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**Living Qur'an, Niqab, and Islamic Law: A Study at
Mambaush Sholihin Islamic Boarding School, Gresik, East Java**

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Abstract: Two impressions emerging from wearing a *niqab* (face veil), i.e., piety and radicalism, are deeply embedded in public perception. The obligation to wear the *niqab* for female students at an Islamic boarding school known to be moderate and cultural, such as the Mambaush Sholihin Islamic Boarding School, is an interesting issue to study. In this current study, the empirical legal method was used, based on the theory of the living Qur'an and Islamic law. Data collection techniques included in-depth interviews, literature reviews, and focus group discussions. The findings reveal that, in the opinions of the Islamic boarding school caretakers, the use of the *niqab* at Mambaush Sholihin does not lead to an exclusive attitude, but rather to code of conduct, that limits the interaction between men and women. However, some students respond to this conduct differently and they view it as a form of coercion, giving rise to an attitude of resistance expressed when they are outside the school, whereas others still prioritize an attitude of obedience and submission to the *kyai*. On the other hand, some people in the public perceive this as a form of change in the Islamic boarding school towards radicalism while others believe that the school remain on the principles of the moderate teachings of *Ahl Sunnah wal Jamaah*. In practice, wearing the *niqab* at Mambaush Sholihin is a form of the Living Qur'an in relation to the command to cover the *awrah* (private parts) for women. Meanwhile, according to Islamic law, the law on wearing the veil is different among the scholars of the four schools of thought. This article argues that the use of the veil in Islamic boarding schools is not affiliated with a particular *madhhab* but rather aims to discipline female students who study in the same room as male students. This is indicated by the non-obligation to wear any face veil for female students who have not yet studied in college, i.e., junior and senior high school levels.

Keywords: Living Qur'an, niqab, Islamic law, Islamic boarding school

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Abstrak: Terdapat dua kesan yang muncul dalam penggunaan cadar: kesalehan dan radikal. Kedua kesan ini melekat dalam persepsi masyarakat. Pewajiban memakai cadar bagi santri putri pondok pesantren yang selama ini dikenal moderat dan kultural, seperti Ponpes Mambaush Sholihin, menarik untuk dikaji. Artikel ini merupakan penelitian hukum empiris dengan menggunakan pendekatan living quran dan sosiologi hukum. Data dikumpulkan dengan cara wawancara dan studi literatur. Penelitian ini menemukan bahwa bagi pengasuh, penggunaan cadar di pesantren Mambaush Shalihin tidak mengarah pada sikap eksklusif, tetapi lebih kepada aturan yang membatasi pergaulan laki-laki dan perempuan; namun hal ini disikapi dengan berbeda oleh santri yang melihat hal ini sebagai satu bentuk pemaksaan sehingga melahirkan sikap resistensi-resistensi yang ditunjukkan ketika mereka di luar pesantren dan sebagian yang lain lebih mengedepankan sikap taat dan pasrah kepada kiyai; sementara di kalangan masyarakat terdapat pandangan yang melihat hal ini sebagai satu bentuk perubahan pesantren kearah radikal dan sebagian yang lain percaya bahwa pesantren tetap pada prinsip ajaran ahli sunnah wal jamaah yang moderat. Praktek penggunaan Cadar di Pesantren Mambaush Shalihin merupakan bentuk Living Quran yang menjelaskan tentang perintah menutup aurat bagi perempuan. Sedangkan menurut hukum Islam bahwa pemakaian cadar hukumnya berbeda di kalangan ulama empat madzhab. Artikel ini berargumen bahwa pemakaian cadar di pesantren tersebut tidak beraviliasi pada madzhab tertentu tetapi lebih bertujuan untuk mendisiplinkan santri Putri yang kuliah satu ruangan dengan santri putra. Hal ini dibuktikan dengan tidak diwajibkannya pengenakan cadar bagi santri putri yang belum kuliah yaitu tingkat SMP dan SMA.

Kata Kunci: Living Qur'an, cadar, hukum Islam, pondok pesantren

Introduction

The use of a *niqab* (the face veil) has generated two opposing perspectives: piety and radicalism. *Niqab* users often receive discriminatory treatment due to media reports that tend to be pejorative towards them.¹ However, research results from the Kedai KOPI Survey Institute have shown the opposite.² The research involving 1,135 respondents in 34 provinces found that 63.3% of the respondents said that the *niqab* was not affiliated with radical groups, 12.6% perceived the

¹ Erwin Hafid, et al., "Knowledge on the Validity of the Hadith on Veil, the Obligation to Wear and Its Application in Social Life: A Case Study at UIN Alauddin Makassar," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, No. 1 (2023). Lintang Ratri, "Cadar, Media, dan Identitas Perempuan Muslim," *Forum: Jurnal Ilmu Komunikasi* 39, no. 2, (2011), p. 29-37

² Siti Rohmah Soekarba and Nadya Melati, "Muslim Women in Middle Class Indonesia: Postfeminist Analysis of Women Wearing Veil in Depok (2010 – 2016)," *International Review of Humanities Studies* 2, No. 1 (2018). Hasil Survei Kedai KOPI Soal Penggunaan Cadar dan Sebutan Kafir - Nasional Tempo.co, diakses 9 September 2022.

niqab to be affiliated with radical groups, and 24.1% answered they had no idea. This research confirms that although many respondents emphasizing that the *niqab* is not included in the category of radicalism, the media's truth still seems dominant. In Europe, the majority of Germans (71%), British (62%), and Spaniards (59%) have expressed their support for banning face veiling in their respective countries. However, in contrast to the European citizens, two-thirds of the US citizens oppose the bill that the French government will pass in the near future.³

To date, the existing writings regarding face veils are grouped into three trends. The first trend is studies showing that wearing the face veil is a manifestation of Islamic obedience and belief as stated in the Qur'an, Hadith, and Sunnah.⁴ The second is studies that examine the stigmatization of face veiled women in society; society tends to view women who wear the face veil as radical, fanatical, and terrorist.⁵ The third is studies suggesting that the stigmatization of women wearing the face veil is built through media hegemony. The media plays a huge role in forming the stigma and perpetuating society's prejudice against those who wear the face veil.⁶ Of these three trends, studies yet to explore how the *niqab* has become a controversial discourse in Islamic boarding schools.

