

## Woman and Fatwa: an Analytical Study of MUI's Fatwa on Women's Health and Beauty

doi [10.15408/ajis.v24i1.37832](https://doi.org/10.15408/ajis.v24i1.37832)

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### Abstract

This study examines the fatwas on women's health and beauty issued by the Indonesian Ulema Council (MUI), explicitly investigating the influence of particular madhhab on these fatwas. This influence will be evaluated in MUI's fatwas on women's health and beauty, including fatwas on menstrual suppression pills, abortion, female circumcision, plastic surgery, and botox injections for beauty and care. The doctrinal approach of legal research is applied to analyze the use of Islamic legal sources and arguments. This study shows that although the majority of Indonesian Muslims follow the Shafi'i school, MUI does not solely adhere to the Shafi'i school in formulating its fatwas. Instead, MUI also employs approaches from other madhhab, such as Hanafi, Maliki, and Hanbali. As various MUI's fatwas have provided broad guidelines for the community, fatwas on women significantly influence the legal basis for government policies.

### Abstrak

Kajian ini mengkaji fatwa-fatwa kesehatan dan kecantikan perempuan yang dikeluarkan oleh Majelis Ulama Indonesia (MUI) serta secara eksplisit menyelidiki pengaruh mazhab tertentu terhadap fatwa-fatwa tersebut. Fatwa MUI yang dikaji menyangkut tentang kesehatan dan kecantikan perempuan, termasuk fatwa tentang pil penekan menstruasi, aborsi, sunat perempuan, operasi plastik, dan suntik botox untuk kecantikan dan perawatan. Pendekatan penelitian hukum doktrinal diterapkan untuk menganalisis penggunaan sumber dan argumentasi hukum Islam. Kajian ini menunjukkan bahwa meskipun mayoritas umat Islam di Indonesia menganut mazhab Syafi'i, namun MUI tidak semata-mata menganut mazhab Syafi'i dalam merumuskan fatwa-fatwanya. Sebaliknya, MUI juga menggunakan pendekatan dari mazhab lain, seperti Hanafi, Maliki, dan Hanbali. Karena fatwa-fatwa MUI tersebut memberikan pedoman yang luas bagi masyarakat, maka fatwa tentang perempuan sangat mempengaruhi dasar hukum kebijakan pemerintah.

### Keywords:

Fatwa; Influence of Islamic schools of thought; Fatwas on women in Indonesia; Indonesian Ulema Council

### How to Cite:

Hanna, S., et.al., (2024). Woman and Fatwa: an Analytical Study of MUI's Fatwa on Women's Health and Beauty. AHKAM: Jurnal Ilmu Syariah, 24(1). <https://doi.org/10.15408/ajis.v24i1.37832>

## Introduction

Fatwa in Islamic law holds a highly significant position as it addresses emerging societal issues, encompassing religion, worship, economics, health, and even politics. Essentially, fatwas are issued in response to inquiries from the *mustafī* (the person seeking religious guidance). However, despite being issued in response to questions posed by society, the fatwas are not binding. Fatwas do not have the enforceable nature (*mulzim*) akin to judicial decisions in courts (al-Nadawī, 2004; Djazuli, 2007). Fatwas are born out of consideration for the social conditions surrounding them. Therefore, the answers given by a *mufī* are not solely based on textual sources. Issuing a fatwa based only on textual sources while disregarding the social context surrounding it is considered apparent ignorance. Al-Qarāfī stated (1998): “*The rigidity of existing opinions (a-manqūlāt) is always a deviation in religion and ignorance of the intentions of Muslim scholars and early scholars (salaf).*” Indeed, many laws vary due to changes in time, shifts in traditions, occurrences of emergencies, or the deterioration of conditions. Thus, if the law were to remain rigid as initially formulated, it would pose difficulties and dangers for people (Ibnu, n.d., Syatar, et al., 2023).

In Indonesia, fatwas are issued by a competent religious authority known as the Fatwa Commission of the Indonesian Ulama Council (MUI) (Amin et al., 2024). As a fatwa institution, MUI plays the roles of *mufī* and servant of the community (*rā'ī wa khadīm al-ummah*), a movement for reform and renewal (*ḥarakah al-iṣlāh wa al-tajdīd*), and a movement to enjoin good and forbid evil (*al-amr bī al-ma'rūf wa al-nahy 'an al-munkar*) (Hasanuddin & Shaleh, 2021). The issuance of fatwas by MUI involves thorough studies, focusing initially on the primary sources of the Quran and Hadith. As an authoritative religious institution, MUI endeavors to address societal issues, such as the halal lifestyle. MUI considers the halal lifestyle as highly significant, and the sharia perspective on this binds every Muslim. What Muslims consume, including food, beverages, cosmetics, and medications, must be *ḥalāl* in the sight of Allah (Hasyim, 2023). MUI also actively participates in economic matters by establishing a specialized body known as the National Shariah Council (Dewan Syariah Nasional or DSN).

