

ABSTRACT

REVOCATION OF REGULATION OF MINISTER OF HEALTH NUMBER 1636/MENKES/PER/XII/2010 ON FEMALE CIRCUMCISION IN THE PERSPECTIVE OF ISLAMIC LAW

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Female circumcision is a culture and religion-based practice which has existed from generation to generation. However, female circumcision in Indonesia is only symbolical and different from Female Genital Mutilation. Nonetheless, in the perspective of gender and global ethics, the practice of female circumcision is harmful to women because it is only based on the assumption and belief about the sanctity of women. In fact in the perspective of health, such practice is harmful to women, so it is considered to be contrary to Human Rights and global ethics. Thus, in 2014 the Ministry of Health issued Regulation Number 6 of 2014 on Revocation of Regulation of Minister of Health Number 1636/MENKES/PER/XII/2010 on Female Circumcision.

This study focused on first, law of female circumcision in the perspective of Islamic law; second, the reason for the revocation of Regulation of Minister of Health Number 1636 of 2010 on Female Circumcision; third, revocation of this regulation according to the perspective of Islamic law.

This was a normative legal research using a historical and conceptual approach. The objective of this study was to analyze the revocation of this regulation from the perspective of Islamic law in terms of the concept of its benefits (Maslahah).

Based on the results of this study, it can be concluded that first, there are differences among Islamic scholars in terms of the law of female circumcision. Based on various considerations, MUI issued a fatwa that the law of female circumcision is *makrūmah* (honorable deed). Second, the reason for the revocation is the fact that there is no medical benefit but negative impacts, so the international community has urged the revocation of this regulation. Third, the revocation of this regulation is based on the consideration for far greater universal benefits particularly for women.

Keywords: Female Circumcision, Benefits, Islamic Law