



A Reinterpretation of Islamic Law within the Discourse of Muslim Feminism

Reza Fauzi Nazar^{1*}, Zara Sofia², Amina Sharipova³, Herman⁴

¹ Universitas Islam Negeri Sunan Gunung Djati, Bandung, Indonesia

² Marmara University, Istanbul, Türkiye

³ The Australian National University, Canberra, Australia

⁴ Universitas Gadjah Mada, Yogyakarta, Indonesia

Article info:	Abstract
Keywords: <i>Family law, Feminism, Gender bias, Patriarchy, Protection of women</i>	The discourse on Muslim feminism has developed as a critical response to the dominance of patriarchal interpretations that have long influenced the construction of Islamic law, particularly in the field of family law. This study aims to analyse the process of reinterpreting Islamic law from a Muslim feminist perspective by developing a methodological framework that integrates <i>uṣūl al-fiqh</i> , contextual hermeneutics, <i>maqāṣid al-shari'ah</i> , and an intersectional perspective. This study employs a qualitative approach with a normative-empirical design through literature review and an examination of the dynamics of Islamic legal practice within a contemporary social context. The findings indicate that gender inequality in family law is more a product of historical interpretative constructions than an inherent consequence of normative Islamic texts. Consequently, reinterpretation based on an integrative approach can produce a framework of <i>ijtihad</i> that is more inclusive, contextual and oriented towards substantive justice. The novelty of this study lies in the development of a methodological model that operationally bridges the epistemology of classical Islamic law with the perspective of contemporary Muslim feminism to support family law reform, protect women's rights, and strengthen the role of religious courts. These findings make a theoretical contribution to the development of multidisciplinary Islamic legal studies, as well as offering practical implications for the formulation of legal policies that are more responsive to gender justice. However, the validity of the developed model still requires empirical testing across various social contexts and legal systems in Muslim countries.
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*Author correspondence email: rezafauzinazar@uinsgd.ac.id

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Introduction

Developments in contemporary Islamic discourse reveal an increasingly complex dynamic of interpretation, particularly in response to issues of gender justice that have come to the fore in both global and local societies.¹ In this context, the reinterpretation of Islamic law has become a key arena where religious normative traditions meet ever-changing social demands.² Muslim feminism emerges as a critical approach that seeks to re-examine established religious understandings, particularly those concerning gender relations. This approach does not merely adopt the framework of Western feminism. Still, it endeavours to develop an epistemology rooted in Islamic sources, such as the Qur'an, hadith, and the tradition of *ijtihad*.³ Consequently, the reinterpretation of Islamic law within the discourse of Muslim feminism is not merely a theoretical issue, but also has practical implications for social life, family law, and public policy in various Muslim countries.

Historically, Islamic law was formed through a lengthy process involving the interaction between sacred texts, social context, and the authority of the *ulamā'*. The legal products produced within the classical fiqh tradition cannot be separated from the socio-cultural conditions at the time of their formation, which were, in many respects, patriarchal. Consequently, a number of the legal provisions that developed tend to reflect a masculine perspective, particularly in issues such as family leadership, inheritance, marriage, and testimony.⁴ In modern developments, this situation has come under scrutiny alongside growing awareness of gender equality and demands for substantive justice. Muslim feminism subsequently emerged as a response to the tension between religious norms understood textually and social realities demanding change. Reinterpretation has become the primary strategy to bridge this gap by emphasising that religious texts are open to contextual readings.

Several earlier studies have examined the relationship between Islamic law and gender issues from various perspectives. Early studies tended to highlight feminist critiques of classical interpretations deemed gender-biased, demonstrating how certain interpretations have placed women in a subordinate position.⁵ More recent studies have subsequently developed a hermeneutic approach that seeks to re-read religious texts whilst taking into account their historical context and ethical objectives. This approach emphasises that the fundamental values of Islam, such as justice, equality and the public good, should form the primary foundation for the formulation of law. Furthermore, studies highlight practices of reinterpretation across various Muslim countries, demonstrating variations in the application of Muslim feminist principles within national legal contexts.⁶

¹ Aksin Wijaya, Ibnu Muchlis, and Dawam Multazam Rohmatulloh, "Rethinking Gender Justice in the Quran: A Critical Exploration of Muslim Feminist Perspectives," *Jurnal Studi Ilmu-Ilmu Al-Qur'an Dan Hadis* 26, no. 1 (2025): 77–98, <https://doi.org/10.14421/qh.v26i1.5704>.

² Nasruddin Yusuf, "Islamic Legal Philosophy as a Framework for Legal Reform in Multicultural Societies," *Kavayana International Journal of Multicultural Studies* 6, no. 2 (2025): 206–18.

³ Eka Sutisna et al., "Artificial Intelligence and Ethical Ijtihad in the Production of Islamic Knowledge," *Jurnal Lentera Insani* 1, no. 2 (2025): 111–25, <https://doi.org/10.65586/jli.v1i2.26>.

⁴ Afthon Yazid, Suud Sarim Karimullah, and Arif Sugitanata, "Comparative Study On Childfree Marriage In Some Selected Countries," *Jurnal Al-Hakim: Jurnal Ilmiah Mahasiswa, Studi Syariah, Hukum Dan Filantropi* 5, no. 2 (2023): 267–84, <https://doi.org/10.22515/jurnalalhakim.v5i2.7869>.

⁵ Mahrus Alwi Hasan Siregar, Abdeldzhalil Abdeldzhalil, and M Hamim, "Reconstructing the Concept of Gender Justice in Indonesia's Family Law System Based on Constitutional Values," *Indonesian Journal of Gender Justice and Family Law* 1, no. 1 (2026): 1–18, <https://doi.org/10.65586/ingefal.v1i1.1>.

