

NEGOTIATING STATE RULES WITH *MANHAJ*: PRACTICES  
OF ISLAMIC FAMILY LAW WITHIN SALAFI MUSLIMS IN  
WIROKERTEN YOGYAKARTA



By

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STATE ISLAMIC UNIVERSITY  
**SUNAN KALIJAGA**  
YOGYAKARTA  
**DISSERTATION**

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**Sunan Kalijaga Yogyakarta**

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PASCASARJANA

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## ATTESTATION

Dissertation entitled : NEGOTIATING STATE RULES WITH MANHAJ: PRACTICES OF ISLAMIC  
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SUNAN KALIJAGA  
YOGYAKARTA

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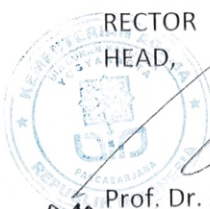

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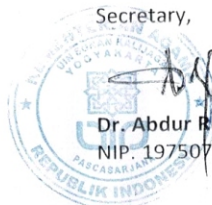
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DATE: Yogyakarta, 22 February 2020

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APPROVAL STATEMENT

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The dissertation deserves to be submitted to the committee of the  
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*Wassalamu'alaikum wr.wb.*

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Dr. Sunarwoto, S.Ag., M.A

## ABSTRACT

This dissertation deals with the negotiation of state rules with *manhaj* in relation to practices of Islamic Family Law within the Salafi Muslim community in Wirokerten, Yogyakarta. Drawing on Anthony Giddens's theory of structure and agency, this dissertation will answer the following research questions: 1) How is marriage law practiced in the Salafi community in Wirokerten?; 2) How are the Salafi teachings negotiated with Indonesian marriage law in Wirokerten?; and 3) Who has played an important role in shaping the Wirokerten Salafi Community's understanding of marital law and regulations? Supporting data has been obtained from both bibliographical and empirical investigations.

The state has decided on legal guidelines regarding marriage regulations, called the Compilation of Islamic Law (the *KHI*), in 1991 as a form of refinement of Law No. 1 of 1974 concerning Marriage. This law aims to regulate and provide legal guidelines for carrying out Islamic legal practices in terms of marriage, inheritance and so on. The existence of a single legal guideline issued by the state, however, does not rule out the possibility of practical diversity of marriage law in the Indonesian Muslim community. The door of *ijtihad* is always open for Muslims to find a legal basis for their context at hand and allows the possibility of the emergence of diversity in schools or *manhaj* within Islam. As found in the reform movement that entered Indonesia after the fall of the New Order regime (post 1998), the teachings have returned to the Qur'an and the Hadith, also referred to as the Salafi *manhaj*, which has raised a new style of religious democratic practice in Indonesia.

The form of negotiation carried out by the state with the Wirokerten Salafi community is the same negotiation that is carried out by the state with the community in general, that is, applying marriage law which is in accordance with the law of Indonesia. The Salafi Wirokerten community comply with marital law as stipulated by the state, including laws that govern marriage procedures and the recommendation or obligation to register marriages, both monogamous and polygamous. In addition, they agree on the existence of two types of guardians, namely the *nasab* guardian and *wali hakim* (authorized guardian).

The also agree to record polygamous marriages in accordance with the state requirements by including a statement of willingness from the first wife or previous wives, disagree with *sirrī* marriage because it could be detrimental to the women, and do not practice underage marriage. The Salafi women view polygamy as sharing. All this leads to the Salafi women of Wirokerten being more empowered, as has been put forward by Samia Huq with her discussion of *self-interest* and *self-expression*.

The cooperative attitude of the Wirokerten Salafi community concerning the marital regulations set by the state are basically for the needs and interests of the Salafi community itself, i.e., for attaining legal protection, for administrative requirements for registration of children at educational institutions, for obtaining social assistance from the state, and for accessing health services. In general, the marriage law practiced by the Wirokerten Salafi community is based on *sharī'ah* according to the Salafi *manhaj*. As previously mentioned, the Wirokerten Salafi community complies with state regulations, unless there are discrepancies between the state law and Salafi *manhaj*. In the incidence of this, the community prefers to follow the *sharī'ah* according to the Salafi *manhaj* rather than the state regulations. The author refers to this as ideological-substantial accommodation: the decision to obey state rules specifically for their ideological substances. Meanwhile, the parties that shape the understanding of marital law of the Salafi Wirokerten community are generally the *Ustādh* in religious forums. The *Ustādhah* has a significant role in transferring the understanding of Salafi *manhaj*, including in the marriage law issues, to both the *akhwāt* (girls) and *ummahāt* (mother) circles of the Wirokerten Salafi community.

In the sense of theoretical implication, drawing on Gidden's theory of structuration led the author to not only analyze the practices of marriage that have resulted in a change of legal understanding but also to uncover agent patterns in the empowerment of the Salafi women. That being said, on numerous occasions the research data and findings of this dissertation are supported by other theories. The theory of MacLeod, "Accommodation Protest" was found to strengthen Gidden's theory about the relationship between Agent and Structure.

## ABSTRAK

Disertasi ini membahas negosiasi hukum negara dan manhaj Salafi kaitannya dengan praktik hukum keluarga Islam Salafi di Wirokerten Yogyakarta. Dengan menggunakan teori Anthony Giddens tentang Agen dan Struktur, karya ini akan menjawab beberapa pertanyaan penelitian sebagai berikut: Bagaimana Praktek hukum perkawinan pada komunitas Salafi di Wirokerten? Bagaimana ajaran salafi dinegosiasikan dengan hukum perkawinan Indonesia di Wirokerten? Siapa yang mengambil peran penting dalam membentuk pemahaman Komunitas Salafi Wirokerten mengenai peraturan dan hukum perkawinan? Data-data pendukung argumentasi dalam disertasi ini didapatkan melalui metode investigasi bibliografis dan empirik.

Pada dasarnya negara telah memutuskan pedoman hukum tentang peraturan pernikahan yang disebut dengan Kompilasi Hukum Islam No.1 tahun 1991 sebagai bentuk penyempurnaan dari Undang-Undang No. 1 tahun 1974 tentang Perkawinan. Undang-Undang ini bertujuan untuk mengatur sekaligus sebagai pedoman hukum dalam menjalankan praktik hukum Islam dalam hal perkawinan, warisan dan sebagainya. Adanya pedoman hukum tunggal yang sudah dikeluarkan oleh negara tidak menutup kemungkinan adanya keberagaman praktik hukum perkawinan di tengah komunitas muslim Indonesia. Sebagaimana yang ditemui dalam sebuah gerakan pembaharuan yang mulai masuk ke Indonesia paska tumbangnya rezim orde baru yaitu ajaran untuk kembali pada al-Qur'an dan Hadith atau mereka menyebut diri dengan *manhaj* Salafi yang memunculkan corak baru praktik demokrasi beragama di Indonesia.

Bentuk negosiasi yang dilakukan oleh negara terhadap komunitas Salafi Wirokerten bersifat umum sebagaimana negosiasi yang dilakukan oleh negara terhadap masyarakat pada umumnya, yaitu memberlakukan hukum perkawinan sebagaimana yang sesuai dengan aturan negara. Kenyataannya, mereka mempraktikkan hukum perkawinan yang meliputi tata cara pernikahan dengan adanya anjuran atau kewajiban melakukan pencatatan pernikahan baik pernikahan monogamy maupun poligami. Poligami bagi mereka merupakan sarana berbagi kesejahteraan. Selain itu mereka juga menyepakati

adanya dua jenis wali, yaitu wali *nasāb* dan wali komunitas. Mereka juga sepakat untuk melakukan pencatatan pernikahan poligami sesuai dengan persyaratan Negara yaitu dengan menyertakan surat pernyataan kesediaan dari istri pertama atau istri-istri terdahulu, tidak sepakat adanya nikah *sirrī* karena bisa merugikan pihak perempuan dan tidak melakukan praktik pernikahan di bawah umur, sehingga perempuan Salafi Wirokerten bisa lebih berdaya seperti yang dikemukakan Samia Huq dengan *self-interest* dan *self-expression*.

Berbagai bentuk sikap negosiasi komunitas Salafi Wirokerten terhadap peraturan hukum perkawinan menurut negara pada dasarnya untuk keperluan dan kepentingan komunitas Salafi sendiri yaitu untuk keperluan perlindungan hukum dan kebutuhan administrasi pendaftaran pendidikan sekolah untuk anak dan untuk keperluan agar mendapat bantuan sosial dari negara serta untuk mempermudah mengakses pelayanan kesehatan. Secara umum, hukum perkawinan yang dipraktikkan oleh komunitas Salafi Wirokerten adalah berdasarkan pada syari'ah menurut *manhaj* Salafi. Dalam beberapa hal yang telah disebutkan, komunitas Salafi Wirokerten searah dengan peraturan negara, hanya saja jika ada yang tidak sesuai komunitas Salafi Wirokerten lebih memilih untuk mengikuti syari'at menurut *manhaj* Salafi dari pada hukum Negara, yang penulis istilahkan dengan akomodasi ideologis-substansial yaitu keputusan untuk mentaati aturan negara karena secara spesifik untuk muatan ideologis mereka. Adapun pihak-pihak yang membentuk pemahaman komunitas Salafi Wirokerten mengenai hukum perkawinan banyak terpusat pada peran *ustādh* melalui forum-forum kajian. *Ustādhah* sebagai agen mempunyai peran penting dalam melakukan transfer pemahaman tentang *manhaj* Salafi termasuk dalam hal hukum perkawinan baik di kalangan *akhwāt* maupun *ummahāt* Salafi di Wirokerten.

Pada dataran teoritis, teori Gidden tentang Strukturasi mendorong penulis bukan hanya menganalisis praktik perkawinan yang mengakibatkan terjadinya perubahan pemahaman hukum tetapi juga untuk mengungkap pola agen dan pemberdayaan perempuan salafi. Meski begitu, ada implikasi teoritis yang tidak dapat dihindari. Data-data dilapangan dan temuan disertasi ini menunjukkan bahwa ada teori-teori lain yang mendukung. Teori MacLeod "Accomodations Protest" menjadi penguat teori Gidden tentang relasi Agen dan Struktur.

## ملخص

ناقشت هذه الرسالة التفاوض على قانون الدولة والمنهج السلفي فيما يتعلق بممارسة قانون الأسرة التي تقوم على المنهج السلفي الإسلامي في قرية Wirokerten إحدى المنطقة من محافظة جوكرتا. وتقوم هذه الرسالة على نظرية انطو ني جیدن Anthony Gidden حول الوكالة والبنية. تتركز أسئلة البحث حول ما يأتي: كيف يتم تطبيق قانون الزواج في المجتمع السلفي في ويروكيرتن؟ كيف يتم التفاوض على التعليم السلفية مع القانون الإندونيسي بشأن الزواج في ويروكيرتن؟ من الذي لعب دورا مهما في تشكيل المفهوم لقواعد الزواج وقانونه لدى هذه الجماعة، ويتم الحصول على البيانات الداعمة للحجج في هذه الرسالة من خلال طرق التحقيق البليوغرافية والتجريبية.

حيث قررت الدولة أساسا المبادئ التوجيهية القانونية المتعلقة بنظام الزواج، وتسمى هذه المبادئ بمجموعة القانون الإسلامي KHI رقم ١ لعام ١٩٩١ التي تم تحويلها إلى القانون رقم ١ سنة ١٩٧٤ بشأن الزواج. يهدف هذا القانون إلى التنظيم في نفس الوقت كدليل قانوني في تنفيذ الممارسات للشريعة الإسلامية في مسائل الزواج والميراث وغير ذلك. فوجود دليل قانوني واحد أصدرته الدولة لا يستبعد تنوع الممارسات لقانون الزواج في المجتمع الإندونيسي الإسلامي. كما وجد في حركة الإصلاح للنظام التي دخلت في إندونيسيا بعد سقوط نظام الرئيس سوهارتو السابق، وهو دعوة العودة إلى القرآن والحديث أو يسمون أنفسهم المنهج السلفي الذي أدى إلى ظهور نمط جديد من ممارسة



الديمقراطية الدينية في إندونيسيا.

وشكل المفاوضات التي أجرتها الدولة ضد مجتمع ويروكيتين السلفي عام بطبيعته، حيث إن المفاوضات التي تجريها الدولة تجاه المجتمع بشكل عام، أي تطبيق قانون الزواج وفقا لأنظمة الدولة. في الواقع مارست الجماعة قانون الزواج الذي يتضمن إجراءات الزواج مع التوصية أو الالتزام بتسجيل الزواج الأحادي أو تعدد الزوجات. وتعدد الزوجات بالنسبة لهم هو وسيلة للحصول على حياة الرفاهية، إضافة إلى ذلك اتفقوا أيضا على أن هناك نوعين من الولاية ولاية النسب وولاية المجتمع كما اتفقوا على الزواج على سبيل التعدد وفقا لمتطلبات الدولة، أي بإرفاق خطاب الموافقة من الزوجة الأولى أو الزوجات السابقات واعترضوا على الزواج العرفي لأنه يضر بالمرأة ولا يمارسون زواج قاصرات العمر. فمن ذلك كانت المرأة في هذا المجتمع من قرية ويروكيتين أكثر قوة كما ذكرت سامية حق Samia Huq بالاهتمام والتعبير عن الذات.

هناك أشكال مختلفة من المواقف التفاوضية السلفية في مجتمع ويروكيتين تجاه التنظيم لقانون الزواج وفقا للدولة، فهي أساسا تلبية لاحتياجات المجتمع السلفي نفسه ومصالحه، وتحديدًا لأغراض الحماية القانونية والاحتياجات الإدارية لتسجيل التعليم المدرسي للأطفال وضرورة الحصول على المساعدة الاجتماعية من الدولة وتسهيل الوصول إليها وخدمات صحية. بوجه عام، فإن قانون الزواج الذي يمارسه المجتمع السلفي ويروكيتين يقوم على الشريعة وفقا على المنهج السلفي. ففي بعض الأمور التي تم ذكرها يتضح أن هذا المجتمع السلفي يتماشى مع أنظمة الدولة فقط إذا كان هناك شيء لا يتوافق مع هذا المجتمع الذي يفضل

باتباع الشريعة وفقا للمنهج السلفي بدلا من قانون الدولة الذي اطلحت عليه الباحثة بتوافق إيديولوجي كبير، أي قرارات الالتزام بقواعد الدولة باعتبارها محددة محتواها الأيديولوجي. أما بالنسبة للأحزاب التي تشكل مفهوم المجتمع السلفي في ويروكرتين فيما يتعلق بقانون الزواج فقد ركز الكثيرون على دور الدعاة المهم من خلال المنتديات الدراسية كسفراء في نشر فهم المنهج السلفي بما في ذلك قانون الزواج بين الرجال والنساء في مجتمع ويروكرتين.

وفي المستوى النظري، تشجع نظرية جيدين للهيكلية الباحثة ليس فقط على التحليل لممارسة الزواج التي تؤدي إلى تغييرات في الفهم القانوني ولكن أيضا للكشف على أنماط الوكالة وتمكين النساء السلفيات. ومع ذلك هناك تداعيات نظرية لا مفر منها تظهر البيانات الميدانية ونتائج هذه الرسالة أن هناك نظريات داعمة أخرى تعزز نظرية ميك لود MacLeod عن "احتجاج أماكن الإقامة" نظرية جيدين Gidden في العلاقات بين الوكيل والبنية.

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## TRANSLITERATION

This work contains many non-English words in languages such as Indonesian, Javanese, and Arabic. I write non-English words in italics with the exception of words. Short explanations of non-English words are written inside square brackets [ ] and footnotes are used for longer and more detailed explanations. To write Arabic words, the transliteration system of the Library of Congress and the *International Journal of Middle Eastern Studies* has been used with slight variations.

ء=	ز= z	ف= f	
ب= b	س= s	ق= q	
ت= t	ش= sh	ك= k	
ث= th	ص= ṣ	ل= l	
ج= j	ض= ḍ	م= m	
ح= ḥ	ط= ṭ	ن= n	
خ= kh	ظ= ḏ	و= w	
د= d	ع= ʿ	ه= h	
ذ= dh	غ= gh	ي= y	
ر= r			
Short:	= a	= i	= u
Long:	ا= ā	ي= ī	و= ū
Diphthong:	اي= ay		او= aw

The *ta marbuta* (ة) is omitted unless it occurs within an *iḍāfa* in which case it is written “t”, such as *waḥdat al-wujūd*. Arabic words that have been incorporated into Indonesian, Javanese, and indicate certain events, names of institutions and persons, or are now part of the vocabulary of these languages, are written in their Indonesianized form, such as ‘*Ahli Hikmah*’ instead of ‘*Ahl al-Ḥikmah*’, ‘*Akhwat-Ikhwān*’ instead of ‘*Akhwāt-Ikhwān*’, and ‘*Sultan Hasanuddin*’ instead of ‘*Sulṭān Ḥasan al-Dīn*’.

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# CHAPTER I

## INTRODUCTION

### A. Background

Breaking through traffic jams at Fly Over Janti, Yogyakarta, I rode a motorcycle down the Blok O road to attend a Salafi couple's celebration. I was attending after receiving an invitation for a wedding on Monday, January 4, 2019, in the Adisucipto Hall building, from one of the Non-Civil Servant Extension Staff. Arriving at the location, I found the Adisucipto Hall building filled with hundreds of guests with striking appearances: long robes and veiled women. They were the guests of the Salafi couple Atiya and Bayu, a 21-year-old boy who chose to hold his wedding in a luxurious building. I chose to enter through a special door for the *akhwāt* because the other door was reserved specifically for *ihkwān*. I entered before the wedding procession began, at around 7 a.m. The building sound system sounded with a recitation of the Qur'an. Then, at 8.00 am, the *ijāb-qabūl* was held between the nasab guardian of the bride, Atiya, and the groom, Bayu, accompanied by their parents, close relatives and witnessed by the *KUA* (stands for *Kantor Urusan Agama* or translated as Office of Religious Affairs, henceforth referred to as the *KUA*), as the legal representation of marriage according to the state. The attendees also watched the procession through a large white screen (projector) with an *ikhwān* as the MC guiding guests through the whole event. During the wedding, no music, no singing, or any other entertainment was heard. However, that did not reduce the reverence of this wedding.

Bayu and Atiya's marriage began with the ta'aruf process. In ta'aruf, each candidate exchanges his or her Curriculum Vitae (CV), given through a mediator, such as an *ustādh*. If both candidates and their parents agree with the proposed partner, then they are allowed to meet face to face accompanied by their respective *mahrām*. This process usually does not take long; within only about two meetings, the candidates have made their decisions. Based on an agreement, they will arrange the wedding date and register the marriage by completing the marriage administrative requirements as determined by the *KUA*.

