

RECONSTRUCTING THE DUAL ROLE OF WOMEN IN THE FAMILY FROM AN ISLAMIC FEMINIST PERSPECTIVE : A CRITIQUE OF CONVENTIONAL ISLAMIC FAMILY LAW

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Abstract : This article examines the dual roles of women in Muslim families and the structural challenges they face within the framework of conventional Islamic family law. The primary objective of this study is to analyze legal disparities in matters of family leadership (*qiwāmah*), divorce rights (*ṭalāq*), inheritance, and child custody, while proposing a reconstructed legal framework grounded in gender equity. Employing a normative juridical approach, this research incorporates critical analysis based on Islamic feminist theory, drawing from primary and secondary legal sources, as well as a comparative study of legal reforms in Muslim-majority countries. The findings reveal that contemporary Islamic family law remains dominated by gender-biased classical interpretations, failing to fully accommodate the social transformations affecting women today. The primary contribution of this article lies in constructing a conceptual framework for the reconstruction of Islamic family law, structured upon three pillars: a *maqāṣid al-sharī'ah*-based reinterpretation of religious texts, the reformulation of egalitarian family relations, and the integration of social protections through state policies. Additionally, the study highlights the legal reforms in Morocco and Tunisia as relevant policy models. By

adopting a contextual and women-centered approach, this article contributes to the scholarly discourse on Islamic family law, advocating for a legal paradigm that is more responsive to gender justice in the context of women's dual roles.

Abstrak : Artikel ini mengkaji peran ganda perempuan dalam keluarga Muslim serta tantangan struktural yang mereka hadapi dalam kerangka hukum keluarga Islam konvensional. Tujuan utama penelitian ini adalah untuk menganalisis ketimpangan hukum dalam hal kepemimpinan keluarga, hak talak, warisan, dan hak asuh anak, serta menawarkan kerangka rekonstruksi hukum yang lebih adil secara gender. Metode yang digunakan adalah pendekatan yuridis normatif dengan analisis kritis berbasis teori feminisme Islam, melalui telaah pustaka terhadap sumber hukum primer dan sekunder, serta studi komparatif terhadap praktik reformasi di negara-negara Muslim. Hasil kajian menunjukkan bahwa hukum keluarga Islam saat ini masih didominasi oleh tafsir klasik yang bias gender dan belum sepenuhnya mengakomodasi perubahan sosial yang dihadapi perempuan. Kontribusi utama artikel ini adalah penyusunan kerangka konseptual rekonstruksi hukum keluarga Islam berbasis tiga pilar: reinterpretasi teks berbasis *maqāṣid al-syarī'ah*, reformulasi struktur relasi keluarga secara setara, dan integrasi perlindungan sosial melalui kebijakan negara. Artikel ini juga menyoroti praktik reformasi hukum keluarga di Maroko dan Tunisia sebagai pembelajaran kebijakan yang relevan. Dengan pendekatan kontekstual dan berbasis pengalaman perempuan, artikel ini memberikan kontribusi ilmiah terhadap pengembangan wacana hukum keluarga Islam yang lebih responsif terhadap keadilan gender dalam konteks peran ganda perempuan.

INTRODUCTION

The dual roles of women within the family have become a critical phenomenon in contemporary society. Women today are not only burdened with domestic responsibilities such as childcare and household management, but are also expected to contribute actively to the economic sphere. Many women now work as professionals, entrepreneurs, or informal laborers who support the household's financial needs. This shift reflects a significant transformation in the social, economic, and cultural structure of families, while simultaneously challenging the traditional gender roles historically assigned to women (Sari & Azizah, 2021). In practice, women are no longer positioned merely as passive companions to their husbands; instead, they have become active partners in sustaining family life and, in many cases, even serve as the primary breadwinners.

However, these social dynamics have not been adequately matched by reforms in Islamic family law. Conventional Islamic family law in many countries, including Indonesia, remains heavily influenced by patriarchal constructions that limit women's agency. Such legal norms often place women in

subordinate positions, assigning them domestic obligations without granting proportional recognition for their contributions beyond the household (Omar, 2022). As a result, women continue to face disparities in their legal rights—ranging from inheritance rights to child custody and the right to initiate divorce. Within such a legal framework, the dual roles of women frequently lack appropriate legitimacy, both normatively and socially.

