

Violence against Women: Comparing Female Genital Mutilation and Female Circumcision in Malaysia

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Abstract: The United Nations (UN) General Assembly resolution on 20 December 2012 declared female genital mutilation (FGM) illegal and a violation of women's rights. This declaration was made following the World Health Organization's (WHO) call to eradicate FGM in 1997. The prohibition includes all forms of mutilating, harming, or causing pain to the female genitalia. The female circumcision practice in Malaysia is also categorized as FGM by the United Nations Human Rights (UNHR) at the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2018. In light of these developments, this qualitative study examines and compares the true nature and concepts of FGM and the female circumcision practice from the perspective of *Al-Sunnah Al-Nabawiyyah*. Documentation was employed for data collection, analysis, and interpretation. The findings reveal a significant divergence between FGM and female circumcision. Female circumcision is more similar to the aesthetic surgery of the female genitalia, known as clitoral hood reduction, which can enhance women's sexuality. In conclusion, female circumcision in Malaysia is not a torturous act that violates women's rights, but rather a safe practice following Islamic law. This study also proposes a comprehensive research initiative aimed at formulating secure and Sharia-compliant protocols for female circumcision.

Keywords: Female Genital Mutilation (FGM); Female Circumcision; Violation Against Women; *Al-Sunnah Al-Nabawiyyah*; United Nations (UN).

Introduction

The United Nations (UN) General Assembly passed a resolution on 20 December 2012 to ban female genital mutilation (FGM). This practice has been prohibited due to the physical and psychological trauma inflicted on women by cutting and causing pain to the female genitalia (UN, 2013). Furthermore, this resolution aligns with the series of pleas made by the World Health Organization (WHO), which has been aggressively promoting the banning and elimination of FGM since 1997 (WHO, 2008). The WHO maintains the stance that any female genital cutting performed without health or medical justifications is regarded as a violation of women's rights (United Nations Children's Fund (UNICEF), 2023). The United Nations Population Fund (UNPF) reported that the precise origins of FGM, which has been officially condemned and prohibited by the (WHO), remain ambiguous. The prevalence of this practice results from the diverse perspectives positing its origins within the Jewish, Christian, and Islamic faiths. Evidence from several mummified remains suggests that FGM was practiced in ancient Egypt (UNPF, 2022).

Herodotus (484 - 425 BC) stated that the ancient Egyptian civilization pioneered male and female circumcision rituals. This practice dates to approximately the fifth century BC when the Nubians in Egypt performed the procedure on children as young as nine or 10 (Billet, 2007). Additionally, this custom was evident among the aristocratic Egyptian women of the same era (Billet, 2007). Graham Elliot Smith, a prominent English Egyptologist, suggested this practice was vital within the Heliolithic civilization in Egypt approximately 15,000 years ago (Shah Alam et al., 2018). In ancient Egyptian society, vaginal infibulation was a compulsory ritual for women before marriage to protect them against the potential intrusion of malevolent spirits through the vaginal opening (Januardi, 2022).

Female circumcision is also recorded throughout the African continent as a customary ritual, marking the transition from adolescence to maturity (Bethelheim, 1954). This phenomenon is part of the Kenyan tradition, commonly known as *kugimara*. The ceremony is deemed necessary for adolescent females upon reaching puberty, enabling them to uphold their honour and purity and attract potential suitors (Ahlberg et al., 2000). Kwaak (1992) claimed that the *kugimara* ritual regulates women's sexual impulses and inclinations (Van Der Kwaak, 1992). Momoh (2010) reported that the FGM practice is prevalent in 28 African countries, a limited number of Asian countries, and many Middle Eastern nations (Momoh, 2010).

The WHO (2021) defines FGM as a range of non-medical surgeries that entail the cutting and harming of various external female genital structures. This practice is categorised into four distinct procedures (Rashid & Iguchi, 2019):

1. Clitoridectomy denotes the surgical procedure that excises a portion or the entire clitoral hood and the removal of a specific clitoris segment.
2. Excision is the surgical procedure involving the whole or partial removal of the clitoris and the minor labia, with or without the excision of the large labia.
3. Infibulation implies a surgical procedure that involves the narrowing of the vaginal opening by shutting or repositioning the minor and major labia and may be accompanied by clitoral excision.
4. All kinds of procedures that cause discomfort and harm the female peritoneum for non-medical reasons, including piercing, hurting, or scratching (WHO, 2021).

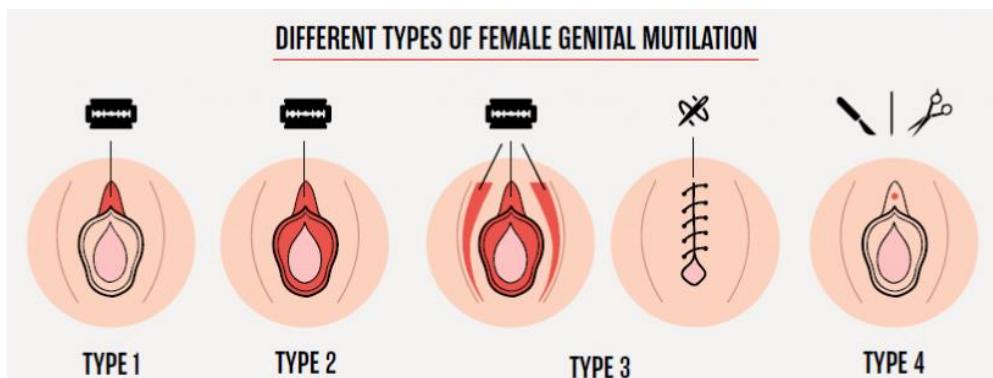


Figure 1. Classification of Female Genital Mutilation (FGM) Prohibited by the World Health Organization (WHO). Source: R.AGE homepage (Wen & Baity, 2022)

The WHO has conducted various studies on FGM since 1959, following the concern raised by the United Nations Commission on Human Rights (UNCHR). The feminist movement that emerged in the mid-1970s was fundamental to abolishing and banning this deeply-rooted practice in multiple civilizations (Andro & Lesclingand, 2016). In 1997, a joint statement by the WHO, UNICEF, and the United Nations Population Fund (UNFPA) effectively prohibited and criminalised FGM (WHO, 1998). Furthermore, the WHO published guidelines in 2016 based on empirical research, highlighting the sufferings of women who were subjected to FGM (WHO, 2016).