The use of the *niqab*, which has been identified with strengthening the impression of radical ideology, does not seem to be so within the Islamic boarding school as the subject of this study. The *niqab*, understood as a symbol of closedness, appears to be responded differently by the school caretakers and students, and is even misinterpreted by society. The responses then generate various forms of understanding. Research by Eva Fahrur Nisa⁷ showed that for those who wear the *niqab*, the use of the face veil must be able to reflect the attitude of *akhlakul karimah* (noble behavior) as it is related to the application of the teaching principles contained in the Qur'an and hadith.

Hence, this study fills the gap shown in the previous literature with a different focus and object of study. In line with this, the study intends to reveal

³ Larangan Bercadar: Eropa Setuju, AS Menolak - ANTARA News, accessed on September 9, 2022.

⁴ Budi Kurniawan, "Rethinking Cadar Banning in Indonesia's Higher Education: Questioning Freedom of Religion and Positioning Fear of Radicalism," *SHS Web of Conferences*, 54 (2018). 02004. Eva F. Nisa, "The internet subculture of Indonesian face-veiled women. *International Journal of Cultural Studies* 16, No. 3 (2013), p. 241–255. Irene Zempi, 'It's A Part of Me, I Feel Naked Without It': Choice, Agency and Identity for Muslim Women Who Wear the Niqab.' *Ethnic and Racial Studies* 39, No. 10 (2016), p. 1738–1754.

⁵ Natalie J. Doyle, "Lessons from France: Populist Anxiety and Veiled Fears of Islam," *Islam and Christian-Muslim Relations* 22, No. 4 (2011), p. 475–489.

⁶ Alicia Izharuddin, "The Muslim Woman in Indonesian Cinema and the Face Veil As 'Other.'" *Indonesia and the Malay World* 43, No. 127 (2015), p. 397–412.

⁷ Eva F. Nisa, The internet subculture of Indonesian, p. 241–255.

that the obligation to wear the *niqab* at Mambaush Sholihin Islamic Boarding School has caused controversy among the school management, the students, and the community who observe the changes at Mambaush Sholihin. Here, the study poses two questions: 1) What is the meaning of wearing the *niqab* according to the school caretakers, the students, and the community around the Mambaush Sholihin Islamic Boarding School? 2) How is the use of the *niqab* at the Mambaush Sholihin Islamic Boarding School from the perspectives of the living Qur'an and Islamic law?

This study used the empirical legal method, utilizing the theory of the living Qur'an and Islamic law.⁸ Living Qur'an is a form of bringing the values of the Qur'an into daily life practice,⁹ and Islamic law in question is the opinions of *madhhab* scholars. The study collected data by means of in-depth interview, literature review, and focus group discussion. The respondents interviewed consisted of Islamic boarding school teachers, Islamic boarding school students, and the local community. The literature reviewed comprised journal articles, books, and opinions of Muslim scholars. The study then presented the data in the narrative text to describe the information configuration.¹⁰ Finally, the study drew conclusions and verification, i.e., interpreting the data processed and analyzed in the previous stages.

Mambaush Shalihin Islamic Boarding School was selected as the research object under the following criteria. First, the *niqab* is a required clothing worn by female students. Second, the school uniquely combines the Salafiyah (traditional) Islamic boarding school curriculum characterized by the use of the *Kitab Kuning* (classic Islamic books) with the modern Islamic boarding school concept, which emphasizes foreign language skills, such as Arabic and English. Third, this Islamic boarding school is affiliated with the community organization Nahdlatul Ulama' which declares itself to be the guardian of the unity of the Republic of Indonesia with the characteristics of moderate Islam, whereas the stigma in society is that those who wear the *niqab* are people who are identified with groups that have radical beliefs. Fourth, the number of students in the central Islamic boarding school are no less than five thousand male and female students, and there are eleven branches of the school spread across Indonesia.

⁸M. Mansur, et. al., *Metodologi Penelitian Living Qur'an dan Hadis*, Yogyakarta: TH Press, 2007. Cik Hasan Basri, *Model Penelitian Fiqh: Paradigma Penelitian Fiqh dan Fiqh Penelitian*, Jakarta: Kencana, 2003.

⁹ Didi Junaidi, "Living Qur'an: Sebuah Pendekatan Baru dalam Kajian Al-Qur'an (Studi Kasus di Pondok Pesantren As-Siroj Al-Hasan Desa Kalimukti Kec. Pabedilan Kab. Cirebon)." *Journal of Qur'an and Hadith Studies* 4, No. 2 (2015).

¹⁰ John W. Creswell, *Research Design Qualitative and Quantitative Approaches*. London: Sage Publications, 1994.

