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Feminist Theory and Practice: Efforts to Maintain Human Values

Editor:
L. Dyah Purwita Wardani SWW



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PREFACE

Higher education has the responsibility to (1) make the life of the nation intelligent through developing abilities, forming national character and civilization with Pancasila character, (2) implementing the Tridharma to create an academic community profile that is innovative, responsive, creative, skilled, competitive and cooperative, and (3) developing science and technology with an insight into humanistic values. In this context and as a form of Universitas Jember's commitment to help build a dignified human civilization, the Center for Gender Studies at Universitas Jember has held an International Conference with the theme Feminism Theory and Practice: Efforts to Maintain Human Values on 21-22 October 2023 in Jember.

This chosen theme brings higher education attention to the importance of developing and strengthening feminist practices in facing the increasingly massive development of social, economic and political globalization. It involves actions, strategies and initiatives to raise awareness, overcome discrimination and work towards a more just society. Higher education has great potential to change this condition through organizing forums that facilitate scientific development with a gender-equitable perspective, placing women and men equally as essential subjects. Ideally, women's voices, which tend to be marginalized because they are considered unscientific, must be ensured to receive a particular place and attention because women's specific experiences regarding their bodies, the oppression experienced in their daily lives are valid, worthy of being used as a source of knowledge. This situation will encourage the development of scientific knowledge that is no longer masculine, which is colored by empathy and an ethic of care. Ultimately, this knowledge should also be considered as a reference for preserving and engineering culture, creating technology, and formulating gender-responsive policies.

This international conference activity was attended by various participants from within the country and abroad who work as lecturers, researchers, practitioners, observers, and students in various fields of science related to and relevant to the conference theme. This proceeding contributes to disseminating research results from the academic community who have participated and presented their articles at the conference. It is hoped that the various scientific papers produced and discussed during this conference will inspire the academic community to be more productive and create opportunities for improving the quality of Tridharma's work in the field of gender studies in the future.

As a closing introduction to these proceedings, we would like to express our deep gratitude to all the committee, presenters, participants and sponsors who have made extraordinary contributions to the success of this international conference. May Allah SWT, God Almighty, always bless all our reasonable efforts.

Jember, 20 November 2023
Rector of Universitas Jember
Dr. Ir. Iwan Taruna, M.Eng.IPM

Table of Content

NO	TITLE	PAGE
1.	The Shackles of Patriarchy in Female Characters of The Barbie Film Galuh Gita Indrajayani, Daris Dzulfikar	1
2.	Can Witches Be Powerful and Affectionate? A Reading of Fantasy Films Nurhadianty Rahayu	11
3.	Participatory Action Research of Building Marital Rape Awareness in the Agrotourism Environment of Pronojiwo Village Muhammad Nasiruddin, Ade Rosi Siti Zakiah, Mufidah Ch	17
4.	Gender Representation in Kurikulum Merdeka's EFL Textbook: A Critical Discourse Analysis Nauka Nayana Prasadini, Tri Winindyasari Palupi	30
5.	Legalizing Prostitution Against Female Commercial Sex Workers (CSWs) In Bangladesh Isnindya Ramadhani Mamisa Putri, Sri Yuniati, Linda Dwi Eriyanti	39
6.	Implementation of The CEDAW on Sexual Violence Through The Congress of Indonesia Women Ulama Wilda Aulia Maulida Afni, Linda Dwi Eriyanti, Fuat Albayumi	53
7.	Forms of Gender Discrimination against Female Employees in Korea Nurin Nauvalia	65
8.	Silenced Women's Voices in The God of Small Things: A Postcolonial Ecofeminist Analysis Nurul Lailatul Hasanah, Suci Suryani	82
9.	Race Ecofeminism as Reflected in the Novel Their Eyes Were Watching God by Zora Neale Hurston Zumairoh, Suci Suryani	92
10.	Sexual Violence Against Women in the Australian Parliament Alex Candra Adi Pratama, Linda Dwi Eriyanti, Himawan Bayu Patriadi	104
11.	Analysis of Marketing Mix Strategies in Facing the Challenges of the Electric Cigarette or Vape Industry from a Gender Perspective Ardian Adriyadhi Suyadhi, Nurcahyaning Dwi Kusumaningrum, Abdul Mustofa Iqbal Asyrof, Farra Shayrani Rosadi	117
12.	Increased Participation of Indonesian Female Peacekeepers in The United Nations Peacekeeping Mission in Lebanon (UNIFIL) Bernadeth Almathea Wulandari, Linda Dwi Eriyanti, Muhammad Hadi Makmur	133
13.	Rape Culture Pictured In Barbara Dee's <i>Maybe He Just Likes You</i> Arnya Cahya Pertiwi, LDP Wardani, Reni Kusumaningputri, Dina Dyah Kusumayanti	147
14.	The Role of Women Activists in Improving Environmental Conditions in Kenya	160

