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THE CONCEPT OF GENDER EQUITY IN ISLAMIC FAMILY LAW

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Abstract

This study aims to analyze the concept of gender justice in Islamic family law from normative-juridical, conceptual, and *maqāṣid al-syarī'ah* perspectives. The study employs a qualitative approach using library research. The research data are sourced from the Qur'an, hadith, fiqh and *usul al-fiqh* literature, legislation, as well as journal articles and scientific research findings relevant to Islamic family law and gender justice. Data collection was conducted through documentary analysis, while data analysis employed descriptive-analytical and comparative techniques through the stages of data reduction, classification, interpretation, and drawing conclusions. The research findings indicate that gender justice in Islamic family law is not synonymous with absolute equality of treatment but relates to the balance of rights, obligations, responsibilities, protection, and the common good between men and women. The concept of *qiwāmah* can be reconstructed as responsibility-based authority, not male superiority. The concept of *naḥāqah* also needs to be situated within the framework of family economic partnership by recognizing women's material and non-material contributions. In divorce and *ḥadānah*, substantive justice demands equal legal access and a focus on the best interests of the child. Meanwhile, inheritance issues require a systemic analysis that takes into account the structure of family economic responsibilities. The study concludes that the *maqāṣid al-syarī'ah* approach can serve as a methodological framework for developing Islamic family law that is just, contextual, humanistic, and responsive to social change without losing its normative foundation.

Keywords: gender justice, Islamic family law, *maqāṣid al-syarī'ah*, *qiwāmah*, *naḥāqah*, contemporary family law

Abstrak

Penelitian ini bertujuan menganalisis konsep keadilan gender dalam hukum keluarga Islam melalui perspektif normatif-yuridis, konseptual, dan *maqāṣid al-syarī'ah*. Penelitian menggunakan pendekatan kualitatif dengan jenis penelitian kepustakaan (library research). Data penelitian bersumber dari Al-Qur'an, hadis, literatur fikih dan *usul fikih*, peraturan perundang-undangan, serta artikel jurnal dan hasil penelitian ilmiah yang relevan dengan hukum keluarga Islam dan keadilan gender. Pengumpulan data dilakukan melalui studi dokumentasi, sedangkan analisis data menggunakan teknik deskriptif-analitis dan komparatif melalui tahapan reduksi data, klasifikasi, interpretasi, dan penarikan kesimpulan. Hasil penelitian menunjukkan bahwa keadilan gender dalam hukum keluarga Islam tidak identik dengan kesamaan perlakuan secara mutlak, tetapi berkaitan dengan keseimbangan hak, kewajiban, tanggung jawab, perlindungan, dan kemaslahatan antara laki-laki dan perempuan. Konsep *qiwāmah* dapat direkonstruksi

sebagai kewenangan berbasis tanggung jawab (*responsibility-based authority*), bukan superioritas laki-laki. Konsep *nafāqah* juga perlu ditempatkan dalam kerangka kemitraan ekonomi keluarga dengan mengakui kontribusi material dan nonmaterial perempuan. Dalam perceraian dan *ḥaḍānah*, keadilan substantif menuntut akses hukum yang setara dan orientasi pada kepentingan terbaik anak. Sementara itu, persoalan kewarisan memerlukan analisis sistemik yang mempertimbangkan struktur tanggung jawab ekonomi keluarga. Penelitian menyimpulkan bahwa pendekatan *maqāṣid al-syarī'ah* dapat menjadi kerangka metodologis untuk mengembangkan hukum keluarga Islam yang adil, kontekstual, humanis, dan responsif terhadap perubahan sosial tanpa kehilangan landasan normatifnya.

Kata kunci: keadilan gender, hukum keluarga Islam, *maqāṣid al-syarī'ah*, *qiwāmah*, *nafāqah*, hukum keluarga kontemporer

INTRODUCTION

Gender justice in Islamic family law is one of the key issues in the development of contemporary Islamic law, as family law is directly related to the distribution of rights, obligations, authority, responsibilities, and protection between men and women. Marriage, divorce, alimony, child custody, and inheritance are not merely private matters but also legal institutions that shape the structure of social relations within the family. Changes in education, women's participation in the workforce, transformations in household economic structures, growing awareness of human rights, and shifts in parenting patterns have created increasingly complex family configurations. In this context, Islamic family law faces the challenge of maintaining its normative legitimacy while responding to the need for substantive justice in contemporary family life. Studies on Islamic family law in Indonesia indicate that gender issues are not only related to normative texts but also to how those texts are interpreted, codified, and applied in social life and legal institutions (Alfaizi, 2022; Mansyuroh & Luthfi, 2022).

Normatively, Islam positions the family as an institution with legal, social, moral, and spiritual dimensions. The Qur'an describes marriage as a relationship built upon *sakinah*, *mawaddah*, and *rahmah* (Q.S. al-Rūm [30]: 21), while the principle of *mu'āsyarah bi al-ma'rūf* in Q.S. al-Nisā' [4]: 19 emphasizes the importance of treating one's spouse with respect. This normative framework indicates that the relationship between husband and wife should not be understood solely through the distribution of authority, but also through the principles of reciprocity, respect for dignity, protection from harm, and the pursuit of the family's well-being. Contemporary research on *mu'āsyarah bi al-ma'rūf* even points to the possibility of reconstructing this concept as an ethical-legal framework that emphasizes justice, reciprocity, and gender equality in family life (Anisa, 2025). Thus, the central issue in the discourse on gender justice is not merely whether men and women are subject to identical rules, but whether the construction and application of the law result in relationships that are dignified, proportional, non-exploitative, and capable of protecting all family members.

From an Islamic legal perspective, the concept of justice must also be distinguished from formal equality. Formal equality presupposes that men and women must receive the same treatment in every circumstance, whereas justice takes into account rights, obligations, responsibilities, conditions, and legal consequences in a more comprehensive manner.

Normative differences between men and women, therefore, cannot be automatically categorized as discrimination without analyzing the underlying purposes and the structure of the accompanying obligations. Conversely, a provision that formally possesses religious legitimacy still needs to be evaluated if its implementation results in subordination, violence, loss of access to justice, or harm that contradicts the objectives of Sharia. Debates regarding Islamic family law in Indonesia reveal a tension between classical fiqh constructs, modern principles of gender equality, and the formulation of positive law that has evolved through codification and judicial practice (Hayati et al., 2024).