The *Niqab* in Islamic Law

Veil is a term that usually refers to a variety of cloth covering the head, including the *hijab* (headscarf), *burqa* (full-face veil), *niqab* (face veil), and *shayla* (long scarf).¹¹ Izharuddin describes that the *niqab* is similar to the face veil worn in the Gulf countries, the Middle East, is almost always black, is made of two or three layers of polyester or silk sheets sewn together, and is rarely decorated with designs. The *niqab* is tied over the head with ties or Velcro, with unstitched areas slit to create an opening for the eyes.¹² The *niqab* includes a wide range of clothing that covers the entire body and is seen as a sign of “Islam”. In Islamic law, wearing the *niqab* is part of women’s efforts to return to the original version of Islam. These women carry out the teachings practiced by the Prophet Muhammad and his pious female companions that wearing the *niqab* is a requirement of the religion Islam.¹³ Additionally, Aryanti explains that wearing the *niqab* is a requirement for Muslim women to protect themselves from the gaze of men, a symbol of preserving Muslim identity, as well as an area of political contestation in confrontation with the West. The faithful obedience of the *niqab* women, as well as their fear of God and His decrees are interpreted as piety.¹⁴ Wearing the *niqab* is part of the manifestation of piety and Islamic *aqeeda* (creed) mentioned in the Qur’an, Hadith, and Sunnah. These women believe that upon wearing the *niqab*, their behavior must reflect *al-akhlaq al-karimah* (noble behavior).¹⁵

The *niqab* is considered a religious and essential Islamic garment. In Islam, the *niqab* is clothing that expresses modesty, privacy, and morality. Wearing the *niqab* is the most visible sign in the Islamic religion. This is in line with Surah An-Nur (24:30), in which Allah SWT says, “*Tell, the believing men to lower their gaze and guard their chastity. That is purer for them. Surely Allah is All-Aware of what they do.*”¹⁶ The *niqab* in Islamic law is more than just clothing; it represents women’s visibility revolving around the concept of modesty. Therefore, the boundaries of women’s body shapes in public spaces are based on enforcing modesty, which according to El Guindi is related to “*awrah*”.¹⁷

¹¹ Renne, E. P. *Veiling in Africa*. In *Veiling in Africa*, 2013.

¹² Alicia Izharuddin, “The Muslim Woman in Indonesian, p. 397–412.

¹³ Eva F. Nisa, *The Internet Subculture of Indonesian*, p. 241–255.

¹⁴ Tutin Aryanti, “Branding the Islamic Village: Modesty and Identity in Yogyakarta Kauman Village, Indonesia,” *Procedia - Social and Behavioral Sciences*, 184 (2014), p. 126–134.

¹⁵ Eva F. Nisa, *The internet subculture of Indonesian*, p. 241–255.

¹⁶ Nasrin Akter Chowdhury, et.al., “Probing Niqab Wearing as an Islamic Identity, Cultural Piety and Women’s Empowerment: A Phenomenological Approach. *International Journal of Ethics in Social Sciences* 5, No. 1 (2017).

¹⁷ Abdalla Uba Adamu, *Veiled Voices: Islam, Women and Degrees of Visibility in Muslim Hausa Popular Singing*, (2013), p. 1–17.

Therefore, the *niqab* is generally referred to as a sign of religiosity. In research by Aksoy dan Gambetta,¹⁸ in the 20th century the *niqab* has spread especially among middle-class, young, urban, and highly educated women in regional Turkey. Turkish Muslim women have practiced this to protect their modesty from the influence of modernization and minimize environmental temptations that might harm their reputation. In Indonesia, the movement to wear the *niqab* began after the fall of the Indonesian New Order. Salafis have played an important role in the development of Islamic puritanism in Indonesia.¹⁹

The Association of the *Niqab* with Radicalism

Since the Islamic hijab has been displayed as an identity symbol of terrorism and Islamism, several governments in Western countries have increased pressure on Muslims and adopted policies banning the *burqa* and *niqab* in public spaces.²⁰ In a similar vein, Zempi²¹ states that the construction of the face veil has always been linked to Islamic terrorism, gender oppression, and separation from national and international reforms that focus on crime. Sarnou²² also adds that terrorist attacks not only put Arabs/Muslims in the public eye, but also put them at risk and discrimination. Muslim/Arab women have become the main targets of anti-Arab and anti-Muslim reactions. Moreover, after September 2001, there were 11 attacks in Western society, and people witnessed a wave of protests against Islamist militants hiding behind the *niqab* and *burqa*, arguing that such coverings only serve to obscure facial expressions and hide the original intentions of the users, namely imposing Islamic rules and pursuing the Islamization of the West. Doyle²³ remarks that Western society identifies the *burqa* and *niqab* as symbols of Islamophobia and a threat to the emergence of radical ideology. In Indonesia, face veiled women are a new transcultural symbol that is still little understood and is feared to be potentially dangerous. The majority of Indonesian people have labeled those who wear the *niqab* as the wives of terrorists.²⁴ Maghfur found that the *niqab* in internal circles of Salafi Islam in Indonesia has a plural meaning: not

¹⁸Ozan Aksoy and Diego Gambetta, "Behind the Veil: The Strategic Use of Religious Garb." *European Sociological Review* 32, No. 6 (2016), p. 792–806.

¹⁹Ahmad Buyan Wahib, "Being Pious Among Indonesian Salafis." *Al-Jami'ah: Journal of Islamic Studies* 55, No. 1 (2017).

²⁰Naima Mohammadi and Ali M. Hazeri, "Two Different Narratives of Hijab in Iran: Burqa and Niqab," *Sexuality and Culture* 25, (2020).

²¹Irene Zempi, "It's a part of me, I feel naked, p. 1738–1754.

²²Dellel Sarnou, "Re-thinking the Veil, Jihad and Home in Fadia Faqir's Willow Trees Don't Weep (2014)," *Open Cultural Studies* 1, No. 1 (2017), p. 155–160.

²³Natalie J. Doyle, "Lessons from France, p. 475–489.

