

ESENSIA

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ESENSIA

Jurnal Ilmu-Ilmu Ushuluddin

Vol 20, No. 1, April 2019

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The **ESENSIA: Jurnal Ilmu-Ilmu Ushuluddin** is an independent academic journal focusing on the sciences of the ushuluddin (principles of religion), published twice a year (April and October) by the Faculty of Ushuluddin and Islamic Thought, State Islamic University of Sunan Kalijaga Yogyakarta. It is a shared space to disseminate and publish the scholarly papers of those whose concern is the sciences of ushuluddin, such as, Kalam, Tasawuf, Islamic Philosophy, Tafsir, Hadith, Comparative Religion, Studies of Religion and Islamic Thoughts.

The **ESENSIA: Jurnal Ilmu-Ilmu Ushuluddin** was launched in February, 2000 by the Faculty of Ushuluddin and Islamic Thought, State Islamic University of Sunan Kalijaga Yogyakarta. This journal was once accredited by the Ministry of Education of the Republic of Indonesia based on the Decree of the Directorate General of Higher Education, No. 52/DIKTI/Kep/2002.

Currently, The **ESENSIA: Jurnal Ilmu-Ilmu Ushuluddin** has been accredited based on the Decree of the Director General of Research and Development Research and Development of the Ministry of Research, Technology and Higher Education of the Republic of Indonesia, No. 36a/E/KPT/2016.

In order to improve the quality of the journal and incoming articles, since 2017, the **Esensia: Jurnal Ilmu-Ilmu Ushuluddin** was heading to be an International Journal. Manuscripts submitted can be written either in English or Arabic. Please submit your manuscript via <http://ejournal.uin-suka.ac.id/ushuluddin/esensia>

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Building An Islamic Feminist Liberation Theology For Women In Prostitution Investigating Women's Liberation of Prostitution at Pasar Kembang, Yogyakarta

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Abstract

Stigmatizing women in prostitution nowadays cannot be separated from religion as source of morality. The false interpretation of religion often happens because theology is constructed from a dogmatic-textual orientation. Based on this theology, women in prostitution, of course, are blamed and claimed to be sinners. This perception makes women in prostitution who are oppressed become more oppressed. Based on this problem, then, theology needs to be reconstructed. By considering social and cultural analysis, theology need not become in the future so alienated from actual problems. To support the literary data, field research will be conducted, that is in Pasar Kembang, a centre of prostitution in Jogjakarta. To collect data from this field, the interview questionnaire is included in the appendix. The interview questions will be based on existing research with the intention of connecting the local situation to theory in liberation theology. This field study proposes to learn about the presence of structural aspects of prostitution in Islamic society in Indonesia. In investigating Islamic theology, some points can be addressed. The main point is that the situation of many women in prostitution nowadays is analogous with slavery in Muhammad's day. If we look at al-Qur'an comprehensively, we will understand that Islam actually wanted to eradicate slavery gradually. Some verses even explicitly forbid people to enslave women. The last step of liberation theology is praxis. In considering the steps within praxis, the insights of Islamic theology, can do best praxis for liberating women in prostitution. But, women in prostitution have also to be included in this praxis. The role of women in prostitution as subjects is very important if they are to liberate themselves.

Keywords: prostitution, liberation theology, feminism.

Abstrak

Stigmatisasi perempuan dalam prostitusi saat ini tidak dapat dipisahkan dari agama sebagai sumber moralitas. Interpretasi agama yang tidak tepat sering kali terjadi karena teologi dibangun dari orientasi dogmatis-tekstual. Berdasarkan teologi ini, perempuan yang berkecimpung dalam prostitusi, tentu saja, disalahkan dan diklaim sebagai pendosa. Persepsi ini membuat perempuan di lingkaran prostitusi yang telah tertindas menjadi semakin tertindas. Berdasarkan masalah ini, maka, teologi perlu direkonstruksi. Dengan mempertimbangkan analisis sosial dan budaya, teologi tidak perlu menjadi, di masa depan, begitu terasing dari masalah yang riil. Untuk mendukung data literatur, penelitian lapangan akan dilakukan, yaitu di Pasar Kembang yang merupakan pusat prostitusi di Yogyakarta. Untuk mengumpulkan data lapangan tersebut, kuesioner wawancara dicantumkan dalam lampiran. Pertanyaan wawancara akan didasarkan pada penelitian yang ada dengan maksud menghubungkan situasi lokal dengan teori dalam teologi pembebasan. Studi lapangan ini bertujuan untuk mempelajari tentang adanya aspek struktural dalam prostitusi di kalangan masyarakat Islam di Indonesia. Dalam menginvestigasi teologi Islam, beberapa poin dapat digarisbawahi. Salah satu yang utama adalah situasi dari banyak perempuan dalam bisnis prostitusi saat ini sangat mirip dengan fenomena perbudakan di zaman Nabi Muhammad. Jika kita melihat al-Qur'an secara komprehensif, kita akan mengerti bahwa Islam sebenarnya ingin menghapus perbudakan secara

bertahap. Beberapa ayat bahkan secara eksplisit melarang orang untuk memperbudak wanita. Langkah terakhir dari teologi pembebasan adalah praksis. Dalam mempertimbangkan langkah-langkah dalam praksis tersebut, wawasan Teologi Islam dapat melakukan praksis terbaik untuk membebaskan wanita dari prostitusi. Dengan demikian, perempuan dalam yang terjerat dalam prostitusi harus dimasukkan dalam agenda praksis tersebut. Peran perempuan dalam prostitusi sebagai subjek sangat penting dalam posisi mereka yang ingin membebaskan diri.

Kata Kunci: *Prostitusi, teologi pembebasan, feminisme*

Intoruction

To truly understand prostitution, we have to see the structural aspects behind prostitution. There are many systems which structurally have a role in prostitution, namely the structural wisdom of the government, a structural culture that has gender bias, structural society, or structural law of religion. Nowadays, women in prostitution are objects in the fight to eliminate prostitution. Governments and people always think that the way to remove prostitution is to arrest women in prostitution. This is the kind of structural wisdom of the government which oppresses women in prostitution. But it is not wise to just arrest and raid them, while ignoring the structural causes and the johns themselves. The government also blames women in prostitution as the core of the prostitution issue. Blaming women in prostitution does not solve the problem. In fact, they become more oppressed, so that it becomes more difficult to raise them from their world to return to normal society.

From a religious perspective, religious believers say that women in prostitution are only sinful women and damned. Society says that they are immoral women who destroy societal norms. And yet there is even a culture in Indonesia, in Indramayu West Java, where prostitution is not considered a bad job. In Indramayu, families even support their daughters becoming prostitutes, and their parents and families perform a ritual before their daughter goes to the city. The purpose of the ritual is to make their daughter sell herself

well so that she will get much money and send some home to her family.¹

Religion as an institution in society recently has been alienated from society. Religion, which should criticize all of what happens in society, now has lost its function. Recently, religion does not have capability to criticize society. There are many buildings for worship like mosques or churches, but they perform rituals only. There is a far distance between religion and society. Religion nowadays can make rigid the minds of religious believers. Many religious believers are busy with their rituals while they have no sense of society. Religious teaching is no longer a basis of thought to liberate people from oppression in society, but religion is only a type of formal performance. This condition makes religion cease to have social functions any longer.

The attitude of religious believers also impacts the phenomena of prostitution. In buildings of worship, they read the text of scripture and they never consider the context of the text. The written text cannot be separated from its context. When they look at the phenomena of prostitution, in their mind they just think that non marital intercourse is unlawful and a great sin. This is because they never looked at the real condition of prostitution. Prostitution is the exploitation of women. Women in prostitution in the system of prostitution are oppressed women. Most women in prostitution join their profession because they are victims of a patriarchal system. Their intercourse is not fully human sexual intercourse because it is not based on their

¹ Interview with Siti Ruhaini Dzuhayatin, July 18, 2002.

own desire. They have intercourse because of money, due to the social policy structures which serve to increase the number of people living in poverty. In many countries, government policy which takes the ideology of neoliberalism just makes the poor people become poorer and rich people become richer. A prostitutes' profession is just one choice among many poor choices. Women in prostitution are just victims, their intercourse with johns is just a bad cover, which masks their real condition as oppressed women. Unfortunately, people do not look at their lives or their spirits; they only look at their external appearances.