One of the most critical points in this discourse is the concept of *qiwāmah*. Q.S. al-Nisā' [4]: 34 has traditionally been used as the basis for explaining the position of men as *qawwām* within the family. In the development of fiqh, this concept relates to the husband's leadership, protection, and economic responsibility. Issues arise when *qiwāmah* is interpreted as the intrinsic superiority of men and shifts from a concept of responsibility to a legitimization of unilateral power. Research by Aisyah and Hidayah (2023) shows that the concept of *qiwāmah* has direct implications for the discourse on gender justice in Indonesian Islamic family law and must be interpreted contextually to avoid being reduced to a relationship of domination.

This debate has become increasingly complex as social transformations have altered the division of economic roles within the family. Women are increasingly participating in higher education, professional careers, economic activities, and household decision-making. At the same time, some families no longer follow traditional patterns that strictly separate the roles of men as breadwinners and women as homemakers. In such situations, the concepts of *qiwāmah* and *nafāqah* need to be analyzed in relation to the goals of family protection, well-being, and partnership. Awalul et al. (2025), for example, propose a *maqāṣidī* interpretation of *qiwāmah* and *nafāqah* by situating family responsibilities within a framework of justice and the realities of the modern family. This approach opens the door to understanding that family leadership need not be synonymous with domination but can be understood as a functional responsibility oriented toward the common good.

The issue of *nafāqah* also reveals a tension between classical fiqh constructs and changing family realities. Traditionally, the obligation of *nafāqah* has primarily fallen on the husband as a consequence of his economic responsibility for the family. However, as women also contribute as breadwinners, asset managers, or even primary economic providers, there arises a need to redefine the relationship between economic contributions and authority within the household. This reorientation should not be interpreted as the elimination of the husband's obligation to provide *nafāqah*, but rather as an effort to understand family obligations more comprehensively based on capacity, needs, responsibilities, and the common good. Thus, the *maqāṣid al-syarī'ah* approach becomes crucial because it allows the law to be interpreted based on the objectives of protection and well-being, rather than solely on the formulations of relationships that have evolved within specific social contexts. Contemporary studies on the transformation of women's roles in Indonesian family law also indicate that social and educational changes have

fueled demands for family laws that are more responsive to the realities of modern women and families (Huda & Saifudin, 2024).

The dimension of gender justice is further evident in divorce law. The structure of classical Islamic family law distinguishes between the divorce mechanisms available to men and women, including *talāq*, *khulu'*, and *fasakh*. In contemporary practice, these differences can lead to issues of access to justice when women face economic, social, or institutional barriers. Therefore, justice in divorce cannot be measured solely by the existence of formal rights to file a case but must also be assessed based on access to legal institutions, the ability to make decisions freely, economic protection, and the fulfillment of rights following divorce. Mufti (2024) demonstrates that the *cerai gugat* mechanism in Indonesia can be interpreted as a legal development that reflects the capacity of *maqāṣid al-syarī'ah* to address demands for gender justice within the context of contemporary family law.

The aspect of child custody (*ḥaḍānah*) also demonstrates that gender justice in family law cannot be separated from the principle of the child's best interests. Within the framework of family law, mothers often secure a specific role in child custody following divorce, while fathers retain responsibility for maintenance and financial support. However, determining custody solely based on the parents' gender may prove inadequate if it fails to consider the child's psychological condition, parenting capabilities, safety, education, environmental stability, and emotional bonds with both parents. Studies on *ḥaḍānah* indicate that safeguarding a child's right to grow and develop is a crucial component of the objectives of Islamic family law (Ramadhoni et al., 2023). Furthermore, developments in judicial rulings in Indonesia highlight the growing importance of legal consistency and consideration of the child's best interests in post-divorce custody disputes (Yahman, 2024).

Parental obligations toward children also extend beyond the issue of who is granted custody. A child's rights to care, education, health, protection, and emotional development must be an integral part of the construction of family justice. Studies on parental obligations in *ḥaḍānah* affirm that child care following divorce must be understood as a legal and moral obligation that does not end simply because one parent loses formal custody (Asman, 2023). Thus, a gender justice approach in family law must move beyond a simplistic dichotomy between the rights of the father and the rights of the mother and shift toward a framework that places the child's well-being as the more fundamental legal objective.

The most complex issue in the discourse on gender justice is inheritance. Q.S. al-Nisā' [4]: 11 establishes inheritance shares across various family configurations, including the provision that under certain conditions, a son's share is twice that of a daughter's. This provision is often at the center of debate because it is perceived as indicating gender-based discrimination. However, an analysis of Islamic inheritance law cannot be limited to a mere comparison of numerical shares. The distribution of inheritance must be understood within the broader system of a family's economic rights and obligations, including spousal support, dowry, and men's responsibilities toward family members.

Nashirun et al. (2022) demonstrate that the concepts of justice and gender equality in inheritance distribution must be analyzed by considering the principles of Islamic law in their entirety.

This debate continues to evolve alongside changes in the family's economic structure. Contemporary women may be asset owners, primary breadwinners, business managers, or the ones responsible for the family's finances. Under such circumstances, questions arise regarding how the principle of justice in inheritance law can be reconciled with social change without disregarding the normative texts of the Qur'an. Ramli et al. (2023) highlight a tension between Sharia provisions regarding women's inheritance rights and the demands of sociocultural change. Meanwhile, Rozi and Muar (2024) situate this issue within a comparative discourse between the *farā'id* system and modern principles of gender justice. Recent studies on divine justice in inheritance also highlight the importance of linking the distribution of inheritance to economic responsibilities and the social structures that constitute the context of these laws (Zubaidi et al., 2025).

Thus, differences in inheritance shares cannot automatically be equated with discrimination, nor can they be critically accepted without considering changes in the social context. The academic challenge lies in how Islamic law connects texts, objectives, responsibilities, and reality. Firdawati et al. (2022) demonstrate that contemporary thought on gender equality in inheritance continues to evolve through reinterpretations of the structure of Islamic inheritance law. Ridwan (2022) also notes that the thought of Muhammad Shahrur offers an alternative interpretation of the issue of gender equality in inheritance law. This demonstrates that the discourse on inheritance is not merely a debate between the text and modernity, but also a methodological debate regarding how to understand the text and the purposes of the law.

In the Indonesian context, the issue of gender justice in family law has become increasingly complex due to the interplay between the Qur'an and Sunnah, classical fiqh, the Compilation of Islamic Law (KHI), legislation, court rulings, customary law, and social practices. Therefore, Islamic family law cannot be understood as a normative system operating in isolation from its social context. Fasiha et al. (2023) emphasize the relationship between gender equality from an Islamic legal perspective and family well-being, while Mansyuroh and Luthfi (2022) demonstrate that the internalization of the values of justice and gender equality in family law can be part of Indonesia's social development strategy.

