

Mosques for All: Nahdlatul Ulama and the Promotion of the Rights of People with Disabilities

Arif Maftuhin

UIN Sunan Kalijaga, Yogyakarta - Indonesia

Email: maftuhin@uin-suka.ac.id

Abstract: *Fatwa* is an aspect of Islamic law that addresses all aspects of Muslims lives into details. It has significant influence in bridging divine will with mundane affairs. This study focuses particularly on the advocacy for the rights of people with disabilities in Indonesia through Nahdlatul Ulama's (NU) *fatwas*. Based on primary data obtained from documents, observations, and interviews, this study describes the inclusion of the disability issue in this Indonesian traditional Islamic organization. The research describes how issues of the rights of people with disabilities proposed by disability-rights activists is adopted, modified, and formulated in the form of a typical NU religious *fatwas* called *Fiqih Penguatan Penyandang Disabilitas*. It argues that NU's *fatwas* can provide theological basis to promote the rights of people with disabilities in Indonesia and has been well accepted by public. Ministry of Religious Affairs has republished the book and distributed to their offices across the country.

Keywords: Mosque, disability, *fatwa*, human right, Nahdlatul Ulama

Introduction

Indonesia is not an Islamic state nor having a sharia-based legal system. However, it remains the home of the largest Muslim community in the world. It is obvious to observant that Islamic law and its aspiration have been very influential in Indonesian social and public policies. A ministry that deals with religious affairs was set up in the early days of the republic. Also, several legal acts are enacted for Muslim population pertaining marriage, waqf, zakah, hajj, sharia banking and so on. It may present as well in a non-sharia law, regulating parts of the law in the lights of Islamic law. The Regulation of the Minister of Public Works on Public Buildings, for example,

contains arrangements regarding Muslim prayer places, dividers between male and female congregations, and ablution rooms.¹

Beyond the national legal system, Islamic law's influence is imminent in the popular *fatwas* issued by Islamic organizations, such as Nahdlatul Ulama (NU), Muhammadiyah, and MUI (*Majelis Ulama Indonesia* or the Indonesian Ulama Council). Muslims affiliated with NU would refer to the NU's *fatwas*, which are decided through the *Lembaga Bahtsul Masail* (the Bahtsul Masail Institute). Muslims affiliated to Muhammadiyah would listen to the Muhammadiyah's *fatwas* by its *Majlis Tarjih dan Tajdid*. Other Muslims may follow the MUI's *fatwas* through its *Komisi Fatwa*. On top of that, certain *fatwas* are referred to by the state in many instances. When arresting those accused of promoting *aliran sesat* (heretical sect), the police simply refer to the MUI *fatwa*.² It is also used in blasphemy cases that inflicted Basuki Tjahaya Purnama³ as well as and *fatwas* were also referred in administering Covid-19 vaccines.⁴

Because of its strategic position, *fatwa* has also become a political weapon for interest groups in Indonesia. Feminist groups would fight for gender equality through a reinterpretation of Islamic law. Anti-smoking activists would rely on the *fatwas* of MUI or Muhammadiyah to campaign for healthy environment. As a result, in 2009, The *Ijtima Ulama ke-3* of MUI issued a *fatwa* on the prohibition of smoking in three circumstances: in public places, for pregnant women and children. Meanwhile, Muhammadiyah issued a more explicit and broader *fatwa* through the decision of *Majelis Tarjih and Tajdid* No. 6/SM/MTT/III/2010. Some efforts that worth mentioning including its empowerment projects for disabilities group in Yogyakarta.⁵

¹ "Permen PUPR Tentang Persyaratan Kemudahan Bangunan Gedung," Pub. L. No. 14 (2017), <http://ciptakarya.pu.go.id/pbl/index.php/preview/59/permen-pupr-no-14-tahun-2017-tentang-persyaratan-kemudahan-bangunan-gedung>.

² Moch. Nur Ichwan, "The Local Politics of Orthodoxy: The Majelis Ulama Indonesia in the Post-New Order Banten," *Journal of Indonesian Islam* 6, 1 (2012).

³ Syamsul Huda, "The Local Construction of Religious Blasphemy In East Java," *Journal of Indonesian Islam* 13, 1 (2019), pp. 96-114

⁴ M. Nurdin Zuhdi, et.al., "Covid-19 Vaccine Fatwa in Indonesia Religious Institutions, Independence and Rival Politics," *The Pandemic: A Leap of Faith* (Yogyakarta: Building Nusantara, 2021), pp. 287-291

⁵ Fadri Ari Sandi, "Dakwah Bil-Hal: Muhammadiyah Strategy in the Empowerment of Disabilities Groups in Yogyakarta," *International E-Journal of Advances in Social Sciences* 3 9 (2017).

One of the most recent attempts to utilize Islamic law in Indonesia's social engineering comes from the PwDs (People with Disabilities) movement.⁶ Generally, in other countries, national legislations are the primary way to promote the rights of people with disabilities. If one reads "the strategic document to promote the rights of people with disabilities," published by the European Union, it is apparent that legislation is the primary strategy.⁷ In a similar vein, the UN strategic document clearly states "... encourages Governments to take legal and administrative measures, as appropriate, to implement the Standard Rules fully...."⁸ There is no way that a religious approach is promoted. In Indonesia, interestingly, the disability movement make use of *fatwas* to fight for their rights.

Previous studies have shown the impact and influence of *fatwas* on Muslim attitudes, both in Muslim countries and in Western societies. In his research, Abdallah has concluded that, "...Whether in Australia or Saudi Arabia, the sharia helps Muslims live their lives in ways that are deemed legal, fulfilling, and pleasing to their Maker [God]."⁹ In a survey of 850 individuals in Riyadh, Saudi Arabia, Faqih found that "The Islamic view supporting concepts of transplantation provided the strongest positive influence for organ donation both during life and at death."¹⁰ Meanwhile, Ann Black found the vital influence of *fatwas* in

⁶ WHO only uses the term 'persons with disabilities' in the context of the Convention on the Rights of Persons with Disabilities. In WHO documents, we use people with disability. Thus, the term people with disability is used in this article. See, <https://www.who.int/news-room/questions-and-answers/item/people-with-disability-vs-persons-with-disabilities>.

⁷ "Developing a Strategy to Promote the Rights of People with Disabilities," accessed September 11, 2020, <https://www.opensocietyfoundations.org/publications/developing-strategy-promote-rights-people-disabilities>.

⁸ "Promoting the Rights of Persons with Disabilities - Ad Hoc Committee Meeting [49/153] | United Nations Enable," accessed September 11, 2020, <https://www.un.org/development/desa/disabilities/promoting-the-rights-of-persons-with-disabilities-ad-hoc-committeemeeting-49153.html>.

⁹ Mohamad Abdalla, "Sacred Law In a Secular Land: To What Extent Should Sharī'a Law Be Followed in Australia?," *Griffith Law Review* 21, 3 (2012): pp. 657–79, <https://doi.org/10.1080/10383441.2012.10854757>.

