

BALANCING TRADITION AND PUBLIC HEALTH: THE AL-SHAFI'I PERSPECTIVE ON FEMALE CIRCUMCISION IN LIGHT OF PP NO. 28/2024 AND MUI FATWA NO. 9A/2008

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Abstract

This research examines the regulatory and religious perspectives on female circumcision in Indonesia, focusing on the interplay between Peraturan Pemerintah (PP) No. 28/2024 and Fatwa Majelis Ulama Indonesia (MUI) No. 9A/2008. The study aims to analyze the compatibility of these regulations with Islamic traditions, particularly the Shafi'i school of thought, and assess their implications for women's rights and health. A qualitative comparative approach was employed, utilizing document analysis of the two regulations alongside relevant Islamic jurisprudential sources. Data were further contextualized through a normative-juridical framework, allowing for an in-depth exploration of religious, legal, and public health considerations. The findings reveal significant tensions between the two regulatory frameworks. While the MUI fatwa permits female circumcision within safe procedural limits and aligns with Shafi'i jurisprudence, PP No. 28/2024 emphasizes the protection of women's physical and psychological health, categorizing female circumcision as potentially harmful. Both frameworks aim to safeguard women's well-being, yet diverge in their application of this principle. This study contributes original insights by situating the debate within the broader discourse on the intersection of religion and modern regulatory systems in Indonesia. It highlights the need for a balanced approach that respects religious traditions while prioritizing women's rights and health. The findings have significant implications for policymakers and religious leaders, suggesting the necessity of harmonizing religious practices with modern legal standards to address public health concerns and uphold human rights in a pluralistic society.

Keywords: *Female Circumcision; Khitan; Imam Shafi'i's Perspective; Fatwa MUI.*

INTRODUCTION

Female circumcision in Indonesia remains a contentious issue.¹ The controversy was reignited by the enactment of Government Regulation (PP) No. 28 of 2024, sparking debates among scholars, officials, and the public.² This practice, long embedded in Indonesian traditions and religious teachings, faces scrutiny from various perspectives, including religious, medical, and human rights viewpoints. In many regions across Indonesia, female circumcision has been practiced for generations as part of cultural and religious identity. The new regulation aims to provide a framework governing the procedure, particularly addressing health and women's rights concerns.³ However, it has drawn mixed reactions, with some questioning its alignment with Islamic values and others highlighting its potential health risks if improperly performed.⁴ The regulation has positioned the issue of female circumcision at the intersection of cultural traditions, Islamic teachings, and modern legal and human rights frameworks.

The al-Shafi'i madhhab of thought strongly endorses female circumcision as a recommended practice. Within Islamic jurisprudence, the Al-Shafi'i school regards it as *sunnah muakkadah* (highly recommended), emphasizing its role in fulfilling a woman's natural disposition and purity. However, differences exist among Islamic scholars regarding its mandatory nature.⁵ The al-Shafi'i perspective provides a theological foundation that links female circumcision to religious obligations. This position contrasts with critiques from medical professionals and human rights advocates, who argue that the practice can pose health risks and violate women's rights, particularly when conducted without proper medical oversight. The tension between religious endorsement and critical perspectives reflects a broader challenge in harmonizing faith-based practices with contemporary ethical standards. The Al-Shafi'i school's stance

¹ Lanny Octavia, "Circumcision and Muslim Women's Identity in Indonesia," *Studia Islamika* 21, no. 3 (2014), <https://doi.org/10.15408/sdi.v21i3.1217>.

² Duski Samad, "Responsi Dan Solusi Integritas Dan Moralitas" (Duskisamad Institut Publishing, 2013).

³ Delisa Pramita Putri, *Coretan-Coretan Anak Pusdima: Bunga Rampai* (CV Jejak (Jejak Publisher), 2021), hlm.28.