The fatwas issued by DSN-MUI have shaped government regulations on Islamic economics (Mudzhar, 2022). This demonstrates that fatwas issued by MUI have positively contributed to the transformation of contemporary Islamic law in Indonesia. Thus, MUI fatwas, as one of the components of Islamic law in Indonesia, have also contributed to the development of contemporary Islamic law (Jamaa, 2018). MUI has also extended its reach to environmental issues, exemplified by MUI Fatwa No. 30 of 2016 on the Law on Forest and Land Burning and its Control. In addition to these fatwas, MUI has also shown significant concern for issues faced by women.

Islam has opened the gate to freedom and independence for women, albeit within the framework of natural values and Islamic principles. Thus, Muslim women enter this gateway of freedom to explore their full capabilities and energies, a stark contrast to their confinement during the *Jāhiliyyah* (pre-Islamic ignorance) era (Imarah, 2002). During the *Jāhiliyyah* era, women were often viewed as a disgrace or burden. In some tribes, there was a tradition of burying infant girls alive to avoid disgrace. If they were allowed to live, they were often treated disrespectfully. Women could be inherited as part of an estate, so if a husband died, his wife could become part of the inheritance, and his children could marry or marry off to someone else for a bride price. At the same time, women were typically excluded from inheriting from their relatives (Nashif, 1992).

Given the differences between women and men, several laws differ between them. The Quranic verses and hadiths of the Prophet contain different legal treatments for them. Something permissible for women may not necessarily be permissible for men, and vice versa. Obligations imposed on women may not necessarily be obligatory for men, and vice versa. This includes matters such as the rules regarding the boundaries of the ‘*aurah*’ (intimate parts of the body) for women and men (al-Jazīrī, 1999, Zaydan, 2000). However, legal issues related to women continue

to evolve and become increasingly complex with the advancement of time and technology. This inevitably raises issues that require answers from religious perspectives. Among the contemporary issues concerning women include abortion, female migrant workers, women leading prayers, female circumcision, appropriate attire for female medical personnel, women acting as marriage officiants, the law regarding wearing the face veil, working without the presence of a *mahram* (male guardian), female pilgrimage (*hajj*) during post-divorce waiting period (*'iddah*), working outside the home during the *'iddah* period, hymenoplasty surgery, and the use of menstrual suppression pills during Ramadan. These legal issues concerning women must be promptly addressed, and solutions sought through fatwas issued by religious institutions.

This study is inseparable from the social conditions of Indonesian society, making the fatwas issued highly beneficial for Indonesian Muslims. It raises questions regarding the fact that the majority of Muslims in Indonesia follow the Shāfi'ī *madhhab* or school of thought: Does MUI, as the umbrella organization for Indonesian Islamic scholars, strictly adhere to the Shāfi'ī school when issuing fatwas? Or does MUI broaden its scope by adopting other *madhhab* besides the Shāfi'ī? Alternatively, does it operate independently of any specific *madhhab* and develop its approach (*manhaj*)? When it is said that fatwas are not binding, does this imply that MUI's fatwas do not bring about any change because of their lack of enforceability or coercion? Departing from these issues, researchers are interested in conducting a comprehensive study on MUI's fatwas concerning women's health and beauty.

## Method

This research focuses on studying the fatwas issued by the Indonesian Ulama Council (MUI) concerning women and analyzing the influence of Islamic schools of thought on the fatwas related to women's health and beauty. The fatwas to be examined include MUI Fatwa No. / on Menstrual Suppression Pills, MUI Fatwa on Abortion, MUI Fatwa on the Prohibition of Female Circumcision, and MUI Fatwa on Plastic Surgery and Botox Injections for Beauty and Treatment. These four fatwas were chosen due to the high public interest in Islamic legal answers to these issues, alongside societal changes emphasizing women's attention to beauty, leading to various cosmetic practices. Furthermore, this research explores the influence of Islamic jurisprudential schools (*madhhab*) on the formulation of fatwas by MUI regarding women's health and beauty and the impact of these fatwas on government policies.

## Fatwa and the Dynamics of the Indonesian Ulama Council

Fatwa is also the result of a *mufti's ijtihād* concerning a legal issue presented to them. Therefore, fatwa is more specific than *fiqh* or general *ijtihād*. Sometimes, a fatwa issued by a *mufti* has already been formulated within *fiqh* but is not yet understood by the seeker of the fatwa, prompting the mufti to explain the issue to them. Fatwa is casuistic because it is a response or answer to questions posed by individuals seeking guidance. Unlike court judgments, a fatwa is not binding or coercive; hence, the seeker of the fatwa is not obliged to follow its legal substance or content.

Fatwas tend to be dynamic because they respond to new developments faced by the community or group seeking the fatwa based on specific evidence. The content of a fatwa may not necessarily be dynamic, but its responsive nature at least allows for dynamism. Despite being issued case-by-case, several fatwas by prominent scholars or religious and legal institutions have been compiled into books. However, their systematic structure remains distinct from *fiqh* (Mudzhar, 2022).