⁶ Yüksel Sezgin, "A Global and Historical Exploration: Legislative Reform in Muslim Family Laws in Muslim-majority versus Muslim-minority Countries," *Law & Policy* 45, no. 2 (2023): 110–36, <https://doi.org/10.1111/lapo.12210>; Yüksel Sezgin, "Muslim Family Law Reform: Understanding the Difference between Muslim-Majority and Muslim-

Although the existing literature has made significant contributions to developing the discourse on Muslim feminism, several limitations require critical scrutiny. Firstly, many studies remain normative in nature and have not yet deeply linked the theory of reinterpretation with concrete legal practices at the community level. Secondly, some studies tend to be fragmented between theological and social analysis, thus failing to present an integrative framework that systematically connects the two. Thirdly, there is a tendency to generalise experiences of Muslim feminism without considering the diversity of local contexts, including cultural, political, and institutional factors that influence the process of legal reinterpretation. Fourthly, studies specifically examining the methodology of Islamic legal reinterpretation within the framework of Muslim feminism remain relatively limited, particularly those that simultaneously combine textual, contextual, and practical approaches.

Based on these observations, there is currently no comprehensive, integrative analysis of how the reinterpretation of Islamic law within the discourse of Muslim feminism can be formulated as an operational, contextual methodology. Most previous studies have focused more on critiquing existing legal products or offering alternative readings of the text, but have not systematically formulated a methodological framework for producing consistent and applicable reinterpretations. Furthermore, there remains a gap in linking the epistemological dimensions of reinterpretation with its practical implications for the formulation of law and public policy.

This study aims to develop a framework for reinterpreting Islamic law that integrates the principles of Muslim feminism, the methodology of *uṣūl al-fiqh*, and an analysis of contemporary social realities as a single, mutually complementary approach. This integration is based on the understanding that the dynamics of legal issues evolving within society cannot be explained solely through a textual reading of normative sources, but also require a contextual analysis that takes into account social and cultural changes, as well as the needs of modern society. Consequently, the process of reinterpreting Islamic law is positioned as a scholarly endeavour that remains grounded in the authority of Islamic legal sources, whilst simultaneously being capable of responding to the changing times through an approach that is more inclusive, just and relevant to contemporary issues, particularly those relating to gender relations and social justice.

The approach developed in this study combines a critical textual analysis of the Qur'an, hadith and the classical *fiqh* tradition with a contextual approach that takes into account the historical background, social conditions and changes in social structures. Through this integration, the reinterpretation of Islamic law is directed not only towards the search for normative meanings consistent with the principles of Sharia, but also towards efforts to present a legal understanding capable of addressing the challenges of modern life without neglecting the fundamental values of Islam. This study also pays attention to the implementational dimension by positioning the results of the reinterpretation of Islamic law as a foundation that can be integrated into the legal system, public policy, and institutional practice. This perspective emphasises that the reinterpretation of law does not stop at the conceptual or theoretical level, but must be translated into policies and legal mechanisms capable of supporting the realisation of substantive justice.

Minority Jurisdictions," *Journal of Law, Religion and State* 1, no. aop (2023): 1-34, <https://doi.org/10.1163/22124810-20230004>.

Based on this framework, this study aims to conduct an in-depth analysis of the process of reinterpreting Islamic law within the discourse of Muslim feminism by developing an integrative, systematic, and practical methodological framework. The analysis focuses not only on epistemological and methodological aspects but also on the potential for its implementation in legal practice and public policy, thereby making a tangible contribution to the development of Islamic legal thought that is more adaptable to the dynamics of society. The significance of this study lies in its contribution to enriching the body of scholarly knowledge regarding the methodology of reinterpreting Islamic law based on Muslim feminism, which has not yet been comprehensively and integrally formulated. Through an approach that links the normative, methodological, contextual and practical dimensions, this study is expected to serve as a conceptual reference for the development of Islamic legal studies, whilst also providing an academic foundation for the formulation of legal policies that are more just, inclusive and responsive to the needs of contemporary society.

Methods

This study employs a qualitative approach with a normative-empirical design to integrate an analysis of Islamic legal sources with contemporary social realities within the discourse of Muslim feminism. The reinterpretation of Islamic law is understood as a process of re-interpreting normative sources through contextual hermeneutics grounded in the principle of gender justice. Data were obtained through a documentary review of classical and contemporary literature, as well as in-depth interviews with Muslim scholars, academics and feminist activists, who were purposively selected based on their expertise and involvement in the issues under study. Data collection was carried out through literature review, identification of key informants, semi-structured interviews and field data verification, whilst data validity was tested through triangulation of sources, methods and theory.⁷ The data were subsequently analysed using a hermeneutic-based critical-thematic analysis combined with a *uṣūl al-fiqh* approach to interpret the relationship between text and context dialectically, thereby enabling the formulation of a model for the reinterpretation of Islamic law that possesses normative legitimacy and social relevance.

Result and Discussion

Gender Based Reconstruction of the Methodology of *Ijtihād*

Conceptually, *uṣūl al-fiqh* is designed as a rational and systematic methodological framework for deriving legal rulings from normative sources.⁸ However, its historical practice reveals an epistemological bias that tends to reproduce unequal power relations between men and women. Therefore, reconstructing the methodology of *ijtihād* from a gender perspective is not merely a corrective effort against legal outcomes deemed unjust. It is still a more fundamental epistemological project to re-examine the assumptions, frameworks of thought, and analytical tools used in the process of establishing Islamic law itself.⁹ Within this framework, Muslim feminism offers a

⁷ Amjad Almusaed, Asaad Almssad, and Ibrahim Yitmen, "Qualitative Data Collection and Management," in *Practice of Research Methodology in Civil Engineering and Architecture: A Comprehensive Guide* (Springer, 2025), 417-54, https://doi.org/10.1007/978-3-031-97393-2_13.