¹⁰ S.R. Al-Faqih, "The Influence of Islamic Views on Public Attitudes towards Kidney Transplant Donation in a Saudi Arabian Community," *Public Health* 105, 2 (1991): pp. 161-65, [https://doi.org/10.1016/S0033-3506\(05\)80291-4](https://doi.org/10.1016/S0033-3506(05)80291-4).

medical practice with Muslim patients in Australia¹¹. The research by Sueyoshi and Ohtsuka in Jordan, with a 450 respondents sampling, was also as consistent as the previous studies in Australia and Saudi Arabia.¹²

Still, other studies have found the influence of *fatwas* in the lives of various Muslim societies, such as in Malaysia,¹³ Egypt,¹⁴ and others. The most interesting study on the influence of *fatwas* relevant to this paper is Atho Mudzhar's dissertation on the Indonesian Ulama Council. Mudzhar well explained the use of the MUI's *fatwa* to support the development programs of the Suharto 's administration.¹⁵ Based on these studies, attempts to change individual or social behavior through *fatwas* or Islamic law are, in theory, just plausible. Promoting the rights of people with disabilities through *fatwas* and Islamic law is, therefore, very normal, and natural in the Indonesian context.

The role of religion in fulfilling the rights of people with disabilities has also been the case in the United States when American churches organized what they called the "accessible congregation campaign (ACC)." Instead of using '*fatwa*', the church preferred doing this on their own 'houses'. Starting from 1998, ACC targeted 2000 places of worship in America. The churches that have joined the campaign are committed to ensuring that barriers with disabilities are removed in accessing churches and religious activities.¹⁶ In 2008, this target was

¹¹ Ann Black, "Fatwas and Surgery: How and Why a Fatwa May Inform a Muslim Patient's Surgical Options: Perspectives," *ANZ Journal of Surgery* 79, 12 (2009): pp. 866–71, <https://doi.org/10.1111/j.1445-2197.2009.05135.x>.

¹² Shuji Sueyoshi and Ryutaro Ohtsuka, "Significant Effects of Fatwa-Based Perception on Contraceptive Practice Among Muslim Women in South Jordan Under the Early Stage of Fertility Transition," *Biodemography and Social Biology* 56, 1 (2010): pp. 67–79, <https://doi.org/10.1080/19485561003709263>.

¹³ Ramadan M. Elkalni et al., "Effect of Religious Beliefs on the Smoking Behaviour of University Students: Quantitative Findings From Malaysia," *Journal of Religion and Health* 55, 6 (2016): pp. 1869–75, <https://doi.org/10.1007/s10943-015-0136-0>.

¹⁴ Ghada N. Radwan et al., "Impact of Religious Rulings (Fatwa) on Smoking," *Journal of the Egyptian Society of Parasitology* 33, 3 (2003): pp. 1087–1101.

¹⁵ M. Atho Mudzhar, *Fatwa's of the Council of Indonesian Ulama: A Study of Islamic Legal Thought in Indonesia, 1975-1988* (Los Angeles: University of California Press, 1990).

¹⁶ "Make Congregations Accessible, Disability Awareness the Episcopal Diocese of Michigan," accessed December 24, 2020, <http://www.da-edomi.org/con-nod.html>.

met when 2,292 places of worship declared their commitment to realizing the goals of this campaign.¹⁷

Muslims in America have also followed their footsteps. When visited the country in 2012, I saw the commitment of Muslim groups to make their mosques friendly to people with disabilities. At the Omar bin Khattab Mosque, Los Angeles, for example, accessibility can be seen from wheelchair access, special rows, and special chairs for people with disabilities, and comfortable ablution (*wudu*) places for people with disabilities.¹⁸

In Indonesia most religious-based efforts to promote the rights of people with disabilities may be limited to the publication of *fatwas* or within the boundaries of religious organizations such as NU and Muhammadiyah,¹⁹ but the impact can be widespread. As this study will show in the following pages, people may be more compliant to make their mosques accessible because of the NU's *fatwa* than of the government regulations on accessible buildings. Focusing on Nahdlatul Ulama, it will explain how the *fatwa* is then formulated, issued, and published. It will also elaborate on how the *fatwas*, compiled in *Fiqih Penguatan Penyandang Disabilitas* which literally means Islamic law for advocating rights of people with disabilities, promote the rights of people with disabilities in Indonesia.

Islam and Disability

Before discussing NU and its *fatwa*, it is essential to explain how the study of Islam and disability developed today and how Muslim attitudes towards disabilities. Unlike ten years ago, the study of Islam and disabilities has currently made rapid progress. The two most important works initiated in the field are those of Rispler-Chaim and Ghaly. Rispler-Chaim focused her research on the classical *fiqh* to find out Islamic attitudes towards disabilities. She concluded that Islam is neutral towards disabilities.²⁰ Rispler-Chaim's study is a continuation of

¹⁷ Angela Novak Amado et al., "Impact of Two National Congregational Programs on the Social Inclusion of Individuals with Intellectual/Developmental Disabilities," n.d.

¹⁸ Arif Maftuhin, *Masjid Ramah Difabel: Dari Fikih Ke Praktik Aksesibilitas*, pp. 46–47.

¹⁹ So far, only NU and Muhammadiyah have *fatwas* on disabilities. MUI is still silent about the issues. Research focused on Muhammadiyah's efforts will be published in Arif Maftuhin, "Fikih Difabel of Muhammadiyah: Context, content, and aspiration to an inclusive Islam", upcoming paper.

²⁰ Vardit Rispler-Chaim, *Disability in Islamic Law* (Dordrecht: Springer, 2007).

her previously published article on the marriage of people with mental disabilities in Islamic law.²¹ Meanwhile, Ghaly's book offers an overview of disability from the perspective of Islamic law and theology.²² He investigates how early and modern Muslim scholars tried to understand people with disabilities, on the one hand, and the concept of a merciful God, on the other.

Like those two authors, most of the earlier disability research mainly investigates information from classical Islamic texts, particularly Islamic jurisprudence books (*Fiqh*). Even a discussion on the treatment of people with disabilities is based on what the Islamic text said.²³ Research on Islam and disability rarely cover the more practical and 'living' Islam. In my opinion, this is what has been differentiating Islamic studies and disability studies in the last ten years.

The good news is that the current development seems to be more diverse than just research on religious texts. When the study of Islam and disability started to appear in 2011,²⁴ the passion for researching disability found its various fields. The book, *Islam dan Disabilitas*, recorded well this development in its compilation of nine articles on Islam and disability. It includes my first research on accessibility of the mosques in Yogyakarta²⁵ (chapter 6) and then Saudi Arabia.²⁶ Keumala's research (chapter 7) tries to see how accessible mosque improves the independence of people with disabilities.²⁷ Within this *genre*, two other studies are Mustarjudin (chapter 8) and Siddicq's

²¹ Vardit Rispler-Chaim, "Islamic Law of Marriage and Divorce and the Disabled Person: The Case of The Epileptic Wife," *WDI Die Welt des Islams* 36, 1 (1996): pp. 90–106.

²² Mohammed Ghaly, *Islam and Disability: Perspectives in Theology and Jurisprudence* (London; New York: Routledge, 2010).

²³ Mohammed M. Ghaly, "Physical and Spiritual Treatment of Disability in Islam: Perspectives of Early and Modern Jurists," *Journal of Religion, Disability & Health* 12, 2 (2008): pp. 105–43.

²⁴ Arif Maftuhin et al., *Islam Dan Disabilitas: Dari Teks Ke Konteks* (Yogyakarta: Gading, 2020), p. ix.