The customary act of female circumcision, as practiced within the Muslim community in Malaysia, has been linked to FGM. Several scholars argued that the female circumcision practice in Malaysia can be deemed a transgression against fundamental women's rights. This issue was discussed at the United Nations Human Rights (UNHR) Elimination of All Forms of Discrimination against Women (CEDAW) conference in Geneva on 20 February 2018, where Malaysia's female circumcision practice was regarded as part of FGM. Consequently, Malaysia was urged to discontinue the practice promptly. Moreover, this practice was perceived as discrimination and a violation of women's rights (CEDAW, 2018). Another organisation, Sisters in Islam (SIS), also strongly opposed this practice, arguing that female circumcision is a cultural rather than a religious obligation (SIS, 2021).

Given the stigma surrounding FGM practices, this study aimed to examine the concept of female circumcision based on Prophetic Traditions and the Maqasid al-Sunnah as primary sources in Islamic legislation. This study also analysed and compared female circumcision, clitoridectomy (FGM), and clitoral hood reduction (FGCS) and discussed these methods in relation to violence against women.

Literature Review

A comprehensive literature analysis was performed in this study to precisely determine the prevailing challenges and identify existing research gaps on FGM. This section aims to avoid duplication and address gaps in the literature, as highlighted in earlier studies. Setting the criteria to identify previous research within a database is essential to avoid evaluating irrelevant studies, which will not yield a meaningful and holistic literature review (Okoli, 2015). Therefore, earlier studies were systematically reviewed and assessed following several predetermined criteria (see Table 1).

Table 1. Study Criteria in Previous Research

Item	Conditions	Justification
Year of publication	Studies published between 2018 and 2022	It is imperative to perform a comprehensive literature study within this time frame to generate a comprehensive summary based on recent research findings.
Data types	Theses, dissertations, and journal articles	The scope of the literature review is restricted to theses, dissertations, and journal articles to ensure that the included research is of superior quality.
Languages	Malay, English, and Arabic	The scope of the literature review is confined to the three languages owing to the researcher's proficiency.
Study focus	Studies directly related to female circumcision and the connection to religion in the Malay Archipelago.	The literature review on female circumcision is limited to religious discussions to explore the extent to which female circumcision has been studied from a religious perspective. The scope of this study is restricted to the Malay Archipelago, specifically Indonesia, Singapore, Southern Thailand, and Malaysia. This region was selected due to the strong association between the subject matter, which is female circumcision, and Malaysian culture.

A literature search was performed according to the criteria. A total of nine studies were identified. Two of the 10 papers examined were dissertations, while the remaining were peer-reviewed scholarly publications. Table 2 presents an overview of the ten selected studies.

Table 2. Overview of Past Studies

Year	Study Title/ Data Type	Summary
2019	Mass Female Circumcision Tradition at Manbail Futuh Islamic Boarding School in Tuban: A Study of Living Hadith/ <i>Tradisi Khitan Perempuan Massal di Pondok Pesantren Manbail Futuh Tuban: Kajian Living Hadis</i> (Dissertation)	Pondok Pesantren Manbail Futuh Tuban engages in the practice of female circumcision, which is a subject of controversy among religious academics. This practice carries social, cultural, and religious importance with contemporary relevance owing to the advantages of regulating female sexuality and maintaining genital hygiene (An Nabila, 2019).

	Hadiths of Female Circumcision: A Reassessment and Implications for Current Discussions/Hadis	The permissibility or recommendation of female circumcision varies based on specific circumstances. The authentic hadiths do not establish a definitive stance, while others are considered weak and unsuitable for forming judgments. Future studies could explore the connection between female circumcision and women's sexual satisfaction in Malaysia (Ahmad Tajuddin, 2019).
2019	Hadis Khitan Wanita: Suatu Penilaian Semula Serta Implikasi Terhadap Diskusi Semasa (Journal article)	The Hadith of Female Circumcision: A Critical Study of the Matan to End Gender Discrimination/ Hadis Khitan Pada Perempuan: Kajian Kritik Matan Sebagai Upaya Mengakhiri Diskriminasi Jender (Article Journal)
2020	Female Circumcision According to Hadith/ Khitan Perempuan Menurut Hadis (Article Journal)	This research investigates female circumcision practice in the North Coast of Central Java, with emphasis on the contentious Hadith that justifies this practice. Circumcision in Indonesian society is driven by societal norms and the submissive status of women despite limited evidence supporting the Hadith and potentially adverse health effects (Rosyid, 2020).
2021	Female Circumcision from the Hadith Perspective: A Case Study in Sipayo Village, Paguat Subdistrict, Pohuwato District, Gorontalo/ Khitan Perempuan Perspektif Hadis: Studi Kasus di Desa Sipayo Kecamatan Paguat Kabupaten Pohuwato Gorontalo (Dissertation)	This research examines the female circumcision practice as described in the Hadith. Based on the analysis, circumcision is a diverse cultural practice ranging from the excision of the prepuce or clitoral tip to the labia minora and majora. From a health perspective, female genital mutilation does not reflect health benefits for the genital and reproductive organs. The study suggests the need for religious leaders to provide Muslims with a holistic knowledge of hadiths on female circumcision (Nuranisa & Sholahuddin, 2021).
2021	Critique of the Chain of Narrators (Sanad) of Hadith on Female Circumcision as an Honor/ Kritik Sanad Hadis Khitan Terhadap Perempuan Sebagai Kehormatan (Article Journal)	The research classifies hadiths on female circumcision into two categories: authentic hadiths that do not explicitly reference female circumcision and weak hadiths without sufficient evidence. The study findings indicate that the legal stance on female circumcision is weak, allowing the continuous implementation of the custom. Nonetheless, this practice must be performed according to Islamic principles (Inadjo, 2021).
2022	Islamic Legal Review of Female Circumcision: A Comparative Study between Classical Scholars and Contemporary Scholars/	The Hadith on female circumcision being regarded as an act of honor is considered poor, primarily due to the questionable reliability of the hadith narrators. Thus, the Hadith is inadequate as the primary evidence to support female circumcision or as a basis for arguing the acceptability of this practice on the grounds of honour. Nevertheless, this Hadith is a corroborating source for the genuine hadiths discussing female circumcision. It is essential to reassess the incorporation of this Hadith in the fatwa issued by the Indonesian Ulema Council (MUI) to validate female circumcision (Sakka, 2021). This paper examines the Islamic jurisprudence on female circumcision and compares the perspectives of traditional and modern Islamic thinkers. The study theorises that female circumcision has been sanctioned within religious

