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Smoking, Hijab and Gender Identity: Social Jurisprudence Perspective on Indonesian Muslim Women in Café Bars

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Abstract

Indonesian Ulema Council (MUI) in 2009 declared that smoking is *haram* for women, and children, or when held in public places. However, these practices still happen now. It triggers researchers to explore; how the wider social environment regulates the process of internalization and normalization of smoking among Muslim women and the uninvited norms that are religious and social; how religion, gender, and socio-cultural relations shape the attitudes and behavior of Muslim women smoking, and; how social

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jurisprudence views those problems. This study uses a qualitative approach, which includes observation, interviews, and a literature review with descriptive analysis that considers the principles of social jurisprudence in socio-religious relations. Conducted with an interpretive qualitative paradigm and from a phenomenological epistemology, the study employs the habitus theory by Pierre Bourdieu as well as agency, piety, and embodiment by Eva F. Nisa to explore the intersectionality of faith, culture, and individual agency. Five Muslim women interviewed from five different provinces of Indonesia show how religious ideals clash with gender norms and modernity. The study indicates that familial factors, peers, and media socialization overshadow religious prohibitions against smoking. People adjust religious teachings to specific situations in the way they want since they do not wish the fatwa to control their lives. The café bar is a counter space where women perform defiance and assert ethnic otherness while adhering to patriarchal and religious expectations. Tobacco advertising, in particular, relates views of smoking to economic factors that also contribute to the associated stereotypes of modernity and freedom.

Keywords:

Muslim women; Smoking; Hijab; Social jurisprudence;
Gender norms

Introduction

Numerous cross-sectional and longitudinal studies conducted over the past fifty years have demonstrated that individuals who are more religious pay more attention to health aspects.¹ A systematic review of second-hand smoking in mass media campaigns (2002-2022) found that exposure to second-hand smoke (SHS) can increase the risk of chronic diseases in adults, as well as ischemic heart disease and lung cancer, sudden infant death syndrome (SIDS), and other health problems in children. The 2019 Global Burden of Disease Study estimated that SHS exposure contributed to 1.3 million premature deaths worldwide, with approximately 50,000 of these deaths

¹ Harold G Koenig et al., "The Relationship Between Religious Activities and Cigarette Smoking in Older Adults," *The Journals of Gerontology: Series A* 53, no. 6 (1998): 426-34, <https://doi.org/10.1093/gerona/53A.6.M426>.

occurring in children under 14 years of age.² Another study looked at passive agencies owned by female smokers in Yogyakarta, which serves to maintain the habit of smoking despite social pressure and inherent stigma. The study shows that female smokers act within the limits set by social norms and structures, but still have control over their actions, such as choosing the type of cigarette, the comfortable place to smoke, moreover the beverages they prefer.³

Interestingly, amid modernity, some Indonesian Muslim communities have made smoking a necessity. As the author found in the field and based on the results of preliminary interviews in this research with five Indonesian Muslim women from different provinces, they have a smoking habit and like to go to café bars. They are two activities that Indonesian society generally considers to be very contradictory to the pious values of Muslim women, particularly those wearing hijab. The hijab, meanwhile, is often a symbol of piety in public and private spaces.⁴ In scientific literature, it is stated that pubs or bars are deemed as places that serve alcoholic drinks, which are considered an essential element in informal work culture for building professional networks. These norms impact Muslim women who do not consume alcohol due to religious prohibitions, causing emotional and professional challenges in their attempts to adapt to the practice.⁵ Therefore, Muslim women are considered immoral and

² Carmen C.W. Lim et al., "A Systematic Review of Second-Hand Smoking Mass Media Campaigns (2002-2022)," *BMC Public Health* 24, no. 1 (2024): 1-12, <https://doi.org/10.1186/s12889-024-18222-5>.

³ Tyas Aisyah Putri and Devy Riyanti Adi Wijaya, "Peran Teman Sebaya dalam Menurunkan Perilaku Merokok pada Remaja Perempuan di Kota Yogyakarta," *Journal of Health Promotion and Behavior* 6, no. 1 (2024): 53-64, <https://doi.org/10.47034/ppk.v6i1.1082>.

⁴ Muhammad Zain et al., "Hijab Discourse in Indonesia: The Battle of Meaning Between Sharia and Culture in Public Space," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 3 (2023): 1661-81, <https://doi.org/10.22373/sjhk.v7i3.19383>; Taufiq Hidayat, Raihanah Azahari, and Fauzi Fauzi, "Jeulame in Marriage in Banda Aceh: Looking for a Common Thread Between Culture and Sharia," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 20, no. 1 (2020): 115, <https://doi.org/10.30631/al-risalah.v20i1.563>; Achmad Fausi and Asmuni, "Determination of the Minimum Age Limit for Marriage: Balancing Legal Supremacy and the Objectives of Sharia in Indonesian Marriage Law," *Mazahib Jurnal Pemikiran Hukum Islam* 23, no. 1 (2024): 117-54, <https://doi.org/10.21093/mj.v23i1.7611>.

⁵ Shehla Arifeen, "British Muslim Women's Experience of the Networking Practice of Happy Hours," *Employee Relations: The International Journal* 1, no. 1 (2020): 1-13, <https://doi.org/10.1108/ER-04-2018-0110>.

even strange if they have the habit of smoking and going to café bars while they wear the hijab and pray.