Interestingly, parents of Salafi couples who plan to marry do not have to be from Salafi circles. For Salafis, even if the guardian parents of the bride or groom are not Salafis, they are still very valuable and very important, because parents have the prerogative rights in the Salafi *manhaj*.<sup>1</sup> Likewise in Bayu's marriage, it was known that his parents did not follow the Salafis. However, his parents still gave him their blessing because it was very influential for the marriage moving forward. Parents are an important element in marriages among Salafis because, for them, the legitimate guardian in marriage is the nasab guardian. A legal guardian can be presented if there is no access at all to the nasab guardian. The legal guardian can be a Salaf *ustadh* who is the guardian of the community or the wedding officiant in the local area. The legal guardian, however, does not have to be from the Salafi community, but can also be a the *KUA* marriage registration employees.<sup>2</sup> However, this is uncommon as those who wish

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<sup>1</sup> Interview with *Ummu* Yahya (Aunt of Bayu) on 18 February 2019.

<sup>2</sup> Interview with Amin at the *KUA* Banguntapan on Sunday, 13 December 2018.

to marry will greatly seek the presence of their own nasab guardians as marriage guardians.

The couple are registered as Wirokerten villagers who are members of the Salafi Community and live with their own uniqueness. Members are not separated from the socio-cultural system of the community.<sup>3</sup> It is evident from their place of residence in one location, the tendency to be closed-off people, the way they dress, their kinship system, the women's position in the family and their consistent polarization of Javanese ways in line with their religious identity.<sup>4</sup> In addition, they present themselves in Middle Eastern-style clothing,<sup>5</sup> such as wearing a veil<sup>6</sup> and dressing in dark and baggy clothes for women, and lengthen beards and wearing pants that stop just above the ankles for men.<sup>7</sup>

Although their appearance is different from other residents, the state remains accommodative toward the legal practices carried out by the Salafi Wirokerten Community for the fulfillment of marital administration requirements. To that end, I raised four issues of Islamic

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<sup>3</sup> Kontjaraningrat, *Pengantar Antropologi*, (Jakarta: Universitas, 1965), pp. 77-78.

<sup>4</sup> M.C. Ricklefs, *Mengislamkan Jawa: Sejarah Islamisasi di Jawa dan Penentangannya dari 1930 sampai Sekarang*, (Jakarta: PT. Srambi Ilmu Semesta, 2013), pp. 43-57.

<sup>5</sup> According to MacLeod, the clothes a person wears are a symbol of who and with whom he/she chooses religious affiliation. See Arlene Elowe MacLeod, *Hegemonic Relations and Gender Resistance: The New Veiling as Accommodating Protest in Cairo*, *Signs*, Vol 17, No 3, (Spring, 1992), pp. 533-557.

<sup>6</sup> Yuyun analyzed the use of the *Niqab* among Salafi women as a symbol of their identity as well as Salafi women who played a part in demonstrating their strength by showing that their protests were not just talk. See Yuyun Yunisti, *Politic of Niqab: Salafi Women, Agency and Everyday Life*, *Dissertation: ICRS-UGM*, 2019.

<sup>7</sup> Ahmad Bunyan Wahib, *Being Pious among Indonesian Salafis*, *Al-Jāmi'ah*, Vol. 55, No. 1, 2017 M/1438 H, (Yogyakarta: UIN Sunan Kalijaga), p. 8.

family law practice, namely marriage registration, the minimum age of marriage, the marriage guardian and polygamy. These issues were raised to investigate the dynamics and contiguity between *manhaj* and state regulations. Marriage Law No. 1 of 1974, which regulates marital procedures for Indonesian citizens, does not distinguish between religion and beliefs of those who want to get married. More specifically, state regulation in the KHI in Indonesia (stands for *Kompilasi Hukum Islam* or translated as Compilation of Islamic Law in Indonesia, henceforth referred to as the *kompilasi*,- Presidential Instruction No. 1 of 1991 does not only apply to Indonesia mainstream religious organizations such as NU and Muhammadiyah, but also to minority religious organizations such as the Shia, Ahmadiyah, Indonesian Hizb ut-Tahrir, and the Tablighī Jamaat, including the Salafi Community.

For this reason, the Salafi Wirokerten Community realize that as citizens of Indonesia, they need to accommodate state law in their *manhaj*. They also support the Population Census program, provided they are served by women Census Officers. Furthermore, based on information from the Wirokerten Village Government, they also heeded the government's instructions to put up the national red and white flag. In regard to the participation of Salafi settlers in the Indonesian democratic system, they tend to be accommodative and cooperative. That is based on reports that show several members of the Glondong Village Salafi community registered to participate in the Presidential Elections on April 17, 2019.<sup>8</sup> And when inaugurating the new mosque, Al-Muhsinin, in block G,

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<sup>8</sup> Information from Head of Government section on Wednesday 6 December 2018.



they held a *daurah kubrah*, presented by a quite well-known senior lecturer, Ustadh Firanda Andirja Abidin, and also attended by the Head of Wirokerten Village.

As a new religious organization, formed after the fall of the new order regime and democracy began, this community was a breath of fresh air for Salafis in Indonesia and various other parties as it allowed them to voice their aspirations and interests,<sup>9</sup> especially the Muslim minority groups. Other minority groups that voiced their interests included the Shia, Ahmadiyah, HTI and the Tablighī Jamaat. Their small memberships place them as Muslim minorities in Indonesia. Referring to Kettani's definition, as Azzumardi Azra stated in the preface to the book *Minoritas Muslim di Dunia Dewasa Ini*,<sup>10</sup> simply put, a person or a group of Muslims is categorized as a minority because of their small number compared to other religious groups whose followers are much larger in number.<sup>11</sup> All the aforementioned minority groups show differences in appearance by wearing dark clothes and niqab and moreover, they want to restore the glory of Islam as in the days of *Salāf as-shālih* and *tābi'at-tābi'in*.<sup>12</sup>

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<sup>9</sup>Amanda Kovaes, Saudi Arabia Exporting Salafi Education and Radicalizing Indonesia's Muslims, *German Institute of Global and Area Studies* (GIGA), GIGA Focus International Edition/English 7/2014, pp. 1-2.

<sup>10</sup> Azyumardi Azra, Preface on Muslim Minority Discourse within M. Ali Kettani, *Minoritas Muslim di Dunia Dewasa ini*, Zarkowi Soejoeti, (terj), (Jakarta: Raja Grafindo Persada, tt), p. xx.

<sup>11</sup> *Ibid.* Webster's Seventh New Collagiate Dictionary, as quoted by Kettani in his book, defines "minority" as part of a population that has several different characteristics and is often treated differently. See M. Ali Kettani, *Minoritas Muslim di Dunia Dewasa ini*, Zarkowi Soejoeti, (tran.), (Jakarta: Raja Grafindo Persada, tt), p. 1.

<sup>12</sup> Henri Lauziere, The Construction of Salafiyya: Reconsidering Salafism From The Perspective Of Conceptual History, *International Journal of Middle East Studies*, Vol. 42, No. 3 (August 2010), p. 373.

Although their *dakwah* has spread to all corners of the country<sup>13</sup> and crossed cultural boundaries,<sup>14</sup> it is not impossible that divisions will occur, as happened in the Salafi *dakwah* in Yogyakarta. It is common knowledge that a split occurred between Ja'far Umar Thalib and Abu Nida, who were originally united in a forum for *dakwah* at the *pesantren Ihyā as-Sunnah* Degolan, due to differences in views about *Surūriyah*.<sup>15</sup> As a result, two major Salafi poles emerged, namely the Degolan school of thought under the leadership of Ja'far Umar Thalib and the Salafi school of thought under Abu Nida in Bantul region. Subsequently, Ja'far established FKAWJ to launch jihad in Maluku,<sup>16</sup> while Abu Nida preferred to establish the Majlis *Ihyā 'al-Turāts al-Islāmi* foundation to expand his influence. In January 1994 and under his organization, Abu Nida opened an Islamic village in Wirokerten, Bantul. The idea was to

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<sup>13</sup>Recently Salafi has expanded their *dakwah* to Papua. Source: <https://www.nu.or.id/post/read/84411/di-papua-pesantren-ala-salafi-wahabi-semakin-menjamur> Accessed 25 April 2020.

<sup>14</sup> For details, see Krismono, *Ekonomi-Politik Salafisme di Pedesaan Jawa*, (Yogyakarta: Pascasarjana UIN Sunan Kalijaga, 2015).

<sup>15</sup> *Surūriyah* is derived from the word *sururi* which means adherents of Bin Surur's views, a Salafi figure who was condemned by prominent Salafi authorities associated with Bin Baz as a supporter of the *takkir* teachings developed by Qutb. As a result, he was expelled from Saudi Arabia. See Noorhaidi Hasan, *Salafism in Indonesia: Transnational Islam, Violent Activism, and Cultural Resistance*. Accessed <https://umj.ac.id/wp-content/uploads/2017/06/Salafism-in-Indonesia-Noorhaidi-Hasan.pdf>, accessed 10 January 2019).

<sup>16</sup> On April 26, 2000, 111 Laskar Jihad fighters left the Port of Tanjung Perak, Surabaya. Four days later they arrived in Ambon. Their arrival was followed by the presence of hundreds of more volunteer fighters who left for Ambon from the Port of Tanjung Perak in Surabaya and the Port of Tanjung Priok in Jakarta. By July 2000, Laskar Jihad had deployed nearly three thousand fighters at a number of command posts on the island of Ambon. The total number of Laskar Jihad fighters leaving for the Maluku Islands reached around seven thousand. All this was thanks to the Supreme Commander, Thalib, who played his role as the main character of this drama perfectly. For details, see Noorhaidi, *Specialy Chapter VI Drama Jihad di Maluku*, (Jakarta: LP3ES and KITLV, 2008), pp. 274-321.

emulate the Islamic village in Kuala Lumpur.<sup>17</sup> Thus, the Salafi Wirokerten has become important study material, because it is one of the major poles of the Salafi *dakwah* in Yogyakarta region. In the middle of this modest village amosque named Jamilurrahman was built. Abu Nida and other teachers live in a group of five or six houses around the mosque. All pesantren activities are centered at the mosque; however, there have never been many students — at most 50 people. Students are taught to read classical and modern Islamic texts, especially those containing Wahhabi teachings, and the Salafi ways of life.<sup>18</sup>

That modest village has changed and developed rapidly. This is the background of what sparked interest to conduct studies in the Wirokerten Salafi region— a region that has unique characteristics and contains the housing complexes of the Salafi community. These complexes differ from the Bin Baz Islamic Center complex which is specifically arranged as a center for religious education, and thus the majority of its inhabitants are students studying religious knowledge, especially Salafi *manhaj*. The subject of this study consists of the family group of the Wirokerten Salafi Community which is in line with the study of formal state law in terms of marriage law practices in Indonesia.

This research focuses on the accommodation of state law, especially in the practice of Islamic family law, before the Salafi *manhaj* which they believe. In its definition, Salafi is a spirit to restore the teachings of Islam as it was during the heyday of Islam (*salāf as-shālih and tābi 'at-*

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<sup>17</sup> Noorhaidi, *Laskar Jihad, Islam, Militansi, dan Pencarian Identitas di Indonesia Pasca Orde-Baru*, pp. 71-72.

<sup>18</sup> Abu Nida went on to establish the Bin Baz Islamic Center, an organization that encompasses Bin Baz Kindergarten, Bin Baz Elementary School, and Bin Baz Junior High School, located in Karang Gayam, Sitimulyo, Pinyungan, Bantul, Yogyakarta.

*tābi'in*), based on the reason that the various practices of Muslim worship today are impure, in the sense that they have been mixed with local traditions and cultures<sup>19</sup> which lack proof of being derived from the Qur'an and the Hadith. In addition, the Salafi want to restore the mission of Islamic teachings of the heyday of Islam. The study on the practices of Salafi family law is important, given the spirit of referring to the teachings of the Qur'an and the Hadith when choosing a mate, performing polygamous marriages and regulating the role of the wife in carrying out daily responsibilities. Furthermore, the increased accommodation of state law in Salafi *dakwah* also forms the background of this study. This accommodation further strengthens relations with the Salafi *manhaj* itself. Their characteristics have been changed by aspects of family law regulations, so how they maintain their identity as devout Salafi needs to be seen.

The Salafi discourse<sup>20</sup> has been getting more and more intense especially after the bombing of the WTC building on 9/11/2001. Various studies have been carried out by researchers both from within<sup>21</sup> and outside the country.<sup>22</sup>

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<sup>19</sup> Abdol hamid Afrakhtch, Political Thought of Salafism and Its Historical Roots, *Jurnal UMP Social Sciences and Technology Management*, Vol. 3, Issue. 3, 2015, p. 431.

<sup>20</sup> The use of the word Salaf and Salafi in the Indonesian context has two different meanings. Salaf shows pesantren education which has the character of Nahdlatul Ulama. The Salafis refer to a purification movement that invites Muslims to return to the Quran and the Hadith.

<sup>21</sup> See Noorhaidi Hasan, *Laskar Jihad: Islam, Militancy and the Quest for Identity in Post-New Order Indonesia*; Ahmad Bunyan Wahib, *Pengorganisasian Dakwah Aktivistis Islam di Indonesia*, Dissertation: Universiti Kebangsaan Malaysia, 2008; Inayah Rohmaniyah, *Women Strategizing Salafi Islam A Case Study Of PPMWI*, Dissertation: ICRS-UGM, 2013; Sunarwoto, *Contesting religious authority: A study on Dakwah Radio in Surakarta, Indonesia*, Dissertation: Tirburg University, 2015.

The themes related to the meaning of individual identity (motivation) to the macro scale as a movement have been widely studied. Among researchers who have conducted research on the Salafi community, specifically on family law, is Anabel Inge in 2017.<sup>23</sup> It has been stated that Salafi women in the UK do not oppose patriarchy but instead, "submit and accept"<sup>24</sup> the tradition. Furthermore, Inge stated that Salafi women who were involved in her research had internalized the doctrine that encouraged them to get married as soon as possible. The environment which institutionalizes the separation of men and women is not the main reason for Salafi groups not to engage in early-age marriage.<sup>25</sup> Through the doctrine of not dating but doing *ta'aruf*, Salafi groups decide who will be chosen as a couple after meeting at least twice.

Another study conducted by Eva F. Nisa in 2011 in Yogyakarta argued that the decision of veiled women to get married as soon as possible is driven by the concerns of parents and the veiled women themselves. This concern

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<sup>22</sup> Roel Meijer, ed., *Global Salafism: Islam's New Religious Movement* (UK: C. Hurt & CoPublisher, 2009; Henri Lauziere, *The Making of Salafism; Islamic Reform In the Twentieth Century* (New York : Columbia University Press, 2016).

<sup>23</sup> Anabel Inge, *The Making of Salafi Muslim Women: Path to Conversation* (USA: Oxford University Press, 2017).

<sup>24</sup> Martin Riesebrodt, Fundamentalism and the Resurgence of Religion, *Religion in the Disenchanted World*, vol. 47, no. 3 (2000); Cf. Martin E. Marty, The Future of World Fundamentalisms, *Proceedings of the American Philosophical Society*, vol. 142, no. 3 (1998); Martin E Marty and R. Scott Appleby (eds.) *Fundamentalisms and Society: Reclaiming the Sciences, the Family and Education*, (Chicago: University of Chicago Press, 1993), p. 142.

<sup>25</sup> *Ta'aruf* actually means knowing each other. But this word takes on a greater meaning according to the surrounding context. In Salafi, the word *ta'aruf* describes an initial process of meeting between men and women for the purpose of marriage. The *ta'aruf* process can be carried out by involving third parties as intermediaries. Salafi women who are ready to get married are usually facilitated by an ustadh/ustadhah to find a suitable partner.

arises from several reasons, namely: 1) for veiled women, their outward appearance only attracts a very limited segment, namely Muslim men who mostly come from the same religious background; 2) they do not want to violate the rules of Islam and so adopt a strict life of separation and prohibition of talking to men who are not their *mahrām* (unmarried brothers); and 3) they have high hopes that their future husband will guide them in their religious life.<sup>26</sup> These reasons of concern of the parents and veiled women (Salafis) are reasonable. The conditions show limited space for finding a member of the opposite sex interested in becoming a partner of a Salafi woman.

Research has also been conducted by Siti Tarawiyah in South Kalimantan. She observed the lives of Salafi women in South Kalimantan, especially their positions and roles in the family and social environment. These women became acquainted with Salafism, got involved, and then fought to defend Salafi ideology, which is puritanical, asocial and typical Arabism, amid pessimism from the South Kalimantan society. This included how they handled conflict they encountered with extended family, dilemmas in pursuing their careers, and conflict at work. Tarawiyah also showed the efforts of these Salafi women to reconcile the conflicts while simultaneously building social relationships in their surroundings. All this was done while trying to maintain the purified ideology they believe to be true, behind the burqa and the cloak covering their bodies.<sup>27</sup>

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<sup>26</sup> Eva F. Nisa, Marriage and Divorce for the Sake of Religion: The Marital Life of *Cadari* in Indonesia, *Asian Journal of Social Science* 39 (2011), pp. 797–820.

<sup>27</sup> Siti Tarawiyah, *Perkembangan dan Tantangan Sosial Kehidupan Perempuan Salafi di Kalimantan Selatan*, *Jurnal Lektur Keagamaan*, Vol. 15, No. 1, 2017: pp. 470-492.

In the Wirokerten Salafi circles, I found a different reality from previous studies. One striking observation was that the educators (*ustādh / ustādha*) in the Pesantren of Salafi Wirokerten environment actually encourage Salafi female members (aged over 17 years) to continue their education to a higher level. Educational facilities, curriculum, teaching staff and higher education facilities and infrastructure were all prepared to facilitate Salafi members who wished to continue to study.

In addition, I also found that members of the Wirokerten Salafi community were very cooperative in fulfilling the administrative requirements for proof of marriage legality. This concerns issues of marriage registration at the Office of Religious Affairs and various administrative requirements that must be completed by Indonesian Citizens. This cooperation was also observed in cases of couples engaging in polygamous marriages. Men (husbands) who deciding to have polygamous marriages appear not to be reluctant to record their marriage wishes at the village office and register their marriages to the *KUA*. This shows that religious movements with Salafi teachings wanting to restore the purity of Islamic teachings based on the Qur'an and Hadith do not clash with various regulations established by the government.

As for partner selection, Salafi women are committed to prioritizing male partners who are Salafis. However, this way of thinking does not apply to the concept of guardians. The status *nasab* guardian (father/brother/uncle or the closest male family member) will not be rejected even if the guardian is not a Salafi himself. The Salafi do appoint a guardian should the *nasab* guardian have difficulties being present and this is legally valid.

This study discusses 35 members of the Salafi *manhaj*, consisting of: 10 unmarried women living in female-only dormitories, 5 Salafi religious leaders, 5 Salafi women who are in non-polygamous marriages, 8 Salafi couples involved in polygamous marriages, and 7 government figures. The informants form the main source of information to explore the concepts of marriage, education, and women's agents. Respondent categories were selected by purposive sampling based on certain criteria.<sup>28</sup> Meanwhile, interviews were conducted in a semi-structured way and required active participants to obtain real data in the field.

