Debate on the Plan of Making "Fiqh Waria": Framing Analysis Study in Online Media

This research is an online media study about Waria (transgender) phenomenon in Indonesia. Generally, the discussion about waria is still taboo, but Okezone.com dare to report about the plan of making Fiqh Waria, it is Islamic laws specially for transgender. The Fiqh is expected to be a reference for the waria community to do religious rituals, especially for those who are Muslims. Islam itself is a religion that has different laws and rules between men and women. This study used qualitative paradigm with framing analysis of Robert N. Entman. According to Entman, framing is the selection process and highlights some aspects of a situation to promote a particular interpretation. Interpretation generally comes from an interconnected narrative of (1) problem identification; (2) causal interpretation; (3) moral evaluation; (4) and treatment recommendations. The results of this study mentioned that in the framework of the problem identification, reported the news about will be made a special fiqh for waria named Fiqh Waria. In the framework of causal analysis, the making of Fiqh Waria is necessary so that they can still live religious life after gender-changed. In the framework of moral evaluation, the waria are considered to have equal rights for religion and doing rituals worship. In the framework of treatment recommendations, it is reported that Fiqh Waria will be a fiqh that easy to apply, a religious jurisprudence that humanize human.

Keywords: fiqh, framing, media, online, waria.

Introduction

In Indonesian Dictionary, waria is an acronym of wanita (woman) and pria (men). Waria is defined as a man who behaves like a woman, and or, a man who has feeling as a woman. In more general terms, waria is often referred to transgender. In the online page of Nahdlatul Ulama Organization, transgender is defined as someone who has a gender identity or gender expression that is different from his designated sex, for example a person who is biologically male more comfortable to look and behave like a woman or vice versa. Furthermore, in this paper, the waria will be seen as a single community. As a personality, the presence of a waria had a long process. Personally, the emergence of waria cannot be separated from the strong impulses from within that their physical are not suit with psychological conditions. However, normatively, societies in Indonesia do not recognize the existence of a third sex among men and women. The waria also often involved in social conflicts in various forms of abuse. Not all societies, including their own families, can accept the presence of waria as reasonably as any other gender. These conflicts caused the waria space became narrower and more isolated from the social environment, while the waria were required to survive both psychologically and financially in that self-isolating environment (Kartono, 1989, p. 257). Then the waria commonly can only do work outside official institutions, most of them being street singers or self-employed.

Psychically, it is undeniable that human beings have reason and desire for God, religion and prayer. The matter of religious rituals, also become a long thought for waria. In rituals of worship, it is unclear that waria should perform as male or female. The law that organizing the rules of rituals in Islam is called Fiqh or Fikih (Indonesian pronunciation). Generally in Islam, men and women
have different rules, from birth to death later.

Fiqh, etymologically closer to science that explains the laws of Islamic shari'ah. Also, according to the term, fiqh is a science that explains the laws of syara' (Islamic law, the provision of Allah) which is practical that derived from the detailed Islamic-law arguments (Rasjid: 11).

As a country with the most Muslim population, the adherents of Islam in Indonesia from childhood to adulthood are taught to fiqh education in schools, in their home, and in their social environment. Men and women are distinguished in religious activities. For example, the line of the men's prayer is in front of the women, the male awrot¹ is not as closed as the woman's awrot, the male is obliged to do the Friday-prayer while the woman is not obligated, so the inheritance rights of men are different from the rights of the female heir. Also with the process of bathing the corpse, the bodies-corpse of men must be bathed by men, and women's bodies-corpse must be bathed by women. From those appeared that Islam is so orderly and detail in organizing its people. Then what about the waria who are in the middle, not men and also not women?

The question has always been a debate in society itself, and it is reflected in the news. Should there be a special fiqh or jurisprudence for waria, so that they can do rituals activity according to their religion, or not. This study seeks to learn how the common society sees the urgency of making a fiqh for waria or transgender, especially in the online mass media. Online media was chosen because of the rapid and widespread of information dissemination, as well as one of the most accessible media platforms.

