

The Existence of Indonesian Feminism Movement and The Moral Views of Immanuel Kant's Categorical Imperative



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ABSTRACT: The feminism is becoming progressive emancipation movement in the formation of national, regional and global. Although the journey is still raises pros and cons in term of humanitarian and development communication studies, especially in moral aspects or actions relating with norms, feminism is often considered a form of deviation that does not conform to the norm. However, these efforts received some attention of various parties and organizations in Indonesia, especially *Jurnal Perempuan*. This research uses a qualitative approach with cultural studies from Immanuel Kant's perspective. The research results showed that *Jurnal Perempuan* had initiated and developed various feminist perspectives by presenting its texts and written works as an effort to advocate with broad insight and emancipation, in term of LGBT concern. At the same time, *Jurnal Perempuan* developed its texts and writings related to feminism, by expanding LGBT narrative and its framing in the broad of human rights as well as advocacy for gender equality. including its position on the perspective of Kant's categorical imperative in order to obtain an equal.

KEYWORDS: Categorical imperative, development communication, feminism, Immanuel Kant's perspective.

BACKGROUND

The feminism is becoming progressive emancipation movement in national, regional and global formations. Although the journey often raises pros and cons in development communication and humanitarian studies related with moral aspects or actions in term of social norms, feminist movement in Indonesia is often considered a form of deviation that does not conform to the norm. The development of the feminist narrative, continues to expand in the form of narratives of emancipatory action towards the people rights of Lesbian, Gay, Bisexual and Transgender (LGBT) as a form of advocacy related to human rights (Suryakusuma).

The propose of Indonesian feminist movement is to realize gender equality, especially for women, in order to respond to patriarchal cultural conditions which result in women often being in a subordinal position (Gunawan, 2017). Referring to the development of the feminist movement in the context of gender equality in Indonesia, it has not been encouraging. This can be seen from the IKG (*Gender Inequality Index*) reported by the WEF (*World Economic Forum*) as released in a graph by himiespa.feb.ugm.ac.id in 2022.

From this graph it can be seen the condition of the gender gap since 2006—WEF first reported IKG until 2022. Furthermore, according to WEF, the gender inequality score is perfect indicated by the number 0, while the number 1 describes equality between genders. The highest score was obtained in 2020 with a figure of 0.7. Then in 2022, the highest score came from the educational attainment category, namely 0.972, while the lowest score was 0.169 in the political empowerment category.

A part from the existence of the feminist movement in the context of gender equality in the data from the WEF indirectly shows that there is still a gap between genders in various areas of life in Indonesia, especially in the political sector. The feminist movement on the other hand has various streams, such as liberal feminism, ecofeminism, to radical feminism, with the aim of fighting for rights and equality for all humans, not just focusing on women. This condition has also broadened its outlook to include the rights of LGBT people, with the aim of recognizing and ensuring their rights are fully recognized in society (Retnani, 2017).



Figure 1: Gender Gap Index. (WEF, 2016-2021).

This view has had its pros and cons along the way. There are two groups that say about the legality of the LGBT community. The first group said that their situation was acceptable, while the second group rejected it. Groups that accept LGBT legality are based on human rights (Santoso, 2016). Those who make such reasons because humans are free to express and do anything, including engaging in sexual activities with members of the same sex or others.

LGBTQ behavior has been present since birth or is innate, so this is the nature of God. LGBT actors are also trying to ask the government to legalize the issue of same-sex marriage, whether between a man and a man or vice versa, a woman and a woman. The same reason was also stated by Barack Obama in celebration *International Day Against Homophobia & Transphobia* (IDAHOT) and his wife specifically said that the rights of LGBT people are human rights. This is to underline that every human being has the right to live free from fear according to his expression (*Idahot 2015: LGBT Rights Are Human Rights - BBC News Indonesia*, n.d.)

There are several groups who reject the legalization of LGBT as stated by Prof. Dr. Nasaruddin Umar, "*Same-sex marriage is not in accordance with the personality of the nation and the teachings of religions in Indonesia*". Dealing with LGBT behavior is not easy. Many problems and risks arise when young teenagers become involved in same-sex relationships. On the other hand, for young men, a lack of knowledge regarding the risks of casual sexual relations, especially those of the same sex, can easily lead to exposure to HIV, and can even result in sexual harassment from those who are more experienced (KPPPA, 2015).

The other hand not knowing their personal situation can also cause social unrest and depression. In the last decade or so, LGBT issues have emerged in the world. The increasing visibility of various social problems, including health issues among LGBT groups, is attributed to this phenomenon. Health issues faced by LGBT individuals encompass diseases associated with sexual behavior, smoking, and drug use, alongside psychological challenges like depression or suicide. Additionally, LGBT communities encounter stigma and discrimination, particularly concerning access to education and healthcare services. (KPPPA, 2015).