The primary question is whether the marriage practices among Salafis is contradictory to the state rules. Furthermore, if they do contradict, which agency plays a role in perpetuating the rule of law and the *manhaj*. The Salafi women's agency is very instrumental in determining the empowerment of Salafi women through various forms of study activities, family economic empowerment and facilitation of families in the Wirokerten Salafi community. Family is very important because the family<sup>29</sup> is the

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<sup>28</sup> Howard S. Becker, *How to Think about Your Research While You're Doing It*, (Chicago and London: The University of Chicago Press, 1998).

<sup>29</sup> The family is defined as a small group of people who are bound in marriage and blood ties. Referring to Subekti, Euis Nurlaelawati drew the conclusion that family law is a set of laws that function to regulate relationships within internal family groups or a set of laws to regulate affairs arising from family ties. This can be seen in Euis Nurlaelawati's "Indonesian Family Law: Rules on And Practices of Marriage, Divorce, Parents-children Relationship, And Inheritance", International Conference on the Best Interest of the Child – Parenting after Divorce. As with ideology, the understanding of values and norms prevailed in society is formed through a process of practice. In this case, referring to Althusser's view, ideology is not an intellectual illusion but a process of practice carried out in everyday life. This practice is supported by and carried out for the "ideology of the state apparatus" by institutions such as schools, churches (religious institutions), legal systems, families, communication media, and political parties. John Lechte, "Louis Althusser" within George



smallest entity from the formation of a society order. For this reason, the values and norms that exist in the family also have a significant influence in shaping the ideal society. This ideal is not only built based on the values of kindness instilled by both parents in their children, but also based on family participation in obeying administrative regulations issued by the state, such as recording a marriage before the formation of order of new members in the family. As an Indonesian citizen, the beginning of the administrative obligation in building a family is to register the marriage in the government agency responsible for it, in this case, the *KUA*. For this reason, this research looks at the way Salafi doctrine is negotiated with legal reality in Indonesia and how this limits their freedom to apply Salafi doctrine.

## **B. Research Questions**

This research aims to answer the following questions:

1. How is marriage law practiced in the Salafi community in Wirokerten?
2. How are the Salafi teachings negotiated with Indonesian marriage law in Wirokerten?
3. Who has played an important role in shaping the Wirokerten Salafi Community's understanding of marital law and regulations?

## **C. Purpose of Research**

Based on the research questions described above, this study aims to:

1. Explain the practice of marriage law in the Salafi community in Wirokerten Village, Banguntapan

Subdistrict, Bantul Regency, Special Region of Yogyakarta.

2. Explore marriage law as it is understood by the Salafi community and its similarities with the government regulations. This includes an exploration of the differences and similarities of family law practices according to state rules through marriage law legislation and the rules of the Salafi community in Wirokerten Village, Banguntapan District, Bantul Regency, Special Region of Yogyakarta.
3. Find the sources and parties that have shaped the understanding of the Salafi community in Wirokerten Village, Banguntapan Subdistrict, Bantul Regency, Special Region of Yogyakarta regarding marital practices and law (explain the factors that influence marital practices).

#### **D. Significance of Research**

This research has academic and practical uses. Academically, this research will provide an additional treasury of themes related to the dynamics of the Salafi Muslim Community in Indonesia in general and in the Special Region of Yogyakarta, specifically in Wirokerten Village, Banguntapan District, Bantul Regency. In addition, this research will broaden the discourse regarding the relationship between the government (represented by the *KUA*) and various religious communities, especially Salafis.

Practically, this research is expected to provide the following benefits:

1. This research will contribute to the reality of marriage law in religious communities in Indonesia, especially in the perspective of the Salafi community.

2. This research is expected to add to the scientific treasury of understanding transnational Islamic movements, such as the Salafis in Indonesia. At present, the spread and development of Salafi are significant enough for it to have entered villages in Indonesia and at the same time broken through the boundaries of Indonesian tradition and culture, especially in terms of understanding and practicing marriage law.
3. For the Muslim community in general, this research is expected to provide enlightenment and a description of the development of transnational Islamic movements with various success factors, such as acceptance from the Muslim community and background of Salafism in Indonesia.
4. This research will contribute to agency portrayals and negotiations with government law according to the religious community, especially the Salafi community.
5. This research is expected to increase the understanding of empowerment of women and the younger generations carried out by religious communities (Salafis) through increases in resources for women to continue their studies to higher education.
6. This research will provide a new perspective for the government on acceptance of marriage law according to a religious community, in this case, the Salafis.
7. This research will assist the government in imposing state rules, such as Fatwa institutions, Regional Regulations, Presidential Instruction, the *kompilasi* and Marriage Laws, related to marriage regulations in religious communities. It is possible to make an

innovative program in which various government regulations that do not infringe on the believed ideology are socialized.

### E. Literature Review

Literature review was carried out on previous research that has touched on themes raised in this Salafi study. This review was divided into three categories: 1) research on Salafi in general; 2) studies related to the legal issues of Islamic families, especially minorities; and 3) special studies related to the community Salafi Wirokerten.

For the first category, Salafi in general, a complete study of Salafis and their distribution in various countries can be found in the book of *Global Salafism; Islam's New Religious Movement*.<sup>30</sup> This book is the result of a conference held on 27-30 September 2007 in Nijmegen, The Netherlands. The issues discussed in this work emphasize Islamic dialogue with local culture and global realities in Salafi discourse. This book states that Salafis believe they are a category of saved groups (*al-firqah al-nājiyah*) and a winning sect (*al-ta'ifa al-mansūra*) that will reach heaven.

Henri Lauziere<sup>31</sup> a researcher with a background in history, has attempted to trace Salafi history. According to him, Salafi is a term that continues to be dynamic and is contested as a term and a movement. Henri built a chronology of Salafi history in a transnational network starting with the network of Taqi al-Din al-Hilali (1894–1987), a Moroccan Salafi who traveled from Rabat to

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<sup>30</sup> Roel Meijer, ed., *Global Salafism: Islam's New Religious Movement*, (UK: C.Hurt & CoPublisher, 2009).

<sup>31</sup> Henri Lauziere, *The Making of Salafism; Islamic Reform In the Twentieth century* (New York: Columbia University Press, 2016).

Mecca, and from Calcutta to Berlin. In Henri's record, al-Hilali interacted with prominent Salafi scholars and activists who eventually abandoned Islamic modernism for a purer approach to Islam. In addition, Henri shattered the claim of monopoly on religious truth by the Salafis who often face theological and legal conflicts with fellow Muslims.

Two works have been written by Noorhaidi Hasan, the first of which was published in a book edited by Roel Meijer entitled “*Ambivalent Doctrines and Conflicts in The Salafi Movement in Indonesia*”.<sup>32</sup> In this article, Noorhaidi made a crucial observation that salafi ideology as a Transnational Islamic movement has a non-monolithic nature. In addition, the application of *Salafi* teachings experiences ambiguity in doctrines especially when it is applied to the Indonesian context. Conflicts among the Salafi elites, as in the case of the jihad fatwa in Maluku, are evidence of the ambivalence of its doctrines. Noorhaidi also highlighted the role of Saudi Arabia in encouraging the spread of Salafism, mainly in Indonesia. Saudi Arabia provides learning opportunities for Indonesian students at top universities in Saudi Arabia especially those with Salafi *manhaj*. After returning to Indonesia, some of their alumni then became agents of Salafi distribution in Indonesia. In his other work, his dissertation, Noorhaidi gave a more detailed explanation of the Salafi movement which was translated into Indonesian; *Laskar Jihad, Islam, Militansi dan Pencarian Identitas di Indonesia Pasca Orde Baru*<sup>33</sup> In

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<sup>32</sup> Noorhaidi Hasan, *Ambivalent Doctrines and Conflicts in The Salafi Movement in Indonesia*, in Roel Meijer, ed., *Global Salafism:.....*, pp. 169-187.

<sup>33</sup> Noorhaidi Hasan, *Laskar Jihad, Islam, Militansi dan Pencarian Identitas di Indonesia Pasca Orde-baru* [Laskar Jihad, Islam, Militancy and

his book, Noorhaidi explains the roots of the Salafi movement that has transcended cultural boundaries in Indonesia. The spread is marked by strong financial support from Saudi Arabia such that the Salafis have rapidly reached almost all corners of Indonesia. Historically, the teachings of Salafism began to develop in Indonesia in the second half of the 1980s. This is evident from the symbolic appearance of Salafi members; young men with long beards (*lihya*), Arabic-style robes (*jalabiyya*), *turban* (*imāma*), and trousers stopping above the ankles (*isbāl*) and women wearing black clothes and veil (*niqab*) in public places. Ultimately, this movement was able to take advantage of political opportunities after the fall of Soeharto, with mass mobilization actions in the form of the Laskar Jihad group under the Forum Komunikasi Ahlusunnah wa Al-Jamaah (FKAWJ–Ahlusunnah wa Al-Jamaah Communication Forum). The mission on behalf of the jihad in Maluku was led by a Salafi leader, Ja'far Umar Thalib. In a relatively short period of time, the Salafi *dakwah* has received good sympathy and responses from the Indonesian Muslim communities in various regions with various different backgrounds.

In addition, a dissertation written by Din Wahid entitled *Nurturing the Salafi Manhaj; A Study of Salafi Pesantrens in Contemporary Indonesia*<sup>34</sup> highlights the other side of Salafism in terms of the role played by the *Salafi* pesantren in *dakwah* in Indonesia. In the research, Wahid explained that Salafi pesantrens not only taught their students about Salafism, but also made them

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The Search for Identity in Post-New Order Indonesia]. (Translation) Hairus Salim, (Jakarta: Pustaka LP3ES, 2008).

<sup>34</sup> Din Wahid, *Nurturing the Salafi Manhaj; A Study of Salafi Pesantrens in Contemporary Indonesia*, Dissertation, Utrecht University, 2014.

accustomed to practicing Salafi *manhaj* in their daily lives. He explained that the initial phase of the movement's development experienced significant obstacles from the local community mainly because of the doctrine taught and the behavior of its followers who seemed arrogant and exclusive in their social interactions. But in the next phase, the local community became more familiar with the presence of the Salafi pesantren. They also emphasized that the Salafi pesantren played an important role in the spread of Salafism by organizing various Salafi teaching centers in mosques, campuses and through radio and television channels.

One other study discusses more deeply the *Construction of Salafism in online fatwas contained in two sites: Islam-Online and Fatwa-Online*.<sup>35</sup> The focus of this research was how the reality of Salafism (Salafi-Wahhabi with a conservative-puritan character and Salafi modernist with a reformist character) is depicted in cyber fatwas such as on Islam-Online and Fatwa-Online websites. Furthermore, this research focused on the links among language, symbols used, and actors. Rusli concluded that the construction of Salafism on Fatwa-Online and Islam-Online sites is relatively different. These differences include the ideological roots, approaches and language used in understanding fatwa issues.

Chozin<sup>36</sup> has said that specifically mapped out strategies and mechanisms in conveying the messages of Salafi teachings to Muslims in Indonesia were used on those who did not understand the teachings. The most

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<sup>35</sup> Rusli, *Konstruksi Salafi dalam Fatwa Online* [Salafi Construction in Fatwa Online] (Yogyakarta: Penerbit Maghza Books, 2015).

<sup>36</sup> Muhammad Ali Chozin, *Strategi Dakwah Salafi di Indonesia* [Salafi Dakwah Strategy in Indonesia], *Jurnal Dakwah*, Vol. XIV, No. 1, 2013.

popular methods used are known as the *daurah*<sup>37</sup> and *halāqah*<sup>38</sup> methods. The two methods then resulted in formal and non-formal educational institutions, radio stations, monthly magazines, book publishers, social networks and others.

In addition, another work that also has a focus on Salafi research is a thesis by Krismono<sup>39</sup> entitled; *Ekonomi-Politik Salafisme di Pedesaan Jawa (Studi Kasus di Desa Kepakisan, Kecamatan Batur, Kabupaten Banjarnegara, Jawa Tengah)*.<sup>40</sup> This research highlights the failure of the Salafi group to maintain its power after successfully bringing cultural Islamic followers into the circle of Salafi groups. The disappearance of Salafi figures caused the golden age of the Salafis to fade away. Additionally, some parties felt threatened by the existence of Salafis which resulted in friction that further led to conflict. The result of this study then mentions that Salafi, as a contemporary religious movement, has been trying to cement its existence through identity negotiations. They negotiate their identity in the form of meaningful symbolic expressions. One such expression is the construction of housing or an enclave that has an imagined boundary between them and the non-Salafi communities as the environment outside themselves is considered to be dirty, polluted, immoral and evil. This

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<sup>37</sup> *Daurah* usually refers to activities that involve many participants such as training activities, seminars, studies, or workshops. Furthermore, *Daurah* broadens the mindset on a problem or strengthens certain skills which are needed to support da'wah activities. Accessed in <http://yru.or.id/mari-mengenal-lebih-dalam-mengenai-halaqoh/> on 13 August 2019.

<sup>38</sup> *Halāqah* literally means circular. In this context, *halāqah* describes a learning-teaching activity where students circle the teacher.

<sup>39</sup> Krismono, *Ekonomi-Politik Salafisme di Pedesaan Jawa* [Political Economy of Salafism in Rural Java], Yogyakarta: Thesis Post-graduate UIN Sunan Kalijaga Yogyakarta, 2015.

<sup>40</sup> *Ibid.*



research also included a discussion on the Salafi community's response to government regulations, such as those on policies for family planning. The Salafi community has shown, in this study, to generally obey government policy, unless the policy is not in line with Salafi teachings, such as the policy regulating the number of children through family planning.

In the second category are the studies of the related themes of this research - marriage and the various sub-themes around marriage, such as marital arrangements, the implementation of a marriage procession with a set of legal and guardianship understandings, and practices of marriage at a young age and polygamy. Some of these themes were filtered to identify only those that concerned studies on Islamic organizations, both dominant and minority groups in Indonesia.

An article titled “*expanding the Indonesian Tarbiyah movement Through Ta’aruf and Marriage*”<sup>41</sup> by Suaidi Asyari and M. Husnul Abid, examines the social phenomena of the tarbiyah group extending its influence through aspects of its views on marital relations. The marriage relationship begins with *ta’aruf* which is believed to be having a broad influence on the process of islamization of society and the State with the formation of family units. Most importantly, this group is against the concept of courtship which is currently a trend among adolescents. Furthermore, this study provides information on the importance of family Islamization, especially through marital relations. In the author’s view, if the family unit were to become Islamic, then the community and the

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<sup>41</sup> Suaidi Asyari and M Husnul Abid, *Expanding the Indonesian Tarbiyah Movement through Ta’aruf and marriage*, *Al-Jāmiyah: Journal of Islamic Studies*, Vol. 54, no. 2, 2016.

State would automatically follow it. Therefore, the family unit needs to be prepared as the foundation for an Islamic society and country.

Furthermore, the paper of Euis Nurlaelawati entitled *State Islamic Family Law: interpretation and debate on the basis of the kompilasi law among religious authorities and legal experts*<sup>42</sup> examines the reactions and criticism of the reformation aspects introduced in the *kompilasi* that have arisen among Indonesian people, the ulama (members of specific Islamic organizations), law enforcers and experts. Furthermore, this paper explores the legal foundations that form the background for the idea of changing the family law system. This research employed a social historical approach, which in essence confirmed that the renewal of Islamic law has not been fully accepted by the Muslim Community in general. Additionally, the research also confirmed that the Islamic legal basis for renewal of the family law is in fact inadequate and showing debate or clashes between fiqh and Qur'anic references and Islamic law and customary law. Moreover, this paper showed that the renewal, which claims to be carried out in accordance with the development and needs of the community, cannot be separated from criticism from various parties, especially the ulama, who actively voice their support for the community's needs.

The next research of this literature review was conducted by Tsaniyatul Azizah for her Master degree thesis entitled *"Perkawinan Ahmadiyah (Studi Sejarah Hukum Rishranata: Lembaga Perjudohan Internal Jemaat*

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<sup>42</sup> Euis Nurlaelawati, *Hukum Keluarga Islam ala Negara: Penafsiran dan Debat atas Dasar Hukum Kompilasi Hukum Islam di Kalangan Otoritas Agama dan Ahli Hukum*, *Asy-Syir'ah Jurnal Ilmu Syari'ah dan Hukum*, Vol. 50, No. 1, Juni 2016.

*Ahmadiyah Indonesia di Yogyakarta*<sup>43</sup>. Basically, this research looks more at the study of the legal history of the *Rishtanata* agency. The results mention the existence of three phases of development, namely the introduction, evaluation and enforcement phases. The social factor was identified as an important factor of agency development. This entails flexibility in giving sanctions to *jamaat* (congregants) who do not marry fellow Ahmadis. JAI's spread out residential setting is allegedly a factor of their open-mindedness. Politically, it is important for JAI to maintain its identity so that there is a need for institutions that accommodate or facilitate matchmaking needs for young people. Economic factors also drive this as contributions from the congregants turns matchmaking among JAI members into an alternative source for maintaining financial resources. Marriage with non-Ahmadis is feared to lead to conflict within the family because of the prohibition of monetary contributions or *candah*. In addition, there is an interesting point in this study about how the *Rishtanata* matchmaking agency of the *Ahmadiyah Jamaat* facilitates the selection of marriage mates both locally and abroad. The detailed stages of an arranged marriage are arranged by the agency and violators (those married to Non-Ahmadis) will receive administrative and social sanctions. In regard to the pillars and requirements of marriage, JAI has the same regulations as the law of Indonesia. The pillars of marriage are the bride

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<sup>43</sup> Tsaniyatul Azizah, *Perkawinan Ahmadiyah (Studi Sejarah Hukum Rishtanata: Lembaga Perjudohan Internal Jemaat Ahmadiyah Indonesia di Yogyakarta [Marriage of Ahmadiyah (Study on Legal History of Rishtanata: Internal Matchmaking Agency of the Indonesian Jemaat Ahmadiyah in Yogyakarta)]*, Yogyakarta: *Thesis* Pascasarjana UIN Sunan Kalijaga.

and groom, the guardian, two male witnesses and the *ijāb-qabūl* (marriage contract). Marriage for women is considered invalid if it is carried out without the permission of the guardian. In terms of administrative fulfillment, JAI requires its members to register their marriages with the government as a form of allegiance to the state. In terms of marital procedures, JAI has its own rules for the following stages: (1) when applying, the male family visits the woman's side and conveys the intended purpose; (2) after receiving approval, a marriage contract is held; (3) Rukhstanah, the prayer of letting the bride be brought to her husband, is held; and (4) the walimah is held. This marriage process must involve the *muballigh* (preachers) or administrators of JAI.<sup>44</sup> This study portrayed the stages of marriage in the Ahmadiyah community considered as the valid requirements of marriage.