<table>
<thead>
<tr>
<th>No.</th>
<th>News Title (Indonesian)</th>
<th>News Title (English)</th>
<th>Online Media</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Rumor Fiqih Waria, FJI Ancam Segel Ponpes Transgender di Jogja</td>
<td>Rumor Fiqih Waria, FJI Threaten to Seal of Transgender Boarding School in Jogja</td>
<td>Merdeka.com</td>
</tr>
<tr>
<td>2.</td>
<td>Laskar FJI Mendatangi Pesantren Waria Terkait Penerbitan Fiqih Waria</td>
<td>Personnel of FJI Visited Waria Boarding School Related to Issue of Fiqh Waria</td>
<td>Arrahmah.com</td>
</tr>
<tr>
<td>3.</td>
<td>Buku SD Memuat Banci Jadi Imam Menuai Protes</td>
<td>Primary School Book Bring up Waria Become Imam¹ Cause Protest</td>
<td>Sindonews.com</td>
</tr>
<tr>
<td>4.</td>
<td>Topic: Banci Jadi Imam</td>
<td>Topic: Waria Become an Imam</td>
<td>Ihram.co.id</td>
</tr>
<tr>
<td>5.</td>
<td>Ponpes Al Fatah Bantah Bikin Fiqh Khusus Waria</td>
<td>Al Fatah Islamic Boarding School Denies Make a Special Fiqh for Waria</td>
<td>Iyaa.com</td>
</tr>
</tbody>
</table>

Table 1. News Reports of Fiqh Waria in Online Media

Source: Personal observation.

This study analyzes a news in online media, reported by Okezone.com. The reasons for subject selection is determined by the way the Okezone.com reports the case differently. Other media more shows that they do not agree with the plan of making Fiqh Waria, but Okezone.com dare to report about it from different sides. Okezone.com provides the perspective that the Fiqh Waria is expected to become a reference for waria in doing religious rituals.

¹ Parts of the human body that must be covered from the eyes of others with clothing.
² In this context, an Imam means the head of Islamic worship services, serve as community leaders, and provide religious guidance.
The title of the news is "Pembuatan Fikih Waria Bertujuan Agar Mereka Bisa Beribadah (Making Fiqh Waria Aims To Make Them Able To Worship)". From the title it already seen that Okezone.com prefers to underline the purpose of making the Fiqh Waria itself. The entire contents informs that The Head of Al Fatah Boarding School (Yogyakarta), Mr. Abdul Muhamin plans to make Fiqh Waria. The fiqh will discuss about the procedures of rituals-worship, the management of the corpse and the rights of inheritance. Abdul Muhamin also deplored the actions of some people that prohibit the making of it. By reading over and over again, the news takes the perspective of making a fiqh for waria by the side of its positive goal, not the debate over the case.

According to the communication science, the media so far can include their perspectives in interpreting social reality. They choose to define the aspects that are highlighted or eliminated, they can determine the structure of the news according to their will, from which side the event will be highlighted, which part of the event takes precedence or forgotten, also determine who will be the informant. News is not merely a representation of events, but it also contains the media values (Tuchman, 1978).

According to A. M. Rosenthal (in Pardede, 2001, p. 17), objectivity is an important part of the character of the mass media. But total objectivity may be impossible, because every report is written by a human who normally has emotion inside.

One such action is in terms of choice of title and highlighting of event area. Although the mass media is only reporting, but the selection of point of view, certain terms or symbols, will disturb the understanding of society. The use of certain terms has implications for the emergence of certain meanings. The way of presentation of a reality and the way reality has been constructed are also determined the meaning of the news.

To analyze the subject, the authors used framing scheme of Robert N. Entman. In communication science, framing analysis represents a tradition that uses multidisciplinary approach to analyze phenomena or communication activities (Sudibyo, 1999b, p. 176).

This analysis examines the strategy of selection and linking facts into news in order to be more meaningful, more memorable, and to lead the interpretation of audience according to perspective that the media wants. In other words, framing is an approach to know how perspective is used by journalists in selecting issues and writing news. The perspective ultimately determines what fact is taken, which part is highlighted and removed, and even decides to where the news will be going (Nugroho, Eriyanto, Sudarsis, 1999, p. 21). Hence, the news becomes manipulative and aims to dominate the subjects as something legitimate, objective, natural, and inevitable (Imawan, 2000, p. 66).

The framing of Robert N. Entman was chosen because it has a distinctive element of analysis-scheme that is oriented towards the discovery of a problem way out. Unlike the other framing such as Gamson and Modigliani which focuses more on news package, and also it is not unlike the framing of

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3 Further known as Boarding School for the waria
Robert N. Entman’s framing captures two major dimensions of news: the selection of issues and the emphasis on aspects of reality. Sobur (2006) explains, these two factors can further sharpen news framing through the selection of issues that are newsworthy and emphasis content news. The perspective of the journalist will determine the facts that journalist chose, highlight, and discard. Behind all of this, the decision-making on which side is highlighted necessarily involves the value and ideology of the journalists in news-production process.