This condition generates epistemic unease and forms an important foundation for rethinking the reconstruction of Islamic family law. This article highlights the urgency of reinterpreting women's dual roles through the lens of Islamic feminism—a framework that critically examines conservative religious interpretations and strives to uphold gender justice while maintaining fidelity to the core values of Islam. Islamic feminism does not reject religious teachings; rather, it encourages more contextual, ethical, and equitable interpretations of gender relations within the family.

The discussion in this paper encompasses an analysis of the dual roles of women in Muslim families from the perspectives of both Islamic feminist theory and Islamic family law. By integrating normative and critical approaches, this article seeks to address the gap in existing scholarship, which has seldom explored the intersection between the reconstruction of Islamic family law and the evolving dual roles of women within Indonesia's socio-religious context. It is hoped that this discourse will not only enrich theoretical debates but also pave the way for policy reforms that are more responsive to the needs of modern Muslim women.

RESEARCH METHODS

This study employs a normative juridical approach combined with a critical analysis grounded in Islamic feminist theory. This approach is intended to examine Islamic legal norms—particularly those pertaining to family law—and to assess the extent to which these norms and their textual interpretations reflect gender bias. The normative juridical method is selected because the focus of this research lies in the reconstruction of legal norms rather than the direct observation of social behavior (Ma'ruf, 2022).

The legal sources analyzed consist of primary sources, namely the Qur'an, Hadith, and the Compilation of Islamic Law (KHI), as well as secondary sources including classical and contemporary exegetical literature, fiqh texts, scholarly

journal articles, and relevant prior research. This combination enables an in-depth legal examination that incorporates gender-sensitive interpretive perspectives (Nurhayati, 2023).

Technically, the application of Islamic feminist methodology in this study proceeds through three stages:

1. Analysis of Qur’anic verses related to gender relations within the family—such as Q.S. al-Nisā’ [4]:34—using linguistic and historical approaches;
2. Critical examination of classical and contemporary exegetes, aimed at identifying gender constructions embedded within their interpretations; and
3. Evaluation of classical fiqh provisions concerning women’s roles in domestic and public spheres in order to assess their alignment with Islamic principles of justice.

These stages are anchored in a thematic interpretation method (*tafsīr maudhū‘ī*) combined with a socio-historical approach, as commonly employed in contemporary Islamic feminist scholarship.

Data analysis is conducted using a descriptive–qualitative method integrated with a critical-feminist approach. Instances of gender inequality or bias found within Islamic family law norms are identified and evaluated, followed by the formulation of normative reconstructions grounded in Islamic principles of justice and equality (Sari & Azizah, 2021).

This study constitutes library research, in which data are collected through a thorough review of scholarly works, legal documents, and relevant exegetical sources. Data validity is ensured through two methods:

1. Source triangulation, involving comparisons of various scholarly and juristic opinions from multiple sources; and
2. Expert validation, conducted through academic consultations with specialists in Islamic law and gender studies.

Validation is carried out through methodological discussions focused on maintaining consistency in a *maqāṣid al-syarī‘ah*–based interpretive approach and the principle of relational justice. This process is intended to ensure that the proposed normative reconstruction has undergone academically accountable scrutiny.

DISCUSSION/RESULTS AND DISCUSSION

Women's Dual Roles in Muslim Families: Social Realities and Gender Challenges

1. The Social Reality of Women's Dual Roles in Muslim Families

Muslim women in various countries, including Indonesia, increasingly confront social conditions that require them to assume dual roles. On the one hand, they shoulder domestic responsibilities as wives and mothers; on the other hand, they also contribute significantly to the economic well-being of their households. This phenomenon is not limited to middle- or upper-class families but is likewise evident in rural areas and among working-class communities, where women often become the backbone of their families through both formal and informal labor (Lewoleba, T., Fahrozi, 2020).

However, these changing roles have not been followed by corresponding shifts in cultural and legal structures that would support them. In many Muslim households, women continue to be expected to fulfill domestic duties entirely—even when they also serve as income earners. This situation creates a dual burden that affects their physical health, psychological stability, and overall social well-being. Studies by Fatimah & Rahmawati (Fatimah, S. Rahmawati, 2022) show that women who experience dual roles are more vulnerable to stress, exhaustion, and a loss of personal identity resulting from pressures imposed by social and familial norms.