	Cindy Yuliawatia, Linda Dwi Eriyanti, Adhiningasih Prabhawati	
15.	The Representation of Women and Gender Injustice in Tenni Purwati's Short Story Sambal di Ranjang: A Liberal Feminism Study Fatmawati, Haikal Faqih, Erninda Puji Agustin, Tri Aprilia C.K., Febriyanti, Dwi Handayani	171



Implementation of The CEDAW Convention on Sexual Violence Through the Congress of Indonesian Women Ulama

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Abstract : Cases of sexual violence are cases that place women as victims with the highest position. The rise of cases of sexual violence affects women's lives in society. However, the crisis of rights experienced by women has not received equal efforts from the government. One of these disproportionate efforts was marked by the government's failure to ratify and implement the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The discussion of this research focuses on the efforts of female activists who are members of the Indonesian Women's Ulama Congress (KUPI) in making efforts to resolve cases of sexual violence in Indonesia. With a descriptive-qualitative method, this study uses the framework of Michel Foucault's Power theory and the ancestor of two concepts, namely the concepts of Islamic feminism and Mubadalah. The results of this study indicate that the presence of the Indonesian Women's Ulama Congress (KUPI) forum has generated strength in the form of knowledge about preventing sexual violence.

INTRODUCTION

The rise of sexual violence cases in Indonesia is evidence that the implementation of human values has not been optimal. Especially for women, the number of victims of sexual violence is always dominated by women and always experiences a significant increase from year to year. In 2017, the amount of data on sexual violence amounted to 20,183 with specifications of male victims totaling 4,654 and women 17,212. In 2022, it amounted to 26,581 with a specification of 4,485 male victims and 24,102 female victims (Ministry of PPPA 2022). One of the biggest causes of sexual violence is the social construction of men and women. Men are interpreted as perfect beings, while women are beings who function as complements to men. Women who function as complements are considered to be meek and vulnerable creatures. This perspective invites inhumane treatment of women (Illich, 1992).

The phenomenon of sexual violence has long invited responses from the United Nations (UN). The phenomenon does not only occur in Indonesia, but in various parts of the world. As the largest organization in the world, the UN has the authority to solve various problems of sexual violence. The condition of sexual violence was recognized by the UN through the Commission on the Status of Women (CWS) in 1963 (Setyowati 2021). Women who are victims of sexual violence come from various backgrounds regardless of age and social classes. The UN decided to take collective action through a meeting between countries that are members of the

UN and discuss women's rights. The organization of the meeting then became the background for the birth of the CEDAW convention (The Convention on the Elimination of All Forms of Discrimination Against Women). CEDAW is an international treaty that contains points about the human rights of women. This convention resulted in an international treaty held on December 18, 1979 and ratified on December 3, 1981 by the United Nations (Assembly 1979).

After the CEDAW Convention was declared by the UN, Indonesia as the country that gave the decision agreed to ratify it in Indonesian Law No.7 of 1984. Then, Indonesia also signed the Optional Protocol 3 of the CEDAW Convention in 2000. The presence of CEDAW helps Indonesia in articulating the Bill of Rights for every citizen (Komnas Perempuan 2018). Women are no longer beings who complement the existence of men. However, the definition of a being who has freedom of expression.