⁴ Siti Khodijah and M Syamsudini, "The Tradition of Woman's Circumcision (A Case Study in Osing Society Banyuwangi East Java Indonesia)," *Islamika Inside: Jurnal Keislaman Dan Humaniora* 9, no. 1 (2023): 33-53, <https://doi.org/10.35719/islamikainside.v9i1.222>.

⁵ Prima Sanjaya, Noprizal Noprizal, and Hendrianto Hendrianto, "Persepsi Pengurus Nahdlatul Ulama Dan Muhammadiyah Kabupaten Kepahiang Terhadap Perbankan Syariah" (IAIN Curup, 2022).

highlights the complex interplay between religious traditions and evolving societal concerns regarding female circumcision.

The study investigates the intersection of religious and legal perspectives on female circumcision in Indonesia. It aims to compare Government Regulation No. 28 of 2024 with the Fatwa of the Indonesian Ulama Council (MUI) No. 9A of 2008, specifically from the standpoint of Islamic law as understood by Imam Al-Shafi'i.⁶ The study seeks to identify areas of convergence and divergence between the regulation and the fatwa. By analyzing these two documents, the research explores their implications for women's health and reproductive rights. Furthermore, it examines whether Imam Al-Shafi'i's views can be integrated into Indonesia's positive legal framework, particularly in regulating female circumcision practices. This inquiry addresses a critical gap in understanding the alignment of religious teachings with modern legal standards. The research sheds light on how Islamic jurisprudence can inform and interact with state regulations on female circumcision in Indonesia.

Government Regulation No. 28 of 2024 signifies a pivotal shift in addressing female circumcision in Indonesia. The regulation represents the government's effort to create a legal framework ensuring the procedure's compliance with health and human rights principles. However, this initiative has provoked debates about its compatibility with Islamic teachings, especially within the Al-Shafi'i school. On one hand, the regulation underscores the state's role in safeguarding public health and promoting gender equality. On the other hand, its alignment with religious principles is questioned, given the strong endorsement of female circumcision by the Al-Shafi'i school as a religiously significant practice. This duality reflects a broader tension between maintaining cultural and religious traditions and upholding universal human rights standards. The regulation's reception illustrates the ongoing challenge of reconciling religious beliefs with contemporary legal and ethical frameworks.

METHOD

⁶ Mohammad Syifa Amin Widigdo and Homaidi Hamid, "The Power of Fatwā in Indonesia: An Analysis of MUI's Controversial Fatwās," *Afkaruna* 14, no. 2 (2018): 146–66, <https://doi.org/10.18196/aijjis.2018.0085.146-165>.

This study employs a normative juridical research design to analyze legal texts and principles related to female circumcision. The normative method focuses on examining written and unwritten legal frameworks, emphasizing doctrinal and conceptual analyses.⁷ This approach is essential for understanding the intersection between Islamic jurisprudence and contemporary legal regulations.⁸ Specifically, the research centers on Government Regulation No. 28 of 2024, the MUI Fatwa No. 9A of 2008, and their alignment with Imam Al-Shafi'i's perspective on female circumcision. It also investigates the legal and religious principles underlying these texts. By integrating Islamic legal doctrines with regulatory frameworks, the study aims to provide a comprehensive understanding of female circumcision's legal and religious dimensions. The normative juridical design offers a robust framework for exploring the intersection of Islamic law and state regulations concerning female circumcision.

The data collection relies on an in-depth analysis of secondary sources. This includes legal documents, religious texts, and scholarly works that provide insights into the regulation and practice of female circumcision. Secondary data is pivotal for capturing the legal and doctrinal context of the issue. The primary data sources are Government Regulation No. 28 of 2024, the MUI Fatwa No. 9A of 2008, and Imam Al-Shafi'i's legal texts. Additional references include books, journal articles, and official documents relevant to the practice of female circumcision in Indonesia. These materials were carefully selected to ensure relevance and comprehensiveness, covering both religious and legal dimensions. By using secondary sources, the study ensures a detailed and contextualized exploration of the issue from both legal and Islamic perspectives.