Muhammadiyah, through the fatwa of the *Tarjih* and *Tajdid* Council, stipulates that the law of smoking is *ḥarām*. They reasoned that smoking brings *muḍarat* (danger) both for themselves and others. In addition, the evidence underlying the law of the *ḥarām* of smoking includes verses of the Qur'an that prohibit acts that are harmful to oneself and hadith that prohibits acts that are harmful to the body.⁶ Meanwhile, Nahdlatul Ulama is more flexible in viewing the smoking law and does not directly prohibit it. In their view, the law of smoking is *makrūh*, with the note that if smoking excessively or is proven to be clearly harmful to health, then the law becomes *ḥarām*. They also assessed that smoking could provide positive benefits, such as helping relaxation, improving concentration, and providing energy while working. The reason why smoking is prohibited is because it is considered contrary to the goals of Islamic Sharia.⁷

As a country with a majority Muslim population, Indonesia respects Islamic law without ignoring democratic values. Social jurisprudence theory emphasizes the principles of social justice and community rights governed by Islamic teachings. Social jurisprudence aims to ensure that individual rights are respected and protected in a broader social context.⁸ The principle of social jurisprudence, according to K.H. Sahal Mahfud, as developed in his book "*Nuansa Fiqh Sosial*", is not only regulating laws based on texts, but also adapts to the development of the times and the needs of society in accordance with Islamic law.⁹ In the context of this study, the

⁶ Shubhi Mahmashony Harimurti, "The Effectiveness of Health Promotion on the Tobacco Fatwa Issued by Tarjih and Tajdid Council of Muhammadiyah," *IJISH (International Journal of Islamic Studies and Humanities)* 5, no. 1 (2022): 63–78, <https://doi.org/10.26555/ijish.v5i1.4821>.

⁷ Watni Marpaung et al., "Worshippers Smoking in Mosques: Violation of Fatwas of Ulemas and Governor Regulation," *HTS Teologiese Studies/Theological Studies* 78, no. 1 (2022): 1–9, <https://www.ajol.info/index.php/hts/article/view/247524>.

⁸ Ezieddin Elmahjub, "Transformative Vision of Islamic Jurisprudence and the Pursuit of Common Ground for the Social Good in Pluralist Societies," *Asian Journal of Comparative Law* 14, no. 2 (2019): 305–335, <https://doi.org/10.1017/asjcl.2019.34>.

⁹ Elmahjub; Issa Babatunde Oba, "The Dynamics of Islamic Marital Jurisprudence in Islamic Courts: The Experience of the Kwara State and Zanzibar,"

discussion of the life of Muslim women who smoke and enjoy life in cafes and bars is assumed to be negotiable through social *fiqh*, especially related to the principles of individual human rights and social justice.

Accordingly, Pierre Bourdieu's concept of habitus and field is crucial in his social theory and offers an in-depth understanding of how individuals and social structures interact with each other. Habitus refers to habits, skills, and dispositions that are embedded in individuals. This habitus is not something fixed but is shaped by a person's living conditions, especially through family, education, and social class. Meanwhile, field refers to a social arena where individuals or groups compete for resources, power, and recognition with certain rules, hierarchies, and power relationships.¹⁰ In the context of this research, Pierre Bourdieu's concept of habitus and field is assumed to provide an idea of why these hijab-wearing Muslim women go to the bars and smoke. Meanwhile, *ṭā'ah* agency, or what can also be called obedient agency is a theory offered by Eva F. Nisa in her book entitled "Face-Veiled Women in Contemporary Indonesia".¹¹ In the context of Eva's research, veiled women wear their hijab purely because it is part of their way of expressing obedience to God through it. Likewise, in this research, the informants all wore hijab as a form of their obedience to the recommendations of Islam, in addition to that because they felt comfortable wearing it.

Several previous research have been conducted in the same field. Umay¹², for instance, stated that some cafés and bars have Muslim female customers, both those who wear the hijab and those who don't. Both researches tried to analyze in the Islamic law perspective both for seller and buyer. Different to them, Anisa¹³,

IJoReSH: Indonesian Journal of Religion, Spirituality, and Humanity 2, no. 1 (2023): 43–67, <https://doi.org/10.18326/ijoresh.v2i1.43-67>.

¹⁰ Lois McNay, "Gender, Habitus and the Field: Pierre Bourdieu and the Limits of Reflexivity," *Theory, Culture & Society* 16, no. 1 (1999): 95–117, <https://doi.org/10.1177/026327699016001007>.

¹¹ Eva F. Nisa, *Cadari as Dedicated Actors* (London: Routledge, 2022), 28.

¹² Harjito Harjito, Nazla Maharani Umay, and Muhajir Muhajir, "Indonesian Labor Women (TKW) Habitus and Agency," *Kafa'ah: Journal of Gender Studies* 8, no. 1 (2018): 15, <https://doi.org/10.15548/jk.v1i1.194>.

¹³ Zahratu Mutiara Anisa, Bunyamin Faisal, and Pepi Siti Paturohmah, "The Image of Muslim Women in TV Series we are Lady Parts (2021)," *Saksama: Jurnal Sastra* Vol. 3, no. 2 (2024): 96–108, <https://doi.org/10.15575/sksm.v3i2.39849> 96.

