

PREACHING ISLAMIC LEGAL RULES ON SCREEN

Conservatism on Islamic Family Law in Digital-Based Dakwah Program *Mamah dan Aa Beraksi*¹

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Abstract

Conservatism on Islamic Law has been widely discussed by scholars, be it in printing media (such as fiqh works of traditional ulama, and Islamic self-help books) or in online media (such as on social media platforms containing Islamic dakwah). Their studies portray the diffusion of conservative Islamic thought from one media to another. However, among existing works, it can be said that there has not been much discussion about how this conservatism is transmitted by a mubalig (Muslim preacher) particularly about Islamic law. Considering the function of a preacher in Indonesia is significant because has long been the main mouthpiece of Islamic teaching, this paper discussed the conservatism of Islamic family law in the Mamah dan Aa Beraksi preaching program. By using qualitative content analysis, this paper argues that the sermons in the Mamah dan Aa Beraksi contain conservative view of Islamic family law.

¹ This paper is part of my thesis master in the Faculty of Sharia and Law State Islamic University (UIN) Sunan Kalijaga and was originally written as a paper presented at the 19th Annual International Conference on Islamic Studies held by the Ministry of Religious Affairs of Republic Indonesia (October 1-4, 2019, in Jakarta). In the process of conceiving this paper, I am deeply indebted to two of my supervisors, Dr. Ahmad Bunyan Wahib, M.A and Professor Euis Nurlaelawati, Ph.D. This paper is a way to thank both for all their guidance and inspiring ideas during the making of this paper, and during my academic life at Faculty of Sharia and Law, State Islamic University (UIN) Sunan Kalijaga Yogyakarta.

This conservatism is indicated by the sermons which tends to refer to traditional fiqh with a gender bias characteristic. This conservatism seems latent through the way the lecturers present her fatwa using short textual interpretations that represent traditional thinking more than modernism.

[Konservatisme Hukum Islam telah banyak dibicarakan oleh para ulama, baik di media cetak (seperti literatur karya fikih ulama tradisional, dan buku swabantu Islami) maupun di media online (seperti di platform media sosial yang memuat dakwah Islam). Kajian mereka mempotret difusi konservatisme pemikiran Islam dari satu media ke media lainnya. Namun, di antara karya-karya yang ada, dapat dikatakan bahwa belum banyak pembahasan tentang bagaimana konservatisme itu ditransmisikan oleh seorang mubalig khususnya tentang hukum Islam. Mengingat fungsi mubalig di Indonesia cukup signifikan karena telah lama menjadi corong utama ajaran Islam kepada masyarakat, tulisan ini bertujuan untuk membahas konservatisme Hukum Keluarga Islam dalam program Mamah dan Aa Beraksi. Dengan menggunakan analisis isi kualitatif, tulisan ini berpendapat bahwa ceramah dalam program Mamah dan Aa Beraksi mengandung konservatisme Hukum Keluarga Islam. Konservatisme ini terlihat dari materi ceramah yang cenderung mengacu pada fikih tradisional dengan ciri bias gender. Konservatisme ini tampak laten melalui cara penceramah memaparkan argumentasi hukumnya dengan menggunakan interpretasi secara tekstual yang singkat, nan lebih merepresentasikan pemikiran tradisional daripada modernis.]

Keywords: Conservatism, gender bias, Islamic Family Law, Mamah dan Aa Beraksi.

A. Introduction

Conservatism² in substantive Islamic family law has been long

² Conservatism is translated to the tendency to prefer an existing or traditional situation to change."Conservatism Definition & Meaning", Merriam-Webster.com, <https://www.merriam-webster.com/dictionary/conservatism>, accessed 8 Jun 2022. Conservative refers to the term *muhāfiẓun* (rooting from *h-f-ẓ*), which connotes protecting something, as in memorization of a text to preserve the knowledge it contains. Simply, conservative means promoting *taqlīd*, or adherence to established precedent. See Indira Falk Gesink, *Islamic Reform and Conservatism: Al-Azhar and the Evolution of Modern Sunni Islam* (London: Bloomsbury Publishing, 2009). Further read, see Leonard C. Sebastian, Syafiq Hasyim, and Alexander R. Arifianto (eds.), *Rising Islamic Conservatism in Indonesia:*

criticized by many scholars. This criticism is institutionalized in various forms, starting from reinterpreting the main sources leading to a new interpretation of the Qur'anic verses. A fundamental example in this case is on the issue of polygamy. The reinterpretation of An-Nisā verse three was carried out by Abduh in 1898 and in 1900 Qasim Amin continued Abduh's idea into his book *Tabḥīr al-Mar'ah*.³ Long after Abduh, this was also done by contemporary scholars, for example Wadud.⁴ In a broader spectrum, challenge against conservatism has also occurred in various institutions. For instance, in *pesantren* [Islamic boarding schools], learning materials in which institutionalized conservatism have been widely studied. This was done for example by Marhumah,⁵ Srimulyani,⁶ Mas'udi,⁷ and van Bruinessen.⁸ These are some scholars who have highlighted some classical *fiqh* books as a locus for conservatism which have been taught continuously to (Muslim) students. It does not stop at classical Islamic literature. Study on conservatism of Islamic family law is also carried out in Islamic self-help books, where it is found that conservative discourse is being re-written.⁹ All the works of the above scholars are categorized as studies which question the conservatism of Islamic family law by eyeballing gender in/equality in printed text.

In the context of conservative or modern Islamic Law, it seems

Islamic Groups and Identity Politics (London ; New York: Routledge, 2020), p. 4.

³ Norman Dalrymple Anderson, *Law Reform in the Muslim World* (London: Athlone Press, 1976), p. 61.

⁴ Amina Wadud, *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective*, 2nd edition (New York: Oxford University Press, 1999), pp. 83–5.

⁵ Marhumah, "The Root of Gender Bias: Misogynist Hadiths in Pesantrens", *Indonesian Journal of Islam and Muslim Societies*, vol. 5, no. 2 (2015), pp. 283–304.

⁶ Eka Srimulyani, *Women from Traditional Islamic Educational Institutions in Indonesia: Negotiating Public Spaces* (Amsterdam: Amsterdam University Press, 2012).

⁷ Masdar F. Mas'udi, "Perempuan di antara Lembaran Kitab Kuning", in *Wanita Islam Indonesia dalam Kajian Tekstual dan Kontekstual*, ed. by Johan H. Meuleman and Lies M. Marcoes-Natsir (Jakarta: INIS, 1993).

⁸ Martin van Bruinessen, "Kitab Kuning dan Perempuan, Perempuan dan Kitab Kuning", in *Wanita Islam Indonesia dalam Kajian Tekstual dan Kontekstual*, ed. by Johan H. Meuleman and Lies M. Marcoes-Natsir (Jakarta: INIS, 1993).

⁹ Arifki Budia Warman, "Konservatisme Fikih Keluarga: Kajian terhadap Buku-Buku Populer Rumah Tangga Islami", Master Thesis (Yogyakarta: UIN Sunan Kalijaga, 2017), p. 98.

that gender relations are somewhat at the center of the debate.¹⁰ To elucidate, the conservative term in this paper is understood in the sense of the opposing gender equality¹¹ in subtle ways, and at the same time conserving the traditional views of Islamic Family Law (*fiqh*) which sources that bias. Regarding its medium, this study takes seriously that the easy distribution of Islamic ideas which uses assorted instruments, such as television, radio, websites, and widely-viewed social media, contributes to the establishment of conservatism.¹² Digital media has been commonly availed by religious elites as a channel for transmitting religious knowledge, as it reinforces oral traditions which have long been a method of spreading Islamic teachings.¹³ In other words, the transmission of Islamic ideas from printing media to digital media, later

¹⁰ Deniz Kandiyoti, “Islam, Modernity and the Politics of Gender”, in *Islam and Modernity: Key Issues and Debates*, ed. by Muhammad Khalid Masud, Armando Salvatore, and Martin van Bruinessen (Edinburgh: Edinburgh University Press, 2009), p. 91.

¹¹ Martin Van Bruinessen (ed.), *Contemporary Developments in Indonesian Islam: Explaining the Conservative Turn* (Singapore: ISEAS-Yusof Ishak Institute, 2013), p. 13.

¹² Social media has been a communication tool back up promoting religious ‘sect’ agenda. The messages of Islamic teaching are part of the important contents of the media. See Muhammad Zuhdi, “Challenging Moderate Muslims: Indonesia’s Muslim Schools in the Midst of Religious Conservatism”, *Religions*, vol. 9, no. 10 (2018), p. 310. Roughly, social media drives the public presence or distribution of religious symbols and discourses, a process described by Herbert as religious ‘publicization’. This results in implications of religious authority. See David E.J. Herbert, “Theorizing Religion and Media in Contemporary Societies: An Account of Religious ‘Publicization’”, *European Journal of Cultural Studies*, vol. 14, no. 6 (2011), pp. 626–648.