In the third category, Anabel Inge, who conducted a two-year anthropological study on Salafi Women in England, stated that women in salafism are not opposed to patriarchy but instead “submit to it or even embrace it.” In further support to that notion, Inge argues that the young women in the salafi group she encountered have internalized sorts of doctrines encouraging them to be in marriage as soon as possible.<sup>45</sup> The instituted environment in which sex segregation is the rule does not prevent them marrying early, as their doctrine allows them to decide on their spouse after only meeting him twice.

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<sup>44</sup> *Ibid.*

<sup>45</sup> Anabel Inge, *The Making of a Salafi Muslim Woman: Paths to Conversion* (New York: Oxford University Press, 2017), pp.179-80.

Eva F. Nisa<sup>46</sup> conducted research on Salafi women in Yogyakarta and Makassar found that the process of *ta'aruf* has become an effective medium to encourage marriage among women Salafi. She stated that *cadari* young women marry at a young age because of concerns of their parents. One of the concerns of parents is the women will have relationships with men that are without clear borders.

Ma'rifatul Wasitoh<sup>47</sup> has also conducted research at the Wirokerten Salafi Community which focused on the "Mother School" activity, initiated by the Wirokerten Salafi community as an effort to facilitate women. Mother School helps build quality mothers through the motto of a vision that reads; "*Ibu Muslimah Terampil Pasti Serba Bisa*". Through this education of mothers, it is then hoped that they have the ability to take care of themselves by maintaining cleanliness and balancing mental, physical and spiritual health. As for their roles in the family, mothers are equipped with knowledge about how to carry out the role of a wife, including knowing the rights of her husband, maintaining self-appearance, providing the best service and attention, having the ability to manage finances, and cooking in times of urgency. In addition, a woman is equipped with the ability to educate children by paying attention to their growth and development in an Islamic manner, paying attention to the physical condition of the child and making their home as the first school of the child.

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<sup>46</sup>Eva F. Nisa, Marriage and Divorce for the Sake of Religion: The Marital Life of *Cadari* in Indonesia, *Asian Journal of Social Science* 39 (2011), pp. 797–820.

<sup>47</sup>Ma'rifatul Wasitoh, Sekolah Ibu: Mendidik Ibu Bisa Menjadi Serba Bisa [Mother School: Educating Mothers to be Multi-talented] (Ummu Muhammad School Study in Wirokerten Village, Banguntapan, Bantul DIY), Yogyakarta: Thesis Islamic Religious Studies Program, Postgraduate of UIN Sunan Kalijaga, 2017.

The role of a mother in society is to create a generation, practice knowledge and establish *silāt ar-rahīm* (goodness to relatives).<sup>48</sup> This study outlined the ideal role construction of a mother or woman according to the Wirokerten Salafi community.

The last study of the literature review was conducted by Ahmad Bunyan Wahib and titles *Engagement patterns and Disengagement of Pesantren Jamilurrahman with society*.<sup>49</sup> This study showed that the pattern of social relations within a community that is typical of this radical puritan group, are those of a group closing itself off from the outside world. So they can not escape at all from the wider community. They have created a mechanism and an engagement pattern (attachment and alignity) of the Pesantren community with the outside community. In the study, two engagement and disengagement patterns were observed. The Disengagement pattern developed by the Salafi group of Pesantren Jamilurrahman Sawo Wirokerten with the community is a pattern of physical identity, ideology, different religious rituals, location and system of Pesantren. Meanwhile, the engagement pattern consists of economic activities, education and charity, and village administration. This research is very close to social, economic and religious rituals touched on in various studies, but there is no related research on the theme “The legal practice of family issues within Salafi Wirokerten community”.

Issues of marriage registration, polygamy, quardianship, underage marriage and marriage to the Salafi

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<sup>48</sup> *Ibid.*

<sup>49</sup> Ahmad Bunyan Wahib, *Engagement Pattern and Disengagement of Pesantren Jamilurrahman with Society*, (Yogyakarta: Laporan Penelitian, n.d).

community are marriage practice issues that not only relate to the public in general but also connect with Salafi *manhaj* and the untouchable state regulations mentioned by previous researchers who focused only on spreading *dakwah*, ideology and political economy Salafi with all variations in parts of the world including Indonesia especially Wirokerten. Based on the literature review, the aims of this research were designed to examine the themes related to marriage practices in more depth.

## **F. Theoretical Framework**

This dissertation employs structure and the Agent theory Giddens for analyzing balance between structure and agent in shaping social reality in society. For Giddens the social reality formed in society stems from repetitive social practices that are recursive. The definition of recursive, according to Giddens, is a form of individual involvement as an actor. This perception views the involvement of Salafi women as necessary as actors to form a shared consciousness and to be part of the community and part of the state. This is supported by Empowerment Theory Huq and Macleod's Accommodating Protest theory which analyze women's 'unusual form of struggles' in their everyday lives and how there is stored strength to resist the dominations that seek to control their lives. Some key concepts used in this perspective will be explained in more detail.

### **1. Agent's Power of Action**

Anthony Giddens is one of the social science leaders who presents a perspective on balance between structure and agency in shaping social reality in society. By being an actor or practitioner, one simultaneously also forms

individual consciousnesses as part of the structure. Both consciousness and structure continue to be reproduced through practice, and both affect reality or social practice<sup>50</sup> by individuals so as to form a behavior commonly encountered in a community or society. The Salafi community has shown that through agents it can create an understanding of state law in accordance with its own restraints because it is already in the subconscious. The position of an individual in a structure, according to Giddens, is not only as a social actor, but as an agent who creates the world according to his own understanding.

Therefore, individuals are viewed by Giddens as agents who have a lot of knowledge and can perform calculations of knowledgeable actions.<sup>51</sup> Giddens has also highlighted the perpetrator's three internal dimensions, namely unconscious motives, practical consciousness, and discursive consciousness. Practical reality concerns the desire or need to potentially directly act, but the focus is not on action itself. In the context of Salafi wirokerten, they registered their marriage to the *KUA*, as a representation of state law, of their own free will, because of the desire to do the right thing by the family and to make evident their obedience to that state.

As for the unconscious motivation, this is a form of discursive consciousness that refers to a person's capacity to reflect and provide a detailed and explicit explanation of the actions taken. This means that every action has a specific reason. Practical consciousness

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<sup>50</sup> Michael Ryan, Agency-Structure Integration, in George Ritzer, ed., *Encyclopedia of Social Theory*, (Sage Publication, 2005), p. 5.

<sup>51</sup> John B Thompson, The Theory of Structuration in David Held and John B Thompson, ed., *Social Theory of Modern Societies: Anthony Giddens and His Critics* (USA: Cambridge University Press, 1989), p. 58.



refers to a knowledge cluster that cannot always be parsed.<sup>52</sup> Furthermore, from a structural point of view, Giddens' study is predisposed to a strategic behavior that arises from a legitimate, coordinated and normative order by positioning rights as the source of prevailing norms in society. From a strategic point of view, the behavior conducted by individuals in society as agents shows the realization of claims (based on applicable rights and obligations) that can determine the successful mobilization of other actors. Mobility is a form of response from members of the community<sup>53</sup> so it may support perpetuation or may lead to the loss of even existing structures.

The various actions or actions performed by individuals begin with the absence of recognition of what was done. The actions can be divided into three stages: motivation, rationalization and reflection. There is then the habit of doing something by subconsciously.<sup>54</sup> In Bourdieu language this is called Habituation<sup>55</sup> and it is done continuously by Salafi who follow and obey government rules while exhibiting habituation as Salafi by following the orders of Salafi in

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<sup>52</sup>See, Anthony Giddens, *Central Problem in Social Theory*, (Berkeley & Los Angeles: University of California Press, 1997), p. 53; also B. Herry Priyono, *Anthony Giddens: Suatu Pengantar*, (Jakarta: Kepustakaan Populer Gramedia, 2002), p. 28-31; In Abdul Firman Ashaf, Pola Relasi Media, Negara, Dan Masyarakat: Teori Strukturasi Anthony Giddens Sebagai Alternatif, *Jurnal Sosiohumaniora*, Vol. 8, No. 2, Juli 2006 : 205 – 218, p. 212.

<sup>53</sup> John Holmwood, Contemporary Sociological Theory: Post-Parsonian Developments in Bryan S. Turner, ed., *The New Blackwell Companion to Social Theory*, (Blackwell Publishing Ltd, 2009), p. 47.

<sup>54</sup> John B Thompson, The Theory of Structuration in David Held and John B Thompson, ed., *Social Theory of Modern Societies: Anthony Giddens and His Critics* (USA: Cambridge University Press, 1989), p. 59.

<sup>55</sup>Pierre Bourdieu, *In Other Words: Essays Towards a Reflexive Sociology*, (Cambridge: Polity Press, 1990), p.31.

line with state rules. Motivation is the desire to get something; furthermore, the desire to pursue that something through rational means. From rationality, one begins to perform reflective actions as a habit. In the habitual stage a person no longer has the awareness that he or she is doing something: it is as if the action is carried out by itself. This process can be seen in the following image:



**Figure 01:** Source: Photographed by John B Thompson (1989).

The model of large structures that cannot be separated from an individual's life as an agent is what is called globalization.<sup>56</sup> By expanding the definition of globalization, it can be understood that the process of disseminating certain religions or religious understanding is one form of the process of globalization. Certain religions or religious understandings will face various forms of challenges in the system of globalization, including if faced with a legal system in a state. This analogy can be observed in the spread of Salafi understanding in Wirokerten which has experienced globalization from the clump of countries of origin, namely the Middle East peninsula, thus facing various dynamics of legal adjustment

<sup>56</sup> Steven Loyal, *The sociology of Anthony Giddens*, (USA: Pluto Press, 2003), p. 115.

including the law of marriage when arriving in a second country such as Indonesia. Moreover, Indonesia is not a country that uses the principles of Islamic sharia so various forms of adjustment between marriage law according to the Salafi Wirokerten community and marriage law according to the Indonesian government is inevitable.

Then in the challenge of globalization, certain religious understandings undergo modernization (to show the novelty of the time-vulnerable). This modernization in the perspective of social relations contributes to pure relationship purity, engagement, commitment and demands for intimacy.<sup>57</sup> When viewed from the tendency of social relations in modernization through these four points, then the social interaction that exists in the community will be very tied to the identity of a particular community group. This concept of pure relationship, if it is taken in sociological terms, will form an early foundation of self-identification that individuals do in a particular group. With a note there is a consideration process that individuals must first think about before combining. After the merger process occurs, the demands to engage at the selected concentration must be made. Along with self-engagement, commitment to the rules, values and norms that have been agreed upon in a particular community must be carried out by its members.

## **2. Citizenship and Accommodation**

The concept of citizenship in this study is intended to get an idea of the roles and responsibilities and agencies performed by Salafi Wirokerten in relation to the state.

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<sup>57</sup> *Ibid.*, p. 118.

As the definition of citizenship is the recognition of the state of one or a community's recognition as part of a legitimate people. As for the people, citizenship is a form of participation aimed at loyalty and obedience to the state.<sup>58</sup> According to Holston every member in the community defines citizenship at various levels with the relationship between formal and informal, the power of structure and the practice of social life.<sup>59</sup> According to Isin and Turner, citizenship should be checked by articulating its extent, content and depth.<sup>60</sup> Citizenship is dismantling the experiences and perceptions of the citizens themselves, as Muslims and Indonesians, such as Salafi.

Accommodation of the Muslim community in Indonesia from the government, has been done to some extent. This has been portrayed by Bachtiar Effendy in several forms, namely structural accommodation, legislative accommodation, infrastructural accommodation and cultural accommodation.<sup>61</sup> Some forms of accommodation center on the relationship of state accommodation to Indonesian Muslims as the majority of the population. However, the shift in the context of the reality of Indonesia's religious society with the emergence of new religious movements in

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<sup>58</sup> Marinus Wiechers, *Citizenship and Intergroup Accommodation in Plural Societies*, (London: Palgrave Macmillan, 1978), p. 431.

<sup>59</sup> In Chris Chaplin, Salafi Islamic Piety as Civic Activism: Wahdah Islamiyah and Differentiated Citizenship in Indonesia, *Citizenship Studies*, 2018. Vol. 22, no. 2, pp. 208–223 <https://doi.org/10.1080/13621025.2018.1445488>.

<sup>60</sup> Engin F. Isin and Bryan S. Turner, *Citizenship Studies* an Introduction, “*Handbook of Citizenship Studies*, (London: SAGE Publication, 2020), p. 2.

<sup>61</sup> Bahtiar Effendy, *Islam dan Negara: Transformasi Gagasan dan Praktik Politik Islam Indonesia*, (Jakarta: Democracy Project/Yayasan Abad Demokrasi, 2011), p. 315-325.

Islam has not been included in this description. Therefore, generally speaking, the research on Salafi Wirokerten will use umbrella analysis based on the concept of citizenship so that various forms of regulation, attitudes and actions of the government towards Salafi Wirokerten can be understood. By centering the three important entities of Isin and Turner on citizenship namely extent, content and depth, there are various forms of accommodating relations conducted by the state or government and forms of loyalty carried out by Salafi Wirokerten.

Laclau and Mouffe say that citizenship is a form of practice of radical democracy that is done to create "common good." Common good is defined as an effort to create equality by balancing between freedom and equality. Freedom and equality are enforced in the individual sphere as well as within the scope of the group.<sup>62</sup>

### **3. Empowerment Theory and Female Agency**

Empowerment is an effort to provide capabilities to underprivileged communities. It is generally understood as an effort to develop and increase the political, economic, social and legal power of women, to ensure equality of rights for women, and awareness to obtain their rights. The intended rights include:<sup>63</sup> 1) having the same communal status in the community; 2) the ability is to make their own decisions; 3) having the same right

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<sup>62</sup> Emma Jones and John Gaventa, *Concept of Citizenship a Review*, IDS Development Bibliography 19, Februari 2002, p. 24.

<sup>63</sup>Sacyd Rashed Hasan, Empowerment of Women in Muslim Communities, A Practical Observation: A Case Study on The Republic of Turkey in Rahmat Ullah & Sabbir Hasan, ed., *Contemporary World: Polic, Politics and International Relations* (Turki: IKSAD Publishing House, 2018), p. 4-5.

to participate in social, religious and public activities; 4) benefiting from the same access to education; 5) having the same right to social and economic justice; 6) having full control over their lives in the outside and working world; 7) freedom to live with respect and dignity; 8) having a safe and satisfying work environment; 9) making financial choices; and 10) getting equal work comfortability without gender bias.

From the points above, the measurement of women's ability or empowerment lies in three spheres that are the women's ability to determine her own way of life as an individual. The ability to choose and determine their way of life includes protection, recognition and access in society, including their relationships with opposite sex (male).

In addition to the above points, in economic terms, women's empowerment refers to the skills of women by changing their rights to hold and take advantage of their own assets, income, resources and time, as well as the ability to operate risks and improve their economic status and well-being.<sup>64</sup>

In relation to religion, the issue of empowerment often does not arise. Religious discourse is more dominated by matters concerning religious teachings that marginalize women through quotations that tend to be discriminatory, such as the position of women who are lower than men (*An-Nisā'* verse 34) and several other arguments such as statements like women were created from men's ribs and so on.

The discourse then experienced a shift; a multi-perspective was used to present a sociological perspective on the position of religion, so that the issue

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<sup>64</sup> *Ibid*

of women's marginalization began to shift into a force for empowerment (empowering oneself). In this case the researcher refers to the idea of Samia Huq.

Samia Huq, in her writing, emphasized that empowerment can be in the form of the right for women to access education to understand religious teachings (text) and interpret and practice it in the form of religious expressions according to women's perspective. In this case, Huq categorizes empowerment into two forms, namely; self-interest and self-expression.<sup>65</sup> The power of the sacred text doctrine has an important position to form religious narratives and descriptions of Muslim women's sexuality relations, so a closer examination of the meaning of empowerment according to Muslim women needs to be done through close communication. That way, the important elements of empowerment that need to be discussed can be captured by the community.

Empowerment is a discussion identical with giving rights and access to do something. In this case, Samia Huq presents a number of points that become a measure of women's rights and freedoms in the context of empowerment, namely the right to property, control over the family, custody of children, the right to receive dowry, the right to divorce and rights related to citizenship. The term of freedom is used to describe a greater scope, namely a power to choose, power to express and voice thoughts and opinions. Therefore, women's empowerment can be linked to several

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<sup>65</sup>Samia Huq, *Negotiating Islam: Conservatism, Splintered Authority and Empowerment in Urban Bangladesh*, *Institute of Development Studies (IDS) Bulletin Volume 41 Number 2 March* (USA: Blackwell Publishing, 2010).

structures such as marriage, family, community, countering stigma, and so on.<sup>66</sup>

Huq then portrayed the decision of women to wear the hijab which for them was a form of empowerment. In this case, women have the power (agency) to decide whether to wear the hijab or not, according to personal considerations and historical experience they have. In addition, the decision of women to postpone marriage on the grounds that they want to seek more knowledge and income in order to conduct good negotiations in the marriage bond<sup>67</sup> is also a form of women's empowerment.

Huq's views above were developed with an accommodating protest approach, in which female agents were of concern. This is because Macleod's theory<sup>68</sup> tries to save women's voices and to understand women's words and actions that, in a sociological approach, are in line with the scope of their freedom rights. In accommodating protests, agents exist to understand how women negotiate their concerns in the complex power relationships they face by choosing to accommodate and protest at the same time.

The agency refers to the capacity of individuals to act constantly from social structures in making their own decisions and choices.<sup>69</sup> More specifically, women's suffrity is defined as "the process by which those who have been denied the ability to make strategic life

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<sup>66</sup> *Ibid*, p. 101.

<sup>67</sup> *Ibid*, p. 102.

<sup>68</sup> Arlene Elowe MacLeod, *Hegemonic Relations and Gender Resistance: The New Veiling as Accommodating Protest in Cairo...*, p.83.

<sup>69</sup> Antony Giddens, *The Constitution of Society: Outline of the Theory of Structuration*, (Cambridge: Polity Press, 1984).



choices acquire such abilities".<sup>70</sup> In this case, Salafi women are often seen as having limited ability to make choices because of their subordinate position and oppression in the conservative religious doctrine and the patriarchal power of Salafism.

Therefore, applying the agency's analysis can allow "the understanding of women's lives from a personal perspective, and the examination of certain social, economic, cultural, geographic and/or historical circumstances, situations, and conditions that affect their lives" while structural perspectives help us to understand systems—such as gender, class, religion, and ethnic affiliation—that describe and explain women's situations and experiences.<sup>71</sup> In addition, by focusing on religious women's institutions, Ridgeway<sup>72</sup> highlighted the importance of women as actors, rather than simply being followed up by male-dominated social institutions.