In Indonesia, one of the institutions known for its authority to issue fatwas is MUI. The establishment of MUI was driven by the collective awareness among Muslims of the importance of figures who serve as both spiritual leaders (*imām*) and judges (*qāḍī*), providing guidance,

direction, and moral instructions in accordance with Islamic law. MUI as a religious organization has been part of the nation's awakening phase since Indonesia's independence 30 years ago (Hamzah, 2018). Furthermore, from a sociological perspective, there are paradigms underlying the formation of MUI. *First*, among Southeast Asian countries, there is a societal aspect involving councils or religious scholars who serve as the highest advisors in religious matters within a state. *Second*, MUI acts as an institution representing Indonesian Muslims, especially during international meetings with foreign Islamic scholars seeking dialogue with Indonesian Islamic scholars. *Third*, MUI assists the government in providing religious considerations or advice in the development process, acting as a bridge between the government and the Muslim community. *Fourth*, MUI facilitates gathering all Islamic scholars in Indonesia to foster Islamic brotherhood (*ukhuwwah Islāmiyyah*). Lastly, MUI facilitates a consultation forum among scholars, leaders, and Muslim intellectuals to discuss community issues (Kozin, 2004).

The establishment of MUI is also seen in line with the principle of Islam as a way of life. Since Islam is a comprehensive doctrine that touches on every aspect of human life, it goes beyond merely a set of teachings about the relationship between humans and God. Islam integrates all aspects into a cohesive whole, including societal life, politics, law, education, economics, etc. Islam guides a holistic and integrated way of life that encompasses all dimensions of human existence (Esposito, 1998).

Throughout its journey, the fatwas issued by MUI are considered to contribute to Indonesia's regulatory framework of law. Although MUI fatwas do not have a binding force like positive law, they serve as aspirational laws that possess constructive moral strength for communities aspiring to practice them (Johar, 2018). Generally, the urgency of fatwas is to ensure that the Muslim community stays within the boundaries of Islamic law when facing social and cultural changes. This aligns with MUI's goal to create a safe and harmonious society in accordance with Indonesia's foundational ideology, Pancasila. The urgency of MUI fatwas can be based on two: role and influence. First, the role of MUI fatwas reflects MUI's responses to phenomena and societal controversies related to social and cultural activities or government policies from a religious perspective within the council's framework representing all Islamic organizations in Indonesia.

Fatwas issued by MUI in the form of Decrees (*Surat Keputusan, SK*) are responses to questions posed by the government, individuals, or institutions, or they address concerns emerging in society, such as cases involving differing opinions on non-Muslim leaders. Second, the influence of MUI fatwas explains the impact and follow-up of the fatwas issued on national life and governance, which is aligned with the founding purpose of MUI, as mentioned above. The independence of MUI's authority in issuing fatwas is critically important in its role as a form of *ijtihād*. The existence of MUI as an institution capable of issuing fatwas since its inception has been instrumental in addressing the issues faced by the Muslim community.

### **Fatwa of MUI Regarding Women in Health and Beauty**

Women have more unique characteristics than men, giving rise to legal issues that differ from those of men and require legal answers (Putra, 2019). In the Indonesian context, the primary reference for all new religious issues is fatwas issued by the Indonesian Ulama Council (Majelis Ulama Indonesia or MUI). Among the fatwas on women's issues include fatwas on anti-menstruation pills, abortion, the prohibition of female circumcision, plastic surgery, and botox injections for beauty and treatment. These five fatwas significantly impact women's lives (Japhet, 2022).

For instance, when a woman wants to perform religious rituals such as pilgrimage (*‘umrah*) or *hajj* in a state of devotion, fasting during Ramadan, but faces menstrual cycle hindrances, using anti-menstruation pills becomes an option that requires clear religious guidance. Similarly, when parents want to circumcise their daughters but face government restrictions

causing concern, religious fatwas are needed on this matter. Likewise, when abortion is necessary due to the threat to the mother's life or as a result of rape, there must be religious rules governing such practices. In today's era, beauty has also become a priority, leading to beauty treatments such as plastic surgery and botox injections, which must adhere to religious norms, as addressed by fatwas issued by MUI. MUI considers these fatwas important because questions arise from the community regarding the legal status of plastic surgery and the use of botox injections.

### Anti-Menstruation Pills

Menstruation is one of the unique features of women, coming in a monthly cycle. This menstrual cycle varies from one woman to another. Consequently, worship activities are also affected by menstruation. Hence, the question arises about the legality of a woman taking anti-menstruation pills to ensure that her *hajj* pilgrimage or fasting during Ramadan is not disrupted. The following discussion will explore this issue. The discovery of tablets, pills, and other types of medication to delay menstruation in women is one of the many advancements resulting from research conducted by scientists, doctors, and medical experts. These medications have become widely available and are commonly used by the public.

Women typically use menstrual delay medications to regulate the timing of their periods according to desired dates and intervals. The mechanism of these medications generally involves either advancing the onset of menstruation from its usual time or postponing and delaying its occurrence from the normal menstrual cycle. Menstrual delay pills are oral medications consisting of both progesterone hormones and estrogen. These pills are used in specific situations, including during *hajj*, fasting, etc.