In some places in Indonesia, there is an annual occurrence which causes tension between prostitution and Muslims, especially radical Muslims. This occurrence usually emerges every Ramadhan month when Muslims are fasting. In that month, radical Muslims always demand to shut down prostitution during Ramadhan month because it will disturb fasting Muslims. This demand, of course, is rejected by women in prostitution. To respond to this Muslim demand, they also make demonstrations to reject the cessation of prostitution. They argue that they also need money to live and more money to prepare Idul Fitri. Some women in prostitution are Muslims and celebrating Idul Fitri is a tradition in society. The result of this tension usually hurts women in prostitution because the government also supports the cessation of prostitution. This example suggests that religion does not liberate oppressed people.

In fact, religion can make oppressed people more oppressed. It is not suggested that religion should let people to do sinful work, but religion must look at the whole system of prostitution. Thus, liberating women in prostitution from oppression is more important than blaming women in prostitution for their sin. All religions from their birth definitely want to liberate

people from oppression and eliminate all things that can oppress people. In this thesis, I want to return the function of religion to include liberation. Nowadays, many religious scholars especially Christian scholars have been trying to build the concept of liberation theology. They suggest that theology has lost its meaning because it does not liberate oppressed people: theology is just possessed by bourgeois people.

The paradigm of liberation theology hopefully can liberate women in prostitution from oppression. Based on the explanation above, I think it is very urgent to build an Islamic liberation theology for women in prostitution. Social reality identifies that there are tensions between Muslims and women in prostitution. This tension sometimes emerges in violent action. Often, especially in Ramadhan month, some radical Muslims attack brothels and burn them. This tension will not end because the two sides have different views, and there is no meeting point between them. To build an Islamic liberation theology will unite both of them against the oppressors. Muslims and women in prostitution will work hand in hand against the oppressors and structural problems.

To build an Islamic liberation theology for women in prostitution is very possible. This is because Islam basically is a liberation religion. Historically, Islam has continually proposed to free slaves. In early Islam, Muhammad and his companions also lived as oppressed people. Then, God spoke to Muhammad, and he moved to Madina. This was a clue that God wanted to liberate Muhammad from oppression. In regards to gender, actually Islam also appeared to have liberated women. Islam improved women's social position in relation to the period before Islam. However, there have been many gender-biased interpretations after the period of Muhammad. Despite this, there are still many matters which identify Islam as a religion of liberation.

The main idea of this paper is to identifying the construct of Islamic Liberation Theology for Women in prostitution. To answer this question, the first step is examining the theory of liberation theology. The research will focus primarily on three strands of liberation theology, Latin American liberation theology, Black liberation theology, and Feminist liberation theology. These three liberation theologies will become the basic thought to step further.

The next step is researching prostitution. Literary material will be taken especially from a book arranged by two theologians, Rita Nakashima Brock and Susan Brooks Thistlethwaite entitled *Casting Stone; Prostitution and Liberation in Asia and the United States*. This book aims at understand liberation theological theory of Christianity regarding prostitution. The platform of this theory will be compared to Islamic theology to build an Islamic liberation theology for women in prostitution.

To support the literary data, I will do field study to research one place of prostitution in Indonesia. This field research will be done in *Pasar Kembang*, a centre of prostitution in Jogjakarta. To collect data from this field, I will use convenience samples for interviews of women in prostitution. The interview questionnaire is included in the appendix. The interview questions will be based on existing research with the intention of connecting the local situation to theory in liberation theology. Interview questions will be quoted in text to illustrate structural aspects of prostitution. A tape recorder will be used to record the data. This field study proposes to learn about the presence of structural aspects of prostitution in Islamic society in Indonesia.

Two methods used to interview and collect data from women in prostitution. The first is getting information of women in prostitution from a NGO in Pasar Kembang. There is an NGO concerning prostitution in Pasar Kembang

which calls GRIYA LENTERA. This NGO aims to empower women in prostitution and its main program is increasing reproductive health of women in prostitution in Pasar Kembang. This NGO is very helpful in contacting and selecting women in prostitution to be interviewed for this project. GRIYA LENTERA had already recruited some women in prostitution who were active in their reproductive health outreach, and they allowed me to approach these women for the purposes of data collecting.

The second method was meeting and interviewing women in prostitution in the field. It was not enough to interview women in prostitution who were already engaged in resistance and the process of transforming themselves into full subjects of their lives. There was also necessary to interview ordinary women in prostitution in the field. This was more difficult because it is not easy for women in prostitution to talk frankly to someone who has just been introduced. Trust is needed by women in prostitution before they can express what they truly feel and what they want. Meeting and interviewing women in prostitution in the field was important for discovering what are the real conditions and real "voices" of women in prostitution.

The last step is examining Islamic liberation theology which has been implemented by some Islamic scholars. This research will focus especially on women's liberation or feminist theology in Islam. Then, to build an Islamic liberation theology for women in prostitution, I will compare Christian liberation theology which has been done—about prostitution. The experience of the Christian theologians will be compared to the material gained from the field study—prostitution in Islamic society. Analyzing those two experiences will hopefully be helpful to build an Islamic feminist liberation theology for women in prostitution.

Liberation Theology for Women in Prostitution

In the development of liberation theology the number of subject groups who identify liberation as the appropriate goal of their group has constantly expanded. It is important to propagate the liberative spirit in liberation theology if we are to return to the function of religion as *rahmatan lil 'alamin* (the grace of all creatures in the world). In order to understand and criticize all situations of oppression, we need to consider and utilize social theories to analyze social phenomena.

Social analysis on prostitution shows that there are oppressive structures involved in this issue. Ironically, religion has also played a crucial role within this oppressive system. The doctrines of religion justify its adherents in attempting to condemn women in prostitution. Meanwhile, social analysis also demonstrates that women in prostitution are principally victims, specifically victims of unjust social systems, of gender discrimination, and of patriarchal culture.

Therefore, religion must change its face in order not to be an oppressive institution. Such change is urgent for all religion if we are to deny Marx's charge that religion is an ideological disease and the opium of the people. Religions become oppressive because they only belong to elite or people who have power. They cannot touch people who are actually oppressed under cultural and social institution. Religion cannot liberate them from oppression, and judges them as sinners, bad, and insulted. In certain conditions, religions also come to be the opium of the people. This is because religion is like an institution who offers unreal happiness. Religion offers oppressed people happiness in the hereafter while religion does nothing for liberating them from oppression in the world. Oppressed people just imagine the happiness in the hereafter, just like a drunkard flies their mind in their illusion.

The discourse of liberation theology analyzing prostitution has been done by two smart Christian scholars, Rita Nakashima Brock and Susan Brooks Thistlethwaite. Liberation theology has spread into many areas of the world. Its analyses of poverty have frequently illuminated the ways that women and girls enter prostitution. In the context of prostitution, liberation theology also needs to utilize a gender paradigm to analyze the experience of women in prostitution. This is why some feminists, such as Rita Nakashima Brock and Susan Brooks Thistlethwaite, work on liberation theology and prostitution, to provide this gender paradigm within the analysis of the experience of women in prostitution.

The work of Brock and Thistlethwaite is new, because they critique and reconstruct traditional theology into theology that can liberate women in prostitution. Brock and Thistlethwaite also rethink the deeper cultural and religious notions of sexuality, power, and violence that undergird sexual exploitation. They propose new approaches to the prostitution problem through religious and social change.