Based on the problems that arise, they attract the attention of various feminist activists. At the national level, which is quite active in developing narratives and advocacy with various perspectives is *Yayasan Jurnal Perempuan* (YJP) through the publication of *Jurnal Perempuan* to advance gender equality in Indonesia. *Jurnal Perempuan* has been published since 1996 as the first journal feminist in Indonesia. The study and publication of this Journal covers a wide range topics like human trafficking specifically woman and child, violence towards women, problems law, social, economy, politics, environment, and culture. One thing that has attracted the attention of various parties is *Jurnal Perempuan*, Edition 87 with the topic "*Gender Diversity and Sexuality*".

Furthermore, LGBT has received quite a lot of attention from Indonesian feminist movement - *Yayasan Jurnal Perempuan* (YJP), where this foundation was founded in 1995 by Dr. Arivia Girl, as a lecturer in feminism and philosophy at the Department of Philosophy, University of Indonesia. Apart from that, YJP as a non-profit organization operating in the fields of publishing, research and education aims to advance gender equality in Indonesia. YJP is known for publishing *Jurnal Perempuan*. This journal, published in 1996, is the only feminist journal that actively campaigns for feminist movement in Indonesia. The establishment of YJP was supported by several figures; Dr. Ida Dhanny, Asikin Arif, MA (deceased) and Prof. Dr. Toeti Heraty Noerhadi (Profile of the Women's Journal Foundation, n.d.).

The Existence of Indonesian Feminism Movement and The Moral Views of Immanuel Kant's Categorical Imperative

RESEARCH PROBLEM

Concerning the ethics that apply in the society, this case as one of the rules that is the basis for people's behavior, is one of the appropriate foundations for discussing the feminist movement. Immanuel Kant's ethics is a suitable analytical tool for providing considerations related to feminist issues, on the grounds that it can present a comprehensive analysis, starting from reviewing the autonomy of the will, goodness and happiness, ethics and religion.

Jurnal Perempuan the other hand campaigned by making changes to the LGBT stigma not to pass through sexual diversity but rather through anti violence because everyone agrees that no human being should be beaten, insulted and so on. So it will be an easy entrance. Likewise, in helping UNESCO to provide LGBT understanding to schools in Indonesia through technical working group discuss anti-bullying in schools.

The entry point is not LGBT rights or sexual orientation on children but rather tells the impact of children being bluff drop-out rates are high, then show his performance at school will be bad, then it will be detrimental to his parents who have paid for school. At the same time, *Jurnal Perempuan* has its own strategy because politically it is deemed not yet possible to bring about progressive gender equality changes, especially regarding gender or sexuality diversity

A part from that, there have been many articles and research that discuss feminism, from a Human Rights, religious perspective, psychological and social perspective. This research is different from other research because it presents Immanuel Kant's moral views relating the existence relating the feminist movement for LGBT. For this regard, the research problem is how the existence of Indonesian feminism movement and Its views on Immanuel Kant's perspective?

LITERATURE REVIEW

The feminism has a close relation with development communication studies. This was explicitly expressed by Hooda and Sigh (2011) in their article entitled, "*Does development communication foster feminist contentmentations?*". It is a fact that there is a relationship between these two different scientific disciplines. Where it is possible to communicate a feminist approach that represents a physical approach and an emancipatory psychological state including women's empowerment (Hooda & Sigh, 2011).

The word of feminism comes from Latin *femina* which was then translated into English as *Feminine* which means having the characteristics of a woman. This is in accordance with Abbas's (2020) statement that feminism begins with awareness of the existence of inequality in human civilization in the context of women. Furthermore, some efforts are made to identify the causes and aspects that degrade women and efforts to liberate them. In general, feminism is defined as a women's movement that demands equal rights between women and men. The word feminism was first coined by utopian social activists. Meanwhile, feminist theory is based on the need to understand the causes of women's oppression with the aim of overturning the male-dominated social order. In the late 1960s and early 1970s, this movement experienced extraordinary development which was called the second wave of feminism's revival period.

According to Kristeva there are three waves of stages of feminism: The first wave of feminism (1792-1960) focused on women's suffrage or political emancipation. The women's movements and struggles that persisted into the 20th century, resulting in the attainment of the right to vote (political rights) for women, were inspired by the writings of Mary Wollstonecraft, an 18th-century philosopher and feminist. In her book titled 'Justification of Women's Rights,' she argued that women are not inherently inferior to men; rather, this perception arises due to their lack of educational opportunities. She advocated for the equality of men and women in all aspects of life, particularly in socio-political spheres.

Second wave feminism or *Women Liberation* (1960-1980): As a response to various discriminatory practices, women (feminists) initiated a revolutionary collective movement. Despite legal and political achievements made by the first wave of feminism, it was not optimally realized in practice.

From 1980 to the present, third wave feminism or post-feminism has emerged, often termed as modern feminism. Nonetheless, many feminist figures distinguish between third wave feminism and post-feminism. The distinction lies in the rejection of second wave feminist ideas by post-feminism. Third wave feminism introduces diversity and change, influenced by postmodernism, which includes globalization, postcolonialism, poststructuralism, and postmodernism.

Liberal, radikal, Marxist-sosialis, gender psychoanalytic, existentialist, post-modern, multicultural and global feminism, and ecofeminism are all examples of the three stages or waves of global feminism (Jonesy, 2021).