Alicia,¹⁴ and Linda¹⁵ stated that for many Muslim women, the hijab is a form of expression of identity, protection, psychological comfort, and even a tool for negotiating freedom and independence in public spaces.

This research is different from those previous researches. Researchers tried to fill the gap among those researches in which there is no research shows about Muslim women wearing hijab with a habit of smoking in café bars but still make the hijab a symbol of identity, spirituality, and agency. Therefore, this research wants to explore 1). How does the social environment organize the process of the internalization and the normalizing of smoking among Muslim women, and invite norms that are religious and societal? 2). How do the religion, gender, and socio-cultural relations shape smoking attitudes and behaviors of Muslim women? and 3). In what way can or should social jurisprudence be utilized to address the utilitarian and even Islamic permissibility of smoking, the Hijab, and café bars for Muslim women?

Methods

This research type is interpretive qualitative, with the research approach used namely phenomenology. The phenomenological approach is chosen because it directly observes the lives of five Indonesian Muslim women in cafe bars to provide an overview of the dynamics of their lives amidst the current modernization. The sample of this study was 5 (five) Muslim women from various provinces who had the habit of smoking, wearing the hijab, and going to cafe bars regularly. The researchers explore their daily experiences by observing them directly and conducting in-depth semi-structured interviews. All interviews were recorded using a voice recorder after obtaining participant consent. The informant in this research is performed in Table 1.

¹⁴ Alicia Izharuddin, "The Muslim Woman in Indonesian Cinema and the Face Veil as 'Other,'" *Indonesia and the Malay World* 43, no. 127 (2015): 397-412, <https://doi.org/10.1080/13639811.2015.1033162>; Muhammad Ansor and Yaser Amri, "Being Christians in the Acehnese Way: Illiberal Citizenship and Women's Agency in the Islamic Public Sphere," *Journal of Indonesian Islam* 14, no. 1 (2020): 77-112, <https://doi.org/10.15642/JIIS.2020.14.1.77-112>.

¹⁵ Linda S. Fair, "Muslims in Denmark: Discourse of the Veil," *Middle States Geographer* 36 (2003): 15-24, http://geographyplanning.buffalostate.edu/MSG2003/3_Fair.pdf.

Table 1. The informant identity

Initials	Age	Province	Education
INF 01	25 th	Yogyakarta	S1
INF 02	24 th	West Sumatra	S1
INF 03	24 th	North Sulawesi	S1
INF 04	25 th	East Java	S1
INF 05	24 th	West Java	S2

Table 1 shows the characteristics of participants and their descriptive data related to the study variables. Respectively, they come from the provinces of the Special Region of Yogyakarta, Sumatra, Sulawesi, East Java, and West Java. It is written with the initials "INF". All the informants in Table 1 actually wear hijab, smokes, going to cafe bars, and pray as a *muslimah*.

Result and Discussion

Social Environment, Muslim Women, and Smoking Culture

Muslim women build their culture, particularly smoking, according to how their social milieu treats them. There is a typical habit among women that teaches them similar to how guys smoke and go to a café or bar. Researchers found several data about this from the interview with some informants. Based on the results of interviews with informants, several stated that the reason they decided to smoke was social environmental factors. INF 01 stated:

The beginning of smoking started with curiosity when I saw that there were many smokers in my family, one of them was my own grandfather.

Then, a statement from INF 02:

This started from joining school friends when they gathered together while some were not active smokers. I tried it, and after a long time, I became an active smoker.

Furthermore, INF 03 argued about how religion discusses cigarette laws:

In Islam, there are no laws that speak explicitly about the prohibition of smoking. (It is) only the result of the structure of human thought regarding religious texts and cultural construction that assumes that smoking is only done by men.

From those excerpts, it can be seen that in Indonesian culture, smoking is generally a male activity. Adolescent boys feel social pressure to start smoking because of strong cultural norms in which smoking is identified as normal behavior for men. Teenage boys see smoking as a way to show courage, maturity, and potential as real men. They believe that not smoking can make them less masculine.¹⁶ Smoking is also generally considered a common male behavior in Indonesian culture and is accepted in society without violating local norms.¹⁷ Meanwhile, based on research results in 2023, the prevalence of female smokers in Indonesia is relatively low compared to men, with variations based on the region which is presented in Figure 1¹⁸

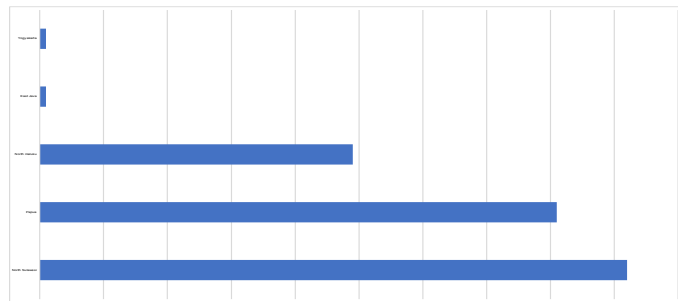


Figure 1. Prevalence of female smokers by region in Indonesia

¹⁶ Nurul Widyaningrum and Jiang Yu, "Tobacco Use Among the Adult Muslim Population in Indonesia: A Preliminary Study on Religion, Cultural, and Socioeconomic Factors," *Journal of Drug Issues* 48, no. 4 (2018): 676–88, <https://doi.org/10.1177/0022042618789491>.