The scheme of the Robert N. Entman’s framing analysis can be seen as below:

<table>
<thead>
<tr>
<th>Problem Identification</th>
<th>How is an event seen?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Causal Interpretation</td>
<td>Caused by what is this event?</td>
</tr>
<tr>
<td>Moral Evaluation</td>
<td>What moral value is used to legitimate an action?</td>
</tr>
<tr>
<td>Treatment Recommendation</td>
<td>What sort of solution is offered?</td>
</tr>
</tbody>
</table>

Table 2. Scheme of Robert N. Entman’s Framing


Literature Reviews

No literature review has been found on similar article that matches exactly with the topic and methodology. Therefore, the literature review in this study will discuss the major themes, like waria (or transgender in general), and framing analysis methods. Here are literature reviews that successfully summarized:

Pesantren waria dan konstruksi identitas (boarding school of waria and construction of identity) by: Umi Latiefah (2013). This article discusses how the waria look at themselves through the community and how the public contrary perceives the identity of waria. In reality, waria still get discriminatory treatment because their identity is seen as an aberration. This view results the placement of waria as marginalized. Most people could not accept the identity of waria. Then some waria do various ways to be accepted by society, one of them is going to a Boarding School. Boarding School as a tool to reconstruct the identity of waria where provide a picture of positive image. The existence of Boarding School for waria has successfully managed to reconstruct the identity of waria by creating a new construction that can provide a picture to the public that waria have a positive side and people believe there is difference in behavior between waria who is in Boarding School and the waria who does not participate Boarding School.

Pendidikan agama bagi waria melalui pesantren: kasus pesantren waria al fatah senin-kamis yogyakarta (religious education for waria through boarding school: the case of al fatah waria boarding school, yogyakarta) by: Sri Salmah (2010). This article discusses how society has a perception that the world of waria is a dark world, negative, also a disturbing environment. The people could not accept the existence of waria so that never opens any opportunity,
the opening of boarding school for waria could be a solution. They show how
the waria recited holy verses of the Quran that touching the listener's heart,
they also perform the prayer, fasting, and other deeds performed. The ustadz
(teacher) puts 2 (two) main characteristic of boarding school: patience and
accept everything with sincerity, and diligently doing the right job. With the
understanding of religion through boarding school is expected for waria began
to open their lives through the right path.

Analisis framing pemberitaan media online mengenai kasus pedofilia di
akun facebook (framing analysis on online media reporting about pedophilia
cases in facebook account) by: Rieka Mustika (2017). This article discusses the
case against children that often happens, it makes many people realize how
vulnerable children become victims of immoral crime. The subject of this
research is a group account on facebook called Loli Candy's that collects
pornographic photos of children. The purpose of the study was to see how
online media Kompas.com and Republika Online framing about pedophilia
through facebook account. The model of analysis used is Robert N. Entman
model. The result difference framing in the news raised by Kompas.com and
Republika Online most often seen lies in the selection of resource persons.
Republika Online as an Islamic media always chooses speakers who have
Islamic thought.

Methodology

This study is included in the sequence of qualitative research. Qualitative
study is a descriptive research and tends to use analysis with inductive
approach. Process and meaning (subject perspectives) are more highlighted in
qualitative study. Theoretical basis is used as a guide to focus the study in
accordance with the facts in the field. In addition, the theoretical is also use to
provide an overview of the study background and as a material discussion for
study result.

The paradigm of this study is constructivist paradigm. The Media-work is
essentially an activity of constructing reality. Media content is the result of
media workers constructing the various realities they choose. Journalistic
reports in the media are the result of the preparation of realities in a report
form. Thus, as Tuchman says, news is essentially a constructed reality
(Sudibyo, Hamad, Qodari, 2001, p. 65).