The next issue is the potential gap between norms, interpretations, and practices. Halwaini (2025), through a semiotic analysis of family law practices in Indonesia, demonstrates that women's rights in the Qur'an are not merely tied to textual meanings but also to how those meanings are produced and applied in legal practice. Thus, a norm may have a protective orientation in the text but produce different consequences when interpreted within a specific social structure. This phenomenon highlights the importance of research that goes beyond a textual approach and also considers the interpretive, institutional, and social dimensions of family law. This context reinforces the relevance of *maqāṣid al-sharī'ah* as an analytical framework. *Maqāṣid al-sharī'ah* allows Islamic law to be

analyzed through the objectives and public interests it seeks to realize, including the protection of religion, life, reason, lineage, and property, as well as the development of contemporary conceptions of human dignity, justice, and well-being. In the context of family law, this approach allows for an evaluation of whether a legal construct truly achieves the goal of protecting the family or, conversely, results in harm that is inconsistent with the objectives of sharia. Research on marriage registration in Indonesia, for example, shows that Jasser Auda's *maqāṣid* systems theory can be used to understand the law in a holistic, change-open, multidimensional, and legally protective manner (Mubarok & Hidayati, 2023).

However, the use of *maqāṣid al-syarī'ah* in the discourse on gender justice also requires methodological caution. The *maqāṣidī* approach should not become an instrument for disregarding the texts of the Qur'an and Sunnah, nor should it be used to defend every historical fiqh construct without considering contextual changes. A more productive approach is to regard the text as a normative source, fiqh as the result of human ijtihad, *maqāṣid* as a goal-oriented framework, and social reality as the context for the application of the law. Within such a framework, Islamic family law can maintain continuity with the Islamic scholarly tradition while retaining the ability to adapt to societal changes. Research developments from 2022 to 2025 indicate that studies on gender in Islamic family law have expanded to address specific issues, such as gender equality in family life (Alfaizi, 2022), inheritance (Firdawati et al., 2022; Nashirun et al., 2022; Ridwan, 2022), *qiwāmah* (Aisyah & Hidayah, 2023), gender equality and family welfare (Fasiha et al., 2023), *ḥaḍānah* and child protection (Asman, 2023; Ramadhoni et al., 2023), family law reform (Al Kadumi et al., 2024; Huda & Saifudin, 2024), women's divorce (Mufti, 2024), as well as the reinterpretation of *qiwāmah*, *nafāqah*, and inheritance through the *maqāṣidī* approach (Awalul et al., 2025; Zubaidi et al., 2025).

Nevertheless, there remains a significant research gap. First, some studies tend to address gender justice based on specific issues in isolation—such as inheritance, *qiwāmah*, divorce, or *ḥaḍānah*—and thus have not yet fully established a conceptual framework that links all these dimensions within a single construct of family legal justice. Second, some studies place greater emphasis on a normative-textual approach, while the relationship between the text, fiqh constructs, *maqāṣid al-syarī'ah*, positive law, and social practices has not always been analyzed in an integrative manner. Third, studies on Indonesian Islamic family law still require a framework that explicitly distinguishes between equality, equity, and substantive justice, so that legal differences between men and women are not assessed simplistically. Fourth, the evolution of contemporary family structures demands a more serious examination of the distribution of economic responsibilities, decision-making, child-rearing, and legal protection within the family.

These gaps indicate that studies on gender justice in Islamic family law need to move beyond the simplistic question of “Are men and women treated equally?” toward a more substantive question: Does the structure of rights, obligations, authority, responsibilities, and protections in family law foster the common good and justice for all family members in a changing social context? This question is important because justice in Islamic law is not always synonymous with mathematical equality. Justice can be realized through the

proportional distribution of rights and obligations, the protection of vulnerable parties, the prevention of harm, respect for human dignity, and the fulfillment of the objectives of Sharia.

On this basis, this article frames gender justice in Islamic family law as a methodological and socio-legal issue, rather than merely a matter of differences in rights between men and women. This article develops the argument that the construction of gender justice must be built through a dialogue between the texts of the Qur'an and Sunnah, the corpus of fiqh, *maqāṣid al-sharī'ah*, positive law, and the social realities of contemporary families. This framework allows the concepts of *qiwāmah*, *nafāqah*, *ṭalāq*, *khulu'*, *ḥaḍānah*, and inheritance to be analyzed based on their functions, purposes, contexts, and legal implications for men, women, and children. Thus, the main contribution of this study lies in the formulation of a conception of gender justice that does not equate justice with absolute equality, but rather positions equality of dignity, substantive justice, proportionality of rights and obligations, reciprocity, protection from harm, the best interests of the child, recognition of women's agency, and the welfare of the family as interrelated principles. This framework is expected to provide a theoretical foundation for the development of Islamic family law that is responsive to social change while remaining rooted in the normative sources and methodological principles of Islamic law.

Ultimately, the discussion of gender justice in Islamic family law need not be framed within a dichotomy between upholding classical fiqh or fully embracing modern gender equality. A more significant academic challenge is to identify a methodology capable of distinguishing between the normative values of Sharia and fiqh formulations that emerged within specific historical contexts, and then connecting them to the needs of contemporary society. The *maqāṣid al-syarī'ah* approach provides significant scope for this process because it places justice, the public interest, protection, and human dignity at the center of legal orientation. Within this framework, Islamic family law can be developed as a legal system that not only possesses normative legitimacy but is also capable of providing tangible protection and justice for men, women, and children in contemporary families.

METHOD

Research Design

This study employs a qualitative approach using a systematic library research design combined with normative-juridical analysis, conceptual analysis, and the *maqāṣid al-syarī'ah* approach. This design was chosen because the study is not aimed at empirically measuring relationships between variables, but rather at reconstructing and critically analyzing the concept of gender justice in Islamic family law based on normative sources, fiqh constructs, developments in contemporary Islamic legal thought, and the social dynamics that influence the application of family law. In this context, a literature review is understood not merely as the act of reading literature but as a systematic process for identifying, selecting, organizing, comparing, and interpreting scientific sources relevant to the research questions. A systematic approach to literature review is essential for enhancing the transparency of the source selection process, reducing the researcher's

subjective bias, and enabling a conceptually sound synthesis that is academically accountable (Snyder, 2019; Page et al., 2021).

This study focuses on the main research question: how is the concept of gender justice constructed in Islamic family law, and how can the *maqāṣid al-syarī‘ah* approach be used to reconstruct the relationship between rights, obligations, responsibilities, and legal protections for men and women in the context of the contemporary family? These questions are then broken down into several analytical issues, namely (1) the relationship between husband and wife in marriage, (2) the concepts of *qiwāmah* and *nafāqah*, (3) divorce mechanisms and the protection of women’s rights, (4) child custody (*ḥaḍānah*), and (5) the distribution of inheritance. The selection of these issues is based on the fact that these areas constitute the primary domains where the distribution of authority, resources, responsibilities, and legal protection between men and women is shaped.