However, over time the implementation of the results of the CEDAW convention in Indonesia did not go according to the initial commitment. From 2012 to 2016, Indonesia did not report to the CEDAW committee at the UN. Not only that, one of the concluding comments of the CEDAW committee in 2012 which signaled the involvement of religious groups was also not carried out. Then, it is reinforced by the existence of article 7 paragraph c in the draft results of the CEDAW convention which states that the involvement of non-governmental actors is needed to address women's issues through clear ways (Assembly 1979).

Based on the results of Komnas Perempuan's Press Release 2016 (Catahu 2016), issues of violence against women are growing, while the handling and supervision carried out by the state is not comparable. Komnas Perempuan categorized the data on sexual violence at that time into 3 categories. In the personal sphere, rape cases amounted to 72%, sexual abuse 18% and sexual harassment 5%. In the community realm, violence against women amounted to 61% (Komnas Perempuan 2016). In the state sphere, the regulations and officers involved are not in favor of women, both in terms of enforcing the rules and giving punishment. For example, state officials allow human rights violations that occur to women, local regulations that criminalize women and the practice of female virginity (Komnas Perempuan 2016).

Conditions that discredit women and have not been addressed by the state have led to responses from various parties, especially from pesantren, Islamic religious organizations, and non-governmental organizations (NGOs). These parties can find out the conditions that are happening through their closeness to the community. The character of Indonesian society, which is closely related to religious values, is the main source of information obtained by pesantren, Islamic organizations, and NGOs. The association aims to urge the state to carry out its functions and obligations in accordance with applicable regulations. A group of pesantren leaders, Islamic religious organizations, NGOs and community leaders always hold an assembly every 5 years in the Indonesian Women Ulema Congress (KUPI 2022). The Indonesian Women Ulema Congress (KUPI) is a forum that brings together various gender activists from different backgrounds with humanitarian goals.

This research is a descriptive qualitative research by utilizing various natural methods. Specifically, researchers will try to explain problems, thoughts, and behaviors individually or in

groups. By using this approach, researchers will describe and summarize data related to the research topic, namely the views of Islamic feminists contextualized through KUPI in meetings that discuss the resolution of sexual violence in Indonesia.

THE HISTORY OF KONGRES ULAMA PEREMPUAN INDONESIA

Kongres Ulama Perempuan Indonesia is a gathering of local, national and international women activists who always put Islamic nuances in every agenda. In 2017, the first KUPI event was successfully held by bringing in 700 participants from within and outside the country. KUPI was held for the first time, right at the Kebon Jambu Islamic Boarding School, Babakan, Cirebon, West Java, in 2017. The congress was not only attended by participants from Indonesia, but also by foreign participants, such as Pakistan, Malaysia, Saudi Arabia, Kenya, and Nigeria (KUPI 2022).

Historically, this success was realized after years (since the new order) in the discussion stage by various activists, including the involvement of santri. This discussion stage is a continuation of the formation of knowledge construction after the formation of women's activist movements in Indonesia. The methods used by women scholars related to the preservation of human rights, especially women's rights, affixed an Islamic perspective. In line with that, what happened in society during the New Order era was a condition that was closely related to violations of human rights, one of which was that women's welfare was not properly realized.

Human rights violations against women during the New Order era were indicated by cases of violations that occurred in various places. As happened in Papua in the case of sexual slavery in 1987, in Aceh there were cases of sexual violence against women when the region became a Military Operation Area (DOM), and discrimination and sexual violence experienced by Chinese women became the biggest riots at that time right in May 1998 (Mariana 2015). During this period, violence after violence had been felt by women and awareness had begun to form. However, for these events, women could not do anything to protect themselves. Women did not have the courage to fight the terror against themselves until the case was only revealed when human rights activists exposed cases of violence against women.

The pesantren environment that knows this encourages santri to explore books that discuss gender relations in the public and domestic spheres. The book that became a reference in the discussion was the book of syarh Uqud al-Lujain fi Bayan Huquq az-Zujain by Sheikh Nawawi al-Bantani, which was organized through the Yellow Book Study Forum (FK3). Not only that, the results of this FK3 translated the contents of the book and booked it with the work "The New Face of Husband-Wife Relations" by FK3 with the introduction of the book is K.H Ahmad Mustafa Bisri. Interestingly, the book has a broader meaning not only for household affairs, but also for the real function of gender justice (Muhammad 2021).