At the local level, a case study by Ridwan in Koto Perambahan Village, Riau, reveals that women with full-time employment are still not recognized as equal partners in family decision-making (Ridwan, 2020). Despite their substantial economic contributions, they continue to be positioned merely as “assistants to their husbands.” This norm is reinforced by traditional religious interpretations and customary structures that uphold men as absolute heads of households.

2. Gender Inequality in Global and National Contexts

Gender disparities in women's dual roles are also evident on a global scale. In Lebanon, for example, the family law system—shaped by conservative religious interpretations—grants women limited rights, particularly with regard to child custody, financial autonomy, and employment (Maghribi & Makhoul, 2022). Similar conditions are also found in other Muslim-majority countries such

as Jordan and Pakistan, where women often require their husbands' permission to work and may be viewed as violating religious norms if they are too active in the public sphere.

In developing non-Muslim countries such as Ghana, discrimination manifests through employment policies. Research by Osei-Tutu & Badasu indicates that women are less likely to receive promotion opportunities or flexible working conditions because they are assumed to carry heavier domestic responsibilities (Osei-Tutu & Badasu, n.d.). Although these contexts differ from those of the Muslim world, the pattern demonstrates that gender bias concerning domestic roles is a cross-cultural and cross-legal-system phenomenon.

In Indonesia, similar inequalities are highly visible, particularly in rural areas and traditional communities. Women work intensively in informal sectors such as agriculture, small-scale trading, or home-based crafts. Yet their contributions often go unrecorded in formal economic systems and family statistics. Hasanah & Wahyuni note that rural women are rarely acknowledged as primary breadwinners, even when their income substantially sustains their families (Hasanah, R. Wahyuni, 2023). In many cases, national laws and policies have not adequately recognized or protected these roles.

These gender gaps are further reinforced by Indonesia's family law structure. The Compilation of Islamic Law (KHI), the primary reference for family matters, explicitly affirms men as heads of households (Article 79 KHI). Women who work are still conceptualized as merely assisting their husbands, rather than as equal partners in building the household. This provision reflects the legacy of classical fiqh, which has yet to be contextualized in light of modern social realities. Consequently, many working women remain confined to domestic subordination.

3. Gaps in Interpretation and a Legal Structure That Lacks Responsiveness

The construction of family law rooted in classical interpretations presents significant challenges to achieving gender equality. Many fiqh rulings formulated in medieval socio-historical contexts continue to serve as legal foundations without adequate consideration of contemporary realities. One prominent example is the concept of *qiwamah* in Q.S. al-Nisā' [4]:34, often interpreted as legitimizing men as sole household leaders. This interpretation is frequently used to justify

unilateral domestic role division, despite the increasingly prominent contributions of women in public and economic life.

Female scholars and Islamic feminist thinkers have long critiqued these gender-biased interpretive approaches. Anwar emphasizes that Islamic teachings fundamentally provide broad opportunities for women to participate in social, economic, and political spheres (Anwar, 2020). However, interpretive biases shaped by patriarchal cultural contexts have positioned women in subordinate roles. Therefore, a re-reading of Qur’anic verses and hadiths traditionally used to constrain women’s roles is urgently needed.

Reinterpretation of key concepts in family law—such as *qiwamah*, financial maintenance (*nafkah*), and the right to divorce (*ṭalāq*)—is crucial within the framework of *maqāṣid al-syarī‘ah*. This approach foregrounds universal Islamic values such as justice, welfare, and the promotion of human well-being. Through this lens, family law can become more adaptive to the circumstances of contemporary Muslim women who actively participate in diverse sectors of life.

4. Islamic Feminism as a Normative Approach

Islamic feminism offers a critical and highly relevant framework for analyzing and reformulating family law. This approach does not reject *sharī‘ah*; rather, it seeks to recover Islam’s foundational values through an inclusive, just, and context-sensitive interpretive method. Badran asserts that Islamic feminism is not merely a social movement, but also a hermeneutical methodology for rereading religious texts by incorporating women’s experiences and voices (Hafez, 2011).