On the other hand, according to Suryakusuma, the Indonesian feminist movement has connections with the LGBT community. She mentioned that understanding a bit of history would shed light on this relationship. Lambda Indonesia (LI) could be considered Indonesia's first gay rights organization, established by Dédé Oetomo and active from 1982 to 1986. Interestingly, Ali Sadikin, Jakarta's unconventional yet popular governor from 1966 to 1977, had already paved the way for the formation of the Jakarta Association of Transgender Women (Himpunan Wadam Djakarta, HIWAD).

Subsequently, a number of other LGBT organizations were formed, including Persaudaraan Gay Yogyakarta (PGY), which was founded in 1985 and renamed Indonesian Gay Society (IGY) in 1988; Gay Nusantara in 1987; Suara Kita, which was founded in 2010 and became legally recognized in 2013; Perlesin, which was initially abbreviated for Persatuan Lesbian Indonesia

The Existence of Indonesian Feminism Movement and The Moral Views of Immanuel Kant's Categorical Imperative

(Indonesian Lesbian Union) and was established in the 1980s; Srikandi Sejati, which was established in 1998 for transgender women, and Ardhanary Institute in 2005. Many more groups also emerged in various locations.

Between 1980 and 1998, Indonesian feminist organizations had a diverse history. They were divided into two main groups: those who endorsed government initiatives in Women in Development (WID) efforts, and those who advocated for gender equality. Notably, the latter category comprised organizations like Kalyanamitra (1985), Solidaritas Perempuan (1990), and LBH-APIK (Legal Aid Foundation, Indonesian Women's Association for Justice) (1995, *Jurnal Perempuan* (1995), and others.

The publication of *Jurnal Perempuan* covers various themes such as trafficking women and children, violence against women, legal, social, economic, political, environmental and cultural problems. Based on a study by *Jurnal Perempuan*, the materials written are used for advocacy, training and education for academics, professionals and the general public. So the Women's Journal can be said to be a reliable reference as well

In doing so its development, *Jurnal Perempuan* is not only known for its publications but also contributed to upholding democracy in Indonesia by organizing the Suara Ibu Peduli (SIP) demonstration on February 23 1998 (Politics of Representation of Concerned Mothers' Voices, 2018). Several leaders of *Jurnal Perempuan* were arrested by the authorities and since then JP has been actively advocating for the importance of democracy and human rights. During the Reformation period, *Jurnal Perempuan* realized that women's issues were also related to religious freedom and tolerance to maintain a pluralistic Indonesian society. For this reason, JP has opened his horizons and voiced important social and political issues in Indonesia. JP has provided a space for women to write critically and express their ideas about a better Indonesia (*Jurnal Perempuan*).

METHOD

This research uses literature studies, by analyzing the feminist movement in Indonesia and its relevance to morality and human rights that appear in *Jurnal Perempuan* in the view of Immanuel Kant. This qualitative research is relies on depth of data. According qualitative research methods emerged because there was a paradigm shift in viewing reality/phenomena/symptoms. In this paradigm, social reality is seen as something holistic/whole, complex, dynamic and full of meaning. Such a paradigm is called the post positivism paradigm (Sugiyono, 2015).

According to a different viewpoint, descriptive research aims to gather data about the state of an existing symptom, namely the symptom's condition as of the time the study was undertaken (Arikunto, 2005 in Zellatifanny and Mudjiyanto, 2018). So the formal object of this research is Immanuel Kant's view of morality. Meanwhile, the material object is *Jurnal Perempuan*, Indonesia. The data used in this research is secondary data in the form of journals, books, dictionaries and other literature related to the problems discussed. Meanwhile, the analytical method used is an inductive method to obtain comprehensive and objective conclusions on the problems that are the focus of the research.

RESULTS AND DISCUSSION

The study found that the Indonesian feminist movement and LGBT have a close relationship and are even allies because they have many things in common. Both fight for gender and sexual equality, and face a common enemy, patriarchy. Both are considered imports from the West and are very disturbing to conservative religious groups who view them as toxic and incompatible with Indonesian values

Many statements are inflammatory and full of hatred towards LGBT. Anti-LGBT and anti-feminist sentiment is getting stronger due to the similarities in the threats they face. It is not surprising that LGBT and feminist groups in Indonesia have formed a synergistic alliance. But their relationship is not easy at all. The cause: the strong entrenched relations of ethnicity, religion, race and inter-group relations in Indonesian society, or what we call SARA (tribe, race, religion and inter-group).

The data has attracted quite a lot of attention from various parties and vice versa, quite a lot of people have also received appreciation. This is proven by hundreds of women and men who have written in *Jurnal Perempuan*, while their writing has been consumed by thousands of readers spread throughout Indonesia. Even now the Women's Journal is spreading its wings to introduce Indonesian women's studies abroad. The Indonesian Feminist Journal, which was born in 2013, proposed to elevate women writers and researchers to the international level

Jurnal Perempuan realizes that the success achieved so far cannot be separated from the support of various parties. One of its publications which has attracted quite a lot of attention from various parties is the book Journal of Women's Public Education Series 87 entitled "*Gender Diversity and Sexuality*". This book discusses new discourse about queers to provide an understanding that queers are not just LGBT. Those who are 100% heterosexual or heterosexual can also be queer.