The presence of a book that explains gender justice relations is published and discussed openly. However, when the book was discussed by several pesantren, it received mixed acceptance. Some agreed with the idea, while others rejected it outright. The counter-reaction by some groups who did not have the same understanding published a counter-book. The book is

“Feminist Theory and Practice: Efforts to Maintain Human Values”

Center of Gender Studies, Universitas Jember, Indonesia

entitled "Revealing the Heresy and Lies of the FK3 Sect" because the book produced by FK3 teaches heretical laws (Muhammad 2021). A long debate was inevitable, especially conservative scholars who took issue with the meaning of women in the book.

Not long after the long debate, Indonesian women scholars were sparked to found various NGOs as a response to the defense of women's oppression. The first non-governmental organization (NGO) was Rahima. Rahima is an NGO that focuses on Islamic education and information that is closely related to gender justice and equality. The establishment of Rahima is focused on the Cadre of Women Ulema (KUP). For approximately three years Rahima has intensified its movement to organize cadre education for female clerics in various regions. The education for the regeneration of women scholars was attended by 150 women who were generally attended by the Nyai of Islamic boarding schools or female leaders in their communities who have expertise in reading the yellow book (Muhammad 2021).

After Rahima was present to produce cadres of women scholars, Fahmina Institute was established with a similar goal. Fahmina Institute was founded in 2000 with the aim of becoming a forum for Islamic study centers engaged in humanity, justice and community autonomy (Muhammad 2021). In addition, Fahmina has also succeeded in carrying out the process of gender education in the Islamic dimension, such as studies on pluralism, democracy, and human rights issues aimed at cadres of women leaders in pesantren and human rights activists, both locally, nationally and even internationally. In addition to studies, Fahmina also publishes modules, books, bulletins and books. One of its famous modules is titled "Dawroh Fiqh Perempuan; Islam and Gender Course Module" (kupi 2022). The module is not only used by Indonesian women activists, but from several countries also make the module as a reference.

Not only rahima and fahmina, but also there was an association of women scholars called Alimat. The movement aims to advocate for state policies through laws and regulations related to gender justice. Participants in this movement include the Center for Gender Studies in Islamic higher education, religious organizations, and other intellectual women leaders. Members of the movement include members of Komnas Perempuan, Fatayat, Muslimat, Rahima, Fahmina, Aisyiyah, Women Defenders of Migrant Workers, LAKPESDAM NU, Koalisi Perempuan Indonesia (KPI), Empowerment of Women Heads of Families (Pekka), IAIN Pekalongan Gender Studies Center, Pancasila University and UIN Sunan Kalijaga Yogyakarta Women's Studies Center (Kodir, Abdul Faqih, Muthmainnah 2020).

Thus, the various historical events above eventually became the forerunner of the formation of KUPI in 2017. Three organizations pioneered the implementation of KUPI, namely Rahima, Fahmina and Alimat. Over time, the big congress became an agenda that was held every 5 years (KUPI 2022). In KUPI's perspective, women scholars are a group of knowledgeable people, both men and women who are devoted to Allah SWT, have good personalities, fight for equality and justice to create conditions of *maslahat* (KUPI 2022).

Relevance of the CEDAW Convention to KUPI on Sexual Violence in Indonesia

The Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) is an international convention that aims to eliminate all forms of discrimination against women and protect women's rights. There is affirmation in the CEDAW convention contained in its three main principles. First, the principle of substantive equality, this principle means that an approach that does not see equality before the law alone, but equality that includes the actual impact of the implementation of the law. Second, the principle of non-discrimination, which means that discrimination in this convention is any form of discrimination, restriction, and exclusion based on gender. These differences affect women's rights as human beings who have freedom in the political, cultural, economic, social and civil society fields. Third, the obligation of the state to implement the results of the convention and to report every four years (Maryam 2012).