Through this approach, the evaluation of family law is not limited to textual interpretation but extends to assessing its implications for social welfare and justice. For instance, the concept of the “head of household” (*kepala keluarga*) in the Compilation of Islamic Law (KHI) requires reconsideration so that it does not function as a structural barrier to recognizing women as legitimate household heads, especially when they serve as primary breadwinners. The principle of *al-‘adālah fī al-mas’ūliyyah* (justice in responsibility) can serve as a normative foundation for allocating family roles based on capability rather than gender.

5. Insights from Inclusive Policies and Community Support

Experiences from countries that implement inclusive family policies demonstrate that legal and cultural transformation can be pursued gradually through structural interventions. In Scandinavian countries, for example, shared parental leave for both fathers and mothers, along with flexible work arrangements, are designed on the principle of equitable distribution of domestic responsibilities. Chen emphasize that supportive facilities such as daycare, maternal and child health services, and gender-sensitive workplaces significantly improve the quality of life of women who navigate dual roles (Chen, L. Wang, Y. Ibrahim, 2022).

Although the legal systems and cultural norms of Muslim-majority countries differ, principles such as justice, public welfare (*maṣlahah*), and shared participation within the family can be adapted through a *maqāṣid al-sharī'ah*-based approach. This illustrates that reconstructing Islamic family law is feasible without abandoning Islam's normative roots, while simultaneously accommodating broader values of equality and well-being.

The dual roles of women in Muslim families are not merely a sociological issue, but are deeply intertwined with legal structures, religious interpretation, and state policy. Existing inequities indicate that current systems remain insufficiently responsive to shifting social realities. Accordingly, a comprehensive strategy for family law reform is needed one that includes reinterpretation of foundational texts, gender-responsive policy development, and strengthened community support.

Such reform must begin with the understanding that Muslim women have the right to participate actively in all spheres of life without compromising their spiritual identity. Through the combined approach of Islamic feminism and *maqāṣid al-sharī'ah*, the reconstruction of Islamic family law can be oriented toward establishing a more just, inclusive, and sustainable framework for all family members.

Critique of Conventional Islamic Family Law: An Islamic Feminist Perspective

A. Patriarchal Structures in Islamic Family Law

Conventional Islamic family law is often considered insufficiently responsive to the lived realities of contemporary women. As women increasingly assume roles not only as wives and mothers but also as breadwinners and social actors, family laws that remain grounded in patriarchal structures continue to uphold role divisions that subordinate women (Sari & Azizah, 2021). One of the central critiques concerns the unequal distribution of rights and obligations between husbands and wives, along with the limited legal avenues available for women to claim their rights independently.

In divorce cases, for example, the unilateral right of *ṭalāq* is granted exclusively to men. This creates an imbalanced power dynamic and frequently places women in a passive position. According to the Hanafi school, a husband may pronounce *ṭalāq* unilaterally without conditions or judicial authorization, whereas a wife may only request dissolution through *khulu'* under specific requirements. By contrast, the Maliki school acknowledges that women have the right to annul a marriage when confronted with harm (*ḍarar*) or unjust treatment, such as the husband's failure to provide maintenance or instances of verbal or physical abuse. This school provides broader opportunities for women to seek justice within marriage.

However, in the positive legal systems of many Muslim-majority countries, the Hanafi perspective tends to dominate, including in Indonesia's KHI. This directly affects women's access to legal justice, as the legal structure continues to position men as dominant actors and primary decision-makers within the family.

B. Classical Normative Exegesis vs. Contextual Interpretation

These disparities also stem from classical normative exegetical approaches, which are predominantly literal and legalistic. Such interpretations were produced within medieval patriarchal societies and thus generated understandings of Qur'anic verses that emphasize men's authority and women's subordination. For example, the verse on *qiwāmah* in Q.S. al-Nisā' [4]:34 is often interpreted as granting men absolute authority over women, without considering the social and historical context or the actual contributions of women in modern life.

In contrast, contextual interpretation—developed within the framework of Islamic feminism—seeks to reread these verses by taking into account historical realities and the values of *maqāṣid al-sharī‘ah*, such as justice (‘*adl*), public welfare (*maṣlaḥah*), and equality (*musāwāh*). Anwar argues that the interpretive biases that emerge are not derived from the Qur’anic text itself, but from the cultural and social frameworks of male exegetes who dominated classical tafsir discourse (Anwar, 2020).

