

FEMALE GENITAL MUTILATION: BETWEEN RELIGIOUS TRADITIONS AND SEXUAL VIOLENCE

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Abstract: Female genital mutilation in religious traditions is considered something that must be done. Meanwhile, in the holy Qur'an there is no clear regulation regarding circumcision for women. Several perspectives reveal that the practice of female circumcision shows the existence of a patriarchal tradition that is biased towards men's interests, giving rise to discrimination against women. Through a normative study using literature studies based on text studies, this article will explain what the actual law of female circumcision is and whether the practice of female circumcision is a form of violence against women. Normative legal studies are carried out focusing on studying text interpretations, statutory regulations and Islamic law to find comparisons.

Keywords: Female Genital Mutilation, Religious Traditions, Sexual Violence

Introduction

Female circumcision, or medically known as Female Genital Mutilation (FGM) or Female Circumcision, is a practice that involves cutting or modifying a woman's genitalia with a variety of motives, including cultural traditions, religious beliefs, or other reasons, including the reason that women are not wild and binal, so that their position in society is respected. The results of a study by Komnas Perempuan Bersama PSKK UGM show that 92% of the reasons why parents practice circumcision are influenced by religious understanding that female circumcision is a religious commandment. In fact, the results of a study by the Indonesian Women's Ulema Congress (KUPI, 2022) show that there are various religious interpretations in Islam regarding female circumcision. KUPI has also issued a fatwa that P2GP without medical reasons is haram.

Based on research conducted by Komnas Perempuan and PSKK UGM which was subsequently included in the Female Genital Cutting/Injury Policy (P2GP), it was found that generally the practice that occurred in 10 provinces was carried out on children, namely 72.4% aged 1-5 months, 1-4 years old ranged from 13.9%, 0 months aged 5.3%, while aged 6-11 months amounted to 5.1%, and aged 5-11 years as much as 3.3%. SPHPN 2021 data shows that there are around 21.3% of girls from women aged 15-49 years who live together carrying out the practice of female circumcision according to WHO criteria or with cutting or injury and around 33.7% of female circumcision is carried out symbolically. By 2024, nearly 4.4 million girls over 12,000 daily are at risk of experiencing this practice worldwide. (Female, 2024).

Generally, female circumcision is done by cutting off part of the female clitoris, while the clitoris is part of the female genitalia consisting of approximately 8000 nerve sets. Of course, this amount exceeds any part of the body of a woman to feel pleasure.

(Prafitri, 2008). Based on these conditions, in the global context, female circumcision is often seen as a form of sexual violence and a violation of women's human rights. This paper will comprehensively discuss female circumcision which includes aspects of tradition, religion, and its implications as sexual violence.

Literature Review

Circumcision termically means cutting off a part of a certain limb. While circumcision against men. By cutting off the skin that covers the hasyafah (the top of the penis), so that the hasyafah is opened. (HeryPurwosusanto, 2020). According to Imam Ahmad "actually, men, if they are not circumcised, then the skin of the kuluf will hang (cover) the top of the penis and the dirt there is not purified". (Yanggo, 2004) Female circumcision is an action that is carried out in various ways, which can include the removal of the prepuce or or the tip of the clitoris, to the removal of the labia minora and majora. It can be understood that female circumcision is enough to slice a little of the genitals until it bleeds and there is no need to remove it. (Rinna Nuranisa, 2021). Based on the results of a study by the Center for Population and Policy Studies of Gajah Mada University (PSKK UGM) and Komnas Perempuan in 2017, the practice of Female Genital Injury and Mutilation (P2GP) in Indonesia occurs in four types, namely: First, clitoridectomy, which is the partial or complete removal of part of the clitoris (a small and sensitive part of the female genitalia). Second, excision, which is the partial or complete removal of the clitoris and labia minora (the inner part of the vulva that folds), with or without cutting the labia majora. Third, infibulation, which is the narrowing of the vaginal foramen with a seal, formed by cutting, repositioning the labia minora and/or labia majora, by sewing, with or without cutting the clitoris. Fourth, all procedures harm female genitalia for non-medical reasons. For example, pricking, piercing, incising, scraping, and cauterization. (Ruslan, 2022)