²⁵ Previously published in Arif Maftuhin, "Aksesibilitas Ibadah bagi Difabel: Studi atas Empat Masjid di Yogyakarta," *INKLUSI* 1, 2 (2014): pp. 249–68, <https://doi.org/10.14421/ijds.010207>.

²⁶ Maftuhin, *Masjid Ramah Difabel*.

²⁷ Previously published in Cut Rezha Nanda Keumala, "Pengaruh Konsep Desain Universal Terhadap Tingkat Kemandirian Difabel: Studi Kasus Masjid UIN Sunan Kalijaga dan Masjid Universitas Gadjah Mada," *INKLUSI Journal of Disability Studies* 3, 1 (2016): pp. 19–40, <https://doi.org/10.14421/ijds.030102>.

research (chapter 9) on Islam and the Deaf. Mustarjudin's evaluates the sign language service during the Friday sermon at Masjid UIN Sunan Kalijaga.²⁸ Siddiq discusses how the use of Indonesian Sign Language (Bisindo) helps the Deaf learn the obligatory Islamic daily prayers.²⁹ Of course, this expansive scope does not stop the contribution of textual studies, such as Tafsir and Hadith, in disability studies (chapter 1-3). This can be seen in the emergence of research on the interpretation of Indonesian ulama on disability (chapter 4).³⁰

The *Fiqih Penguatan Penyandang Disabilitas* of NU is a special contribution to this growing number of Islam and disability literature. Compared to *Islam and Disabilitas*, which are based on academic research within Islamic studies, the NU's *fatwa* is based on *istinbāḥ al-ahkām* (legal interpretation) tradition of ulama. In NU, problems are discussed and solved by a group of Muslim jurists, while the academic literature is based on academic inquiries. There may be no evidence of a direct correlation between Islamic studies' development and the promotion of disability rights in Indonesia. However, the participation of disability-rights activists in NU suggests that possible correlation. As will be explained in the next section, the role of activists in Nahdlatul Ulama is significant in educating their communities about the importance of fulfilling the rights of people with disabilities and how NU must respond.

NU and its Religious Authorities

NU is the largest Islamic organization in Indonesia. According to a survey conducted by the Alvara Research Center in 2017, 59% of the Muslim middle class claim to affiliate with NU.³¹ With more than 100

²⁸ Previously published in Mustarjudin, "Efektivitas Juru Bahasa Isyarat Khutbah di Masjid UIN Sunan Kalijaga," *INKLUSI Journal of Disability Studies* 4, 2 (2017): pp. 271–96, <https://doi.org/10.14421/ijds.040206>.

²⁹ Previously published in Achmad Siddiq, "Peningkatan Ibadah Mahasiswa Tuli dengan Praktik Salat Bisindo," *INKLUSI Journal of Disability Studies* 4, 2 (2017): pp. 153–72, <https://doi.org/10.14421/ijds.040201>.

³⁰ Anwari Nuril Huda, "Ayat-Ayat Disabilitas Dalam Tafsir Ulama Nusantara," Arif Maftuhin (ed.), *Islam Dan Disabilitas: Dari Teks Ke Konteks* (Yogyakarta: Penerbit Gading, 2020), pp. 67–88.

³¹ Hasanuddin Ali and Lilik Purwandi, *Indonesia Middle Class Muslim: Religiosity and Consumerism* (Jakarta: Alvara Research Center, 2017), p. 13, <http://alvara-strategic.com/wp-content/uploads/whitepaper/Indonesian-Middle-Class-Muslim.pdf>.

million members, according to another recent survey,³² NU is probably the world's largest Islamic organization in the world. Based on that, the influence of NU and its *fatwas* in social engineering cannot be understated. One may believe that the NU's *fatwa* would definitely help the campaign to fulfill the rights of people with disabilities.

The NU's *fatwas* have covered a vast issue, as broadly as Islamic law did. The *fatwas* are compiled in a book entitled *Aḥkām al-Fuqahā* or in its Indonesian title *Masalah Keagamaan*, which compiled the decisions of Munas (National Assembly) and *Muktamar* (the national congress).³³ Its latest edition covers decisions from 1926 when NU was formed to the 2010 *muktamar* and *munas*, and represents well the NU's *fatwas* on various issues, including religious, political, social, economic, cultural, artistic, to medical and sports topics. Being *fatwas*, the breadth of scope, in most cases, goes beyond the 'standard' discussions of the *fiqh* (Islamic jurisprudence) literature. This is because the *fiqh* literature generally covered problems that existed only in their time, while *fatwa* in general, including the NU's *fatwas*, evolve across the times addressing new emerging issues. For example, in 1957 when NU was a political party it addressed the legality of women to be members of the DPRD (parliament).³⁴ It can be assured that the *siyāsah* chapters in the *Fiqh* literature will not discuss 'the parliament', let alone the women's participation in the parliament.

This breadth of coverage is due to two views that have developed in Muslim communities: First, they believe that Islam is a religion of a complete and perfect "package" guiding all things for their life, from personal affairs to public affairs, answering problems that have arisen in the past up to the issues appear today and in the future. Second, the view that every individual Muslim is obliged to follow Islamic teachings. These two views are then summarized in the famous proverb, which many scholars refer to as "Islam is a perfect religion, *ṣāliḥ li-kulli zaman wa makān*" (compatible any all space and time).³⁵ In

³² Yayasan DIA, "Hasil Survei LSI: NU Tak Tertandingi," <https://www.laduni.id/post/read/67440/hasil-survei-lsi-nu-tak-tertandingi.html>.

³³ A. Aziz Masyhuri (ed.), *Masalah Keagamaan: Hasil Muktamar dan Munas Ulama Nabdlatul Ulama Kesatu 1926 s/d Ketiga Puluh* (Depok: PP RMI and Qultum Media, 2004), p. 172.

³⁴ Ibid., pp. 211-212.

³⁵ Salah al-Sawi, "Salahiyyatu al-Syari'ah li kulli zaman wa makan," <http://www.alukah.net/sharia/0/1819/>; Muhammad Yusuf Musa, *Al-Madkhal Li Dirasat al-Fiqh al-Islami* (Cairo: Dar al-Fikr al-Arabi, 1961), p. 62.

line with this view, NU members who find a new case related to his or her faith will seek to find a religious answer to the issue.

Within NU, religious issues are usually collected and then discussed through the *Bahtsul Masail* forums. The discussion usually starts from the lowest organizational level, the village or sub-district units. NU members may bring any questions to resident NU jurist related to their religious matters. This process is similar to the *istiftā'* process in Islamic law. A Muslim who has a question (*mustaftī*) raises his or her problem to a jurist-consult (*muftī*). Then, the *muftī* would issue his or her opinion according to Islamic law.³⁶ It is just that NU provides relatively strict requirements for someone to become a *muftī*. When an individual mufti cannot answer the query directly because of its novelty or complexity, religious issues were discussed in a forum of religious experts called *Bahtsul Masail*. Problems that could not be solved at the lower levels (village or district) were brought to the higher one. The highest level of *Bahtsul Masail* Forum is held during the National Ulama Council (*Munas Ulama*) and the National Congress (*Muktamar NU*).