One example of medication commonly used to regulate the menstrual cycle is Primolut. This medication is often used by female pilgrims who intend to perform *hajj* in Mecca. This type of medication contains progestin and progesterone hormones and is used to either advance or delay the onset of menstruation. The hypothalamus produces progesterone and estrogen hormones, a small area beneath the brain. These hormones play a crucial role in the ovulation process within the female uterus by aiding the maturation of ovarian follicles, triggering ovulation in the ovaries, forming the corpus luteum (Luteum), and producing sex steroid hormones in the female body. Currently, medications to prevent menstruation, including oral contraceptive pills, come in two types (Pratiwi, 2018) a) Combination pills contain low doses of progesterone and estrogen hormones, resembling the natural hormones found in a woman's body, and b) progestogen-only pills consist solely of progesterone and are commonly used to prevent menstruation. A product available at pharmacies is Primolut N, which contains the derivative of brethisterone hormone.

When using these pills, a woman must consider several factors. First, she must record her three-month menstrual schedule before performing Hajj. Second, she is required to take the anti-menstruation pill seven days before her period is due, which will stop menstruation three days before it begins. Third, she needs to check her health and consult with a doctor before using these pills due to the potential risk of severe illness after taking them (Pratiwi, 2018). For example, the MUI Fatwa on Anti-Menstruation Pills guides women who may begin menstruating while intending to perform Hajj.

Furthermore, in the early years of Islam, there were no available treatments that allowed women to participate in all acts of worship, including fasting, *hajj*, and other activities. Consequently, there are no explicit provisions in Islamic law that specify whether delaying menstruation for the sake of worship is permissible or not. This makes the issue of delaying menstruation an emerging topic requiring extensive research to ensure that its practice does not violate sharia. Ijtihad addresses this legal matter, as it is not covered in the two primary sources of Islamic law.

Since it affects the needs of the entire Muslim community, the issue of delaying menstruation requires intellectual solutions from Muslim thinkers and the medical community. On one hand, they must reinterpret the Quran to meet logical and rational requirements. On the other hand, there are moral reasons to contextualize the Quran to fit modern demands. These two sides are akin to two sides of a coin that complement each other rather than being antagonistic and mutually exclusive. On the other hand, there are moral reasons to contextualize the Quran to fit modern demands. These two sides are akin to two sides of a coin that complement each other rather than being antagonistic and mutually exclusive. The emergence of new *fiqh* products to meet contextual scholarly demands is driven by an awareness of contemporary realities and their various new problems. Islam also considers human needs, categorizing them into different levels: essential needs (*daruriyyah*), secondary needs (*hājiyyah*), and complementary needs (*taḥsīniyyah*) (Khalaf, 1981).

The Indonesian Ulama Council (MUI), in its fatwa issued on 12 January 1979 concerning anti-menstruation pills, stated that: 1) The use of anti-menstruation pills to perform *hajj* is permissible (*mubāḥ*). 2) The use of anti-menstruation pills to complete the entire month of Ramadan fasting is discouraged (*makruh*). However, it is permissible for women who find it difficult to make up their fasts on other days (*mubāḥ*). 3) The use of anti-menstruation pills for purposes other than the two mentioned above depends on the intention. It is forbidden if it leads to actions that violate religious laws (*ḥarām*) (MUI, 2011).

However, suppose a woman chooses to use menstruation-delaying pills and wishes to fast fully during Ramadan. In that case, it is permissible as long as the pills are used under the supervision of a doctor and relevant experts. It is crucial to ensure that these pills do not harm her health (Al-Qaradawī, 1955). Previous scholars have opined that consuming something to delay menstruation is permissible as long as it does not cause harm (al-Qaradawī, 2013). The absence of harm as a condition for the permissibility of consuming anti-menstruation pills is also stated by Muḥammad Ibrāhīm al-Ḥafnawī, “In principle, there is no sharia prohibition against consuming menstruation-delaying medication, as there is no evidence forbidding it unless its consumption results in harm, which then falls under the Prophet’s principle, ‘There should be neither harming nor reciprocating harm (Anas, n.d.).’” If such harm is present, it is forbidden to consume it. If a woman wishes to consume it, she must consult a specialist doctor unless she is already accustomed to the medication and it does not cause her any harm (Muā’ṣirah, n.d.).

It can be said that The MUI fatwa adopts the theory of *maṣlahah mursalah* (public interest), where the use of anti-menstruation pills brings benefits for women intending to perform *hajj* or *‘umrah*; thus, it is allowed. The author also agrees with the permissibility of consuming anti-menstruation pills for *hajj* or *Umrah* pilgrims due to concerns that the menstrual cycle might coincide with the *hajj* or *‘umrah* rituals.

## Abortion

The Indonesian Ulama Council (MUI) has issued fatwas on abortion. There are two essential fatwas regarding abortion issued by MUI. The first is the Fatwa of the Sixth National Deliberation of the Indonesian Ulama Council Number: 1/Munas VI/MUI/2000 on abortion, and the second is the Indonesian Ulama Council Fatwa Number 4 of 2005 on abortion. These two fatwas were issued prior to the enactment of Law Number 36 of 2009 on health.

The 2005 MUI fatwa outlines the conditions for abortion in two types. The first is abortion due to an emergency, where if the abortion is not performed, it will result in danger or cause death. The second is abortion due to necessity, where not performing the abortion would cause severe difficulty for the pregnant woman. The fatwa states that, in principle, abortion is prohibited from the time of implantation of the blastocyst on the uterine wall of a woman. However, abortion is permitted in two specific situations (Fatwa Majelis Ulama Indonesia Nomor 4 Tahun 2005 Tentang Aborsi, 2005).