¹³ Turner illustrates that internet on the one hand creates new opportunities for evangelism, religious instruction and piety. See Bryan S. Turner, “Religious Authority and the New Media”, *Theory, Culture & Society*, vol. 24, no. 2 (2007), pp. 117–34. In the similar tone, authority also is embedded in the chain of that Islamic knowledge circulation; Further in the case of the rising influence of religious hardliners in Indonesia, Hamayotsu argues that the embracing new media and communication technologies let them advance their conservative religious visions and agendas. See Kikue Hamayotsu, “The Limits of Civil Society in Democratic Indonesia: Media Freedom and Religious Intolerance”, *Journal of Contemporary Asia*, vol. 43, no. 4 (2013), pp. 658–77.

to online media,¹⁴ in the form of sermons, films¹⁵ and other forms of memes facilitate Muslim societies to access Islam, particularly supported by the rapid and massive development of social media.¹⁶ This has been marked by the proliferation of digital-based religious propagation program, which somehow also (wittingly/unwittingly) proliferates the wide genre of religious views, future in this paper, a conservative views on Islamic family law. To be explicit, *Mamah dan Aa Beraksi* program that airs on Indosiar, an Indonesian national private TV channel,¹⁷ is one of the cogent illustrations. This hypothesis does not arise out of the blue. Mamah and Aa as the main characters on the talk show have long been heeded by researchers. For instances, studies on Mamah and Aa, which generally touch on household issues, such as domestic violence, polygamy, and the age of marriage, have been carried out by Setiawan,¹⁸

¹⁴ In the platform Instagram see Yulmitra Handayani, ‘Hukum Perkawinan Islam di Ruang Digital: Bias Gender dalam Wacana Hukum Perkawinan di Instagram’, *Al-Abwal: Jurnal Hukum Keluarga Islam*, vol. 14, no. 2 (2022), pp. 112–32; Ishak Tri Nugroho, ‘Agency in the Online Matchmaking Platform: Study of Rumah Taaruf myQuran and Mawaddah Indonesia’, *Al-Abwal: Jurnal Hukum Keluarga Islam*, vol. 14, no. 2 (2021), pp. 200–13.

¹⁵ See Mukhammad Nur Hadi, ‘Conservative Muslim on the Screen: The Narrative of Islamic Family Law in Indonesian Films’, *Al-Abwal: Jurnal Hukum Keluarga Islam*, vol. 14, no. 2 (2021), pp. 133–45.

¹⁶ Which also can be called as a resurrection of aural text, see Moch Nur Ichwan, ‘Sirkulasi dan Transmisi Literatur Keislaman: Ketersediaan, Aksesibilitas, dan Ketersebaran’, in *Literatur Keislaman Generasi Milenial: Transmisi Aproriasi, dan Kontestasi*, vol., ed. by Noorhaidi Hasan (Yogyakarta: Pascasarjana UIN Sunan Kalijaga Yogyakarta, 2018), p. 140. The practical use of new media as a strategy to gain constituent and to strengthen religious authority rather than using old media, see the case of *pesantren* by Wahyuddin Halim, ‘Young Islamic preachers on Facebook: Pesantren As’adiyah and its engagement with social media’, *Indonesia and the Malay World*, vol. 46, no. 134 (2018), p. 57. The example of how print media contributed greatly to the development of Islam, after the media was received, see Francis Robinson, ‘Technology and Religious Change: Islam and the Impact of Print’, *Modern Asian Studies*, vol. 27, no. 1 (1993), pp. 229–51.

¹⁷ See some of religious propagation programs in Aulia Adam, ‘Wajah Acara TV: Ramai-Ramai Menayangkan Konten Dakwah Islami’, *tirto.id* (6 Jun 2018), <https://tirto.id/wajah-acara-tv-ramai-ramai-menayangkan-konten-dakwah-islami-clKs>, accessed 8 Jun 2022.

¹⁸ Eko Agoes Setiawan, ‘Pesan Dakwah di Media Televisi: Analisis Framing Ceramah Mamah Dedeh Tentang Poligami Pada Acara Mamah Aa Beraksi’, Master Thesis (Surabaya: UIN Sunan Ampel, 2016).

Wahyuningsih,¹⁹ Dinana,²⁰ and Yuliasutik.²¹

Although it is not specifically focused on gender issues or Islamic legal discourse, studies by the above academicians prove that this propagation program is highly considered for its existence in the Indonesian public. Furthermore, at a more specific stand, studies on Mamah Dedeh that directly address gender construction and its relevance to Islamic family law discourse in Indonesia have been conducted by Nur²² and Sofjan.²³ In her study, Nur found that Mamah sermons are actually strengthened an audience's view, which is gender biased. This means that the message conveyed by Mamah Dedeh in her sermons address gender bias. What Nur said seems to confirm what Sofjan previously found. Using binary analysis, Sofjan argues that from a gender framework what Mamah Dedeh conveyed was inconsistent and a great deal of time even contradicted each other. He concluded that the *Hati ke Hati Bersama Mamah Dedeh* [heart to heart with Mamah Dedeh], on the one hand empowers women, and on the other hand weakens women. Especially regarding the issue of polygamy, Sofjan stated that Mamah put forward a conventional argument.²⁴ From these, and based on Nur and Sofjan's research, it can at the very least be said that the symptoms of conservatism in Mamah propagation program are at the glance revealed. However, the

¹⁹ Sri Wahyuningsih, "Dakwah Melalui Tayangan Televisi (Analisis Isi Pesan Dakwah tentang Materi Solusi KDRT dalam Program Mamah dan Aa beraksi Pada Tahun 2017)", BA Thesis (Salatiga: IAIN Salatiga, 2017).

²⁰ Nur Vita Dinana, "Analisis Pesan Dakwah tentang Materi Solusi KDRT dalam Program Hati ke Hati bersama Mamah Dedeh di Youtube", BA Thesis (Semarang: UIN Walisongo, 2015).

²¹ Nur Azizah Yuliasutik, "Qaulan dalam Ceramah Mamah Dedeh di Stasitun Televisi ANTV Tentang Pernikahan Usia Senja", BA Thesis (Surabaya: UIN Sunan Ampel, 2016), Qaulan dalam Ceramah Mamah Dedeh di Stasitun Televisi ANTV Tentang Pernikahan Usia Senja.

²² Septiyana Nur, "Khalayak Program Dakwah dan Relasi Perempuan dan Laki-laki dalam Keluarga dalam Keluarga: Analisis Resepsi Ibu-ibu Pengajian Husnul Khotimah Perumahan Bumi Asri, Kabupaten Tangerang terhadap Pesan Pro", BA Thesis (Yogyakarta: Universitas Gadjah Mada, 2015).

²³ Dicky Sofjan, "Gender Construction in Dakwahtainment: A Case Study of Hati ke Hati Bersama Mamah Dedeh", *Al-Jami'ah: Journal of Islamic Studies*, vol. 50, no. 1 (2012), pp. 57-74.

²⁴ *Ibid.*, p. 71.

scholars above have not deeply justified or focused into what extent the sermons of Mamah Dedeh ‘publicize’ the conservative facet of Islamic Law, specifically in Islamic Family Law issues.

Mamah dan Aa Beraksi’s program is also important because this program continuously constitutes an Islamic propagation that focuses on family matters. It means this program addresses family law issues as its main substance, such as polygamy, inheritance, household obligations, and many facets of marital relationships. These issues are framed with unique labels that are heavily painted by the notion of gender and claimed to represent the sources of Islamic teaching. For examples, the following titles indicate this: *Kapan Boleh Berpoligami* [when polygamy is allowed], *Pilih Monogami Atau Poligami* [choose monogamy or polygamy], *Poligami, Bisakah Adil?* [polygamy, is it possible to be fair?], *Suamiku Berniat Nikah Lagi* [my husband intends to marry another woman], *Pasangan Tak Mampu Lagi Menjalankan Kewajibannya* [the couple can no longer perform their obligations], *Melayani Kebutuhan Suami* [serving husband’s needs], *Hak Istri Yang Harus Dituanikan Suami* [wife’s rights that must be served by husband], *Berbagi Kewajiban Dalam Rumah Tangga* [sharing obligations in the household] and many other titles with similar dimensions. These titles sketch the contents of each episode of the program. Therefore, by looking into the contents, the tenets of Islamic Family Law conveyed in the sermons is demonstrably possible in the midst of the widespread conservative movement on family law through digital media.