Normative-Juridical and Conceptual Approaches

The normative-juridical approach is used to analyze norms derived from the Qur’an, hadith, fiqh, *usul al-fiqh*, and relevant family law regulations. The analysis focuses not only on identifying legal provisions but also on the relationships between norms, legal arguments, and the objectives these provisions aim to achieve. This approach enables the study to distinguish between textual norms, fiqh interpretations, historically evolving legal constructs, and the implementation of law in the context of contemporary society. Furthermore, a conceptual approach is used to identify and compare key concepts such as *‘adl*, *musāwah*, *qiwāmah*, *nafāqah*, *mu‘āsyarah bi al-ma‘rūf*, *maslahah*, and *maqāṣid al-syarī‘ah*. Conceptual analysis is necessary because the term “gender justice” cannot be treated merely as a concept of equal treatment between men and women. Justice is analyzed as a multidimensional construct that encompasses equality of dignity, a balance of rights and obligations, proportionality of responsibilities, protection from harm, access to justice, and respect for the capacities and agency of each family member.

The third approach is *maqāṣid al-sharī‘ah*, which is used as an evaluative framework to assess whether a family law framework is capable of realizing public interest, justice, protection, and human well-being. The *maqāṣid* approach is used not to replace Islamic normative sources, but rather to connect texts, legal interpretations, the objectives of sharia, and changing social realities. In this study, a legal provision is analyzed based on its purpose, context, consequences, and its impact on the relationship between men and women within the family. Thus, *maqāṣid* serves as a methodological tool to avoid a strictly literal reading of the law while preventing reinterpretations that deviate from the normative foundations of Islamic law.

Data Sources and Literature Review Strategy

The research data comes from primary sources, secondary sources, and legal sources. Primary sources include the Qur’an, hadith, and books on fiqh and *usul al-fiqh*, which form the basis for the construction of Islamic family law. Legal sources include legislation and legal documents relevant to marriage, divorce, child custody, and inheritance. Meanwhile, secondary sources consist of scholarly journal articles, academic books,

research findings, dissertations, and scholarly publications discussing gender, Islamic family law, Islamic legal reform, *maqāṣid al-syarī'ah*, and family relations.

The literature search was conducted systematically through relevant academic databases, particularly Scopus, Web of Science, Google Scholar, ScienceDirect, SpringerLink, Wiley Online Library, Taylor & Francis, and DOAJ. Keywords were formulated based on combinations of main terms and synonyms, including: “*gender justice*” AND “*Islamic family law*”, “*gender equality*” AND “*Muslim family law*”, “*qiwamah*” AND *gender*, “*maintenance*” AND *Muslim family law*, “*Islamic divorce*” AND *women’s rights*, “*child custody*” AND *Islamic law*, “*Islamic inheritance*” AND *gender*, and “*maqasid al-shariah*” AND *family law*. The search strategy utilized the Boolean operators AND and OR to systematically broaden or narrow the search results. To strengthen the relevance to contemporary developments in Islamic family law, journal articles published between 2022–2025 were prioritized as sources for up-to-date empirical and conceptual studies. Classical literature and normative sources were still utilized when they had fundamental relevance to the construction of the concepts under analysis. Thus, publication year restrictions are not strictly applied to primary sources and classical theoretical works, as both are integral parts of the subject matter of Islamic law research.

Inclusion and Exclusion Criteria

Literature is included in the research corpus if it meets several criteria. First, the publication directly or substantively addresses Islamic family law, gender justice, women’s rights, spousal relations, *qiwamah*, *nafāqah*, divorce, child custody, inheritance, or *maqāṣid al-syarī'ah*. Second, the article must be from an academic journal with verifiable bibliographic information. Third, the publication must make a conceptual, normative, legal, or empirical contribution to the research questions. Fourth, for recent literature, priority is given to articles published between 2022 and 2025. Meanwhile, literature is excluded if it lacks a substantive connection to the research focus, is a duplicate, lacks adequate bibliographic information, or merely discusses gender in general without any connection to Islamic family law. These inclusion and exclusion procedures are used to maintain the relevance of the literature corpus and reduce the likelihood of using sources that do not directly support the research argument. Transparency in the literature identification and selection process is a crucial element in producing a replicable and accountable literature review (Page et al., 2021).

Data Collection and Extraction Procedures

Data collection was conducted in four stages. First, identification, which involves identifying publications based on predetermined keywords. Second, screening, which involves examining titles, abstracts, keywords, and metadata to determine initial relevance. Third, eligibility assessment, which involves a more in-depth reading of the text to ensure the substance aligns with the research focus. Fourth, inclusion, which involves incorporating sources that meet all criteria into the analysis corpus. These stages adapt the principles of transparency in literature selection developed in the PRISMA 2020 guidelines (Page et al., 2021). Each selected source is then entered into an analysis matrix containing: (1) publication details, (2) year of publication, (3) research objectives, (4)

legal or social context, (5) family law issues discussed, (6) the theoretical or methodological approach, (7) the main findings, (8) arguments regarding gender, (9) the maqāsid perspective, if used, and (10) relevance to the construction of gender justice. This matrix was used to identify patterns of argumentation, similarities, differences, and developments in Islamic family law thought.

Data Analysis Techniques

Data analysis was conducted through thematic analysis, comparative analysis, normative analysis, and critical interpretation. Thematic analysis was used to identify the main themes that emerged in the literature. Based on the coding process, the data were grouped into the following themes: gender justice and equality; marriage and consent; qiwāmah; nafāqah; divorce; women’s economic rights; child custody; inheritance; maqāsid al-syarī’ah; and reform of Islamic family law. Comparative analysis is used to compare classical fiqh constructs with contemporary Islamic family law thought. The comparison is not intended to frame classical fiqh and contemporary thought in terms of “right versus wrong,” but rather to identify changes in social context, legal assumptions, structures of responsibility, and the social consequences of each construct. Comparative analysis is also used to examine whether gender-based legal distinctions are grounded in rational justifications related to the distribution of responsibilities or whether they instead result in subordination and injustice in practice.