²⁴Zan Strabac, et.al., "Wearing the Veil: Hijab, Islam and Job Qualifications as Determinants of Social Attitudes Towards Immigrant Women in Norway," *Ethnic and Racial Studies* 39, No. 15 (2016), p. 2665–2682.

only functioning as a cultural identity or symbol of piety in religion, but also holding the spirit of protest, resistance, and struggle, as well as a tool for *da'wah* (propagation) to develop the influence of Salafi ideology. Overall, the *niqab* phenomenon in Indonesia shows that salafization in Indonesian Islam has proceeded in a structured, massive, and sustainable manner.²⁵

Following the aforementioned events, news about women wearing the face veil by the media has always been associated with radicalism and terrorism. In the news headlines or editorial contents, the news always implies the mass media's hatred and suspicion towards face veiled women.²⁶ Further, the Western society views that the face veil can threaten the order and structure of the state. Face veiled women are depicted as a homogeneous group regardless of individual differences and are considered conservative. They are depicted as obstacles to national development and global connections. Apart from that, behind the face veil are hidden ideals of integration and emotional political goals. The use of the face veil in Indonesia is still a problematic matter.²⁷ In the midst of a wave of radical stigmatization at universities in Indonesia, several universities have begun to implement policies on the use of the *niqab*. This is due to the *niqab* being associated with the radical understanding of the Islamic religion.²⁸ In line with that, according to Azra, the development of radicalism in Indonesia is related to the fact that many students and campuses are targets for recruiting members. Primary and secondary school students are recruited through the Integrated Islamic School movement. They are a vulnerable group who are easily brainwashed by radical ideas and understandings of Islam.²⁹

The Response of the Community to Face Veiled People

Wearing the *niqab* has created a different stigma among society.³⁰ Indonesia itself is more approved of wearing the *hijab* and headscarf, while women who wear the *niqab* are considered 'strange' or associated with extreme

²⁵Maghfur Ahmad, et.al., "Niqab, Protest Movement, and the Salafization of Indonesian Islam," *QIJIS (Qudus International Journal of Islamic Studies)* 9, no. 2 (2021). Khotimah Khotimah and Imron Rosidi, "Negotiating Piety and Radicalism: A Study Among Muslim Youth in Pekanbaru, Indonesia," *Jurnal Ilmiah Peuradeun* 8, No. 3 (2020).

²⁶Sumbogo, S., & Margaret, M. *Negative Prejudice of The Newsmaking of Veiled Women in Hate Crime Perspective* (2020).

²⁷Carina Listerborn, "Geographies of the Veil: Violent Encounters In Urban Public Spaces In Malmö, Sweden," *Social and Cultural Geography* 16, No. 1, (2015), p. 95–115.

²⁸Budi Kurniawan, Rethinking Cadar Banning in Indonesia's Higher Education, p. 54, 02004.

²⁹Siti Mahmudah, *The Rise of Sharia Issues in the Contexts of Power Relation in Contemporary Indonesia*, Proceedings of the 1st Raden Intan International Conference on Muslim Societies and Social Sciences (RIICMuSSS 2019), (2020), p. 44–49.

³⁰Nalai Saiya and Stuti Manchanda, "Do Burqa Bans Make Us Safer? Veil Prohibitions and Terrorism in Europe," *Journal of European Public Policy*, (2019), 1–20.

interpretations of Islam.³¹ Nisa adds that throughout history in Indonesia, the face veil has often been considered a symbol of religious fanaticism, the majority of its use has received a negative view. First, they claim that wearing the face veil poses a physical threat, to the extent that Muslim women may use covered clothing to hide weapons or explosives. Second, some people claim that the face veil restricts Muslim communities from integrating into European society, in turn, creating a population vulnerable to radicalization. Third, some people see the face veil as a powerful symbolic threat associated with terrorism. The use of the face veil in Indonesia has recently increased significantly. Much of this is due to the growth of piety movements within Salafism and the Tablighi Jamaat. Wearing a face veil is sometimes not just a religious matter, because its meaning is also related to the configuration of social, cultural, and political power.³² Leila Ahmed also states that the face veil (*niqab*) is traditionally a symbol of patriarchy and women's oppression and binds women's freedom.³³

Kurniawan points out that while Muslims wearing the *niqab* is a sign of oppression and cultural separatism, for others it is an exercise in modesty, pious devotion, and even self-expression. Thus, to date, many studies are still debating the symbolic meaning of wearing the face veil in the Muslim community.³⁴ Several others add that the *niqab* not only ignores the individuality of Muslim women, but also ignores the intersection of religion and other sources of identity, such as race, class, ethnicity, and gender that influence Muslim women's lives.³⁵ Correspondingly, Timmins³⁶ describes that the *niqab* has a symbolic meaning as oppression and threat to women who wear it, and is even associated with security risks and terrorism. Timmins further emphasizes that Muslim women are victims of Islamic fundamentalism and potential jihadist suicide bombers. A report by Haris showed that 70% of people in France, 65% in Spain, 63% in Italy and 50% in Germany wanted all face veils to be banned, and indeed the Muslim face veils are now banned in several of these countries.³⁷ Jack Straw, the former French president, has repeatedly emphasized that the face veil is not accepted in France.

³¹ Eva F. Nisa, The internet subculture of Indonesian, p. 241–255.

³² Nasrin Akter Chowdhury, et.al., "Probing Niqab Wearing as an Islamic Identity.

³³ Leila Ahmed, Veil of ignorance. *Foreign Policy* (2011).

³⁴ Budi Kurniawan, "Rethinking Cadar Banning in Indonesia's, p. 02004. Maulana Mukhlis and Syarief Makhya, "From Instruction to Consultative: Reposition of Pesantren in the Collaboration of Religious Radicalization Policy in Indonesia," *Jurnal Ilmiah Peuradeun* 9, No. 1 (2021).

³⁵ Lubna A Al-Kazi and Alessandra A González, "The Veil You Know: Individual and Societal-Level Explanations for Wearing the Hijab in Comparative Perspective," *Social Compass* 65, no. 5 (2018), p. 566–590.