The analysis used is framing analysis of Robert N. Entman. The framing
concept in Entman's view, consistently offers a way of expressing the "power
of a communication text." Framing, as Entman says, includes selecting and
choosing which parts of the news that are considered important for publication.
Creating frames is the activity of selecting some aspects of an reality-
understanding and making it more prominent in a text, then communicate it in
such a way as to produce: the problem identification, causal interpretation,
moral evaluation and treatment recommendation (Siahaan 2001, p. 80-81). It is
hoped that by framing analysis, it can explain in appropriate way, the influence
on human consciousness that is urged by the transfer of communication from a
news text. In this case, the news by Okezone.com entitled "Pembuatan Fikih
Waria Bertujuan Agar Mereka Bisa Beribadah (Making Fiqh Waria Aims To Make Them Able To Worship).

**Result**

<table>
<thead>
<tr>
<th>Media Type</th>
<th>Online</th>
<th>Media Name</th>
<th>&quot;Pembuatan Fikih Waria Bertujuan Agar Mereka Bisa Beribadah (Making Fiqh Waria Aims To Make Them Able To Worship).&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>News content</td>
<td></td>
<td></td>
<td>YOGYAKARTA – Guaranteed freedom of worship, head of Al Fatah waria boarding school, Abul Muhamin discloses, there are plans to make fiqh (Islamic rules and law) for waria. Muhamin added that the making of the fiqh waria is an initiative of the Islamic University of Nahdlatul Ulama (UNISNU) in Jepara City, Central Java. &quot;The plan of making the fiqh comes from Unisnu,&quot; said Muhamin at the office of LBH Yogyakarta, Tuesday (8/3/2016). According to him, the making of this fiqh is necessary so that waria can worship according to their belief. &quot;They (waria) also have the right to study religion and practice worship. The fiqh that is required is more like applied fiqh, a religious jurisprudence that humanize humans,&quot; he said. Meanwhile, a teacher of the waria boarding school, Arif Nuh Safri, added that later in the fiqh, will discuss the rules of worship, the management of the corpse, and the right of inheritance. For that, he deplored the actions of some people who forbid the making of the fiqh. &quot;Al Fatah Boarding School activities do not deviate from Islamic values,&quot; he said. (fds)</td>
</tr>
</tbody>
</table>

**Table 3. Research Subject**

Source: Okezone.com.

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Table 4. The Analysis of the Research Subject

<table>
<thead>
<tr>
<th>Unit of Analysis</th>
<th>News Content</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Problem Identification</td>
<td>The plan of making <em>Fiqh Waria</em> by the Al Fatah Boarding School, Yogyakarta.</td>
<td>The making of <em>Fiqh Waria</em> is still a plan and there is no realization yet. No need to be worried.</td>
</tr>
<tr>
<td>Causal Interpretation</td>
<td>The making of the <em>fiqh</em> is necessary so that <em>waria</em> can do rituals-worship according to their belief.</td>
<td>The plan of making <em>Fiqh Waria</em> is also plan of UNISNU, not just from Al Fatah. Bethink the urgency that the <em>waria</em> need to expression their belief in rituals-worship and all religious activities.</td>
</tr>
<tr>
<td></td>
<td>In the text it is explained that the making of <em>Fiqh Waria</em> is the result of an agreement with the Islamic University of Nahdatul Ulama (UNISNU) in Jepara City, Central Java.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>In the text added a resource statement to support the previous statement: &quot;The plan of making <em>Fiqh Waria</em> comes from Unisnu.&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The informant chosen was Abdul Muhaimin, the head of Al Fatah Boarding School.</td>
<td></td>
</tr>
<tr>
<td>Moral Evaluation</td>
<td>The news text writes the statement of an informant who states that: &quot;Al Fatah Boarding School activities do not deviate from Islamic values.&quot;</td>
<td>The activities inside the Boarding School are ordinary. There are nothing strange. Simply just for the <em>waria</em> can still learn religion and do rituals-worship.</td>
</tr>
<tr>
<td></td>
<td>The text deliberately added with the statement of an informant that states: &quot;They (<em>waria</em>) also have the rights to study religion and practice worship.&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The second informant chosen is Arif Nur Safri, as teacher of Al Fatah Boarding School.</td>
<td></td>
</tr>
<tr>
<td>Treatment Recommendation</td>
<td>The selected informant statement was: &quot;The <em>fiqh</em> that is required is more like applied <em>fiqh</em>, a religious jurisprudence that humanize humans.&quot;</td>
<td>The <em>fiqh</em> will later become a practically applied jurisprudence. The <em>waria</em> are also human beings equal to others, they have religious aspects (law, rules, etc) from birth to death later. <em>Waria</em> have the rights to know how they do religious activities after gender-changed.</td>
</tr>
<tr>
<td></td>
<td>Also followed by an explanation that: &quot;in the <em>fiqh</em>, it will be discussed in the manner of worship, the administration of the corpse, and the right of inheritance.&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The selected informant is Arif Nur Safri, as teacher of Al Fatah Boarding School.</td>
<td></td>
</tr>
</tbody>
</table>