Until their work the issue of prostitution was rarely discussed by feminists or religionists, especially from theological point of view. Feminists condemned prostitution as abusive and alienating to women, but stopped short of seeing women in prostitution as victims. Religionists tended to dismiss women in prostitution and their customers as sinners who deliberately chose evil. These two feminist theologians, Rita Nakashima Brock and Susan Brooks Thistlethwaite, have now analyzed prostitution from a theological perspective and introduced to us their analysis of what they call a liberation analysis of prostitution.

Liberation analysis from intellectuals is needed in many countries. One function of intellectuals, of whom theologians are one group, is to publicly critique, and therefore

provide a corrective to, government policy that is unjust. In many dictatorial and tyrannical countries, intellectuals have been silenced or banished in order to preserve exclusive and oppressive power in the hands of the few that control government. Liberation analysis from theological perspectives is necessary in many aspects of public policy, but has an especially critical role to play in illuminating the complex dynamics of the sex industry.

Religion has an important role in constructing the attitude of people, in teaching them what is sacred, what is just, what is of value. But religions can also be sources of ideology understood in the Marxist sense as rationalizations that blind people to their true interests. Historically, religions have had the power to change society, to influence culture and to alter, even direct, people's perception of the world.

But at its most basic, original function, religion emerged to liberate people from oppression and backwardness. The great prophets, for example, who began Judaism, Buddhism, Christianity and Islam, all understood their message as disclosing the path to just, well-ordered societies in accord with God's will. However, in current reality and in history, religion does not/has not always liberated oppressed people. This distinction between the original purpose of religion and the way it often functions in societies becomes more apparent when we use science or cultural and social theories to analyze some phenomena in society. We often find religion on the side of preserving the present order, rather than on the side of liberating the oppressed by creating justice. Therefore, the need for religions today is to return to their original function of religion as liberation. The first step in changing the face of religion is reconstructing theology to accord with this basic and original view of religion as liberation of individuals and groups.

Reconstructing theology especially related to women and prostitution is badly needed. Such a theology would need to make religion change its view about prostitution from an unjust one of total condemnation not only of the institution of prostitution, but also of its personnel, and come to understand that women in prostitution are actually oppressed: that they are victims and not creators or managers of this unjust system.

Concerned with reconstructing theology, Brock and Thistlethwaite offer what they call imaginative reconstruction. Imaginative reconstruction is the product of a changed consciousness. To build imaginative reconstruction, "we must deconstruct the illusions of prostitution on which the industry relies for its power. To this issue of imagination we will turn, but we begin by dismantling false views. Such methods of deconstruction, as feminist or liberation theology that focus on the emancipation of oppressed people call this process ideology critique".²

There are some dogmatic views within religions that regard women in prostitution as bad, dirty, and sinful women, and ignore many social and cultural analyses including a great deal of research data that show that women become prostitutes because they are oppressed under social and cultural structures that subordinate and objectify women. In so doing, of course, religion has lost its meaning as liberation.

One of the most important tools to liberate women in prostitution is the feminist paradigm, which views the world from the experience of women and the assumption of women's equality with men. Religion, too, must use this paradigm to balance traditional theology which has been biased by patriarchal culture. Feminist analyses will show how prostitution actually is, and what women in prostitution actually feel.

² Brock and Thistlethwaite, 210.

To build a new theology that can liberate women in prostitution, we need ideological critique. We need methods of deconstruction. Tools that can help to analyze prostitution are theories from feminism such as gender equality and liberation theology.

An ideological critique could be described as expanding the imaginative horizon. If we are to visualize religious alternatives to the maintenance of sexism, we must expand the image of what we deem religious in encountering religion cross-culturally and expand the horizons of how religions work together for liberation.

An ideology is the deeply held and interlocking set of beliefs, dominant in a particular culture, about the nature of the world and how the world works. It interpenetrates and supports every explicit idea; it is the “foreground” for interpretation of events. All knowledge is structured by ideology, that is, by mythological and intellectual interpretations of the world as a whole that give each part meaning and power. The inability to discern the operation of ideology is false consciousness or ideological blindness—that is, one lacks a consciousness to critique mythological and intellectual ideas because one holds a particular ideology to be unassailably true and unalterable. False consciousness is especially dangerous when ideologies maintain the suffering and oppression of particular groups of people and protect the status and power of oppressors.³

Ideology is a major source of peoples’ attitudes. The acts of people cannot be separated from their ideology. Unfortunately, not all people understand ideology very well. Many people cannot discern ideology truly, therefore they develop false consciousness. “This false consciousness often maintains the suffering and oppression of particular groups of people and protects the status and power of oppressors”.⁴

³ Brock and Thistlethwaite, 210.

⁴ Brock and Thistlethwaite, 210–211.

To break through false consciousness we need tools. Economics, sociology, and political science are tools of ideological critique. Other sciences or theories are also needed, depending on the particular contexts involved. No analysis of social phenomena can be separated from the socio-culture and history that relate to the situation. Even within the same religion, analysis of a single issue can be different from person to person or group to group depending upon the specific context of the person or group doing the analysis.

Pasar Kembang actually is an area of inns and cheap hotels. Pasar Kembang is buried among luxury hotels around central city. There are about 37 inns in that location. The women in prostitution are renters of those hotels. Some of them rent daily; however, others rent monthly, depending on their ability.

Pasar Kembang is different from places of prostitution in which a pimp controls the women in prostitution. There are no pimps in Pasar Kembang. Therefore women in prostitution look for customers and set prices by themselves. However, sometimes the owners of the hotels function as pimps. Hotel owners look for clients for women in prostitution. For this role, the owners get a share of the sex worker’s payment.⁵ Because of its illegal status, there is no program of rehabilitation and medical service funded by the government in Pasar Kembang. Women in prostitution must set the price of services high enough to cover medical costs, hotel rental, commissions to hotel owners, and their own living expenses and family remittances, but they are also in competition with other women in prostitution for customers.

In Pasar Kembang, the leaders of the village have a role in managing and organizing the

⁵ Supartini, “Program Pemberdayaan Pekerja Seks; Studi Evaluasi Terhadap Implementasi Program Pemberdayaan Pekerja Seks Di Kompleks Pasarkembang Sosrowijayan Kulon Kecamatan Gedong Tengen Kotamadya Yogyakarta” (Postgraduate Program on Sociology University of Indonesia., 1998), 107.

system of prostitution. The village leaders include the chiefs of *Rukun Warga* (RW) (2 persons), the chiefs of *Rukun Tetangga* (RT) (4 persons), and youth and security people. New sex workers cannot just move into Pasar Kembang. They have to report to the leaders first.

If other places of prostitution have pimps to regulate the system, in Pasar Kembang that role is replaced by the leaders of the village and the owners of the hotels. In Pasar Kembang, the leaders of the village have the authority to decide the price to clients, the cost of room rental, the women in prostitution's contribution to the village government, and other "taxes" which are required for women in prostitution. The leaders of the village also have power to regulate the women in prostitution in Pasar Kembang. In short, the leaders of the village have power to control prostitution in Pasar Kembang.