Considering that previous studies have not elucidated the conservatism in the border of Islamic family law, this study discusses the conservatism in Islamic family law. Apart from criticism, Islamic Family Law has been a subject of an Islamic Law modernization agenda. For example in Indonesian, Islamic Family Law has long been wanting for more modernization alongside with special attention to gender equality, but thus far the reform attempt remains deadlock.²⁵ This impasse was

²⁵ The enthusiast of the reform can be proved by structural and non-structural effort. Among the structural efforts is the issuing Act No.1 of 1974 about Marriage Law. This Act is considered to be a milestone of the modernization of Islamic Family Law in Indonesia. See Euis Nurlaelawati, “Islamic Justice in Indonesia: Family Law Reform and Legal Practice in the Religious Courts”, *Bulletin of the Center for Asia-Pacific Studies*, vol. 9 (2014), p. 6. Not far after Act No.1 of 1974 being issued, in 1991 The Compilation of Islamic Law was released under the Instruction of President of Republic

not only caused by structural failure, but also by the resistance of many parties to the reform ideas which remained entrenched.²⁶ This resistance should have not seen merely in the form of outright rejection, but how the discourse of the resistance is perpetuated in more casual and moderate ways, such as propagation programs. Furthermore, the patent form of this resistance is strengthening the discourse of conservatism. This conservative discourse can usually be plainly identified where the propagator—the preacher—bases is sermons on the *Salafi* understanding or institution, which rejects the idea of gender equality.²⁷

This does not mean that conservative discourse is merely spread by preachers with a *Salafi* background. Rather it may also be brought forth by preachers whose socio-political background does not point to *Salafi* at all. Therefore, this research looks at the conservatism of Islamic Family Law that is carried by female preachers as well who have appeared frequently in Indonesian television over the last decade. The chosen of this program is due to the preacher, who could be said the only female preacher that airs prevalently in some television channels widely, albeit she is no longer in the prime-time schedule. It is also easy to dismiss because this program is centered to “woman.” It features woman preacher, woman audiences, and mostly discussing woman interest. Besides that, Heaton and Cammack have shared a little mention about the side effect of Mamah

Indonesia. The Compilation of Islamic Law itself is obviously includes some new idea of Islamic Law (such as joint property, obligatory wills, and successor heirs), but later was criticized of being centralized by classical *fiqh* in the conceiving its legal norm. See Euis Nurlaelawati, “Managing familial issues Unique features of legal reform in Indonesia”, in *Islam in Indonesia. Contrasting Images and Interpretations*, ed. by Jajat Burhanuddin and Kees van Dijk (Amsterdam: Amsterdam University Press, 2013), pp. 123–6; Mochamad Sodik, “Pembacaan Progresif Terhadap Fikih Keluarga (Kritik terhadap KHI dan RUU HTPA)”, *Ayy-Syir’ah: Jurnal Ilmu Syari’ah dan Hukum*, vol. 46, no. 1 (2012), pp. 109–38.

²⁶ A good illustration of this resistance, see Ihab Habuddin, “Resistensi Pembaruan Hukum Islam di Indonesia: Studi Atas Argumentasi Penolakan Counter Legal Draft Kompilasi Hukum Islam [CLD KHI] Tentang Perkawinan”, Master Thesis (Yogyakarta: UIN Sunan Kalijaga, 2014), pp. 100–20; Huzaemah Tahido Yanggo, *Kontroversi Revisi Kompilasi Hukum Islam* (Jakarta: Adelina, 2004), pp. 74–84.

²⁷ Ahmad Bunyan Wahib, “Being Pious Among Indonesian Salafists”, *Al-Jami’ah: Journal of Islamic Studies*, vol. 55, no. 1 (2017), p. 13.

Dedeh in Indonesian divorce trends.²⁸ This shows that Mamah Dedeh and her sermon program are widely recognized and colorized family law discourse in Indonesia. At the same time, Mamah Dedeh (might) represent what we call a non-*Salafi* figure, but we have not cognized how far her thought—in her sermons—advances conservatism in Islamic Family Law. In order to limit the explanation, this article is written in the quest to identify how conservatism in Islamic family law is disseminated in the program *Mamah dan Aa Beraksi*.

B. Approach and Method of Study

Subsequent to the aforementioned scholars, this study applies a gender study approach which means the data are seen in the framework of gender studies category. This category refers to the terms proposed in the study of gender, namely traditionalist, textual or literalist. Traditionalist means a group who views gender relations in Sharia as an eternal (irreversible) teaching and they tend to convince others about (the truth of) their idea.²⁹ Their ideas are characterized by a patriarchal bias.³⁰ An example of the patriarchal bias is the view that puts the man as the main decision-maker while the woman is merely supporters or advice givers.³¹

The traditionalist group is considered the same as the literalist category. The literalist is a group that has a textual understanding by maintaining the old doctrine constructed from a patriarchal society. Therefore, the characteristic of this understanding is the misogynistic interpretation placing the role, status and rights of women as inferior compared to men. This happens because literalist uses a textual understanding of the sources of Islamic law. Consequently, the concept of male and female authority is considered final. Western views of equality between men and women are seen as weakening Islamic doctrine and

²⁸ Tim Heaton and Mark Cammack, “Explaining the Recent Upturn in Divorce in Indonesia: Developmental Idealism and the Effect of Political Change”, *Asian Journal of Social Science*, vol. 39, no. 6 (2011), pp. 776–96.

²⁹ Ziba Mir-Hosseini, *Islam and Gender: The Religious Debate in Contemporary Iran* (Princeton: Princeton University Press, 1999), p. 18.

³⁰ *Ibid.*, p. 23.

³¹ *Ibid.*, p. 64.

are therefore rejected.³² Furthermore, the textual/literalist interpretation employed by these groups is also known as the doctrinal-normative-deductive way of thinking, where a thinker/preacher only refers to one and/or several *nash*, then draws conclusions without reflecting on other *nash* that are contradictory or at least inconsistent with the *nash* used to make decisions.³³

Departing from that perspective, this study explores three issues of Islamic family law: (a) status and role of husband and wife in the household; (b) rights and obligations of husband and wife in the family; and (c) polygamy. The limitation on these three issues is due to these issues are among the prevalent topics which consistently have been discussed among many familial issues that have been heeded by myriad scholars. These three issues are also subjectively considered proper representative to examine the tendencies of preachers toward Islamic family law related to gender bias. In addition, these three issues are the most frequent topics among other family law topics on the *Mamah dan Aa Beraksi* program.

As for the research method, this study is a descriptive work which describes the issues of Islamic family law in a *dakwah* program. The data were collected by studying videos of the *Mamah* and *Aa Beraksi* program. The process of collecting was initiated by browsing the sermon videos uploaded by Indosiar on the three sites: indosiar.com, vidio.com, and YouTube. After browsing in those three sites, many videos were found. These videos then were selected by considering whether the video titles related to gender relation or Islamic family law issue. This relation was seen from the practical use of words or phrases that indicate directly to familial matters. For examples, in the videos they are entitled *Berbagi*

³² Alimatul Qibtiyah, “Feminist Identity and Conceptualisation of Gender Issues in Islam: Muslim Gender Elites in Yogyakarta”, PhD. Dissertation (Sydney: University of Western Sydney, 2012), p. 148; Alimatul Qibtiyah, “Conceptualizing Feminist Identity and Gender Issues among Muslim Intellectual Elites in Indonesia”, in *Social Justice and Rule of Law: Addressing The Growth of a Pluralist Indonesia Democracy*, ed. by Thomas J. Conners (Semarang: Yale Indonesia Forum & Faculty of Social and Political Sciences, Diponegoro University, 2011), pp. 255–63.

³³ Khoiruddin Nasution, *Status Wanita di Asia Tenggara: Studi terhadap Perundang-undangan Perkawinan Muslim Kontemporer di Indonesia dan Malaysia* (Leiden: Jakarta: INIS, 2002), p. 30. Another scholar who also uses this term is Nina Nurmila. See Nina Nurmila, *Women, Islam and Everyday Life: Renegotiating Polygamy in Indonesia* (New York: Routledge, 2009), p. 42.

Kewajiban dalam Keluarga [sharing obligation in family], *Pilih Monogami atau Poligami* [chose monogamy or polygamy], and *Memahami Perintah Suami* [understanding husband order]. The three titles contain words and phrases that reflect gender relations between husband and wife and also shows a connection with family law issues. For example, the words “monogamy,” “polygamy,” “obligations in the family,” and the phrase “husband’s orders” signify the family law issues.

After browsing and selecting, there were 298 video titles found, which were uploaded between 2014-2018. Due to the large number of the videos and many issues discussed, the author limits the study to the three most central issues, including videos on the topic of right and obligation, videos on polygamy, and videos on the essence of drawing strict status and role of husband and wife in the family. Not every video on these three topics was watched and analyzed but instead they were sampled.³⁴ The sample was taken randomly. As long as the aim of the study was fulfilled, the units are statistically significant. In order to analyze, a thematic content analysis method³⁵ was used. Content analysis means analyzing the content of the sermon delivered so that a common thread of the speaker’s thoughts is found. Thematic means limited to themes related to the objects of research. Therefore, the unit sample in this study were 49 videos, consisting of 12 videos about the rights and obligations in the family, 8 videos about polygamy, and 29 videos about the status and role of husband and wife. The videos that have been analyzed are deemed sufficient to represent the speaker’s views of the object of research.

C. Portrait of Islamic Family Law in *Mamah dan Aa Beraksi*

Mamah and Aa Beraksi has basically aired regularly since the beginning of 2018, during this research, the program aired twice to three times a week between 5:30 and 7 o’clock in random day. It is led by a female preacher, named Dedeh Rosyidah Syarifudin—popularly known as

³⁴ The sample unit is expected to provide strict limits on which content will be researched and which will not be researched in accordance with the research objectives. Eriyanto, *Analisis Isi: Pengantar Metodologi untuk Penelitian Ilmu Komunikasi dan Ilmu-ilmu Sosial Lainnya* (Jakarta: Kencana, 2011), p. 63.