⁸ Suud Sarim Karimullah, "Agus Moh. Najib's Project and Ushul Fiqh Redesign: Interlinking of Islamic Law and Legal Sciece," *Al-Mazaahib: Jurnal Perbandingan Hukum* 11, no. 2 (2023): 139-60, <https://doi.org/10.14421/al-mazaahib.v11i2.3151>.

⁹ Ihyani Malik et al., "Gender Analysis in the Islamic Law-Based Ecofeminism Movement for Ecosystem Protection," *El-Mashlahah* 15, no. 1 (2025): 101-24, <https://doi.org/10.23971/el-mashlahah.v15i1.9040>.

significant contribution by proposing an approach that does not reject the Islamic scholarly tradition but rather seeks to actualise it through a more inclusive, contextual reading.

This approach is based on the premise that religious texts possess a universal dimension that must be understood through interaction with the historical context and ever-changing social realities.¹⁰ Thus, reinterpretation is not positioned as a deviation from orthodoxy, but rather as an inherent part of the dynamics of *ijtihād* that has characterised the Islamic intellectual tradition. In this context, the gender perspective functions as a critical analytical tool that enables the identification of biases that have long gone unrecognised in the interpretative process, whilst simultaneously opening up space for alternative readings that are fairer and more equitable.

One crucial aspect of this reconstruction is a re-examination of the concept of *qiyās* as a method of analogy, which has long been one of the main pillars of *uṣūl al-fiqh*.¹¹ Classically, *qiyās* is used to establish legal rulings for new cases by linking them to cases with established legal provisions based on shared '*illah*'. However, in practice, the determination of '*illah*' is often not neutral, but rather influenced by the dominant social assumptions of the time.

A gender perspective then critiques that many '*illah*' used in *qiyās* concerning women's issues are based on biased social constructs, such as the assumption of women's inferiority or dependence. Therefore, reconstructing *qiyās* within a Muslim feminist framework demands redefining the concept of '*illah*' by incorporating the principle of gender justice as an evaluative parameter. This implies that a legal analogy is not merely assessed for its logical coherence, but also for its ethical implications regarding gender relations. Thus, *qiyās* ceases to be merely a deductive tool and becomes a normative instrument responsive to the value of justice.

In addition to *qiyās*, the concept of *ijmā'* as the consensus of scholars has also come under scrutiny in efforts to reconstruct the methodology of *ijtihād*. Theoretically, *ijmā'* is regarded as a source of law possessing high authority as it represents the collective agreement of the Muslim community.¹² However, in historical reality, the process of forming *ijmā'* has often failed to involve significant participation by women, resulting in a consensus that predominantly reflects a male perspective.¹³

Muslim feminism subsequently questions the epistemological legitimacy of such an exclusive *ijmā'* and proposes a reinterpretation of the concept of *ijmā'* as an inclusive, participatory, deliberative process. Within this framework, *ijmā'* is no longer understood as a static agreement closed to change, but rather as a dynamic process that must be continually renewed through the involvement of various groups, including women, in religious discourse. Thus, the reconstruction of *ijmā'* based on a gender perspective seeks to shift legal authority from the monopoly of certain groups towards a more democratic and representative model.

The concept of *maṣlaḥah* also plays a central role in efforts to reconstruct a gender-based methodology of *ijtihād*. In the tradition of *uṣūl al-fiqh*, *maṣlaḥah* is understood as the consideration of the public interest, which is the objective of Islamic law. However,

¹⁰ Arief Fahmi Lubis et al., "The Culture of Nepotism in Bureaucratic Recruitment Through Legal Sociology Analysis," *Jurnal Pelita Raya* 2, no. 1 (2026): 16-29, <https://doi.org/10.65586/jpr.v2i1.59>.

¹¹ Muhajir Muhajir et al., "Agus Moh Najib's Thoughts on the Interconnection of Islamic Law and National Law," *Jurnal Ilmiah Al-Syir'ah* 21, no. 1 (2023): 86-103, <https://doi.org/10.30984/jis.v21i1.2321>.

¹² Abdulla Galadari, "Ijtihād Holds Supremacy in Islamic Law: Muslim Communities and the Evolution of Law," *Religions* 13, no. 4 (2022): 369, <https://doi.org/10.3390/rel13040369>.

¹³ Hijriatu Sakinah et al., "Legal Policy on Women's Protection in the National Family Law System," *Indonesian Journal of Gender Justice and Family Law* 1, no. 1 (2026): 19-35, <https://doi.org/10.65586/ingefal.v1i1.2>.

like other concepts, the definition and application of *maṣlaḥah* are often influenced by dominant perspectives that do not always take into account women's experiences and needs. Therefore, Muslim feminism seeks to broaden the interpretation of *maṣlaḥah* by incorporating gender justice as an integral part of the public good.¹⁴ In this context, a policy or legal provision cannot be considered in the public interest if it perpetuates inequality or discrimination against women.¹⁵

This reconstruction demands a critical evaluation of claims of *maṣlaḥah* that have long been used to legitimise practices harmful to women, whilst encouraging the development of a concept of *maṣlaḥah* that is more sensitive to gender issues. Furthermore, integrating a contextual hermeneutical approach is a key element in reconstructing a gender-based *ijtihād* methodology. Contextual hermeneutics emphasises understanding religious texts in relation to the historical, social, and linguistic contexts in which they were revealed, as well as their relevance to the contemporary context. This approach allows for a more flexible and adaptive reading of the text, thereby avoiding rigid and literalist interpretations. Within the framework of Muslim feminism, contextual hermeneutics is used to identify universal ethical messages within the text, such as justice and equality, whilst distinguishing them from particular aspects tied to specific historical contexts.