¹⁷ Fithria Fithria et al., "Indonesian Adolescents' Perspectives on Smoking Habits: A Qualitative Study," *BMC Public Health* 21, no. 1 (2021): 1–8, <https://doi.org/10.1186/s12889-020-10090-z>.

¹⁸ Sri Supadmi et al., "The Risk of Women Smokers against Birth Weight in Urban Rural Indonesia," in *E3S Web of Conferences*, vol. 448, 2023, <https://doi.org/10.1051/e3sconf/202344805011>; Suranto et al., "Buddhist-Muslim Relationship Through Local Wisdom as a Form of Multicultural Education," *IJoReSH: Indonesian Journal of Religion, Spirituality, and Humanity* 3, no. 2 (2024): 221–47, <https://doi.org/10.18326/ijores.v3i2.221-247>.

It can be seen from Figure 1 that North Sulawesi has the highest rates compared to the other four regions. Cultural factors and social norms, especially in areas such as Java and Yogyakarta, restrict women from smoking openly. From this explanation, it is clear that cultural factors in Indonesia have placed men as a group of people who are more culturally and socially accepted to have a smoking habit than women.

On the one hand, Islamic law states that the basic rule for everything that Allah has created is *ḥalāl* and permissible unless it is expressly regulated as *ḥarām* by Sharia law. Therefore, if there is no further explanation indicating the *ḥarām* of something, then the basic assumption is permissibility and validity.¹⁹ As per the view of smoking law in the contemporary era, according to Shahrūr's approach, it depends on scientific data, community consensus, and the relevance of the law to socio-economic conditions. If smoking is scientifically proven to be dangerous, the smoking ban can be considered in accordance with the principles of social jurisprudence to protect people's lives and welfare.²⁰

Furthermore, NU tends to be more flexible in its views on smoking laws. There are several opinions that have developed among NU scholars; *mubāḥ* (permissible), if cigarettes are considered not to have a bad impact or harm. *Makrūh*, if smoking is seen as causing harm but to a relatively small extent, it is not strong enough to be used as a basis for prohibition. It can also be deemed as *ḥarām* if smoking is proven to bring great harm, such as obvious health damage. Meanwhile, the Indonesian Ulema Council (MUI) issued a fatwa that prohibits smoking under certain conditions, namely; in public places, in front of children, and in front of pregnant women. In addition, smoking can also be punished as *ḥarām* under other certain

¹⁹ Khoiru Turmudzi et al., "Exploring The Epistemological Basis of Ushul Fiqh (Priority Fiqh By Yusuf al-Qardawi)," *Journal of Islamic Education* 2, no. 2 (2025): 1-20, <https://doi.org/10.47134/pjpi.v2i2.1167>; Fokky Fuad Wasitaatmadja and Wasis Susetio, "Philosophical Sufism and Legal Culture in Nusantara: An Epistemological Review," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 20, no. 1 (2020): 75, <https://doi.org/10.30631/al-risalah.v20i1.558.SS>

²⁰ Arip Purkon, "Rethinking of Contemporary Islamic Law Methodology: Critical Study of Muhammad Shahrūr's Thinking on Islamic Law Sources," *HTS Teologiese Studies / Theological Studies* 78, no. 4 (2022): 1-7, <https://doi.org/10.4102/hts.v78i4.7152>.

conditions, such as for people who are seriously ill or for those who experience economic difficulties.²¹

Meanwhile, Muhammadiyah said different things. Some of the reasons underlying this opinion include; smoking is considered a wasteful act that can increase the poverty rate, cigarettes contain addictive substances and toxins that harm health, and smoking is contrary to sharia principles in Islam which prohibits acts that can damage the body and endanger others. Another consideration is that a religious and social environment can strengthen norms against smoking; adherence to religious norms is often stronger than secular norms in encouraging smoking cessation behavior, and the support of religious communities provides a supportive social environment for individuals to abandon smoking habits.²²

The social environment includes the norms, values, and practices that apply in a society. It creates a framework of thinking and behavior that underlies a person's habitus. Habitus functions as a mechanism that reproduces social structures. Individuals act according to internal dispositions that reflect the norms of their social environment. INF 01 stated that:

The beginning of smoking started due to the influence of the family environment that normalized it. But when I went to college, with a very religious environment and did not accept the culture of smoking for women, I was forced to smoke in a private space or in an environment that normalized it such as a café bar.

It can be seen from the excerpt that the social environment not only shapes habitus but also ensures that existing structures are maintained through individual actions that conform to social expectations. However, a changing social environment can lead to a transformation of habitus. Changes in the social field, such as changes in cultural values, technological developments, or policy reforms, can

²¹ Muhammad Ihsan, "Merokok dalam Perspektif Muhammadiyah dan Nahdhatul Ulama," *Al-Qadha: Jurnal Hukum Islam dan Perundang-Undangan* 4, no. 1 (2017): 16–33, <https://doi.org/10.32505/qadha.v4i1.174>.

²² A Junainah et al., "Religiosity and Its Relationship with Smoking Cessation: A Systematic Review," *IIUM Medical Journal Malaysia* 20, no. 4 (2021): 85–94, <https://doi.org/10.31436/IMJM.V20I4.1654>.

create pressure to revise dispositions previously considered natural. This shows the dialectical relationship between habitus and social environment.²³ If women grow up in a social environment that supports or accepts smoking as normal, their habitus may reflect this disposition. Therefore, this social condition indirectly also affects how women who have the same habit, even though this phenomenon commonly occurs.