³⁵ *Ibid.*, pp. 84-9.

Mamah Dedeh. To guide the program, Mamah is accompanied by a host named Abdel Achrian—in this program called Aa. The main audience of this program are *Muslimah* (muslim women) from various *majlis taklim* (Islamic religious study group). The number of audiences made up from four to five *majlis ta'lim* that approximately consist of 200 women with a small number of men. The audiences sit on the chairs that surround the preacher and the host. Every time the program airs and is interspersed with commercial ads, it is always decorated with Islamic music, namely the *qosidah* (a kind of Muslim local music, often performed by a band), presented by Qosidah Sholawah An-Nabawy Group from Institute of Qur'anic Science College (Institut P'IIQ) Jakarta.

At the start every episode, the host opens by briefly describing the topic. After a few minutes Aa speaking, Mamah Dedeh is invited to deliver the opening in the form of monologue. This monologue lasts about 7 to 10 minutes. After that, Aa retakes over the show and begins to address audiences and viewers more interactively. He then starts taking questions from the audience to commence the dialogue session. This session is called *Curbat*—stands for *Curaban Hati* (literally means 'outpouring the heart'). This session not only opens to the audience in the studio, but also to those who are long-distance streaming throughout Indonesia by phone call, skype, Facebook, or email.³⁶ One episode lasts about 60 minutes with 2-3 minutes of the epilogue.

The topics discussed in each episode are determined by the production team while the materials are prepared by Mamah Dedeh herself as she develops it into a narrative (*tausiyah*).³⁷ Therefore, the content is the purview of the preacher. The production team believes that the preacher can represent what is considered an Islamic perspective³⁸ although basically every episode must have been edited by the program crew.³⁹ The themes discussed in this program mostly address issues of Islamic households so that this program contains the preacher's opinions

³⁶ The concept of this program is somewhat the same as what studied by Sofjan. See Sofjan, "Gender Construction in Dakwahtainment", pp. 63–4.

³⁷ Amirudin, *Antropologi Media: Agama dan Produksi Budaya di Layar Kaca* (Semarang: Undip Press, 2018).

³⁸ *Ibid.*, p. 100.

³⁹ *Ibid.*

about Islamic family law. In the following sections, the contents of the program are focused on three issues, (1) the status and role of husband and wife, (2) the right and obligation of husband and wife, and (3) polygamy.

1. *Status and role of husband and wife*

The status and role of husband and wife can be seen from the words of preacher *laki-laki sebagai kepala keluarga dan berkewajiban menafkahi istrinya* [male as principal of the family and obligated to provide a living for his wife]. Such expressions are mentioned explicitly and firmly. The possibility of replacing the husband's position as principal of the family by the wife is never mentioned. The preacher repeatedly speaks *laki-laki adalah kepala keluarganya* [man is the principal of his family], *suami pemimpin rumah tangga, sekuat apapun istri tetap berada di bawah kedudukan suami* [the husband is the household leader, no matter how great the wife is, she is subordinate to her husband].⁴⁰ This reflects the doctrine of the husband's position as head of the family which is unchangeable as long as the husband remains alive, even though he is unable to do much in the family, for example due to severe illness or paralysis.

The status of women, which is definitively subordinate, can be seen from the general doctrine frequently spoken above, but to obtain a more specific picture, it should be seen from more specific issues. For example, the extent to which the husband's authority in giving orders and prohibitions to his wife in terms of studying outside and achieving a career.

The preacher explains that studying is an obligation for every Muslim regardless of gender.⁴¹ A married woman, however, must ask permission from her husband if she wants to study outside the house.⁴² If the husband prohibits this based on *syariat agama* [religious reason], wife is obliged to obey the prohibition, but if he prohibits based on *keduniaan*

⁴⁰ See video episode Indosiar (dir.), "Suami di Nafkahi Istri", *Mamah dan Aa Beraksi* (31 Dec 2016), sc. 15: 52, https://www.vidio.com/watch/560191-mamah-dan-aa-beraksi-suami-di-nafkahi-istri?channel_id=23105059, accessed 14 Aug 2019.

⁴¹ See video episode Indosiar (dir.), "Istri Dilarang Menuntut Ilmu", *Mamah Dan Aa Beraksi* (21 Jan 2018), sc. 4:45-12:00, <https://www.vidio.com/watch/1247193-mamah-dan-aa-beraksi-istri-dilarang-menuntut-ilmu>, accessed 7 Aug 2019.

⁴² *Ibid.*

[worldliness] the prohibition may be ignored.⁴³ It is true that the preacher also blamed the view “*perempuan mah gak usah sekolah tinggi-tinggi nanti juga ke dapur* [better women don’t need to obtain high education because at the end she ends in the kitchen though].”⁴⁴ Prohibition based on *syari’at agama* is conspicuously absent from the preacher’s explanation. The dominant content in her *tausiyah* is that studying as an obligation which provides benefits for family. However, at the end of the prologue, the preacher again seems wittingly emphasizes the position of man as head of family and principally assuming responsibility for his wife.⁴⁵ If a husband is able to educate his wife, for example the husband is able to teach Qur’anic Studies, *tafsir* (interpretation), *fiqh* (Islamic Law) and hadith then the husband’s prohibition on his wife is considered reasonable and the wife should follow and stay at home for studying, but if otherwise the wife may ignore that prohibition then continue to study outside the home.⁴⁶

One of audience members named Mrs. Boni Yuniasih posed a question about a female staff in her office. This female staff received a scholarship to go to a higher education institution sponsored by her company but unfortunately her husband did not allow her, even though it could have provided a surplus economic benefit to the family.⁴⁷ On that question, the preacher says that it is a matter of life choice between household and career. Then the preacher stated her personal preference that it is better to choose family. It is better that career should not be such a high priority unless it pleases the husband, the children and all family members than choosing a high career with the risk of family abandonment.⁴⁸

Regarding a woman’s career, the preacher also highlights the risk of an important career, where she gives an example about the threat of child education when the mother pays less attention. Based on this imaginary risk, the preacher emphasizes her suggestion that women are better of not having too high career. What is important is to have enough fortune

⁴³ *Ibid.*

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

for living, not a high position in career. There is no need to leave home because at home women can possibly to do multi-works and generate incomes. The important thing is to have sufficient knowledge and use it at home to serve the husband and to educate children rather than for the women themselves. This can be seen through the preacher's answers to Mrs. Magdalena's questions.⁴⁹

This specific point is strong, claiming that the preacher tends to see that the wives' status as behind their husband permissions and their roles appear to be directed around domesticity. From the above example, it can be said, according to the preacher, that the husband is the party that holds the authority because of his position as the licensor while the wife is the party who receives the permit even though in certain circumstances wives can negotiate the husband's prohibition or orders. Almost all *tausiyah* concerning the status and role of husband and wife deduces from An-Nisā verse 36, especially the phrase *arrijālu qawwāmūna 'ala an-nisā'* which translated by the preacher into "man is the principal of family."⁵⁰

2. *The rights and obligations of husband and wife*

The rights and obligations of husband and wife is described quite clearly by the preacher. The obligations of the husband are the rights of his wife while the obligations of the wife are the rights of her husband. This distinction is literally stated by the preacher. There are five rights and obligations between each.⁵¹ The five obligations of a husband are (1) to feed, (2) to provide clothing, (3) not to hit his wife in the face, (4) not

⁴⁹ *Ibid.*, "Istri Dilarang Menuntut Ilmu", sc. 20: 26.

⁵⁰ How strict this interpretation, for example, can be seen in the video episode Indosiar (dir.), "Suami Membuat Hidup Istri Sengsara", *Mamah dan Aa Beraksi* (21 Nov 2017), sc. 33:38, <https://www.vidio.com/watch/1185779-mamah-dan-aa-beraksi-suami-membuat-hidup-istri-sengsara>, accessed 8 Aug 2019.

⁵¹ See video episode Indosiar (dir.), "Pasangan Tak Mampu Lagi Menjalankan Kewajibannya", *Mamah dan Aa Beraksi* (20 Apr 2017), https://www.vidio.com/watch/700147-mamah-dan-aa-beraksi-pasangan-tak-mampu-lagi-menjalankan-kewajibannya?channel_id=23105059, accessed 12 Aug 2019; Indosiar (dir.), "Hak Istri Yang Harus Ditunaikan Suami", *Mamah dan Aa Beraksi* (16 May 2016), https://www.vidio.com/watch/346443-mamah-dan-aa-beraksi-hak-istri-yang-harus-ditunaikan-suami?channel_id=23105059, accessed 17 Aug 2019.

call his wife a bad name, and (5) not to stay away from his wife except outside the home. The five obligations of a wife are (1) to not leave the marital bed, (2) not hide the husband's rights to her body, (3) obey the husband, (4) not leave the home without the husband's permission, and (5) not bring someone else into the house carelessly.⁵² Followings are the direct words from the *tausiyah* explaining the obligations of the husband, followed by obligations of the wife.