Normative analysis is then used to connect the findings from the literature with normative Islamic sources. Every argument regarding gender justice is tested through the relationship between the texts of the Qur’an and hadith, fiqh constructs, legal principles, and the objectives of sharia. This analysis is crucial because Islamic family law has a multidimensional character that involves normative, legal, ethical, and social dimensions. Furthermore, maqāsid al-syarī’ah is used as an analytical lens to evaluate the legal constructs identified. The evaluation focuses on several indicators, namely: (1) protection of human dignity, (2) protection of life and family security, (3) protection of descendants and the best interests of the child, (4) protection of property and economic justice, (5) prevention of harm, (6) the welfare of the family, and (7) balance between rights and obligations. This framework allows the study to assess a provision not only based on its formal structure but also based on the purpose and consequences of its application.

Data Validity and Trustworthiness

To ensure trustworthiness, the study applies four principles: credibility, dependability, confirmability, and transferability. Credibility is strengthened through the use of various types of sources, including normative sources, fiqh literature, regulations, and contemporary journal articles. Dependability is maintained through systematic documentation of the processes of literature search, selection, classification, and analysis. Confirmability is ensured by verifying that interpretations are based on textual evidence and arguments that can be traced back to their sources. Transferability is strengthened through an adequate description of the legal and social context so that the results of the analysis can be used to understand similar issues in other Islamic family law contexts. Furthermore, the study employs source triangulation by comparing arguments from

Islamic normative sources, works of fiqh, legal regulations, and contemporary academic research. Such triangulation is crucial in literature reviews as it enables researchers to identify differences between norms, interpretations, and practices and to avoid reliance on a single perspective within the literature. In qualitative research, transparency in the analysis process and the traceability of the relationship between data, interpretation, and conclusions are essential components for enhancing research quality (Braun & Clarke, 2022).

The Researcher's Position and the Interpretation Process

Because this study is qualitative and interpretive in nature, the researcher serves as the primary instrument in the process of data selection, categorization, interpretation, and synthesis. Therefore, the researcher consciously distinguishes between a description of a source's perspective and the researcher's interpretation of that source. Any conclusions regarding gender justice are constructed through cross-source comparisons and are not based on a single text or a single fiqh perspective. The analysis process is conducted iteratively. Preliminary findings are revisited and compared with normative sources and contemporary literature to test the consistency of the arguments. Where interpretive differences exist, the study does not dismiss them but incorporates them into the critical analysis. In this way, the study is not aimed at producing uniformity of views but at constructing a conceptual synthesis capable of explaining the relationship between texts, fiqh, maqāsid, social reality, and positive law in the construction of gender justice.

Analytical Framework

Operationally, the research analysis proceeds through five main stages: (1) identification of norms and concepts in Islamic family law; (2) mapping of gender constructions in fiqh and contemporary law; (3) comparison between classical and contemporary constructions; (4) evaluation based on the principle of maqāsid al-syarī'ah; and (5) a conceptual synthesis regarding gender justice in Islamic family law. The final outcome of the analysis aims to establish a conceptual framework explaining that gender justice is not synonymous with absolute equality, but rather with the proportional, dignified, and public-interest-oriented distribution of rights, obligations, responsibilities, authority, and protection. With this design, the research is expected not to stop at a literature review on gender and Islamic family law, but to produce a critical conceptual synthesis capable of explaining how Islamic family law can maintain its normative legitimacy while responding to transformations in family structures, changes in the economic roles of men and women, developments in human rights, and the need to protect family members in contemporary society.

RESULT AND DISCUSSION

This study yielded eight key findings regarding the construction of gender justice in Islamic family law, namely: (1) gender justice as a fundamental principle of Islamic family law; (2) the husband-wife relationship as a partnership; (3) the reconstruction of *qiwāmah* as responsibility-based authority; (4) *nafāqah* and economic justice within the family; (5) gender justice in divorce; (6) gender justice in child custody; (7) gender justice in inheritance; and (8) protection from domestic violence.

Gender Justice as a Fundamental Principle of Islamic Family Law

The results of the literature review indicate that gender justice in Islamic family law is not synonymous with absolute equality between men and women. Justice is more accurately understood as the proportional distribution of rights, obligations, responsibilities, protection, and opportunities, taking into account the objectives of the law and the welfare of the family. Literature findings indicate that the Qur'an provides a normative foundation regarding the equality of human dignity through Qur'anic verses al-Hujurāt [49]: 13 and al-Ahzāb [33]: 35. These two verses demonstrate that gender is not the primary measure of human dignity. In the context of the family, this principle correlates with the purpose of marriage as described through the concepts of *sakinah*, *mawaddah*, and *rahmah* in Surah al-Rūm [30]: 21.

The study's findings also revealed a conceptual distinction between formal equality and substantive justice. Formal equality emphasizes equal standing before the law, whereas substantive justice assesses the actual impact of a rule on the lives of men and women. In family law, a substantive approach is crucial because spouses may find themselves in different economic, social, educational, and capacity situations. Thus, the research findings indicate that gender justice does not demand the elimination of all role differences within the family, but rather requires that such differences not result in discrimination, subordination, exploitation, or violence.

The Husband-Wife Relationship as a Partnership

Research findings indicate that the construction of the husband-wife relationship in Islamic family law is fundamentally based on a reciprocal relationship between rights and obligations. The husband has economic obligations and the duty to protect the family, while the wife has rights and obligations related to married life. An analysis of the literature shows that issues of justice arise when the distribution of these rights and obligations is interpreted as a division of superior and inferior status. In such a framework, the obligation to provide financial support risks being transformed into a justification for absolute authority. In the context of Indonesian positive law, Article 31(1) of Law No. 1 of 1974 on Marriage affirms the balance of rights and status between husband and wife in domestic and social life. However, Article 31(3) still designates the husband as the head of the family and the wife as the homemaker. These findings reveal a legal framework that combines equality of status with differentiation of roles. Therefore, differences in roles do not inherently indicate injustice as long as they are not used to deprive either party of their rights, agency, or dignity.

Reconstructing *Qiwamah* from the Perspective of *Maqāṣid al-Syarī'ah*

The research findings indicate that *qiwamah* is one of the concepts most in need of a contextual reading within the discourse on gender justice. Quranic verse al-Nisā' [4]: 34 has historically served as the basis for discussions regarding the position of men within the family. The analyzed literature reveals two interpretive tendencies. First, *qiwamah* is understood as male leadership that entails specific authority within the family. Second, *qiwamah* is interpreted functionally as the responsibility to care for, protect, guide, and

provide for the family's needs. The research findings support the second interpretation more strongly because it is more consistent with the relationship between *qiwāmah* and *nafāqah*. Thus, *qiwāmah* can be defined as responsibility-based authority—that is, authority inherent in responsibility rather than power in and of itself.

