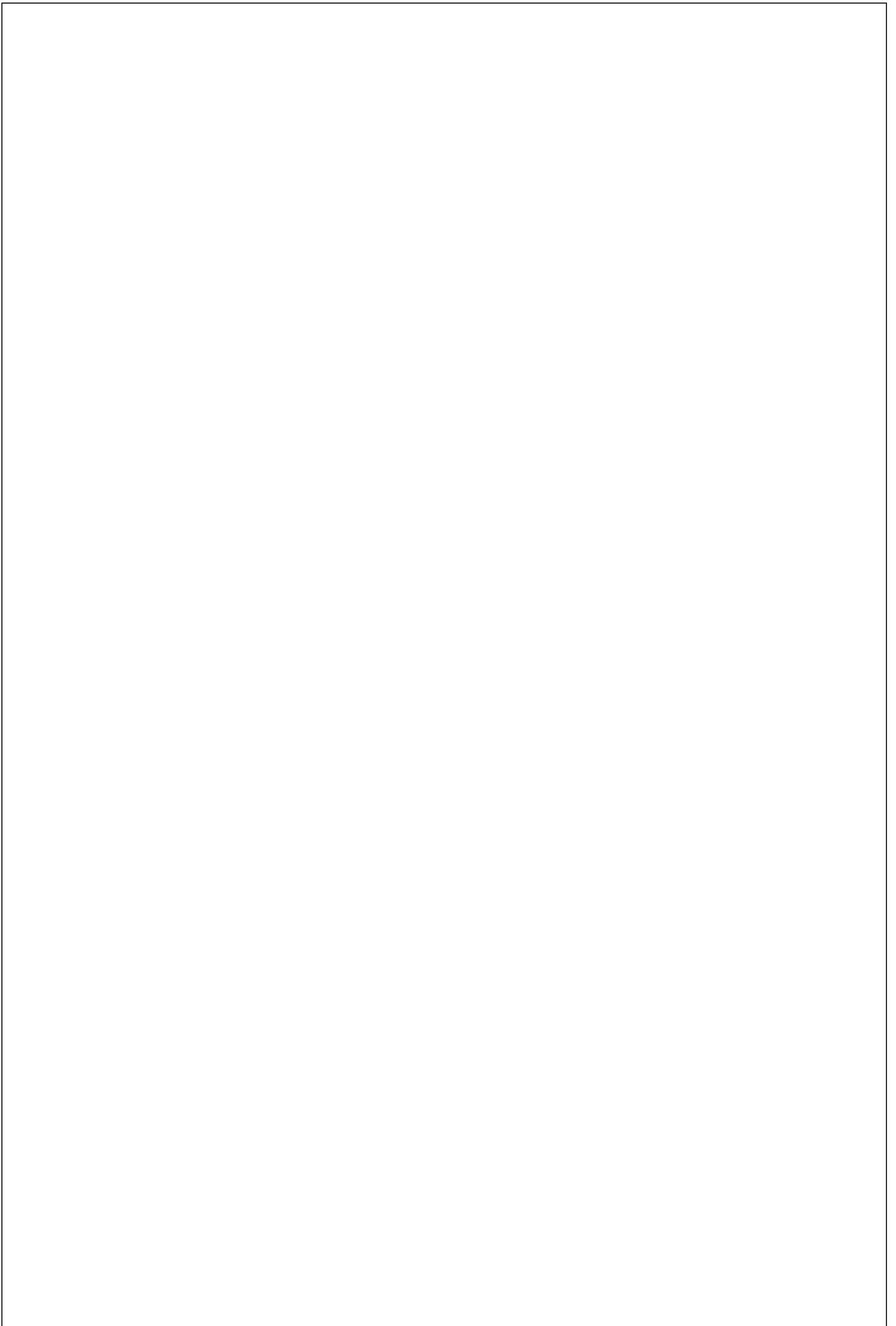
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