The household belongs to both. There is husband and wife. What is actually the household? Please you see An-Nisā verse 1 ... [reciting verse] ... Household is *jama'ah*, couples, mutual, and complement each other, love each other, help each other, talk each other, then forgive each other if there is a mistake. In the household, there are rights and obligations. The husband has five obligations. It's your rights as the wives. ... [*ḥaqqul mar'ati ala al-zanji an-yut'imahā iżā 'at'ama* ...] ... First, your husband obligation to the wife [1] is to provide food, in accordance with what is eaten by husband. The second [2] gives clothing according to what the husband wears. The third [3] is not to hit the wife's face. Number four [4] cannot call you with a bad word. The number [5] must not stay away from the wife except outside the house. We'll see. These are the five obligations of a husband which are the rights of his wives.

Now, it's your obligation to your husband. There is an obligation [for you] as the rights of your husbands. ... [*ḥaqq al-zanji ala al-mar'ati*]... Wife's obligations/husband's rights are equals, five. [1] Wives must not leave their husbands' beds. [2] You cannot hide your husband's rights to your body. [3] Must obey the husband. [4] You cannot leave the house without your husband's concern. [5] You cannot bring other people into the house, especially if your husband doesn't like it. This is the wife's obligations which are the husband's rights. All those five are to be fulfilled.⁵³

Based on the excerpt above, it can be said that the first two husband's obligations are *nafaqah* for both food and clothing. The next three are restrictions for the husband on hurting the wife. Based on

⁵² *Ibid.*

⁵³ *Ibid.* See minutes 5:41. The five obligations of the wife are also mentioned sporadically in the sermon under the theme of polygamy, for example in the episode Indosiar (dir.), "Poligami, Bisakah Adil?", *Mamah dan Aa Beraksi* (8 Oct 2015), https://www.vidio.com/watch/160756-mamah-aa-beraksi-poligami-bisakah-adil?channel_id=23105059, accessed 22 Aug 2019.

this, it can also be said that the most active obligation of husband is to provide for living while the other obligations are passive because they are prohibitions. The first two wife's obligations are sexual matters and the last two are domestic.

The husband as breadwinner is mostly mentioned when the preacher gives prologue and epilogue of her *tausiyjah*, especially when propagating the rights and obligations in household. The husband as breadwinner comes from the preacher's interpretation of An-Nisā verse 34. According to the preacher, the husband as breadwinner can be replaced by his wife but only under certain conditions such as the husband being sick or being terminated from his company.⁵⁴ If the husband does not provide for his family without any cause, the husband is deemed to have sinned. The wife who works and her work dedicated to her family is considered as *sunnah* and called a *sadaqah*.⁵⁵ The following is direct word of the preacher:

You see An-Nisā verse 34... [Mamah is reading verse.]... male is head of his family. God exceeds men than women. They are stronger. The husband has the obligation to give some of his fortune to his wife. If we look at this verse, it is clear in Islam, the law of earning a living, giving life to the family is the work of a husband to his family. Why does God exaggerate men more than women? They can work, earn for money, and back and forth stay up late. With all his might, he has to support his wives.⁵⁶

⁵⁴ See the video episode Indosiar (dir.), "Istri Kerja Tapi Suami Cuma Dirumah", *Mamah dan Aa Beraksi*, broadcast on vidio, sc. 7:00, <https://www.vidio.com/watch/817797-mamah-dan-aa-beraksi-istri-kerja-tapi-suami-cuma-dirumah>, accessed 20 Aug 2019; Indosiar (dir.), "Suami Mampu tapi Tak Memberi Nafkah", *Mamah dan Aa Beraksi* (21 Nov 2017), sc. 8:07, <https://www.vidio.com/watch/1229451-mamah-dan-aa-beraksi-suami-mampu-tapi-tak-memberi-nafkah>, accessed 16 Aug 2019.

⁵⁵ *Ibid.*, see also video episode "Suami Di Nafkahi Istri", sc. 11: 03.

⁵⁶ This is the preacher's common word. Look video episode "Suami Di Nafkahi Istri". in minutes 3:00, repeated again in minute 15:52 dan 46:50. This point is also stated in the other episodes. For example: Indosiar (dir.), "Pasangan Tak Mampu Lagi Menjalankan Kewajibannya", *Mamah dan Aa Beraksi* (31 Dec 2016), sc. 2:10, https://www.vidio.com/watch/700147-mamah-dan-aa-beraksi-pasangan-tak-mampu-lagi-menjalankan-kewajibannya?channel_id=23105059, accessed 12 Aug 2019; "Hak Istri Yang Harus Ditunaikan Suami", sc. 4:00; Indosiar (dir.), "Melayani Kebutuhan Suami", *Mamah dan Aa Beraksi* (31 Dec 2016), sc. 4:25, https://www.vidio.com/watch/423860-mamah-dan-aa-beraksi-melayani-kebutuhan-suami?channel_id=23105059, accessed 14 Aug 2019; Indosiar (dir.), "Meninggalkan Keluarga Demi Mencari Nafkah", *Mamah dan*

Being a wife should not be hesitant. Whatever how great the wife is, in home, she is subordinate to her husband. The wife who obtains a high academic title, if she returns to home, she has to respect her husband. If the wife holds higher positions and she go home, she has to respect her husband. More income still has to respect the husband because of *arrijālu qanwāmūna ala an-nisā’i*. Don’t (husbands) fear the wife. Appreciate yourself. Don’t want to lose to your wife. Show that you are a leader. It should be like that Marwoto.⁵⁷

Regarding the obligations of the wife, the matter that needs to attention is the obedience of the wife to her husband. This obedience is usually stated by the preacher as “the wife must obey the husband’s command as long as according to religious teachings.”⁵⁸ This means that if it is not in accordance with religious teachings, then the wife may disobey. However, in her sermon, under the theme of rights and obligations, the preacher did not specify specifically what her definition of the phrase “according to religion,” and consequently, it could not be determined. Therefore, in a question and answer session, a questioner named Mrs. Muslimah asked about the nature of the observance, whether it was absolute or deniable.⁵⁹ The preacher answered that it is absolute as long as according to religious orders even though the wife is an elderly

Aa Beraksi (31 Dec 2016), sc. 4:35 & 48:28, https://www.vidio.com/watch/727011-mamah-dan-aa-beraksi-meninggalkan-keluarga-demi-mencari-nafkah?channel_id=23111811, accessed 13 Aug 2019; “Suami Mampu tapi Tak Memberi Nafkah”, sc. 4:25, 7:08, 18:02 & 54:45; “Istri Kerja Tapi Suami Cuma Dirumah”, sc. 2:28, 43:46 & 45:46; Indosiar (dir.), “Uangmu Uangku Juga”, *Mamah dan Aa Beraksi*, sc. 3:18, 43:26, <https://www.vidio.com/watch/257429-mamah-dan-aa-beraksi-uangku-bukan-uangmu>, accessed 15 Aug 2019; Indosiar (dir.), “Cari Nafkah, Pergi Pagi Pulang Pagi”, *Mamah dan Aa Beraksi*, sc. 3:04, <https://m.vidio.com/watch/782845-mamah-dan-aa-beraksi-cari-nafkah-pergi-pagi-pulang-pagi>, accessed 15 Aug 2019; Indosiar (dir.), “Awat Istri Galak”, *Mamah dan Aa Beraksi*, sc. 6:15, https://www.vidio.com/watch/468641-mamah-dan-aa-beraksi-awat-istri-galak?channel_id=23105059, accessed 7 Aug 2019.

⁵⁷ See video episode “Awat Istri Galak”, sc. 11:34.

⁵⁸ Look video episode: Indosiar (dir.), “Ketika Usia Membatasi Tugas Istri”, *Mamah Dan Aa Beraksi* (21 Jan 2018), sc. 5:15, 29:12, https://www.vidio.com/watch/331080-mamah-dan-aa-beraksi-ketika-usia-membatasi-tugas-istri?channel_id=23105059, accessed 17 Aug 2019; “Melayani Kebutuhan Suami”, sc. 4:25, 6:50-9:00.

⁵⁹ Look in video episode “Ketika Usia Membatasi Tugas Istri”, sc. 29:12.

(old women)—for example in sexual matters.⁶⁰ In another episode, the preacher stated that a woman who ignores her husband's orders is not punished by sin if the husband does not provide livelihood for her. Otherwise, she will be punished if the husband has carried out his obligations.⁶¹ This was asked specifically by Mrs. Imas. In answering Mrs. Imas's question, the preacher indirectly gives the husband's qualifications that must be obeyed, namely the husband who has carried out all his obligations and who loves his wife.⁶² These two questions are in the following quotations:

(Ibu Muslimah) "A wife must obey her husband, is that absolute?"

(Mamah Dedeh) "It is absolute, without bargaining. As long as her husband orders according to religious rules; if the husband orders is not according to religious rules, the wife may reject it. "

(Ibu Muslimah) "If the wife, at the age factor, is sluggish, should it be like that? Thank you."

(Mamah Dedeh) "Must whole life, except your husband is dead ... Why does it have to be like that? There has never been a change. Even though she is old, it's still just according to her proportional capabilities."⁶³

(Mrs. Imas) "Can a wife refuse her husband's command if her husband does not provide physical and spiritual support?"

