

Reinterpreting Gender Jurisprudence: A Methodological Analysis of Women's Rights in Modern Islamic Family Law

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Abstract. *The development of modern society has prompted the need to reinterpret Islamic family law to maintain its relevance to the principles of justice, equality, and human rights protection without neglecting the authority of Islamic legal sources. This article aims to analyze the reinterpretation of gender fiqh through a methodological approach to women's rights in modern Islamic family law, emphasizing the shift in interpretive paradigms, the deconstruction of classical fiqh doctrines, and their implications for the formation of contemporary family law regulations. This study uses a normative legal research method with a statutory regulatory approach, a conceptual approach, and a comparative approach. Data were obtained through a literature review covering the Qur'an, hadith, laws and regulations, court decisions, and classical and contemporary fiqh literature, which were analyzed qualitatively using descriptive-analytical techniques. The results show that the methodological shift from textualist reading to contextual hermeneutics has resulted in a more adaptive interpretation of social dynamics, so that Islamic family law norms can be understood based on maqāṣid al-syarī'ah, the value of benefit, and the principle of substantive justice. Thus, reinterpretation of gender jurisprudence through methodological renewal becomes an important instrument in realizing an Islamic family law system that is more responsive, inclusive, just, and remains based on the fundamental principles of Islamic law.*

Keywords: *Gender; Hermeneutics; Islam; Women.*

1. Introduction

Islamic family law is one of the most dynamic areas of law, responding to social and cultural changes and developments in legal thought in various Muslim countries. Amidst growing awareness of the principles of gender equality and the protection of human rights, demands have emerged that the provisions of Islamic jurisprudence governing the relationship between men and women should no

longer be understood solely through textual reading of the texts, but also through an approach that considers the historical and social contexts and the primary objectives of sharia (*maqāṣid al-syarī'ah*). This development has led to the reinterpretation of gender jurisprudence as an effort to maintain the relevance of Islamic law in addressing the challenges of modern society without neglecting the authority of the Qur'an and Sunnah. The debate regarding women's rights in Islamic family law has largely centered on classical Islamic jurisprudence concepts such as *qiwāmah* (family leadership), *wilāyah* (guardianship), and *nafāqah* (the obligation to provide maintenance). In classical Islamic jurisprudence, these three concepts are often understood as the basis for a hierarchical division of roles between men and women. This understanding was formed within the social context of the society during the period of the development of Islamic jurisprudence, which was still dominated by a patriarchal system. However, changes in social structures, increased participation of women in education, the economy, and the public sphere, and the development of national and international legal instruments concerning the protection of women's rights have given rise to the need to reexamine this construction through a more contextual interpretative methodology.¹

The methodological shift from a textualist approach to contextual hermeneutics is one of the main characteristics of the renewal of contemporary Islamic legal thought. This approach does not view texts as stand-alone norms, but rather places them in the context of the reasons for the revelation of verses, social conditions of society, developments in the times, and the goals of welfare that sharia seeks to achieve. Through this perspective, the concept of *qiwāmah* is understood as a form of responsibility and partnership within the family, *wilāyah* is directed towards a protective function without eliminating women's legal capacity, while *nafāqah* is positioned as an economic responsibility that can be adapted to the actual conditions and principles of justice within the household.²

This reinterpretation has influenced the formation of modern Islamic family law in various countries through a codification process that increasingly accommodates women's rights in the areas of marriage, divorce, child custody, economic rights, and access to justice. Family law reform is no longer solely oriented toward preserving classical fiqh doctrine, but also integrates the values of substantive justice, equality, and protection of vulnerable groups within the framework of *maqāṣid al-syarī'ah*. Nevertheless, this reform process continues to generate

¹ Andika, Mayola. "Reinterpretasi Ayat Gender dalam Memahami Relasi Laki-Laki dan Perempuan." *Musāwa: Jurnal Studi Gender dan Islam* 17, no. 2 (2018): 137–152. <https://doi.org/10.14421/musawa.2018.172.137-152>.

