

MUSLIM DISCRIMINATION IN INDIA (Case Study: Community Response to the Ban on the Wear of the Hijab for Indian Muslim Women in Educational Environments)

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ABSTRACT

Discrimination against Muslims often occurs in various countries, including India. Though India is a country that ranks third in the world's largest Muslim population. In addition, India is also one of the most unsafe countries for women. Recently, news was heard that there was a decision from an Indian court that prohibits Muslim women from wearing the hijab while in an educational environment, this of course reaps the pros and cons of both the Indian Muslim population and the international Muslim community. In this article, the author discusses discrimination that occurs against Muslims in India, especially Muslim women, which often occurs in India by taking a case study of the Prohibition of the Use of Jilbab for Indian Muslim Women in Educational Environments. This topic is interesting to discuss because discrimination is something that continues to happen and creates inequality in society. To analyze this issue, the author uses qualitative methods sourced from journals, articles, social media. The aim of writing this study analysis is, to discover out the background, emergence of decision, what is the role of Indian government in this decision, and how the public responds to this issue.

Keywords: *muslims, indian, headscarf, discrimination, school*

INTRODUCTION

Discrimination has occurred for a long time and has become a social problem in various countries. As written in Law no. 39 of 1999 concerning Human Rights, explains the definition of discrimination is the treatment of someone who limits activities, or alienates other people in an environment which is carried out openly or covertly based on differences between one another in terms of religion, race, group, ethnicity, tribe, social and economic status, class, sex, gender, language, culture and political views. Discrimination will have an impact on welfare, peace and can cause conflict in social life. Discrimination can be implemented with various types of actions, one of which is the formation of a policy to suppress other groups.

In Islam itself, it orders its followers not to discriminate against anyone, especially if it is only due to differences in principles in choosing a belief because discrimination is of

course very contrary to Allah SWT's command, namely to care for and give love to each other, as mentioned in Surah *Al - Hujurat* verse 13, that it is very clear that humans were created by Allah SWT with various differences between one human and another, the purpose of different creations is so that fellow humans can know each other, accept and appreciate all the differences that exist. Allah SWT has created it, and the existence of these differences cannot be a reason for someone to discriminate and act unfairly, even to the point of being degrading which can hurt people, because of course it clashes with the teachings of Islam, where we are commanded to love each other.

Discrimination occurs not only to ethnicity or religion, there are several types of discrimination that often occur in society, such as ethnic and racial discrimination, religious discrimination, sex and gender discrimination, discrimination against people with disabilities, caste discrimination, age discrimination, and disease discrimination, especially sufferers HIV and AIDS diseases.

Discrimination can be carried out by someone directly, such as placing restrictions on certain areas, such as work, public facilities and residence, and also prejudice against certain groups. Apart from being carried out directly, discrimination can also be carried out indirectly, such as forming policies that can limit races, ethnicities, religions, others from carrying out activities freely like other groups, or limiting/prohibiting someone from carrying out their religious or ethnic activities. Where this policy contains elements of hidden discrimination and can cause harm to the community group that is discriminated against. (Ii & Pustaka, 2009).

The existence of discrimination in society is caused by several factors, namely a) Projection, which is reflecting something that he does not like about himself by discriminating against other people, b) Disappointment, if someone is feeling disappointed with someone then he will pass on that disappointment to that person. other people who have similar characteristics to that person, c) Feeling of inferiority, if someone feels threatened and has low self-esteem then to calm himself down he tends to try to put other people down, d) History, discrimination can also be caused by history that happened in the past, e) Socialization patterns, namely stereotypical views that have been passed down by previous generations regarding society, behavior, and so on.

One type of discrimination examined in this analysis is religious discrimination. As written in the definition of the word "Religion" is a teaching to organize faith or belief and worship related to God, and is also accompanied by instructions as a guide for the course

of social life among each other and with the environment. (*Indonesian Big Dictionary (KBBI)*, nd) There are various types of religions spread throughout the world, the 6 most commonly known religions are Islam, Protestant Christianity, Catholic Christianity, Hinduism, Buddhism and Confucianism. In India itself there are 6 main religions, namely Hinduism, Buddhism, Christianity, Islam, Sikhism and Jainism. The variety of religions and beliefs that exist around us causes the possibility of discrimination to arise, especially in communities with minority religions. Religious discrimination is often carried out by excluding, differentiating or limiting the space of a particular religion. One type of religious discrimination is that it leads to Islamophobic actions.