Tinjauan Hukum Islam Terhadap Khitan Bagi Perempuan: Studi Komparasi antara Ulama Klasik dan Ulama Kontemporer (Article Journal)

The Legal Status of Female Circumcision in Indonesian Legislation and Islamic Law/
Status Hukum Khitan Perempuan Dalam Perundang-Undangan di Indonesia dan Hukum Islam (Article Journal)

2022

The Progressiveness of Quranic Interpretation in The Fatwa of Muhammadiyah on Female Circumcision (Article Journal)

2022

The Perspectives of the Community in Samarinda City on Female Circumcision from the Perspective of Islamic Law/
Pandangan Masyarakat Kota Samarinda Terhadap Khitan Bagi Perempuan Dalam Perspektif Hukum Islam (Article Journal)

2023

contexts, but remains a subject of scholarly debate due to the lack of explicit guidelines in the Qur'an and Hadith (Masykur & Mubakkirah, 2023).

This paper examines the legal implications of female circumcision in Indonesia within the context of Islamic law. The study outcomes demonstrated that female circumcision does not fall within the medical treatment category as per the laws of Indonesia due to the lack of medical justifications, health benefits, and legal safeguards. The FGM is regarded as a religious practice following the Shariah law and is deemed an honor for those participating in this practice. Nonetheless, Prophet Muhammad, peace be upon him (PBUH), emphasised the cautious implementation of legal protection to prevent harm. Based on the circumstances surrounding women who have undergone female circumcision, the practice is occasionally deemed mubah, which is both obligatory and prohibited (Amin, 2022).

Islamic organisations in Indonesia, including Muhammadiyah, Nahdlatul Ulama (NU), and the MUI, have differing interpretations and fatwas on female circumcision despite referencing the same sources (al-Quran and Hadith). The Muhammadiyah refers to the Tarjih and Tajdid Council to discern hadiths that align with the Quran. Meanwhile, NU relies on the knowledge of Islamic scholars and does not refer to Quranic verses regarding female circumcision. They consider the scholar's qualifications and interpretations to justify the law (Mundzir & Muthmainnah, 2022).

The paper evaluates female circumcision in Kota Samarinda, Indonesia, and explores the divergent perspectives of compliance with Islamic jurisprudence. The Majelis Ulama Ulama acknowledges that female circumcision is permissible within the religious context, while several academics deem the practice mandatory, and others recommend the custom. The researchers assert that the female circumcision practice should be approached with caution among women, considering various aspects of healthcare recommendations, cultural norms, and social contexts (Susilawati et al., 2023).

Female circumcision has been a subject of ongoing discussion in recent studies, driven by a complex interplay of sociological, cultural, and religious factors. Certain studies highlight the perceived benefits of female circumcision, such as its ability to regulate female sexual desire and promote hygiene. Conversely, other studies question the connection between this practice and Islamic teachings and the potential adverse health implications. Previous research was heavily criticised for relying on questionable evidence to support this practice. Furthermore, most research was conducted in Indonesia, which does not apply to the unique context of female circumcision in Malaysia. Therefore, there is a major gap in the literature on

this matter, highlighting the need for an investigation into FGM and female circumcision in Malaysia to determine if these practices violate women's rights.

Method

This study utilizes the qualitative approach to conduct an in-depth investigation and comprehend related topics (Idris et al., 2018), such as exploring the authentic nature of female circumcision. It is imperative to examine the definition, rationale, and legal regulation of female circumcision in determining the true nature of this practice and how the custom differs from FGM, a practice reprobated by WHO. Moreover, it is crucial to identify the correlation between female circumcision and the medical field. Therefore, document and content analyses were conducted for data collection and interpretation.

The document analysis entails the retrieval of primary and secondary materials to investigate the true nature of female circumcision. The perspectives of researchers and contemporary academics were also considered in understanding this practice. The sources utilised in this study encompass scholarly materials procured from libraries, journal articles, theses and dissertations, personal collections, e-books, and digital libraries, such as the *al-Maktabah al-Shamilah* application (Ni'ami & Bustamin, 2021). Subsequently, the content analysis was performed to gain comprehensive insights into the legislation surrounding female circumcision (Busyro et al., 2023). This step involves examining the viewpoints of past and present scholars and academics to elucidate the genuine essence of this practice. In addition, the Arabic texts, including theses and journal articles, were analysed to ascertain the underlying significance associated with female circumcision. Any discrepancies were resolved by examining and comparing the viewpoints in the documents.

Results and Discussion

This section examines the concept and characteristics of female circumcision and critically evaluates the classification of this practice as a form of FGM by the WHO and a violation of women's rights. This section also provides an in-depth analysis of the female circumcision concept, the role of prophetic tradition (*Hadith*) in endorsing this practice, the underlying rationale for the legislation, and the differences between FGM and female genital cosmetic surgery (FGCS).

Female Circumcision Concept

The term "*khitān*" has etymological roots in the Arabic language and is derived from three letters "ختن" (*kha-ta-na*). al-Layth stated that the term describes a procedure performed on an infant by individuals who are experts in the act of circumcision (al-Harawī, 2001). The procedure discussed relates to the surgical removal of genital tissue, comprising the cutting and the healing phase (al-Farāhīdī, n.d.). Scholars have argued that "*khitān*" refers to male circumcision as opposed to the phrase "*al-khafḍ*," where the latter is used to describe female circumcision (al-Mursī, 2000). This discrepancy stems from the fact that "*khitān*" refers to the complete removal of the skin covering the tip of the genitalia, while "*al-khafḍ*" involves a minor incision on the skin covering the clitoris to eliminate the foreskin, thus preventing undesirable odour in the region (al-Zamakhsharī, n.d.). The term "*al-khafḍ*" also denotes a technique characterised by a minor incision (Ibn Manzūr, 1993). The term "*al-khafḍ*" is contrary to "*al-nahk*" (النهاك) and "*al-isti'sāl*" (الاستئصال), which refer to extensive cutting practices that may result in the loss of sexual functionality in the female genitalia (al-Siddīqī, 1967).