There are 4 (four) reasons for the perpetuation of the practice of female circumcision, namely: first, the issue of cultural identity. The community considers female circumcision as a cultural tradition, which is an initiation for a woman to reach the adult stage. Second, the issue of gender identity. The practice of circumcision will show gender differences and the role of women in married life. The 'removal' of the clitoris is considered to be the process of removing male organs from the female body, so that her femininity is considered to be perfect; and their obedience and weakness will soon be formed due to the trauma obtained from circumcision. Third, the occurrence of control of women's sexuality and reproductive function. Through the practice of circumcision, it is believed that women's sexual desire will be reduced, so that they do not become 'bitches' when they grow up. Fourth, the reasons for hygiene, health and fertility. Women who are circumcised are considered more fertile and easy to give birth. (Ruslan, 2022).

Culturally, circumcision is considered to be able to remove or reduce sensitive tissues that are outside the genitals, especially the clitoris can maintain the purity and

virginity of women before marriage. Circumcision for women aims to prepare women to face intimate relationships and married life. For the people of the Makassar tribe, female circumcision is useful for reducing and eliminating sensitive tissue on the outside of the genitals, especially the clitoris in order to resist women's sexual desires, maintain purity and virginity before marriage. (Ananda Anugrah Budi Salmani, 2019) According to (Subhan, 2008) the practice of female circumcision that has been carried out so far is inseparable from the culture that influences it. There is a myth that women are the number two creatures who are not suitable to express their sexual needs, making female circumcision as one of the ways to reduce and castrate their needs. Many of them cut the clitoris excessively and did not cut only thinly, even though medically female circumcision has not been found to have any real benefits.

For people in Sub-Saharan Africa, the Middle East, and Southeast Asia, including Indonesia, female circumcision is usually seen as an important ritual in a woman's life cycle. In some communities, female circumcision is part of a transitional ritual that signifies a girl's maturity. Female circumcision is considered an attempt to maintain women's "chastity" and control sexual desire, so that circumcised girls are seen as more prepared and in accordance with social norms to marry. Strong social pressure often encourages families to stick with the practice, fearing stigma if their daughter is not circumcised. Although it is considered a tradition, many individuals in this community are aware of the negative health impacts of the practice of female circumcision. Unfortunately, the fear of social exclusion became a barrier to the change or abolition of this circumcision tradition. (Mubadalah.id, 2022)

Method

This research uses a normative research method through literature searches from books, journal articles, and electronic media while still being guided by laws and regulations, Komnas Perempuan tracts and Fatwa of the Indonesian Women's Ulema Congress (KUPI). Thus, myths and facts about female circumcision, what is the law, whether it provides benefits for women or actually causes sexual violence and is contrary to human rights.

Result and Discussion

1. Female Circumcision in a Religious Perspective

The practice of circumcision for women is carried out by the community due to the assumption that the law is mandatory or sunnah. It is based more on cultural and social factors, which are often misinterpreted as religious obligations, although many modern clerics and religious organizations have supported the movement to stop it. Social pressures and patriarchal norms are the main factors that make this practice persist, despite its devastating impact. On the other hand, religion that is often attributed as a reason to perpetuate this practice does not have a solid basis in favor of female circumcision as an obligation. The opinion of modern scholars is increasingly prioritizing women's health and well-being, emphasizing that this practice is better avoided.

Based on history, the practice of circumcision is a tradition that Arab society had before Islam, which was not only practiced for boys but also for girls. The practice of circumcision has developed in African countries. This tradition originated in ancient Egypt since the time of the Pharaohs because it was supported by the discovery of female mummies in the 16th century BC with a severed clitoris. This evidence is strengthened by the existence of reliefs about FGM (Female Genital Mutilation) in Egypt in 2800 BC. (Suraiya, R. 2019)

There are different interpretations regarding the obligation of female circumcision in religion. The majority of scholars state that female circumcision is not mandatory in the Quran or other religious scriptures, although there are several hadiths that mention this practice, however, these hadiths are disputed in validity and are considered not to support the obligation directly. In classical fiqh, madhhab Shafi'i and Hanbali argue that circumcision for men is mandatory, while according to Hanafi and Maliki, the law is sunnah. Meanwhile, circumcision for women is mandatory according to the Shafi'i School and makruh according to the other three schools. The difference of opinion is caused by a difference of perspective in understanding the text of the Quran and hadith related to the issue of circumcision. (Kodir, 2021)