² Anggraini, Roza, Illy Yanti, dan Abdul Halim. "Equality Between Husband and Wife in Islamic Marriage Law Perspective of Sheikh Wahbah Zuhaili." *Suluah Pasaman* 4, no. 1 (2026): 59–71. <https://doi.org/10.70588/suluahpasaman.v4i1.1031>.

debate regarding the limits of *ijtihad*, methodological legitimacy, and the relationship between textual authority and contemporary social realities.³

Based on these conditions, this study aims to analyze the reinterpretation of gender *fiqh* through a methodological perspective in modern Islamic family law by emphasizing three main aspects, namely the methodological shift from textualist reading to contextual hermeneutics, the deconstruction of classical doctrines regarding *qiwāmah*, *wilāyah*, and *nafāqah*, and the codification of women's rights in modern Islamic family law. This study is expected to be able to provide a conceptual contribution to the development of a methodology for reforming Islamic law that remains based on sharia principles while being responsive to the dynamics of modern society, so that a more just, inclusive, and welfare-oriented Islamic family law system can be realized.⁴

2. Research Method

This study uses a normative legal research method with a statutory, conceptual, and comparative approach. Data were obtained through a literature review that included the Qur'an, hadith, statutory regulations, court decisions, and classical and contemporary *fiqh* literature, analyzed qualitatively using descriptive-analytical techniques.⁵

3. Results and Discussion

3.1. Methodological Shift: From Textualist Reading to Contextual Hermeneutics

The methodological shift in Islamic legal thought, particularly as it relates to issues of gender and women's rights, marks one of the most crucial chapters in modern Muslim intellectual history. The textualist reading that has long dominated classical legal thought tends to position religious texts as static entities, detached from reality, and independent of space and time.⁶

This approach views the verses of the Qur'an and hadith explicitly and literally, as if legal norms born in the Arabian peninsula in the seventh century could be directly transplanted into the structure of modern society without going through a process of translation of meaning. The direct implication of this textualist approach is the emergence of a strong patriarchal bias in the codification of

³ Anisa, Lina Nur. "Reconceptualizing Qiwāmah: Gender-Responsive Exegesis and Relational Authority in Contemporary Muslim Families." *Empirisma: Jurnal Pemikiran dan Kebudayaan Islam* 35, no. 1 (2026): 87–119. <https://doi.org/10.30762/empirisma.v35i1.3731>.

⁴ Dahwadin, Syaik Abdillah, dkk. "Rekonstruksi Hukum Islam Berbasis Keadilan Gender." *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 14, no. 2 (2019). <https://doi.org/10.19105/al-ihkam.v14i2.2785>.

⁵ Dona Raisa Monica. "Pilihan Metode Penelitian Hukum Normatif dalam Kajian Ilmu Hukum." *Jurnal Hukum Lex Generalis* 2, no. 8 (2021): 705–720.

⁶ Karimullah, Suud Sarim, Mukhid, Zumiyati Sanu Ibrahim, dan Muhajir. "Rethinking Gender in Islamic Law." *Musāwa: Jurnal Studi Gender dan Islam* 22, no. 3 (2024): 99–113. <https://doi.org/10.14421/musawa.2024.223.99-113>.

classical fiqh, where the legal status of women is often placed in a subordinate position, both in the domestic and public spheres. In a purely textualist view, norms regarding male leadership, inheritance distribution, divorce rights, and the limits of women's authority are accepted as dogmatic provisions that are absolute and cannot be challenged.

However, as the global social, economic, and political landscape changes, demanding substantive justice, the limitations of textualist methodology have become increasingly apparent. Modern Islamic legal thinkers have recognized that imposing a rigid reading not only results in systemic injustice for women but also diverts religion from its primary mission as a blessing for all of nature.

From this awareness emerged the momentum for a transition to contextual hermeneutics, a new epistemological framework that seeks to reclaim the spirit of justice in Islamic law. Contextual hermeneutics never aims to ignore or negate the Sacred Text, but rather seeks to understand it more fully by deeply considering the historical, sociological, and cultural context in which it was revealed, while also responding to the context in which it is read today.

This approach believes that the Quran was revealed in a concrete historical context, utilizing the language, symbols, and social structures of seventh-century Arab society as a means of communication. Therefore, it is important to clearly distinguish between the universal moral message intended by God and the local cultural means used to convey that message. In this context, the application of the Maqasid al-Shari'ah, or the primary objectives of sharia, becomes a vital methodological instrument. Through Maqasid al-Shari'ah, legal interpretation is no longer limited to word-for-word accuracy but rather oriented toward maintaining justice, welfare, equality, and human dignity.