*Source: Authors Analysis.*
Conclusion

From the analysis table, it can be seen how the news was framed in such a way, from the selection of title, the selection of informants who only from the side of Al Fatah Boarding School (the first party which plans to make the Fiqh Waria), including by the selection statements that were said by the informants, so have the meaning according to a specific purpose.

A frame demands the attention of some aspects of reality by ignoring other elements that allow audience to have different reaction. Okezone.com frames the report of this case in terms of its utility as seen as in 3rd paragraph (see table) and that the figh will only be easily-applied jurisprudence for those who have gender-changed in order to continue religious laws and rituals-worship as seen as in 4th and 5th paragraphs (see table).

After the analysis, it can be stated that Okezone.com provides an understanding to the society about the plan of making Fiqh Waria with details by the first party, so that people do not become worried, since the waria are still considered irregularities for most people. By looking at the contents of the figh later, it is hoped that people will no longer protest and respect the rights of the waria. The waria have the same rights to be able to learn their religion and to perform daily worship activities. With this news, it is expected that the protests that were feared will lead to violence can be avoided. This is also the one of journalistic activity goals, which is: to provide information, to give an understanding of a phenomenon, to educate society and become a tool of social control.

Discussion

The authors had an interview with a waria named Natalia Nur Siska, he said his desire to be able to use hijab\(^4\) and do rituals of worship like a woman. He said he usually praying in the mosque during Maghrib, using sarong\(^5\). But when praying at home, he dared to use mukena\(^6\), he said that it is done because he wants to be honest before God, be a her, as what he thinks he is. Furthermore, Natalia admitted often ventured to wear hijab when in a strange environment. But when in an environment that knows him, he is more often dressed and performing rituals of worship like men.

The waria have long been a negative stigma in society. In addition, the waria is often used as a joke-figure in the mass media of Indonesia. Some television uses the waria as the object of suffering and mockery in comedy programs. When a person becomes a waria, the society seems to have a legality to humiliate him, laugh at him, and not to regard the personal qualities of him.

When the government shows a counter-attitude to transgender, the waria

\(^4\) Veil that covers the head for woman in Islam.
\(^5\) A wide piece of cloth that is worn at the waist to cover the lower part of the body (waist down) for men.
\(^6\) A cloth that uses to cover all over the body for woman.
were also the first side to be deprived of their rights. The rights to work, the
rights of acknowledgment their talents, as well as the rights to perform rituals
according to their religion, are often still restricted. It can be interpreted as how
low to live as a waria. Society indirectly prevents all the efforts of the
emergence of other identities than men and women, in the name of the
common good.

Bibliography

http://kamusbahasaindonesia.org
http://www.nu.or.id/post/read/84392/transgender-dalam-pandangan-syariat-islam
https://indonesiana,tempo.co/read/65491/2016/03/07/ardisenayam/melarang-banci-di-
telesisi

Imawan, Teguh. 2000. “Media Surabaya Mengaburkan Makna Kasus Pemilihan

Interview: Natalia Nur Siska, asal Pekalongan – Jawa Tengah.

Mandar Maju.

Pemikiran Sosiologi Universitas Gadjah Mada. Vo. 2 No. 1.

Mustika, Rieka. 2017. “Analisis Framing Pemberitaan Media Online Mengenai Kasus
Pedofilia di Akun Facebook.” Jurnal Penelitian Komunikasi Vol. 2 No. 2.

Jakarta: Institut Studi Arus Informasi (ISAI).


Algesindo.

Salmah, Sri. 2010. “Pendidikan Agama Bagi Waria Melalui Pesantren: Kasus
Pesantren Waria Al Fatah Senin-Kamis Yogyakarta.” Jakarta: Jurnal Edukasi

Pendapat Timor Timur.” Jakarta: Institut Studi Arus Informasi (ISAI).


di Media Massa.” Jakarta: Institut Studi Arus Informasi (ISAI).

Yogyakarta: Bigraf Publishing.

York: The Free Press.