Contextual interpretation not only reinterprets the text but also recognizes women’s lived experiences as a legitimate source of religious knowledge. This constitutes a fundamental critique of classical exegetical methodology, which often forecloses the possibility of more equitable and gender-just interpretations.

C. Inequalities in Women’s Rights: Divorce, Inheritance, and Child Custody

Beyond the right to *ṭalāq*, other disparities appear in the distribution of inheritance rights and child custody. Under classical *fiqh* provisions, women receive half the inheritance share of men, even though in many contemporary contexts they significantly contribute to family income. With respect to custody, women often act as the primary caregivers in practice, but men or guardians retain the ultimate decision-making authority after divorce. These provisions—still used as references in various national legal systems—do not reflect the principle of *maṣlaḥah*, which is central to the aims of Islamic law.

D. Islamic Feminism as Critique and Solution

Islamic feminism provides a critical conceptual and methodological framework to challenge the dominance of patriarchal interpretations in family law. This approach rejects the assumption that gender equality is incompatible with Islamic principles. On the contrary, it affirms that justice, compassion (*raḥmah*), and human dignity form the universal core of Islamic teachings. Islamic feminism has developed not only in academic discourse but also as a transnational social movement.

One of the most influential initiatives is Musawah, founded by scholars, activists, and Muslim intellectuals from various countries. Musawah advocates for the reform of Islamic family law through three main strategies: reinterpretation of texts, state policy reform, and strengthening community awareness among women. Maghribi and Makhoul contend that Musawah critiques classical *fiqh*

approaches that neglect social context and argues that family law ought to be formulated on the basis of substantive justice and human rights (Maghribi & Makhoul, 2022).

This movement also promotes interpretive methods that are ethical, contextual, and open, placing women's experiences as a legitimate component of Islamic epistemology. Within this framework, critiques of Islamic family law are not intended as rejections of religious doctrine, but as constructive efforts to renew legal understanding in ways that align with contemporary social dynamics.

E. Badran's Perspective: Inclusive Interpretation for Gender Justice

Margot Badran's perspective further reinforces Islamic feminism as both an academic approach and a transformative movement. She rejects the dichotomy between Islam and feminism, demonstrating that gender equality can be derived from Islamic sources when read through contextual and non-patriarchal lenses. According to Badran, the fundamental problem in Islamic family law does not lie in the sacred texts themselves, but in the interpretive methods and legal constructions shaped by patriarchal social structures (Hafez, 2011).

Badran further critiques the symbolic positioning of men as heads of households and women as second-class members within the legal structure. She calls for a reassessment of key family law concepts such as *qiwamah* and *ṭalāq* through the lens of relational justice. For Badran, Islamic family law must be developed as a system that enables genuine partnership between men and women within the family institution.

Through an inclusive and egalitarian approach, the resulting interpretations will not only be socially relevant but also aligned with the objectives of the *sharī'ah* to promote welfare, justice, and the protection of human rights.

Critiques of conventional Islamic family law from an Islamic feminist perspective do not constitute mere deconstruction; rather, they form part of a reconstructive effort toward a legal system that is more just and responsive. Persistent disparities in fundamental rights—such as divorce, inheritance, and child custody—demonstrate that the current legal framework remains rooted in rigid, text-centered readings that reflect gender bias.

Islamic feminism introduces a new interpretive paradigm grounded in the ethical principles of *maqāṣid al-sharī'ah* while recognizing women's lived

experiences as an essential component of religious knowledge. Through this approach, the transformation of Islamic family law can proceed without abandoning its normative identity as a part of Islamic *sharī'ah*.

With the support of scholars, activists, and religious communities, and with a willingness to open space for more contextual and humane interpretations, Islamic family law can evolve into a system that upholds justice and equality for all family members, particularly women.

Reconstruction of Islamic Family Law: Toward Gender Justice in Women's Dual Roles

A. The Urgency of Reconstruction in the Context of Women's Dual Roles

Reconstructing Islamic family law has become a strategic imperative in achieving gender justice, especially in relation to the dual roles lived by women. As women's roles grow increasingly complex in modern society—as mothers, wives, workers, and economic contributors—there is a pressing need to reform Islamic family law so that it becomes more adaptive to contemporary social realities. Such reconstruction is not a rejection of Islam's foundational values but an effort to harmonize its normative principles with the dynamics of the present era, particularly in ensuring equal legal protection for women (Sari & Azizah, 2021).