The strict requirement of *fatwa* issuing process within NU is also reflected in the method and reference used in its *fatwa*. Being traditionalist Muslims, jurist-consults of NU heavily depend on the opinions of established authority in (especially) Shafi'i school of law. Thus, when formulating their *fatwa*, NU jurist-consults refer to opinions jurists of mainly Shafi'i school of law sought from jurisprudence or *fatwa* collection treatises. This method is called *qawfī* and *ilḥaqī*. Departure from this commitment to Shafi'i *maddhab* is anomaly in the NU's *fatwa*. The employment of verse(s) of the Holy Quran or hadith (prophet tradition), which is called *manḥājī* method, in Nahdlatul Ulama's *fatwas* is very rare or only in certain circumstances.³⁷

Since 2010, *bahtsul masail* has been commissioned into three groups of issues: *waqi'iyah*, *maudu'iyah*, and *qanuniyyah* which determine the methods used. The *waqi'iyah* is the oldest, a typical Islamic *fatwa* answering specific real case in society. The *maudu'iyah* was introduced in 1992 to discuss broader issues such as democracy, environment, and

³⁶ Wael B. Hallaq, "From Fatwās to Furū': Growth and Change in Islamic Substantive Law," *Islamic Law and Society* 1, 1 (1994): p. 31, <https://doi.org/10.2307/3399430>.

³⁷ Achmad Kemal Riza, "Contemporary Fatawa Of Nahdlatul Ulama: Between Observing the Madhhab and Adapting the Context," *Journal of Indonesian Islam* 5, 1 (2011).

in our cases, disability issues. *Maudhu'iyah* is formulated as position paper of Nahdlatul Ulama on certain issues. Meanwhile, the *qanūniyyah* is the latest and was introduced in 2010. The difference between the three commissions is more in the subjects, the drafting, and way the problems are discussed longer in *maudhu'iyah*.³⁸ The standard method of *istinbāt* (*qawli, ilḥaqi, manḥajī*) is applied in all the three commission's, but *qawli* and *ilḥaqi* are prevalent in *waqi'iyah* whereas *manḥajī* is widely employed in *maudhu'iyah* and *qanūniyyah*.

The *Masalah Keagamaan* also documented various origins of questions discussed at the *Munas* and *Muktamar*. As an example, the question on 'swearing witnesses not to lie' is from Jombang, East Java. The issue of "the book of Kyai Hasyim which does not begin with *basmalabi*" comes from Blitar, East Java. The status of the "siblings of children who come from two different fathers" is from Ampenan in West Nusa Tenggara. While the question of "serving food during *Manaqib* ceremony (recitation of Shaykh Abd al-Qadir al-Jilani's hagiography)" comes from Blora, Central Java.³⁹ However, some questions were brought directly to the *Munas* or *Muktamar* without going through any process from below. Some other questions are without information of whom the *mustafti* is. The issue of disability was brought to the *Bahtsul Masail* forum in this way. It was not introduced through *Bahtsul Masail* at the lower level but directly brought at the national level. The *fatwa* did not mention the *mustafti* as well. Theoretically speaking, books of *fatwa* collection frequently cite the *mustafti*; but as a rule, they do not.⁴⁰

The *Mustafti* and the Social Model of Disability

In 2016, an advocacy movement for the accessible places of worship in Yogyakarta emerged, spearheaded by Setia Adi Purwanta. Through the organization he leads, Dria Manunggal, Purwanta organizes people with disabilities from across religious groups. They unite in educating religious leaders about the rights of people with disabilities to access places of worship freely and equally. Among their

³⁸ See for example, Muhammad Syakir NF, *Beda Bahtsul Masail Waqi'iyah, Maudhu'iyah, dan Qonuniyah*, in <https://nu.or.id/nasional/beda-bahtsul-masail-waqi-iyah-maudhu-iyah-dan-qonuniyah-hChpD>

³⁹ A. Aziz Masyhuri, *Masalah Keagamaan*, pp. 115–19.

⁴⁰ Hallaq, "From Fatwās to Furū' ," p. 33.

activities were visiting places of worship in Yogyakarta,⁴¹ meeting with government bodies,⁴² doing accessibility surveys,⁴³ and organizing a public discussion.⁴⁴

This campaign for the accessible places of worship derives the idea from a more recent view in disability studies that view 'disability' as a social construct. In contrast to the more established medical model, which places disabilities as a 'deficit' inherent in a person, the social model of disability sees disability as the result of disabling structures, from a disabling building to a disabling society.⁴⁵ People are excluded from places of worship not because they are "wheelchair-bound" but because the buildings have disabled them. Therefore, according to this idea, it is of importance to make the buildings an "enabling" factor. Instead of blaming or forgiving the wheelchair users for their incapability to access the mosque, it is the mosque that needs to be accessible.

To achieve the mosque's accessibility, Purwanta found the need to get direct support from Nahdlatul Ulama. He met with Imam Aziz, one of the NU Central Board chairpersons living in Yogyakarta. Like a *mustafti* in Islamic legal tradition, Purwanta brings to Imam Aziz questions about how NU can and will address the needs of people with disabilities to access their mosques.⁴⁶ Being aware of the importance of the issue, Imam Aziz followed up the meeting by assigning the *Lembaga Baitusul Masail* to start studying disability issues in Islam.⁴⁷

⁴¹ "Difabel Di Yogyakarta Kunjungi Sejumlah Tempat Ibadah," <https://www.merdeka.com/peristiwa/difabel-di-yogyakarta-kunjungi-sejumlah-tempat-ibadah.html>. Accessed on September 11, 2020,

⁴² "Dria Manunggal Tuntut Aksesibilitas Tempat Ibadah," <https://www.solider.id/-dria-manunggal-tuntut-aksesibilitas-tempat-ibadah> accessed on September 14, 2020,

⁴³ "Dria Manunggal Libatkan Difabel Survey Aksesibilitas Rumah Ibadah," <http://driamanunggal.org/2016/08/02/dria-manunggal-libatkan-difabel-survey-aksesibilitas-rumah-ibadah/>.

⁴⁴ "Diskusi Aksesibilitas Peribadatan – Pusat Studi Transportasi Dan Logistik UGM," <https://pustral.ugm.ac.id/2017/08/02/diskusi-aksesibilitas-peribadatan/> accessed on September 14, 2020,

⁴⁵ Arif Maftuhin, "Mengikat Makna Diskriminasi: Penyandang Cacat, Difabel, dan Penyandang Disabilitas," *INKLUSI* 3, 2 (2016): pp. 139–62, <https://doi.org/10.14421/ijds.030201>.

⁴⁶ Interview with Setia Adi Purwanta, 9 September 2020

⁴⁷ Interview with Sarmidi Husna, 9 September 2020; Interview with M. Imam Aziz, 12 September 2020.