The emphasis on *maqāṣid al-sharī'ah* as an inclusive ethical foundation is crucial to the reconstruction of the methodology of *ijtihād*. *Maqāṣid al-sharī'ah*, which encompasses the primary objectives of sharia, such as the protection of religion, life, intellect, lineage, and property, provides a normative framework for assessing the relevance and justice of a legal provision. From a Muslim feminist perspective, *maqāṣid al-sharī'ah* are understood not merely as abstract goals, but as ethical principles that must be operationalised within concrete social contexts, including in efforts to achieve gender justice.¹⁶ Therefore, reconstructing the *ijtihād* methodology demands a reinterpretation of *maqāṣid al-sharī'ah*, emphasising inclusivity and equality so that the objectives of sharia can be realised in a more comprehensive and just manner.

The integration of classical Islamic epistemology and contemporary feminist theory within the framework of reconstructing the *ijtihād* methodology constitutes an innovative step that offers a new perspective in the study of Islamic law. This approach not only enriches the body of knowledge by combining two distinct intellectual traditions but also opens up possibilities for developing methodologies that are more responsive to the challenges of the times. In this regard, Muslim feminism is not positioned as a threat to the authority of tradition, but rather as a constructive dialogue partner in efforts to renew religious understanding. However, this reconstruction effort also faces various challenges, both epistemological and sociological.

From an epistemological perspective, there is resistance to using a gender perspective in the study of Islamic law, which is viewed as an external influence incompatible with tradition.¹⁷ From a sociological perspective, the implementation of

¹⁴ Maulana Hayatullah et al., "Implementation of Gender Equality Principles in Religious Court Decisions Related to Divorce," *Indonesian Journal of Gender Justice and Family Law* 1, no. 1 (2026): 36-51, <https://doi.org/10.65586/ingefal.v1i1.3>.

¹⁵ Rizqa Febry Ayu et al., "Legal Analysis of the Position of Women as Heads of Households in National Law," *Indonesian Journal of Gender Justice and Family Law* 1, no. 1 (2026): 52-68, <https://doi.org/10.65586/ingefal.v1i1.4>.

¹⁶ Suud Sarim Karimullah et al., "The Changing Role of Gender in Contemporary Muslim Families," *Martabat: Jurnal Perempuan Dan Anak* 7, no. 2 (December 27, 2023): 167-88, <https://doi.org/10.21274/martabat.2023.7.2.167-188>; Suud Sarim Karimullah et al., "The Relevance of Feminism in Promoting Gender Reform in the Context of Progressive Islam," *Jurnal Anifa: Studi Gender Dan Anak* 4, no. 2 (2023): 1-15, <https://doi.org/10.32505/anifa.v4i2.7187>.

¹⁷ Suud Sarim Karimullah et al., "Rethinking Gender In Islamic Law," *Musāwa Jurnal Studi Gender Dan Islam* 23, no. 1 (2024): 99-113, <https://doi.org/10.14421/musawa.2024.223.99-113>.

reinterpretations is often hindered by social and institutional structures that still uphold patriarchal norms. Therefore, the success of the methodological reconstruction of *ijtihad* depends not only on the strength of theoretical arguments but also on the ability to build social and institutional legitimacy through inclusive and sustained dialogue. Taking these aspects into account, the reconstruction of the *ijtihad* methodology from a gender perspective can be understood as a multidimensional transformative effort, involving changes at the epistemological, methodological, and practical levels. This approach not only seeks to address shortcomings in existing interpretative traditions but also offers a new paradigm that is more inclusive, contextual, and oriented towards justice.

Deconstructing Patriarchal Interpretation in Islamic Family Law

The deconstruction of patriarchal interpretations in Islamic family law forms part of efforts to renew Islamic legal thought, with the aim of re-establishing the universal values of the Qur'an, such as justice (*al-'adl*), equality (*al-musāwah*), the public interest (*al-maṣlaḥah*), and respect for human dignity (*karāmat al-insān*), as the primary foundations of the interpretative process.¹⁸ This approach is not intended to negate the authority of revelation, but rather to critically examine the interpretative constructs that have developed within a patriarchal social context, resulting in a legal understanding that tends to place women in a subordinate position. A critical thematic analysis reveals that various provisions of family law developed in classical fiqh literature result from an interaction between normative texts, interpretative methodologies, and the social structures of the period in which they were formulated.

The theme of male leadership (*qiwāmah*) is one of the most hotly debated issues in Islamic family law. Classical exegesis generally interprets Surah An-Nisa' verse 34 as legitimising male leadership within the family based on men's superior economic and social responsibilities at the time of revelation. However, contemporary hermeneutical analyses developed by Amina Wadud, Asma Barlas, and several Muslim feminist thinkers suggest that the concept of *qiwāmah* is more accurately understood as a form of functional responsibility heavily influenced by the social conditions of that era, rather than as a legitimisation of men's ontological superiority over women.¹⁹ A thematic analysis of all the verses of the Qur'an concerning the relationship between men and women shows that the fundamental principles established by the Qur'an are partnership, shared responsibility and justice, not a relationship of domination.²⁰ This interpretation gains even greater relevance when considered in the context of changes in modern family structures, which reflect women's increasing participation in education, the workforce, public leadership and the economic provision for their families across various countries.²¹

Findings from various countries indicate that shifts in the interpretation of the concept of *qiwāmah* have influenced family law reforms within Islam. Morocco, through the 2004 Moudawana reforms, transformed the concept of the head of the household into

¹⁸ Zumiyyati Ibrahim et al., "Integration of Maqasid Al-Shariah in the Criminal Law Reform to Achieve Justice and Human Dignity," *Jurnal Hukum Islam* 23, no. 1 (2025): 105–44, <https://doi.org/10.28918/jhi.v23i1.04>.

¹⁹ Dwi Fidhayanti et al., "Rethinking Islamic Feminist Thought on Reinterpreting the Qur'an: An Analysis of the Thoughts of Aminah Wadud, Fatima Mernissi, Asma Barlas, and Riffat Hassan," *Tribakti: Jurnal Pemikiran Keislaman* 35, no. 1 (2024): 37–56, <https://doi.org/10.33367/tribakti.v35i1.4956>.