Islamophobia or islamophobia is a person's fear, bad thoughts/prejudices, and dislike of Muslims or the Islamic religion (*Islamophobia Cases in Canada 2021*, nd). Which can be caused by a bad event that has occurred in the name of the Islamic religion. Islamophobia is included in one of the theories in international relations, namely constructivism theory, because constructivism theory explains that something that is happening in society today is the result of constructions that have been regulated over a very long period of time by actors who hold interests. This interest causes the actors to try to convey the doctrine that Islam is a cruel state. Until now, Islamophobia has spread throughout the world, especially in European and American countries.

The country of India is not immune from the spread of Islamophobia. Islamophobia in India began during British colonialism, where the role of the British government acted as a catalyst in worsening the situation and causing increasingly severe conditions of division, hostility and hatred between Hindus and Muslims. Islamophobia in India itself is motivated by the idea that Islam cannot coexist with Hinduism, because these two religions clash greatly and there will be no common ground between these differences that can unite these two religions (Ul & Ahmad, 2021). Apart from that, Hinduism views that Muslims are basically synonymous with violence and are considered irresponsible as citizens in India which tends to be secular, democratic and republican.

The friction between Hindus and Muslims in India has caused the grow of Islamophobia in India. Islamophobia in India is a real problem that has been encountered for a long time and has not shown any decline to date, apart from that there is also no good intention or effort from the community or from the government to meet and communicate with each other in order to eliminate or reduce the bad prejudice that has become a problem. causes of Islamophobia. The Indian government led by Narendra Modi has also

made Islamophobia increasingly felt in India. The Islamophobic attacks carried out by the Indian government are based on the Indian government's unwillingness for Islam to become the majority religion in India. This is proven by the attacks on Muslims carried out both verbally and physically which occur continuously and are increasing.

India is a country located in the South Asia region, with an area of 3.287 million km² and a total population of 1.41 billion. There are 28 member states that are part of India, one of which is Karnataka. Karnataka is a part of India located in the southwest with a population of 66.17 million people.

In January 2022, a school in Karnataka banned female students wearing the hijab from entering class, stating that wearing the hijab was not an important religious practice. The existence of these regulations of course has the potential to discriminate against students who are Muslim. This of course triggered protests by Muslims in India throughout the world and caused friction between Muslims and Hindus in India.

Tabel 1. 10 Countries with the Largest Muslim Population in the World

No.	Country	Number of Muslim Population
1.	Indonesia	231,000,000
2.	Pakistan	212,300,000
3.	India	200,000,000
4.	Bangladesh	153,700,000
5.	Nigeria	103,000,000
6.	Egypt	90,000,000
7.	Iran	82,500,000
8.	Turkey	74,432,725
9.	Algeria	41,240,913
10.	Sudan	39,585,777

Source: (World Population Review, 2022)

Tabel 2. Religious Population in India

No.	Country	Total population	Percentage
1.	Hindu	966,000,000	79.80%

2.	Islam	172,000,000	14.23%
3.	Christian	27,800,000	2.3%
4.	Sikhs	20,800,000	1.72%
5.	Buddha	8,500,000	8.5%
6.	Jains	4,500,000	0.37%

Source: (Find Easy , 2021 b)

Tabel 3. Religious Population in Karnataka

No.	Country	Total population	Percentage
1.	Hindu	51,317,472	84.00%
2.	Muslim	7,893,065	12.92%
3.	Christian	1,142,647	1.87%
4.	Jains	440,280	0.72%
5.	Buddha	95,710	0.16%
6.	Sikhs	28,773	0.05%

Source: (Find Easy , 2021 a)

If seen from the data above, India is a country with a Muslim population that ranks 3rd in the world with a Muslim population of 14% of the total population (*India court upholds a ban on hijab in schools and colleges*, 2022). It is the second largest religion in India after Hinduism with 172 million adherents of the religion out of 1.21 billion of India's total population, and is ranked second in the religious population in Karnataka. However, discrimination still occurs among Muslim communities in India, and it is feared that the ban could increase Islamophobia among non-Muslim communities.