According to the legal basis, in this case the hadith of the prophet, the opinion that circumcision of women is mandatory is a very weak opinion, because it is not supported by other hadiths, because the editorial of the hadith does not support this opinion. Therefore, the madhhab of Hanafi, Maliki, and Hanbali do not require circumcision for girls. The basis of their ruling is a hadith narrated by Abu Hurairah ra:

عن أبي هريرة رضي الله عنه قال قال رسول الله صلى الله عليه وسلم
الختان سنة للرجال مكرمة للنساء رواه احمد وبيهقي

Meaning: From Abu Hurairah ra., the Prophet (peace and blessings of Allaah be upon him) said: "*Circumcision is a sunnah for men and something noble for girls*". (HR. Ahmad and al-Baihaqy).

This hadith, this is *dha'if* (weak) and *munqathi'* (severed), so the legal basis related to female circumcision is weak and invalid as said by Ibn al-Mundzir, al-Syaukani, Mahmud Syaltut, Sayyid Sabiq, Wahbah al-Zuhaily, Muhammad al-Banna and Anwar Ahmad. If so, then the legal label of female circumcision in fiqh is pure. Therefore, the majority of scholars of the fiqh madhhab related to the issue of female circumcision, prefer the title of "glory", not mandatory, and even not up to the sunnah.

Meanwhile, Mahmud Syaltut also argued that circumcision for women is not directly related to religious texts because there is not a single sahih hadith that talks about circumcision. It can be concluded that the reasons put forward by the scholars are very weak regarding the mandatory law of circumcision for women. Fiqh only accommodates based on the rule that injuring the limbs of living beings (such as circumcision) is permissible if there is a benefit obtained from it. (Nurasiah, 2015).

There is no explicit command in the Qur'an to perform circumcision, for women. Similarly, there is no religious command for female vital organs, especially the clitoris to be cut, injured or removed. The theological arguments that are often used by women's procircumcision groups do not come from the Qur'an, but are only seen from the book of jurisprudence, and even that is only seen from weak hadiths (*dha'if*), including the hadith narrated by Ahmad Ibn Hanbal:

حدثنا سريح حدثنا عباد يعني ابن العوام عن الحجاج عن أبي المليح بن أسامة عن أبيه أن النبي صلى الله عليه وسلم قال
الختان سنة للرجال مكرمة للنساء

It means: "Circumcision is recommended for men (sunnah), and is only an ability for women" (HR. Ahmad).

Furthermore, in the hadith it is said, female circumcision is not an encouragement, but just an ability, there are no legal consequences at all. Although it is mentioned in the hadith as an ability, in many other hadiths it is emphasized, if a person wants to do it, do it without hurting the vagina. For example, Abu Daud narrated: "Cut only a little on the skin above the prepuce or the skin that covers the clitoris, and do not cut too deep (do not cut the clitoris), so that the woman's face is more radiant and preferred by her husband".

Many contemporary scholars and theologians, including from large organizations such as Nahdlatul Ulama (NU) and Muhammadiyah, oppose this practice. They argue that female circumcision has no solid foundation in Islam and is more of a patriarchal culture than a religious demand. Several religious authorities in Indonesia and the world have issued fatwas and statements that female circumcision is not mandatory and encourage the abolition of this practice, given its impact on women's health and well-being. (Raudhatul Jannah & Hermawan, 2022).