²⁰ Nur Insani et al., "Empowering Muslim Women: Bridging Islamic Law and Human Rights with Islamic Economics," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 1 (2024): 88–117, <https://doi.org/10.18860/j-fsh.v16i1.26159>.

²¹ Cahaya Rembulan et al., "The Impact of the Digital Economy on Economic Empowerment Models for Muslim Youth in Indonesia," *Jurnal Lentera Insani* 1, no. 1 (2025): 48–63, <https://doi.org/10.65586/jli.v1i1.17>; Maharatna Shifa Nurizka, Mohamad Sobrun Jamil, and Badrus Sholeh, "Analysis of the Impact of Sharia Regulations on Halal Trade in Southeast Asia," *Jurnal Lentera Insani* 1, no. 1 (2025): 32–47, <https://doi.org/10.65586/jli.v1i1.16>.

a shared responsibility between husband and wife, thereby strengthening women's position in family decision-making.²² Tunisia has, in fact, long been developing a more egalitarian family law system by restricting the practice of polygamy and strengthening women's rights within marriage.²³ Malaysia has begun to develop a more progressive interpretation through sharia court rulings and advocacy by civil society organisations, although implementation still varies between states.²⁴ Indonesia has also shown similar developments through the reinforcement of a gender equality perspective in several religious court rulings, the drafting of the Gender-Sensitive Compilation of Islamic Law, and the increasing contribution of academics and religious organisations in promoting the reinterpretation of family law.²⁵ Nevertheless, implementation in Indonesia still faces challenges due to the strong influence of patriarchal culture and the diversity of social practices across different regions.²⁶

A thematic analysis of the issues of divorce and polygamy reveals relatively similar patterns. Within classical fiqh, the right to divorce lies predominantly with the husband, whilst women must navigate more complex legal mechanisms to dissolve a marriage.²⁷ Polygamy is also frequently understood as a permissive right reserved for men, without consideration of the social, psychological or economic impacts on women and children.²⁸ In fact, a contextual reading of the verses on polygamy reveals that these provisions arose in response to post-war social conditions that led to an increase in the number of women and orphans in need of protection.²⁹ Thus, the primary aim of these verses is to ensure social justice, not to provide universal legitimisation for the practice of polygamy.

Legal developments in various countries show a trend towards restricting the practice of polygamy through increasingly stringent requirements. Morocco requires court authorisation and the wife's consent, subject to a high standard of proof.³⁰ Tunisia has completely banned polygamy through national regulations, whilst Indonesia restricts polygamy via the Marriage Law and the Compilation of Islamic Law, which

²² Katie Zoglin, "Morocco's Family Code: Improving Equality for Women," *Human Rights Quarterly* 31, no. 4 (2009): 964-84, <https://doi.org/10.1353/hrq.0.0121>.

²³ Lia Noviana, Risma Wigati, and Nurulaini Halimatus Sakdiyah, "The Dynamics of Family Law Reform in Asia and Africa (Portrait of Polygamy Regulations in Indonesia, Malaysia, Pakistan, Morocco and Tunisia)," *Al-Syakhsyiyah: Journal of Law & Family Studies* 4, no. 2 (2023): 187, <https://doi.org/10.21154/syakhsyiyah.v4i2.5895>.

²⁴ Wahidah Wahidah, Siti Fatinnah Ab Rahman, and M Hasan M Hasan, "A Comparative Analysis of Islamic Inheritance Practices in Malaysia and Indonesia: Legal Frameworks, Judicial Interpretation, and Community Impact," *ASEAN Journal of Islamic Studies and Civilization (AJISC)* 1, no. 2 (2024): 230-51.

²⁵ Ahmad Ash Shiddieqy et al., "Integrating Islamic Family Law and Gender Equality: A Comparative Study of Legal Reform and Social Norms in Contemporary Indonesia and Morocco," *Legitima: Jurnal Hukum Keluarga Islam* 7, no. 2 (2025): 165-90, <https://doi.org/10.33367/legitima.v7i2.7101>.

²⁶ Sumiyati Beddu et al., "From Doctrine to Action: Islamic Law's Journey towards Social Change," *Jurnal Wawasan Yuridika* 8, no. 1 (2024): 1-24, <https://doi.org/10.25072/jwy.v8i1.4177>.

²⁷ M Rafli Kurniawan et al., "Political Analysis of Islamic Law on the Regulation of Interfaith Marriage in Indonesia," *Insani: Jurnal Pranata Sosial Hukum Islam* 1, no. 1 (2025): 32-47, <https://journal.mahkotascience.org/index.php/insani/article/view/2>.

²⁸ Nurmu'izzatin Zaharatul Parhi et al., "Tension between Islamic Law and Human Rights in Child Marriage Cases in Indonesia," *Insani: Jurnal Pranata Sosial Hukum Islam* 1, no. 1 (2025): 96-110, <https://journal.mahkotascience.org/index.php/insani/article/view/3>; Arif Sugitanata and Suud Sarim Karimullah, "Nalar Kritis Poligami Sebagai Kekerasan Dalam Rumah Tangga: (Analisis Terhadap Undang-Undang KDRT Nomor 23 Tahun 2004)," *HUNILA: Jurnal Ilmu Hukum Dan Integrasi Peradilan* 1, no. 2 (2023): 63-76, <https://doi.org/10.53491/hunila.v1i2.515>; Suud Sarim Karimullah, "Children's Rights in Islam: Towards Gender Equality and Youth Justice," *Muadalah* 11, no. 2 (2023): 87-98, <https://doi.org/10.18592/muadalah.v11i2.11113>.