Macleod's accommodating protests could help find the voices of Salafi women in Wirokerten whose life choices are strictly regulated by the Salafi *manhaj*. This view also changes the perspective on the struggles of women who have, so far, have only been understood in the form of clear voicing or individual actions of rejection, by accommodating informal and hidden struggles.

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<sup>70</sup> Naila Kabeer, *Resources, Agency, Achievements: Reflection on the Measurement of Women's Empowerment. Development and Change*, Vol.30,1999. p. 437.

<sup>71</sup> Mary Ann Maslak, (Ed.), *The Structure and Agency of Women's Education*, (Albany: State University of New York Press, 2008).

<sup>72</sup> Cecilia L. Ridgeway and Lynn Smith-Lovin, The Gender System And Interaction, *Annual Review of Sociology*, Vol. 25:191-216 (Volume publication date August 1999) <https://doi.org/10.1146/annurev.soc.25.1.191>

## G. Methods

This research involves both bibliographic and empirical investigations. Bibliographic research is carried out by surveying a number of relevant libraries and research institutions, as well as reviewing books, articles, academic theses, journals, statistical data, and research reports.

The second part of this study contains empirical research of fieldwork conducted for approximately one year and one month in the village of Wirokerten. This research was conducted in two periods. The first period lasted for 5 months, from August 2018 to December 2018, while the second period lasted 8 months, from January 2019 to August 2019. The second period was used to support the data obtained during the initial fieldwork in March 2018. The entire study was conducted in Wirokerten, Banguntapan District, Bantul Regency, Special Region of Yogyakarta.

During this period of fieldwork, I purposively interviewed 10 married Salafi women who routinely attend the Wirokerten Salafi Community study forum specifically for the Salafi *ummahāt* and *akhwāt*. This study was held on Mondays at 08.00 – 09.00 a.m. in one of the *ummahāt*'s houses, the house of *ummu* Yahya, who is usually called Mrs. Roni. After attending one of the Islamic gatherings, I got to know each of them personally and then they invited me to conduct interviews at their homes. The material provided in this Islamic gathering was a baboon book entitled *Sifatu Azzaujati Shalehah* by Abd. Razzaq bin Abd. Muhsin Albat Al-Badar. This book discusses the qualities of a pious wife who becomes a husband's happiness when she speaks, behaves, and dresses in a manner that is obedient to her husband.

This interview was designed to obtain information on how the Salafi women understand their duties and responsibilities as a mother to their children and their daily treatment of and services to their husbands and the application of this to their legal status. This interview also aimed to find out their opinions about the contents of the book and the practices of Salafi family law. A number of *Ustādz* who were leaders of the LPK Puteri Jamilurrahman and officials at the *KUA*, especially those employed as the Religious Counselor and Religious Wedding Officiant, were also interviewed. Besides providing an insight to their opinions about the application of the *kompilasi* and Marriage Law no. 1 of 1974, these interviews also explored their responses to family law practices of the Salafi community members in the Sawo and Glondong sub-villages – an area of neighborhood association from 4 to 7 in Wirokerten Village.

In addition, the researcher attended more than 20 Islamic Gathering forums, both for married *ummahāt*, for unmarried Salafi women and for the non-Salafi general public which were held 3 times each week. The researcher also attend mother's school every Saturday morning, and a study forum for unmarried Salafi women which is held at the LPK Puteri every day from 4 to 5 pm, except for holidays on Friday and Sunday. Most of the discussion in the Islamic gatherings that the researcher attended involved marital issues and the procedures for becoming a pious wife. By sitting with them and listening carefully, the researcher was able to gain important insights into how the Salafi *ustādh* provide guidance to their members about the Salafi *manhaj*. In other words, participating in these activities helped to understand the legal tendencies and wisdom of the *manhaj* in practicing their law. Not only

that, the researcher also gained a better understanding of the extent to which the Salafi community, especially Salafi women, knew the laws and legal factors that drove them to go to the *KUA* to register their marriages, both the first and the subsequent marriages. Additionally, the researcher was able to better understand the underlying reasons of the Salafi women to get married and continue their education, as well as the role of the *wali nasab* (*nasab* guardian) in understanding Islamic legal rules that are understood to be accommodative such as the provisions in state rules. The researcher repeatedly found things that indicated a lack of knowledge of Salafi women, especially in those who are not married, about the age of marriage and polygamy rules according to the state. Furthermore, regarding *Sirri* marriage, they tended to do this with consideration of time and cost efficiency, and then register their marriages officially later.

The data is supported by information from interviews with a number of polygamists and unmarried Salafi women aged 17 years and over who choose to continue their studies and service. About 18 informants were selected by purposive sampling, consisting of 8 polygamous marriage couples and 10 unmarried Salafi women. From all interviews, it is interesting to see that the polygamists, especially women, did not show any reluctance to share their problems with researcher, even though researcher hid her identity from the beginning. On one occasion after Idul Fitri, the researcher went to see them and confessed that she had been visiting in order to do research. However, they considered the researcher as part of the Salafi community, and were actually happy that someone wanted to listen to their complaints. For them, the researcher was the right person to share their stories, about their feelings and

conditions of first, second and third wife relationships in the household, with. Likewise, the Salafi women who were not married, were happy to talk about idolizing the figure of the *ustādh*, who can read the *kitab gundul* (yellow book), and dreaming of him as a life companion later. Because of this closeness, the researcher was accustomed to building informal conversations with the Salafi women in bits of time between activities, such as when they would be waiting for the *ustādh* to come to start a Islamic gathering. Related to the modern concept of gender and the rules of reform on issues such as polygamy, this interview illustrates that women, especially polygamists, speak with the same voice as feminists who fight for equality. They also show that women have strategies in anticipation their husbands suggesting polygamy, such as doing extra services. Finally, they gave the researcher the understanding that the strategies they undertook were not always motivated by the implementation of Salafi *manhaj* and they were unaware of the state's legitimacy to support their legal actions.

Data was obtained from observations in the study forum and from discussions with *ustādh* and *ustāḍhah* about the legal awareness of the Salafi community in solving family problems, such as marriage. The data is complemented by interviews with a number of *KUA* and prominent people in the community. Researcher visited the *KUA* of Banguntapan Subdistrict, and were able to interview the *Penghulu Agama* (religious wedding officiants) and *Penyuluh Agama* (religious counselor). From this visit, I witnessed how the *KUA* handled marriage issues and cooperated with the whole community, both Salafi and non-Salafi. Furthermore, officers had built legal awareness in the community and helped to guide

community attitudes in solving the family problems they faced. The researcher also directly witnessed how the *KUA* treats marital affairs flexibly and provides good service for the Salafi to get married in the *KUA*. One of the objectives of this activity was to try to find out to what extent the *KUA* and the Salafi community follow state rules, and, of particular interest to the researcher, whether the *KUA* cooperated with the Wirokerten Salafi community to help them meet the conditions of marital administration without tendencies to turn them away from the *manhaj*.

By involving two *KUA* Banguntapan marriage counselors, an administration section officer of the Wirokerten Village Office and two chairmen of the neighborhoods of 04 and 07, the researcher has fulfilled the required percentage of government elements to be interviewed. The interview was an attempt by the researcher to confirm that Wirokerten's Salafi family law practices were in accordance with the state law, such as registering the intent to marry at the Wirokerten Village Office and registering the marriage itself at the *KUA*. It enriches and confirms the data that the researcher obtained from both the *KUA* marriage counselor and the official on legal awareness issues in the community.

## H. Structure

This research is a qualitative study consisting of seven chapters in which each chapter discusses a different main theme and is related to the others. The first chapter, the introduction, is a series of subjects that explain what, how, why, who and where this research was conducted. Some sub themes include discussing the background of the problem and providing an academic explanation on why this research needs to be done and what is behind it. The

research questions in this research emphasize the main points of the problems under study to provide more detailed focus. After that, it continues with the purpose and usefulness of the research in explaining the significance of conducting research on related themes from a practical and academic aspect. The literature review is an attempt to present some previous research in order to provide an overview of the research position and where differences lie with previous studies. The theoretical framework which follows is a tool of analysis of the issues raised in research. The research methods and systematics are a step-by-step picture from data collection to the analysis process as required in a scientific research.

The second chapter, is an explanation of the development of Salafi as a community on a global scale that finally entered Yogyakarta and formed a Salafi in Wirokerten Village, Banguntapan District, Bantul Regency, Yogyakarta. The discussion begins with the history of the Salafi's arrival in Indonesia. The rapid development of the Salafi community began with the establishment of the Jamilurrahman Islamic boarding school, which is a branch of the Bin Baz Islamic boarding school, as a center for Islamic studies for young men to gain religious knowledge. In this second chapter researcher outlines the rapid development in Wirokerten of a Salafi community with a strong identity. This includes a discussion of the various facilities, economic resources (livelihoods) as well as the various forms of activities and participation of the Salafi Wirokerten community in social community activities, health activities and legal counseling activities.

The third chapter, is a literature review on various state regulations related to Islamic family law materials with the presence of marriage legislation No. 1 of 1974 and

the *kompilasi* through Presidential Instruction No. 1 of 1991 which later was debated until it became an accommodative legal reference to legal material that was deemed necessary to be used as material for review. Therefore, this chapter also outlines the Counter Legal Draft carried out by the Ministry of Religion's Gender Mainstreaming Team led by a Gender activist Musdah Mulia. Furthermore, the researcher presents the renewal of Islamic family law both in terms of the method of renewal and of the legality of the law so that it is clear that the applicable law in Indonesia can be evenly distributed to all levels of society, not least it can be flexible with mass organizations such as Salafis. Therefore, in chapter three the researcher also explores the dynamics of Islamic family law issues for other mass organizations such as Shia, Ahmadiyah, HTI and *Tablighi Jamaah* so that differences in form, features and nuances with Salafis can be seen.

The fourth chapter is an empirical study in which the researcher had direct contact with issues of marital practices among Wiroketen Salafis. This chapter begins with the issue of marriage registration in which most Salafi community members register their marriages to the *KUA* as a form of obedience to state rules. They also use a guardian or a person who is appointed or chosen to be the marriage guardian for their children. There are a number of choices from parents to someone who is appointed as *Wali Mujbir*, such as the teacher/cleric or the *KUA*, which is common in the Salafi Wirokerten. Another interesting thing in this chapter is the issue of polygamy that is commonly found among Wirokerten Salafis. This chapter explores the possibility of Salafi men partaking in polygamy and having one, two or three women, and the strategies and paths taken by Salafi women so that their



husbands do not engage in polygamy. Strong commitment and promises between partners make polygamy something easier to live with, and some Salafi even women give their husbands permission, but it is inevitable that inner conflict continues to revolve and come to the surface from time to time.

The fifth chapter details the researcher's exposure to underage marriages involving *akhwāt* (Salafi women) in the age range of 17 years and under. The unwillingness of Salafi women to engage in underage marriages is based on several reasons, including a fear of marriage or reason wanting to continue their studies to a higher level of education. These reasons are their rejection of the Salafi *manhaj* which carries the idea that getting married soon is better. In this chapter it will be explained that young Salafi women prefer to continue their studies to college and devote themselves to the practice they have gained since studying at Islamic boarding schools, so that it appears that young Salafi women can demonstrate their empowerment as agents of Salafi women.

The sixth chapter is the researcher's analysis section of the previous chapters. This chapter describes discipline and accommodation in determining the standard of values, norms and regulations that apply in groups and communities which are then mutually agreed upon to distinguish between good and bad. Furthermore, it is explained that marriage and guardianship registrations are forms of family law practices to influence Salafi decisions to follow and comply with government regulations. The choice of education over marriage is an entry point for Salafi women to continue to take part in the public sphere without leaving their obligations as a wife and mother at the same time. There is no limit for Salafi women who

want to choose to continue their studies, as long as their rationalization is mutually agreed upon. Finally, polygamy is considered common in the daily lives of salafis, it has become a public spectacle. The Wirokerten people no longer feel self-conscious about it because it has become accommodation between religious and state law has decreased in legal practices among salafis.

The seventh chapter, is the conclusion of this study will be presented as well as answers to the research questions.



## CHAPTER VII

### CONCLUSION

The Salafi Wirokerten community has experienced a phase of socio-religious change that is very significant to date. This began from the release of unproductive land for the construction of houses of worship, which became religious centers for the Salafi. In this case, globalization and modernization play an important role in providing context for this process of significant social change. Since the fall of the new order regime and the start of the democracy era, it has become apparent that all religious organizations, such as Salafis, are being allowed a breath of fresh air and the state has become more open.

In this research case study, the Salafi Wirokerten community seems to be the appropriate theme related to the relationship between the role of agents and government; in this case, the rule of law and the new social structure that has resulted from the process of religious social transformation. In this context, Salafi Wirokerten represents the success of a Javanese village identical to *ndeso* “rustic” that turned arid land into a *salafiyya* village whose community is prosperous and shows religious peace. Certainly, this success cannot be separated from the important role of the founder of the Wirokerten village, Abu Nida, a Salafi Great Ulama who was influential in Yogyakarta. He succeeded in using his rational authority and charisma to change the social structure of a frozen society, inherent with their limited religious knowledge, into a dynamic, progressive and religious society. He was able to translate his religious understandings into a reformist religious understanding to solve the social-religious problems of the Salafi community through the Jamilurrahman pesantren, which he founded. Furthermore, for the Salafi

*dakwah* to succeed, it needed to be in harmony with the government.

To achieve this, Abu Nida negotiated with the village government to free the land. The first development on the land was the Pesantren Jamilurrahman under the legal protection of the *al-Turāth al-Islāmī* foundation which receives funding opportunities from Kuwait and Saudi Arabia. Until now, the figure of Abu Nida is known to be intelligent and very well educated. He is a graduate of Ibn Sa'ūd. All of this provided the opportunity for introducing new ideas to a society that mostly lacked spiritual experience. No one thought that the Wirokerten settlement would develop rapidly and grow into an accommodating and very cooperative village.

The accommodative and cooperative attitude of the Salafi Wirokerten community towards various policies and social, political and legal interests of the country shows that the roles of a number of agents, ulama, and salafi leaders, exhibit nature and leadership that allows flexibility, both for the local conditions and government policies. The attitude of the Salafi Wirokerten community towards bureaucracy examiners has changed greatly over time. At present, the village bureaucracy rests on Salafi members. All heads of neighborhood associations and citizen associations are Salafi members, although the community still seeks government protection. With government protection, they are freer to carry out the Salafi *dakwah* activities that require mass mobilization, monitor other aspects routinely and they are freer of accusations of various subversive actions against the state ideology. It seems that they have learned a lot from their experiences and succeeded in changing the views or discourses that developed among radical groups, that the application and enforcement of Islamic law does not always start from the top, vis a vis, and confront the regime. They understand very

well that now is no longer the time to be oriented towards ideas of turning Indonesia into an Islamic state, but rather on the more urgent needs of Islam, namely accommodating Islam as an alternative system that plays a role in the success of the government's agenda, reconstructing politics, making policy and as a foundation for a national and democratic framework for society, especially for the Salafi community itself.

Other accommodative attitudes are shown towards various state regulations and the interests of the Salafi family's legality. The Salafi community in Wirokerten are very aware that as Indonesian citizens they need the legal protection of abiding by the law, specifically the law of marriage practices and Islamic family law as these practices will be carried out in their daily lives. Indonesia has a state of law that governs Muslim communities through the issuance of the *kompilasi*. The *kompilasi* is not so binding, however, that the Salafi Wirokerten community don't have any space to negotiate it. Moreover, The important concept that is at the root of Salafi relations with the government is seen from the understanding of *waliyy al-'amr*. The concept of *waliyy al-'amr* is described as a Salafi view of the relationship between the political agenda and the prevailing government. Salafi accommodation efforts are made if their principles or teachings are accommodated. The relationship between the concept of *waliyy al-'amr* and *al-walā' wa al-barā'* is about understanding obedience to the government, and the concept of loyalty and rejection of others who are considered not to be part of Islam (non-Muslims). Uniquely, Salafi Wirokerten does not enforce *al-barā'*'s attitude upon the government as long as their freedom to worship and conduct various activities that support *dakwah* and their goals are not disturbed.

On the one hand, the public and ulama have drawn controversy banning its publication, even though the Indonesian people are still embracing sharia and an

understanding of the deeply rooted Shāfi'ī books. One piece of evidence that the *kompilasi* adopted the Shāfi'ī school materially is the choice of marriage guardians in which relatives are still chosen. The presence of the *kompilasi* can accommodate fiqh understanding besides Shāfi'ī. Long before the presence of the Ministry of Religious Affairs in 1946, this was actually an attempt to separate religious and secular legal matters. More importantly, with the presence of the Islamic Judicial Act of the 1980s during the New Order government, the religious court had material about the courts and judges as well as family law matters.

On the other hand, people are aware of the uniformity of law in Indonesia and make Islamic law a national and formal law for Indonesian Muslim communities. As in other Muslim countries, it looks somewhat like a manifestation of Islamic law, and represents Islamic identity in Indonesia. Basically, there was a reference source agreed upon to become the legal basis issued during the New Order administration, namely the Formulation of Law Number 1 of 1974 concerning Marriage, as a form of substantive renewal of the existing laws. Previously, the legal basis used was Law No. 22 of 1946 concerning Marriage Registration, *Talāq* and Divorce which has been ratified but enforced only in the Java region. The Indonesian government, which recognized the stabilization of Islamic family law included in the *kompilasi*, eventually supported the publication of the *kompilasi* and ratified it with the Presidential Instruction in 1991. The project of modernizing the country and rationalizing the law, advocated by the government itself, could be considered the best support in the struggle to meet the demands of the Indonesian Muslims to introduce Islamic family law into the national legal system through the *kompilasi*.

A number of Islamic Ulama have very important roles in the stipulation of Islamic laws that are unique and in

accordance with the conditions of Indonesian Muslims. Hasby and Hazairin are two names that specifically promote Islamic law. Bustanul Arifin was seen as an important figure as the originator of the *kompilasi* through the Supreme Court institution which at that time re-actualized Islamic law. It was he who proposed the *kompilasi* project to the President. Arifin also intended to include local practices in Indonesia. To achieve this, he introduced innovative rules that adopt customs and address gender issues. Although not all of these recommendations are included, the *kompilasi* successfully introduced changes such as mandatory rules and representation of adopted children as surrogate heirs. However, so far his success has only been on paper as he underwent a critical challenge.

One result indicates that the Salafi *manhaj* remains the main reference source in the practice of Salafi family law, not the *kompilasi* and marriage law. In their legal practices, Salafis deviate from state law and continue to quote and follow the encouragement of the *ustādh* in the salafi understandings they follow. The dominance of classical salafi texts in their understanding is very strong among salafi women. The classical text strengthens the understanding of the implementation of their family law and provides opportunities for empowerment for the Salafi women to study as high as possible. A good example in this case is the age of a person to get married. In the practice of marriage guardians, Salafi women, in principle, agree with the rules of the *kompilasi* and Marriage Law, because these have the same rules as the *manhaj*. When practicing marriage registration, they register their marriage to the *KUA* as compiled by the *kompilasi*. The majority of the Salafi community obeys the rules of the country which are in line with the understanding of the *manhaj*. It seems that the Salafi are more confident and feel that the legality of their family is guaranteed under state protection.