Various independent survey institutions at home and abroad say that 3% of Indonesia's total population is LGBT. This may increase along with the trend of liberal countries providing recognition and a place for the LGBT community in society. In its development, LGBT is considered a part of the lifestyle of modern society, so that views stating heterosexuality are conservative and do not apply to everyone (Putri, 2022). (Siregar, 1983).

The other hand, Arivia, as founder and executive director of *Jurnal Perempuan*, said that conducting LGBT research is difficult because the challenges faced are greater than the obstacles experienced in researching women or other ethnic minorities

The Existence of Indonesian Feminism Movement and The Moral Views of Immanuel Kant's Categorical Imperative

(Loveita, 2015). Even though LGBT has been used since the 1990s to replace the phrase "*gay community*". LGBT is a group of people of the same sex or homosexuals (Suherry, et al., 2016).

Meanwhile, LGBT is a marginalized group and is always in conflict with religion and is considered not to be God's way. Even though women are also marginalized, they are not labeled as "*not on God's path*". Apart from accusations that religion does not approve. LGBT has always been considered a lifestyle because it is a life choice. Both on television and in advertisements, what is shown is the glamorous LGBT lifestyle, such as being a fashion designer and so on. In the sense that LGBT are not considered oppressed because they are not a poor group, so LGBT are deemed not to need to be protected by state policy (Arivia, et al., 2015).

Meanwhile, LGBT groups are invisible. The majority of people say where they are, who they are, because they often hide their identity. Even if they have a lover, they do not clearly show their affection because they are hindered by cultural and religious stigma. This is in accordance with Diniati's (2018) research that gay students hide their identity because their existence tends to create pros and cons. Apart from that, not all friends on campus can accept their being gay. Based on survey Pride in London in 2016, 74% of 1,000 LGBT+ people said they felt the need to hide their orientation or gender identity. In particular, most LGBT+ people 'feel threatened by others' attitudes and treatment of them,' and are more likely to experience workplace bullying as a result of their gender (London Survey: Many LGBT people "hide their sexuality" - BBC News Indonesia, 2016)

One of the speakers in Jurnal Perempuan, Masthuriyah Sa'dan, an activist for the Kinasih Women's Solidarity and UIN Sunan Kalijaga Yogyakarta, stated that LGBT people are also human beings who have human rights and have been recognized by local and international legal instruments, but are still discriminated against. One example of this is when a lesbian victim experienced violence and reported it, the police authorities wanted to emphasize that LGBT was a deviant behavior, and then even threatened to be raped to get the lesbian to return to the true path. Based on Tempo daily news data, Yuli, the Chair of the NGO *Arus Pelangi*, stated that 79.1% of LGBT people experienced violence, with 46.3 experiencing physical violence and 26.3% in the form of economic violence (Nurhayati, 2016).

In some LGBT cases regarding their homosexual orientation, being forced to marry a heterosexual will be very dangerous because the person can experience depression and their partner does not feel loved 100% so this behavior abuses the partner and makes them a victim. This happened to Ade from Yogyakarta who was forced by her parents to marry a man. Even though the man who was her husband loved her very much and behaved very well, Ade often lied to her husband because he felt more comfortable in relationships with women, so in the end he decided to divorce even though he already had two children (Sitepu, 2017).

This phenomenon is very discriminatory against people who have same-sex or LGBT sexual desires. This discrimination is because LGBT groups in Indonesia are considered haram (Arivia, et al., 2015). Based on the MUI fatwa of 31 December 2014, it states that homosexuality is a haram act, a form of crime, and the perpetrator can be sentenced to death (*MUI Fatwa: Deviant Sex Perpetrators Can Be Sentenced to Death*, 2015). The MUI fatwa was not born by itself. Based on QS. An-Naml verse 55 which means: "And (remember the story of) Lut, when He said to his people: "*Why do you do those fahisyah deeds while you are showing (them)? Why do you go to men to (fulfill) (your) desires, not (visit) women?*" Actually you are a people who do not know (the consequences of your actions)", so according to the MUI no human being can have homosexual behavior because it is a very heinous act (Mukhtar, 2023) even homosexual behavior in fiqh law is haram. This haram law is absolute, final and absolute. So according to the MUI fatwa, LGBT groups are considered haram and can be sentenced to death.

The MUI's opinion was criticized by the Women's Journal Foundation in the book *Women's Journal 87 Gender Diversity and Sexuality* using the perspective of Khaled M. Abou El-Fadl, a fiqh expert from Kuwait on religion and human rights. In JP 87 it is explained that an LGBT person is also a human being who has human rights, so this approach is used *social humanities* as Khaled did to obtain a progressive Islamic viewpoint, respecting human rights, respecting marginalized groups as humans, and not taking away rights in the name of religion (Arivia, et al., 2015).