The study employs a textual and conceptual analysis approach to interpret the collected data. This method focuses on understanding the legal texts and religious doctrines in their specific contexts, allowing for a detailed comparison between legal regulations and Islamic teachings. Analyzing the alignment and divergence between these frameworks is central to the study. The analysis involves comparing the principles

⁷ Kornelius Benuf and Muhamad Azhar, "Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer," *Gema Keadilan* 7, no. 1 (2020): 20–33.

⁸ Yati Nurhayati, Ifrani Ifrani, and M Yasir Said, "Metodologi Normatif Dan Empiris Dalam Perspektif Ilmu Hukum," *Jurnal Penegakan Hukum Indonesia* 2, no. 1 (2021): 1–20.

outlined in Government Regulation No. 28 of 2024 with the MUI Fatwa No. 9A of 2008 and Imam Al-Shafi'i's jurisprudential stance on female circumcision. It examines doctrinal interpretations, the legal implications of these texts, and their practical impact on women's rights and health. This analytical framework bridges the gap between traditional Islamic jurisprudence and modern legal standards. The textual and conceptual analysis enables a nuanced understanding of female circumcision within the dual frameworks of Islamic law and Indonesian legal regulations.

RESULT AND DISCUSSION

1. Value The Origin of Female Circumcision (Khitan)

The discussion reveals that khitan (female circumcision) is a deeply rooted practice in various Muslim communities, with cultural, religious, and medical dimensions. Etymologically, it involves cutting or reducing parts of the genitalia, commonly referred to as *khifadh* in Arabic.⁹ Medical terminology categorizes it as Female Genital Mutilation/Cutting (FGM/C). Despite its cultural and religious significance, the practice has significant medical and psychological implications. The diversity of practices, ranging from minor incisions to extensive procedures, highlights the variability in its application based on cultural norms.

The implications of female circumcision extend beyond religious practices, touching on gender roles, health, and human rights.¹⁰ While some communities consider it a rite of passage or a means to control female sexuality, global health authorities like WHO strongly oppose it due to its adverse effects on health, including severe bleeding, infections, and complications in childbirth.¹¹ These conflicting views underscore the tension between upholding cultural traditions and adhering to international health and human rights standards.¹²

The religious interpretation of female circumcision varies significantly. In the Shafi'i madhhab, it is considered *sunnah muakkad* (a strongly recommended practice),

⁹ Lc Aini Aryani, "Khitan Bagi Wanita, Haruskah?" (Uin Raden Fatah Palembang, 2018), hlm.10.

¹⁰ Taufan Januardi, "Sebuah Perspektif Nawal El Saadawi: Khitan Perempuan Antara Syariat Dan Adat," *Jurnal Iman Dan Spiritualitas* 2, no. 3 (2022): 361-72.

¹¹ Aini Aryani, "Khitan Bagi Wanita, Haruskah?"

¹² C. I. Tim Redaksi, "Alasan Praktik Sunat Perempuan Resmi Dihapus Indonesia," 2024.

though it is not obligatory. This position is supported by weak hadiths that some scholars accept as legal evidence. However, not all Islamic scholars agree, and there is no universal consensus on its requirement. This variation illustrates the interplay between religious doctrine and local cultural practices, with communities adapting religious guidelines to their specific contexts.

Culturally, female circumcision serves as a marker of identity and social belonging. In many societies, it symbolizes a girl's transition to adulthood and is seen as an essential rite of passage. For example, in Indonesia, the practice is often performed during infancy or early childhood by medical professionals. This cultural embeddedness complicates efforts to reform or eliminate the practice, as it intertwines deeply with societal norms and identity.

The discussion categorizes female circumcision into four types, ranging from minor incisions to more invasive procedures involving removal or alteration of external genitalia. These include prepuce cutting, clitoral excision, infibulation, and various unclassified methods such as burning or scraping.¹³ Each type reflects differing cultural and traditional motivations, some of which align with the goal of controlling female sexuality or maintaining perceived cultural purity.