When a textual interpretation actually gives rise to oppression, discrimination, or harm for one party, it is considered to have deviated from the essential purpose of sharia itself. Various modern hermeneutical approaches have developed rapidly to reinforce this shift, one of which is the double-movement method, which requires an interpreter to move backward from the present reality to the past to understand the contextual meaning of the verse at the time it was revealed, and then move forward again to the present to formulate a moral foundation relevant to the challenges of the times.

This approach critically dismantles patriarchal assumptions that have long been considered religious dogma, when in fact they are the result of past cultural constructions. This liberative hermeneutical work has gradually succeeded in deconstructing outdated understandings and opening up a wide space for reinterpreting women's rights within Islamic family law. Women are no longer

viewed merely as passive objects of law, but as integral legal subjects with equal moral and rational capacity. This methodological transition from rigid textualism to contextual hermeneutics ultimately demonstrates that Islamic law possesses an extraordinary internal flexibility and vitality to continuously transform to uphold true justice in every era.⁷

3.2. Deconstruction of Classical Doctrine: Reinterpretation of Qiwamah, Wilayah, and Nafaqah

The deconstruction of classical fiqh doctrines is a crucial point in the dynamics of Islamic family law renewal, where key concepts such as qiwamah, wilayah, and nafaqah are critically re-examined to find the substantive meaning of justice for women in the modern era.⁸

For centuries, traditional Islamic family law placed these three concepts within a highly patriarchal hierarchical relationship, where men were positioned as the sole authority, protector, and primary financial burden bearer, while women were placed in a subordinate position, required to submit and obey. This construct of thought did not arise from a vacuum, but was strongly influenced by the socio-cultural realities of past agrarian and patriarchal societies, where economic capacity and public authority were concentrated in the hands of men. However, as societal structures transformed toward a modern order that prioritizes equality, partnership, and respect for human rights, these rigid classical doctrines began to experience a crisis of relevance and often became the source of structural injustice within the household.⁹

To respond to the challenges of today, modern Islamic legal scholars and intellectuals have embarked on a project of reinterpretation by profoundly reorienting the concept of qiwamah. In classical Islamic jurisprudence, qiwamah is often interpreted as an absolute right of innate leadership for men over women, stemming from their natural superiority and obligation to provide for their needs. A modern hermeneutical approach debunks this assumption by demonstrating that qiwamah is not a permanent, inherent theological privilege of the male sex, but rather a conditional and contextual social function.

The verses discussing qiwamah essentially describe the sociological conditions of seventh-century Arab society, where men were the only ones with economic

⁷ Karimullah, Suud Sarim. "For True Humanity: Harmonization of Islamic Law and Human Rights Towards Universal Justice." *Matan: Journal of Islam and Muslim Society* 5, no. 2 (2023): 40–56. <https://doi.org/10.20884/1.matan.2023.5.2.9125>.

⁸ Karimullah, Suud Sarim. "Pursuing Legal Harmony: Indonesianization of Islamic Law Concept and Its Impact on National Law." *Mazahib* 21, no. 2 (2022): 213–244. <https://doi.org/10.21093/mj.v21i2.4800>.

⁹ Karimullah, Suud Sarim. "The Relevance of the Concept of Justice in Islamic Law to Contemporary Humanitarian Issues." *Al-Ahkam: Jurnal Ilmu Syari'ah dan Hukum* 8, no. 1 (2023): 83–98. <https://doi.org/10.22515/alakhkam.v8i1.7654>.

access to support their families. When *qiwamah* is understood as a functional responsibility, household leadership is no longer seen as a hierarchy of power or a form of male domination over women, but rather as a form of equal partnership, a flexible division of roles, and shared leadership based on deliberation, compassion, and mutual respect.¹⁰

In line with the reinterpretation of *qiwamah*, the deconstruction of the concept of *wilayah* or guardianship rights is also a crucial aspect in guaranteeing women's legal autonomy. In classical Islamic jurisprudence, guardianship often positions women, especially unmarried women, as lacking full sovereignty over themselves. In some schools of thought, a guardian even has the right of *ijbar*, or the authority to marry a woman without her explicit consent. This understanding, which places absolute authority in the hands of men, positions women as individuals lacking the legal capacity and rational acumen to determine their own path in life.