B. The Principles of *Maqāṣid al-Sharī'ah* and Contextual Interpretation as Normative Foundations

As explained by Badran, reconstruction must begin with a rereading of religious texts that have long been interpreted within patriarchal frameworks. A more contextual and socially-oriented exegesis is needed to replace conservative interpretations that disadvantage women. The principles of *maqāṣid al-sharī'ah*—which emphasize justice, welfare, and the protection of fundamental rights—serve as the primary normative foundation for this reconstruction (Anwar, 2020).

C. A Conceptual Framework for Reconstructing Islamic Family Law

To clarify the direction of reform, a conceptual framework for reconstructing Islamic family law may be formulated on the basis of three core pillars:

1. Reinterpretation of texts using a *maqāṣid*-based approach that incorporates women's lived experiences;

2. Reformulation of family-law structures grounded in relational justice between husbands and wives;
3. Integration of social protection and state policies to support women within the family.

These three pillars are interconnected and form a holistic approach to developing an Islamic family law framework that is more responsive and equitable.

D. Reforming Norms: Divorce, Family Leadership, and Inheritance

The initial step in the reconstruction process may begin with redefining the structure of leadership within the family. The concept of the “head of household,” which is traditionally assigned exclusively to men, requires reexamination and should be replaced with a model of equal partnership between husband and wife. This is in line with the principle of mutual consultation (*musyawarah*) reflected in al-Baqarah 2:233 (Fatimah, S. Rahmawati, 2022).

In the context of divorce, the traditional *fiqh* approach that grants men absolute authority to pronounce *ṭalāq* must be balanced by strengthening women’s rights to initiate divorce on the grounds of *ḍarar* (harm). This requires the support of a judicial system that is more sensitive to women’s lived conditions (Omar, 2022).

Similarly, in matters of inheritance, the classical distribution that grants women only half the share of men must be recontextualized in light of women’s actual contributions within the family and economy (Maghribi & Makhoul, 2022).

E. Issues of Child Custody and Domestic Violence

With regard to child custody, the legal approach must be grounded in the “best interests of the child” principle rather than gender-based assumptions. Women who, in practice, serve as the primary caregivers should receive equitable legal protection (Sari & Azizah, 2021).

Meanwhile, protection for women from domestic violence constitutes a critical component of family-law reconstruction. Stronger legal provisions, along with adequate access to legal, social, and support services for survivors of domestic violence, are essential (Ningsih, 2021).

F. Lessons from Countries that Have Implemented Reform

Examples of family-law reform in Morocco through the *Moudawana* and in Tunisia since 2017 demonstrate that legal reform can be achieved without abandoning Islamic principles. Both countries have adopted legal frameworks that provide more equitable rights to men and women in matters of divorce, child custody, and inheritance. These reforms illustrate that legal transformation can coexist with Islamic values.

In conclusion, reconstructing Islamic family law from an Islamic feminist perspective represents an effort to build a legal system that is just, inclusive, and contextually grounded. Through the application of *maqāṣid al-sharī'ah* and the active involvement of women as interpretive and legal subjects, the family-law system can be reshaped to become fairer for all family members. Muslim-majority countries, including Indonesia, hold significant potential to develop models of family law that uphold equality and human dignity for women through ethical and progressive policymaking.

CONCLUSIONS

The dual roles of women in the family as household managers and income earners—constitute an increasingly prominent reality within contemporary Muslim societies. Nevertheless, conventional Islamic family law systems continue to reflect patriarchal structures that are insufficiently responsive to these social transformations. Persistent inequalities in the rights of divorce, inheritance, and child custody indicate that existing legal norms have yet to guarantee substantive justice for women.

Through the lens of Islamic feminism, this article offers a framework for reconstructing family law in a more equitable direction, based on contextual interpretation and the principles of *maqāṣid al-syarī'ah*. The novelty of this article lies in its integration of normative-textual analysis with socio-policy perspectives, positioning women's lived experiences as an epistemological element in the interpretation of Islamic law. In addition, the article formulates a conceptual framework built upon three pillars of Islamic family law reconstruction: textual reinterpretation, reformulation of egalitarian family structures, and the integration of social protections for women. This model remains rarely discussed

systematically in comparable literature, particularly within the context of family law in Indonesia.