The practice of female circumcision is deeply intertwined with gender power dynamics. It often reinforces patriarchal structures by subordinating women and limiting their sexual autonomy. By physically altering female genitalia, societies aim to control women's sexuality, ensuring their chastity and fidelity. This reflects broader societal attitudes toward women's roles and reinforces their subjugation in male-dominated structures.

From a medical perspective, female circumcision is condemned for its severe health risks and lack of medical benefits. WHO categorizes it as harmful, citing risks such as severe bleeding, infections, and increased maternal and infant mortality rates. Activists and health professionals advocate for its eradication, framing it as a human rights issue

¹³ Wahyuni Wahyuni, "Tradisi Khitanan Anak Perempuan Dalam Tinjauan Sosiologi Agama Di Kelurahan Bittoeng Kecamatan Duampanua Kabupaten Pinrang" (IAIN PAREPARE, 2022), hlm.20-22.

and emphasizing the need for education and alternative cultural practices that respect women's health and autonomy.¹⁴

In conclusion, female circumcision remains a complex issue shaped by cultural, religious, and health-related factors. While some communities uphold it as a cultural necessity or religious obligation, global perspectives highlight its harmful consequences. Moving forward, efforts to address khitan perempuan should involve collaboration between religious leaders, cultural authorities, and health professionals to develop culturally sensitive approaches that protect women's rights and health while respecting traditions.

2. Curriculum Comparative between Peraturan Pemerintah (PP) No. 28 Tahun 2024 and the Fatwa Majelis Ulama Indonesia (MUI) No. 9 Tahun 2008

The comparison between Peraturan Pemerintah (PP) No. 28 Tahun 2024 and the Fatwa Majelis Ulama Indonesia (MUI) No. 9 Tahun 2008 highlights fundamental differences in their approach, objectives, and regulatory focus.¹⁵ PP No. 28 emphasizes safeguarding women's physical and psychological well-being by restricting practices that could harm the genital organs. In contrast, MUI's fatwa focuses on providing religious guidance while maintaining traditional Islamic practices within cultural norms.

These findings suggest a shift in regulatory priorities, with PP No. 28 reflecting a public health-centered and rights-based approach. This contrasts with the MUI fatwa, which integrates theological and cultural considerations. The divergence in focus underscores the tension between religious and secular perspectives in addressing sensitive issues like female circumcision. The issuance of PP No. 28 Tahun 2024 reflects growing concerns over the harmful consequences of unhygienic female circumcision practices. These include severe physical complications such as bleeding, infections, and long-term reproductive health risks. The regulation aims to address these societal challenges while aligning with global health standards championed by WHO.

¹⁴ Malik Ibrahim, "Khitan Terhadap Perempuan Berdasarkan Perspektif Hukum Islam Dan Hukum Positif (Studi Analisis Fatwa Mui NO. 9A Tahun 2008)" (Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta, n.d.).

¹⁵ F Ramadanti, "Apa Hukum Khitan Dalam Ajaran Islam? Ini Dalilnya.," *DetikHikmah*, 2023.

According to WHO, female circumcision, particularly practices involving genital mutilation, has no medical benefits and poses significant health risks. The organization recognizes it as a violation of human rights, emphasizing the need for preventive policies to protect women and girls.¹⁶ This aligns with PP No. 28, which promotes health protection over cultural or religious justifications. The regulation was introduced to address specific issues, including unsanitary practices, psychological trauma, and the suppression of women's sexual health.¹⁷ By discouraging procedures that eliminate libido or cause long-term health damage, the government aims to prioritize well-being and human dignity.