According to one of the leaders in Pasar Kembang, in order to make decisions concerning prostitution in Pasar Kembang, they include various parties. They invite all the owners of the hotels to decide the cost of room rental and they cooperate with police to make prostitution in Pasar Kembang secure and orderly. However the women in prostitution who are the main subjects in this prostitution have never been involved in or invited to these meetings; they are excluded from the decision-making. For some community events, like independence day, the Youth Day and so on, women in prostitution are often the object of taxes to pay for those celebrations.⁶

The majority of women in prostitution in Pasar Kembang are divorced. As a divorcee, most women in prostitution are responsible for providing the necessities of life to their children, their sisters or brothers, or their parents and families in villages. Some of them confess that they got divorced because their husband

married another woman or abandoned them. Life as a divorcee with no job and with no job skills is very hard (Interview with mbak Hrn, May 28, 2002). Most married at a very young age, then gave birth and were divorced or abandoned by their husbands.⁷

Lst, a woman in prostitution in Pasar Kembang, tells that her husband left her to marry another woman. She insisted her husband divorce her because he had gotten another woman pregnant, and was going to marry her. Lst did not want to have a co-wife.⁸ Other women in prostitution say that their husbands left them for long periods and never provided for them the necessities of life. Others said that their husbands have died and they had children to support from their marriage.⁹

These economic concerns are very common for women in prostitution. Though the majority of women in prostitution in Pasar Kembang point to these economic concerns as the main reason why they turn to prostitution, other people reject this explanation. They say that economic excuses hide other factors, like laziness, lack of willingness to get other jobs, and so forth. In this author's opinion, however, the economic explanations emerge from the bottom of the hearts of women in prostitution. They say that they became a sex worker not because they want to take revenge on men or the husbands who divorced them, but that they chose this job to cover their daily needs because they do not have skills or sufficient education to get other jobs.¹⁰

Mbak Hrn said that she has children, one of whom is attending university. She has to provide

⁶ Supartini, 147.

⁷ Interview with *mbak* Hrn, a sex worker and an activist of Griya Lentera (a NGO concerning empowering sex workers), in Pasar Kembang Yogyakarta at May 28th 2002.

⁸ Interview with *mbak* Lst, a sex worker, in Pasar Kembang Yogyakarta. February 21st 2002.

⁹ Interview with *mbak* Hrn, a sex worker and an activist of Griya Lentera (a NGO concerning empowering sex workers), in Pasar Kembang Yogyakarta at May 28th 2002.

¹⁰ *Ibid.*

money for the tuition fee at university. She is a sex worker and she has low education, but she has a great desire to school her children as long as she can.¹¹ Mbak WJ reported that she works as a sex worker for the sake of her children: “My children are teenagers; the first child is in Senior High School. I want my children not to be like their mother. I want them to have as high an education as possible, not like me who has no ability even to read. Yesterday I bought him a motorcycle. Although it was only an old and bad motor, he looked very happy....”¹²

Most women in prostitution in Pasar Kembang have low levels of education. The highest education among them is elementary school. Many did not even graduate from elementary school. There are many factors why they have very low levels of education. That their families were poor is one of the reasons. Most of the women in prostitution in Pasar Kembang came from poor, backward villages outside Jogjakarta. Another reason is the prevailing culture and tradition which do not support education for women. In traditional culture, women are not expected to pursue higher levels of education, because women are expected to stay in the domestic sector when they get married. Women traditionally have no obligation to provide money for their family, only labor.

As mentioned above, the majority of women in prostitution in Pasar Kembang are urban immigrants, part of the process of urbanization. Thus women in prostitution in Pasar Kembang are typically poor divorced women with low education, who come to the city to pursue work. The following will describe some aspects of women in prostitution’ lives in Pasar Kembang. Women in prostitution and police cannot be separated. Whether Prostitution is legal or not, policemen have still role in prostitution.

¹¹ *Ibid.*

¹² Interview with *mbak* WJ, a sex worker, in Pasar Kembang Yogyakarta. May 29st 2002.

In legal prostitution, police have role to secure that place from criminality; however in illegal prostitution, police have the job of catching women in prostitution as criminals. Both roles oppress women in prostitution.

Pasar Kembang is illegal prostitution. Therefore police have a reason to capture women in prostitution as criminals. However, usually women in prostitution are raided if they are in the street. According to a woman in prostitution in Pasar Kembang, a raid is another form of exploitation for women in prostitution. For her a raid is giving money to the police in order to allow the women in prostitution to continue her work of prostitution. For her, a raid is useless. It is, in fact, oppressing women in prostitution. This is because there is no follow-up action after the raid. There is no policy or steps to prevent the women in prostitution from returning to their profession. Often there is also improper behavior from the police. They want to get women in prostitution’ “service” free.¹³

In Pasar Kembang, the leaders of the village cooperate with the police in order to stop raids inside the village. For this security, monthly each woman in prostitution has to pay the cost of security to the leaders of the village. With this fee, women in prostitution will never be raided as long as they stay inside the village. Therefore, it seems that Pasar Kembang is a form of semi-legal prostitution. A woman in prostitution who has been raided by the police when she stayed in street questions, “Why do the police arbitrarily catch me, although we have paid them monthly. Actually some of them also often “come here” and they need our service. They are very hypocritical”.¹⁴

The majority of clients in Pasar Kembang are people from the middle and lower economic

¹³ Interview with *mbak* Hrn, a sex worker and an activist of Griya Lentera (a NGO concerning to empowering sex workers), in Pasar Kembang Yogyakarta at May 28th 2002.

¹⁴ *Ibid.*

classes. They come from a variety of professions, including farmers, traders, students, teachers or dozens, pedicab drivers, and so on. Some of that majority are native Indonesians, but there are also foreigners (Interview with Piper L Crisovan, March 11, 2003).¹⁵

There are some violations in the relations between women in prostitution and clients. The violations include running away without payment, stealing and robbing. Violence sometimes happens in this relationship.¹⁶ There is also violation from a medical perspective, especially clients' refusal to use a condom. Condoms are very useful to protect women in prostitution from many but not all types of venereal diseases, and especially from HIV/AIDS. Due to sexual biology, women are very likely to be infected if they have intercourse with men with venereal diseases. On the contrary, men are not guaranteed to be infected if they have intercourse with women with venereal diseases, since there are more likely to be tiny ruptures in vaginal tissue than in penile tissue during intercourse through which body fluids (semen, vaginal discharge) could enter the bloodstream.

Many women in prostitution complain about their powerlessness to suggest to clients that they use a condom. Most clients will reject using a condom, and they threaten to go to other women in prostitution who are willing to serve them without condoms. In this difficult position, finally women in prostitution will accept these clients. In their arguments they say, "I prefer to risk HIV/AIDS by accepting clients without condoms. If I am infected by HIV maybe I can live for 15 years. However, if I refuse those clients I will die in 15 days because

of hunger".¹⁷

There is also a hierarchical relationship between women in prostitution and clients. The relationship is like that of servant (sex workers) and the served (clients). Clients view women in prostitution as under obligation to follow the wishes of clients because they have paid them. Because of relationships with clients, some women in prostitution get pregnant. This is a very difficult case because if the baby is born, s/he will have no father. One solution to this problem is abortion. Certain NGOs will help a woman in prostitution to have an abortion as long as the age of the embryo no more than 7 weeks.¹⁸ However, there are also clients—regular customers—who are very happy to learn that their sex partner (a woman in prostitution) is pregnant. Such clients ask the woman in prostitution not to abort the baby, and promise that they will be responsible for looking after that baby.

Within the structure of prostitution in Pasar Kembang women in prostitution cannot be fully separated from the owners of the hotels and the rulers of the village. As mentioned above, although there are no pimps in Pasar Kembang, the role of the owners of the hotels and the rulers of the village is similar to that of a pimp. According to a woman in prostitution, there are also direct interpersonal violations performed by the owners of the hotels. They often arbitrarily beat women in prostitution, expel them, and sexually abuse them.¹⁹

¹⁵ Interview with Piper L Crisovan, an activist of Griya Lentera (a NGO concerning to empowering sex workers), in Pasar Kembang Yogyakarta at March 11, 2003.

¹⁶ Interview with *mbak* Hrn, a sex worker and an activist of Griya Lentera (a NGO concerning to empowering sex workers), in Pasar Kembang Yogyakarta at May 28th 2002.

¹⁷ Interview with Piper L Crisovan, an activist of Griya Lentera (a NGO concerning to empowering sex workers), in Pasar Kembang Yogyakarta at March 11, 2003.

¹⁸ Weeks is a prediction in which embryo will have not be a baby. Interview with *mbak* Hrn, a sex worker and an activist of Griya Lentera (a NGO concerning to empowering sex workers), in Pasar Kembang Yogyakarta at May 28th 2002.