From a terminological standpoint, the Fourth Edition of Kamus Dewan defines "*khitān*," or circumcision, as the process of purifying and removing the foreskin. This procedure entails the surgical removal of the foreskin from the male penis or excising the prepuce of the female clitoris (Fadhli, 2016). This customary procedure is typically conducted at the early stages of an individual's life to uncover the glans of the penis and clitoris to clean the accumulated debris within the folds of these anatomical structures (Kamus Dewan Edisi Keempat, n.d.).

According to the al-Shāfi‘ī *mazhab* or school of thought, male circumcision involves the removal of the skin that covers the *al-hashafah*, which refers to the head of the penis. This procedure aims to expose the *al-hashafah* fully, eliminating any surplus skin around the penis corona that may regenerate and cover the head or a portion of the organ (al-Juwainī, 2007; Ibn al-Šalāh, 1987). Female circumcision is commonly known as "*al-khafd*" among women female genital cutting. This procedure entails the removal of the prepuce or the redundant skin covering the clitoral glans, located above the vaginal introitus in females. The prepuce morphology resembles the chicken's wattle. The incision should not exceed the size of a wound considered a cut. Nevertheless, Islamic jurisprudence mandates minimising the incision to remove a fraction of the skin instead of complete skin removal (al-Rūyānī, 2009).

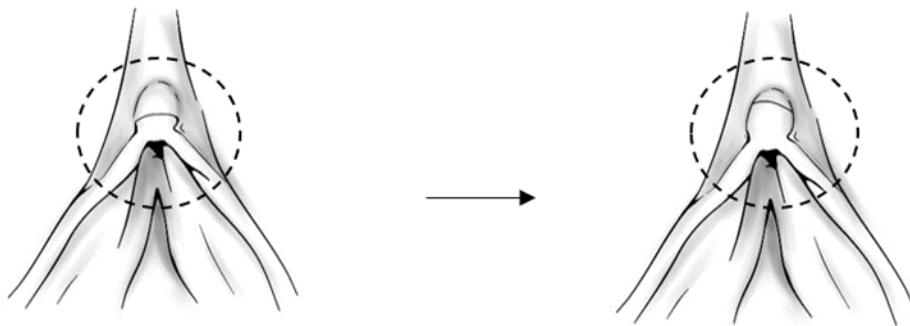


Figure 2. The Process of Female Circumcision

Prophetic Tradition (*Hadīth*) on the Legislation of Female Circumcision

The controversy surrounding female circumcision also stems from the sources utilised to substantiate its validity. For instance, there is a lack of explicit evidence in the Qur’ān justifying the continuation of this practice. Moreover, there is ongoing criticism of the legitimacy and authority of the prophetic traditions utilised as evidence in support of female circumcision (Karaman, 2021). Difference of opinions concerning the hadiths associated with this practice is evident among previous scholars. The following hadith is a subject of frequent scholarly discourse:

عَنْ أُمِّ عَطِيَّةَ الْأَنْصَارِيَّةِ: «أَنَّ امْرَأَةً كَانَتْ تَخْرُجُ بِالْمَدِينَةِ فَقَالَ لَهَا النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا تُنْهِكِي فَإِنَّ ذَلِكَ أَحْظَى لِلْمَرْأَةِ وَأَحَبُّ إِلَى الْبَغْلِ».

Translation: From Umm Atiyyah: That in Medina, there was a woman who used to perform female circumcision, and then the Prophet PBUH said: "Do not go to extremes in cutting; that is better for the woman and more desirable for the husband." (Abū Dawud, 2009; al-Bayhaqī, 2003)

Scholars who critically analyse hadith literature have different opinions concerning the classification and authenticity of the Hadith on female circumcision (see Table 3).

Table 3. Views of Hadith Critics Related to the Status of Hadīth on Female Circumcision

Hadith Critics	View
Abū Dawud (d. 275 H)	Weak (<i>Da’if</i>)
Al-Hākim (d. 405 H)	Authentic (<i>Sahīh</i>)
Al-Bayhaqī (d. 458 H)	Weak (<i>Da’if</i>)
Al-Haythami (d. 807 H)	Good (<i>Hasan</i>)
Ibn Hajar (d. 852 H)	Accepted with supporting evidence (<i>Maqbūl</i> with <i>shawāhid</i>)
‘Alī al-Qārī (d. 1014 H)	Authentic (<i>Sahīh</i>)

Aḥmad al-Ghumārī (d. 1380 H)	Accepted with supporting evidence (Maqbūl with shawāhid)
Al-Albānī (d. 1420H)	Authentic (Sahīḥ)
Shu'ayb al-Arnāūṭ (d. 1437 H)	Weak (Dā'if)

(Abū Dawud, 2009; al-Albānī, 1995; al-'Asqalānī, 1959; al-Bayhaqī, 2003; al-Ghumārī, 1996; al-Ḥākim, 1990; al-Haythamī, 1994; 'Alī al-Qārī, 2002; al-Tahānawī, 1984)

Ithnin et al. (2023) comprehensively re-evaluated this Hadith that concerning the legal aspects of female circumcision and reported that seven transmission chains supported the Hadith. Nevertheless, these chains are not flawless due to shortcomings in continuity between narrators and the credibility of the individuals who relayed the Hadith regarding the practice of female circumcision. Despite that, each chain mutually strengthens one another, and the Hadith can be regarded as "*hasan li ghayrihi*" (good due to external circumstances). Therefore, the authenticity of the Hadith on the legislation of female circumcision provides a basis for justifying the practice of female circumcision (Mohd Ithnin et al., 2023c, 2023a, 2023b). Summarily, this particular Hadith has emerged as a distinct source of validation for the practice of female circumcision.

The al-Shāfi'ī school of thought holds a strong position within the Muslim community in Malaysia. The act of circumcision is deemed mandatory for individuals of both genders according to the al-Shāfi'ī school of thought (al-Anṣārī, n.d.). In addition, female circumcision is supported by other prominent Islamic schools of thought, namely the Hanafi, Maliki, and Hanbali (Sabir & Nazaruddin, 2021). Nonetheless, there are variations in their decisions of this practice (see Table 4).

Table 4. Authoritative Views of Different Madhhabs on Circumcision

No	School of thought	View
1	al-Hanafī	Circumcision for males and females is considered <i>Sunnah</i> . Some scholars in the al-Hanafī's school of thought view female circumcision as <i>makrūmah</i> (an act of honor).
2	al-Mālikī	Circumcision for males is considered <i>Sunnah</i> , while circumcision for females is considered <i>mustāhab</i> (recommended) and <i>makrūmah</i> (an act of honor).
3	al-Shāfi'ī	Circumcision for both males and females is considered <i>wajib</i> (obligatory).
4	al-Hanbali	Circumcision for both males and females is considered <i>wajib</i> (obligatory).