²⁹ Arif Sugitanata, Suud Sarim Karimullah, and Faradila Hasan, "Dinamika Dalam Praktik Pernikahan: Tawaran Untuk Mengurangi Prevalensi Poligami Di Era Kontemporer," *AT-THARIQ: Jurnal Studi Islam Dan Budaya* 4, no. 01 (2024): 33-41, <https://doi.org/10.57210/trq.v4i01.284>; Suud Sarim Karimullah, "A Feminist Critique of the Practice of Polygamy in the Context of Islamic Law and Human Rights," *Indonesian Journal of Law and Islamic Law (IJLIL)* 6, no. 1 (2024): 38-53.

³⁰ Suud Sarim Karimullah, "Poligami Perspektif Fikih Dan Hukum Keluarga Negara Muslim," *MADDIKA: Journal of Islamic Family Law* 2, no. 1 (2021): 7-20, <https://doi.org/https://doi.org/10.24256/maddika.v2i1.2118>.

mandate court authorisation and the fulfilment of fairness criteria.³¹ Nevertheless, empirical data indicate that the practice of polygamy continues informally in several regions, meaning that the local legal culture heavily influences the effectiveness of regulations.³²

The issue of inheritance distribution is also a central theme in Muslim feminist discourse. Conventional interpretations justify the differing proportions of inheritance based on the assumption that men bear the responsibility for providing for the family and therefore receive a larger share.³³ However, intersectional analysis reveals that the economic structure of society has undergone significant changes. In various countries, including Indonesia, women are increasingly taking on the roles of primary breadwinners, heads of households, and business owners. Data from various international organisations indicate a rising contribution by women to household income, particularly in Southeast Asia and the Middle East.³⁴ These conditions have spurred academic discussion regarding the need to reinterpret the rationality of inheritance law whilst upholding the principle of justice as the primary objective of Sharia. Several countries have begun to allow for the settlement of asset distribution through mechanisms such as gifts, wills or family agreements that take greater account of the actual circumstances of the heirs without undermining the legitimacy of the fundamental norms of Islamic law.

The contextual hermeneutic approach plays a central role in deconstructing patriarchal interpretations. Hermeneutics allows for a distinction between universal values of a permanent nature and the forms of legal implementation influenced by specific historical contexts. From this perspective, the text is understood as a source of values that is in constant dialogue with social reality, meaning that the process of interpretation is always dynamic. This approach does not treat the meaning of the text as singular and final, but rather as the result of an interaction between the text, the interpreter, the methodology, and the social context. Consequently, the reinterpretation of family law in Islam is not aimed at altering the substance of Islamic teachings, but rather at updating the way they are understood and applied in accordance with the objectives of sharia (*maqāṣid al-sharī'ah*), which are oriented towards the protection of religion, life, reason, lineage, property and human dignity.

An intersectional approach further strengthens this analysis by demonstrating that the experiences of Muslim women are not homogeneous. The injustices experienced by women are not only influenced by religious interpretations.³⁵ Still, they are also linked to social class, educational attainment, ethnicity, geographical location, access to economic resources, and the political structures within each country.³⁶ In Indonesia, for example, the practice of family law shows considerable variation between urban and

³¹ Suyuti Dahlan Rifa'i et al., "Reformulation of Marriage Law Based on a Gender Justice Perspective," *Indonesian Journal of Gender Justice and Family Law* 1, no. 1 (2026): 69–85, <https://doi.org/10.65586/ingefal.v1i1.5>; Suud Sarim Karimullah, "Pembaruan Islam Bidang Keluarga Dan Relevansinya Dengan Peraturan Poligami Di Indonesia," *El-Izdiwaj: Indonesian Journal of Civil and Islamic Family Law* 2, no. 2 (2021): 61–81.

³² Nur Insani et al., "Islamic Law and Local Wisdom: Exploring Legal Scientific Potential in Integrating Local Cultural Values," *Kanun Jurnal Ilmu Hukum* 26, no. 1 (2024): 101–24, <https://doi.org/10.24815/kanun.v26i1.32930>.

³³ Roy Prabowo Lenggono, "Islamic Inheritance Law in Practice Among Multiethnic Muslim Families in Indonesia," *Insani: Jurnal Pranata Sosial Hukum Islam* 1, no. 2 (2025): 127–43, <https://doi.org/10.65586/insani.v1i2.39>.

³⁴ Ahmed Abdel Fattah et al., "Negotiating Women's Reproductive Rights Within the Framework of Islamic Law," *Insani: Jurnal Pranata Sosial Hukum Islam* 1, no. 2 (2025): 178–93, <https://doi.org/10.65586/insani.v1i2.57>.

³⁵ Suud Sarim Karimullah and Siti Rutbatul Aliyah, "Feminist Criticism of Traditional Understanding of Women's Roles in Islam," *An-Nisa': Journal of Gender Studies* 16, no. 2 (2023): 195–214, <https://doi.org/10.35719/annisa.v16i2.177>.

³⁶ Suud Sarim Karimullah et al., "The Concept of Nafaqah in Islamic Law and Women's Right to Financial Support," *El-Izdiwaj: Indonesian Journal of Civil and Islamic Family Law* 5, no. 2 (2024): 222–42, <https://doi.org/10.24042/el-izdiwaj.v5i2.23534>.

rural areas, between communities with high and low levels of education, and between communities with a strong patriarchal culture and those that are more egalitarian.³⁷ Similar phenomena are also found in Pakistan, Bangladesh, Egypt, Nigeria and Jordan, indicating that the social context of each country heavily influences the effectiveness of family law reforms.