³⁶ Aparna Hebbani and Charise-Rose Wills, "How Muslim Women in Australia Navigate Through Media (Mis) Representations of Hijab/Burqa, *Australian Journal of Communication* 1, 39 (2012), p. 87–153.

³⁷ Budi Kurniawan, Rethinking Cadar Banning in Indonesia's p. 02004.

In this case, Muslim women who wear the face veil in public represent a real threat to the principles of secularism and gender equality in Europe.³⁸

The Niqab as a Disciplinary Measure for Adolescent Behavior

The policy of Mambaush Shalihin Islamic Boarding School in implementing the use of the *niqab* has raised differences in understanding, causing lack of properly conveyed educational missions as well as controversy regarding the view of the school. There are insider and outsider perspectives on this issue. The insider perspective includes the Islamic boarding school *kyai* (teachers) and the *santri* (students). The *kyai* understand the use of the *niqab* as a disciplinary measure to counter the matters of teenage relationships, and the *santri* consider the policy of wearing the *niqab* as coercion, the act of the school power that triggers two actions, e.g., an attitude of resistance when outside the school and an attitude of complete submission to the *kyai*. The outsider perspective comes from the common people and the educated community. The common people view the implementation of the face veiling policy as a shift in the orientation of the Islamic boarding school towards a radical one, while the educated community still fully believes that this school has not shifted from its initial principles as a moderate Islamic boarding school that maintains national unity and integrity. These four points are explained in the following section.

The Islamic boarding school enforces the use of the *niqab* within the school based on the following three points: a discipline for students, a respect for women, and a form of implementing the sharia. First, the Mambaush Shalihin Islamic boarding school requires female students to wear the *niqab* due to the worrying relationships among male and female students, as there is a high prevalence of dating among them. The use of the *niqab* is considered an effective step to discipline the students as stated by Kyai Muhammad Najib, "The use of the *niqab* is very effective in disciplining students. Before the *niqab* was made mandatory, many male and female students were dating. But after it was made mandatory, they were not dating because they did not know each other."³⁹ This statement is echoed by Nasrullah who says, "In my opinion, the *niqab* is effective because it prevents female students from dating, even though there are also those who steal glances. We think of the *niqab* as a fence and padlock, which can reduce the risk of thieves committing theft. Even if there are thieves who can break through the padlock, it's different if the house doesn't have a fence or padlock. Men who are dating definitely want to see their girlfriends' faces."⁴⁰

³⁸ Neil Chakraborti and Irene Zempi, "The veil under attack: Gendered dimensions of Islamophobic victimization. *International Review of Victimology* 18, No. 3 (2012), p. 269–284.

³⁹ Interview with KH. Muhammad Najib, Islamic Boarding School Caretaker, Gresik, November 4, 2020.

⁴⁰ Interview with Nasrullah, Lecturer of INKAFA, Gresik, November 27, 2020.

Kyai Najib further describes the effectiveness of using the *niqab* after being implemented in the school, "The difference in supervision and control of students before and after the niqab is mandatory is very significant. They are controlled because they do not know each other of the opposite sex and are not interested in approaching the opposite sex because their faces cannot be seen. Still, there are one or two people who steal the opportunity to get to know each other, for example when they are around BEM (Student Body) events outside campus, or they make arrangements when they return to their respective homes. In the future, we will build a special campus for female students, so that the niqab will no longer be mandatory. The students and the surrounding community are able to accept and understand the policy of requiring the niqab even though at first they are awkward, and as time went by they are able to adapt."⁴¹

Second, KH. Muhammad Makruf, one of the school caretakers, indicates that the niqab is the spirit of Islamic teachings, which upholds the dignity of women, as mentioned in the following interview, "This veil is Islam's respect for women. Before Islam came, the dignity of women was degraded and trampled upon by men, but after the arrival of Islam, women were placed in a noble and respected position."⁴²

Third, Makruf accentuates that the purpose of enshrining Islamic law is for the benefit of servants both in this world and in the hereafter, including the requirement to cover the *awrah*. In understanding the verse about the hijab, some Muslim scholars interpret that a woman's *awrah* outside prayer are the whole body as stated by Kyai Muhammad Ma'ruf, "although in my opinion a woman's *awrah* outside prayer are the whole body except the face and palms of the hands, in practice, the use of the niqab in this Islamic boarding school is indirectly a form of application of sharia for groups who consider the niqab to be a religious obligation as explained in Surah Al-Ahzab verse 59."⁴³ Wearing the niqab is seen as a practice of implementing sharia within the maximum limits of the law, while the minimum limit is covering the entire body, apart from the palms of the hands and the face.

The Resistance to Wearing the *Niqab*

The students' evaluation of the boarding school's policies is both coercion and oppression against them. The majority of the students state that wearing the *niqab* in the Islamic boarding school is due to obedience to the

⁴¹ Interview with KH. Muhammad Najib, Islamic Boarding School Caretaker, Gresik, November 4, 2020.

⁴² Interview with KH. Muhammad Makruf, Islamic Boarding School Caretaker, Gresik, November 4, 2020.