(al-Buhūtī, 1993; al-Dusūqī, n.d.; al-Haytamī, 1983; al-Shanqītī, 2015; Ibn 'Ābidīn, 1966)

Based on empirical evidence, every *mazhab* maintains that the act of circumcision, regardless of gender, is mandated within the Islamic faith. The diverging viewpoints between educational institutions mainly concern the varying levels of duty, suggested methodologies, and acceptability of circumcision. No schools of thought have officially prohibited this practice.

Maqasid al-Sunnah on the Legislation of Female Circumcision

Female circumcision holds distinctive importance, wisdom, and benefits in Islam. Ibn Qayyim al-Jawziyyah stated that female circumcision serves to purify, sanctify, and enhance the aesthetic qualities of human creation apart from regulating and harmonising innate female sexual urges (Hamid & Putra, 2021). He asserted that a woman's desires may become as uncontrollable as those of an animal in the absence of female circumcision. Notwithstanding, the complete removal of the clitoris and the surrounding skin potentially results in the reduction of a woman's sexual drive, leading to a lack of passion. Thus, circumcision functions as a judicious treatment that strikes a delicate balance between regulating excessive desire and refraining from its complete eradication (Ibn Qayyim al-Jawziyyah, 2019).

Al-Ghazālī presents an alternative viewpoint by claiming that female circumcision beautifies a woman's appearance and overall appearance. Furthermore, this practice potentially enhances a woman's sexual appeal and the level of satisfaction during intimate encounters with her spouse. As inferred from the interpretation of the Hadith narrated by Umm 'Atiyyah, al-Ghazālī also argues that the law of this practice is driven by the desirable outcomes (al-Ghazālī, n.d.).

Female Circumcision: Female Genital Mutilation (FGM) or Female Genital Cosmetic Surgery (FGCS)?

The FGCS is a surgical technique designed to enhance the female genitalia, aiming to improve a woman's comfort and sexual satisfaction (Schnatz & Boardman, 2020). Despite the resemblance between FGCS and Type 1 FGM, the WHO officially endorsed the former (Karaman, 2021). One of the treatments performed on FGCS patients is clitoral hood reduction, commonly known as a hoodectomy. Hoodectomy is a surgical procedure that entails the excision of the prepuce, the skin above the clitoris, to augment clitoral sensitivity (Hunter, 2016).

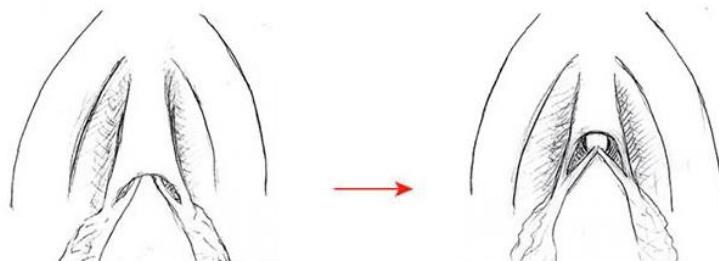


Figure 3. Illustration of the Hoodectomy Procedure.

Source: Website of Dr. Dana Sawan (Sawan, 2021).

Several scholars have questioned whether hoodectomy bears a resemblance to FGM. According to WHO, this surgical procedure does not present any inherent risks and is comparable to male circumcision (Karaman, 2021). Female circumcision is, therefore, similar to hoodectomy, as the procedure involves the excision of a small portion of the skin on the upper clitoris region, which resembles a rooster's wattle. The mandatory incision is confined solely to the distal portion of the clitoris and does not involve the clitoral structure (al-Māwardī, 1999; al-Nawawī, 1928).

A strong association exists among the following three procedures: female circumcision, clitoridectomy (FGM), and clitoral hood reduction (FGCS). These practices involve surgical procedures conducted on the external genitalia, specifically the prepuce, the anatomical term describing the protective skin cover of the female clitoral region. Nevertheless, clitoridectomy entails the excision of either a portion or the whole prepuce along with the clitoris (Karaman, 2021). The comparative analysis of these three practices is presented in Table 5. Female circumcision bears a striking resemblance to clitoral hood reduction (FGCS) instead of clitoridectomy (FGM). Despite that, WHO still classifies female circumcision as a type of FGM that should discontinued.

Table 5: Comparison between Female Circumcision, Clitoridectomy (FGM), and Clitoral Hood Reduction (FGCS)

Differences and Similarities	Female Circumcision	Clitoridectomy (FGM)	Clitoral Hood Reduction (FGCS)
Definition	The surgical removal of the surplus skin that envelops the clitoral region situated superior to the female's vaginal aperture. The	The surgical procedure involves the excision of either a portion or the complete prepuce, along with the clitoris.	A cosmetic surgery that raises or separates the prepuce skin from the clitoris prior to skin removal.

	morphology of this skin bears a resemblance to the anatomical structure known as a chicken's wattle. The required magnitude of the incision is limited to the extent defined as an incision.		
Area of Incision	A portion of the prepuce is often described as skin resembling a rooster's wattle.	The entire prepuce and clitoris.	A portion of the prepuce
Advantages and Disadvantages	Unidentified	It can reduce a woman's sexual responsiveness and cause prolonged pain.	It can enhance a woman's sexual responsiveness.
Permitted or Prohibited by WHO	Prohibited	Prohibited	Permitted

Conclusion

Female circumcision has generated much controversy within the contemporary society. The issue escalated following the enactment of a UN resolution on 20 December 2012, banning all forms of female genital cutting and surgery in the absence of legitimate health or medical justifications as it constitutes a breach of women's fundamental rights. As per the UN resolution and CEDAW, female circumcision is currently regarded as a type of FGM. The UN resolution also raised concerns over the validity of female circumcision in Malaysia in light of the strong opposition by the CEDAW convention in 2018. Thus, this study aims to provide a holistic understanding of the female circumcision practice in accordance with *al-Sunnah al-Nabawiyyah* and explore its conceptual framework and fundamental principles. The analysis revealed that female circumcision is supported by authentic hadiths that encourage the practice. Islamic scholars from major schools of thought acknowledge the legitimacy of female circumcision. Furthermore, Ibn Qayyim al-Jawziyyah, stated that this practice is a means of purifying and regulating women's urges, avoiding animalistic behaviour, or entirely extinguishing their passion when the vaginal area is subjected to severe cutting. Meanwhile, al-Ghazali's viewpoint aligns with the Sunnah, where female circumcision potentially enhances a woman's sexual experience, physical attractiveness, and appeal to her spouse.