The first situation is in the case of an emergency, such as when the pregnant woman suffers from a severe illness as approved by a competent doctor or when the pregnancy threatens the life of the pregnant woman. The second situation is for necessity, such as when the fetus is diagnosed with a severe genetic defect that cannot be cured after birth or in cases of pregnancy resulting from rape (but not from adultery). For abortions due to rape, the fatwa emphasizes the need for the involvement of relevant parties, including the victim's family and competent authorities such as doctors and religious scholars. The fatwa restricts abortions for necessity to be performed before the fetus reaches 40 days of age (al-Ghazālī, 2004).

In the aforementioned MUI's fatwa, we can observe several approaches to establishing legal rulings. First, the fatwa refers to verses from the Quran, including QS. al-Mu'minūn 23:12-14: *"And certainly did We create man from an extract of clay. Then We placed him as a sperm-drop in a firm lodging [womb]. Then We made the sperm-drop into a clinging clot, and We made the clot into a lump [of flesh], and We made [from] the lump, bones, and We covered the bones with flesh; then We developed him into another creation. So blessed is Allah, the best of creators."* In these verses, Allah describes the process of human creation in the best form.

In another verse, Allah explicitly forbids killing children out of fear of poverty or hunger, as mentioned in QS. al-An'ām 6:151:

*"Say, 'Come, I will recite what your Lord has prohibited to you. [He commands] that you not associate anything with Him, and to parents, good treatment, and do not kill your children out of poverty; We will provide for you and them. And do not approach immoralities - what is apparent and what is concealed. Moreover, do not kill the soul which Allah has forbidden [to be killed] except by [legal] right. This has He instructed you that you may use reason)."*

When MUI determine that abortion is prohibited from the time of blastocyst implantation on the uterine wall, this aligns with the Shafī'ī school, particularly Imam al-Ghazālī, who views the destruction of a fertilized ovum as a criminal act. From this process onwards, the fetus is considered a being with its own dignity. However, abortion is permitted by MUI in cases of necessity or need and if performed before the fetus reaches 40 days old. This is consistent with the views of Ḥanafī scholars and some Shāfi'ī scholars. Abortion due to adultery is strictly prohibited.

The author agrees with the MUI fatwa and Imam al-Ghazālī's stance that prohibits abortion from the moment of fertilization because, in essence, it represents the beginning of human life that possesses its own dignity. Besides, it is forbidden to shed its blood unjustly. However, in cases of emergency, such as threatening the mother's life, or in instances of necessity, such as a strong suspicion of severe genetic defects in the fetus or pregnancy resulting from rape, abortion is allowed under specific conditions. These conditions include being handled by a trustworthy and experienced doctor and performed in a reputable hospital.

## Female Circumcision

Various practices of female circumcision are still widely performed in more than twenty countries, particularly in Muslim communities following the Shāfi'ī school. In Africa, for example, female circumcision occurs in countries like Cameroon, Sierra Leone, Ghana, Mauritania, Chad, Northern Egypt, Kenya, Tanzania, Botswana, Mali, Sudan, Somalia, Ethiopia, and Nigeria. This practice is common in Asian countries such as the Philippines, Malaysia, Pakistan, and Indonesia (Ristiani, M., Ruli, N., & Dian, 2003). Proponents of female circumcision generally agree that it is permissible and part of Islamic teachings. They differ only in determining whether it is obligatory (*wājib*), recommended (*sunnah*), or an honorable practice (*makrūmah*). Conversely, those against female circumcision argue that it is merely a tradition, not part of Islamic teachings, and brings harm and violates the human rights of girls (Yanggo, 2013., Dana, 2021).

Classical scholars almost unanimously recognized female circumcision as part of the Sharia mandate. The disagreement was primarily about its legal status, whether obligatory, recommended, or a form of honor for the circumcised female (al-Fiqhiyyah, 1990). These differing opinions can be classified as follows: first, there is the opinion that female circumcision is obligatory (*wājib*). This view is held by Imām al-Shāfiʿī, Imām Aḥmad ibn Ḥanbal in one of his narrations, and Yahyā ibn Saʿīd from the Shīʿah. Al-Nawāwī, in “al-Majmū”, explains that the obligatory ruling is the opinion of the majority of the Salaf (the generation of the companions and the *tābiʿīn*), as also narrated by al-Khuttābī (al-Fiqhiyyah, 1990). Second, there is the opinion that it is recommended (*sunnah*). Imām Abū Ḥanīfah, Imām Mālik hold this opinion as his most well-known narration, and one of the narrations from Imām Aḥmad ibn Ḥanbal, as well as the opinion of al-Murtaḍā from the Shīʿah school (al-Fiqhiyyah, 1990).

Third, the opinion is that it is an honorable practice (*makrūmah*). This view is supported by Ibn Qudāmah, a Ḥanbalī scholar (Qudāmah, 1997), and another narration from Imām Abū Ḥanīfah and Imām Mālik. Scholars agree that circumcision is a prescribed practice for both males and females. From the above explanations, we can conclude that among scholars, some consider female circumcision obligatory, some recommend it, and the majority view it as an honorable practice. The term “*makrūmah*” is uncommon in the categorizing of Islamic law, allowing for diverse interpretations regarding its meaning and purpose.