In principle, Islamic law prioritizes the benefit (usefulness) of the ummah, so if the practice of female circumcision does not provide health benefits and is actually harmful, then this practice should be avoided. The Indonesian Women's Ulema Congress (KUPI) is a women's organization that has supported the argument that female circumcision is not a religious obligation, but rather a cultural tradition. KUPI expressly voices the importance of KUPI, as an organization filled by women scholars from various backgrounds, has an important role in discussing issues related to women in the context of Islam in Indonesia. Here are some views of KUPI regarding female circumcision:

- a. KUPI argues that female circumcision is not an obligation in Islam. There is no verse in the Quran that obliges women to be circumcised, as well as the hadiths used to support this practice are considered weak to be used as a binding legal basis.
- b. Islam prioritizes the principle of benefit and protection for the ummah, including the protection of women's health and rights. Because the facts show that female circumcision has serious health risks and can result in trauma, Muhammadiyah and KUPI urges that this practice be avoided.
- c. encourages the government and health organizations to abolish female circumcision, especially circumcision involving women.
- d. If female circumcision is still carried out in certain communities, Muhammadiyah emphasizes that the procedure should be carried out in a safe, professional way, and not detrimental to women's health. This is in accordance with the principle of health services that prioritize patient safety and well-being. (Kurniawati, 2025)

2. Female Circumcision Is A Form Of Sexual Violence

Law No. 12 of 2022 concerning the Crime of Sexual Violence regulates forms of sexual violence, including: non-physical sexual harassment, physical sexual harassment, sexual exploitation, forced contraception, forced marriage, forced abortion, sexual slavery, sexual torture and electronic-based sexual violence. In addition, there are ten other forms of sexual

violence that are categorized as criminal acts as regulated in the TPKS Law, such as; rape, obscene acts, sexual intercourse with children, obscene acts against children, and/or sexual exploitation of children, forced prostitution, human trafficking crimes aimed at sexual exploitation, domestic violence, and several other criminal acts as expressly stated are criminal acts of sexual violence in the provisions of laws and regulations. (Atikah Rahmi, 2024).

Sexual violence, especially in children, is a serious threat, because children are still very innocent and innocent individuals, so children are very vulnerable and have a negative impact. Sexual violence against children can damage the growth and development of children. (Simatupang, 2022). One form of sexual violence experienced by children is female circumcision, many of whom experience trauma due to this act, because the tip of the clitoris is a female sex organ that is quite sensitive to friction and stimulation that will bring excellent pleasure. Female circumcision also has negative implications because it will reduce pleasure in sexual intercourse. (Hermanto, 2019).

Sexual violence against women that occurs starts from gender inequality that is still deeply rooted and of course results in women being vulnerable to violence. Women are often targeted due to their unbalanced position with men. For this reason, gender equality is a basic right as well as the key to changing the dynamics of sexual violence. (Atikah Rahmi, 2024). The patriarchal culture that still occurs in society in Indonesia has caused significant gender inequality. This culture positions men as creatures who have power compared to women, thus having implications for the lack of public awareness regarding gender equality. (Rahmi, 2024)

Female circumcision, especially by cutting and injuring female genearies, is classified as a form of sexual violence and human rights violations by international bodies, including the WHO, the United Nations, and other human rights organizations. Female circumcision is seen as an act of violence that violates human rights and deprives women of their bodily freedom. Most of the practices of female circumcision are considered to have violated women's physical rights and are a form of discrimination that violates Human Rights. The practice of female circumcision is a violation of the right to body integrity, which is guaranteed in various human rights instruments, such as the Universal Declaration of Human Rights (DUHAM) and the Convention on the Rights of the Child (CRC). Female circumcision is often performed on children who have not been able to give valid consent, thus violating their right to freedom from harmful and violent practices. (Assalam, 2013)

Female circumcision is a form of gender-based discrimination because this practice is only imposed on women, without any medical reason justifying this difference in treatment. In various international laws such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), every form of discrimination that is detrimental to women must be abolished, including female circumcision. The gender injustice that occurs is a reflection of the structured injustice constructed by the social, cultural and even religious systems that are contrary to human rights. (Ridwan, 2006). This practice reflects social control over women's bodies, as well as perpetuates patriarchal norms that marginalize women's positions. This is an act of domination over the authority of women's bodies in a patriarchal society, which uses women's sexual weakness as an excuse and legitimacy to commit polygamy. (Ruslan, 2022)

Based on WHO data and medical research, female circumcision does not provide any health or medical benefits. On the contrary, this practice increases the risk of infection, infertility, disorders of the urinary tract, as well as complications during childbirth. Reproductive Health Activist, Mukhotib M.D., on the other hand, said that there are various reasons for circumcision on women, one of which is as a form of control for women. This practice is

believed by a number of community groups to be able to control women's sexual desires. (Mada, 2020).