This research examines the parallels between female circumcision, FGM, and clitoral hood reduction or hoodectomy. The WHO classifies hoodectomy as FGCS that potentially improves women's sexual experience. The comparative analysis indicates that female circumcision is more similar to clitoral hood reduction than FGM. This study challenges the prevailing notion that female circumcision is a cultural practice that infringes on women's rights and perpetuates gender-based discrimination; thus, the practice should not be categorised as FGM as defined by WHO. The lack of established criteria from the authorities on the standardisation and safety of female circumcision and adherence to Sharia law has significantly contributed to the debates on this subject. Therefore, this study proposes a comprehensive research initiative to establish secure and Sharia-compliant protocols for female circumcision.

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Conflict of Interest

This article has not a conflict of interest

References

Abū Dawud, S. bin I. al-A. al-S. (2009). *Sunan Abī Dawud* (S. al-Arnāūt, Ed.; Vol. 7). Dār al-Risālah al-‘Ālamiyah.

Ahmad Tajuddin, M. A. H. (2019). Hadis-Hadis Khitān Wanita: Suatu Penilaian Semula Serta Implikasi Terhadap Diskusi Semasa. *Al-Takamul al-Ma‘rīfī*, 2(2), 49–89.

al-Albānī, A. ‘Abd al-R. M. bin N. (1995). *Silsilah al-Āḥādīth al-Ṣāḥīḥah wa Shay’ min Fiqhīhā wa Fawāidīhā* (Vol. 2). Maktabah al-Ma‘rīf li al-Nashr wa al-Tawzī’.

al-Anṣārī, A. Y. Z. bin M. (n.d.). *Asnā al-Maṭālib fī Sharḥ Rawḍ al-Ṭālib* (Vol. 4). Dār al-Kitāb al-Islāmī.

al-‘Asqalānī, A. al-F. A. bin ‘Alī bin Ḥajar. (1959). *Fath al-Bārī Sharḥ Ṣāḥīḥ al-Bukhārī* (M. al-D. al-Khatīb, Ed.; Vol. 10). Dār al-Ma‘rīfah.

al-Bayhaqī, A. B. A. bin al-H. bin’ Alī. (2003). *al-Sunan al-Kubrā* (M. ‘Abd al-Qādir ‘Atā, Ed.; Vol. 8). Dār al-Kutub al-‘Ilmiyyah.

al-Buhūtī, M. bin Y. bin I. (1993). *Daqāiq Ūlī al-Nuḥā li Sharḥ al-Muntaḥā* (Vol. 1). Dār ‘Ālim al-Kutub.

al-Dusūqī, M. bin A. (n.d.). Ḥashīyyah al-Dusūqī ‘alā al-Sharḥ al-Kabīr. In *Sharḥ Mukhtaṣar Khalīl* (Vol. 1, p. 312). Dār al-Fikr.

al-Farāhīdī, A. ‘Abd al-R. al-K. bin A. (n.d.). *al-‘Ayn* (Mahdī al-Makhzūmī & Ibrāhīm al-Sāmarāī, Eds.; Vol. 4). Dār Maktabah al-Hilāl.

al-Ghazālī, A. Ḥāmid M. bin M. (n.d.). *Iḥyā’ Ūlūm al-Dīn* (Vol. 1). Dār al-Ma‘rīfah.

al-Ghumārī, A. al-F. A. bin al-Ṣiddīq. (1996). *al-Mudāwī li ‘Ilal al-Jāmi’ al-Ṣaghīr wa Sharḥay al-Munāwī* (Vol. 1). Dār al-Kutbī.

al-Ḥākim, A. ‘Abd A. M. bin ‘Abd A. al-N. (1990). *al-Mustadrak ‘alā al-Ṣāḥīḥayn* (Muṣṭafā ‘Abd al-Qādir, Ed.; Vol. 3). Dār al-Kutub al-‘Ilmiyyah.

al-Harawī, A. M. M. bin A. al-A. (2001). *Tahdhīb al-Lughah* (M. ‘Iwād, Ed.; Vol. 7). Dār Iḥyā’ al-Turāth al-‘Arabī.

al-Haytamī, A. bin M. bin Ḥajar. (1983). *Tuhfah al-Muḥtāj fī Sharḥ al-Minhāj* (Vol. 9). Maṭba’ah Muṣṭafā al-Halabī.

al-Haythamī, A. al-H. N. al-D. ‘Alī bin A. B. (1994). *Majma’ al-Zawāid wa Manba’ al-Fawāid* (H. al-D. al-Qudsī, Ed.; Vol. 5). Maktabah al-Qudsī.

‘Alī al-Qārī, A. al-H. N. al-D. al-M. (2002). *Mirqāh al-Mafātīḥ Sharḥ Mishkāh al-Maṣābīḥ* (Vol. 7). Dār al-Fikr.

al-Juwaynī, A. al-M. ‘Abd al-M. bin ‘Abd A. (2007). *Nihāyah al-Maṭlab fī Dirāyah al-Mazhab* (‘Abd al-‘Azīm Maḥmūd al-Dīb, Ed.; Vol. 17). Dār al-Minhāj.

al-Māwardī, A. al-H. ‘Alī bin M. al-B. (1999). *al-Ḥāwī al-Kabīr fī Fiqh Mazhab al-Imām al-Shāfi’ī* (‘Alī Muḥammad Mu’awwad & ‘Ādil Ahmad, Eds.; Vol. 13). Dār al-Kutub al-‘Ilmiyyah.

al-Mursī, A. al-Ḥasan ‘Alī bin I. bin S. (2000). *al-Muḥkam wa al-Muhiṭ al-A‘zam* (A. al-Ḥumayd Hindāwī, Ed.; Vol. 5). Dār al-Kutub al-‘Ilmiyyah.

al-Nawawī, A. Z. M. al-D. bin S. (1928). *al-Majmū‘ Sharḥ al-Muhadhdhab* (Vol. 1). Idārah al-Ṭibā‘ah al-Munīriyyah.