However, some scholars believe that female circumcision is obligatory as it is seen as part of sharia, while others argue that the practice lacks a strong foundation in the Quran and Hadith, and thus is not obligatory. However, another opinion from several different scholars views female circumcision as not obligatory in Islam. Reasons cited include the absence of a clear Quranic verse commanding female circumcision and concerns that the practice may have adverse health and well-being impacts on women. Nevertheless, female circumcision is still practiced in some countries around the world based on the belief that it is part of cultural tradition and custom.

In recent years, many organizations and activist groups have voiced opposition to female circumcision due to perceived health risks and infringement of women’s rights. Thus, the issue of female circumcision remains a controversial topic among scholars and the broader Muslim community. Some believe it should be obligatory as part of sharia, while others argue it is not obligatory and may harm women’s health and rights.

The Indonesian Council of Ulama (MUI) has issued a fatwa (religious decree) regarding female circumcision as follows: *First*, regarding the legal status of female circumcision, for both males and females, it is considered a natural disposition (*fiṭrah*) and a symbol of Islam. Female circumcision is considered an honorable practice (*makrūmah*), and its implementation is recommended as a form of worship. *Second*, the prohibition of female circumcision is deemed contrary to sharia provisions because circumcision, for both males and females, is part of Islamic rules and symbols. *Third*, there are limits or methods of female circumcision. In practice, female circumcision should adhere to the following principles. 1) Female circumcision involves only removing the prepuce (*jaldah/colum/praeputium*) covering the clitoris. 2) Female circumcision should not be excessive, such as cutting or injuring the clitoris (incision and excision), resulting in harm. Last, the MUI fatwa proposes several recommendations. First, MUI urges the government, specifically the Ministry of Health, to use this fatwa as a reference in establishing regulations on the issue of female circumcision. Second, MUI recommends the government, through the Ministry of Health, to provide education and training to medical professionals to conduct female circumcision in accordance with the provisions of this fatwa.

The MUI fatwa is based on evidence from sources such as QS. al-Nahl/16: 123. “*Then We revealed to you (Muḥammad), ‘Follow the religion of Ibrahim, the upright in faith, and he was not of the polytheists.’*” In short, no jurist has stated that female circumcision is forbidden or disliked, whether by prohibition or permission. This serves as evidence for the legality and permissibility of female circumcision. The consensus of all jurists is proof that anyone performing

female circumcision, as long as it aligns with the hadith stipulation where the Prophet recommended cutting minimally and not excessively, clearly indicates it is not a sinful act nor a criminal offence (Sholeh, 2012).

Regarding the practice of circumcision itself, there is no confusion because its benefit is preventing the overgrowth of the clitoris, as some women experience clitoral growth exceeding 3 cm when aroused. In subtropical regions, female clitoral growth can be quite pronounced, increasing sexual sensitivity significantly, and a long, large clitoris can cause discomfort to the husband during intercourse. Additionally, circumcision helps prevent excessive growth of the clitoris and avoids vaginal pain due to its constant erection from friction, thereby maintaining the smoothness of the woman's face, as indicated by the Hadith mentioned above, "cut slightly and not excessively, for it enhances the brightness of the face and is pleasing to the husband."

Circumcision also prevents the accumulation of bacteria under the clitoral skin and reduces strong sexual desire in women, thereby enhancing their honor and chastity and providing women with control over their sexuality. Thus, it creates a society and environment far from acts of immorality. With the description of the issue above, female circumcision, according to Islamic concepts, is highly recommended to achieve benefits. However, any error in its practice contrary to the Prophet's recommendations needs correction without altering the substance of the sharia of circumcision itself.

When the Indonesian Ulama Council (MUI) issues a fatwa that circumcision is recommended, this aligns with the opinion of Imām Abū Ḥanīfah, Imām Mālik in the most famous narration, and one narration from Imam Ahmad bin Hanbal, as well as the view of al-Murtad from the Shia school. However, all schools of thought agree that circumcision is prescribed, even considered one of the *sunan al-fiṭrah* (natural practices of the Prophet). The author believes that circumcision is recommended for men and an honor for women as long as it is performed according to the Prophet Muḥammad's recommended guidelines. This concept of honor (*makrūmah*) can also be understood as another form of sunnah, based on the Prophet Muḥammad's encouragement for proportional female circumcision. Also, there is a narration from Aishah RA referring to male and female genitalia as circumcision. This acknowledges the existence of well-known female circumcision practices among the companions at that time. Similarly, the WHO has the right to prohibit circumcision in various countries around the world if it does not adhere to what was indicated by the Prophet Muḥammad.

Indonesia's system has regulations similar to those set by the Minister of Health of the Republic of Indonesia on 5 November 2010, which issued Regulation No. 1636/Menkes/Per/XI/2010 concerning Female Circumcision. This regulation was made to protect women from illegal circumcision practices that endanger their lives and reproductive systems. One provision in this regulation states that female circumcision may only be performed by healthcare professionals such as doctors, midwives, or nurses who are licensed to practice. The technique involves scraping the skin covering the front part of the clitoris without harming the clitoris itself (Regulation of the Minister of Health of the Republic of Indonesia, 2010).