In the meantime, another disabled activist, Bahrul Fuad, was invited to speak in a seminar on disability and Islam at Pesantren at-Tsaqofah. This *pesantren* is led by Said Aqil Siradj, General Chairperson of Nahdlatul Ulama. Siradj attended the seminar to the end of the sessions and invited the speakers to stop by at his house. On this occasion, Bahrul Fuad conveyed various religious problems experienced by people with disabilities to Siradj. He listened carefully and is committed to bringing issues of people with disabilities to NU. Showing his commitment, Siradj invited Bahrul Fuad to attend the *Pra-Munas* in Purwakarta in September 2017 and talk about disability issues in front of the NU's *kiais* ('ulama). Having said this, Fuad came to the *Pra-Munas* forum more as a *mustafti* than as a referred speaker:

I didn't come to criticize or educate the *kiais*. Instead, I came to ask questions. I conveyed that we, people with disabilities, have many problems related to our religion. For example, viewing wheelchairs as unclean and not allowed to enter mosques; viewing deaf people as unable to pronounce the consent (*akad*) in marriage, and others. I asked NU to issue *fatwas* on these matters.⁴⁸

Another institution that also contributed to the formulation of *Fiqih Penguatan Penyandang Disabilitas* is PSD (Pusat Studi Layanan Difabel) of Brawijaya University, Malang. The key NU person in this center is a young NU activist, Slamet Thohari. It is interesting to note that the three activists with disabilities (Setia Adi Purwanta, Bahrul Fuad, and Slamet Thohari) who brought this problem to NU are individuals who are very aware to see disability issues in the lights of the social model of disability. The way they define problems and solutions to offer is in line with the philosophy of the social model of disability. So, it is not surprising that one may find this social model strongly influences the *Fiqih Penguatan Penyandang Disabilitas*. To put it shorter, although they are the *mustaftis*, their formulation of problems influences the answers given by the *muftis* (of the NU).

The Production of *Fiqih Penguatan Penyandang Disabilitas*

After the meeting between Setia Adi Purwanta and Imam Aziz in Jakarta, Sarmidi Husna of LBM PBNU was requested to prepare a draft. LBM PBNU then invited P3M (Association of Islamic Boarding

⁴⁸ Interview with Bahrul Fuad, 11 September 2020

Schools and Community Development) to collaborate in holding a *halaqah* (focus group discussion) on “*Fiqh Ramah Penyandang Disabilitas*”.⁴⁹ The *halaqah* (discussion) was held on October 19, 2017, at a hotel in Jakarta. The *halaqah*’s main objective is to prepare materials to be discussed in the *Bahtsul Masail* forum at the *Munas* in Lombok in late November 2017.⁵⁰ The *halaqah* invited Setia Adi Purwanta as a resource person to assist the NU’s *kiais* to understand better daily religious issues faced by people with disabilities.⁵¹ The draft then was refined in the *Bahtsul Masail Pra-Munas* in Purwakarta (November 10, 2017) and another discussion round in Jakarta (November 14, 2017). The draft was finally presented, discussed, and approved by the *Bahtsul Masail* forum in the *Munas Alim Ulama NU* in Lombok on November 24, 2017. The original 11-pages of the *fatwa* issued in the *Munas* is published with other *fatwas* in *Hasil-hasil Munas Alim Ulama Konbes NU 2017*.⁵²

As I observed the discussion in the *Bahtsul Masail*, the disability topic was a well-accepted topic. It was discussed in the commission of *al-Masail al-Dīniyah al-Maudū’iyyah* (thematic religious problems), which includes other contemporary social issues such as land distribution and hate speech in the *da’wa*. Disability issues were long discussed, but no heated debate and controversy in the meeting room. The *kiais* listened carefully to the representatives of the disabled people who voice various religious issues related to daily lives of people with disabilities.⁵³ The *Maudū’iyyah* commission was led by a young *kiai*, Abdul Moqsith Ghazali, and supervised by a senior *kiai*, Afifuddin Muhajir. Both ulama are specialists on using *manhaji* method in Nahdlatul Ulama’s *Bahtsul Masail*. As an observant, I was impressed by the ‘sudden’ depth of knowledge on the part of *Kiai* Muhajir on disability issues. Without referring to any “western” disability theories, he proposed three *arkan* (basic elements) of a disability: *manusia* (the

⁴⁹ Interview with Sarmidi Husna, 9 September 2020

⁵⁰ *Fiqh Penguatan Penyandang Disabilitas* (Jakarta: Lembaga Bahtsul Masail PBNU, 2018), p. 5.

⁵¹ Interview with Sarmidi Husna, 9 September 2020

⁵² Mahbub Ma’afi (ed.), *Hasil-Hasil Munas Alim Ulama Konbes NU 2017* (Jakarta: Lembaga Ta’lif wan Nasyr PBNU, 2017).

⁵³ Field research observation, Lombok 23-25 November 2017.

human being), *kecacatan* (the deficiency), and *lingkungan* (the barriers).⁵⁴ A comprehensive *fatwa* should look at and deal with these three elements without neglecting one and another.

After obtaining a ‘general approval’ at the *Bahtsul Masail* forum at the Munas, the team held various follow-up meetings to complete the book *Fiqih Penguatan Penyandang Disabilitas*. So, in addition to that 11-pages version, the complete *fiqh* book included additional supportive, explanatory, and complementary materials. One of the book's essential parts not discussed at the *Munas* was legal issues discussed separately in *halaqah* (FGD) organized by Brawijaya University in Malang, East Java. This material is too detailed to be brought to the *Munas* because it must answer tens of questions related to disabilities in daily life. I will be back to discuss this part later.

***Fatwa* to Promote Disability Rights**

At that 2017 Munas in Lombok of West Nusa Tenggara, NU formulated the concept of disability through three main points: First, the theological basis to understand disability issues; second, legal rights and legal capacity for people with disabilities; and third, the state's obligation to fulfill disability rights.⁵⁵ These views are the essence of the NU's ideas on Islam and disability, which later became its framework in answering various derivative problems related to the legal rights and obligations of people with disabilities in a broader context, in religious life and in public activities.

The *fatwa* of the *Munas* NU sees differences among individuals as a God's perfect work (*Khuliqa fī aḥsani taqwīm*). It is just that this perfection does not manifest in the exact same form. Everyone is born with strengths and weaknesses. Spiritually, there are ordinary people, and those who are chosen as prophets. Some people are physically tall, others are short, some are white, and some are black. Economically, some people are rich, and others are poor. These differences, in the interpretation of NU, are ‘divinely’ intentional. Through the differences, God wants them to help each other.⁵⁶ In disability studies,

⁵⁴ Arif Maftuhin, “Kiai Afif Dan Pandangan NU Tentang Difabel,” in K.H. Afifuddin Muhajir: *Fakih Ushuli Dari Timur* (Malang: Intelegensia Media, 2021), p. 105.

⁵⁵ Ma’afi, *Hasil-Hasil Munas Alim Ulama Konbes NU 2017*, pp. 38–49.

⁵⁶ *Ibid.*, p. 39.

this view on disability is referred as religious model of disability.⁵⁷ There are many variants of the religious model of disabilities, from the variant that sees disability as a punishment from God to the variant that sees it as a gift. NU chooses the ‘positive’ religious model, believing in God's noble purposes in creating people with disabilities.

Having said that, NU chooses the national law to define disability. The *Munas* strictly refers to Law No. 8 of 2016, which sees disability as “physical, mental, intellectual, and sensory limitations for a long time, which hinders their interactions with society”.⁵⁸ In theory, the law itself is a compromise between social and medical models of disabilities. On the one hand, it defines disability as a deficit (limitation), but on the other hand, it emphasizes the existence of barriers in interacting with society.