Regarding research on the prohibition of wearing the hijab in India, especially in the educational environment, there is still little research carried out, this makes this research interesting to discuss and the existence of this problem then also raises a lot of comments and protests from the community, especially the Muslim community, therefore causing interest for the author. to take part in reviewing more deeply how this discrimination occurs and how the community responds to this problem, especially the responses written on their personal Twitter pages.

METHODS

To find out the answers to the questions that arise in this analysis the author uses the concept of Islamophobia. To analyze this theme the author uses qualitative methods in collecting references and data, and library research techniques, namely by sourced from journals, articles, books, websites and other relevant sources. and accountable. As well as using data obtained from social media, namely Twitter, to see the responses given by Twitter users in responding to acts of discrimination against Muslim women who wear jilnan in India. After the data was collected, the author used cross-checking of the sources listed to draw a conclusion, and the author strengthened the argument with support from various scientific journal references related to the research topic.

RESULT AND DISCUSSION

Tensions between Hindus and Muslims have long existed in India. Tensions between these two religions increased when Prime Minister Narendra Damodardas Mody or what we usually know as Modi and the Hindu nationalist political party Bharatiya Janata Party or commonly referred to as the BJP with party chairman Rajnath Singh, came to power in 2014. Government of India stated firmly that they would separate religion from government or what is commonly known as secularism. However, the BJP political party actually became the beginning of a breakdown in relations between Muslims and Hindus, giving rise to a dispute where their government targeted to reduce the power of Muslims in the Indian region because they considered that Muslims brought harm to the majority of Hindus in India. This appeasement was carried out by removing the special autonomy status of Jammu and Kashmir, both of which are Muslim-majority regions, changing citizenship laws, and carrying out a campaign to build a Hindu temple on the site that previously housed a mosque in the city of Ayodhya.

The recent ban on wearing the hijab in Karnataka has sparked a new debate regarding the use of the hijab for Muslim women in India. In recent years, Islamophobia has increasingly spread to the hijab and other Islamic clothing. The hijab itself means a headscarf or head covering that is quite large in size, usually worn by a Muslim woman to cover several areas of the body, such as the head except the face, neck and chest. There are various ways to cover the private parts for Muslim women, starting from the veil or niqab and the hijab or hijab, and with various colors, styles, which are adapted to the time, trends and place (Yulian Purnama, 2021) . However, the hijab which is worn with the aim of

covering the private parts, as an Islamic dressing ethic and as a representation of a Muslim woman is then stereotyped as a threat or danger to national integration and is seen as a manifestation of discrimination and Islamic extremism.

Muslim Discrimination in India

Discrimination is not something strange in social life in India, especially discrimination in Muslim communities. The implementation of the caste system in India is one of the factors of discrimination against Muslims in India. In the social environment in India, caste is used to determine a person's level and position. Starting from the Dalit caste, namely the lowest caste in the caste group in India, the Sudra caste, namely the low caste consisting of workers, coolies and servants, the Vaisya caste, namely the middle caste consisting of craftsmen and traders, the Kshatriya caste, namely the caste consisting of kings, warriors, and nobility, and the highest caste, namely the Brahmin caste, which consists of intellectual and spiritual groups who lead religious ceremonies. With the existence of the lowest caste to the highest caste, people who are born from the Kshatriya or Brahmin caste will have many privileges or advantages that they will get compared to people from the Vaisya caste and below. The Dalit caste chose to convert to Islam to avoid persecution in the existing caste system, so that the Brahmin caste saw Muslims as equal to the Dalit caste. Some Muslims in India work as traders and laborers, where if you look at the Indian caste level, these occupational groups are middle to lower caste, this causes Muslims to often experience acts of discrimination and injustice in social life. Because of this, Muslims prefer to separate themselves from the rest of Indian society.