***Nafāqah* and Family Economic Justice**

The research findings indicate that *nafāqah*, within the framework of Islamic family law and the Compilation of Islamic Law (KHI), is, in principle, the husband's obligation. Article 80 of the KHI links this obligation to the fulfillment of household needs in accordance with the husband's economic capacity. However, a literature review reveals that the economic structure of contemporary families is undergoing changes. Women are increasingly participating in productive work and making economic contributions to the family. In fact, under certain circumstances, women may become the primary breadwinners. These findings indicate that family contributions cannot be reduced to financial contributions alone. Domestic work, childcare, children's education, caring for family members, and emotional support are also forms of contribution that hold social and economic value.

Gender Equity in Divorce

Research findings indicate that divorce mechanisms within the tradition of Islamic family law follow several pathways, including *talāq*, *khulu'*, *fasakh*, and divorce through the courts. Differences in these mechanisms do not automatically imply injustice. However, the research findings indicate that substantive justice requires effective legal access for both parties when the marriage no longer serves the common good. Justice in divorce also encompasses the protection of post-divorce rights, particularly alimony, housing, child custody, and economic protection for vulnerable parties.

Gender Justice in Child Custody

Research findings indicate that *ḥaḍānah* is fundamentally aimed at the protection and well-being of the child. Therefore, the determination of custody should not be based solely on the parents' gender. Literature reviews indicate that the child's best interests must take into account the child's parenting capacity, safety, emotional closeness, education, psychological condition, and social environment. From the perspective of *maqāṣid al-syarī'ah*, this principle relates to *ḥifẓ al-nasl*, which in a contemporary context can be understood not only as the protection of the continuity of the lineage but also as the protection of the child's quality of life.

Gender Justice in Inheritance Law

Research findings indicate that inheritance is the most complex area within the discourse on gender justice. Surah al-Nisā' [4]: 11 establishes the shares of heirs based on specific kinship configurations and, under certain conditions, grants a male child twice the share of a female child. The research findings indicate that this provision cannot be analyzed in isolation from the overall structure of economic obligations within Islamic family law. Men have a duty to provide financial support to the family, whereas the inheritance received by women is, in principle, an individual right.

However, changes in the structure of contemporary family economics raise new issues when women become the primary breadwinners, own assets, or assume economic responsibility for the family.

Gender Justice and Protection from Domestic Violence

The research findings indicate that protection from violence is a fundamental component of gender justice in Islamic family law. Interpretations of family norms that could potentially legitimize violence must be analyzed based on the principles of the protection of life (*hifz al-nafs*) and the prevention of harm. The findings indicate that a family law framework aligned with the *maqāṣid* must foster a marital relationship that is safe, based on dialogue, mutually respectful, and free from both physical and psychological violence. Overall, the research results yield one main proposition: gender justice in Islamic family law is a multidimensional construct that encompasses equality of dignity, a balance of rights and obligations, responsibility-based authority, economic justice, access to justice, the best interests of the child, protection of property, and protection from violence.

DISCUSSION

Gender Justice as a Fundamental Principle of Islamic Family Law

Research findings indicate that gender justice in Islamic family law is best understood as substantive justice rather than merely formal equality between men and women. This finding is significant because family law not only governs legal status but also regulates the distribution of economic responsibilities, childcare, authority, protection, and access to legal mechanisms. Thus, the measure of justice is not sufficiently determined by whether men and women are subject to identical rules, but rather by whether the structure of rights and obligations results in family relationships that are just, dignified, and free from subordination. This perspective aligns with the research by Aisyah and Hidayah (2023), which demonstrates that *qiwāmah* within the family should not be understood as the absolute superiority of men. They position the rights and obligations of husbands and wives within a balanced relationship, such that family leadership must be directed toward fostering harmony, not domination. These findings reinforce the results of this study, which indicate that differences in family roles are not inherently synonymous with gender injustice.

Mohamad's (2021) study on marriage, intimacy, gender, and Islam in Southeast Asia also demonstrates that gender issues within Muslim families must be understood within a broader social and institutional context. Gender inequality can be reproduced through practices such as marriage, polygamy, child marriage, as well as informal forms of marriage and divorce. Therefore, the construction of gender justice in Islamic family law cannot rely solely on a normative reading of the texts but must consider how these norms function within social reality. In the Indonesian context, this issue becomes even more complex because family law is the result of an interplay between *fiqh*, the Qur'an and Sunnah, positive law, customary law, judicial practices, and social change. A study by Al Kadumi et al. (2024) shows that the development of Indonesian Islamic family law is a process of interaction between classical *fiqh*, customary law, and modern legislation. These reforms are moving toward a law that is more gender-sensitive, although they still

face challenges from patriarchal interpretations. Thus, the results of this study indicate that gender justice must be adopted as an evaluative principle in interpreting Islamic family law. This principle is not intended to eliminate the normative character of Islamic law, but rather to assess whether the interpretation and implementation of a norm align with the objectives of sharia—namely, justice, the public interest, protection, and respect for human dignity.

Spousal Relations: From Hierarchy to Partnership

The research findings reveal that the husband-wife relationship is the primary arena in the construction of gender justice. Classical fiqh constructs the marital relationship through a relatively distinct distribution of rights and obligations between husband and wife. Problems arise when this differentiation of obligations is subsequently transformed into a differentiation of status, whereby men are positioned as the superior party while women are positioned as the subordinate party. This finding can be understood through the concept of *mu'āsarah bi al-ma'rūf*. This principle shifts the orientation of the marital relationship from a power dynamic toward an ethical one. Husbands and wives are not merely positioned as holders of rights and fulfillers of obligations, but as two subjects who share the responsibility of fostering the family's well-being.

Marwah's (2022) study on marriage counseling materials in Indonesia indicates that government premarital education has sought to incorporate the idea of gender equality into spousal relationships. However, the study also reveals that the construction of gender relations within marriage education materials remains a critical area requiring evaluation. This means that gender justice is not sufficiently institutionalized in legal norms but must be translated into family education and social practices. These findings are also relevant to the study by Daulay and Hakim (2025), which compares the normative ideal of gender equality in Islamic marriage law with social reality. The study shows that there is a gap between the principle of equality enshrined in the law and its implementation in family life.

In this context, the husband-wife relationship should be constructed as a partnership model—that is, a partnership that allows for the division of tasks based on ability, mutual agreement, family needs, and the couple's objective circumstances. This model does not eliminate the responsibilities of either the husband or the wife but prevents those responsibilities from becoming a tool to legitimize domination. Thus, the research findings lead to the proposition that authority within the family must be relational and responsibility-based, not absolute. The greater a person's responsibility toward the family, the greater their moral and legal obligation to exercise that authority for the common good.