In viewing people with disability as legal subjects, NU returns to religious views, not the national law. *Munas* refers to the popular theory in the *usul fiqh* (Islamic legal theory) about *ahliyyah* (legal capacity), which is divided into two *ahliyyah*: *ahliyyah al-wujūb* and *ahliyyah al-adā’*. With this theory, NU hopes that the people with disabilities are fully protected as human beings with their human rights (*ahliyyah al-wujūb*). As for the ability to act (*ahliyyah al-adā’*), NU takes a rather conservative stand, because the concept of *ahliyyah al-adā’* in the *fiqh* literature is less supportive to those with mental illness.

This “mixed” view of disability in NU, to my understanding, is influenced by several factors. First, the religious model of disability is influenced by the NU and *Bahtsul Masail* factors as religious institutions. It is merely natural for them to think and view the issue in religious references and terms. Second, the social model was influenced by figures and activists who bring the matter to NU. Figure as influential as Setia Adi Purwanta leads NU to understand disability issues in a way that is different from the traditional *Fiqh* one. Third, most importantly, when it comes to promoting disability rights, it is the

⁵⁷ Some of the popular models of disability are the medical model, social model, and religious model. The medical model sees disability as a deficit and therefore an obstacle to being a “normal human being.” The social model sees disability as a product of social construction. A wheelchair user becomes disabled not because he cannot walk, but because roads are not wheelchair-accessible. The religious model sees disability as “the intervention or work of God with a specific purpose”. See Marno Retief and Rantoa Letšosa, “Models of Disability: A Brief Overview,” *HTS Theologiese Studies/Theological Studies* 74, 1 (2018), <https://doi.org/10.4102/hts.v74i1.4738>.

⁵⁸ Ma’afi, *Hasil-Hasil Munas Alim Ulama Konbes NU 2017*, p. 39.

social model of disability that provides a strong reason to argue that the government is obliged to provide services to the disabled.

In a less ideological institution like NU and an organization known for their 'middle-ism' (*wasatiyya*), taking a middle position, mixing various models into one seems natural. During the discussion of the *Bahtsul Masail*, this combining approach was achieved not by even considering the models. As described earlier, *Kiai* Muhajir proposed the definition of 'disability' with three elements: the person, the deficit, and the barriers around the person (the disabling environment). The definition does not refer to the models of disabilities but is very similar to them.

Disabilities in Islamic law

While the *Munas* does not cover the detailed issues of disability in Islam, the book of *Fiqih Penguatan Penyandang Disabilitas* does. In the published book, the *Munas fatwa* is expanded to cover the context of disability issues in Indonesia and Islam, an extended version of the view on Islam and disability, and an extensive discussion on disability in Islamic law. In explaining the context, the book provides an excellent introduction to Indonesian readers who are not familiar to disability issues. In contrast, the view on Islam and disability maintains the idea described in the previous section on the *Munas fatwa*.

This part will focus on the most significant contribution of the book, Chapter 4 or *Masalah Disabilitas dalam Fiqih*. As I have noted earlier in my book, *Islam dan Disabilitas*, what is problematic in Islamic law literature is that it relies too much on the *rukhsah* (concession or dispensation) approach to almost any issue related to disabilities. When a deaf person cannot hear the Friday sermon, he gets *rukhsah*. When a blind person does not know the direction of the *qibla* or the congregational prayers' location, he gets a *rukhsah*. When a wheelchair-user has no access to the mosque for Friday prayers, he gets another *rukhsah*, and so on. As I argued in the book, this approach would provide a quick solution to religious obligations (*taklif*). But it never addresses religious rights, such as the right to hear the sermon, the right to pray in the main room with other members of masjid, the right to participate equally in religious activities, and so on.⁵⁹ *Rukhsa* means an exception to a general law, granted to preserve life or remove hardship, but it also means exclusion from own rights.

⁵⁹ Maftuhin et al., *Islam Dan Disabilitas*, p. 94.

So, how can religious problems be resolved in *Fiqih Penguatan Penyandang Disabilitas*? The book divides disability issues in Islamic law into four clusters: 1) problems of worship, 2) economic and social problems, 3) laws and policies, and 4) marriage and family problems.

In matters of worship, the NU's view is very typical of Islamic law, which sees it as a personal affair between Allah and His servant. That means that there should be no problem at all because Allah sent down the Shari'a according to the principle of "*yassir wa la tu'assir*" or "make sharia easy!" Its main application is *rukhsah* for people who have reached the maximum limit of their endeavors. Based on this principle, the 27 fiqh issues discussed in the book are solved with answers derived from *rukhsah*. As long as these 27 issues are concerned, then, there is no significant contribution has been made.

The more essential and progressive contribution is that NU seeks to hold the government responsible for protection of the disabled's rights and their services. NU considers government as *imam* who are responsible for public services. For example, NU argues for the government to provide the accessibility of mosques⁶⁰ and companion services for the hajj⁶¹. Of course, there is no special *dalil* to base upon the argument. NU refers to the common principles such as *al-imam mas'ul 'an ra'yyatih* (the leader is responsible to his or her people), or the government duty to bring about *maslahah* (welfare) and *manfa'ah 'ammah li al-muhtajin* (general benefit for the needy). Unfortunately, this novel and progressive approach to promote the rights of people with disabilities is less explored. In addition to Chapter 4 detailing 27 religious issues, NU might need to provide another particular chapter on the government's public duties.

After the *Fatwa*

Does this *fatwa* have the expected effect? If we refer to the experience of the issuance of Law No. 8 of 2016, it takes a long time for a legal product to have a direct impact on society. Until recently, for example, people still often complained that "*bukum dibuat untuk dilanggar*" (laws are made to be broken). The NU's *fatwas*, moreover, are not positive legal products that have binding power for the

⁶⁰ Ma'afi, *Hasil-Hasil Munas Alim Ulama Konbes NU 2017*, p. 114.

⁶¹ Ibid., p. 130.

government. However, as I argued at the beginning of this article, sometimes the religious *fatwa* is more listened to.

After the *fatwa* was published in the book, a campaign for the contents and ideas of this book was held in various cities in Indonesia, including Jakarta,⁶² Yogyakarta⁶³ and Padang.⁶⁴ PBNU has even succeeded in encouraging the use of this book within the Ministry of Religion. In 2019 the Ministry of Religious Affair is willing to support the republication and further distribution of the book.⁶⁵ Various parties in the ministry of religious affairs have also invited team members to visit various regions in Indonesia to socialize and promote the rights of people with disabilities within the ranks of the ministry officials.

One of the real impacts of this *fatwa* is that 2019 Eid Al-Adha prayer at Istiqlal mosque in Jakarta, for the first time in the history, was held inclusively for the people with disabilities. The mosque invited wheelchair users and open its masjid for them.⁶⁶ In addition, also a historic moment to be remembered, a sign language interpreter service was provided for the deaf during congregations.⁶⁷

Within NU itself, the issue has been accepted widely on many levels. On the discursive level, Pondok Pesantren Krapyak started to promote the issue by holding a seminar on *Pesantren Ramah Difabel*

⁶² SuaraMerdeka.com, “Hak Penyandang Disabilitas Belum Diperhatikan,” December 24, 2018, <https://www.suaramerdeka.com/arsip/155237-hak-penyandang-disabilitas-belum-diperhatikan>.

⁶³ Fatayat Diy, “Fiqh Penguatan Penyandang Disabilitas,” Fatayat NU DIY, November 4, 2019, <https://fatayatdiy.com/news/fiqh-penguatan-penyandang-disabilitas/>.