Religion, Gender, and Socio-Cultural Relations Beyond Smoking Behaviors of Muslim Women

In addition to initiating the habit for the first time, smoking behavior in Muslim women is furthermore and largely shaped by religion, gender identity, and sociocultural relations. The statement of an informant in this research, INF 05, confirmed it as follows:

I started smoking when I was in undergraduate school. The organizational environment on my campus is mostly smokers, especially in the religion that I understand there is no clear prohibition on smoking (only makrūh), and more importantly, every human being (including women) has power over the needs of his/her own body. Smoking makes my mind and body more relaxed.

In the context of religion, the field can be understood as a space where various institutions and individuals compete to maintain or improve their position in society. Bourdieu defined the field as a social space with objective boundaries, formed by power relations and conflicts between existing positions.²⁴ Three main views on the field of religion according to Bourdieu exist; the religious field as a dominant institution that has authority and relations with the state monopolizing the interpretation of religion, the religious field as a more diversified space where the religious profession, and religious

²³ McNay, "Gender, Habitus and the Field: Pierre Bourdieu and the Limits of Reflexivity."

²⁴ Stephen Grusendorf, "Bourdieu's Field, Capital, and Habitus in Religion," *Journal for the Sociological Integration of Religion and Society* 6, no. 1 (2016): 1-13, <https://sociologyandchristianity.org/index.php/jsc/article/view/84>.

people share power, and the religious field as a market, with various religious institutions competing for the attention of the people, creating competitive dynamics in it. It is like how the Muslim community views cigarette laws in Indonesia in which the religious field plays a big role in this.

In Islam, the rules regarding smoking law do not have definite textual prohibitions; the ulama negotiates them from the perspective of social jurisprudence which emphasizes the principle of individual human rights, namely social jurisprudence recognizes the basic rights of every individual, such as the right to life, freedom of religion, freedom of opinion, and the right to honor. These rights are guaranteed to protect the dignity and freedom of individuals in society.²⁵ In this case, the habit of smoking in Muslim women is associated with individual freedom of expression in the social environment, moreover, there is no *ḥarām* label in religion to the habit, although there are known many negative effects of cigarettes.²⁶

In a psychological context, smoking often serves as a "safety behavior" that appears to provide short-term comfort but reinforces anxiety and depression through a cycle of addiction. Research in the United States shows that many individuals, especially women with mental disorders or trauma, use cigarettes to relieve stress, anxiety, and depression. Cigarettes are considered an "escape tool" from emotional pain or difficult situations. Women often face greater stigma related to smoking, especially during pregnancy or as mothers. This can affect their mental health, exacerbating feelings of guilt and social pressure.²⁷ Another study in Bangladesh showed that most smokers (48.8%) cited addiction as the main reason for smoking,

²⁵ Watni Marpaung, "The Impact of Dharar (Damage), Maslahat (Benefits) and Religiosity to Smoking Behaviour," *Contagion: Scientific Periodical Journal of Public Health and Coastal Health* 2, no. 2 (2020): 118, <https://doi.org/10.30829/contagion.v2i2.14857>.

²⁶ Gemma M.J. Taylor et al., "Views about Integrating Smoking Cessation Treatment within Psychological Services for Patients with Common Mental Illness: A Multi-Perspective Qualitative Study," *Health Expectations* 24, no. 2 (2021): 411–20, <https://doi.org/10.1111/hex.13182>.

²⁷ Angela Trosclair and Shanta R. Dube, "Smoking among Adults Reporting Lifetime Depression, Anxiety, Anxiety with Depression, and Major Depressive Episode, United States, 2005–2006," *Addictive Behaviors* 35, no. 5 (2010): 438–43, <https://doi.org/10.1016/j.addbeh.2009.12.011>.

followed by depression (25.6%).²⁸ Some informants are also aware of the dangers of smoking, as INF 04 said:

“I am aware that smoking is dangerous for me, but the most important thing is to know where and when to smoke, such as not smoking around women, children, or someone who is not used to smoking. If not, then smoking does not harm others. I am used to smoking in private spaces such as café bars”

The excerpt shows a *habitus*; a concept that refers to the disposition system or habitual patterns that individuals have as a result of social experiences that shape the way of thinking, acting, and behaving. Bourdieu argues that this *habitus* is not only shaped by personal experience, but also by the individual's position in the social structure.²⁹ This *habitus* functions to unconsciously regulate individual behavior and perceptions, thereby strengthening dominance in a particular social field.³⁰ Smoking is often associated with masculinity, as previously explained. In a field that holds traditional gender stereotypes, Muslim women who smoke can be considered to be violating applicable gender norms. However, smoking for women, which was previously considered taboo, is increasingly accepted in modern society because it is considered a symbol of freedom and gender equality. In some cases, women who smoke consider this behavior as a symbol of freedom and emancipation from restrictive traditional norms. For some women, smoking helps create a relaxed atmosphere in social interactions and builds friendships.

²⁸ Fakir M.Amirul Islam and Alexandra Walton, “Tobacco Smoking and Use of Smokeless Tobacco and Their Association with Psychological Distress and Other Factors in a Rural District in Bangladesh: A Cross-Sectional Study,” *Journal of Environmental and Public Health*, 2019, 1–11, <https://doi.org/10.1155/2019/1424592>.