The implementation of CEDAW in Indonesia has produced 37 General Recommendations that are used to respond to various increasingly complicated women's issues. Through this General Recommendation, the committee finally has an important instrument in reviewing a country to discuss and provide recommendations related to issues that have not been discussed in the original convention. The focus issues of the GR include issues of sexual violence, female circumcision, women in the perspective of conflict, protection of migrant workers and women in rural areas (Komnas Perempuan 2019). In the same context, the Indonesian Women Ulema Congress (KUPI) is present as an association of various women activists based on Islamic values that have relevance to the principles of CEDAW. These women activists are members of religious organizations, non-governmental organizations (NGOs), educational institutions, and community leaders. KUPI in every series of activities always voices the points of the CEDAW convention and encourages the application of these points into the community environment. These points are applied by women scholars through concrete movements that are implemented through their unique approach. The unique approach has been formulated by KUPI, including *makruf*, *mubadalah* and women's ultimate justice.

First, the *makruf* approach has the meaning of all forms of behavior that contain the values of truth and goodness that are in line with Shari'a and the ethics of society that come from common sense. This *makruf* approach connects the autocratic texts of revelation with the dialectical conditions of social reality in society. Secondly, the *mubadalah* approach is used as a reconciliation reading of the Quranic texts and hadiths that are still inclined to the superior existence of men. Third, the women's essence approach is applied to pay attention to women's experiences (social and biological). This is illustrated through women's biological experiences during menstruation, childbirth, postpartum, and breastfeeding which have an impact on social experiences in the realm of society (Kodir 2022). These three approaches become tools for KUPI in formulating recommendations and fatwas.

The recommendations produced at the KUPI event are inputs or suggestions aimed at the government, religious leaders, law enforcement officials, corporations and Islamic religious organizations in the community. Then, fatwa or religious views are used as a framework of rules

used to solve problems that relate to the sources of Islamic law. From the three approaches, KUPI is able to produce recommendations and fatwas to mobilize local women ulama' to work together to resolve inhumane practices against women. One of these practices is sexual violence against women, both in the domestic and public spheres. Thus, KUPI is able to be present as a way of light for Indonesian women to get out of the confinement of sexual violence. On the other hand, KUPI does not only provide views, but also concrete forms of action through various actions, such as advocating or escorting related regulations that favor women vulnerable to sexual violence.

KUPI as a Production of Indonesian Women's Power-Knowledge

According to Michel Foucault (1998), in all individual processes of acquiring or producing knowledge, it always goes hand in hand with the production of power. The production and power of knowledge is not a neutral process from power, but always involves power relations that tend to produce hierarchical conditions. The presence of KUPI is part of the production of knowledge power regarding the struggle for equality and justice for women in Indonesia based on the perspective of Islamic feminism. This struggle needs to be realized collectively as a knowledge relation, where resistance to the West-East understanding of CEDAW. So the need to liberate the paradigm of knowledge that is not only centered on certain authorities is eliminated. The main goal is to enrich the treasures of knowledge that are diverse and comparable by considering the characteristics in the process of women's knowledge in Indonesia.

Through various agendas carried out by KUPI I and II, it can be seen that the power of knowledge produced is through humanistic means. The humanistic ways are packaged by KUPI through activities before, organizing and after. Pre-congress activities such as writing competitions on women scholars, KUPI I pre-congress workshops in 3 regions (Yogyakarta, Padang and Makassar) and pre-congress II at UIN Raden Fatah Palembang. Activities during the congress such as international seminars, religious socialization, 9 theme parallel discussions, religious deliberations, book launching and closing (KUPI 2022). Furthermore, KUPI also has 3 control issues that are similar to KUPI I and KUPI II and continue to be fought for in every event and other KUPI activities. The three issues of control are child marriage, sexual violence and destruction of nature. The theme of sexual violence is always present in a series of events starting from parallel discussions, formulation of recommendations and religious fatwas. The theme of sexual violence is a crucial theme in the realm of society, so it requires specific steps in every discussion and action(handling).