The thing that is no less significant is the fact that the character of the Salafi in Wirokerten is different from those in other regions. The predicate “cooperative-accommodative” attached to their community makes them have to show an accommodative attitude. They also stated emphatically that they were Indonesian citizens. They believe that they are able to equate the relevant *manhaj* understanding in a concrete and effective way with state rules, state authority and state legal force.

The Salafi ensure that they obey the rules of the state with the assumption that the rules of the state are fully correct as legal texts and issued by presidential instructions, not non-binding plain texts. Not deviating from the rules of the state makes them feel more protected. In this case, the Salafi are obliged to obey the *kompilasi* as a rule, even though they themselves do not understand it well, because they only refer to the *manhaj* which calls for obedience to the leader.

Thus, even though they agree with the accommodation and empowerment of salafi women in the practice of modernly codified Islamic family law, as is part of the Indonesian Islamic community today, they state that the *manhaj* should remain part of their family law practice. Interestingly, they legitimized the practice of their family law as pure and in accordance with the Salafi *manhaj* based on the guidance of the Prophet.

An important topic that also arises in marital matters is polygamy. Although the *kompilasi* decided that the implementation of polygamy could only be done if the first wife agreed by stating that she was no longer able to serve her husband, the reality appears different. In order to obtain legality and court approval, the Salafi Wirokerten community has sought ways to make the second, third and subsequent marriages legal. They made *sirrī* marriage views before the *ustādh* first, even though the state institution KUA should be



handling such cases. They consider that their actions are legal according to religion. After doing this, they need formal evidence for the administrative needs of their children's schools. Thus, some immediately register the application for polygamy to the court. This is undeniable evidence that the application of state law is not yet as expected; ordering the Islamic community to involve the Religious Courts in solving family problems, so that they could get protection and legal certainty. As a result, the practice of polygamous marriage is still carried out by Indonesian Muslims. The legality of the second marriage is not solely based on the state law, but is legal based on the teachings of *manhaj* and because of that, it still happens.

Futhermore, it can be said that even though the state has succeeded in enforcing its law as an authoritative law, it is still difficult for the state to apply its formal enforcement rules realizing that society cannot be compelled to comply with these rules. Meanwhile, Salafis who seek justice, though reluctantly, will go to court, even though their views may be contradictory to the rules interpreted by the state. Like the fact shown by the researcher, in which the Salafi Wirokerten community was successfully persuaded to have second, third and so on marriages in accordance with state regulations by requesting a marriage certificate to the village office and then later registering their marriages to the *KUA* and requesting legalization from the court. Attempting to register their marriages is for the sake of legislation for their families. This shows that they did so because they did not find a strong position in the *manhaj*.

To sum up, it is inevitable that Salafis in Indonesia, as a minority religious organization, feel the need for legal improvement, as received by other religious organizations such as the Shia, Ahmadiyah, HTI and Tablighī Jamaah. They want equal treatment and special mechanisms for their family law practices. When seeking legal solutions, they can be led

towards the binding state law. It is important to codify the accommodative new laws for all Muslim minorities in Indonesia.



## BIBLIOGRAPHY

- Abdullah, Faryal Abbas, , *The Changing Position of Women in Arabia: Under Islam During The Early Seventh Century*, UK: Thesis University of Salford, Sulaimani International Studies Unit: 1986.
- Abidin, Ibn, *Rad al-Mukhtār alā ad-Dār al-Mukhtār*, Volume V, Beirut: Dar Ihya at-Turas al-Arabi, 1987.
- Abu Zahra, Muhammad, *Usūl al-Fiqh* , Dār al-Fikr al-Azāl, n.d.
- Afrakhteh, Abdolhamid, Political Thought of Salafism and Its Historical Roots, *Jurnal UMP Social Sciences and Technology Management*, Vol. 3, Issue. 3, 2015.
- Ahmad, Mirza Bashirun Mahmud , *Riwayat Hidup Mirza Ghulam Ahmad-Imam Mahdi dan Masih Mau'ūd Pendiri Jemaat Ahmadiyah* [History of Mirza Ghulam Ahmad-Imam Mahdi and the Promise of the Founder of the Ahmadiyyah Community], 2<sup>nd</sup> edition, Jemaat Ahmadiyah Indonesia, 1995.
- Al, Sutanto et, *Pengantar Ilmu Hukum/PTHI* [Introduction to Legal Studies], 8<sup>th</sup> edition, South Tangerang: Universitas Terbuka, 2014.
- Al-'Athar, 'Abdul Al-Nashir Taufiq, *Ta'addūd Al-Zaujāt: min Al-Nahawi Al-Diniyyah wa Al-'Ijtima'iyyah, wa Al-Qanūniyyah*, Mesir: Al-Azhar, 1972.
- Al-Badry, Hamka Haq, *Koreksi Total terhadap Ahmadiyah* [Total Corrections to Ahmadiyah], Jakarta: Yayasan Nurul Islam, 1981.
- Al-Baqhdadi, Abd al-Wahhab, *Al-Ma'unah alā Mazhab Alim al-Madīnah al-Imām Mālik Ibn Anas*, II, Beirut: Dar al-Fikr, 1995.
- Al-Hanafi, Ala' ad-Din Abi Bakr Ibn Mas'ud al-Kasāni, *Kitab Badā'i as-Sanā'i fī Tartīb asy-Syarā'i*, II, Beirut: Dar al-Fikr, 1996.

- Ali, Zainuddin , *Hukum Perdata Islam Di Indonesia* [Islamic Civil Law in Indonesia], Jakarta: Sinar Grafika, 2007.
- Al-Khatib, Muhammad asy-Syarbini, *al-Iqnā fī Halli Alfaz Abi Syujā'*, II, Beirut : Dār al-Fikr, n.d.
- Al-Khilafah Publication, *The Methodology of Hizbut-Tahrir for Change*, London: Lal-Khilafah Publication, 1999.
- Al-Kilabi, Abu al-Qasim Muhammad Ibn Ahmad Ibn Juzayyi, *Al-Qawānun al-Fiqhiyyah*, Beirut: Dār al-Fikr, n.d.
- Al-Mardawi, Alā ad-Dīn Abi al-Hasan Ali Ibn Sulaiman, *Al-Ansāf*, VIII, n.d.
- Al-Syaukani, *Nail al-Autār*, Mesir: al-Halabi, 1961.
- An-Nawawi, Abu Zakariya Muhy ad-Din Ibn Syaraf, *Al-Majmū'*, XVII, n.d.
- Ar-Ridhawi, Murthada, *ma'a Rijāl al-fikri fī al-Qāhirah*, Cairo: Percetakan Annajah 1974, 1st edition.
- Ashaf, Abdul Firman, Pola Relasi Media, Negara, Dan Masyarakat: Teori Strukturasi Giddens, Anthony Sebagai Alternatif, *Jurnal Sosiohumaniora*, Vol. 8, No. 2, Juli 2006.
- Ash-Shafi'i, Imam Abi 'Abdillah Muhammad bin Idris, *al-Ūmm*, V, Beirut: Dār Al-Fikr n.d.
- Atjeh, Aboebakar, *Aliran Syi'ah di Nusantara* [Shia in the Archipelago], Jakarta : Islamic Research Institute, 1979.
- Azca, Muhammad Najib, dkk. *Dua Menyemai Damai, Peran dan Kontribusi Muhammadiyah dan Nahdlatul Ulama dalam Perdamaian dan Demokrasi*. Cet. I, Yogyakarta: Pusat Studi Keamanan dan Perdamaian UGM, 2019.
- Azizah, Tsaniyatul, Perkawinan Ahmadiyah (Studi Sejarah Hukum *Rishtanata*: Lembaga Perjodohan Internal Jemaat Ahmadiyah Indonesia di Yogyakarta) [Marriage of Ahmadiyah (Study on Legal History of *Rishtanata*: Internal Matchmaking Agency of the Indonesian Jemaat Ahmadiyah Iin Yogyakarta)], Thesis, Yogyakarta: Pascasarjana UIN Sunan Kalijaga.

- Azra, Azyumardi, Preface on Muslim Minority Discourse within M. Ali Kettani, *Minoritas Muslim di Dunia Dewasa ini*, Zarkowi Soejoeti, (trans), Jakarta; Raja Grafindo Persada, n.d.
- Az-Zuhaili, Wahbah, *al-Fiqh al-Islamī wa Adillatūh*, Damascus: Dār al-Fikr, 1985.
- Badran, *al-Ziwāj wa al-Talāq fī al-Islām*, Iskandariyah: Mussasah al-Syabāb al-Jāmi'ah, n.d.
- Baharun, Muhammad, *Epistemologi Antagonisme Syi'ah* [Epistemology of Shiite Antagonism] Malang : Pustaka Bayan, 2004.
- Bahraen, Raehanul, *Vaksinasi Mubah dan Bermanfaat*, (Yogyakarta: Pustaka Muslim).
- Bansal, Preeta D., "Introduction" in Tad Stahnke and Robert C. Blitt, *The Religion-State Relationship and the Right to Freedom of Religion or Belief: A Comparative Textual Analysis of the Constitutions of Predominantly Muslim Countries*, New York: United States Commission on International Religious Freedom (USCIRF), March 2005.
- Bin Baz, Abdul Aziz Abdullah, *Ad-da'watu ilā Allah wa Akhlāqu ad-Du'āti*, n.d.
- Blanchard, Christopher M., 2007, "The Islamic Traditions of Wahhabism and Salafiyya" accessed in <https://apps.dtic.mil/dtic/tr/fulltext/u2/a463789.pdf>, on 11 January 2019
- Bourdieu, Pierre, *In Other Words: Essays Towards a Reflexive Sociology*, Cambridge: Polity Press, 1990.
- Bruinessen, Martin van, "Gerakan Sempalan di Indonesia: Latarbelakang Sosial-Budaya. Accessed at [https://dspace.library.uu.nl/bitstream/handle/1874/20534/bruinessen\\_92\\_geraka\\_sempalan](https://dspace.library.uu.nl/bitstream/handle/1874/20534/bruinessen_92_geraka_sempalan).
- Burhanudin, Asep, *Jihad Tanpa Kekerasan* [Jihad without violence], Yogyakarta: LKiS Yogyakarta, 2005.

- Buskens, Leon, An Islamic Triangle Changing Relationships between Sharia, State Law, and Local Customs, *General Issues*, ISIM News Letter 5.
- Buskens, Leon, *Recent Debates on Family Law Reform in Morocco: Islamic Law as Politics in an Emerging Public Sphere*, Leiden: Islamic Law and Society 10, 2003.
- Chaplin, Chris, Salafi Islamic Piety as Civic Activism: Wahdah Islamiyah and Differentiated Citizenship in Indonesia, *Citizenship Studies*, 2018. Vol. 22, no. 2. <https://doi.org/10.1080/13621025.2018.1445488>.
- Chaplin, Chris, *Salafi Activism And The Promotion Of A Modern Muslim Identity: Evolving Mediums Of Da'wa Amongst Yogyakarta University Students*. South East Asia Research, 26 (1). 2018.
- Chozin, Muhammad Ali, *Strategi Dakwah Salafi di Indonesia* [Salafi Da'wah Strategy in Indonesia], Jurnal Dakwah, Vol. XIV, No. 1, 2013.
- Coulson, N.J., *Succession in the Muslim Family*, London : Cambridge University Press, 1971.
- Dokumen Republik Indonesia Kementerian dalam Negeri Direktorat Jenderal Bina Pemerintahan Desa Data Pokok Desa/Kelurahan 2015, Bulan 12 Tahun 2015.
- Effendy, Bahtiar, *Islam dan Negara: Transformasi Gagasan dan Praktik Politik Islam Indonesia* [Islam and the State: Transforming Ideas and Practices of Indonesian Islamic Politics] Jakarta: Democracy Project/Yayasan Abad Demokrasi, 2011.
- Elliott, Carolyn M., *Global Empowerment of Women: Response to Globalization and Politicized Religions* (New York: Routledge Taylor and Francis Group, 2008).
- Ensiklopedi Hukum Islam [Encyclopedia of Islamic Law], Jakarta: PT. Ichtiar Baru van Hoeve, Volume 6.
- Epley, Jennifer L., Weber's Theory of Charismatic Leadership: The Case of Muslim Leaders in Contemporary Indonesian Politics, *International Journal*

*of Humanities and Social Science* Vol. 5, No. 7; July 2015.

- Fathoni, Muslih, *Faham Mahdi Syi'ah dan Ahmadiyah dalam Perspektif* [Mahdi Shi'ism and Ahmadiyah ideology in perspective], Jakarta: PT. Raja Grafindo Persada, 1994.
- Ferdows, Adele k. *Women In Shi'i Islam And Iran*, Source: *Oriente Moderno*, Nuova serie, Anno 1 (62), Nr. 1/12 (Gennaio-Dicembre 1982). Published by: Istituto per l'Oriente C. A. Nallino Stable URL: <http://www.jstor.org/stable/25816837> Accessed: 12-10-2017 07:20UTC.
- Giddens, Anthony, *Central Problem in Social Theory*, (Berkeley & Los Angeles: University of California Press, 1997), p. 53; also B. Herry Priyono, *Anthony Giddens: Suatu Pengantar*, Jakarta: Kepustakaan Populer Gramedia, 2002.
- Giddens, Antony, *The Constitution of Society: Outline of the Theory of Structuration*, Cambridge: Polity Press, 1984.
- Glasse, Cyril, *The Concise Encyclopedia Islam (translation version)*, Jakarta : PT. Raja Grafindo Persada, 1999.
- Goldziher, Ignaz, *Introduction to Islamic Theology and Law*, trans. Andras & Ruth Hamori UK: Princeton University Press, 1981.
- Greetz, Clifford, *The Religion of Java*, New York: the Free Press, 1960.
- Haeri, Shahlā, *Law of Desire: Temporary Marriage in Shi'i Iran, (Contemporary Issues in the Middle East series.)* Source: *Middle East Studies Association Bulletin*, Vol. 24, No. 2 (December 1990) Published by: Middle East Studies Association of North America (MESA).
- Halimatusa'diyah, Iim, *Being Shi'ite women in Indonesia's Sunni-Populated Community: Roles and Relations among Themselves and with others*. South East Asia Research: Sage Publications, Ltd., 2013, Vol. 21, No. 1.

- Hallaq, Wael B, *the Origins and Evolution of Islamic Law*, UK: Cambridge University Press, 2005.
- Hamming, Tore, Politicization of the Salaf Movement: The Emergence and Influence of Political Salafism in Egypt, *International Affairs Review*, vol. XXII, Num. 1, 2013.
- Hanafi, M. Syadeli, *Budaya Pesantren Salafi* (Studi Ketahanan Pesantren Salafi Di Provinsi Banten) [Culture of the Salafi Pesantren (Study on the Resilience of the Salafi Pesantren in Banten Province)] Vol 35 No 01: January - June 2018.
- Hanif, Adib Faishal, *Pondok Pesantren Al-Furqon Al-Islami, Gresik: Pondok Pesantren Salafi Pertama di Jawa Timur 1989-2015 M.* [Al-Furqon Al-Islami Islamic Boarding School, Gresik: First Salafi Islamic Boarding School in East Java 1989-2015 AD.] Undergraduate thesis, UIN Sunan Ampel Surabaya.
- Hasan, Noorhaidi, Salafism in Indonesia: Transnational Islam, Violent Activism, and Cultural Resistance. accessed <https://umj.ac.id/wp-content/uploads/2017/06/Salafism-in-Indonesia-Noorhaidi-Hasan.pdf>, accessed 10 January 2019.
- Hasan, Noorhaidi, The Salafi Madrasas of Indonesia in Farish A. Noor, Yoginder Sikand and Martin van Bruinessen (Ed.), *The Madrasas in Asia: Political Activism, and Transnational Languages*, Amsterdam: Amsterdam University Press, 2007.
- Hasan, Noorhaidi, Ambivalent Doctrines and Conflicts in The Salafi Movement in Indonesia, in Roel Meijer, ed., 2009.
- Hasan, Noorhaidi, *Laskar Jihad, Islam, Militansi dan Pencarian Identitas di Indonesia Pasca Orde-baru* [Laskar Jihad, Islam, Militancy and The Search for Identity in Post-New Order Indonesia]. (Tranlation) Hairus Salim, (Jakarta: Pustaka LP3ES, 2008).
- Hasan, Noorhaidi, *Laskar Jihad: Islam, Militancy and the Quest for Identity in Post-New Order Indonesia*, Dissertation, 2005.



- Hasan, Saeyd Rashed, Empowerment of Women In Muslim Communities, A Practical Observation: A Case Study on The Republic of Turkey within Rahmat Ullah & Sabbir Hasan, ed., *Contemporary World: Polic, Politics and International Relations*, Turki: IKSAD Publishing House, 2018.
- Hati, Putri Citra, Dakwah Pada Masyarakat Minangkabau (Studi Kasus Pada Kaum Padri), *Islamic Communication Journal*, Volume 3, Number 1, January-June 2018.
- Hawwas, Abdul aziz Muhamad Azam and Abdul Wahab Sayyed, *Fiqh Munakahāt: Khitbah, Nikah dan Talak* [Islamic Jurisprudence on Marriage: *Khitbah*, Marriage and Divorce], Jakarta; Amzah, 2011.
- Hefner, Robert W., *Where have all the 'Abangan' Gone*.
- Held, David and John B Thompson, ed., *Social Theory of Modern Societies: Anthony Giddens and His Critics*, USA: Cambridge University Press, 1989.
- Hidayat, Taufiq, Rekonstruksi Konsep Ijbar [Reconstruction of the *Ijbar* Concept]”, de jure: *Journal of Syaria and Law*, Volume 1, Number 1, August 2009.
- Hidayati, Nur, Konsep Keluarga Sakinah Perspektif Aktivis Hizbut Tahrir Malang [The Sakinah Family Concept; Perspective of Activists Hizbut-Tahrir Malang]” Malang: Skripsi Universitas Islam Negeri Maulana Malik Ibrahim, 2009.
- Hill, Winfred F., (terj), *Theories of Learning. Teori-Teori Pembelajaran*, Bandung: Nusa Media, 2012.
- Hisni, A., *Perkembangan Pemikiran Hukum Islam (Ikhtiyar Pendidikan Doktor Membekali Calon Mujtahid Menggali Maqashid al-Syari'ah untuk Mewujudkan Hukum Islam yang Kontekstual*, cet. enam, Semarang: Unissula Press, 2016.
- Hokker, MB, Introduction: Islamic Law in South-east Asia, *Australian Journal of Asian Law*, Vol 4, 2002.