²⁹ Grusendorf, “Bourdieu’s Field, Capital, and Habitus in Religion.”

³⁰ McNay, “Gender, Habitus and the Field: Pierre Bourdieu and the Limits of Reflexivity”; Ristina Yudhanti, Saru Arifin, and Fauziah Rismadini, “The Protection to Victims of Violence Based on Gender as a Fulfillment of the Constitutional Rights in the Perspective of Human Rights in Boyolali’s District, Indonesia,” *Journal of Indonesian Legal Studies* 2, no. 1 (2017): 15–24, <https://doi.org/10.15294/jils.v2i01.16638>.

This furthermore means that the field is not static; it can change along with social or cultural transformations. In the context of smoking for Muslim women, the representation of smoking as a symbol of freedom and modernity in global media can influence norms in the local field. New interpretations of health in Islam can strengthen smoking prohibitions while changes in the dynamics of smoking culture among Muslim women and urbanization can influence the habitus of Muslim women, especially those living in big cities.

The concepts of habitus and field furthermore help to understand the relationship between individual dispositions, social norms, and power structures. In this context, the presence of Muslim women in cafe bars reflects resistance to traditional norms that limit their movement in public spaces, and attempts to convey to the public that the hijab is not only a religious attribute but also a symbol of obedience to God and freedom of expression. Research from the UK shows that Muslim women who visit semi-public spaces such as cafe bars not only challenge gender stereotypes but also reconstruct the meaning of women's presence in public spaces.³¹

To some extent, this is in line with what INF 02 conveys as follows:

"Meanwhile, I usually go to cafe bars for certain events. There, I ordered a drink, sat back, and went home. However, women who wear the hijab, like me, are often considered immoral. I was looking for space to unwind without forgetting my identity as a Muslim."

Cafe bars are also deemed a safe zone for expression according to INF 01:

"The ambiance in the cafe bar makes me comfortable. I can sing and shout without feeling watched but still maintain boundaries, such as not drinking alcohol or

³¹ Arifeen, "British Muslim Women's Experience of the Networking Practice of Happy Hours"; Kusmana, "Modern Discourse of Woman's Ideal Role in Indonesia Tafsir Al-Qur'an of Ibu and Female Agency," *Journal of Indonesian Islam* 9, no. 1 (2015): 25-58, <https://doi.org/10.15642/JIIS.2015.9.1.25-58>.

being influenced by the negative influence of the men there.”

Apart from resistance, Muslim women in café bars also negotiate their identities. They try to balance religious values with social needs. Muslim women create new spaces for expression without abandoning religious values. INF 05 stated:

“Smoking and going to cafe bars are not a lifestyle, but a way to find peace and happiness. I still wear the hijab and pray, but I have space to be myself.”

The socio-cultural implications of this phenomenon reflect the complexity of the relationship between religiosity, gender, and modernity. The cafe bar becomes a symbol of resistance and an arena for identity negotiation, creating a safe space for Muslim women wearing the hijab to challenge traditional stereotypes while embracing modernity. Semi-public spaces such as cafe bars help Muslim women develop a hybrid identity that honors traditional values while meeting modern needs. This social transformation broadens our understanding of the social dynamics of Muslim women in the modern era.

Overall, Muslim women's presence in cafe bars represents their efforts to fight social stigma, balance religious values and modern life, and find a safe space for expression. This phenomenon reveals the challenges faced in maintaining religious identity amidst modernity and their creative adaptation in creating new spaces that accommodate social and spiritual needs.

Smoking, the Hijab and Café Bars for Muslim Women: Social Jurisprudence Perspective

In this recent era, especially in the urban city, it is common that women Muslim follow the modern life styles such as smoking and going to café bars. Researchers found some informant in café bars who wear hijab and enjoy the situation as presented in Figure 2.



Figure 2. Women Muslims in Café bars at Yogyakarta

Women Muslims in Figure 2, both a and b, were attending the café bars. They enjoy listening to the live music, as seen in Figure 2a, and enjoy the situation with Westerners who drink alcoholic beverages in Figure 2b. Actually, the theory of social jurisprudence emphasizes the principles of social responsibility and the rights of society governed by Islamic teachings, including in observing the problem of smoking hijab Muslim women in café such as presented in Figure 2. Moreover, INF 03 said:

“In Islam, there is no law that talks about whether smoking is permissible or not. There is only a cultural construction that assumes that smoking is only done by men.”

Meanwhile, accordingly, INF 05 said:

“I argued that as a Muslim woman, there is no definite prohibition in religion for us to smoke. It is only *makrūh*, not *ḥarām*. Moreover, every woman has authority over her own body, so others do not have the right to regulate the needs of other people's bodies.”

The excerpts show how Muslim women have agency over themselves in living a smoking life choice. In this context, social jurisprudence aims to ensure that individual rights are respected and protected in a broader social context. Some of its key concepts are emphasizing the principles of individual rights, socioeconomic rights, political rights, and social justice.³² A full explanation can be seen in Table 2.