According to Khaled, when a reader reads a text based on his own thoughts and assumes that the results of the interpretation of the text are final then that person has thrown away the role of Allah and thrown away the role of the text to be open because he only understands one interpretation, even though there are many other interpretations. If someone has recognized one interpretation as final, absolute and *absolute*, then according to Khaled this action is considered an act of authoritarianism, namely the action of a person, group or institution that presents a text or determines its meaning unilaterally as something final, absolute and absolute (Sanaky, 2005).

Furthermore, Khaled stated, the laws of jurisprudence cannot be absolute because religious interpretation is still wide open to be reinterpreted based on logical thinking to answer the problems of today's people. Khaled also quoted the opinion of a fiqh expert named Al-Ghazali on religion and human rights. Al-Ghazali stated five basic human rights that must be granted, namely 1) religious rights; 2) the right to life; 3) the right of reason; 4) hereditary rights and 5) property rights. These rights must not be ignored by the state, must be obtained by every living individual, and if they are not implemented they are considered to violate human rights.

The Existence of Indonesian Feminism Movement and The Moral Views of Immanuel Kant's Categorical Imperative

Meanwhile, the basic human rights are universal for all religions and must be protected, respected and fought for through political and legal systems (Arivia, et al., 2015). In another sense, the realization of the protection of the five rights accommodates the interests of all parties regardless of belief, class, skin color, ethnicity and gender, which means that the approach to basic human rights must show justice before the law. In fiqh, the implementation of this is achieved by upholding good and rejecting evil (Pratiwi, 2015).

As Suryakusuma noted, it was during the early stages of the Reform Era when the Indonesian feminist movement gained significant traction. This momentum began with the emergence of Voice of Concerned Mothers (Suara Ibu Peduli). Subsequently, on 18 May 1998, the Indonesian Women's Coalition for Justice and Democracy (Koalisi Perempuan Indonesia untuk Keadilan dan Demokrasi - KPI) was established. KPI swiftly became the largest feminist NGO in Indonesia, boasting an organizational structure that spans from the national to the village level. Hence, it serves as the primary focus of this article's case study.

Between December 14 and 17, 1998, KPI organized a congress in an effort to gain the support and mandate of women throughout Indonesia. Participating from 25 provinces, including East Timor, were no fewer than 500 women. The National Presidium's coordinator and Secretary General were chosen by the assembly. A work program, a set of statutes, and fifteen presidiums representing different interest groups were the results of it. Lesbians, bisexuals, and transgender people (LBT) were housed in Sector 15. This was the first time the LBT movement was incorporated into the ranks of a femiEven the KPI leadership, though, disagreed with the choice. Members with a religious bent did not view being LGBT as a human right, although they did support women's advocacy. Conversely, Mike Verawati, the fifth secretary-general of KPI (2020–2025), related an event that happened in the course of the 2009 election for the third secretary-general. One candidate waged a smear campaign against rivals by bringing up LBT concerns.

A number of regional branches chose to endorse a non-LBT candidate because they believed that an LBT-friendly leader would obstruct KPI's advancement. Some members of the LBT interest group left KPI as a result of the persistent negative campaigning, even after warnings against it. Sri Augustine was one of them; in 2005, she founded the Ardhanary Institute. The KPI LBT group went through a period of stagnation from 2009 until 2020. As operations continued in West Sumatra, South

On the other hand, it is far simpler for secular feminist groups such as Jurnal Perempuan, Magdalene, and LBH-APIK (Legal Aid Foundation, Indonesian Women's Association for Justice) to publicly endorse LGBT rights as part of their feminist campaigns. But groups like the Indonesian Women Ulema's Congress (Kongres Ulama Perempuan Indonesia, KUPI), which had its first congress in 2017, take a more cautious approach to the subject. With an estimated 95 million members, Nahdlatul Ulama (NU) is the largest Muslim organization in Indonesia, if not the entire world. Many of its members are also linked with NU.

Ninety-three percent of Indonesians believe that religion, especially Islam, is very important to their lives. Therefore, it makes sense that feminist organizations would be wary given the pervasive, strong prejudice against the LGBT community.

If the goal of *syara'* is the creation of public interests in human life. So the public interest in question is dynamic and flexible. This means that consideration of the public interest is in line with developments over time. The consequence may be that what was considered public interest in the past may not necessarily be considered public interest today. Therefore, this *ijtihad* regarding the implementation of the law with consideration of the public interest must be carried out continuously, both for problems that are prospectively suspected to occur (Afiff, 1991 in Fathony, 2019).

An example of progressive and liberal *ijtihad* is what 'Umar bin Khattab did when Islam succeeded in seizing agricultural land stretching from Syria, Iraq, Persia to Egypt. Based on the provisions of the Koran, surah al-Anfal 41, soldiers who take part in war should receive four-fifths of the spoils, while one-fifth goes to the state treasury. This provision was also implemented by the Prophet himself when he liberated the land of Khaibar (Assyaukanie, 2002 in Fathony, 2019). But 'Umar was worried that if he followed the verse literally, the greater benefit of the people would be threatened because then the agricultural land would be used up in plots by certain people, and nothing would be left for the next generation. Finally, 'Umar made *ijtihad* not to divide the land but determined that the land would continue to be worked by the original owner on condition of paying "kharaj" (tax), so the status of the land became State property (Iqbal, 1981 Fathony, 2019).