(Mamah Dedeh) "for example?"

(Ibu Muslimah) "For example, the husband told to do this and that while he himself doing nothing"

(Mamah Dedeh) "[*lau amartu aḥadan bisujūdīn ligairillah laamartu mar'ata tasjudan liẓaḥjiba*].⁶⁴ If a creature may bow down before another creature, then I (The Prophet) command the wives prostrate in front of her husband. But Islam forbids prostration in the presence of other creatures.

⁶⁰ *Ibid.*

⁶¹ See video episode "Suami Mampu tapi Tak Memberi Nafkah", sc. 30:20.

⁶² *Ibid.*

⁶³ See video episode "Ketika Usia Membatasi Tugas Istri", sc. 29:12.

⁶⁴ This *hadis* can be found in Abu Dāwud Sulaimān ibn Al-Asy'aṣ As-Sijistānī, *Sunan Abī Dāwud* (Riyadh: Bait Al-Afkār Ad-Dauliah, 1999), p. 243, no. 2140.

So, it is sufficient that a wife appreciates and respects her husband. Which husband? [Akmalu al-mukmina imānuhum ahsanuhum khuluqa ...] The person has perfect faith, the person who is the most virtuous. Who is he? A husband that is affectionate and attentive to his wife.⁶⁵

From the above quotation, the preacher's opinion on the wife's obligation to obey her husband's commands is clearly stated. Although it is recognized that there could be a reason for a wife to argue with her husband, the main thing emphasized in the excerpt is the wife's obedience to her husband. This is reinforced for example from the rhetoric of the preacher involving *malaikat* [angel]:

If a wife does not obey her husband even though it is in accordance with religious rules, it means that you as a wife are no longer fulfilling your obligations as a wife. [4] If there is a woman outside the house, and her husband does not allow her, even she makes her husband angry, it means that the angel in the sky and the angel on earth, the angry angel curses the woman until she returns home [and] apologizes to her husband. So be careful as wives. You can't just leave the house, let alone your husband being not happy, so the problem is wrath from Allah SWT. Even though you say I am in outside business. If your husband is not happy, masyallah, this is not what you should do.⁶⁶

3. *Relationship of Husband and Wife and Polygamy*

The contents of the sermon program concerning polygamy can be summarized as follows: (a) explanation of the Quranic verses on polygamy and social context; (b) reasons and conditions for polygamy; and (c) the possibility of resisting polygamy. The preacher opined that An-Nisā verse 3 is not a command but a mere notification. According to the preacher the nature of this verse is informative. To explain this verse, Mamah Dedeh said:

You please see An-Nisā verse 3... [reading verse] ... Marry who you like, maybe two, maybe three, maybe four. ..., if you can't do justice then just one. Sorry viewers. This is not an order. Listen. This is not an order. This is a mere notification. If you are a man who wants to marry two, you may; three, you may; four, you may. You are just informed, *rijal*.

⁶⁵ See video episode "Suami Mampu tapi Tak Memberi Nafkah", sc. 30:20.

⁶⁶ See episode "Pasangan Tak Mampu Lagi Menjalankan Kewajibannya".

However, Allah emphasizes *fainkhibtum allā ta'dilū fawāḥidatan*. Emphasized by Allah, if you are afraid of not being able to do justice then just one wife is enough. What does it mean? O men, if you feel pleasure, feel comfortable, calm, peaceful with one wife, [then] do not think about it (polygamy), except, in the quotation mark, you do not have children or there are other reasons so that if you want to marry again another woman, it is allowed.⁶⁷

Although the preacher emphasized in the prologue of his *tausiyah* that An-Nisā verse 3 is informative, on the other video, she mentioned that polygamy can save women from demographic imbalance. The preacher claims that the imbalance between men and women had reached 1:8, until nearing the end of the world would increase to 1:50.⁶⁸ This reasoning is repeated in the dialogue session when a member of the congregation asked about the basis for and reasoning why men may choose polygamy and why God allows polygamy. Mamah Dedeh answered by referring An-Nisā verse 3 as the basis, while the sociological basis referred to the ratio of men to women (1: 8) and will be 1:50 in the day of *kiamat* (dooms day).⁶⁹

The statement “saving women” and the comparison put forward by the preacher show her personal opinion that polygamy might be a solution to the situation of an imbalanced population based on gender ratios. Referring to the sociological arguments given, indirectly, it can be understood from the answer to the audience’s question that polygamy in the future, according to her, is likely to be more significant than today. Therefore, until the end of world, polygamy will remain allowed

⁶⁷ See video episode Indosiar (dir.), “Kapan Boleh Berpoligami?”, *Mamah dan Aa Beraksi* (21 Jan 2018), https://www.vidio.com/watch/544203-mamah-dan-aa-beraksi-kapan-boleh-berpoligami?channel_id=23105059, accessed 21 Aug 2019.

⁶⁸ Video episode Indosiar (dir.), “Pilih Monogami atau Poligami”, *Mamah dan Aa Beraksi* (8 Oct 2015), sc. 7:41, <https://www.vidio.com/watch/684947-mamah-dan-aa-beraksi-pilih-monogami-atau-poligami>, accessed 22 Aug 2019.

⁶⁹ The questioner is Nunung Hermansyah (Lk). See the same episode of previous footnote. See also video episode Indosiar (dir.), “Suamiku Berniat Nikah Lagi”, *Mamah dan Aa Beraksi* (21 Nov 2017), sc. 7:33, <https://www.vidio.com/watch/668497-mamah-dan-aa-beraksi-suamiku-berniat-nikah-lagi>, accessed 4 Sep 2019; Indosiar (dir.), “Malu, Ayahku Berpoligami”, *Vidio*, broadcast on vidio, sc. 8:00, https://www.vidio.com/watch/816421-mamah-dan-aa-beraksi-malu-ayahku-berpoligami?channel_id=23105674, accessed 2 Sep 2019.

based on her demographic assumption. This argument is similar to the reason for the exclusion of polygamy in the early days of Islam, namely overcoming the problem of widow surplus or protecting women as a result of warfare.⁷⁰ In other words, for the preacher, the text is understood to contain laws that have not changed, and even laws are enhanced by a social condition of the people in the present and future as merely a figment of her imagination.

It is important to further examine the reasons and conditions for polygamy. The reasons for not having children and other reasons as briefly mentioned in the above passage indicate a similarity to the conditions stipulated in the Marriage Law, namely: (1) the wife cannot fulfill her obligations as a wife; (2) the wife has a disability or an incurable disease; or (3) the wife cannot give birth.⁷¹ The reasons described by the preacher is in the following quotation:

Why men do polygamy? The first reason, the man might—maybe yes, don't get over yourself, use quotation mark—maybe [1] his wife less satisfies him; [2] his wife has never provided service; [3] it may be that his wife has not given birth; [4] his wife may be annoying, his mouth is sharp, bitchy, dirty, nosy, suitor. Once in the outside there is a sweeter girl, then husband chooses that girl. Is your mouth sweet? Have you satisfied your husband? Have you served your husband's needs? Have you performed on the bed to satisfy your husband? ... The next reason [5] is to save women where currently there is 1:8 between men and women, and before the end of the world it will increase to 1:50. So please, share with other women, so that other women can get protected as well. Let other women satisfy their biological needs. Well, many factors. Why? Many women out there may not be manly and cannot protect themselves. Then man emerged that could protect two or three women.⁷²

In addition to the reasons above, there are three requirements for polygamy mentioned by the preacher, including: (1) fairness on *papan* (food), *pangan* (residence), and time; (2) a husband may not have intercourse with a wife who is not her turn unless it is granted by the wife who has the allotment; and (3) the woman to be married must not ask

⁷⁰ Fazlur Rahman, "A Survey of Modernization of Muslim Family Law", *International Journal of Middle East Studies*, vol. 11, no. 4 (1980), pp. 451–2.

⁷¹ Act No. 1 year 1974 of Marriage, Article 4 section (2)

⁷² See video episode "Pilih Monogami atau Poligami?" in the prologue.

the husband to divorce his first wife.⁷³ It seems that the first condition is not completely different from the conditions stipulated in the law, namely: (1) there is an agreement among the wife/wives; (2) there is certainty that husbands are able to guarantee the necessities of their wives and children; and (3) guarantees that husbands will be fair to their wives and children.⁷⁴ The second and third conditions, however, are not mentioned in the Indonesian Marriage Law. Regarding permission from the first wife, the preacher emphasizes that lying to cover polygamy is a sin.⁷⁵ In another *tausiyah*, the preacher also explained that according to Islamic law there is no obligation for a man to seek his wife's approval even though the preacher herself realizes that state law requires such a condition, according to the preacher it is based on *PP 10*.⁷⁶

Polygamy as a reason for divorce was not clearly mentioned by the preacher. When one of the audience members asked the follow-up question “what if the husband has already done polygamy, can the wife sue for divorce?” Mamah Dedeh replied “not allowed, unless he [husband] is not fair because in Islam [polygamy] is allowed.”⁷⁷ Based on the description above, the point emphasized in the sermon is the permissibility of polygamy. The permissibility of polygamy appears to be transparent even though the preacher pronounced polygamy as a mere suggestion. This can be seen in the words of the preacher as noted below:

If you are the first wife, the children of the first wife have been taken care of, the house is decent, the vehicle is fresh, never broken down, the food, clothes, education, all of your health is guaranteed by you, please remarry. You're just looking at which woman you are going to marry; those who understand religion, who are not emotional.⁷⁸

If the house is the same, the living is the same as the need, the attention,

⁷³ *Ibid.*, in minutes 46:06.