¹⁹ Interview with *mbak* Hrn, a sex worker and an activist of Griya Lentera (a NGO concerning to empowering sex workers), in Pasar Kembang Yogyakarta at May 28th 2002.

Islamic Liberation Theology for Women in Prostitution

Nowadays many persons become alienated from religion because religions fail to practice their faith humanely. Ignoring harmful or discriminatory practices in religions causes religions to be dismissed as having serious roles in contemporary society. Religions create traditions and cultures which over time in new contexts are recognized as unjust and oppressive to people, but which are retained because part of the religious tradition. When fidelity to ancient texts prevents criticism of social phenomena in current contexts, then texts have taken precedence over people. Today many religions seem unable to liberate oppressed people because religions are often very textual-oriented and ignore current contexts.

A basic purpose of religion is to improve human welfare by connecting people to the divine and helping them live in accordance with divine will. Some of the more recent religions (Buddhism, Christianity and Islam) arose as reforming movements and attempted to change unjust social systems (traditions and cultures). In brief, one aim of religions is to get human welfare. For reaching human welfare and liberating oppressed people, religion however needs human criticism. The idea of God is not enough; humans also have an important role in liberating the oppressed. Humanity is an important aspect of religion; Firth even says that religion is human construct. He says, "Religion, including ideas of God, is clearly a human construct. It grows and is maintained by the wish to have answers to fundamental human problems".²⁰

In the opinion of many scholars, all three Abrahamic religions (Judaism, Christianity, and Islam) are not only monotheistic but have a strongly humanistic aspect. Sindhunata calls the humanism of Abrahamic religions

transcendental humanism. According to him, monotheistic religions are not personal or individual (preferring individual liberation and distinctions), but are rather examples of transcendental humanism, which understand differences and individual liberation as existing within a real unity of human beings.²¹ Developing the humanistic aspects of religions constitutes the most important task in ending the alienation of religion from society. Besides if each of the Abrahamic religions emphasizes concern for real concrete human beings rather than doctrinal teachings, there can be little or no religious conflict among the Abrahamic religions.

Many Islamic scholars understand Islam as very humanistic. Islam was revealed in order to solve problems of human beings, to create greater order and justice, care for the needy, and diminish suffering. Islam is for humans, not for God. Dia says that God comes close to humans, and gives solutions for human suffering. Islam is God's wish for goodness for all humanity (Dia 2001, 510).²²

In Islamic teachings God says that humanity is a special creation in the world. Many verses in al-Qur'an support such humanism. In *surah Al-Israa'* (17:70) God says, "We have honored the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favours, above a great part of Our Creation." This honor given to humans indicates that the humanistic aspect is very crucial in Islam. These humanistic aspects involve love, affection, justice, and other values concerning humanity.

Al-Qur'an *surah Al-Ahzab* (33:72) tells, "We did indeed offer the Trust to the Heavens and the Earth and the Mountains; but they refused

²¹ Sindhunata, "Rakyat Yang Tertindas: Objek Dan Subjek Pembebasan," *Basis*, April 2002.

²² Mamadiou Dia, "Islam Dan Humanisme," in *Wacana Islam Liberal; Pemikiran Islam Kontemporer Tentang Isu-isu Global* (Jakarta: Penerbit Paramadina, 2001), 510.

²⁰ Raymond Firth, *Religion: A Humanist Interpretation* (London and New York: Routledge, 1996), 10.

to undertake it, being afraid thereof: but men undertook it..." This verse indicates that God has invested His Trust in human beings. It means that a true humanity must be built in the world. Another verse mentions that human beings represent God on earth: God says, "I will create a vicegerent on earth..." (2:30). This is a recognition that God's work of creation is never completely finished, and the task of helping complete creation, creating a just and compassionate world, of restoring balance and order when such balance is lost, has been entrusted to human beings. Thus humans must share God's intention and action of liberating people.

Shari'ati also says that with its pure *tauhid*, Islam offers a profound spiritual interpretation of the universe, one that is as noble and idealistic as it is logical and intelligible. Through the Muslim interpretation of the creation of Adam, Islam reveals a humanist conception of free, independent, and noble human essence, but one that is fully attuned to both earthly reality and ultimate divine reality.²³ According to him, the relation of God and humanity is one of reciprocity, in which self-knowledge and knowledge of God come to be synonymous. Syariati quotes the profound remark of the Iranian mystic (Bayazid Bestami): "For years I sought God and found myself; now that I seek myself, I find God".²⁴

Islam is a philosophy of human liberation. Islam addresses economic welfare and social justice as principles of its social order; indeed it stresses them. To be precise, in Islam these principles constitute essential prerequisites; they can free humans from poverty and discrimination so that, through moral growth and particular evolution, they may freely unfold his inherent divine nature. This is the

paramount philosophy of life in Islam. Islamic humanism is different from pure humanism (western humanism) which is very materialist. Islamic humanism is not based on humanity alone; it also recognizes and incorporates spirit, religious spirit. Islamic humanism does not emanate from humans themselves, but from Allah, who shares this perception of reality with his human creatures.²⁵

Humanism needs spirituality. Spirituality is necessary because only when persons are grounded in a reality beyond themselves—in the divine—can they be freed to produce liberation, love and affection. Humanism takes its moral character from religion, that humanism and religion are related to each other. Humanity has accumulated values from God in the form of an inheritance of moral religion and culture. Most Muslims seem to think that modern humanisms which refuse religion do not obtain these values.²⁶

Spirituality and God are connected each other. Basically trust in God is trust in goodness and truth. To trust in God is to love God, to love to do goodness, to help oppressed people, and to love the truth. Love is the core of spirituality. The conflict among religions is about belief in God. The conflict happens because of different interpretations of God among people, different interpretations which are then reified and institutionalized. Once belief in God becomes an institution, conflict easily emerges.

Humanism also needs science as a tool of analysis. Spirituality is not enough to ground a liberating humanism. Social and anthropological analysis done by scientists is very important for practices within humanism. "A humanist approach to religion, within an anthropological framework of enquiry, means that rational study can go much further than

²³ Ali Shari'ati, *Marxism and Other Western Fallacies; an Islamic Critique*, trans. R. Campbell (Berkeley: Mizan, 1980), 95.

²⁴ Shari'ati, 69.

²⁵ Sindhunata, "Rakyat Yang Tertindas: Objek Dan Subjek Pembebasan," 5.

²⁶ Michael Amaladoss, *Teologi Pembebasan Asia*, trans. A. Widyamartaya (Yogyakarta: Pustaka Pelajar, 2000), 231.

religious people are often prepared to allow".²⁷ Too often religious persons refuse or prevent critical analysis of religious belief or practice, treating all such suggestions as heresy, instead of accepting such critique as a necessary tool for perfecting religion, for ensuring that its consequences match its intentions and satisfy the divine will.

Islamic spirit is very supportive of moving beyond belief to practice, which is a real step toward liberation. "Islam does not content itself with answering only one philosophical or spiritual need, or with presenting only one ethical viewpoint; it strives to realize the world-view of *tauhid* and of human primacy within real life. Unlike the subjectivist philosophies and mystical religions, it does not accept in human existence the dichotomies of sacred and profane, belief and behavior, idea and actuality. Islam is both a religion and a nation".²⁸ What is believed must be lived, and lived collectively by the entire *umma*.

Prostitution is a social phenomenon which is very complex. Complete understanding requires consulting more than religious doctrine only, especially if religion's only interest is condemning women in prostitution as morally bad women. The most proper approach to prostitution is the humanistic approach, which is part and parcel of real religion. Religion must have recourse to its humanistic side rather than its blind textuality side to properly analyze prostitution.

Islamic humanism will understand that women in prostitution are victims of poverty, deception, coercion, and patriarchal culture. Therefore Islamic humanism will not claim that women in prostitution perform *zina*²⁹ as al-Qur'an forbids it. This does not mean that

Islamic humanism will ignore concrete verses in al-Qur'an. The verses need to be "reread" and then interpreted in the light of reality today. How to rethink these verses will be discussed in other section.