MUI's Fatwa No. 9 Tahun 2008, in contrast, adheres to Islamic jurisprudence, which allows circumcision for women within specific parameters. It avoids endorsing practices that qualify as female genital mutilation (FGM). This demonstrates an attempt to reconcile religious tradition with contemporary health and ethical standards.¹⁸

PP No. 28 adopts a secular perspective by emphasizing evidence-based health practices. It discourages unnecessary procedures, particularly those performed in unhygienic conditions, while promoting education on gender sensitivity. This approach reflects international human rights norms and aims to harmonize health policy with global advocacy against FGM. Dr. Vellery Sp. OG noted the distinction between WHO's definition of FGM and the Islamic practice of female circumcision. While WHO condemns FGM as inherently harmful, Islamic practices involve less invasive procedures intended to maintain cultural or religious identity. This distinction highlights the complexity of balancing global standards with local practices.¹⁹

The divergence between PP No. 28 and MUI's fatwa reveals a broader societal debate: balancing the preservation of religious identity with adherence to international

¹⁶ Azizah Nur, "Analisis Hukum Islam Tentang Khitan Perempuan Menurut Faqihuddin Abdul Kodir (Studi Pada Buku Qira'ah Mubadalah)" (UIN RADEN INTAN LAMPUNG, 2022), hlm.5.

¹⁷ Aris Abdul Ghoni et al., "Khitan Perempuan Dalam Tinjauan Tradisi Dan Hukum Islam," *Iqtisad: Reconstruction of Justice and Welfare for Indonesia* 10, no. 2 (2023): 169–88.

¹⁸ Tim Redaksi, "Alasan Praktik Sunat Perempuan Resmi Dihapus Indonesia."

¹⁹ A. Aryani, "Khitan Bagi Wanita, Haruskah? Jakarta Selatan: Rumah Fiqih Publishing,," *Rumah Fiqih Publishing*, 2018.

health and human rights standards. The nuanced differences in these approaches reflect ongoing tensions between secular governance and religious autonomy in policymaking.²⁰

The enactment of PP No. 28 Tahun 2024 signifies Indonesia's commitment to protecting women's health and rights in alignment with global standards. However, the coexistence of MUI's fatwa underscores the need for continued dialogue to bridge the gap between secular and religious perspectives, ensuring both health protection and cultural sensitivity.

3. Imam al-Shafi'i's Perspective on Government Regulation (PP) No 28 Year 2024 and Fatwa of the Indonesian Ulema Council (MUI) No 9 Year 2008 Female Circumcision

The Fatwa MUI No. 9A/2008 positions female circumcision as part of Islamic teachings and a symbol of dignity.²¹ This highlights its religious significance while acknowledging its status as a recommended, rather than obligatory, practice. The fatwa defines female circumcision as *makrumah* (noble) and supports it as an act of worship, emphasizing the importance of safe and non-harmful methods.²² This interpretation reflects an effort to balance religious practices with modern ethical and medical concerns. The fatwa illustrates the interplay between religion, cultural identity, and public health. It aligns with the principles of *maqāṣid al-sharī'ah* (preservation of religion and life) while challenging blanket prohibitions. The inclusion of health considerations, such as avoiding harm during circumcision, underscores its adaptability to contemporary standards. This sets a precedent for reconciling traditional Islamic teachings with evolving societal norms.²³

The fatwa draws heavily on Quranic texts to validate female circumcision as a religiously endorsed practice.²⁴ The references to *millah Ibrahim* (the way of Prophet Abraham) position it within a broader framework of Islamic obligations. Quranic verses

²⁰ Madnur Madnur et al., "Actualization of Ijtihad and Fatwa in Indonesia from Legal Opinion to Legal Binding," *Analisis: Jurnal Studi Keislaman* 23, no. 2 (2023): 209–32.

²¹ Agus Hermanto, "Hukum Khitan Perempuan Dan Faidahnya. "Unggul Dan Kompetitif Dalam Hukum Keluarga Islam Dan Ilmu Hukum.," 2019.

²² Siti Raudhah Binti Ibrahim, "Hukum Khitan Bayi Perempuan Menurut Pandangan Mazhab Hanafi Dan Mazhab Syafi'i" (Fakultas Syariah Dan Hukum, 2022), hlm.14.