Umar's courage to collide with the literal sound of the verse (*nash sharih*) shows that contextual interpretation oriented towards the benefit of the people is not new in the Islamic world. What 'Umar did indicates that Islam can be interpreted into a number of diverse fiqh inclinations due to geographical location considerations. along with its socio-cultural context. This is in line with the fiqh rule that "*tradition is the basis of law*" (*al-'Adat Muhakkamah*) or the rule "Islamic law can dynamically change to adapt to changes in time, conditions, situations and geographical location". Once again, the rules of *al-Ahkam Tataghayyar bi Taghayyur al-Azminah wa al-Ahwal wa al-'Amkinah* have provided open space for a more dynamic interpretation of Islamic law. These rules actually want to give authority to noble traditions (*'urf al-shalih*) in order to make legal application mechanisms relevant. From this rule, it can be seen how the ulama have given a very high appreciation to tradition and as a logical consequence, the relativism of fiqh has become a natural necessity (Fatoni, 2019).

The correct methods of *ijtihad* above have been abandoned by modern scholars as stated by Abou Fadl, in other words, methodologically Islamic law is dead. Abou Fadl sees that many modern ulama's fatwas are immoderate and authoritarian and arbitrary, often even detrimental to women. The fatwas issued by the ulama are not contextual to the modern world and are limited

The Existence of Indonesian Feminism Movement and The Moral Views of Immanuel Kant's Categorical Imperative

by a mere literalist understanding, so that the laws issued are rigid and unhumanistic. For Abou Fadl, hermeneutics can be used as a tool to understand the literal and maghzah meaning, so that Islamic law becomes alive and *shalih likuli wa makan* era (Fatoni, 2019).

On this basis, all thoughts and systems that legitimize practices of discrimination, marginalization, misogyny and oppression must be rejected for the sake of religion and humanity. The basis is to place laws based on God's rights, not individual or group interests, not based on political and economic interests. Based on this, Masthuriyah believes that in JP87 it is mandatory for society, the state, religion and the government to provide equal rights to LGBT groups. LGBT groups must also receive fair and equal education, adequate access to health, and fair treatment in society and the state. Khaled's criticism in relation with the MUI fatwa based on his approach to hermeneutics is that the close relationship between the author of the text, namely Allah SWT, and the reader, such as the MUI, should not be considered arbitrary. Khaled highlights the behavior of religious institutions that interpret texts strictly and limit the space for diverse interpretations. For Khaled, having reason only to accept one interpretation is meaningless (Arivia, et al., 2015).

Khaled also expressed his views regarding the death penalty against LGBT groups. According to him, sharia is not state law, and the Prophetic Hadith that supports the death penalty has a different context from today. Khaled pointed out that at that time, the transvestites who were said to be killed were not true transvestites and had specific intentions when they wanted to enter women's tents. Therefore, Khaled argued that this kind of interpretation which was the basis for the MUI fatwa could not be applied in Indonesia, which is a legally sovereign country, and adheres to the principle of *Bhinneka Tunggal Ika*. In conclusion, Khaled wanted to convey the message of Allah SWT which underlines the importance of repentance, practicing worship and giving zakat, and that all humans are brothers, so the death penalty should not be applied to anyone (Arivia, et al., 2015).

According to Islamic teachings, discussion cannot be focused on sexual orientation, but rather on sexual behavior, because jurisprudence only reviews things that humans can choose voluntarily. Sexual orientation is considered natural, while sexual behavior is the result of individual choice. In the context of Islamic law or *fiqh*, attention is focused on activities carried out by humans with free choice, not things that come from nature and cannot be changed by humans. Thus, jurisprudence law only looks at its external aspects and does not consider its internal dimensions (Arivia, et al., 2015).

This means that when we want to have a spiritual relationship with God, including those who are LGBT, we are advised not to just limit ourselves to *fiqh* which only discusses halal and haram. Instead, we must go beyond the legal framework of jurisprudence and seek its theological and spiritual dimensions. This dimension is able to accommodate everyone, because theology cannot be ignored or closed by considerations of relative importance. Meanwhile, *fiqh* law depends on who gives the fatwa, interprets it, and gives punishment, as well as who has power in that context.

The Moral Views of Immanuel Kant's Categorical Imperative

Analyzing obligations that have moral value (moral obligation), Kant developed the concept of imperative/need. All imperatives are expressed with the words 'should/must' and show the relationship of objective logical rules to the will that is not determined by the will, logical rule itself. This imperative concept is divided into Hypothetical Imperative and Categorical Imperative. The concept of imperative does not just contain the meaning of necessity in the ordinary sense. Meanwhile, imperatives are hypothetical/conditional if an action is considered good as a means to achieve a goal. Another form of imperative is the categorical imperative/unconditional need. In contrast to the hypothetical imperative, the categorical imperative is an idea that states that an action is good because it should be so. So it is not good because it is a means to achieve certain goals.