Table 2. The Concept of Social Jurisprudence

People's Rights	Information
Individual Human Rights	Social jurisprudence recognizes the basic rights of each individual, such as the right to life, freedom of religion, freedom of opinion, and the right to honor. These rights are guaranteed to protect the dignity and freedom of individuals in society.
Socio-Economic Rights	This includes the right to meet basic needs such as adequate food, clothing, shelter, education, and health care. Social jurisprudence promotes equality and welfare in access to these resources.
Political Rights	Social jurisprudence also recognizes political rights, such as the right to participate in the political process, freedom of opinion, and the right to fair legal protection. Active participation in the political process is considered essential to ensure freedom and justice.
Social Justice	Social jurisprudence emphasizes the fair distribution of resources and equal treatment before the law. This involves eliminating poverty, social inequality, and equal opportunities in education, employment, and public services.

³² McNay, "Gender, Habitus and the Field: Pierre Bourdieu and the Limits of Reflexivity"; Michael N Nwoko and Clement Chimezie Igbokwe, "Biblical Gender Equality and Women's Participation in Leadership," *IJoReSH: Indonesian Journal of Religion, Spirituality, and Humanity* 2, no. 2 (2023): 210–32, <https://doi.org/10.18326/ijores.v2i2.210-232>.

Based on the analysis in Table 2, especially in the context of this research, researchers will focus on principles that emphasize individual human rights and social justice.

First is individual human rights. These rights are guaranteed to protect the dignity and freedom of individuals in society. K.H. Sahal Mahfud, a figure who put forward the idea of social jurisprudence in his book "*Nuansa Fiqh Sosial*", said that social jurisprudence is known as cultural *fiqh*, which not only regulates laws based on texts but also adapts to the development of the times and the needs of society in accordance with Islamic law.³³ The habit of Muslim women who smoke finds much relevance to the principles in social jurisprudence. In social jurisprudence, the right to health is a fundamental right that must be maintained, both by individuals and society. In the context of this study, smoking habits in Muslim women can be seen as a part of the way humans express their right to get the comfort of life although on the other hand, cigarettes can also harm the human soul.

From the explanation of the law on cigarettes, it can be said that smoking in Islam is regulated by flexible legal rules. In social jurisprudence, each individual has the freedom to choose their behavior within the limits that do not damage the rights of others. Muslim women, like any other individual, have the freedom to make decisions about their habits, including whether or not they smoke. However, if the habit of smoking causes harm to oneself or others, such as exposure to secondhand smoke in people around, this can be considered a violation of the right of others to live a healthy life. In social jurisprudence, the right to freedom of each individual over his or her life is explained through several postulates from the Qur'an that emphasize the importance of the right to life.

Second is social justice which is inherited from social jurisprudence. Social jurisprudence also teaches social justice. Every individual is expected to contribute to creating a healthy and productive society. Smoking habits that damage personal health can reduce a person's ability to contribute optimally to society. Smoking can also create an economic burden, both for individuals (the cost of

³³ McNay, "Gender, Habitus and the Field: Pierre Bourdieu and the Limits of Reflexivity"; Muhammad Iqbal Juliansyahzen et al., "Sharia, Gender, and Science in the Construction of 'Iddah: The Response of Banyumas' Ulama," *El-Mashlahah* 14, no. 1 (2024): 189–210, <https://doi.org/10.23971/el-mashlahah.v14i1.7917>.

buying cigarettes) and for society as a whole (health care costs due to diseases caused by smoking).³⁴ Regarding the phenomenon of Muslim women who smoke and go to café bars, several unique and interesting facts were found in some following excerpts. INF 03 said:

“In my opinion, the hijab for women is not just a head covering, but also a symbol of obedience wherever we are, including when I am in a cafe bar. Talking about obedience to religion, the law of smoking in religion is flexible and there are no restrictions for men or women. So, between the habit of smoking, the hijab that I wear, and also the cafe bar, these three elements are not a (n intertwined; editor) problem.”

Meanwhile, INF 05 said:

“I don't want to interpret the hijab as a symbol of confinement that limits us from expressing ourselves, such as smoking and relaxing in a cafe bar. As long as we don't commit sins, don't disturb others, it's okay.”

The two excerpts imply how religious values are realized through the body and physical actions. This resonates with Eva's explanation that the hijab can be seen as a form of body technique that reflects an individual's relationship with religious values.³⁵ The hijab is not only a religious symbol but also a medium that women use to navigate their identity and values amidst social demands and religious norms.³⁶ In this study, the use of the hijab reflects a form of embodiment of these values, which often involves negotiations between religious norms, culture, and individual aspirations. INF 01 said:

³⁴ McNay, “Gender, Habitus and the Field: Pierre Bourdieu and the Limits of Reflexivity.”

³⁵ Eva F. Nisa, *Face-Veiled Women in Contemporary Indonesia, Face-Veiled Women in Contemporary Indonesia* (London: Routledge, 2022).

³⁶ Siddik Firmansyah, “Jilbab as an Accessory in the Modern Era and His View on Hadith,” *An-Natiq Jurnal Kajian Islam Interdisipliner* 2, no. 2 (2022): 94, <https://doi.org/10.33474/an-natiq.v2i2.14822>.

"My family background and Islamic boarding school education made me feel that I had to maintain my dignity through wearing the hijab. However, I also experienced a dilemma. The hijab is our own choice even though religion requires it. I appreciate societal norms and ethics that dictate women should wear the hijab, but I also feel bound by restrictions that I dislike, such as the idea that smoking makes a woman in the hijab immoral, so sometimes it's preferable for me to remove it."