⁶⁴ “Paradigma Keliru Terhadap Penyandang Disabilitas,” Ganto.co, accessed December 24, 2020, <http://www.ganto.co/berita/3723/paradigma-keliru-terhadap-penyandang-disabilitas.html>.

⁶⁵ “PBNU Gandeng Kemenag Cetak Buku Fiqh Penguatan Penyandang Disabilitas,” August 15, 2019, <https://www.nu.or.id/post/read/109885/pbnu-gandeng-kemenag-cetak-buku-fiqh-penguatan-penyandang-disabilitas>.

⁶⁶ Rini Kustiani, “365 Penyandang Disabilitas Salat Idul Adha Di Masjid Istiqlal,” Tempo, August 11, 2019, <https://difabel.tempo.co/read/1234599/365-penyandang-disabilitas-salat-idul-adha-di-masjid-istiqlal>.

⁶⁷ Farih Maulana Sidik, “Istiqlal Siapkan Penerjemah-Saf Khusus Jemaah Disabilitas saat Salat Idul Adha,” detiknews, accessed December 24, 2020, <https://news.detik.com/berita/d-4660573/istiqlal-siapkan-penerjemah-saf-khusus-jemaah-disabilitas-saat-salat-idul-adha>.

shortly after the Munas in 2018.⁶⁸ At the practical level, the charity organization of NU (LAZISNU, *Lembaga Amil Zakat Infaq dan Shadaqah Nahdlatul Ulama*), has also started to pay attention to people with disabilities. Both at the national (PBNU) and local (PWNU), NU-Care develops many programs to empower people with disabilities. They include assistance to the disability organization,⁶⁹ direct support for the Covid-impacted groups,⁷⁰ or economic assistance.⁷¹ We may need to buy more time to see the more significant changes in education and other areas related to NU.

Conclusion

This article has shown how a novel idea, disability rights, has been accepted by Nahdlatul Ulama and how the Islamic organization has responded to the issue in its typical Islamic law tradition. The disability-rights activists, who are members or affiliated with NU, help to bring the issue in and actively participate from the beginning of the discussion until the publication of the book. Their activism was met and combined with the practice and knowledge of Islamic law among *kiais*. The result is a moderate but powerful tool to start promoting disability rights within NU. From this point, the disability-rights activists can expand their advocacy beyond NU. The *fatwa* itself may not be sufficient to answer all the needs to fulfill the rights of people with disabilities in Indonesia. Still, it has succeeded in laying out a comprehensive and robust framework for further efforts.

The results of this study also indicate the need for further research to see the actions of other mass organizations, such as Muhammadiyah and MUI, in addressing disability issues. We know that they are not always aligned on the various contemporary problems in Indonesia. As we may be familiar, concerning smoking, the NU's *fatwa* contradicts the *fatwa* of Muhammadiyah and MUI. Is Muhammadiyah also

⁶⁸ Humaid, "Pondok Krapyak Gelar Diskusi Pesantren Ramah Difabel", in <http://krapyak.org/pondok-krapyak-gelar-diskusi-pesantren-ramah-difabel/>

⁶⁹ Husein Sanusi, "Jokowi Terima Batik dari Difabel Binaan NU-Care LAZISNU" in <https://www.tribunnews.com/nasional/2018/03/14/jokowi-terima-batik-dari-difabel-binaan-nu-care-lazisnu>

⁷⁰ NU-Care Lazisnu Jawa Tengah, "Ramadhan Bangkit bersama Difabel", in https://jateng.nucare.id/program/ramadhan_bangkit_bersama_difabel

⁷¹ NU-Care Lazisnu, "NU Care DIY Luncurkan Program Pemberdayaan Ekonomi Produktif untuk Difabel" in https://nucare.id/news/nu_care_lazisnu_diy_ban-tu_gerobak_angkringan_disabilitas

different from NU in the case of disability rights? Further research will answer such questions.[]

References

- A. Aziz Masyhuri (ed.). *Masalah Keagamaan: Hasil Mukhtamar dan Munas Ulama Nahdlatul Ulama Kesatu/1926 s/d Ketiga Puluh/2000*. Depok, Tangerang: PP RMI and Qultum Media, 2004.
- Abdalla, Mohamad. "Sacred Law In a Secular Land: To What Extent Should Shari'a Law Be Followed in Australia?". *Griffith Law Review* 21, 3 (2012).
- Al-Faqih, S.R. "The Influence of Islamic Views on Public Attitudes towards Kidney Transplant Donation in a Saudi Arabian Community". *Public Health* 105, 2 (1991).
- Anwari Nuril Huda. "Ayat-Ayat Disabilitas Dalam Tafsir Ulama Nusantara". Arif Maftuhin (ed.). *Islam Dan Disabilitas: Dari Teks Ke Konteks*. Yogyakarta: Penerbit Gading, 2020.
- Black, Ann. "Fatwas and Surgery: How and Why a Fatwa May Inform a Muslim Patient's Surgical Options: Perspectives". *ANZ Journal of Surgery* 79, 12 (2009).
- "Developing a Strategy to Promote the Rights of People with Disabilities". <https://www.opensocietyfoundations.org/publications/developing-strategy-promote-rights-people-disabilities>. accessed on September 11, 2020
- DIA, Yayasan. "Hasil Survei LSI: NU Tak Tertandingi." [Http://purl.org/dc/dcmitype/Text](http://purl.org/dc/dcmitype/Text). Hasil Survei LSI: NU Tak Tertandingi. laduniid, February 29, 2020. <https://www.laduni.id/post/read/67440/hasil-survei-lsi-nu-tak-tertandingi.html>.
- merdeka.com. "Difabel Di Yogyakarta Kunjungi Sejumlah Tempat Ibadah." Accessed September 11, 2020. <https://www.merdeka.com/peristiwa/difabel-di-yogyakarta-kunjungi-sejumlah-tempat-ibadah.html>.
- "Diskusi Aksesibilitas Peribadatan-Pusat Studi Transportasi Dan Logistik UGM." Accessed September 14, 2020. <https://pustral-ugm.ac.id/2017/08/02/diskusi-aksesibilitas-peribadatan/>.