al-Rūyānī, A. al-M. ‘Abd al-W. bin I. (2009). *Bahr al-Mazhab fī Furū‘ al-Mazhab* (Tāriq Fathī al-Sayyid, Ed.; Vol. 13). Dār al-Kutub al-‘Ilmiyyah.

al-Shanqīṭī, M. bin M. (2015). *Lawāmi’ al-Durar fī Hatki Astār al-Mukhtaṣar* (Vol. 5). Dār al-Riḍwān.

al-Ṣiddīqī, J. al-D. M. Ṭāhir bin ‘Alī al-H. (1967). *Majma’ Biḥār al-Anwār fī Gharā’ib al-Tanzīl wa Laṭā’if al-Akhbār* (Vol. 3). Maṭba’ah Majlis Dā’irah al-Ma‘rīf al-‘Uthmāniyyah.

al-Tahānawī, Ẓafar Aḥmad al-‘Uthmānī. (1984). *Qawā’id fī ‘Ulūm al-Hadīth* (‘Abd al-Fattāḥ Abū Ghuddah, Ed.). Maktab al-Maṭbū‘āt al-Islāmiyyah.

al-Zamakhsharī, A. al-Q. M. bin ‘Amrū. (n.d.). *al-Fā’iq fī Gharīb al-Hadīth wa al-Athar* (‘Alī Muḥammad al-

Bijāwī & M. A. al-F. Ibrāhīm, Eds.; Vol. 1). Dār al-Ma‘rifah.

Amin, I. (2022). Status Hukum Khitan Perempuan Dalam Perundang-Undangan di Indonesia dan Hukum Islam. *Jurnal Al-Ahkam*, 13(2), 1–22. <https://doi.org/10.15548/alahkam.v13i2.4974>

An Nabila, D. I. (2019). *Tradisi Khitan Perempuan Massal di Pondok Pesantren Manbail Futuh Tuban: Kajian Living Hadis*. Universitas Islam Negeri Walisongo Semarang.

Andro, A., & Lesclingand, M. (2016). Female Genital Mutilation. Overview and Current Knowledge. *Population (English Edition, 2002-)*, 71(2), 216–296. <http://www.jstor.org/stable/44135271>

Beth Maina Ahlberg, Wangui Njau, Karanja Kiiru, & Lngela Krantz. (2000). Gender masked or self-inflicted pain: female circumcision, eradication and persistence in Central Kenya. *African Sociological Review*, 4(1), 35–54. <https://doi.org/10.4314/asr.v4i1.23173>

Bethelheim, B. (1954). Symbolic wounds; puberty rites and the envious male. In *Symbolic wounds; puberty rites and the envious male*. Free Press.

Billet, B. L. (2007). The Case of Female Circumcision. In B. L. Billet (Ed.), *Cultural Relativism in the Face of the West: The Plight of Women and Female Children* (pp. 19–51). Palgrave Macmillan US. https://doi.org/10.1007/978-1-37-11913-1_2

Busyro, B., Arsal, A., Imran, M., Mohamad, M. N., Rosman, E., & Amin, S. (2023). Female Imam and Khatib: The Shifting in Worship Traditions from Progressive to Conservative in Sungai Landia, West Sumatra, Indonesia. *JURIS (Jurnal Ilmiah Syariah)*, 22(1), 39. <https://doi.org/10.31958/juris.v22i1.8545>

CEDAW. (2018). *CEDAW/C/MYS/CO/3-5: Concluding Observations on the Combined Third to Fifth Periodic Reports of Malaysia*.

Fadhli, A. (2016). Meramu Ketentuan Hukum Islam Terkait Khitan Perempuan. *JURIS (Jurnal Ilmiah Syariah)*, 14(1), 47. <https://doi.org/10.31958/juris.v14i1.296>

Hamid, A., & Putra, D. (2021). The Existence of New Direction in Islamic Law Reform Based on The Construction of Ibnu Qayyim al-Jauziyah's Thought. *JURIS (Jurnal Ilmiah Syariah)*, 20(2), 247. <https://doi.org/10.31958/juris.v20i2.3290>

Hunter, J. G. (2016). Labia Minora, Labia Majora, and Clitoral Hood Alteration: Experience-Based Recommendations. *Aesthetic Surgery Journal*, 36(1), 71–79. <https://doi.org/10.1093/asj/sjv092>

Ibn ‘Ābidīn, M. A. bin ‘Umar. (1966). *Radd al-Muhtār ‘alā al-Dur al-Mukhtār* (Vol. 6). Maṭba’ah Muṣṭafā al-Ḥalabī.

Ibn al-Ṣalāḥ, A. ‘Amrū ‘Uthmān bin ‘Abd al-R. (1987). *Fatāwā Ibn al-Ṣalāḥ* (M. ‘Abd Allāh, Ed.; Vol. 2). ‘Ālim al-Kutub.

Ibn Manzūr, A. al-F. M. bin M. al-A. (1993). *Lisān al-‘Arab* (Vol. 7). Dār Ṣādir.

Ibn Qayyim al-Jawziyyah, A. ‘Abd A. M. bin A. B. (2019). *Tuḥfah al-Mawdūd bi Aḥkām al-Mawlūd* (‘Uthmān Jum‘ah Dumayrah, Ed.). Dār Ibn Ḥazm.

Inadjo, S. (2021). *Khitan Perempuan Perspektif Hadis: Studi Kasus di Desa Sipayo Kecamatan Paguat Kabupaten Pohuwato Gorontalo*. Universitas Islam Negeri Alauddin Makassar.

Januardi, T. (2022). Sebuah Perspektif Nawal El Saadawi: Khitan Perempuan Antara Syariat dan Adat. *Jurnal Iman Dan Spiritualitas*, 2(3), 361–372. <https://doi.org/10.15575/jis.v2i3.18649>

Kamus Dewan Edisi Keempat. (n.d.). *Entri, “berkhatan”, laman sesawang Pusat Rujukan Persuratan Melayu (PRPM)*. Retrieved 6 October, 2023, from <https://prpm.dbp.gov.my/Cari1?keyword=berkhatan&d=243192&>

Karaman, M. I. (2021). Female circumcision debate: A muslim surgeon's perspective. *Türk Üroloji Dergisi/Turkish Journal of Urology*, 47(3), 193–198. <https://doi.org/10.5152/tud.2021.20546>

Masykur, F. I., & Mubakkirah, F. (2023). Tinjauan Hukum Islam Terhadap Khitan Bagi Perempuan: Studi Komparasi antara Ulama Klasik dan Ulama Kontemporer. *Comparativa: Jurnal Ilmiah Perbandingan Mazhab Dan Hukum*, 3(2), 139–160. <https://doi.org/10.24239/comparativa.v3i2.41>

Mohd. Awang Idris, Haslina Muhamad, & R. Zirwatul Aida R. Ibrahim. (2018). *Metodologi Penyelidikan Sains Sosial*. Penerbit Universiti Malaya.