⁴³ Interview with KH. Muhammad Makruf, Islamic Boarding School Caretaker, Gresik, November 4, 2020.

boarding school's regulations and obedience to the *kyai*. There are two attitudes of the students towards the regulation in question: firstly, they reluctantly accept it, and secondly, they refuse it by not wearing the *niqab* when outside the school. These are revealed in the admissions of several students, "If it weren't for the boarding school regulations, I wouldn't wear the niqab. If I wasn't at the boarding school, I definitely wouldn't wear the niqab. I wear the niqab because Romo Yai ordered me to and this is only during college, when I go out around the boarding school, especially when studying in the men's area. So, when I was at MI, MTs and MA, I didn't wear the niqab."⁴⁴ "(Wearing the niqab) is Allah's commands and Islamic boarding regulations. As far as I know, the law of wearing the niqab is sunnah, and mocking it is haram. So, not everyone who does not wear the niqab commits a sin, but there is a possibility that mudharot (harm) will occur if a person wears the niqab, so that person does not wear it in order to avoid something bad happens. The hijab is clothing that covers the awrah."⁴⁵ "(Wearing the niqab) is required by the Islamic boarding school and is a religious order, and it is able to protect oneself from the opposite sex. The niqab is not mandatory. The hijab is basically clothing that covers the awrah."⁴⁶

The Mambaush Shalihin students express their disagreement with the boarding school rules by removing the *niqab* when returning home and/or when at home. In their opinions, the *niqab* is not obligatory, but it is mandatory to wear a *hijab*. This is also similar to the responses of the students of the Abdullah Fakhri Religious Institute (INKAFA) Gresik when asked about the reasons for wearing the *niqab*, the law on wearing the *niqab* outside of prayer, and the meaning of the *hijab* in Surah al-Ahzab verse 59. Among the responses in the interview are "When I go home, I don't wear a niqab because its law is not mandatory,"⁴⁷ "(The reasons for wearing the niqab) is due to Islamic boarding school regulations, as wearing the niqab outside of prayer is not mandatory. I personally agree to the view of Quraish Shihab, that the important thing is the clothes are modest. The reason is that if we cover everything, what will happen to the women in the village when planting rice, fetching water, and so on. So, let's just take it easy. Personally, I'd adjust to the location. If I'm at the school, I'll wear the niqab. If I leave the house some distance away, I'll wear a mask, and if I go out around the house, I'll

⁴⁴ Interview with FTH, Student of Mambaush Shalihin Islamic Boarding School, Gresik, May 13, 2020.

⁴⁵ Interview with NRM, Student of Mambaush Shalihin Islamic Boarding School, Gresik, May 14, 2020.

⁴⁶ Interview with RDJ, Student of Mambaush Shalihin Islamic Boarding School, Gresik, May 13, 2020.

⁴⁷ Interview with NLA, Student of Mambaush Shalihin Islamic Boarding School, Gresik, May 13, 2020.

wear the hijab as usual. The important thing is that it is not transparent and tight. In essence, the hijab is clothing that covers the awrah.”⁴⁸

As reflected in the interview results above, the students tend to understand the niqab as something that is not mandatory for Muslims to practice. However, because this policy has become the Islamic boarding school rules, the attitude of resistance is by ignoring such an order when not within the Islamic boarding school.

Wearing the *Niqab*: Between Radical and Moderate

The policy of wearing the *niqab* in this Islamic boarding school has given rise to different views from the community. Various views of society regarding changes in the Islamic boarding school have emerged after female students were required to wear the veil in 2005. There are at least two responses made by the community on the phenomenon of face veiling among the female students at Mambaush Shalihin: a) radical impression to the Islamic boarding school, and b) disagreement that the *niqab* is synonymous with radicalism and Mambaush Shalihin is not radical as well.

The public's views regarding the face veiling policy are divided into two groups. The first group argues that the Mambaush Shalihin Islamic boarding school has shifted from the Islamic orientation of *Ahlu Sunnah wal Jamaah*, which is known for its moderate attitude, to Wahhabi Islam that tends to be radical, as illustrated in the excerpts of the interview as follows. “For me, when I first saw that (face veiling policy), I had such a thought (of radicalism), for example when the Mambaush Shalihin students took public transportation when going home or something else. I think there is a perspective from some people that they are of a radical group because they use the niqab.”⁴⁹ “Personally, I know that it (face veiling policy) is a boarding house rule to discipline students, but people outside definitely think so (being radical). Even in the angkot (public transport), one of the passengers said in a loud voice “Oh, this is Amrozi's (a Bali bomber) boarding school's friend.”⁵⁰ “In the past, I heard a ‘slandorous’ story that Mambaus Sholihin received financial assistance from the Middle East with the condition that its students had to wear the niqab, but I didn't believe that story.”⁵¹ “Sorry, I don't agree that wearing the niqab is synonymous with radical Islam. Some people have even asked me sarcastically, ‘Is it true that at Mambaush

⁴⁸ Interview with RNH, Student of Mambaush Shalihin Islamic Boarding School, Gresik, May 13, 2020.

⁴⁹ Interview with Nur Faizin, Lecturer of INKAFA, Gresik, November 26, 2020.

⁵⁰ Interview with HFH, Teacher at Mambaush Shalihin Islamic Boarding School, Gresik, November 26, 2020.

⁵¹ Interview with Moh. Rofiq, Local surrounding Mambaush Shalihin Islamic Boarding School, Gresik, November 26, 2020.

Shalihin they wear a niqab? Why do they look like terrorists?'"⁵² Such a public perception (the niqab being synonymous with radicalism) is commonplace. Outsiders who see the group of students wearing the *niqab* for the first time are usually shocked and wonder what kind of sect this is.⁵³

As opposed to the first view, the second group's view argues that the Mambaush Shalihin Islamic boarding school remains moderate and has not shifted its orientation from *Ahlu Sunnah wal Jamaah* to *Wahabi*. This is reflected in the excerpts of the interview with the following respondents, "In my opinion, it just applies the principle of '*al-dhararu yuzal*' (harm must be eliminated) and '*al-dharuratu tuqaddaru biqadariha*' (emergencies are measured according to their needs). When INKafa has its own building that separates male and female students, it will no longer be mandatory for the students to wear the niqab."⁵⁴ "Mambaush Shalihin Islamic Boarding School is part of NU, so let's take it easy."⁵⁵ "In my opinion, it is good and useful from a religious perspective and from other points of view."⁵⁶ "If I look at it from a policy point of view, Sir, it's (wearing the niqab) a good effort because we can't separate the places of study between male and female students. What is important is that the understanding and impression of those concerned, the guardians of the students, and the community are all positive and they do not belong to a radical group."⁵⁷ "Every policy must have a strong reason that can be justified in terms of both religious law and education it wants to realize; it's just that there are obstacles when teaching since we do not know who is present."⁵⁸ "Wearing the niqab at Mambaus Shalihin is good for the benefit of the students."⁵⁹

The results of these interviews indicate that the public's perception of the use of the niqab at Mambaush Shalihin has created suspicion among them. Some think that the ideology of the Islamic boarding school has changed into an

⁵² Interview with Islahuddin, Local surrounding Mambaush Shalihin Islamic Boarding School, Gresik, November 27, 2020.