### Plastic Surgery and Botox Injections

Responding to the proliferation of plastic surgery as a result of medical and aesthetic technological advancements within society, the Indonesian Ulama Council (MUI) issued Fatwa No. 11 of 2020 regarding Plastic Surgery. In its fatwa, MUI defines plastic surgery as a medical procedure aimed at reconstructing or improving parts of the human body through surgery. There are two types of plastic surgery: reconstructive and aesthetic. Reconstructive plastic surgery involves surgical procedures to correct abnormal functions and anatomical forms to approximate normality. Meanwhile, aesthetic plastic surgery involves procedures to enhance anatomically

normal features to be more harmonious, attractive, or beautiful according to the patient's perception, those around them, and their family (AF Hasanuddin & Shaleh, 2021).

Reconstructive plastic surgery to improve abnormal functions and anatomical forms towards normality is permissible, as it falls under the category of necessity (*al-darurāt*) or needs (*al-hājjah*). This permissibility is subject to conditions: the procedure must provide clear benefits based on the considerations of competent and trustworthy experts, it must be safe and not harmful, and qualified and reliable professionals must perform it. Examples of reconstructive plastic surgeries include cleft lip operations, contractures, keloids, tumor removal, digit replantation, breast reconstruction after tumor removal, skin lesions, hypospadias, and genital anomalies (Hasanuddin & Shaleh, 2021).

The legality of aesthetic plastic surgery depends on its purpose. If aesthetic plastic surgery aims to alter creation and is permanent, it is considered forbidden (*ḥarām*). Such procedures do not fall under the category of enhancement (*al-taḥsīniyyāt*). Examples of these aesthetic surgeries include nose reshaping, genital alterations, and fingerprint changes. MUI classifies *taḥsīniyyāt* operations into two smaller categories: permitted enhancement surgeries and prohibited extensive procedures. According to MUI, permissible *taḥsīniyyāt* operations in Islam involve restoring normal function to parts of the body that are defective, where such defects negatively impact the patient's emotional well-being. Operations aimed at correcting physical impairments are classified as needs (*hājjah*).

Conversely, Islamic teachings prohibit types of *taḥsīniyyāt* surgeries intended solely for aesthetic enhancement. Essentially, MUI's opinion differs only in categorizing the level of necessity (*awlawiyyah*), leading to the same conclusion as other opinions: allowing cosmetic surgery for patients lacking self-confidence due to bodily defects or other physical abnormalities (MA et al., 2021).

In issuing its fatwa, the Indonesian Ulama Council (MUI) refers to Quranic verses as its basis and foundation, such as Allah's statement in QS. al-Tīn (95:4), "*We have certainly created man in the best of stature.*" This verse asserts that Allah's creation is the best form, thereby providing no reason to alter His creation—furthermore, QS. al-Nisā' (4:119) emphasizes that altering Allah's creation is a deception urged by Satan upon humans. In addition to Quranic evidence, there are also hadiths of the Prophet Muḥammad on this matter, including: "*Allah curses women who tattoo and those who ask to be tattooed, those who pluck their eyebrows or ask to have them plucked, and those who file their teeth for beauty, altering Allah's creation for beauty*" (Narrated by Bukhārī and Muslim) (al-Nawāwī, 2001).

This Hadith clarifies that tattooing, eyebrow plucking, and teeth filing are considered alterations to Allah's creation, resulting in Allah's curse upon those who do so. Such acts are deemed harmful to oneself and others and are therefore prohibited. In addition to the Quran and hadiths, MUI utilizes legal principles of Islamic jurisprudence, such as: "*Necessity makes permissible the prohibited*" (al-Nadawī, 2004)."

This principle of jurisprudence explains that emergencies justify actions otherwise forbidden, provided they are proportionate in scope. It is impermissible to eliminate harm by causing another harm. Based on these three legal foundations and considering the opinions of scholars like Sheykh Wahbah al-Zuhaylī, Sheikh Abdul Karīm Zaydan, Abū al-Husayn Yaḥyā ibn Abī al-Khayr bin Salīm al-Shāfi'ī, and Imam al-Shāfi'ī, MUI issues fatwas on plastic surgery with varying legal rulings depending on the type of surgery. Generally, cosmetic surgery intending to permanently alter Allah's creation and lacking necessity is forbidden.

Muhammad bin Yūsuf al-Shāhid Abī Ḥayyan al-Andalūsī also holds similar views. He prohibits plastic surgery as it involves altering Allah's creation (al-Andalūs, n.d.). This is explicitly stated in QS. al-Nisā' (4:119), and QS. al-Rūm (30:30). Sayyid Muḥammad Husayn Fadlullāh holds a different opinion regarding cosmetic surgeries. He believes there is no prohibition for women to undergo cosmetic surgery if they have physical deficiencies or defects.

He also argues that individuals are not prohibited from altering their appearance through plastic surgery, as it falls under the category of cosmetic procedures.

Similarly, regarding hair extensions, he believes there is no sharia prohibition. For Fadlullah, such acts are not forbidden unless they are intended to deceive others (Fadlullah, 2000). The author agrees with MUI's fatwa that reconstructive plastic surgery is permissible due to its classification as necessary and needed. Similarly, aesthetic plastic surgery falling under the *taḥsīniyyāt* category is permissible, whereas those exceeding this category are prohibited."