The results of research in Pasar Kembang indicates that living as divorced pushes these women into poverty. Their low levels of education and skills, the poverty of their families and the low wages of women workers make it difficult for them to obtain jobs with sustainable wages, which will provide the necessities for them and their children. This is the condition that leads women into prostitution. Prostitution can provide their necessities, but it is full of risks such as violence, disease, police harassment, moral stigma, shame and social isolation.

In general issue of prostitution, this poverty is often combined with prior sexual abuse, patriarchal culture, and deception or coercion. This accumulation will be strong reasons which push women into prostitution. To be prostitutes is a bad choice amongst worse choices. Work as prostitutes is a bad job because it oppresses and dehumanizes them, but women have also difficult condition and powerless to get other jobs. These two facts, namely a bad job and powerless, have many consequences to step further concerning to prostitution. As a bad job, we, including women in prostitution themselves, have consequence and responsibility to abolish prostitution. And as powerless women, we have consequences to not judge women in prostitution as a source of problem in prostitution, but we have to see all aspects or elements of prostitution in abolishing prostitution.

Nowadays prostitution is no longer merely a local phenomenon, but also takes shape as a global sex industry. Becoming a woman in prostitution involves some risk of becoming involved in the global trafficking in women, a well structured industry that also

²⁷ Firth, *Religion: A Humanist Interpretation*, 10.

²⁸ Shari'ati, *Marxism and Other Western Fallacies; an Islamic Critique*, 95.

²⁹ Zina is fornication, adultery, or any sexual intercourse between men and women who are not married to each other.

victimizes children around the world, buying and selling women and children as sex toys. Many traffickers in women present themselves as labor agents to recruit new sex workers. As said by Ruhaini there is significant correlation between female migration and prostitution.³⁰

The complexity of prostitution will not sufficient enough to be solved by merely condemn them as immoral. In the light of Islamic humanism, the issue of prostitution should be understood in the entire social problems allowing it to happen. Then, this frame work should provide a gradual step to help women release from this inhuman situation.

Performing violence while calling God's name is problematic. To call *Allahu Akbar* while violating women in prostitution further oppresses women in prostitution psychologically. In Islamic society, belief in God is deeply embedded in Muslims, including women in prostitution. Calling God's name while condemning them and their work oppresses women in prostitution by reinforcing social and religious ideas that God is a stern judge without compassion who condemns them without caring about the reasons they have for prostitution. Such violence in the name of God encourages self-hate in women in prostitution and thus socializes them to accept even more abuse. The charge that they are bad women comes not only from society, then, but also from the women in prostitution themselves. This claim is even more oppressive because few can leave sex work while they have children and family that they have to support. Giving up sex work is also difficult because people in society will not forget or forgive them; they are not received in society.

The God who is depicted by fundamentalist groups is an oppressor god. This god is like a cruel king who does not care about his citizens and their sufferance. This god is contrary to

the real God who sides with oppressed people and will liberate them from their oppression. Islam must place itself at a far distance from the oppressor god. This must be done to abolish religion as an oppressive institution, evil axis, and source of violence.

Women in prostitution need to feel empathy, love and affection. They have to be told that God is on their side, that of oppressed people. God has never oppressed people, especially suffering people. On the contrary, God will liberate them who are oppressed. To experience God's support and empathy from others will build self-esteem in women in prostitution and allow a liberative consciousness to develop. Then, women can become subjects, not objects, of liberation. Rethinking and rereading text and tradition are very important for building Islamic liberation theology. This is because under the prevailing Muslim tradition, women in prostitution are oppressed. That tradition supports a negative popular perception regarding women in prostitution. That same tradition also marginalizes women in prostitution.

Basically the verse which make people regard women in prostitution morally is "Nor come nigh to adultery: for it is a shameful (deed) and an evil, opening the road (to other evils)" (17:32). From this verse, what needs to learn is why does al-Qur'an forbid zina. To answer this question, we have to look at other verses talking about zina. In order to learn the meaning of al-Qur'an about one issue, we have to consult other verses concerning the same issue. Thematic interpretation will thus secure the real meaning at which al-Qur'an aims. Amina Wadud, mentioned in a previous chapter, uses this method to interpret al-Qur'an.

Zina (adultery) is forbidden by al-Qur'an because it is *fahisyah* (shame/despicable), it will be no responsible and a betrayal of marriage. Such betrayal is forbidden because this will

³⁰ Dzuhayatin and Silawati, "Indonesia: Migration and Trafficking in Women," 20.

pain the partner, endanger family stability, and dishonor the family. However, nowadays we cannot call women in prostitution as shameful women because they only victims who are betrayed by their husband. Very few women in prostitution have husbands, and most of them are divorced by irresponsible husband.

The term of *fahisyah* (shameful) is not only related to adultery or not marital sexual intercourse. There is another verse in al-Qur'an telling that marriage in certain condition can be also regarded as *fahisyah*, if that marriage will pain other people and not respectful. There is a verse in al-Qur'an saying: "And marry not women whom your fathers married, except what is past: it was shameful (*fahisyah*)..." (4:22).

Sexual intercourse is a natural humane. Sexual intercourse, like other humane, is a fact that cannot be abolished. Naturally it can be a good thing for human, but in certain condition it can be shameful. Marriage is only a tool to make sexual intercourse not shameful. So the problem is not about marital or not marital, but the shameful (*fahisyah*). To decide that women in prostitution are shameful or not, it is needed to look at whole aspects of prostitution.

Within Prostitution, women are only victims. Partners have no responsibility to or for each other. The absence of ongoing responsibility makes sense in cases where the partners are equal, but it further victimizes the weaker partner in cases of inequality. Women in prostitution are weak, usually because they have already been the victims of betrayal and irresponsibility. If zina is interpreted to absolve johns, police, hotel owners and others connected to women in prostitution of responsibility, then religion has made the weakest and most dependent member of society carry the burden of guilt and shame for the rest. Everyone who does wrong should shoulder the responsibility for the wrong they do.

In prostitution, the customers who part of

them have married should be called as betrayers (shameful) rather than accusing women in prostitution. Concerning with this it is true why some verses in al-Qur'an command men rather than women to not perform zina. Some verses are like: "... (Lawful unto you in marriage) are (not only) chaste women who are believers, but chaste women among the people of the book, revealed before your time, -when ye give them their due dowers, and desire chastity, not lewdness, nor secret intrigues..." (5:5) and "... except for these, all others are lawful, provided ye seek (them in marriage) with gifts from your property,--desiring chastity, not lust" (4:24).

Men are more commanded than women to not perform shameful deed because women, during history and also today, have always position as objects. Therefore men have power and they have possibility rather than women to make relationship between men and women. If we understand prostitution as a structural problem, we can say that sexual intercourse which prostitutes perform in prostitution is not necessarily shameful or evil. Sexual intercourse there may only be a tool for continuing to live. Besides, there is a verse which indicates that no one accuse inaccurately a woman as shameful. The verse is: "And those who launch a charge against chaste women, and produce not four witnesses (to support their allegations),-- flog them with eighty stripes; and reject their evidence ever after; for such men are wicked transgressors" (24:4).

Al-Qur'an also indicates that when a man marries a woman, he should give her a dowry to guaranty her welfare. Two verses mentioned above are examples of the importance of the dowry. However, in fact, this dowry is often monopolized by the husband when they have married. The effect is that when a husband divorces his wife, she will get nothing from her husband. A wife even has a burden to pay support their children because her husband

has stopped paying to support them. This is a difficult situation and why some women become prostitutes.

Women in prostitution nowadays can be analogized with women in slavery. Concerning with this, al-Qur'an shows that God sides with women slaves who are oppressed. It can be gotten explicitly from the verse: "...when they are taken in wedlock, if they fall into shame, their punishment is half that for free women" (4:25).