Reconstructing *Qiwāmah* from the Perspective of *Maqāṣid al-Syarī'ah*

The findings regarding *qiwāmah* constitute one of the key conceptual contributions of this study. The results indicate that *qiwāmah* is more productive when understood as functional responsibility rather than gender superiority. Aisyah and Hidayah (2023) specifically demonstrate that the concept of *qiwāmah* can be linked to a balance of rights

and obligations within the family. They also open the door for women's leadership in the family when women possess the capacity and ability to fulfill such leadership functions.

These findings are further reinforced by Awalul et al. (2025), who explicitly employ the *maqāṣid al-syarī'ah* perspective to analyze the relationship between *qiwāmah* and *nafāqah*. They demonstrate that a hierarchical interpretation of these two concepts can be reconceptualized into a relationship oriented toward family well-being, role balance, and gender justice. From the *maqāṣid* perspective, authority cannot be separated from responsibility. If *qiwāmah* is associated with economic capacity, protection, and family responsibility, then the loss of such responsibility must also serve as the basis for evaluating the form of authority that accompanies it. Thus, *qiwāmah* should not be understood as *male privilege*, but rather as *family responsibility*. This approach also offers a middle ground between two extremes. On the one hand, an overly rigid textual interpretation risks perpetuating hierarchical relationships. On the other hand, the complete elimination of the concept of *qiwāmah* also risks disregarding the structure of responsibility that is indeed embedded in Islamic family law. A *maqāṣidī* reconstruction, however, allows this concept to be retained by shifting the orientation of its implementation: from authority over women to responsibility for family welfare.

***Nafāqah* and Economic Justice**

Research findings indicate that *nafāqah* must be distinguished between legal obligations and actual economic contributions. Within the framework of Islamic jurisprudence and Indonesian family law, the husband fundamentally has the obligation to provide for the family. However, the reality of contemporary families shows that women can also be breadwinners; in some families, they are even the primary economic contributors. Yani (2024) found that a wife's right to *nafāqah* is a key issue in the relationship between Islamic family law and gender equality. Although the obligation to provide *nafāqah* is normatively placed on the husband, women still face challenges in obtaining and asserting this right.

These findings indicate that the obligation to provide financial support should not be narrowly interpreted as a "husband gives—wife receives" relationship. In contemporary families, economic contributions can occur simultaneously. Therefore, the *maqāṣid* approach allows *nafāqah* to be understood as part of a system of economic protection for the family, while the wife's contribution is understood as a form of *ta'āwun* and partnership. Hermanto and Subhan (2025), through a *systematic literature review*, even demonstrate that the classical construct—which positions spousal support exclusively as the husband's obligation—can reproduce inequality if not interpreted in light of social change and women's increasing economic participation.

Thus, economic justice within the family is not measured solely by the amount of money each spouse provides. Domestic work, child-rearing, caring for family members, emotional support, and household management are forms of contribution that also hold social and economic value. These findings lead to the understanding that family contribution is multidimensional. Family contributions consist of financial, domestic,

reproductive, emotional, and social contributions. Therefore, Islamic family law that is responsive to contemporary realities must recognize all of these dimensions.

Gender Justice in Divorce

Divorce is a key indicator for measuring whether family law has achieved substantive justice. Research findings indicate that the differences between the mechanisms of *ṭalāq*, *khulu'*, *fasakh*, and court-mediated divorce must be analyzed in terms of actual access to justice. These findings are strongly supported by the empirical evidence presented by Ramadhita et al. (2023). Their study on Muslim divorce in Indonesia shows that the court divorce process can still result in gender inequality through the exercise of judicial discretion. They specifically found that divorce practices can have a more detrimental impact on women. These findings demonstrate that the existence of legal rules does not automatically guarantee justice. Women may face economic, social, administrative, and psychological barriers when seeking a divorce. Therefore, procedural justice must be placed on par with substantive justice. Lestari's study on gender equality in marriage and divorce also shows that women in certain contexts still face barriers when initiating divorce, primarily due to economic dependence, limited legal knowledge, and gender-biased interpretations of the law. From the *maqāṣid* perspective, divorce is not merely viewed as the failure of a marriage. In certain situations, divorce can serve as a mechanism of harm prevention when maintaining the marriage actually results in *ḍarar*, violence, neglect, or the loss of dignity. Therefore, justice in divorce must encompass at least four dimensions: access to the courts, procedural equality, economic protection, and post-divorce protection.

Gender Justice in Child Custody

Research findings indicate that *ḥaḍānah* cannot be resolved solely through the categorization of “the mother’s right” or “the father’s right.” The primary focus of the law must be on the best interests of the child. This approach aligns with contemporary research on *ḥaḍānah* disputes in Indonesia, which positions the best interests of the child as the common ground between Islamic law and gender justice. A study by Nazah et al. of religious court rulings indicates that the principle of *maqāṣid al-syarī'ah* can be applied in analyzing custody disputes while prioritizing the protection and well-being of the child.

Research by Adibah et al. (2025) also indicates that post-divorce custody conflicts should not focus solely on which parent obtains custody, but rather on how both parents continue to fulfill their responsibilities regarding the child’s emotional needs and well-being. Thus, the *maqāṣid* approach to *ḥaḍānah* shifts the focus from parental entitlement to child welfare. A parent’s gender is not the sole variable determining the quality of care. Psychological capacity, economic stability, environmental safety, emotional closeness, educational capacity, and the ability to maintain the child’s relationship with both parents must be considered. In this context, *ḥifẓ al-nasl* must be understood in a progressive manner. The protection of the next generation does not merely mean ensuring biological continuity but also guaranteeing the child’s physical, psychological, educational, moral, and social development.

Gender Justice in Inheritance Law

Inheritance is the most complex issue because some of its provisions are explicitly stated in the Qur'an. Research findings indicate that the differences in inheritance shares between men and women cannot be analyzed in isolation from the overall structure of economic obligations within Islamic family law. This view is supported by Rahmatullah (2020), who examined Muḥammad Sa'īd Ramaḍān al-Būṭī's thoughts on gender in inheritance. The study demonstrates that gender issues in inheritance require a broader philosophical analysis than a mere comparison of the numerical shares of men and women. Haque et al. (2020) also point out that the issue of women's rights in Muslim inheritance is not only related to legal formulations but also to social practices that prevent women from effectively exercising their inheritance rights. Thus, issues of justice can arise at the implementation stage, even though formal norms have granted rights to women. This debate is explored in the study by Fansuri et al. (2024), which compares the interpretations of Ibn Kathir and Amina Wadud regarding Islamic inheritance from the perspectives of gender justice and the SDGs. The study reveals methodological differences between textual readings and more contextual readings of inheritance issues.