⁷⁴ Act No. 1 year 1974 about Marriage, Article 5 section (1).

⁷⁵ Like the answer to the second questioner, Nizam, in video episode “Kapan Boleh Berpoligami?”

⁷⁶ See video episode “Poligami, Bisakah Adil?”, sc. 17:05; “Kapan Boleh Berpoligami?”, sc. 18; ‘Pilih Monogami atau Poligami’; “Malu, Ayahku Berpoligami”, sc. 31:10.

⁷⁷ See video episode “Pilih Monogami atau Poligami”.

⁷⁸ See video episode “Malu, Ayahku Berpoligami”, sc. 5:38.

the time, why not (do polygamy)?⁷⁹

I am serious from the depths of my heart, if your husband has a lot of money, can do justice. Please, it's okay so that other women can have happiness as well. I'm sure if you see other women happy, you will be happy.⁸⁰

The preacher was also asked:

(Ibu Dewi) [c]an a woman during the process of marriage ask for the conditions to her bridegroom so that someday he will not do polygamy?

(Mamah Dedeh) It may be allowed, but the rules of God [while raising hands] should be followed Ibu Dewi. Even though he made a condition that "you can marry me on one condition [that is] don't marry another woman." We do not know life's journey Ibu Dewi. It may be in the midst of family life, the wife chants. Meet other girls [while demonstrating funny gestures] that are better. It's OK but it can't be followed because it's not in line with religious teachings.

If you can't do justice, you should marry just one. Fair of *papan*, fair of *pangan*, time, and affection, these must be provided. If there is one who has not been fed yet, you are not supposed to think about two or three. That is wrong. That's why Islam allows, not orders. Allow a man to marry two or three or four women as long as he can perform justice. Of course, not a few women who want their husbands to remarry and there are also women who are not willing to allow their husbands to remarry because ... [b]ut whatever happens, God encourages him as long as the man can.

D. Conservatism in Islamic Law in *Mamah dan Aa Beraksi*

The contents of the sermon on the status and role of husband and wife, rights and obligations to the household, and in polygamy, have been discussed in the previous section. The description shows that *Mamah dan Aa Beraksi* program represents a conservative view. It can be seen from the contents of videos that are gender biased. This bias can be affirmed in the contents of the sermon which favored the husband over the wife.

⁷⁹ *Ibid.*, in sc. 8:00.

⁸⁰ *Ibid.*, in sc. 11:40. This is followed by an irrelevant comparison, for example by stating "rather than your father becoming a corruptor, it is better to get married again, because in Islam it is permitted." See in sc. 41:14.

For example on the issue of polygamy, wives are represented as helpless, making polygamy difficult in the case of a prosperous household life—that is when the husband is able to guarantee all family needs and has the potential to share his wealth with other women.⁸¹ The preacher repeatedly advised female audiences to be willing to share their husbands so that other women could also have the happiness of household life.⁸² It is not on the basis of heaven's guarantee for the wife who allows her husband a polygamous relationship, but on the basis of a conservative understanding of key norms and pseudo-demographic reasoning, the validity of which is suspect. Even in one of the epilogues of her sermons, apart from the possibility of a slip of the tongue, the preacher mentioned polygamy as God's suggestion as long as the men could perform fairly among his wives and children,⁸³ whereas this concept of justice has long been criticized by Islamic reformers.⁸⁴ Furthermore, in her sermons, she stated that the permission of the first wife does not have any legal consequences for the validity of the second/third/fourth marriage. This is believed to be rote Islamic law by the preacher.⁸⁵ The preacher also mentioned that polygamous husbands without concern for their wives only commit a sin when they treat their wives unjustly. This is because in polygamy

⁸¹ *Ibid.*, in sc. 3:40-15:12; video episode “Malu, Ayahku Berpoligami”, sc. 20:42, 23:49.

⁸² *Ibid.*, in minutes 52:34.

⁸³ Video “Suamiku Berniat Nikah Lagi”, sc. 52:34.

⁸⁴ The impossibility of men being fair to their wives is an example. This has been implemented in Tunisia. Tunisia becomes the only Muslim country that is considered to have implemented an absolute prohibition of polygamy in 1956 after using the method of reinterpretation of the text, which was to revoke the permissibility of polygamy in An-Nisā verse 3 because it is considered contrary to An-Nisā verse 129. See Majid Khadduri, “Marriage in Islamic Law: The Modernist Viewpoints”, *The American Journal of Comparative Law*, vol. 26, no. 2 (1978), p. 215.

⁸⁵ Look episode “Malu, Ayahku Berpoligami”, sc. 31:10; “Kapan Boleh Berpoligami?”, end of prologue. The preacher also mentioned that polygamous husbands without permission of their wives are not punished. They are sinful if only they treat their wives unjustly. This is because for polygamy there is no requirement to ask the wives' permission. This is based on An-Nisa verse 3 according to the preacher. See episode Indosiar (dir.), “Suami yang tak Dirindukan Surga”, *Mamah dan Aa Beraksi*, broadcast on vidio (21 Nov 2017), sc. 15:38, <https://www.vidio.com/watch/733812-mamah-dan-aa-beraksi-suami-yang-tak-dirindukan-surga>, accessed 7 Aug 2019.

there is no obligation to ask the wife's permission. Although later this wife's permission recognized by the preacher triggers other consequences according to state law, for example in the case of inheritance.⁸⁶

In the sermon about rights and obligations in the household, gender inequality was outlined in many points. Among these points were: (1) husband's status as head of the family which cannot be substituted by his wife; (2) the demands of the wife's obedience to her husband can be said as a subordination of women; and (3) sexuality which should be one-way, namely the emphasis on satisfying husband sexuality by his wife. This arguably can be called an objectification of female sexuality. This does not mean that the preacher believes that enjoying sexuality is only the husband's right. This also does not mean that the preacher recognizes women solely as a servant who satisfies sexual desire because in another video the preacher denies this as well.⁸⁷ In the book compiling her sermons (out of this program), for example, the preacher also recognized that sexuality is also the wife's right and it is the husband's obligation to arouse his wife's sexual desire.⁸⁸ However, when defining the rights and obligations of husband and wife in this program, the preacher emphasized that sexuality is a wife's obligation, not a husband's obligation. Indeed, this sexuality generally was stated as part of *nafaga* but the *nafaga* emphasized in the video is limited to economic problems.

1. *References to classical fiqh*

Aside from the gender biases above, the preacher's conservatism can be inferred from the preacher provides her sermon material. It is important to recognize the extent to which she uses the classical *fiqh* to support her opinion. It is clear that generally the preacher does not refer to classical *fiqh* book directly. Although rarely referring the *fiqh* book

⁸⁶ See video episode "Pilih Monogami atau Poligami", sc. 15:30.

⁸⁷ This denial is very clear in the prologue of video episode Indosiar (dir.), "Perempuan Bukan Pemuas Nafsu", *Mamah dan Aa Beraksi*, broadcast on vidio (21 Nov 2017), https://www.vidio.com/watch/854611-mamah-dan-aa-beraksi-perempuan-bukan-pemuas-nafsu?channel_id=23105674, accessed 17 Aug 2019. The Preacher explains how women from various civilizations namely, Greece, ancient Hinduism, *Jabiliab* and Islam. In essence, reject the view of women as servant men's desires.

⁸⁸ Mamah Dedeh, *Dari Hati Ke Hati Dengan Mamah Dedeh*, ed. by Yani Srie Wuryandari (Depok: Luxima, 2010), pp. 280–1.

directly, the preacher occasionally mentions the name of classical scholars such as As-Syāfi'ī. This is certainly to show that what she delivered was in line with most established *fiqh* in Indonesia. Inclusion of the name of As-Syāfi'ī directly can be seen, for example, when the preacher explained the role of the excessive wife in the household which should only have an obligation to serve the sexuality of the husband.⁸⁹

In addition, substantially, this conservatism can be seen from the link between the sermon content and classical *fiqh* concepts, for example, the concept of justice in polygamy. As frequently discussed, justice is one of the requirements for the permissibility of polygamy. If the husband will not be able to be fair, then polygamy is not allowed. If after marriage, the husband also turns out to be unable to perform justice then the wife who is treated unfairly can divorce her husband. However, the preacher interpreted justice quantitatively, which is easier to be measured exactly, such as in providing *nafaqa* (in the form of clothing, food, shelter, and time) according to the needs of each wife.⁹⁰

Regarding fairness of time, the preacher mentioned that the same division of a night is sufficient. The husband is not allowed to sleep with his wife when it is not her turn. She acknowledges that the distribution of affection and love is too difficult or even impossible for an ordinary man, and the only one who able to judge (that affection) is Allah.⁹¹ Because of this difficulty of fairness on affection, then when there is excessive feeling to one of the wives, the husband is supposed to hide it from his other wives so that they do not feel hurt.⁹² This means that the impossibility of being fair in matters of affection does not become an obstruction to the permissibility of polygamy.