Another cause of the increase in discrimination is that in 2019 the Bharatiya Janata Party (BJP) established a law that regulates citizenship, where the law is written in *The Citizenship (Amendment) Act, 2019 No. 47 Of 2019* which is in the second point. The essence of the amended regulations explains that the government is accelerating the granting of citizenship to people from six religions and beliefs, namely Protestant/Catholic Christianity, Hinduism, Buddhism, beliefs which are a combination of Hinduism and Islam or known as Sikhism, Jainism, and Persia, for people who moved from countries geographically close to India. In the amendment law there is no mention of accelerating the granting of citizenship to Muslim communities. This inequality immediately gave rise to protests from Muslims in India because it was seen as a form of discrimination and detrimental to Muslims in India.

India Views the Use of the Hijab

In Islam, a woman will be considered better if the woman has lived her life based on the Al-Quran and Hadith, maximized herself in carrying out her obligations, rights and functions as a whole as a Muslim woman and carried out the commandments and avoided the prohibitions set by Allah SWT. , one of which is regarding the obligation to wear the hijab for Muslim women (Fahnum, 2017). Hijab is one of Allah's rules that regulates clothing ethics for Muslim women as written in the Koran. Many people believe that a Muslim woman's decision to wear the hijab is based on her inner awareness and piety as well as other incentives that require her to wear the hijab. Liberals often consider the use of the hijab as a form of oppression of women. However, as stated by Mary Douglas in her essay entitled "Two Bodies", it is stated that the clothes worn by a person are not only an individual's choice but also a statement that shows his readiness and desire to be seen by others as someone who belongs to a certain group. in his social environment. For example, Muslim immigrants who settled in the United States used the hijab to emphasize their religious identity and gain authority in Muslim culture, many Muslim women also began to wear the hijab as a form of resistance to Islamophobia. Apart from that, they will also get social benefits from being identified as members of a religion, such as increasing relationships and receiving support.

Some people in India say that wearing the hijab for Muslim women is considered an important part of their identity. However, there are also some parts of Indian society who think that the hijab is just a piece of cloth used as a religious practice and to hide flaws. However, the hijab is more than just a piece of cloth, it is a symbol of faith, humility, protection, and a way to connect with the larger Muslim community, and become one's identity, namely as a Muslim.

Prohibition of Wearing the Hijab

Karnataka is an Indian state located in southwest India. With an area of 192,000km² (GK Ghor, nd) and The human population in Karnataka is more than 66.17 million people, with 84% of the population being Hindu and 12.92% Muslim. The large difference in population percentage between Hindus and Muslims will give rise to a tendency to prioritize the majority group so that it can lead to pressure or coercion from the majority towards the minorities.

In January 2022, a group of female students wearing hijab at several schools and universities in Karnataka were prevented from entering class to take part in lessons and were forced to remove their hijab. This was caused by the making of new regulations by the Hindu nationalist Bharatiya Janata Party (BJP) government regarding the prohibition of wearing the hijab in educational institutions in the Karnataka region where Karnataka is the territory of the Bharatiya Janata Party (BJP). The Bharatiya Janata Party (BJP) issued this regulation on the basis that educational institutions are not a place to practice one's religious law, and the hijab is only a religious attribute, the use of religious attributes can have an impact on disrupting equality and public order. Students coming to school should focus only on education and should not assert their identity. Apart from that, the Bharatiya Janata Party (BJP) government has also passed other laws targeting other religious minority groups. This gives rise to feelings of discrimination among religious minority groups in India. This regulation of course provoked protests over acts of discrimination carried out by the Bharatiya Janata Party (BJP) government, especially from Muslims and human rights organizations, because the establishment of this regulation was deemed to violate the basic religious rights of Muslim female students to cover their private parts and the right to be able to accessing education. The controversy also reflects the existing and deepening tensions between Muslims and Hindus in India under the government headed by Narendra Damodardas Modi as Prime Minister and the Hindu Bharatiya Janata Party (BJP) which acts as the nationalist party that holds power in India. In fact, if we look at its impact on education, the hijab has absolutely no impact on the progress of the learning process and has no effect on the level of intelligence and socialization abilities of students. Supporters of the establishment of this ban say that the purpose of this ban is to enforce uniform dress codes in the school environment and regulate the school atmosphere so that it is equal for all pupils and female students.