INF 01 admits that she feels happier when she is in an environment that accepts her choices, both in wearing and removing the hijab, because for her, freedom of choice is the key to happiness. From INF 01's experience, it can be seen that the hijab is not only a form of religious identity but also a symbol of self-negotiation in dealing with social norms and family expectations. The hijab as an embodiment of religious and cultural values shows the complexity of the relationship between personal identity, religious demands, and social pressure. INF 01's experience highlights how wearing the hijab can be a means for individuals to reflect on their identity and existence, even when facing internal or external conflict. Further, remaining to wear hijab indicates their obedience agency. According to the theory by Eva F. Nisa, this is called an agency of Muslim women which also correlates with what INF 03 said:

"The hijab for women is not just a head covering but also a symbol of obedience. The influence of the environment that many people decided to wear the hijab is one of the reasons."

From the data above, it can be seen that these Muslim women or informants show obedient agency by still choosing to wear the hijab even though they are in the midst of modernity and the "night environment" in bars which tends to have a "less Islamic" impression, coupled with the habit of smoking which adds to the negative

impression toward them.³⁷ However, it also needs to be understood that these Muslim women/informants wear the hijab not only because of transcendental religious factors but also educational factors as well as the environment and customs or culture of society in general. This situation leads them to wear the hijab in various places including in bars to show their identity as part of a Muslim group. At this point, we can see that these "Muslim women smokers" who wear the hijab are the result of a dialectic between social culture and personal choice. There is no compulsion when choosing, but the environment still has an influence so these women decide to choose to wear the hijab. The hijab in this context therefore not only reflects obedient agency based on religious values but also becomes a form of obedient agency towards a social structure and the influence of education and cultural background that shape the identity of Muslim women. Their choice to remain wearing hijab even in an environment that has a negative impression shows a complex relationship between personal beliefs, social environment, and self-expression.

Along with the obedience, choice of the informants implies piety; one that is often not always on a linear track and like to appear in various phases of life when someone is facing a crisis or challenge.³⁸ The hijab is often a symbol of piety both in public and private spaces.³⁹ To overcome identity conflicts, some informants decided to focus on more individual and flexible spiritual aspects of Islam.⁴⁰ The following excerpts make it clear how the hijab is used as a form of obedience to religious norms and social norms, as INF 02 said:

"The hijab for women is a symbol of being a Muslim woman so that other people know that we are Muslims.

³⁷ Fauzia Ahmad, "Rethinking Muslim Women and the Veil," *American Journal of Islam and Society* 19, no. 4 (2002): 121–25, <https://doi.org/10.35632/ajis.v19i4.1901>.

³⁸ Firmansyah, "Jilbab as an Accessory in the Modern Era and His View on Hadith."

³⁹ Zain et al., "Hijab Discourse in Indonesia: The Battle of Meaning Between Sharia and Culture in Public Space."

⁴⁰ Shabana Mir, "I Didn't Want to Have That Outcast Belief about Alcohol': Muslim Women Encounter Drinking Cultures on Campus," *Educating the Muslims of America*, 2011, 209–30, <https://doi.org/10.1093/acprof:oso/9780195375206.003.0010>; Asrizal Saiin et al., "Walking Together: Dynamics of Muslim Wives' Dual Role in Rural Areas Pursuing Career and Household Responsibilities," *El-Mashlahah* 14, no. 1 (2024): 127–48, <https://doi.org/10.23971/el-mashlahah.v14i1.7827>.

Additionally, it is one of our religious obligations, so wherever we are, we should still wear it.”

Meanwhile, INF 01 said:

“Wearing hijab is my own choice. I'm at the stage where I don't feel worried if I sometimes take off the hijab but still wear the hijab at other times as a form of respecting the customs, ethics, and morals created of Indonesian society, especially Muslim. They consider that women must wear the hijab, so personally I know when to wear the hijab to respect and when to take it off as a form of my own authority.”

From these facts on the ground, it is obvious that hijab becomes a form of piety they try to apply in various situations. It is undeniably true, furthermore, that apart from religious norms, what they take into consideration are social norms. Therefore, it confirms the notion that piety, whether religious or social, is often not linear with the habits of some Muslims, is subjective, and can be diverse in how it looks. In this case, on the one hand, they respect general norms in wearing the hijab but on the other hand, they want to break the general stigma about cigarettes and café bars life.

Conclusion

The main findings of this research show that even though the practice of smoking while going to a café bar is considered contrary to social and religious norms, the hijab-wearing Muslim women in this study still demonstrate unique agency in navigating modern life without completely abandoning religious values. Indonesian Muslim women can integrate religious values and modern needs into their lives through resistance and identity negotiation. This phenomenon provides important insights into social change in an increasingly complex and plural society. While providing novelty by combining theories from Nisa and Mahmood, this research contributes to the broader study of Muslim feminism by highlighting Muslim women's agency in a contemporary context that appears to be at odds with dominant religious and social values. This research also seeks to overcome the tension between women's agency and religious norms

in more liberal and global social settings, such as cafe bars in Indonesia, through a social jurisprudence approach. This research can be developed again on a wider scope that is not limited to the lives of Muslim women in Indonesia, but in various countries with minority and majority Muslim populations.

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