KUPI has different ways of producing power. In the context of sexual violence, KUPI does extra work both during the event and other supporting activities, such as publishing articles, conducting counseling and so on. As reflected in the parallel discussion with the theme of sexual violence, it reminded all elements in society to be aware of all forms of sexual violence that often afflict vulnerable groups, social classes that are considered low women and children. The recommendations, narrating that victims of sexual violence cases, such as rape, often get inhumane treatment. Such as being cornered in society, stigmatized, discriminated against by

ancient values that already exist in society. Victims of sexual violence are often marginalized when they suffer from the psychological burden they experience. Therefore, KUPI urges the state to make regulations that have full support for victims. Not only that, the existence of fatwas is also generated based on the reality of women's experiences and lives. Laws that narrate the benefits of women become mandatory. If there is something bad about women, the law will change to makruh or haram (Rahmawati and Aprilyanti 2017). Thus, KUPI's power in this case is to produce new knowledge by re-narrating human values in society through events and other supporting activities. The existence of this new value replaces the old value that has oppressed women's lives. The existence of new knowledge will discipline society in order to form a system that narrates values that are permitted and justified.

KUPI's Activeness in Building International Networks

The Indonesian Women Ulema Congress (KUPI) was formed from local movements of Indonesian women ulema who voiced women's rights, such as the right to justice and equality. The form of the KUPI movement in the international realm began with the activeness of women scholars in international forums. This activity builds the trust of various international women activists about the image of a peaceful Indonesia and the contribution of women ulema' in voicing humanity for women. The activism of Indonesian women scholars has been established for a long time, thus influencing KUPI's institutional presence in the international arena. KUPI's existence invites the admiration of the world's women ulema. Previously, for the international world, the movement carried out by KUPI was an impossible movement. However, the fact is that as far as KUPI activities are carried out, the enthusiasm for participation from the international community has increased significantly. Specifically, the participation of KUPI I was attended by 250 people from 7 countries, while KUPI II was attended by 1,136 people from 29 countries (KUPI, 2023). This data is supported because KUPI has succeeded in realizing concrete movements in the frame of an Islamic perspective.

The concrete movement carried out by KUPI is to offer a new paradigm based on women's experience and women's knowledge as the basic movement carried out. This makes it easier for KUPI to build a new movement ecosystem in the context of the locality of countries outside Indonesia. The goal is to be able to create a movement similar to what KUPI is doing. It will also provide new insights for other countries to agree on the concept of gender equality and justice promoted by KUPI from an Islamic perspective. The presence of KUPI ultimately brings a positive aura to the international world, even as an inspiration for other countries to carry out concrete collective movements on gender equality issues, regardless of the culture of other countries that adopt an open democratic system. Then, the spirit of struggle is also spread by KUPI to women scholars who come from countries that adopt a system of government outside democracy and have a strong patriarchal culture at the community level, such as the conditions that occur in the Middle East. KUPI has a principle of cooperation with other countries to provide new knowledge to the international community. The principles of cooperation carried out by KUPI are collaboration of ideas and collaboration of resources. Specifically, collaboration

of ideas means that KUPI tries to convince the international community through a clear paradigm and methodology on how to see gender inequality through the lens of Islamic feminism. Meanwhile, resource collaboration is inviting all elements to jointly carry out a collective movement that is not only based on local resources, but also international resources.

In essence, the form of cooperation carried out by KUPI has the aim that in every KUPI agenda it is able to bring wider participation from other countries. Not only that, KUPI prioritizes a joint ownership system, which means that KUPI is not only owned by Indonesia, but can be owned by all countries participating in the KUPI forum. This is done as an effort to provide flexibility for the international community to bring KUPI's ideas to a wider realm. Of the two forms of cooperation above, KUPI realized a form of cooperation with the Asian Muslim Action Network (AMAN) in opening exchange and mentoring, methodological training and discussion of issues to women scholars in Southeast Asian countries. The activity aims to share experiences and dialogue about Islamic concepts based on gender injustice issues that are happening in the region. In addition to AMAN, KUPI also established relationships with NGOs such as the Philippine Center for Islam and Democracy (PCID), United Nation Population Fund (UNFPA) India, Musawah Pakistan, Muslims for Progressive Values United States, and Tunisian Association of Democratic Women.