²³ N. S. Sagita, "PP No 28 Tahun 2024 Hapus Praktik Sunat Perempuan, Kemenkes Ungkap Alasannya. DetikSumut," *DetikSumut*, 2024.

²⁴ Erik Sabti Rahmawati and Lukluil Maknun, "Khitan Perempuan Dalam Fatwa MUI No. 9a Tahun 2008 Dan Permenkes No. 6 Tahun 2014 Perspektif Maqashid Al-Syari'ah," *Egalita* 12, no. 2 (2017).

such as An-Nahl (16:123) and Ali Imran (3:95) are cited to emphasize adherence to prophetic traditions.²⁵ This Quranic grounding strengthens the fatwa's religious legitimacy. The fatwa categorically opposes the prohibition of female circumcision. Such prohibitions are seen as contrary to Islamic teachings, which view circumcision as part of human nature (*fitrah*). The fatwa cites unanimous agreement among Islamic scholars regarding its permissibility. This demonstrates the fatwa's firm stance on preserving religious practices within acceptable boundaries.²⁶

Medical experts express concerns over unsafe circumcision practices. These practices may lead to severe physical and psychological harm. Deep incisions performed without medical oversight risk infections, hemorrhaging, and even death. This critique underscores the importance of implementing the fatwa's guidelines for safe procedures. The fatwa acknowledges health risks and prescribes specific methods to mitigate harm. Only minimal procedures, such as removing the preputial tissue, are permitted. Guidelines explicitly forbid practices that involve cutting or injuring the clitoris, aligning with health standards. This pragmatic approach balances religious values with medical ethics.

The fatwa emphasizes the *maqāṣid al-sharī'ah* goals of protecting religion and life. Female circumcision is framed as both a spiritual obligation and a safeguard for physical well-being. The fatwa aligns with *hifdz al-dīn* (protection of religion) and *hifdz al-nafs* (protection of life). This dual focus reinforces its relevance in modern contexts. The fatwa advocates for regulated medical training to ensure safe implementation. Proper medical procedures prevent harm and uphold Islamic ethical principles. Recommendations include government-backed training for healthcare providers. This bridges the gap between religious adherence and public health standards.

Imam al-Shafi'i views female circumcision as part of Islamic *fitrah* and *syariah*.²⁷ He considers it a religious act of worship, emphasizing spiritual and social significance.

²⁵ IBRAHIM, "Hukum Khitan Bayi Perempuan Menurut Pandangan Mazhab Hanafi Dan Mazhab Syafi'i."

²⁶ Zulfa Hudiyan, "Nalar Fikih Khitan Perempuan: Analisis Komparasi Antara Majelis Ulama Indonesia Dan Kongresi Ulama Perempuan Indonesia," *Innovative: Journal Of Social Science Research* 4, no. 4 (2024): 2219–33.

²⁷ Ratna Suraiya, "Sunat Perempuan Dalam Perspektif Sejarah, Medis Dan Hukum Islam (Respon Terhadap Pencabutan Aturan Larangan Sunat Perempuan Di Indonesia)," *CENDEKIA: Jurnal Studi Keislaman* 5, no. 1 (2019).

His support aligns with traditional Islamic jurisprudence, which values circumcision for its symbolic and hygienic benefits. This perspective solidifies its standing as a respected practice in Islamic law. Imam al-Shafi'i also highlights health and cleanliness benefits. Proper circumcision reduces risks of infection and promotes genital hygiene. He supports medically sound practices, rejecting unsafe procedures. This health-conscious approach aligns with the fatwa's recommendations.²⁸

Government regulations prioritize health and human rights over traditional practices. This aims to prevent harmful circumcision methods and protect vulnerable groups. PP No. 28/2024 focuses on public health and prohibits practices with potential medical risks. This reflects a secular approach emphasizing safety and rights. The fatwa critiques such regulations as potentially infringing on religious freedoms. Female circumcision is seen as a syariah-based obligation. The fatwa asserts that prohibitions undermine Islamic identity and social customs. This tension highlights differing priorities between religious and secular authorities.