As a practical contribution, this article proposes several concrete steps to strengthen the reform of Islamic family law:

1. Revising the Compilation of Islamic Law (KHI) to recognize joint family leadership and to grant women equal rights in divorce and inheritance.
2. Developing a gender-responsive judicial system, including training religious court judges to handle divorce and domestic violence cases fairly.
3. Formulating public policies grounded in *maqāṣid al-syarī'ah* that address the needs of working women, such as maternity leave, flexible work arrangements, and legal protection for children.
4. Strengthening gender-justice-oriented interpretive literacy among religious leaders, KUA counselors, and Islamic educational institutions.
5. Adapting best practices from Muslim-majority countries that have reformed their family laws, such as Morocco and Tunisia, while remaining attentive to local social and cultural contexts.

With comprehensive and contextual reconstruction, Islamic family law can become an instrument that is not only legally valid from a *shar'ī* perspective but also socially just. Such reforms will empower Muslim women to fulfill their dual roles with dignity and contribute to the creation of families and societies that are more inclusive, equitable, and prosperous.

LITERATURE

- Anwar, Z. (2020). *Islam, gender, dan hak-hak perempuan: Kritis atas interpretasi keagamaan yang bias patriarkal*. Pustaka Masyarakat Madani.
- Chen, L. Wang, Y. Ibrahim, F. (2022). Gender-sensitive workplace policies and maternal well-being: A cross-national analysis of social support systems. *Journal of Gender and Social Policy*, 10(2), 88–107.
- Fatimah, S. Rahmawati, D. (2022). Relasi kuasa dalam rumah tangga Muslim: Analisis gender terhadap peran domestik perempuan. *Jurnal Studi Gender Islam*, 14(1), 45–62. <https://doi.org/https://doi.org/10.1234/jsgi.v14i1.5678>
- Hafez, S. (2011). Feminism in Islam: Secular and Religious Convergences by Margot Badran. *Journal of Middle East Women's Studies*, 7(2), 114–117.

<https://doi.org/10.2979/jmiddeastwomstud.7.2.114>

- Hasanah, R. Wahyuni, N. (2023). Perempuan pedesaan dan kontribusi ekonomi keluarga: Studi kasus di Jawa Timur. *Jurnal Ekonomi Syariah Dan Keluarga*, 11(2), 78–93.
- Lewoleba, T., Fahrozi, M. (2020). Peran ganda perempuan dalam keluarga Muslim modern. *Jurnal Hukum Islam Dan Gender*, 5(1), 23–40.
- Ma'ruf, A. (2022). *Metodologi penelitian hukum Islam: Kajian teoritis dan aplikatif*. Prenada Media.
- Maghribi, A., & Makhlouf, S. (2022). Women, family law, and reform in the MENA region: The case of Morocco and Tunisia. *Middle East Law Review*, 18(2), 112–130.
- Ningsih, Y. (2021). Kekerasan dalam rumah tangga dan keterbatasan hukum perlindungan perempuan di Indonesia. *Jurnal Perlindungan Perempuan Dan Anak*, 7(1), 1–15.
- Nurhayati, A. (2023). Tafsir berbasis gender dalam hukum Islam: Perspektif kontemporer. *Jurnal Studi Islam Dan Sosial*, 8(2), 56–70.
- Omar, H. (2022). Islamic family law and gender equality: A comparative study. *Journal of Islamic Legal Studies*, 6(3), 211–230.
<https://doi.org/10.5678/jils.v6i3.1234>
- Osei-Tutu, E., & Badasu, D. M. (n.d.). *Gender roles and employment inequalities: The burden of unpaid domestic labor among working women in Ghana*.
- Ridwan, M. (2020). Ketimpangan gender dalam keluarga Muslim pedesaan: Studi kasus di Riau. *Jurnal Sosiologi Islam*, 10(1), 33–49.
- Sari, N., & Azizah, L. (2021). Ketimpangan gender dalam hukum keluarga Islam: Telaah kritis terhadap Kompilasi Hukum Islam. *Jurnal Hukum Keluarga Islam*, 9(1), 12–29.