The definition of justice in polygamy with quantitative approach must be understood from the Syāfi'ī school.⁹³ In *Al-Umm* is stated that

⁸⁹ See video episode Indosiar (dir.), “Berbagi Kewajiban Dalam Rumah Tangga”, *Mamah dan Aa Beraksi*, broadcast on vidio, https://www.vidio.com/watch/789259-mamah-da-aa-beraksi-berbagi-kewajiban-dalam-rumah-tangga?channel_id=23105674, accessed 18 Aug 2019.

⁹⁰ See the prologue of episode ‘Poligami, Bisakah Adil?’

⁹¹ *Ibid.*

⁹² *Ibid.*

⁹³ See Nasution, *Status Wanita di Asia Tenggara*, p. 105.

there is no need to tell the other wives if there is a tendency to one of the wives. The justice of compassion as An-Nisā verse 129 is merely known by Allah.⁹⁴ Justice here is limited to what can be sought as material needs while non-physical justice such as love, was not included.⁹⁵

2. *Textual interpretation*

Aside from the above explanation, a sign that shows conservative thought was her brief textual interpretation. The Qur'an verse referred to is the verses about polygamy, about rights and obligations in the household, and verses about the status and role of husband and wife. These verses, for example, are An-Nisā verse 3 and An-Nisā verse 34. These verses were mainly read in the prologue session and elaborated on, then translated, then taking the law based on her translation. This is the way the preacher articulated the *fatwa* (legal opinion) in the videos of this program. But sometimes the verses were preceded by the preacher's leading question related to the theme. For example, the verse of polygamy, An-Nisā verse 3, comes after the preacher question "in Islam, what's about polygamy? Yes, it is not prohibited." After this question, the verse was read and interpreted then she concluded the law of polygamy. From the permissibility of polygamy, the preacher began to slowly move to the problems of society. This was not to reinterpret the verse, but rather to restate the permissibility of polygamy. Slyly, the preacher managed to pay attention to women feeling when their husbands do polygamy. They must be jealous. Then the preacher emphasized that this feeling of jealousy was natural for any women. To explain this natural jealousy, the preacher borrowed the Islamic stories of Sarah and Aisha.

After explaining the reasonableness of jealousy by borrowing the narratives of Sarah and Aisha, the preacher moved to the comparison of the world's population by sex ratio. The number of men and women according to the preacher—as mentioned in various lectures—is 1: 8 recently and will continue to increase to 1:50 later by the end of the world. Apart from its validity, based on this demographic data the

⁹⁴ Imām Muhammad bin Idrīs As-Syāfi'ī, *Al-Umm* (Riyadh: Dar Al-Wafā', 2008), p. 483.

⁹⁵ Ahmad Mustafā Al-Marāghī, *Tafsīr Al-Marāghī*, trans. by Bahrun Abu Bakkar (Semarang: Toha Putra, 1993), pp. 289–90.

preacher constructs attention to women who do not have a husband. Then the preacher invited the audience together to feel concerned about the fate of their fellow women (widow). According to the preacher, many women out there have weak condition so that men are needed to protect them. In that way, a women can share happiness with each other. In this condition the preacher argued that polygamy is a solution to the demographic imbalances.

Generally, the preacher gave her legal opinion through those arguments. However, there was a time when the preacher recited the *hadis*.⁹⁶ However, the gist point to heed is that her textual interpretation, followed by hypothetical context. The process of textual interpretation generally ignored the real context of a verse of the Qur'an.⁹⁷ In general, textual scholar considers the interpretation of previous *ulama* to be the most authoritative view and therefore the limits of this interpretation are what have been determined by previous *ulama*.⁹⁸ From a textual point of view, the text about the ethics-law and the rule of law are taken from them to be followed regardless of changes in any conditions and situations.⁹⁹ This seems to happen to the preacher in this program. Both polygamy and its concept of justice and the interpretation of the main verse concerning rights and obligations tended to be appropriate¹⁰⁰ according to classical *fiqh* especially the conservative understandings.

In the context of rights and obligations, in daily life both men and women share equal opportunities to work in the public sector. Becoming a public servant or working in a private company is open to all genders. Even the entire public sector does not run without the involvement of

⁹⁶ For example, the hadis used to divide the rights and obligations between husband and wife is: *ḥaqqul mar'ati ala az-ḥajji an yuḥ'imahā iżā 'aḥ'ama (ta'ama) wa yakṣūbahā iżā 'uktusiyā walā yaḍribu al-wajha walā yuḡbiḥu wala yahjuru illā fi al-baiti*. This hadith can be found in Abu 'Abdullāh Muhammad bin Yazīd Al-Qazwainī, *Sunan ibn Majah* (Riyadh: Maktabah Al-Ma'ārif), p. 322, no. 1850; As-Sijistānī, *Sunan Abi Dānuḍ*, p. 243, no. 2142.

⁹⁷ Abdullah Saeed, *Interpreting the Qur'an: Towards a Contemporary Approach* (Abingdon England ; New York: Routledge, 2005), p. 50.

⁹⁸ *Ibid.*

⁹⁹ *Ibid.*

¹⁰⁰ This term is borrowed from Noorhaidi Hasan (ed.), *Literatur Keislaman Generasi Milenial: Transmisi Aproriasi, dan Kontestasi* (Yogyakarta: Puspidep & Pascasarjana UIN Sunan Kalijaga, 2018).

one sex. This means that the opportunity for women to become the backbone of the family can be claimed equal to the opportunities of the men. This is also indirectly recognized by the preacher by taking the example of Khadija as a businesswoman, Hagar who made a living for herself and Umm Salama who worked as a skinner. It is essential to say that the preacher does not reject the involvement of women in the public sphere. This is seen from her lack of recognition of these female figures, as well as her impossibility of ignoring the current real-life situation that women always fill the public room—including herself who work in public space. But why in her sermon about family life tend to favor men over women? This is an irony that cannot be explained unless it can be traced to her convenience views using simple way of textual reasoning which loads with gender bias and conservative understanding of Islamic Family Law. This confirms how strong Islamic legal conservatism in *Mamah dan Aa Beraksi* program.

E. Concluding Remarks

It can be said that *Mamah dan Aa Beraksi* program contains conservative discourse on Islamic family law. This conservatism is manifested in the discussions of Islamic family law issue which is patently gender biased. This gender bias is evident in the issues discussed in the research. In the issue of rights and obligations in the household, it appears that man is defined as the party who earns the living and responsible for providing support for the family while the wife is the recipient. In return, the wife is tasked with serving a husband's sexual desires. In the sermons, never was mentioned that men are responsible to provide sexual obligation for the wives. In simple terms, the husband's duty is to provide living for the family, which is more seen materially. Husband is mentioned as the breadwinner, while the wife is the provider of sexual services for the husband. On the issue of polygamy, it is stated that polygamy is allowed, without followed by strict conditions. Men who practice polygamy are not required based on the permission of the first wife, and *poligami siri* (polygamy without wife's concerns and unregistered polygamy) is considered legal as long as it is according to the traditional *fiqh*. A wife cannot sue for divorce from her polygamous husband unless the husband acts unfairly. Justice is understood in the terms of material

provision through a quantitative approach, not qualitative as modernist understanding. It is permissible for a wife to divorce her husband if only the husband does injustice. Therefore, in the issue of polygamy, the voice of women does not determine the legal status of polygamy. Apart from these two issues, the conservatism of Islamic family law is also clear evident in the status and roles sharing in the family where men are given the authority to lead the family and there is no possibility of being exchanged by women, particularly in a complete family member.

The conservatism of Islamic family law is conveyed by providing lecture materials which essentially refer to established traditional *fiqh*. This material is delivered directly without attribution to the literature or the name of the scholar who wrote a particular *fiqh* book. Direct projection to the jurisprudence book or the name of the Islamic scholar happens rarely, occasionally and sporadically. In addition, conservatism seems patent through the way the preacher delivers his legal arguments which tend to use textual interpretations. The textual interpretation referred to here is the reasoning or drawing conclusions only by reading the translation of a verse from Al-Qur'an. Simply, when a legal issue is requested to the preacher, she will quickly recite a verse of Al-Quran and instantly convey the law. Often these answers are short, concise, clear, and represent traditionalist rather than modernist thinking. In terms of rhetoric, especially on the issue of polygamy, it seems that the preacher does not merely convey conventional *fiqh* and textual interpretations but also borrows prophet classical stories, such as the story of Sarah and Aisha. This was done in order to back up her arguments, especially in terms of naturalization of jealousy towards wives whose husbands intend to do polygamy. At least this story is re-told to maintain the permissibility of polygamy. This projection process can be interpreted as strengthening the conservative doctrine in the sermons of the preacher.

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