Mohd Ithnin, N. K., Suliaman, I., & Ibrahim, A. H. (2023a). Autentikasi Hadith Pensyariatan Khitan

Wanita: Suatu Penilaian Semula. *Jurnal 'Ulwan*, 8(1), 128–142.

Mohd Ithnin, N. K., Suliaman, I., & Ibrahim, A. H. (2023b). Polemik Amalan Khitan Wanita Di Malaysia Menurut Perspektif Islam: Suatu Sorotan. *Jurnal Fiqh*, 20(1), 61–92. <https://doi.org/10.22452/fiqh.vol20no1.3>

Mohd Ithnin, N. K., Suliaman, I., & Ibrahim, A. H. (2023c). Re-evaluating the Authenticity of Hadith on the Shariah Ruling of Female Circumcision in Malaysia. *AlBayan*, 21(2). <https://doi.org/10.1163/22321969-20230133>

Momoh, C. (2010). Female genital mutilation. *Trends in Urology, Gynaecology & Sexual Health*, 15(3), 11–14. <https://doi.org/10.1002/tre.142>

Mundzir, I., & Muthmainnah, Y. (2022). The Progressiveness of Quranic Interpretation in the Fatwa of Muhammadiyah on Female Circumcision. *Indonesian Journal of Islam and Muslim Societies*, 12(2), 285–311. <https://doi.org/10.18326/ijims.v12i2.285-311>

Ni'ami, M. F., & Bustamin, B. (2021). Maqāṣid Al-Syārī'ah dalam Tinjauan Pemikiran Ibnu 'Āṣyūr dan Jasser Auda. *JURIS (Jurnal Ilmiah Syariah)*, 20(1), 91. <https://doi.org/10.31958/juris.v20i1.3257>

Nuranisa, R., & Sholahuddin, S. (2021). Female Circumcision According to Hadith. *Proceedings of The 1st Conference on Ushuluddin Studies*, 678–691.

Okoli, C. (2015). A Guide to Conducting a Standalone Systematic Literature Review. *Communications of the Association for Information Systems*, 37, 879–910. <https://doi.org/10.17705/1CAIS.03743>

Rashid, A., & Iguchi, Y. (2019). Female genital cutting in Malaysia: A mixed-methods study. *BMJ Open*, 9(4). <https://doi.org/10.1136/BMJOPEN-2018-025078>

Rosyid, Moh. (2020). Hadis Khitan Pada Perempuan: Kajian Kritik Matan Sebagai Upaya Mengakhiri Diskriminasi Jender. *Riwayah: Jurnal Studi Hadis*, 6(1), 19. <https://doi.org/10.21043/riwayah.v6i1.6869>

Sabir, M., & Nazaruddin, N. (2021). Manifestation of Sharia Regional Regulations in Managing Social Morality. *JURIS (Jurnal Ilmiah Syariah)*, 20(2), 189. <https://doi.org/10.31958/juris.v20i2.3276>

Sakka, A. R. (2021). Kritik Sanad Hadis Khitan Terhadap Perempuan sebagai Kehormatan. *Nukhbatus Ulum: Jurnal Bidang Kajian Islam*, 7(1), 99–118. <https://doi.org/10.36701/nukhbah.v7i1.324>

Sawan, D. (2021, January 25). *Clitoral Hood Reduction*. <https://drdanasawan.com/en/clitoral-hood-reduction/>

Schnatz, P., & Boardman, L. A. (2020). Elective Female Genital Cosmetic Surgery. *Obstetrics & Gynecology*, 135(1), 36–42. <https://doi.org/10.1097/AOG.0000000000003616>

Shah Alam, S., Rizwanullah, M., & Ahmad, W. (2018). Circumcision and the Contribution of Unani Surgeons in the Development of its Operative Procedure-A Review. *Jurnalul de Chirurgie*, 14(01), 53–55. <https://doi.org/10.7438/1584-9341-14-1-9>

Sister in Islam. (2021). *Seminar Sunat Perempuan: Mengenal dan #Pikirbalik Amalan Turun-Temurun*. https://www.facebook.com/watch/live/?ref=watch_permalink&v=268783057940372

Sister In Islam. (2021, 12 September). *Sesi Pembelajaran: Merungkai Persoalan Sunat Perempuan*. <https://www.facebook.com/officialSIS/videos/889555505273451>

Susilawati, M., Pagala, A., & Syamsi, N. (2023). Pandangan Masyarakat Kota Samarinda Terhadap Khitan bagi Perempuan dalam Perspektif Hukum Islam. *Islamic Family Law Journal*, 1(1), 71–80.

United Nations. (2013). *A/RES/67/146: Intensifying global efforts for the elimination of female genital mutilations*.

United Nations Children's Fund (UNICEF). (2023). *What is female genital mutilation?* | UNICEF. <https://www.unicef.org/stories/what-you-need-know-about-female-genital-mutilation>

United Nations Population Fund (UNPF). (2022, February). *Female genital mutilation (FGM) frequently asked questions*. https://www.unfpa.org/resources/female-genital-mutilation-fgm-frequently-asked-questions#psychological_effects

Van Der Kwaak, A. (1992). Female circumcision and gender identity: A questionable alliance? *Social Science & Medicine*, 35(6), 777–787. [https://doi.org/10.1016/0277-9536\(92\)90077-4](https://doi.org/10.1016/0277-9536(92)90077-4)

Wen, C. Y., & Baity, M. (2022, 25 January). *The Hidden Cut*. <https://www.rage.com.my/the-hidden-cut/>

World Health Organization. (2021). *Female genital mutilation*. <https://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation>

World Health Organization (WHO). (1998). *Female Genital Mutilation*.

World Health Organization (WHO). (2008). *Eliminating Female Genital Mutilation: An Interagency Statement*. WHO Press.

World Health Organization (WHO). (2016). *WHO Guidelines on the Management of Health Complications From Female Genital Mutilation*. World Health Organization.