This categorical imperative is the true foundation of Kant's moral philosophy. Human freedom regulated by moral norms in principle only places obligations. Obligations must be carried out in good faith in order to have moral value. Moral norms can be heteronomous because they are influenced by self-determined goals or come from outside as intended as hypothetical imperatives. According to Kant, moral norms must be autonomous or in terms 'must be self-obligatory', so that the norms in question are carried out as an unconditional necessity.

In formulating principles based on the categorical imperative, Kant formulated three principles to clarify how an obligation that has moral value should be carried out by rational and free-willed humans, namely: 1) "Act based on principles that you can and at the same time will that they become universal laws", or also called 'universal law formulas/principles'. 2) "Act in such a way that you treat humanity, both in yourself and in others, always at the same time as an end, never simply as a means", or so-called 'Humanity formula/principle'. 3) "Act only based on principles that are consistent with the giving of universal laws of one's own will", or what is called the 'autonomy formula/principle'.

So according to Kant, there are general rules of morality that apply to everyone. Morals are not the monopoly of a particular religion or nation, because morals are part of the inner wealth of humans which are universal, not influenced by anything outside humans, nor by religion. Such morals come from humans. There is a feeling of obligation to act, so that good intentions arise that seem commanding, but not coercive. This mandatory command that originates from human good intentions is called the categorical imperative by Kant.

Considering that the term moral etymologically comes from the word *not*. In Latin, the plural form *mores* means manners or customs. Morals are a synonym of the word ethics which comes from the Greek word *ethos* which means habits related to

The Existence of Indonesian Feminism Movement and The Moral Views of Immanuel Kant's Categorical Imperative

human actions or behavior (Dewantara, 2017). Thus, the moral point of view according to Immanuel Kant is that something can be understood through reason and morals cannot be imposed on humans by things outside reason. Therefore, what is good according to Kant is truly good in itself and good in itself which he calls good intentions; Doing good is an obligation that must be carried out without taking into account feelings of pleasure or displeasure towards an action, without depending on other people (Falikowski, 1990). Therefore, Kant based his thinking on the question of how humans should carry out their obligations, not how humans should live happily.

Furthermore, Immanuel Kant in his book *The Critique of Pure Reason* explains that the foundation of moral law is based on the order that applies in natural law which can be studied by (pure) human reason (a priori understanding). According to him, natural order is of course formed by natural laws and these natural laws can be studied by the human mind, and used as moral laws that create order in relationships between humans and must be owned by humans.

So morality according to Kant is something related to good and bad, where what is good itself has no boundaries. This means that goodness is based on good intentions. Therefore, the assessment of a moral action must be based on the measure of autonomy of the individual carrying it out (maxim), without considering the context of the action and its goals. Kant called it a categorical imperative because a categorical imperative is a command that is based on necessity (sollen) and must be carried out without absolute conditions.

For Kant, there is only one reality that is infinitely good, good in itself, namely "Good Will". This is the starting point of Kant's ethical thinking. A will is only good if it fulfills its obligations. We are willing to do something because we are forced to do that something, without taking into account whether we like or dislike our actions. Here Kant sees obligation in the context of an a priori understanding of pure practical reason (what is obligatory is not determined by empirical reality, such as needs, goals, values and so on).

Referring to Kant, only the categorical imperative is a true moral will because a person's moral actions do not depend on results, but rather the action is an obligation. Actions are never good because the results are good, but only because they have to be done. Good intentions do not necessarily make good actions. However, to be morally good, that alone is not enough. New actions are considered morally good if they are done out of obligation or because they are forced to do them.

Kant rejected the utilitarian view of morals. Utilitarianism makes goals the moral basis for action. Kant argued that the goodness of an action is obtained on the basis of fulfilling obligations and does not pay attention to the goal. An action is carried out because it is an obligation, so it does not require a reason to do it (Suaedi, 2016).

So it is not surprising that radical feminism is a post-feminist trend that not only supports equal rights through education and politics for women but also for other marginalized groups such as LGBT. LGBT is known as an abbreviation for Lesbian, Gay, Bisexual and Transgender. This term is used to refer to a group of individuals who have a sexual orientation or gender identity that is different from the heterosexual and cisgender majority.

Every person, including citizens of Indonesia, is entitled to certain protections under the law. is a natural, fundamental human right that is bestowed by God and must to be recognized, defended, and upheld by every person, community, and nation. According to Article 1 point 1 of Law Number 39 of 1999 concerning Human Rights, the Human Rights Law defines Human Rights as a set of rights that are inherent in the nature and existence of humans as creatures of God Almighty and are His gifts that must be respected, upheld, and protected by the state, law, government, and every individual for the honor and protection of Human dignity.

Every Indonesian citizen must have human rights regardless of gender, race, religion, ethnicity, political views or social and national origin. Even so, not all Indonesian citizens have their human rights fulfilled. Discrimination still often occurs against any group or individual who is considered different from the culture inherent in Indonesian society. Sexuality generally occurs between men and women so outside of that it is considered taboo or even deviant.