- Holmwood, John, Contemporary Sociological Theory: Post-Parsonian Developments in Turner, Bryan S., ed., *The New Blackwell Companion to Social Theory*, Blackwell Publishing Ltd, 2009.
- Hosseini, Ziba Mir, *Marriage on Trial*, London: Tourist, 2000.
- Hudaya, Zulfa, Poligami Dalam Persepsi Dan Praktik Muslimah Jamaah Tabligh Di Kecamatan Sumowono Kabupaten Semarang, [Polygamy in the Perceptions and Practices of Tablighi Jamaat Muslim woman in Sumowono District, Semarang Regency] Salatiga: Thesis Jurusan Hukum Keluarga Islam Fakultas Syari'ah Institut Agama Islam Negeri, 2018.
- Huq, Samia, Negotiating Islam: Conservatism, Splintered Authority and Empowerment in Urban Bangladesh Institute of Development Studies (IDS) Bulletin *Volume 41 Number 2 March 2010, USA: Blackwell Publishing.*
- Indonesian Ahmadiyya Community, Antidote to Ahmadiyah, 2nd edition.
- Inge, Anabel, *the Making of Salafi Muslim Women: Path to Conversation*, USA: Oxford University Press, 2017.
- Inpres No. 1 Tahun 1991 on Kompilasi Hukum Islam.
- Irfan, M. Nurul, Kriminalisasi Poligami Dan Nikah Siri [Criminalization of Polygamy and Siri Marriage], *Al-Adalah*, Vol. X, No. 2 July 2011.
- Ishaq, Sulaiman bin al-Ash'as bin , Sunan Abi Dawud, (Bairut: al-Maktabah al-Asriyah, tt), 2/238, number of hadith 2117, "Chapter Fi man Tazawwaj".
- Isin, Engin F. and Bryan S. Turner, Citizenship Studies an Introduction in Engin F. Isin and Bryan S. Turner, "*Handbook of Citizenship Studies*, London: SAGE Publication, 20020.

- Ismail, Nawari, *Relasi Islam Sempalan, Islam Mapan dan Negara* [Relationship between fractional Islam, established Islam and the State], Yogyakarta: Samudera Biru-LP3 UMY, 2014.
- Jalal, Moch., “Praktik Diskursif *The Theory of Truth* Michel Foucault dalam Konstruksi Simbolisasi Bahasa di Indonesia”, accessed by <http://journal.unair.ac.id/filerPDF/Praktik%20Diskursif.pdf> on 15 August 2019.
- John, Ivancevich M., Konopaske Robert, and Matteson T. Michael, *Organizational Behavior and Management*, New York: McGraw Hill / Irwin, 2008.
- Jurnal Fatawa Vol.III/No. 02/ January 2007/Dzulhijjah 1427.
- Kabeer, Naila, *Resources, Agency, Achievements: Reflection on the Measurement of Women’s Empowerment. Development and Change*, Vol.30, 1999.
- Kamaruddin, Syamsu A., *Jamaah Tabligh: Sejarah, Karakteristik dan Pola Perilaku dalam Perspektif Sosiologi* [TablighiJamaat: History, Characteristics and Behavior Patterns in Sociology Perspective], Jakarta: GaungPersada Press, 2010.
- Kansil, C.T.S., *Pengantar Ilmu Hukum dan Tata Hukum Indonesia*, Jakarta: PN. Balai Pustaka, 1984.
- Kartini, Indriana, Hizbut Tahrir Indonesia And The Idea of Restoring Islamic Caliphate, *Jurnal Masyarakat Indonesia*, Vol. 41 (1), June 2015.
- Kau, Sofyan A.P., Perkembangan Pemikiran Hukum Islam [Development of Islamic Legal Thinking], *Jurnal Al-Mizan* Vol 9 No 1, Gorontalo: IAIN Gorontalo, (2013).
- Kettani, M. Ali, *Minoritas Muslim di Dunia Dewasa ini*, Zarkowi Soejoeti, (terj.), Jakarta; Raja Grafindo Persada, n.d.
- Khalifar, Alifah Defa, Pencatatan Perkawinan dalam Perspektif Jamaah Tabligh Desa Temboro Kecamatan Karas Kabupaten Magetan Provinsi Jawa Timur [Marriage

Registration in the Perspective of Tablighī Jamaah in Temboro Village, Karas District, Magetan Regency, East Java Province] Yogyakarta: Thesis Fakultas Syariah dan Hukum UIN Sunan Kalijaga, 2018.

- Kharlie, Ahmad Tholabi, *Book Review* Modernisasi, Tradisi, dan Identitas: Praktik Hukum Keluarga Islam Indonesia.
- Kodir, Faqihuddin Abdul, *Qira'ah Mubādalah Tafsir Progresif untuk Keadilan Gender dalam Islam*, cet.1 Yogyakarta: IRCiSoD, 2019.
- Kodir, Faqihuddin Abdul, *Sunnah Monogami Mengaji Alquran dan Hadits*, cet. 2, Yogyakarta: Umah Sinua Mubadalah, 2017.
- Kontjaraningrat, *Pengantar Antropologi*, Jakarta: Universitas, 1965.
- Kovacs, Amanda, Saudi Arabia Exporting Salafi Education and Radicalizing Indonesia's Muslims, German Institute of Global and Area Studies (GIGA), GIGA Focus International Edition/English 7/2014.
- Krismono, Salafisme Di Indonesia: Ideologi, Politik Negara, dan Fragmentasi, *Millah* Vol. XVI, No. 2, Februari 2017.
- Krismono, *Ekonomi-Politik Salafisme di Pedesaan Jawa*, Yogyakarta: Pascasarjana UIN Sunan Kalijaga, 2015.
- Kurnia, A. Fajar *Teologi Kenabian Ahmadiyah* [Ahmadiyah's prophetic theology].
- Kurniawan, M Hendro, *Analisis Hukum Islam Tentang Pemenuhan Hak Dan Kewajiban Suami Isteri Dalam Kegiatan Khurūj Fīsabīlillah 4 Bulan* (Studi Pada Jamaat Tabligh Bandar Lampung) [Analysis of Islamic Law Regarding the Fulfillment of Rights and Obligations of Husband and Wife in the 4 Months of Khurūj-Fīsabīlillah Activity (Study on Tablighi Jamaat in Bandar Lampung)] Lampung: Thesis Fakultas Syari'ah Universitas Islam Negeri Raden Intan, 2018.

- Kusnadi and Harmaily Ibrahim, *Pengantar Tata Hukum Negara Indonesia*, Cet. VII, Jakarta: Pusat Studi Hukum Tata Negara. Fak. Hukum UI& CV. Sinar Bakti, 1988.
- Lauziere, Henri, The Construction Of Salafiyya: Reconsidering Salafism From The Perspective of Conceptual History, *International Journal of Middle East Studies*, Vol. 42, No. 3, August 2010.
- Lauziere, Henri, *The Making of Salafism; Islamic Reform In the Twentieth century* (New York : Columbia University Press, 2016).
- Lavan, Spencer, *The Ahmadiyah Movement Past and Present*, 1976.
- Lechte, John, Louis Althusser in George Ritzer, ed., *Encyclopedia of Social Theory*, UK: Sage Publication, 2005.
- Loyal, Steven, *The sociology of Anthony Giddens*, USA: Pluto Press, 2003.
- MacLeod, Arlene Elowe, *Hegemonic Relations and Gender Resistance: The New Veiling as Accommodating Protest in Cairo*, *Signs*, Vol 17, No 3, Spring, 1992.
- Mahmood, Tahir, *Family Law Reform in The Muslim World*, New Delhi: The Indian Law Institute, 1972.
- Majalah *as-Sunnah*. Ed. 08/tahun XXII/Rabiul Akhir 1440/Desember 2018 M.
- Mangunsong, Nurainun, *Ahmadiyah dan Hak Berkeyakinan di Indonesia* [Ahmadiyya and Rights of Belief in Indonesia], Bandung: Penerbit Nusa Media, 2012.
- Mardhatillah, Masyithah, *Rishtanata as an Internal Marriage System in Jama'ah Ahmadiyah Indonesia, Krucil, Winong, Bawang, Barjarnegara, Central Java*, Articles for International conferences at UIN Syarif Hidayatullah, October 2015.
- Marshall, Gordon, *Oxford Dictionary of Sociology*, Oxford: Oxford University Press, 2003.

- Martin E Marty and R. Scott Appleby (eds.) *Fundamentalisms and Society: Reclaiming the Sciences, the Family and Education*, Chicago: University of Chicago Press, 1993.
- Marty, Cf. Martin E., The Future of World Fundamentalisms, *Proceedings of the American Philosophical Society*, vol. 142, no. 3, 1998.
- Maslak , Mary Ann, (Ed.), *The Structure and Agency of Women's Education*, Albany: State University of New York Press, 2008.
- Maufur and Nina Mariana Noor (Ed), *Fikih dan Ham Best Practices Pengarusutamaan Hak Asasi Manusia dalam Kebebasan Beragama, Gender dan Hak Anak di Lingkungan Kantor Urusan Agama (KUA)*, Yogyakarta: Pasca Sarjana UIN Sunan Kalijaga, 2019.
- Meijer, Roel, ed., *Global Salafism: Islam's New Religious Movement*, UK: C.Hurt & CoPublisher, 2009.
- Mudzhar , M. Atho, *Membaca Gelombang Ijtihad antara Tradis idan Liberasi* [Reading the Wave of Ijtihad between Tradition and Liberation], Yogyakarta : Titian Ilahi Press, 1998.
- Mugniyah, Muhammad Jawad, *Fiqh al-Imām Ja'far al-Shādiq*, Iran : Muassasah Anshariyah, 1999.
- Muhammad, Husein, in Introductory *Reformulasi Hukum Keluarga Islam*. In Marzuki Wahid, *Fiqh Indonesia Kompilasi Hukum Islam dan Counter Legal Draft Kompilasi Hukum Islam dalam Bingkai Politik Hukum Indonesia*, Cirebon: ISIF-Institute Studi Islam Fahmina, 2014.
- Muhammadin, *Manhaj Salafiyah*, Jurnal Ilmu Agama/Desember 2013/Th.XIV/Nomor 2/147-161, Palembang: UIN Raden Fatah.
- Muhrisun, *Islam dan Wacana Kontemporer tentang Perlindungan Anak di Indonesia*. Accessed <http://digilib.uin-suka.ac.id/id/eprint/13906>.

- Mulder, Nells, *Mistisisme Jawa: Ideologi di Indonesia*, Yogyakarta; Lkis, 2001.
- Mulia, Musdah, *Islam dan Inspirasi Kesetaraan Gender* [Islam and the inspiration of gender equality], Yogyakarta: Kibar Press, 2006.
- Mulia, Musdah, *Ensiklopedia Muslimah Reformis (Pokok-Pokok Pemikiran untuk Reinterpretasi dan Aksi)*, (Jakarta: Dian Rakyat, 2019).
- Mulia, Musdah, Preface within Teuku Edy Faisal Rusydi, *Pengesahan Kawin Kontrak Pandangan Sunni & Syi'ah* [Ratification of Contract Marriage: Sunni & Shiite Views] Yogyakarta : Pilar Media, 2007.
- Najib, Agus Moh., *Pengembangan Metodologi Fikih Indonesia dan Kontribusinya bagi Pembentukan Hukum Nasional*[Development of the Indonesian Jurisprudence Methodology and its Contribution to the Formation of National Law],Cet. I, Jakarta : Kementerian Agama RI, 2011.
- Nasution, Khoiruddin, *Status Wanita Di Asia Tenggara: Studi Terhadap Perundang-Undangan Perkawinan Muslim Kontemporer Di Indonesia Dan Malaysia* (Jakarta: INIS, 2002).
- Nasution, Khoiruddin, *Hukum Perdata (Keluarga) Islam Indonesia Dan Perbandingan Hukum Perkawinan di Dunia Muslim*, Yogyakarta : Academia Tazzafa, 2009.
- Nasution, Khoiruddin, *Arah Pembangunan Hukum Keluarga Islam Indonesia: Pendekatan Integratif Dan Interkonektif Dalam Membangun Keluarga Sakinah [Direction of Development of Indonesian Islamic Family Law: An Integrative and Interconnected Approach in Building a Sakinah Family]*, Jurnal Ilmu Syari'ah dan Hukum Vol. 46 No. I, January – June 2012.
- Nieuwenhuis, Aernout J., *State And Religion, A Multidimensional Relationship: Some Comparative Law Remarks, ICON*(2012), Vol. 10 No. 1.

- Nisa, Eva F., Marriage and Divorce for the Sake of Religion: The Marital Life of *Cadari* in Indonesia, *Asian Journal of Social Science* 39, 2011.
- Noor, Farish A., Yoginder Sikand dan Martin Van Bruinessen, Behind the Wall: Re-Appraising the Role and Importance of Madrasases in the World Today, in Farish A.Noor et.all(Ed.), *Madrasa in Asia: Political Activism and Transnational Linkages*, Amsterdam: ISIM/Amsterdam University Press, 2008.
- Nurmila, Nina, The Influence of Global Muslim Feminism on Indonesian Muslim Feminist Discourse, *Al-Jāmi'ah*, Vol. 49, No. 1, 2011 M/1432 H.
- Nurmila, Nina, *Polygamous Marriage in Indonesia and Their Impact on Women's Access to Income and Property*, *Al-Jāmi'ah*, Vol. 54, No. 1, 2016.
- Nurlaelawati, Euis, Hukum Keluarga Islam ala Negara: Penafsiran dan Debat atas Dasar Hukum Kompilasi Hukum Islam di Kalangan Otoritas Agama dan Ahli Hukum, *Asy-Syir'ah Jurnal Ilmu Syari'ah dan Hukum*, Vol. 50, No. 1, Juni 2016.
- Nurlelawati, Euis, *Modernization, Tradition, and Identity: The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Court*, Amsterdam: Amsterdam University Press, 2010, *Studia Islamika*, Vol. 18, No. 1, 2011.
- Nurlaelawati, Euis and Arskal Salim, Gendering the Islamic Judiciary: Female Judges in the Religious Courts of Indonesia, *Al-Jāmi'ah*, Vol. 51, No. 2, 2013 M/1435 H.
- Nurlaelawati, Euis and Ratno Lukito (ed), Law and Islamization; The Case of Indonesia in *Making and Interpreting Rules in Indonesia*.
- Nurlaelawati, Euis, Menuju Kesetaraan dalam Aturan Kewarisan Islam Indonesia: Kedudukan Anak Perempuan versus Saudara Kandung, [Towards Equality in the Rules of Indonesian Islamic Inheritance: Position of Daughters



- vs. Siblings], *Indo-Islamika*, Volume 2, Nomor 1, 2012/1433.
- Nurlaelawati, Euis, Indonesian Family Law: Rules And Practices of Marriage, Divorce, Parents-children Relationship, And Inheritance, *International Conference on the Best Interest of the Child – Parenting after Divorce*.
- Nurlaelawati, Euis, Pernikahan Tanpa Pencatatan: Isbat Nikah Sebuah Solusi? [Marriage without registration: Marriage registration; A Solution?] *Musāwa*, Vol. 12 No 2 July 2013.
- Nurzaman, *The Development of Madrasah Diniyah In Indonesia*, International Journal of Religious Studies Vol. 6, No. 2, July – December 2018.
- Oliviatie, Shava, Praktik Poligami Perspektif Aktivis Hizbut Tahrir Kota Malang [Polygamy Practices from Hizbut-Tahrir Activist Perspective Malang]” Malang: Thesis Universitas Islam Negeri Maulana Malik Ibrahim, 2010.
- Pamungkas, Cahyo, *Mereka Yang Terusir: Studi tentang Ketahanan Sosial Pengungsi Ahmadiyah dan Syiah di Indonesia* [Those Who Are Expelled: A Study of the Social Resilience of Ahmadiyah and Shia Refugees in Indonesia], Jakarta: Yayasan Pustaka Obor Indonesia, 2017.
- Parawangsa, Khafifah Indar, *Mengukir Paradigma Menembus Tradisi: Pemikiran Tentang Keserasian Gender* [Carving Out Paradigms, Beyond Tradition: Thinking About Gender Harmony], LP3ES: Jakarta, 2006.
- Pitsoe, Victor and Moeketsi Letseka, Foucault’s Discourse and Power: Implications for Instructionist Classroom Management, *Open Journal of Philosophy* 2013. Vol.3, No.1.
- Praja, Juhaya S., *Dinamika Hukum Islam*[The Dynamics of Islamic Law], within Jaih Mubarak, *Sejarah dan Perkembangan Hukum Islam* [History and Development of Islamic Law], Bandung: Rosda Karya, 2000.

- Poljarevic, Emin, *The Ambiguity of Citizenship in Contemporary Salafism*, in Roel Meijer and Nils Butenshon (eds), *The Crisis of Citizenship in the Arab World*, (Leiden: Brill, 2017).
- Qodir, Zuly, Gerakan Salafi Radikal Dalam Konteks Islam Indonesia (Tinjauan Sejarah), *ISLAMICA*, Vol. 3, No. 1, September 2008.
- Qudamah, Abu Muhammad Muwaffiq ad-Din Abdullah Ibn, *Al-Kafī fī Fiqh al-Imām al-Mubajjal Ahmad Ibn Hanbāl*, II, Beirut: al-Maktab al-Islāmī, 1988.
- Ricklefs, M.C., *Mengislamkan Jawa: Sejarah Islamisasi di Jawa dan Penentangannya dari 1930 sampai Sekarang*, Jakarta: PT. Srambi Ilmu Semesta, 2013.
- Ridgeon, Lloyd, *Introduction*, in Lloyd Ridgeon, ed., *Sufis and Salafis in the Contemporary Age*, New York: Bloomsbury.
- Ridgeway, Cecilia L. and Lynn Smith-Lovin, The Gender System And Interaction, *Annual Review of Sociology*, Vol. 25:191-216 , Volume publication date August 1999. <https://doi.org/10.1146/annurev.soc.25.1.191>.
- Ridwan, Nur Kholik, *NU dan Neoliberalisme Tantangan dan Harapan Menjelang Satu Abad*, Cct.3, Yogyakarta: Lkis, 2012.
- Riesebrodt, Martin, Fundamentalism and the Resurgence of Religion, *Religion in the Disenchanted World*, vol. 47, No. 3, 2000.
- Rohmaniyah, Inayah, Women Strategizing Salafi Islam A Case Study Of PPMWI. *Dissertation*, ICRS-UGM Yogyakarta, 2013.
- Rois, Tinjauan Hukum Islam Terhadap *Khurūj* Yang Di Lakukan Suami Tanpa Kerelaan Isteri (Studi Kasus Di Kelurahan Wonoplum Kecamatan Mijen Kota Semarang)[An Overview of Islamic Law Toward Khuruj by Husbands Without Wife's Willingness (Case Study in Wonoplum Village, Mijen District, Semarang City)]”

- Semarang: Thesis Fakultas Syari'ah Dan Hukum Universitas Islam Negeri Walisongo, 2015.
- Rushd, Ibn, *Bidāyah al-Mujtahid wa Nihāyah al-Muktasid*, V, Bairut: sat al-fikr, n.d.
- Rusli, *Konstruksi Salafi dalam Fatwa Online* [Salafi Construction in Fatwa Online] Yogyakarta: Penerbit Maghza Books, 2015.
- Ryan, Michael, Agency-Structure Integration, in George Ritzer, ed., *Encyclopedia of Social Theory*, Sage Publication, 2005.
- Sajari, Dimiyati, *Fatwa Mui Tentang Aliran Sesat Di Indonesia (1976-2010)* [Mui Fatwa Regarding Hereticalism in Indonesia (1976-2010)].
- Samsuddin, Dien, Usaha Pencarian Konsep Negara dalam Sejarah Pemikiran Politik Islam, *Ulumul Qur'an* No. 02 Vol. IV Tahun 1993.
- Schacht, Joseph, *An Introduction to Islamic Law*, Oxford: Clarendon Press, 1993.
- Shihab, M. Quraish, *Sunni-Syiah Bergandengan Tangan Mungkinkah? Kajian atas Konsep ajaran dan Pemikiran* [Sunni-Shia join hands, is it possible? Study on the concepts of teachings and thoughts] Lentera Hati: 2007.
- Sila, Muhammad Adlin, Book Review: Memahami Spektrum Islam di Jawa, in *Studi Islamika*, Vol.18 No.3 2011.
- Sofjan, Dicky (editor), *Sejarah & Budaya Syi'ah Di Asia Tenggara* [Shia History and Culture in Southeast Asia], Yogyakarta : Sekolah Pasca Universitas Gadjah Mada, 2013.
- Stacheli, Lynn A. and Eleonore Kofman: Mapping Gender, Making Politics: Toward Feminist Political Geographies” dalam Lynn A. Stacheli, Eleonore Kofman and Linda J. Peake, New York: Rutledge, 2004.