The fatwa preserves cultural identity by framing circumcision as a communal ritual. It serves as a symbol of religious adherence and social transition. Practices rooted in Islamic tradition are maintained within specific cultural contexts. This sustains its role as a marker of identity and belonging. However, cultural misinterpretations can lead to unsafe practices. Overemphasis on tradition may overshadow medical and ethical considerations. Some communities enforce harmful circumcision practices without proper oversight. This underscores the need for education and standardized guidelines.

Ethical dilemmas arise when balancing religious practices with human rights. Critics argue that circumcision infringes on bodily autonomy. Regulations like PP No. 28/2024 emphasize individual rights over communal obligations. This calls for nuanced policies that respect both perspectives. The fatwa's guidelines promote ethical practices that avoid harm. Islamic teachings prioritize the welfare and dignity of individuals. Restrictions against excessive procedures reflect this commitment. This balances ethical concerns with religious principles.

²⁸ Januardi, "Sebuah Perspektif Nawal El Saadawi: Khitan Perempuan Antara Syariah dan Adat."

The fatwa reaffirms female circumcision as a permissible Islamic practice. It is rooted in syariah and aligned with *maqāṣid al-sharīah*. Religious texts and scholarly consensus form its basis. This provides a framework for integrating tradition with modernity. Regulations should incorporate both religious and medical perspectives. Collaboration ensures practices are both safe and syariah-compliant. The fatwa and PP No. 28/2024 highlight complementary goals. This synergy can address ethical, social, and health concerns. Community education is essential for effective implementation. Misunderstandings of religious practices can lead to harmful outcomes. Training healthcare providers on fatwa-compliant methods is recommended. This fosters informed practices rooted in syariah and safety.

Future discussions must balance tradition with evolving societal values. Female circumcision remains a contested issue in both Islamic and global contexts. Perspectives from Islamic law, human rights, and public health offer diverse insights. Continued dialogue can promote mutual understanding and inclusive policies.

CONCLUSION

The comparison between Government Regulation (PP) No. 28 of 2024 and the Indonesian Ulema Council (MUI) Fatwa No. 9A of 2008 reveals an intricate dynamic between tradition, religious values, and the imperative to protect women's health and rights. The MUI Fatwa endorses female circumcision as a recognized tradition in Islam, particularly within the Shafi'i school, which regards it as a *sunnah muakkad*, or highly recommended practice. However, the Fatwa emphasizes that such procedures must be conducted safely and without causing physical or psychological harm. In contrast, PP No. 28 of 2024 reflects a modern approach prioritizing the safeguarding of women's health and human rights, emphasizing the prohibition of harmful practices and the preservation of bodily autonomy. This study highlights a nuanced interplay between religious teachings and modern legal frameworks, offering valuable insights into how tradition and public health considerations intersect. By examining the Shafi'i perspective alongside contemporary regulations, the research bridges the gap between Islamic jurisprudence and human rights discourse. The findings underscore the potential for

harmonizing religious values with public health policies, encouraging inclusive dialogue that respects tradition while safeguarding individual well-being. Additionally, the research addresses the broader implications for policy-making, fostering a better understanding of how cultural and religious sensitivities can coexist with global health and rights standards.

The study is limited by its focus on a single Islamic school of thought and the Indonesian context, which may not fully represent the diversity of views within the Islamic world. Furthermore, the research primarily examines theoretical perspectives without incorporating empirical data on the implementation or societal reception of the regulation and the Fatwa. Future studies could expand the scope to include other Islamic schools of thought, comparative analysis with practices in other countries, and qualitative data from stakeholders, such as medical practitioners, religious leaders, and women affected by the policies. These additions could provide a broader and more actionable understanding of the issue.

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