Al-Qur'an decides to punish the slave softer than the free women because the slave is oppressed in the system of slavery. In the system of slavery, a slave has no authority even for herself. Therefore, when a slave woman is married by a free man she is not free to refuse that man. This verse recognizes that not all women enter marriage voluntarily, and declares that those (slaves) who married involuntarily shall only deserve half the punishment of those married voluntarily when discovered in adultery. When Islam emerged, the system of slavery still prevailed in Arab society. Islam actually wanted to abolish this system. The separation between slave and free men was obvious. Verses in al-Qur'an indicate that Islam wants to eradicate the system of slavery gradually. If we look at the totality of al-Qur'an, we can see that many verses command the liberation of slaves. One way to liberate slaves is by giving lesser punishment for slaves who deviate from law. Also many verses command the liberation of slaves by those men who violate the law.

Some of these verses are: "God will not call you to account for what is futile in your oaths, but He will call you to account for your deliberate oaths: for expiation, feed ten indigent persons, on a scale of the average for the food of your families; or clothe them; or give a slave freedom" (5:89), "But those who divorce their wives by *zihar* (to be ignored as if the words

were never uttered), then wish to go back on the words they uttered,--(It is ordained that such a one) should free a slave before they touch each other" (58:3), "And what will explain to thee the path that is steep? (It is:) freeing the bondman" (90: 12-13), and "Never should a believer kill a believer; but (if it so happen) by mistake, (compensation is due): if one (so) kills a believer, it is ordained that he should free a believing slave.." (4:92).

One hadith which needs to be rethought is about the trip of the Prophet to heaven, or *Isra'* and *Mi'raj*. The hadith is purported to go as follows: as the Prophet ascended to heaven with Gabriel, he saw women hanging from their breasts screaming. He asked Gabriel why they were being punished. The traditions that record Gabriel's answer mention women who foisted their bastard children on their husbands and women who committed *zina*.³¹

To build an Islamic liberation theology for women in prostitution, this hadith needs to "reread." Certainly women who foist bastards on their husbands are morally wrong. But there should be no automatic association of women in prostitution with *zina*; inherited tradition has simply assumed such an association without justifying it in terms of what kind of acts, motives and consequences constitute *zina*. Commenting on this hadith, Sonbol says, "It is not clear, however, why only women were being punished in hell for *zina*. What about the men with whom they committed *zina*? Can a woman commit *zina* and have bastard children without men? Either the hadith has little legitimacy, or it has been turned around and given a misogynistic interpretation."³² This hadith, if not rethought, will continue to isolate and oppress women in prostitution in society.

³¹ Amira El-Azhary Sonbol, "Rethinking Women and Islam," in *Daughters of Abraham; Feminist Thought in Judaism, Christianity, and Islam* (Miami, Conn.: University Press of Florida, 2001), 124.

³² Sonbol, 124.

Contemporary prostitution is a commercial economic type of interaction, as so many relationships in our modern society have been reduced to. Almost everything can be arranged by money, including sexual intercourse. Sexual intercourse in prostitution involves and produces alienated human beings because it involves the selling of one's body as if it were a commodity, and not one's self. Women in prostitution are victims of this economic system in which everything has been commodified, and so nothing has intrinsic value.

Women in prostitution are alienated from their bodies in another sense as well, in that few have any pleasure in intercourse, often even when it is not commercial. Customers and women in prostitution have different motivations. Customers want to have fun and relieve tension and stress, while women in prostitution need money to live. The women in prostitution experience their body as a thing, the only thing they have that can be sold. Real human pleasure requires the integration of the body and the mind/spirit; the more often they are separated, the more difficult they are to integrate.

Islamic law (*shari'ah*) is debated constantly among Muslim scholars in countries in which Muslims are the majority. Some fundamentalist scholars demand that national law conform to *syari'ah* Islam. However modern Islamic scholars reject this understanding or application of *shari'ah*. They say that it is difficult to determine which is *syari'ah* Islam. They wonder if what fundamentalists mean by *shari'ah* is actually Arabic law, or even ancient Arabic law. They argue that Arabic laws, like the ones that require cutting off the hands of thieves, *qishash* (the Bill of Retribution), veiling women, and stoning to death adulterers and so forth, are not appropriate to apply in other places. If such law is adopted, the first victims under this law are women.

Some Islamic countries insist on stoning to death (*rajam*) for adulterers. If Islamic law is interpreted to require this, of course prostitution will be eliminated, because women in prostitution have sex with married men, and thus perform zina (adultery). The law of *rajam* of course gets contrary responses from some Muslim scholars. Some Muslim scholars say that stoning to death adulterers is not Islamic law. According to Engineer *rajam* is Jewish law which was in place before Islam. He says that the Prophet Muhammad only decreed such punishment to two Jews who committed adultery together. Each of them were married to another person. Almost all Islamic scholars except *Khawarij* and *Mu'tazilah* say that the law of *rajam* is not in accord with the spirit of al-Qur'an. There is no verse about *rajam* in al-Qur'an. They say that the law of *rajam* is only based on hadiths which are not authentic.³³

On prostitution relating to Islamic law, the experience of the Islamic Republic of Iran is very interesting. In 1979, Ayatollah Khomeini, a charismatic religious leader in Iran, went back to Iran from exile. He issued a call to build an Islamic Republic in Iran. In the course of instituting an Islamic Republic, all prostitution places were closed. The Kanone Hemayate Eslami (the Center for Islamic Protection) ordered all prostitutes to introduce themselves to the Daftare Ezdevaje Bonyade Eslami (the Islamic Foundation Marriage Bureau), where the women were made to become *sighe*.³⁴

However, the substance of *sighe* itself is not so different from prostitution. The institution of *sighe* is a contract made for a limited period, which could be an hour. There is no divorce; the transaction ends at the end of the period and the woman has to wait 45 days (*eddeh*) before entering another sexual relationship, in

³³ Ali Asghar Engineer, *Islam Dan Teologi Pembebasan* (Yogyakarta: Pustaka Pelajar, 1999), 263.

³⁴ Maryam Poya, *Women, Work and Islamism* (London & New York: Zed Books, 1999), 68.

case of pregnancy. The man has no obligation to maintain the temporary wife. Therefore there is no *mahr*, nor *nafaghe*³⁵, and she has no inheritance rights.³⁶ This requirement only replaces the label, leaving the same substance. The substance of sex workers and *sighe* are the same. This is like Islamizing prostitution. This Islamic law instituted in Iran was proposed to make everything seem lawful according to Islam, but it violated the essence of Islam because it maintained injustice and supported ongoing victimization.

During the Islamic Republic in Iran, there was an atrocity against prostitutes performed by a fundamentalist group. "In April 1979, Ghale Shahre Noe (the Tehran prostitution quarter) was burned down by the *Hezbollah* (Partisans of God). Eight thousand women lived in the Ghale. Many of them burned to death and many became homeless. On 12 July 1979, three prostitutes were executed. This was following Khomeini's speech when he said, 'if you flog four prostitutes, prostitution will end.'" (Poya 1999, 68).³⁷ Initially the Islamic state encouraged temporary marriage; the rationale was to bring about Islamic morality and harmony. However, a combination of economic problems, together with men's easy access to divorce and temporary marriage, created chaos and disorder in family relations and in the wider society.

Zane Rouz, a weekly women's magazine in Iran, reported that despite the closing down of the prostitution quarters, neither prostitution nor adultery had been eradicated. It also reported that under these circumstances women had become the victims of differential treatment by the law. It demonstrated that a larger percentage of women than men were sentenced to death because of prostitution. Many of

them were forced into prostitution because of poverty. Many of these women were accused of adultery and were therefore executed. This was because adultery was proven on the basis of men's testimony, and women's testimony alone did not disprove adultery. In cases where four men testified women were sentenced to death (*Zane Rouz* 12 July 1980).³⁸

Based on the experience of Iran, enacting "Islamic law", or Arabic law, will justify violence against women in prostitution. In most cases, violence does not solve the problem.