In then drawing a response from the Karnataka high court, where the Karnataka high court itself gave a response agreeing with the ban, this was stated by Ritu Raj Awasthi as chairman of the Karnataka high court in March 2022 who stated: *"We are of the considered opinion that wearing hijab by Muslim women does not form a part of essential religious practice"*.

This discrimination then has negative consequences felt by Muslim women who wear the hijab in India. These consequences include the creation of social inequality in society which is based on the emergence of negative stigmas given by Indian society to Muslim women who wear the hijab. This is also the reason why Muslim women who wear

the hijab in India are often treated unfairly in society, degraded, and even considered a threat, which then increases cases of harassment against women both verbally and physically (Aljazeera , 2022). Apart from that, this discrimination also affects the mental condition of Muslim women in India because the discrimination that occurs then causes feelings of anxiety and fear which then results in fear of carrying out activities and socializing with the outside environment because of the fear of intimidation and punishment due to demands from society and the government. which forces them not to wear the hijab, especially in educational areas.

In the end, several women appealed and tried to request an annulment of the regulation, but the high court still rejected their appeal and argued that wearing the hijab was not a very important religious practice in Islam and defended that the state had the right to regulate school uniforms. used by his students. This regulation is seen as an indirect discriminatory practice and the government's desire to apply majority values to minority citizens can certainly trigger friction between Muslims and Hindus in India. The commotion resulting from this regulation resulted in several schools in the Karnataka region being closed for several days by the authorities on February 9, 2022.

The ban on wearing the hijab does not only occur in India. In the same year in France, French parliamentarians planned to enact regulations prohibiting the use of the hijab for women and girls in public spaces. However, French President Emmanuel Macron immediately opposed this plan, because he thought it would lead to civil war.

Response to the Ban on Wearing the Hijab

The implementation of the ban on wearing the hijab has drawn many comments for and against the ban from the public and governments of other countries. The search for public responses was carried out using social media, namely Twitter with the keyword "Hijab Banned in India". Some comments against the ban are as follows:

Quoted from Eemaih's Twitter page (@by_eemaih), he said: *It's horrible to see such hate and discrimination against Muslim females who wear #hijab and prevent them from accessing education in India. Forcing them to make a decision between hijab and their studies is horrifying. Stop your hate.*

Quoted from Urva Akram's Twitter page (@UrvaAK), said: *This teacher who is removing the hijab of Muslim teachers/ students herself is wearing tilak (religious symbol). This is extreme discrimination going on..Humiliation is just a word, what these Muslims are going through right now is beyond that.*

Quoted from Arya's Twitter page (@aryjaey), he said: *Muslim women do not only face discrimination in the western world but also India. The Karnataka state government, which is controlled by the extremist Hindu party BJP, banned Muslim students from wearing hijab from entering educational institutions a few weeks ago. The extremist Hindu BJP party must be dissolved and Muslims should be allowed to freely express their religion in peace*

The existence of discrimination against Muslim women who wear the hijab in India has not only caused protests and criticism from within the country but has also attracted attention and given rise to criticism from abroad, such as from the United States, which was conveyed by the Ambassador for Freedom. Quoted from Rashad Hussain's Twitter page (@ IRF_Ambassador), an ambassador for international religious freedom from the United States said: *Religious freedom includes the ability to choose one's religious attire. The Indian state of Karnataka should not determine the permissibility of religious clothing. Hijab bans in schools violate religious freedom and stigmatize and marginalize women and girls.*

Apart from the United States, the Organization of Islamic Cooperation (OIC) also responded to discrimination in India via the OIC Twitter page (@OIC_OCI): *The General Secretariat of the Organization of Islamic Cooperation (#OIC) expresses deep concern over recent public calls for #genocide of #Muslims by the '#Hindutva' proponents in #Haridwar in the State of #Uttarakhand ...and reported incidents of harassment of #Muslim #women on social media sites as well as banning of Muslim girl students from wearing #hijab in the State of #Karnataka.*

Apart from opposing comments, there are also comments that support or pro to the ban, as follows:

Quoted from the Twitter page of Rais Pathan (@PathanRaisKhan), a social activist from India said: *Take right from the front and then take a left and then get lost. Hijab is a non-religious practice and students must follow the uniform code to get the feeling of equality*

Quoted from Rahul ydav's Twitter page (@Rahul_ydv19), he said: *Religious freedom available outside educational institutions not inside educational institutions. everyone has to follow the dress code inside educational institutions. No special privileges for anyone. We can't allow hijab in school. Dress code is there for all*

Quoted from Amansingh Makhloga's Twitter page (@mr_aman_sins), said: *everyone has a right to perform or practice his religion but not educational institutions are for education not for practicing your religions there, u have mosques, temples, churches and schools are not for these things u learn discipline there.*

Quoted from Padmaja's Twitter page (@prettypadmaja), it said: *School uniforms mainly serve two purposes*

1. *Easy to identify children of the institution*
 2. *Parity among kids that ends the gap between rich and poor as well as religious divide*
- India wants integration not ghettoism!*

From the various comments for and against that have been submitted by the public on their personal Twitter pages, it can be concluded that the establishment of this regulation has had positive and negative impacts. The ban on wearing the hijab is considered an act of discrimination, a violation of religious freedom, and prevents women from accessing education, but the community also believes that schools are not the right place to exercise religious freedom which should be implemented outside educational institutions such as in their respective places of worship, because inside educational institutions everyone is required to follow the regulations that have been set. If seen from the positive side, the formation of this regulation can create equality between students because there will be no differentiation between them, increasing equality can reduce the possibility of someone experiencing discriminatory behavior in their social environment. However, this regulation also contains negative influences that can be caused, namely increasing feelings of discrimination and Islamophobic prejudice among Muslims, and can trigger friction between Muslims and Hindus in India.

CONCLUSION

Discrimination is an act that limits or excludes carried out directly or indirectly based on differences in beliefs, race and ethnicity, class, social and economic conditions,

gender and sex differences, language used, and political views. Acts of discrimination can happen to anyone and will have a direct impact on welfare and peace. Islam itself urges its followers not to discriminate against anyone, especially if it is only due to differences in principles in choosing a belief because discrimination is of course very contrary to Allah's command, namely to care for and give love to each other.

The tension between Hindus and Muslims has been going on for years and increased when Minister Narendra Modi and the Bharatiya Janata Party (BJP) took office in 2014. The caste system that applies in India is also a factor in discrimination in India. India. The tension that exists between Hindus and Muslims has indirectly contributed to worsening the condition of Islamophobia in India. In recent years, Islamophobia has increased and has begun to spread to the hijab and other Islamic clothing. The recent ban on wearing the hijab in Karnataka has sparked debate regarding the use of the hijab for Muslim women in India. The regulation prohibiting the use of the hijab in school areas of course provoked protests over acts of discrimination carried out by the Bharatiya Janata Party government, because the establishment of this regulation was deemed to violate the basic religious rights of Muslim female students to cover their private parts and the right to access education. The hijab, which was initially used as a representation of a Muslim woman, was then stereotyped as a threat or danger and was seen as a manifestation of discrimination and Islamic extremism.

One of the causes of the increase in discrimination is the establishment of amendments to legislation on citizenship by the Bharatiya Janata Party (BJP) in 2019 which stipulates the acceleration of granting citizenship to people who are Protestant/Catholic Christians, Hindus, Buddhists, Sikhs, Jains and Persians. The lack of mention of Islam in the amendment law immediately sparked protests from Muslims in India because it was seen as a form of discrimination and detrimental to Muslims in India.

Some Indian people think that the hijab is just a piece of cloth used as a religious practice and to hide flaws. However, the hijab is more than just a piece of cloth, the hijab is a symbol of faith, humility, protection, and a way to connect with the larger Muslim community, and to become one's identity, namely as Muslims. Many Muslim women are starting to wear the hijab as a form of their resistance to there is Islamophobia.

Not a few people ended up giving their opinions regarding the establishment of a ban on the use of the hijab in institutions on their personal Twitter pages, both in the form of pros and cons. If conclusions are drawn from the comments that have been given, there

will be negative and positive impacts that can be seen from the enactment of this regulation.

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