Male dominance in the production of religious knowledge has also influenced the direction of the development of family law interpretation in Islam.³⁸ For centuries, interpretative authority was dominated by male scholars, meaning that women's experiences were relatively under-represented in the formation of Islamic law. The development of Islamic higher education in various countries has increased women's participation as academics, judges, muftis and researchers, thereby generating new perspectives in the study of Islamic law. In Indonesia, the increase in the number of female academics at religious higher education institutions, the involvement of women as judges in religious courts, and the growth of networks of female *ulamā'* indicate a significant transformation in the process of producing Islamic knowledge. The presence of these more diverse perspectives enriches *ijtihād*, resulting in more inclusive legal interpretations without neglecting the methodological foundations of *uṣūl al-fiqh*.

The process of deconstructing patriarchal interpretations still faces complex challenges. From a theological perspective, there remain concerns that overly contextual reinterpretations may undermine the authority of religious texts or blur the boundaries between divine revelation and the results of human *ijtihād*. From a sociological perspective, resistance to change often arises from groups that view family law reform as a threat to established religious traditions. These challenges are evident in several countries, including Indonesia, where various proposals for family law reform have sparked heated public debate. Consequently, reinterpretation requires a dialogical approach that balances normative argumentation, the methodology of *uṣūl al-fiqh*, empirical evidence, and social analysis to secure both academic legitimacy and public acceptance.

The Integration of Muslim Feminism with Contemporary Legal Practice and Public Policy

Muslim feminism is no longer positioned merely as a critical discourse on religious interpretation, but rather as an epistemological and practical framework that seeks to influence the formulation of positive law and public policy. This transformation demonstrates that the reinterpretation of Islamic law possesses genuine transformative potential when articulated through legislative, judicial, and policy advocacy mechanisms. Within the framework of family law reform in Muslim countries, the influence of Muslim feminism can be observed through efforts to revise regulations previously based on classical interpretations that tended to be patriarchal.³⁹

In Indonesia, for example, developments in family law demonstrate a dynamic of reinterpretation influenced by the discourse on gender justice.⁴⁰ However, this occurs

³⁷ Siti Mas'udah, "Power Relations of Husbands and Wives Experiencing Domestic Violence in Dual-Career Families in Indonesia," *Millennial Asia* 14, no. 1 (2023): 5–27, <https://doi.org/10.1177/09763996211039730>.

³⁸ Wilnan Fatahillah, Ririh Krishnani, and Teguh Luhuringbudi, "Prediction of the Social Impact of Islamic Family Law on Women's Empowerment in Indonesia and Saudi Arabia: Analysis of Islamic Feminism, Structuralism, and Legal Socialization," *ELS Journal on Interdisciplinary Studies in Humanities* 7, no. 4 (2024): 642–54, <https://doi.org/10.34050/els-jish.v7i4.42367>.

³⁹ Suyuti Dahlan Rifa'i et al., "Deconstructing Colonial Law Through Critical Race Theory in Indonesian Regulations," *Jurnal Pelita Raya* 1, no. 1 (2025): 46–60.

⁴⁰ Moh Rosil Fathony et al., "Resistance to Gender Equality: Criticism of Physical Violence from the PKDRT Law Perspective," *Indonesian Journal of Islamic Law* 7, no. 1 (2024): 105–24, <https://doi.org/10.35719/1xjdkk59>.

gradually and often through negotiation between religious values and social demands. Reforms to the Marriage Act, raising the minimum age for marriage, and strengthening protections for women in cases of divorce and domestic violence are concrete examples of how the principles of Muslim feminism are beginning to be internalised within the national legal framework.⁴¹ This process is inseparable from the active role of academics, activists, and civil society organisations in advocating for the reinterpretation of Islamic law, emphasising the *maqāṣid al-sharī'ah* as an ethical foundation supporting equality and the protection of vulnerable groups.

Morocco's experience with the reform of the Family Code (Moudawana) in the early 21st century provides a clearer illustration of how Muslim feminism can be institutionalised within a state's legal system.⁴² These reforms introduced significant changes regarding the rights and obligations of husbands and wives, restrictions on polygamy, and the strengthening of women's positions in divorce proceedings.⁴³ Interestingly, this reform was not achieved by rejecting the Islamic legal framework, but rather through a reinterpretation of Sharia principles using the *maqāṣid* approach and contextual hermeneutics.

The state acted as a mediator, integrating societal aspirations, including those of the women's movement, with religious legitimacy derived from the authority of the *ulamā'*. This demonstrates that Muslim feminism can function as a bridge between tradition and modernity, as well as between normative texts and ever-evolving social needs. Morocco's experience also underscores that the success of such integration depends heavily on the political configuration and the state's commitment to inclusive legal reform.

Beyond these two countries, several other Muslim nations also exhibit similar trends, albeit to varying degrees and in different forms. This variation reflects that the integration of Muslim feminism with contemporary legal practice is not linear, but is influenced by local factors such as political systems, social structures, and dominant religious interpretations.⁴⁴ In this context, a comparative approach is essential for understanding how various countries adopt and adapt Muslim feminist ideas within their legal frameworks. Comparative analysis also enables the identification of best practices that can serve as a reference in reform processes in other countries, whilst revealing the challenges faced in the implementation of gender-justice-based policies.

Beyond family law reform, the integration of Muslim feminism also has significant implications for women's protection policies, particularly regarding issues of gender-based violence, discrimination, and access to justice. In many cases, women's protection policies in Muslim countries often face a dilemma between cultural norms, religious interpretations, and international human rights standards.⁴⁵ Muslim feminism offers an approach that can bridge these tensions by demonstrating that principles of women's protection are consistent with the fundamental values of Islam.

⁴¹ Haerozi Haerozi et al., "Preserving Cultural Heritage in Marriage: Exploring Meanings of Kebon Odeq Tradition in the Sasak Community of Central Lombok, Indonesia," *Al-Hukama': The Indonesian Journal of Islamic Family Law* 13, no. 2 (2023): 203–28, <https://doi.org/10.15642/alhukama.2023.13.2.203-228>.