Sholihah et al. (2024) also demonstrate that the gender-based reinterpretation of inheritance rights is an arena of debate between textual and contextual approaches. Meanwhile, Halim and Amalia (2024) explicitly discuss the reconstruction of inheritance distribution through a gender justice approach and show that this issue requires an interpretation that takes social change into account. Therefore, the findings of this study do not support the simplification that gender justice in inheritance must always be realized through a 1:1 formula. Instead, the research highlights the need for a systemic reading of inheritance law. The distribution of inheritance must be analyzed in conjunction with spousal support, dowry, joint property, family responsibilities, gifts, wills, and the economic realities of the heirs. Thus, the maqāṣid approach can be used to develop complementary instruments such as gifts, wills, joint property, and family asset planning to ensure that women do not lose economic protection in real life.

Gender Justice and Protection from Domestic Violence

Research findings indicate that the concept of gender justice loses its meaning if it fails to provide protection against domestic violence. Therefore, any interpretation of family law must be tested against the principles of *ḥifẓ al-naḥs* and *ḍaf' al-ḍarar*. Anggraeni and Syahidin (2024) demonstrate that patriarchal culture, misunderstandings of religion, and power imbalances within the family can contribute to domestic violence. They identify gender equality in family law as one of the instruments to break the cycle of such violence. These findings have important implications for the interpretation of QS. al-Nisā' [4]: 34. This verse should not be read in isolation in a way that legitimizes violence. Interpretation must take into account the Qur'an's overarching ethics regarding *mu'āsyarah bi al-ma'rūf*, rahmah, the protection of life, and the prohibition against causing harm. Within the maqāṣid framework, any interpretation that results in physical or psychological violence must be critically evaluated because it contradicts the goal of protecting human beings. Thus, *qiwāmah* cannot serve as a basis for legitimizing violence. Rather, *qiwāmah*

must entail a responsibility to protect. This reinforces research findings that legitimate authority in Islamic family law must be protective rather than coercive. Authority that engenders fear, violence, or exploitation has lost its *maqāsidī* orientation.

Gender Justice as a Maqāsidī Reconstruction of Islamic Family Law

When all these findings are integrated, it becomes clear that the issues of *qiwāmah*, *nafāqah*, divorce, *ḥaḍānah*, inheritance, and domestic violence actually share a single methodological challenge: how to reconcile normative texts with changing social realities without losing sight of Sharia principles. The study by Al Kadumi et al. (2024) demonstrates that the reform of Indonesian Islamic family law operates within the space between *fiqh* tradition, state law, customary law, and the demands of modernity. Meanwhile, research on contemporary Muslim marriage law indicates that social change has transformed the structure of family relationships and necessitates a renewal of legal thought. Within this framework, *maqāsid al-syarī'ah* functions not as an instrument to disregard the text, but as an interpretive framework for understanding the purposes of the law. The text provides the normative foundation, *fiqh* provides the intellectual heritage, *maqāsid* provides the value orientation, while social reality provides the context for application.

This relationship can be formulated as follows:

Normative text → *fiqh* interpretation → *maqāsid* → social context → evaluation of justice → legal reconstruction.

This model allows Islamic family law to maintain continuity with tradition while avoiding being trapped in the reproduction of historical legal formulations that are no longer capable of providing optimal protection in specific contexts.

Synthesis of Findings: Toward a Model of Gender Justice in Islamic Family Law

Based on the overall discussion, this study finds that gender justice in Islamic family law can be constructed through seven main principles.

First, equality of human dignity, meaning that men and women possess equal dignity as legal subjects.

Second, substantive justice, meaning that the law must be evaluated based on its impact on real life, not merely on the uniformity of normative formulations.

Third, reciprocity, meaning that the rights and obligations of husband and wife must be understood as a reciprocal relationship.

Fourth, responsibility-based authority, meaning that authority within the family must always be linked to responsibility.

Fifth, best interests and welfare, meaning that the interests and well-being of children and the family are the primary considerations in resolving family matters.

Sixth, protection from harm, meaning that family law must provide protection against violence, neglect, exploitation, and other forms of harm.

Seventh, contextual responsiveness, meaning that Islamic family law must be able to respond to changes in economic, social, and family structures without compromising the fundamental principles of sharia.

This synthesis demonstrates that gender justice is not synonymous with the elimination of all legal differences between men and women. Rather, gender justice is a method of evaluating the distribution of rights, obligations, authority, responsibility, and protection. With this approach, legal differences must always be scrutinized based on their rationality, purpose, context, and consequences.

These findings simultaneously expand upon previous approaches. While Aisyah and Hidayah (2023) emphasize balance in *qiwāmah*, Awalul et al. (2025) link it to *maqāṣid*, and Ramadhita et al. (2023) highlight the problem of inequality in divorce practices; this study, however, integrates all these issues into a single conceptual framework of gender justice in Islamic family law. Thus, the main contribution of this study lies in the proposition that gender justice in Islamic family law must be constructed through the integration of textual normativity, fiqh constructions, *maqāṣid al-syarī'ah*, social context, and legal protection. This approach allows Islamic family law to evolve responsively without pitting Islam against the concept of gender justice

CONCLUSION

This study concludes that gender justice in Islamic family law should not be understood as absolute equality between men and women, but rather as the proportional fulfillment of rights, obligations, responsibilities, protection, and the common good. The findings indicate that this principle has a strong foundation in the Qur'an, particularly through the concept of the equal dignity of human beings, *mu'āsyarah bi al-ma'rūf*, as well as the objectives of marriage oriented toward *sakinah*, *mawaddah*, and *rahmah*. In the husband-wife relationship, the concept of *qiwāmah* needs to be reconstructed from a paradigm of hierarchical authority toward responsibility-based leadership, protection, service, and partnership. Similarly, *nafāqah* must be understood as an economic responsibility that does not negate women's material or non-material contributions. Regarding divorce, child custody, and inheritance, substantive justice demands protection for vulnerable parties, equal access to the legal system, consideration of the best interests of the child, and a systemic analysis of the relationship between rights and obligations. The *maqāṣid al-syarī'ah* approach serves as a crucial methodological framework for reconciling normative texts, fiqh constructs, social change, and the purposes of the law. Thus, the reform of Islamic family law should not be directed toward the elimination of normative Islamic identity, but rather toward the development of interpretations that are contextual, humanistic, responsive, nondiscriminatory, and oriented toward the public interest, so that family law can address the complexities of contemporary society.

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