In addition to issuing a fatwa on plastic surgery to respond to the developments in medical technology and aesthetics within society, the MUI also issued Fatwa No. 21 in 2021 on Botox Injections for Beauty and Treatment. In its general provisions, MUI defines Botox injections as a medical procedure involving the injection of Botox into desired parts of the body (Shaleh & Hasanuddin, 2021). Botox injections used for beauty and treatment purposes, such as reducing wrinkles by tightening facial muscles, correcting asymmetrical facial contours (eyebrows and forehead), improving scar tissue, and addressing redness and oily skin on the face, are deemed permissible and allowed.

The following conditions of the procedure accompany this permissibility. 1) It should not be for purposes contrary to sharia. 2) It must use halal and pure substances. 3) The procedure must be safe and not pose any danger to oneself, others, or the environment. 4) Competent and trustworthy professionals must perform it. However, suppose Botox injections lead to dangers, deception, or dependency. In that case, the legal permissibility may change to impermissible, using arguments based on *sadd al-dharī'ah* (blocking the means to evil) (Hasanuddin & Shaleh, 2021). As a religious fatwa, its issuance is based on authoritative sources in Islam, including the Quran, the hadiths of Prophet Muḥammad (peace be upon him), and relevant principles of Islamic jurisprudence (*fiqh*). Some Quranic sources referenced include verses about the creation of humans in the best form (QS. al-Sajdah/32:7 and QS. al-Tīn/95:4) and prohibitions against behaving and adorning oneself like the people of ignorance (QS. al-Aḥzāb/33):

*"And stay in your houses and do not display yourselves as [was] the display of the former times of ignorance; establish prayer and give zakah and obey Allah and His Messenger. Allah intends only to remove from you the impurity [of sin], O people of the [Prophet's] household, and to purify you with [extensive] purification." Among the hadiths quoted is the command to consume good things, "Narrated Abū Huraira: The Messenger of Allah (ﷺ) said: 'O people, Allah is Good and accepts only that which is good.'"* (Narrated by Muslim) (al-Nawāwī, 2001).

MUI does not disregard empirical scientific arguments. This is evident from the fatwa, which also considers the views of academics, including doctors who specialize in the relevant field (MUI Fatwa Number 21 on Botox Injection for Beauty and Treatment., n.d.). The author believes that this fatwa provides flexibility, indicating that, in principle, Botox injections are permissible, provided they adhere to the stipulated conditions in the fatwa.

The issuance of the above fatwas guides Muslims, especially women, in their religious and social lives. In the context of the birth control pill fatwa, it provides insight into the use of birth control pills or seeking alternative methods to avoid side effects or health risks. Simultaneously, the government, as the organizer of collective *ḥajj*, also obtains juridical arguments to consider the regulation of birth control pill use based on the fatwa related to overseeing drug products and regulations on the sale and distribution of these pills. Based on this fatwa, the government can coordinate to educate female *ḥajj* pilgrims.

Sometimes, fatwas become references for the formation of laws. When discussing abortion and MUI allows it due to specific reasons, in practice, this fatwa was adopted in the legislative process resulting in the issuance of the Reproductive Health Law in 2009, which includes provisions on abortion under specific conditions (threat to the mother and fetus, rape, incest). Similarly, when discussing female circumcision, the fatwa on female circumcision, which faced

rejection in terms of human rights perceptions, led the Indonesian government to issue Law No. 23 of 2004 concerning the Elimination of Domestic Violence. Article 4, paragraph 2 of this law states that “Perpetrators of domestic violence are prohibited from committing violence against family members, including physical violence to intimate organs, including mutilation, cutting, or injection into sexual organs or other body parts ([The Eradication of Domestic Violence., 2004](#)). However, through the MUI fatwa, the practice of female circumcision gained legitimacy based on comprehensive studies and measured determination methods. As a result, the Department of Health made this fatwa a reference in establishing regulations on female circumcision issues in Indonesia, preceded by training for medical personnel in accordance with sharia rules.

Regarding the practices of plastic surgery and botox injections, there are currently no specific regulations governing these practices, despite their prevalence in society. Therefore, the MUI fatwa on both issues has provided guidance for Muslim communities on the ethics and practices of plastic surgery and the use of botox injections in line with religious values. Consequently, after the issuance of these fatwas, the government should issue regulations regarding their implementation.

## Conclusion

The Indonesian Ulama Council (MUI) has demonstrated a responsive and progressive attitude in its fatwas concerning women. This is evident from the issuance of fatwas on the use of menstrual suppression pills, plastic surgery, and Botox injections. These issues have emerged as a logical consequence of advancements in technology and science. Simultaneously, in addressing these issues, the MUI seeks the foundational answers from the opinions of earlier scholars without adhering strictly to any particular school of thought. Instead, they select the opinions from the schools of thought that are stronger and more relevant. Based on this, it can be concluded that the perspectives of different schools of thought are crucial as one of the foundations for issuing fatwas without disregarding the legal sources and scientific facts relevant to an issue.

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