Implementation of the CEDAW Convention Through the Concept of Mubadalah

The various agendas that have been carried out by KUPI are an initiative to produce knowledge power in the perspective of Islamic feminism. By using the concept of mubadalah, Indonesian Women Ulema who are members of the Indonesian Women Ulema Congress (KUPI) can build a solid foundation in understanding the reality of life today. This foundation is in line with Islam "Rahmatan lil alamin", Islam that comes to provide peace. Included in this is the work of interpreting Islamic texts that narrate the equality between men and women. This fundamental belief is a mandatory provision for each committee in preparing the event and participants in formulating and continuing the results of KUPI in the realm of their respective institutions, institutions and communities. Through the concept of mubadalah, the collective character between men and women to prepare and run KUPI activities is getting stronger.

The collective character is implemented concretely into committee work such as, giving way to each other, strengthening each other, controlling each other, understanding each other, appreciating each other and accepting each other. This character is present on the basis of the awareness and patience of the committee which is always maintained together starting from pre-congress, during congress to after congress. Such souls are the life of KUPI to carry out intellectual movements by grounding cultural activities, social work, and spirituality rooted in local wisdom values. In addition to the committee, there was also the involvement of participants who applied the principle of mubadalah in the midst of their different backgrounds. KUPI participants involved the concept of mubadalah in every discussion and formulation of activity results. Especially in parallel discussion sessions and religious deliberations that start from discussing problems from their respective environments. Therefore, the results of the KUPI event

in the form of a pledge of women scholars, general recommendations and religious views are a manifestation of the real implementation of the concept of mubadalah. These three results are the main source in formulating future KUPI programs and activities, including the massive dissemination of knowledge through social media.

The implementation of KUPI with the values of mubadalah has opened spaces for women scholars to promote Islamic ideas that focus on the value of balance, justice and awareness of the capabilities possessed by women. This is a form of affirmation of the importance of fighting for humanity towards women who involve the potential of reason, affirming tawheed, liberating humans from things that are injustice, and participating in upholding amar ma'ruf nahi munkar. The basics of the mubadalah approach are used as a method of formulating fatwas, as well as a method of formulating recommendations. Through the basics of this mubadalah perspective, KUPI produces general recommendations and thematic recommendations.

CONCLUSION

The results of the discussion above, it is known that the Indonesian Women's Ulama Congress (KUPI) and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) are forums that have the aim of resolving issues of sexual violence. KUPI as a forum and meeting of women activists from various circles from pesantren, academics to Non-Governmental Organizations (NGOs) is able to provide views from a religious angle and produce recommendations that are implemented. The characteristics of the implementation built by KUPI are to affirm the position of women and vulnerable groups in order to get a position equal to men and positioned as a whole subject. With this placement, victims of sexual violence can be reduced and women are not the dominant victims. A series of KUPI events positioned the topic of sexual violence as the main focus of each activity. Such as international seminars, group discussion forums (FGDs), national halaqohs, and religious deliberations.

Therefore, KUPI formulated religious views (fatwa) and special recommendations on sexual violence that have been produced at KUPI I and continued at KUPI II. This fatwa and recommendation methodology refers to the religious foundations, namely the Qur'an, hadith, the opinion of scholars and the Indonesian state constitution. In practice, in every forum organized by KUPI, participants are given new knowledge as a battle for old knowledge, especially in the context of handling issues of sexual violence based on Islamic perspectives as the main reference for the challenge of western paradigms that are considered incompatible with the values, norms, and culture of women in Indonesia. Thus, in the procession of the KUPI forum, there is a power of knowledge that creates domination, discipline, and power practices on objects that are considered weak in terms of knowledge. KUPI's position is not that it wants to take the role of the state as an authority that has all the attributes of power to dominate its people, but KUPI positions itself as an invisible power holder. The power possessed by KUPI strengthens when the will for truth (read: the paradigm for handling cases of sexual violence) is accepted and obeyed by all participants present, even the Indonesian people.

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