Although not all people reject it, the "discriminatory" attitude experienced by LGBT groups is considered a human rights violation. Because LGBT people live in almost all parts of the world, they are part of certain communities, ethnicities and religions. They are also human beings whose rights must be respected, but in several countries (including Indonesia) they experience discrimination because of their identity and sexual orientation.

Human rights require that every country guarantee the basic rights of its citizens. According to the United Nations (UN) Declaration, basic individual rights consist of: the right to life, the right to freedom, and the right to happiness. Based on this declaration, every individual is entitled to these three rights. These rights continue to be questioned by the LGBT community in Indonesia. Human Rights (HAM) are basic rights that are naturally inherent in humans, are universal and eternal, therefore must be protected, respected, maintained, and cannot be ignored, reduced or taken away by anyone. In the Preamble to the Universal Declaration of Human Rights (UDHR) it is stated that human rights need to be protected by legal regulations.

Likewise, in national law, Article 28J (2) of the 1945 Constitution of the Republic of Indonesia, Article 69 (1), and 73 of Human Rights Law no. 39/1999 has established restrictions which essentially mean that every person who has human rights must also respect the human rights of other people, respect the limitations determined by law, fulfill moral, ethical requirements and rules of life. society, nation and state. state values, religion, and maintaining security and public order in a democratic society.

The Existence of Indonesian Feminism Movement and The Moral Views of Immanuel Kant's Categorical Imperative

However, in statutory regulations there are restrictions that recognized marriages are marriages that are validly entered into (Article 28B of the 1945 Constitution of the Republic of Indonesia), marriages are considered valid when done based on religion, provisions, and marriage is carried out by a man and a woman (Marriage Law No. 1 of 1974). Even if LGBT groups engage in deviant sexual behavior to avoid starting a family/marriage, the arguments for rejection are even stronger. According to morals, ethics, religion and social order, sexual relations without marriage between men and women are not permitted by society, especially if they are accompanied by sexual behavior that deviates from nature.

One of the purposes of marriage is to preserve humanity. It is a stark contrast when compared to LGBT people who are lovers of the same sex. If legalized, LGBT will certainly have an impact on various problems in Indonesia. Starting from the decline in birth rates because it is certain that members of the same sex cannot produce offspring, to other problems as mentioned above, namely public unrest who feel their safety is being compromised, to the breakdown of national unity and integrity, which is divided into pro and con LGBT groups.

Regardless of the pros and cons that occur in society, the discourse around feminism actually boils down to one question, "Is the feminist movement in supporting LGBT behavior a moral action according to Immanuel Kant's view of morality?". First, based on the theory of good intentions, the feminist movement can be said to have high moral value if what it does is an obligation of goodness. In this case, feminism can only defend women's rights because the meaning of feminism is seen etymologically as coming from the Latin word woman, which means woman. However, in this case, feminism not only defends the rights of women but also other groups that need to uphold human rights, such as LGBT.

Based on the categorical imperative which views the command of obligation as something that has no conditions, does not waver, knows no purpose, and does not question the command again. Rationality is manifested in pure moral actions without regard to consequences. The categorical imperative, also called deontological, holds that moral obligations can be known through reason without paying attention to the consequences.

In doing so based on the view of deontological ethics, LGBT actors often consider themselves victims and need something to help them be free. Rule deontology states that moral judgments are measured by established standards, not by pleasure or pain. Appropriate behavior is considered moral. Behavioral deontology on the other hand, holds that whether an action is moral depends on how it fulfills its responsibilities to others. However, they often show bad things to the general public. LGBT actors can be said to be free if they have good character in accordance with applicable laws and regulations, namely Pancasila and the 1945 Constitution.

CONCLUSION

The Indonesian feminist movement is still finding a winding path, this can be seen from various narrative efforts that are developing, such as the advocacy of *Jurnal Perempuan* in presenting its texts and writings related to feminism. The same thing also seeks to build LGBTQ framing in the context of human rights as a form of advocacy for gender equality, including the position of women to obtain equal status.

Remembering Kant's Immanuel view of women which states that the categorical imperative concerns ethics in a much broader perspective compared to the view of ethics from a natural science perspective. Where ethics according to Kant is rooted in the view of conscience, which means that all forms of individual social action are of course rooted in an awakened self-view, including awareness of morals and positive actions.

However, *Jurnal Perempuan* deserves appreciation because it presents a constructive perspective on the world of women by involving many women's views in feminist aspects, including advocacy for LGBT. On the other hand, in Immanuel Kant's view, the moral context is an effort to build women's moral outlook which refers to the context of reform and women's way of thinking to fight injustice and strive for equal struggle with men.

Indeed, further struggle against injustice does not need to be carried out by developing views of liberalism, Marxism or women's radicalism to be able to maintain women's position at the forefront. However, if studied in this kind of categorical imperative, Kant prefers to emphasize that women's position can be more extreme, up to occupying the highest position and above men, through resistance to mainstream substantive norms by building anti-mainstream movements, by opposing agreed morals. by the surrounding environment, as well as being a concern for development communication regarding feminist struggles referring to the morals regulated in the position of women and men in the household, as written in the holy book.

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