- Suadi, Asyari dan M Husnul Abid, *Expanding the Indonesian Tarbiyah Movement through Ta'aruf and marriage, Al-Jāmi'ah: Journal of Islamic Studies*, Vol. 54, no. 2, 2016.
- Sunarwoto, Negotiating Salafi Islam and the State: The *Madkhaliyya* in Indonesia, *Die Welt Des Islamism* 60 (2020), 205-234. Koninklijke, Brill NV, Leiden, 2020.
- Sunarwoto, *Contesting Religious Authority: A study on Dakwah Radio in Surakarta, Indonesia*, Dissertation: Tirburg University, 2015.
- Sunarwoto, *Radio Fatwa: Islamic Tanya-Jawab Programmes on Radio Dakwah, Al-Jāmi'ah*, Vol. 50, No. 2, 2012 M/1434.
- Surahman, Keluarga Sakinah Menurut *Jama'ah Tabligh Ditinjau Dari Perspektif Hukum Islam (Studi Kasus Jama'ah Tabligh Kota Kendari)*" [*Sakinah Family According to Tablighi Jamaat Judging From the Perspective of Islamic Law (Case Study of Tablighi Jamaat in Kendari City)*] Kendari: Thesis Fakultas Syariah Institut Agama Islam Negeri, 2016.
- Sya'bān, Zakiyuddin, *al-Aḥkām Al-Syar'iyah li al-Aḥwāl al-Syakhsīyah*, Egypt: Dār al-Nahḍīyah al-'Arabīyah, 1968.
- The Jakarta Post, 5 October 2004 in <http://thejakartapost.com/misc/PrinterFriendly.asp>.
- The report of the International Crisis Group (ICG), *Indonesia Backgrounder: Why Salafism and Terrorism Mostly Don't Mix*, ICG Asia Report No. 83, 13 September 2004.
- Thompson, John B, "The Theory of Structuration" in David Held and John B Thompson, ed., *Social Theory of Modern Societies: Anthony Giddens and His Critics*, USA: Cambridge University Press, 1989.
- Tijani, Muhammad, *Al-Syiah Hum Ahlu Sunnah (translation)*, Jakarta: Elfara Publishing, 2007.
- TIM PUG (Pengarus Utamaan Gender), *Depag, Pembaharuan Hukum Islam: Counter Legal Draft Kompilasi Hukum Islam*, Jakarta; 2004.

- Tuasikal, Abdullah, YouTube Surabaya Mengajitv with the theme "Given Conditions Not Polygamy"
- Tucker, Judith E., *Women, Family and Gender in Islamic Law*, New York: Cambridge University Press, 2008.
- Tungkagi, Donald Qomaidiansyah, Varian Islam Nusantara: Jawa, Minangkabau dan Gorontalo, *Jurnal Lektur Keagamaan*, Vol. 15, No. 2.
- Turner, Bryan S., Religion and Politics: The Elementary Forms of Citizenship in Engin F. Isin and Bryan S. Turner, ed., *Handbook of Citizenship Studies*, London: Sage Publication, 2002.
- Wahib, Ahmad Bunyan, *Engagement Pattern and Disengagement Pesantren Jamilurrahman with Society*, Yogyakarta: Laporan Penelitian.
- Wahib, Ahmad Bunyan, Being Pious among Indonesian Salafis, *Al-Jāmi'ah*, Vol. 55, No. 1, 2017 M/1438 H, Yogyakarta: UIN Sunan Kalijaga.
- Wahib, Ahmad Bunyan, *Pengorganisasian Dakwah Aktivis Islam di Indonesia*, Malaysia: Dissertation, Universiti Kebangsaan Malaysia, 2008.
- Wahid, Abdurrahman, Kasus Penafsiran Ulang yang Tuntas, Kata Pengantar pada Masdar F. Mas'udi, *Agama, Keadilan: Risalah Zakat (Pajak) dalam Islam*, Jakarta: Pustaka Firdaus, 1993.
- Wahid, Din, *Nurturing the Salafi-Manhaj; A Study of Salafi Pesantrens in Contemporary Indonesia*, Dissertation, Utrecht University, 2014.
- Wahid, Wawan Gunawan Abdul, Pandangan Majelis Tarjih Dan Tajdid Muhammadiyah Tentang Nikah Sirri Dan Itsbat Nikah: Analisis Maqashid Asy-Yari'ah [Muhammadiyah's Tarjih and Tajdid Assembly Views on Sirri's Marriage and Marriage Itsbat: Analysis of Maqashid Ash-Yari'ah], *Musāwa*, Vol. 12 No 2 July 2013.
- Wahyudi, Yudian, Hassan Hanafi on Salafism and Secularism, within Ibrahim M Abu Rabi', Ed., *the Blackwell*

*Companion to Contemporary Islamic Thought*. USA: Blackwell Publishing, 2006.

Wajiran, Polygamy and Muslim Women in Contemporary Indonesian Literature, *Humaniora*, Volume 30, Number 3 October 2018.

Wasitoh, Ma'rifatul, Sekolah Ibu: Mendidik Ibu Bisa Menjadi Serba Bisa [Mother School: Educating Mothers to be Multi-talented] (Ummu Muhammad School Study in Wirokerten Village, Banguntapan, Bantul DIY), Yogyakarta: Thesis Islamic Religious Studies Program, Postgraduate of UIN Sunan Kalijaga, Yogyakarta.

Weber, Karl E., Reviews Noorhaidi Hasan, *Laskar Jihad. Islam, Militancy, and the Quest for Identity in Post-New Order Indonesia*. Ithaca, NY, Cornell University Press (Cornell Southeast Asia Program Publications (Studies on Southeast Asia, 40), 2006, *Journal of the Siam Society* 2008 Vol. 96.

Wiechers, Marinus, *Citizenship and Intergroup Accommodation in Plural Societies*, London: Palgrave Macmillan, 1978.

Wignjosuebrototo, Soetandyo, Perkembangan Hukum di Indonesia Sepanjang Masa Pemerintahan Orde Baru (1966-1990), *Background Paper 01 dalam diskusi terbatas Forum Indonesia Muda (FIM) tahap ke-10*, Jakarta, tanggal 21 Februari 1992.

Wiktorowicz, Quintan, *Anatomy of the Salafi Movement*, *Studies in Conflict & Terrorism*, 29:207-239, 2006, Taylor & Francis Group.

Yunesti, Yuyun, Politic of Niqab: Salafi Women, Agency and Everyday Life, *Dissertation*: ICRS-UGM, 2019.

Zuhrotunnisa, Zulfa, Poligami dalam Pandangan Hizbut Tahrir Indonesia [Polygamy in the View of Hizbut-Tahrir Indonesia]” Jakarta: Thesis Universitas Islam Negeri Syarif Hidayatullah, Program Studi Hukum Keluarga Fakultas Syariah dan Hukum, 2017.

Zulkarnain, Iskandar, *Gerakan Ahmadiyah di Indonesia [Ahmadiyya Movement in Indonesia]*, Yogyakarta: Lkis, 2005.

Zulkifli, Praksis Taqiyah : Strategi Syi'ah Indonesia Untuk Pengakuan [Taqiyah Practices: Indonesian Shiite Strategies for Recognition], within Dicky Sofjan (editor), *Sejarah & Budaya Syiah Di Asia Tenggara* [Shia history and culture in south east Asia] Yogyakarta : Sekolah Pasca Sarjana Universitas Gadjah Mada, 2013.

Zulkifli, *The Struggle of The Shi'is In Indonesia*, Leiden: Dissertation, 2009.

### **Interview**

Interview with Chairul Amin on Wednesday 19 September 2018.

Interview with the Chief of the Neighborhood Association 04 of Glondong, Mr. Amin Pujianto (Abu Balqis) on 13 July 2019.

Interview with Fidyah (married in 2017, Head of Administration of the Akhwat Jamilurrahman Elementary School), on Thursday, 11 July 2019.

Interview with Mr. Badar in 5 March 2019.

Interview with Mr. Choirul Amin, Wedding Officiant of KUA Banguntapan 19 September 2018.

Interview with Mr. Sunartono as the former head of the Grojokan hamlet in the 1983-2019 period, on 25 February 2018.

Interview with Savana on 10 July 2019.

Interview with Septia Ningrum (Student of Mustawa 2) on 18 February 2019.

Interview with Siti Aisyun at the Salafi Islamic Boarding School Jamilurrahman Wirokerten on 10 July 2019.

Interview with Tasya Dewi (Tahsin Teacher at Jamilurrahman Women's Elementary School) on Thursday, 11 July 2019.

Interview with the Head of Government section: Mr. Indrasworo Agung P, on Wednesday 6 December 2018.

Interview with the Head of Service section; Mr. Nur Alam Sah, A.Md) on Wednesday 6 December 2018.

Interview with the Legal Instructor of KUA Banguntapan, Bantul, *Mbak Khotim*, on Wednesday 6 December 2018.

Interview with *ukhtī* Fatimah on 13 July 2019.

Interview with *ukhtī* Hestika on 11 July 2019.

Interview with *ukhtī* Saidah on 15 July 2019.

Interview with *ukhtī* Tasya Dewi on 11 July 2019.

Interview with *Ummī* Sovi on Sunday, 7 July 2019.

Interview with *Ummī* Tsani on Sunday, 7 July 2019.

Interview with *Ummī* Atika on 18 February 2019.

Interview with *Ummū* Abdillah on 18 February 2019.

Interview with *Ummū* Abqory, on 7 July 2019.

Interview with *Ummū* Adam in on the 8 March 2019.

Interview with *Ummū* Asia on 24 February 2019.

Interview with *Ummū* Hafidzah on 12 July 2019.

Interview with *Ummū* JamiI, on 8 July 2019.

Interview with *Ummū* Mufida on 18 February 2019.

Interview with Ummu Nauval on 4 July 2019

Interview with *Ummū* Rosyad (Mr. Budi's second wife) in 9 July 2019.

Interview with *Ummū* Yahya on 18 February 2019.

Interview with Ustād̄z Muslam on 18 February 2019.



Interview with Ustādzah Sovi (*Mudir* of the Akhwat Jamilurrahman Elementary School), on Thursday, 11 July 2019.

### Website

<http://pondokjamil.atturots.or.id/berita-penerimaan-santri-baru-ponpes-jamilurrahman-20172018.htmlxzz5eIaQn2Ch>, accessed on 10 February 2019.

<http://pondokjamil.atturots.or.id/berita-penerimaan-santri-baru-ponpes-jamilurrahman-20172018.htmlxzz5eIaQn2Ch> Accessed on 1 February 2019.

<http://www.binbaz.or.id/sekilas-pandang>, on January 18, 2019.

<http://yru.or.id/mari-mengenal-lebih-dalam-mengenal-halaqoh/> on 13 August 2019.

<https://al-waie.id/fikih/akad-nikah-yang-batil-dan-fasad/> on 3 September 2019.

<https://al-waie.id/nisa/islam-pelindung-perempuan/>, on 3 September 2019.

<https://al-waie.id/telaah-kitab/hakikat-kehidupan-suami-istri/> on 3 September 2019.

<https://binbaz.or.id>.

<https://kbbi.web.id/eksklusif>, on January 18, 2019.

<https://kbbi.web.id/hukum> accessed on 23 August 2019.

<https://kipmi.or.id/pelatihan-membuat-toko-online-di-kampung-santri.html> accessed on 10 February 2019.

<https://www.nu.or.id/post/read/84411/di-papua-pesantren-ala-salafi-wahabi-semakin-menjamur> Accessed 25 April 2020.

<https://www.republika.co.id/berita/dunia-islam/islam-nusantara/17/09/28/owzjue396-mau-nikah-siri-ini-untung-ruginya-kata-mui>, accessed on 3 July 2019.

[https://www.researchgate.net/publication/318457978\\_Comparative\\_Analysis\\_of\\_Marriage\\_under\\_Islamic\\_Law\\_between\\_Saudi\\_Arabia\\_and\\_Egypt](https://www.researchgate.net/publication/318457978_Comparative_Analysis_of_Marriage_under_Islamic_Law_between_Saudi_Arabia_and_Egypt) accessed on 1 August 2019.

[https://www.youtubr.com/watch?v=saB\\_Zvuc2hc](https://www.youtubr.com/watch?v=saB_Zvuc2hc) and [https://rumaysho.com/10426-poligami\\_bisakah-adil.html](https://rumaysho.com/10426-poligami_bisakah-adil.html).



## CURRICULUM VITAE

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 Name of Mother : Nur Ain Bin Syech Abubakar  
 Name of Husband : Umar Idrus Al-Habsyi  
 Name of Children : 1. Lu'lu' Agaisha  
 2. Lubnah Aqniya  
 3. Ali Muhdar Al-Habsyi

### EDUCATION

Year	Degree	Name of School	Subject
1989	SD	SDN Toima, Bunta, Luwuk Banggai	
1992	MTs	MTs Alkhairaat Pusat Palu, Sulteng	
1995	MA	MA. Alkhairaat Pusat Palu, Sulteng	Agama
2000	S1	IAIN Alauddin Makassar	Ahwal Syakhshiyah
2003	S2	IAIN Sunan Kalijaga Yogyakarta	Hukum Keluarga
2020	S3	School of Graduate Studies, UIN Sunan Kalijaga, Yogyakarta	Islamic Thought and Muslim Societies (ITMS)

**COURSES**

Year	Course	Place
2006	Community Leaders Program	Chicago, USA
2015	Shortcourse Pengembangan Bahasa	Pare, Kediri Jawa Timur
2017	International Workshop	Chengkyung University, Tainan, Taiwan

**RESEARCH EXPERIENCES**

Year	Research	Funding
2008	Potensi, Preferensi dan Perilaku Masyarakat terhadap Perbankan Syariah di Kota Ternate	Bank Indonesia Ternate
2010	Studi Analisis Pelayanan Publik di Catatan Sipil Kota Ternate	UNDP
2013	Pentingnya Kafaah dalam Perkawinan di Lingk. Falajawa I Kel. Muhajirin Kec. Ternate Tengah Kota Ternate	Dipa IAIN Ternate
2014	Manajemen Penyelenggaraan Ibadah Haji (Analisis Terhadap Kebijakan Penyelenggaraan Ibadah Haji di Indonesia)	Diktis, Depag RI

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**CONFERENCE EXPERIENCES**

Year	Conference	Funding
2018	Islamic Family Law Reform: Early Marriage and Criminalization (A Comparative Study of Legal Law in Indonesia and Pakistan)	IAIN Surakarta
2018	Salafi Women in Yogyakarta	Taiwan
2019	Khaled Abou El Fadl: Ethical Repositioning of Islamic Law Discourse: <i>Mut'ah</i> Marriage	Fak.Syariah dan Hukum UIN Sunan Kalijaga

## BOOKS / JOURNAL ARTICLES

### Books and Journal Articles

Year	Title	Publisher / Journal
For coming	Khaled Abou El Fadl: Ethical Repositioning of Islamic Law Discourse: <i>Mut'ah</i> Marriage	Jurnal Asy-Syirah. UIN Sunan Kalijaga Yogyakarta
For coming	Enhancing Women's Right through Management of Marriage within Salafis Community in Wirokerten, Indonesia.	IJIMS ; Indonesian Journal of Islam and Muslim Societies IAIN Salatiga
For coming	Eksistensi dan Kekuatan Istri Yang Dipoligami Pada Komunitas Salafi di Yogyakarta	
For coming	Women's Work: Between Rights and Obligations: Debating on Family Resiliensi Legal Draf	AICIS 2020
2020	Concept of <i>Ummah</i> in the al-Qur'an (Analisis Semantics Tosihiko Izutsu)	Jurnal Hunafa Studia Islamika, IAIN Palu-Sulawesi Tengah,
2019	Islamic Family Law Reform: Early Marriage and Criminalization (A Comparative Study of Legal Law in Indonesia and Pakistan)	Jurnal Al-Ahkam Ilmu Syari'ah dan Hukum vol.4 No.2 IAIN Surakarta
2014	<i>Wasiat Wajibah</i> : Pembaharuan Dalam Hukum Keluarga	Interpena Yogyakarta
2013	Perdagangan Berjangka Komoditi dalam Perspektif	Jurnal Asy-Syirah. UIN Sunan Kalijaga

	Analisis Ushul Fiqh	Yogyakarta, Vol. 47. No. 1.
2011	Pembaharuan Hukum Keluarga: Wasiat Untuk Ahli Waris (Studi perbandingan Tunisia, Syiria, Mesir dan Indonesia	Jurnal Hunafa Studia Islamika, IAIN Palu-Sulawesi Tengah, Vol. 8, No.2
2010	Epistemologi <i>Bayani</i>	Jurnal Paramedia, UIN Sunan Ampel Surabaya
2005	Konsep <i>Tadarruj</i> : Pemberlakuan Hukum Islam	Jurnal An-Nidzam IAIN Ternate Maluku Utara

#### As an editor

Year	BOOKS	Publisher
2017	Konsep Ishmah dalam Syi'ah	Q-Media Yogyakarta

Yogyakarta, 08 Mei 2020



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