⁴² Selman Zahid Özdemir, "Islamic Family Law in Morocco: Historical Developments and Reforms," *Ilahiyat Studies* 16, no. 1 (2025): 107–22, <https://doi.org/10.12730/is.1585555>.

⁴³ Suud Sarim Karimullah, "Poligami Dalam Tinjauan Hifdz Al-Nāsl," *MADDIKA: Journal of Islamic Family Law* 4, no. 2 (2023): 11–26, <https://doi.org/10.24256/maddika.v4i2.3291>.

⁴⁴ Bhakti Wiranti et al., "Political Feminism and Women's Representation in Public Policy in Indonesia," *Jurnal Pelita Raya* 1, no. 1 (2025): 1–16, <https://journal.mahkotascience.org/index.php/jpr/article/view/11>.

⁴⁵ Zumiyati Sanu Ibrahim et al., "Islamic Law and Human Rights: Convergence or Conflict?," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 24, no. 2 (2024): 431–48, <https://doi.org/10.19109/nurani.v24i2.19595>.

The role of religious courts is crucial in implementing a feminist-based reinterpretation of Islamic law, as these courts are the primary actors in enforcing family law in many Muslim countries. In Indonesia, for example, religious courts have jurisdiction over cases of marriage, divorce, and inheritance, making them a vital arena for the realisation of gender justice principles.⁴⁶ In practice, judges possess a degree of discretion that allows them to adopt more progressive interpretations of Islamic law, particularly in cases involving women as vulnerable parties. However, implementation still faces challenges, including limited human resource capacity, resistance to change, and a lack of systematic guidelines for applying a gender perspective. Therefore, integrating Muslim feminism into religious courts requires strengthening institutional capacity, including through education and training for judges, as well as developing jurisprudential guidelines grounded in substantive justice.

In this context, it is important to develop an integrative model that bridges the gap between the academic discourse of Muslim feminism and legal practice and public policy. This model must link knowledge production at the academic level to the policy-making process, so that the ideas generated do not remain theoretical but can be implemented in concrete terms. One approach is the knowledge translation model, which emphasises the importance of communication and collaboration between academics, policymakers, legal practitioners, and civil society. Within this framework, research serves not only as a means of knowledge production but also as an advocacy tool capable of influencing decision-making processes.

Such an integrative model must also account for intersectionality, recognising that women's experiences are shaped by intersecting factors such as social class, ethnicity, and geographical location. Consequently, the resulting policies are not homogeneous but sensitive to the diverse circumstances faced by Muslim women.⁴⁷ This approach also enables the identification of the most vulnerable groups, allowing policy interventions to be designed in a more targeted manner. In this context, integrating Muslim feminism with public policy aims not only to achieve formal equality but also substantive justice that takes into account real-world conditions on the ground. However, these integration efforts are not without various structural and cultural challenges.

Structurally, the legal systems in many Muslim countries remain influenced by a dualism between religious law and state law, which often creates tension in the reform process.⁴⁸ Culturally, deeply rooted patriarchal norms in society act as a barrier to the acceptance of changes proposed by Muslim feminism. Therefore, implementation strategies must be holistic, combining legal, educational, and social advocacy approaches to build collective awareness of the importance of gender justice in Islam.

From a broader perspective, integrating Muslim feminism with contemporary legal practice and public policy can be understood as part of a larger process of social transformation, aimed at creating a more just and inclusive society. This process involves not only changes in regulations and institutions, but also in ways of thinking and understanding religious teachings. Thus, Muslim feminists serve as agents of change, not only critiquing but also offering solutions grounded in Islamic values. This

⁴⁶ Yusida Fitriyati et al., "Reconsidering Inheritance Equality: Gender Justice in Religious Court Decisions through the Lens of Maqashid Al-Shariah," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 25, no. 1 (2025): 122-40, <https://doi.org/10.19109/nurani.v25i1.27133>.

⁴⁷ Fatima El Sayed, "Confronting Anti-Muslim Racism and Islamism: An Intersectional Perspective on Muslim Women's Activism in Germany," *Journal of Women, Politics & Policy* 44, no. 4 (2023): 486-507, <https://doi.org/10.1080/1554477X.2023.2249619>.

⁴⁸ Rizal Al Hamid et al., "Political Conflict between Islamic Law and National Law in Indonesia," *Insani: Jurnal Pranata Sosial Hukum Islam* 1, no. 1 (2025): 48-62, <https://journal.mahkotascience.org/index.php/insani/article/view/4>.

integration demonstrates that Islamic law possesses the flexibility and adaptability to adjust to changing times, without losing its normative legitimacy.

Conclusion

The reinterpretation of Islamic law within the discourse of Muslim feminism demonstrates that gender inequality in family law is more a result of historical interpretative constructs than an inherent consequence of normative Islamic texts. By integrating the methodologies of *uṣūl al-fiqh*, contextual hermeneutics, *maqāṣid al-sharī'ah*, and an intersectional perspective, this study produces a more comprehensive, adaptive, and justice-oriented framework for *ijtihād*. The main contribution of this study lies in developing a methodological model that links the epistemology of classical Islamic law with contemporary Muslim feminist approaches, thereby bridging the gap between normative scholarship, social reality, and the implementation of law in public policy and judicial practice. The novelty of this study lies in the formulation of a reinterpretative framework that is not only conceptual but also operational in supporting reforms to Islamic family law that are more responsive to the protection of women's rights. These findings enrich the development of Islamic legal studies through a multidisciplinary approach whilst also serving as a foundation for institutional transformation and the drafting of more equitable regulations. Nevertheless, the study's limitations in terms of its empirical scope and comparative context highlight the need for further research involving cross-national data, empirical testing of the developed model, and a deeper intersectional analysis, so that the reinterpretation of Islamic law becomes increasingly relevant in addressing the complexities of Muslim women's lives across various social contexts.

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