⁵³ Interview with Roihatul Jannah, Local surrounding Mambaush Shalihin Islamic Boarding School, Gresik, November 27, 2020.

⁵⁴ Interview with Heri Iswanto, Local surrounding Mambaush Shalihin Islamic Boarding School, Gresik, November 27, 2020.

⁵⁵ Interview with Moh. Sohib, Local surrounding Mambaush Shalihin Islamic Boarding School, Gresik, November 27, 2020.

⁵⁶ Interview with Khairul Anam, Local surrounding Mambaush Shalihin Islamic Boarding School, Gresik, November 27, 2020.

⁵⁷ Interview with Husnan Iskandar, Local surrounding Mambaush Shalihin Islamic Boarding School, Gresik, November 27, 2020.

⁵⁸ Interview with Moh. Hanif, Local surrounding Mambaush Shalihin Islamic Boarding School, Gresik, November 27, 2020.

⁵⁹ Interview with Ali A. Zaenuri, Local surrounding Mambaush Shalihin Islamic Boarding School, Gresik, November 27, 2020.

extremist sect or Wahhabi and is funded by the Saudi Arabian government, whereas others still believe that the ideology of the school has not shifted at all.

Wearing the *Niqab* at the Mambaush Shalihin Islamic Boarding School from the Perspectives of Living Qur'an and Islamic Law

This study has discovered two layers of perception regarding the *niqab*, from the insider perspective and outsider perspective. The insider perspective is as follows: first, the caretakers of the Mambaush Shalihin Islamic boarding school perceive that the *niqab* functions as a symbol of social piety, as it can become a means of disciplining the students, a respect for women, and a tool of the implementation of Sharia. From the perspective of the Living Qur'an, the obligation to wear the *niqab* for female students is a form of practicing the teachings of the Qur'an in daily life. It is part of religious practices within a society, which is based on the understanding of the Qur'an, in this case Surah Al-Ahzab verse 59, which commands women to cover their *awrah*. Second, the students of Mambaush Shalihin consider the *niqab* a form of the school violence against students, who are the object of the regulation. This triggers two attitudes of the students, forced to accept it and resist it by removing the *niqab* when they return home.

On the other hand, the outsider perspective comes from the community around the Islamic boarding school, which is divided into two groups. First, the *niqab* is considered a form of shift in the orientation of the Islamic boarding school towards the ideology of extreme Islamic groups. Second, the *niqab* is not synonymous with extreme Islam, or in other words, the *niqab* at Mambaush Shalihin does not change the ideological orientation of the Islamic boarding school, i.e., the *Ahlu Sunnah wal Jamaah* school or the *rahmatan lil alamin* Islamic school.

According to Islamic law, in this case the *ulama* (Muslim scholars) of four *madhhab* have different opinions regarding the obligation to wear the *niqab* as stated by Yulian Purnama. According to the Hanafi and Maliki *madhhab*, a woman's face is not an *awrah*, but wearing a *niqab* is *sunah* (recommended) and becomes *wajib* (obligatory) if it is feared that it will cause slander.⁶⁰ Some Maliki scholars believe that a woman's entire body is *awrah*. In the Shafi'i and Hanbali *madhhab*, a woman's *awrah* in front of an *ajnabi* man is the whole body. Therefore, they require women to wear the *niqab* in front of *ajnabi* men. Husnul Haq summarizes the above opinions: first, the Hanafi *madhhab*, some scholars of the Shafi'i *madhhab*, and the Hanbali *madhhab* state that it is *mubah* (permissible) to wear a *niqab*; second, the Maliki scholars view that wearing the *niqab* is *makruh* (disliked) because it constitutes religious exaggeration. Third, some

⁶⁰ Yulian Purnama, Hukum Memakai Cadar: Inilah Pandangan 4 Madzhab Tentang Cadar (muslim.or.id)

scholars of the Shafi'i *madhhab* are of the opinion that the law of wearing a *niqab* is *sunah*, and some scholars even consider it *wajib*. To this end, it can be understood that the scholars of four *madhhab* have varied opinions regarding the law of wearing the *niqab*, starting from *mubah*, *makruh*, *sunah*, and even *wajib*.

Face veiling in the case of the Mambaush Shalihin Islamic boarding school reflects that its use is not solely due to the dimensions of religious sharia orders. Other motivations underlie the practice of wearing the *niqab* in this Islamic boarding school. Even though it does not directly depart from an understanding of Islamic law, this policy has caused controversy within the school itself, for instance, the students as the object to the rules. These later triggers what James Scott⁶¹ describes as a form of resistance, i.e., the hidden resistance among the students in the form of abandoning the *niqab* when outside the school area. The study by Nisa reveals that the *niqab* as a form of obedience to Islamic law does not seem to apply in this context because the case applied in this Islamic boarding school is similar to what happens to middle class and educated Turkish women who use the *niqab* as a measure to minimize temptation. This confirms the finding that the use of the *niqab* at Mambaush Shalihin is more likely to reduce cases of male-female relationships such as dating and so forth. However, the Islamic boarding school's intention seems to be responded differently by the community who views that this policy is an influence of radical ideology that has infiltrated the school.