In Pakistan, Islamic law concerning prostitution also is problematic. The case of Shahida and Sarwar is one of many examples. Shahida, a young girl, was divorced by legal Islamic law. However her husband did not submit the divorce letter into the court as is usually done in Pakistan. Shahida did not know that the letter had not been submitted to the court. Then, Shahida married another man, Sarwar. However, the first husband, because he could not find other woman to marry, wanted to remarry Shahida. When he discovered that Shahida had married Sarwar, he prosecuted Shahida in court. Then Shahida and Sarwar were arrested. Finally, Shahida and Sarwar were punished by stoning to death because Shahida could not show the divorce letter.³⁹ Pakistan is very quick to enact the law of *rajam* without any legal overview of the decisions. Stoning to death is not a humane punishment. An execution once done cannot be reviewed and reversed, even if other evidence is found to exonerate the accused.

Death of people should be God's decision. People have no rights to kill other people except to defend other lives. God says in al-Qur'an, "It is He who giveth life and who taketh it, and to Him shall ye all be brought back." (10:56). Religions which teach love and blessing are not compatible with killing people.

³⁵ *Nafaghe* is maintenance or alimony. It also means payable after divorce by a man to a woman if she has custody of the children. (Poya 1999, x).

³⁶ Poya, *Women, Work and Islamism*, 68.

³⁷ Poya, 68.

³⁸ *Zane Rouz*, *Weekly Women's Magazine*, July 12, 1980.

³⁹ Engineer, *Islam Dan Teologi Pembebasan*, 257.

The law of *rajam* is not appropriate to the spirit of Islam. In another verse, al-Qur'an says, "An adulterer may only marry an adulteress or a non-believer and adulteress may only marry an adulterer or a non-believer" (24:3). As regards this *ayah*, Sonbol asks how are we to justify such an *ayah* if fornicators—who are caught in the act, the act is proven, and they voluntarily confess several times—can still be married after they are punished? Clearly the punishment did not include death by stoning or any other means or they would not still be alive to marry. Based on women's position as victims and oppressed, we will recognize the real solution to the problem of prostitution is how to liberate women in prostitution as oppressed and how to avoid victimizing the victims.

Prostitution is absolutely dehumanizing to women in prostitution, especially because women in prostitution are alienated and decreased from their whole humanity. Their body becomes a commodity, a thing, which is sold. The hierarchical system in prostitution also poses women in prostitution as oppressed. This is because there is a vertical relationship between women in prostitution and pimps. In this system, women in prostitution are very fragile, easy to be exploited. Based on this reason, prostitution therefore should be eradicated, through this in a long term task, requiring a number of preconditions.

Some steps to eradicate prostitution which can be achieved gradually. The first step is decriminalizing women in prostitution. It means that women in prostitution are not claimed as criminals, who can be arrested, violated and raided by police arbitrarily. The treatment for prostitution must be more humane. Arresting should not be a medium of exploitation any more, rather, ending prostitution must be accompanied by real rehabilitation for women in prostitution.

In decriminalizing prostitution, women in

prostitution gain legal protection. They gain the same rights under the constitution as other citizens, including the right to be protected from person stealing their services, or assaulting them. Therefore, women in prostitution can prosecute someone who violates them. The law should also arrange that the ex-husbands must pay their child support, which would benefit not only women in prostitution but also other divorced women.

The final step to eradicating prostitution more humanely is rehabilitation. Rehabilitation is very important to return women in prostitution to being fully human. Giving them skills, education, conscientization and better jobs will make women in prostitution gain a better life in society, and finally be liberated from prostitution. All of these depend upon, and are part of, abolishing poverty in society.

Sex work is bad work, because it reduces sex from being fully human to being only material or physical. Sexual intercourse, which should include both body and mind/spirit, is reduced to involve body only. From this divorce of body and mind/spirit, women in prostitution become disadvantaged. However, the poverty condition of women in prostitution and their families is also very important to consider. Regarding these two conditions, there is an Islamic law principle, *Idzā ta'āradla mafsadatāni ru'īya a'dzamuhumā dlararan bi'irtikābi akhaffuhumā*.⁴⁰ It means that if there are two damaging conditions, the more damaging condition has to be avoided by performing the less damaging condition. This decision is also supported by Marx who says that mankind must first of all eat, drink, have shelter and clothing, before it can pursue other possibilities.

Poverty is the most important matter which has to be abolished in society. No nation has ever been stable if poverty is widespread in society. In early Islam, the Prophet Muhammad, based

⁴⁰ Abdullah bin Sa'id Muhammad 'Abbadī, *Iidhah al-Qawa'id al-Fiqhiyyah* (Surabaya: Al-Hidayah, 1968), 44.

on God's command, married many widows. This was a controversial step, which should be seen as related to the contemporary problem. The answer is not that Islam should allow polygamy and encourage men to marry all the women in prostitution. The point of the story is that humans should accept responsibility for the needs of the poor and helpless. Polygamy was one way to prevent abject poverty in Mohammed's day; prostitution has been another. But however necessary, they are both temporary, stopgap measures, not the ultimate answers to poverty.

Some Muslims may wonder about the morals of young men if prostitution becomes decriminalized. But, prostitutes are already present and active in society, even though prostitution is against the law. Some suggest that young men are better going to prostitutes rather than committing many rapes and sexual abuse. However as a Muslim it is better to follow al-Qur'an saying, "Say to the believing men that they should lower their gaze and guard their modesty: that will make for greater purity for them: and God is well acquainted with all that they do" (24:30). Men have responsibility—and the capacity—to control sexual drive, to direct it in ways that respect and not destroy human dignity.

Conclusion

Islamic theology considers that women in prostitution are oppressed people. The substance of much of prostitution nowadays can be analogized with slavery in early Islamic society. Al-Qur'an obviously rejected this system and tried to eradicate it gradually. Some verses al-Qur'an mention that female slaves were always blessed and supported by God: "But force not your maids to prostitution when they desire chastity, in order that ye may make a gain in the goods of the life, but if anyone compels them, Yet, after such compulsion, is

God Oft-Forgiving, Most Merciful (to them)" (24:33). This verse indicates that women in prostitution who are victims of deception or coercion are forgiven.

There are some crucial works which can only develop in the long term. These long works basically involve building a strong fundamental structure of culture and tradition which is democratic, egalitarian, committed to universal education and liberative religion. Changing this structure is very important, because the sources of oppression emerge from the fundamental lack of these in the present.

The practices above cannot be successful if women in prostitution are still only objects. To practice liberation, women in prostitution have to become as subjects, because actually the main actor who will liberate women in prostitution is women in prostitution themselves. Theology only supports women in prostitution by insisting that God is on the side with the oppressed, so that women in prostitution will gain consciousness and struggle to liberate themselves. The practices above only create the conditions under which women in prostitution can possibly become subjects.

Becoming subjects also means that women in prostitution have consciousness that work as prostitutes is dehumanizing and oppressing them and it is a bad work. From this consciousness they will have responsibility to escape themselves from prostitution. Women in prostitution have to be aware that their work as prostitutes is only temporary. They chose it because they were powerless and they had difficult condition like poverty, victims of sexual abuse, forced, deceived, and so on. However they have to have desire that in the future they will leave their work as prostitutes.

The oppression of women in prostitution, or of women in general occur because women are treated as objects. Patriarchal culture has created these women's position. In their

position as objects, women are very vulnerable to oppression. To liberate them from their oppression, women have to change their position as subject. Liberation theology can be a source of energy for women in prostitution; the above changes would be like making a path for women in prostitution, and the subjects who will walk that path are women in prostitution themselves.

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ISSN 1411-3775 (P)



E-ISSN 2548-4729 (online)



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E-ISSN: 1411-3775(P)



9 771411 377005

E-ISSN: 2548-4727(online)



9 772548 472007