- Diy, Fatayat. "Fiqh Penguatan Penyandang Disabilitas." Fatayat NU DIY, November 4, 2019. <https://fatayatdiy.com/news/fiqh-penguatan-penyandang-disabilitas/>.
- Dria Manunggal. "Dria Manunggal Libatkan Difabel Survey Aksesibilitas Rumah Ibadah," August 2, 2016. <http://dria-manunggal.org/2016/08/02/dria-manunggal-libatkan-difabel-survey-aksesibilitas-rumah-ibadah/>.
- "Dria Manunggal Tuntut Aksesibilitas Tempat Ibadah | Solider News." Accessed September 14, 2020. [/dria-manunggal-tuntut-aksesibilitas-tempat-ibadah](http://dria-manunggal-tuntut-aksesibilitas-tempat-ibadah).
- Elkalmi, Ramadan M., Ramez M. Alkoudmani, Tarek M. Elsayed, Akram Ahmad, and Muhammad Umair Khan. "Effect of Religious Beliefs on the Smoking Behaviour of University Students: Quantitative Findings From Malaysia." *Journal of Religion and Health* 55, no. 6 (December 1, 2016): 1869–75. <https://doi.org/10.1007/s10943-015-0136-0>.
- "Fatwa Mui Jadi Dasar Pemenjaraan 'Orang Yang Dituduh Sesat': 'Kekacauan Hukum Dan Ketidakadilan.'" *BBC News Indonesia*. Accessed September 11, 2020. <https://www.bbc.com/indonesia/indonesia-51284686>.
- Fiqih Penguatan Penyandang Disabilitas*. Jakarta: Lembaga Bahtsul Masail PBNU, 2018.
- Ghaly, M. M. I., and F. G. W. Algemeen. "Physiognomy: A Forgotten Chapter of Disability in Islam: The Discussions of Muslim Jurists." Article / Letter to editor. urn:issn:0006-1913, 2009. <https://openaccess.leidenuniv.nl/handle/1887/15560>.
- Ghaly, Mohammed. *Islam and Disability: Perspectives in Theology and Jurisprudence*. Routledge Islamic Studies Series. London; New York: Routledge, 2010.
- Ghaly, Mohammed M. "Physical and Spiritual Treatment of Disability in Islam: Perspectives of Early and Modern Jurists." *Journal of Religion, Disability & Health* 12, no. 2 (July 17, 2008): 105–43. <https://doi.org/10.1080/15228960802160647>.
- Hallaq, Wael B. "From Fatwās to Furū': Growth and Change in Islamic Substantive Law". *Islamic Law and Society* 1, 1 (1994).

- Hasanuddin Ali and Lilik Purwandi. *Indonesia Middle Class Muslim: Religiosity and Consumerism*. Jakarta: Alvara Research Center, 2017. <http://alvara-strategic.com/wp-content/uploads/white-paper/Indonesian-Middle-Class-Muslim.pdf>.
- Keumala, Cut Rezha Nanda. "Pengaruh Konsep Desain Universal Terhadap Tingkat Kemandirian Difabel: Studi Kasus Masjid UIN Sunan Kalijaga dan Masjid Universitas Gadjah Mada." *INKLUSI Journal of Disability Studies* 3, 1 (2016).
- Kustiani, Rini. "365 Penyandang Disabilitas Salat Idul Adha Di Masjid Istiqlal." *Tempo*, August 11, 2019. <https://difabel.tempo.co/read/1234599/365-penyandang-disabilitas-salat-idul-adha-di-masjid-istiqlal>.
- Maftuhin, Arif. "Aksesibilitas Ibadah bagi Difabel: Studi atas Empat Masjid di Yogyakarta." *INKLUSI* 1, 2 (2014).
- . "Kiai Afif Dan Pandangan NU Tentang Difabel." In *K.H. Afjuddin Mubajir: Fakiḥ Ushuli Dari Timur*. Malang: Intelegensia Media, 2021.
- . "Mengikat Makna Diskriminasi: Penyandang Cacat, Difabel, dan Penyandang Disabilitas." *INKLUSI* 3, 2 (2016).
- Maftuhin, Arif, Waryono Abdul Ghofur, Ahmad Muttaqin, Sri Handayana, Cut Reza Nanda Keumala, Mustarjudin, Anwari Nuril Huda, and Achmad Siddiq. *Islam Dan Disabilitas: Dari Teks Ke Konteks*. Yogyakarta: Gading, 2020.
- Mahbub Ma'afi (ed.). *Hasil-Hasil Munas Alim Ulama Konbes NU 2017*. Jakarta: Lembaga Ta'lif wan Nasyr PBNu, 2017.
- "Make Congregations Accessible, Disability Awareness the Episcopal Diocese of Michigan". Accessed December 24, 2020. <http://www.da-edomi.org/con-nod.html>.
- Mudzhar, M. Atho. *Fatwa's of the Council of Indonesian Ulama: A Study of Islamic Legal Thought in Indonesia, 1975-1988*. Los Angeles: University of California Press, 1990.
- Muhammad Yusuf Musa. *Al-Madkhal Li Dirasat al-Fiqh al-Islami*. Kairo: Dar al-Fikr al-Arabi, 1961.
- Mustarjudin. "Efektivitas Juru Bahasa Isyarat Khutbah di Masjid UIN Sunan Kalijaga." *INKLUSI Journal of Disability Studies* 4, 2 (2017).

- Ganto.co. "Paradigma Keliru Terhadap Penyandang Disabilitas." Accessed December 24, 2020. <http://www.ganto.co/berita/-3723/paradigma-keliru-terhadap-penyandang-disabilitas.html>.
- "PBBU Gandeng Kemenag Cetak Buku Fiqih Penguatan Penyandang Disabilitas," August 15, 2019. <https://www.nu.or.id/post/-read/109885/pbbu-gandeng-kemenag-cetak-buku-fiqih-penguatan-penyandang-disabilitas>.
- Permen PUPR tentang Persyaratan Kemudahan Bangunan Gedung, Pub. L. No. 14 (2017). <http://ciptakarya.pu.go.id/pbl/index.-php/preview/59/permen-pupr-no-14-tahun-2017-tentang-persyaratan-kemudahan-bangunan-gedung>.
- "Promoting the Rights of Persons with Disabilities-Ad Hoc Committee Meeting [49/153] | United Nations Enable." Accessed September 11, 2020. <https://www.un.org/development/desa/-disabilities/promoting-the-rights-of-persons-with-disabilities-ad-hoc-committeemeeting-49153.html>.
- Radwan, Ghada N., Ebenezer Israel, Maged El-Setouhy, Fatma Abdel-Aziz, Nabil Mikhael, and Mostafa K. Mohamed. "Impact of Religious Rulings (Fatwa) on Smoking." *Journal of the Egyptian Society of Parasitology* 33, 3 (2003).
- Retief, Marno, and Rantoa Letšosa. "Models of Disability: A Brief Overview." *HTS Teologiese Studies / Theological Studies* 74, no. 1 (March 6, 2018). <https://doi.org/10.4102/hts.v74i1.4738>.
- Rispler-Chaim, Vardit. *Disability in Islamic Law*. Dordrecht: Springer, 2007.
- . "Islamic Law of Marriage and Divorce and the Disabled Person: The Case of The Epileptic Wife." *WDI Die Welt des Islams* 36, no. 1 (1996): 90–106.
- Siddiq, Achmad. "Peningkatan Ibadah Mahasiswa Tuli dengan Praktik Salat Bisindo." *INKLUSI* 4, 2 (2017).
- Sidik, Farih Maulana. "Istiqlal Siapkan Penerjemah-Saf Khusus Jemaah Disabilitas saat Salat Idul Adha." detiknews. Accessed December 24, 2020. <https://news.detik.com/berita/d-4660-573/istiqlal-siapkan-penerjemah-saf-khusus-jemaah-disabilitas-saat-salat-idul-adha>.

SuaraMerdeka.com. "Hak Penyandang Disabilitas Belum Diperhatikan," December 24, 2018. <https://www.suaramerdeka.com/arsip/155237-hak-penyandang-disabilitas-belum-diperhatikan>.

Sueyoshi, Shuji, and Ryutaro Ohtsuka. "Significant Effects of Fatwa-Based Perception on Contraceptive Practice Among Muslim Women in South Jordan Under the Early Stage of Fertility Transition." *Biodemography and Social Biology* 56, no. 1 (April 23, 2010): 67–79. <https://doi.org/10.1080/19485561003709263>.