Female circumcision is often performed without anesthesia and at a young age. The pain experienced as well as psychological trauma can lead to long-term mental disorders, such as PTSD, depression, and anxiety. This practice is carried out on children who do not have a choice or a full understanding of the consequences of this action, which violates the human right principle of bodily autonomy.

Komnas Perempuan, as an institution that focuses on the protection of women's rights and the prevention of violence, has a firm view on female circumcision. Komnas Perempuan classifies female circumcision as a form of gender-based violence that violates women's human rights. They consider that this practice violates women's rights to bodily integrity and well-being and can result in deep physical and psychological trauma. Komnas Perempuan has actively advocated for the cessation of the practice of female circumcision in Indonesia. They called on the government to strengthen regulations banning female circumcision and support preventive measures to prevent the practice. In their view, this practice has no health benefits and on the contrary, carries various risks for women. Komnas Perempuan encourages regulations that protect the health of women and girls by prohibiting female circumcision that is performed without medical indications.

3. The Role of the State in Legal Regulation and Protection

Female circumcision is seen as a form of physical violence because it involves cutting or wounding the female genitals, which often causes severe pain, infections, and other health complications. From a legal perspective, actions that cause physical or psychological suffering are classified as gender-based violence. The practice of female circumcision violates the principle of protecting children from harmful acts. According to Child Protection Laws in many countries, including Indonesia, children have the right to be protected from violence and treatment that endangers their well-being. Female circumcision performed on children without medical indications is considered a violation of children's right to grow and develop in a healthy and safe manner.

The state has an obligation to protect its citizens, including women and children, from harmful practices such as female circumcision. Some countries, such as Egypt and Kenya, have imposed legal bans on female circumcision. In addition, legal education for the community, especially related to health rights and women's body autonomy. With a better understanding of the law, the public can know that female circumcision is not a religious obligation that must be carried out, but rather a dangerous practice that can be prevented. Although the TPKS Law does not directly regulate female circumcision, several articles in this law can be interpreted to protect women and girls from harmful practices, including female circumcision, on the grounds that this practice is a form of gender-based violence. Female circumcision involves actions that can cause physical and mental injury, as well as risks to women's reproductive health. Some relevant points:

- 1) Article 4 of the TPKS Law on Sexual Violence: This article covers forms of sexual violence, including those committed in physical or psychological forms that are detrimental to the victim. Female circumcision, which is often performed without the consent or full understanding of the victim, can be seen as a form of physical and mental violence that can violate women's rights to health and well-being.
- 2) Article 5 of the TPKS Law explains about Sexual Exploitation, including actions that cause others to experience physical and mental suffering. Female circumcision can be

seen as an act that causes physical and psychological suffering, especially since it involves the genital part without a clear medical justification.

- 3) Gender-Based Violence: The TPKS Law recognizes the importance of preventing gender-based violence, where female circumcision can be included because this action is often carried out on the basis of social control over women's bodies.

In addition, the Government of Indonesia has also issued Government Regulation Number 28 of 2024 concerning Implementation Regulations of Law Number 17 of 2023 concerning Health. In Article 102 of the Government Regulation, there is a discussion about female circumcision, namely the existence of "Efforts to improve the health of the reproductive system of infants, toddlers, and preschoolers as referred to in Article 101, paragraph (1) letter a at least in the form of: a. a) abolishing the practice of female circumcision". Although the Government Regulation is still controversial among the public.

Conclusion

Female circumcision is a practice based on a combination of cultural traditions and wrong perceptions of religious obligations, as well as a form of sexual violence and human rights violations. By increasing education and awareness, supported by religious authorities and strict policies, it is hoped that this practice can be gradually eliminated and women's health and well-being can be more respected. Overall, legal experts argue that female circumcision is a violation of human rights that violates the integrity of the body, the right to health, and the right to protect children. Female circumcision is seen as having no strong legal basis, both from the perspective of international law and modern Islamic law, so the state should issue stricter regulations to prohibit this practice and educate the public about the risks. In the legal context in Indonesia, the Sexual Violence Crime Law (TPKS Law) No. 12 of 2022 provides.

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