Evidence of differences in views in responding to the face-veiling phenomenon at Mambaush Shalihin stems from the understandings of local Muslims regarding the *niqab*. As a base area of NU enclaves and an Islamic boarding school affiliated with NU, local people are not accustomed to face veiling and even tend to have a negative attitude towards its use. More or less similar cases are NU community groups that are also affiliated with the Tabligh Jamaah, e.g., al-Falah Temboro Islamic Boarding School of Magetan.⁶² Although there is a trend of Islamic boarding schools emerging in the form of closed Salafis, such as Ngrukem,⁶³ wherein the female students wear the *niqab*, Islamic boarding schools remain a place of religious education that is still highly acknowledged. Nisa⁶⁴ emphasizes that the use of the *hijab* or headscarf are preferred in Indonesia

⁶¹ Maillieux Sant'Ana, S. James C. Scott, Weapons of the weak. Everyday Forms of Peasant Resistance, *Variations*, (2007).

⁶² Muhammad Rasyied Awabien, "Living Hadis di Kampung Madinah, Temboro, Magetan," *Jurnal Living Hadis*, 5, No. 1 (2020).

⁶³ Badrus Samsul Fata, "Arah Baru Pesantren Di Indonesia: Fundamentalisme, Modernisme dan Moderatisme," *ESENSIA: Jurnal Ilmu-Ilmu Ushuluddin*, (2014). Zulfatmi Zulfatmi, "Learning the Values of Religious Moderation in Madrasah Aliyah: Model Analysis," *Jurnal Ilmiah Peuradeun* 11, No. 2 (2023).

⁶⁴ Eva F Nisa, The internet subculture of Indonesian, p. 241–255.

while the *niqab* conveys the symbol of a closed attitude and religious fanaticism. Thus, the community's responses to face veiling at Mambaush Shalihin also vary, including being a method of disciplining students, raising the dignity of women, implementing the Sharia, rejecting the *niqab* for its non-obligatory law, and being considered a closed and fanatical attitude in religion.

This paper is different from other writings, which concern with the *niqab* as a form of fanatical attitude or application of Islamic law. This paper intends to reveal that the *niqab* is a form of cultural construction that applies and operates according to needs and understandable reasons. The paper points out that the *niqab* is not merely known as a form of religious doctrine, but also has a contextual dimension that actually spans across space and time in one place, regardless it is an enclave of NU and NU practices. The *niqab* here is understood as a form of preventive measures against promiscuity. According to the stakeholders of the Mambaush Shalihin Islamic boarding school, this measure tends to be successful, despite having temporary effects because when the students go home or leave the school area, they choose to remove the *niqab*. At this point, the *niqab* is worn on and off depending on the prevailing situation. Thus, this paper concludes that the obligation to wear the *niqab* at Mambaush Shalihin is not based on Islamic law or the opinions of the four *madhhab* scholars, but rather on disciplining female students who study in the same room as male students. This is indicated by the fact that junior and senior high school students are not required to wear the *niqab*.

Hence, the public needs to understand clearly about the use of the *niqab*, as *niqab* wearers should not always be identified with radical groups or attitudes. The need to be tolerant of differences in the realm of *fiqh*/Islamic law and *muamalah* (transactions) is a necessity. *Fiqh* is a product of human *ijtihad* (independent reasoning), which is influenced by socio-cultural conditions and settings as well as the experiences and scientific capacity of a *mujtahid*. The government needs to make policies that protect all religious sects and understandings, including groups that wear the *niqab*. The Pancasila Ideology Development Agency (*Badan Pembinaan Ideologi Pancasila*/BPIP) should socialize and direct the public about the importance of religious moderation, including explaining that the *niqab* is a cultural product and not a religious command. Consequently, people can wear or remove the *niqab* accordingly, following the culture prevailing in a society.

Conclusion

This study concludes that the use of the *niqab* at Mambaus Shalihin is not related to radicalism, but rather towards very tolerant, moderate, and open-minded attitudes. The underlying reason for the use of the *niqab* among the students is obedience to the boarding school and *kyai* regulations, and not due to a particular

religious ideology. From the living Qur'an perspective, there are two groups of the meaning of wearing the *niqab* according to people involved with Mambaush Shalihin: the insiders and outsiders. The insider group view the *niqab* as follows. First, the caretakers consider the meaning of the *niqab* as the boarding school's effort to discipline students, glorify women, and implement religious law. They follow the Qur'an's command for women to cover their *awrah*, such as by wearing the *niqab* for those who believe that it is *wajib*. Second, the students understand the meaning of the *niqab* policy as imposing rules on the students. They cannot refuse and dissent with the regulations; however, they express resistance by removing the *niqab* when they are outside the school. In contrast, the outsiders perceive that the *niqab* is a symbol of a shift in the orientation of the Islamic boarding school towards radicalism. Wearing the *niqab* is often synonymous with the ideology of radicalism, as is the stigma attached to face veiled women being the wives of the Bali bombers and the church bombers in Surabaya. However, some people also reject such assumptions. The use of Islamic legal analysis and interpretation methods here indicate that face veiling (*niqab*) that is viewed as a form of closedness and radicalism is refuted in this study. Logical reasons often put forward in the case of the *niqab*, rather than ideological reasons or religious doctrines, e.g., to discipline students. When concerns about the occurrence of *madharat* are nonexistent, the obligation to wearing the *niqab* is no longer enforced, such as for junior and senior high school students. This also refutes that the *niqab*, which has been a heated debate in world discourse, does not necessarily signify a form of closedness in relations nor a rigid understanding of religious texts.

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Interviews

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