Modern reinterpretations firmly reject this view by restoring the essence of guardianship as a function of protection and support, not a form of control. Adult women, both virgins and widows, are recognized as having full legal capacity to make independent decisions regarding their marriages, with the woman's conscious and uncoerced consent being an absolute requirement for the validity of a marriage contract, thus transforming the institution of guardianship from an instrument of patriarchal control into a means of protecting women's basic rights.

This dismantling of classical doctrine culminated in a transformation in the understanding of *nafaqah*, or financial obligations within the household. Traditional Islamic jurisprudence directly links a man's obligation to provide for his family with his wife's ownership rights and obedience, a transactional relationship that, in the modern context, is highly susceptible to perpetuating domination and economic violence.¹¹

Modern social reality demonstrates a fundamental shift in which more and more women are pursuing higher education, entering the job market, and becoming the economic pillars of their families, either as primary or secondary breadwinners. In this changing sociological context, the classic *nafaqah* scheme, which positions women as merely passive recipients, no longer reflects complete justice. Modern reinterpretation views women's financial contributions to the household as a tangible form of partnership worthy of legal recognition, while simultaneously shifting the paradigm of livelihood from a transactional cause-and-effect relationship to a shared responsibility for building family well-being.

¹⁰Millati Agustina Arifah. "Gender Construction in the Perspective of Living Fiqh in Indonesia." *Justicia Islamica* 18, no. 2 (2021): 189–210. <https://doi.org/10.21154/justicia.v18i2.2488>.

¹¹ Muzaki, Ali Yusuf, dan Amrulloh. "Konsep Kepemimpinan Suami (*Qiwamah*) dalam Hadis: Analisis Fikih Munakahat dan Keadilan Gender." *El-Faqih: Jurnal Pemikiran dan Hukum Islam* 12, no. 1 (2026): 270–279. <https://doi.org/10.58401/faqih.v12i1.2915>.

Through a holistic deconstruction of *qiwamah*, *wilayah*, and *nafaqah*, the Islamic family law system is freed from the constraints of past cultures and returns to its essential principles: upholding justice and the common good. These three concepts, which previously had the potential to be tools of subordination, are transformed into pillars of equal partnership, in which men and women stand on equal footing as sovereign legal subjects. This rereading not only restores women's dignity and autonomy in both the domestic and public spheres but also strengthens the resilience of the modern family on a foundation of compassion, equality, and deliberation, while demonstrating the adaptability of Islamic law, which remains relevant in responding to changing times.¹²

3.3. Codification of Women's Rights in Modern Islamic Family Law

The codification of women's rights in modern Islamic family law marks a new era in the history of Islamic legal reform, in which the principles of justice, equality, and welfare are translated into binding and nationally applicable legal rules. For centuries, Islamic family law norms largely existed in the form of classical *fiqh* doctrines scattered throughout various Islamic texts, with wide variations in opinion between schools of thought and often leaving women at the mercy of patriarchal interpretations by local judges.¹³

The modern legal codification process seeks to end this legal uncertainty by transforming the ethical values of the Qur'an and the principles of *sharia* into positive legislation that guarantees legal certainty and protection for women. This transformation is not simply the transfer of texts from *fiqh* books to state gazettes, but rather a process of critical selection, synthesis, and reinterpretation of Islamic intellectual heritage to respond to the socio-economic dynamics of modern society. Within this framework, Muslim countries around the world have begun to adopt a more inclusive and gender-responsive legal approach, making family law the primary means of elevating the dignity and upholding the basic rights of women, both in the process of establishing marriage, maintaining a household, and resolving divorce disputes.

One of the most fundamental focuses of the codification of modern Islamic family law is the restoration and guarantee of equal divorce rights for women. In classical Islamic jurisprudence, men wielded overwhelming, seemingly limitless, discretionary power over divorce, while women's access to free themselves from oppressive marriages was severely limited and fraught with procedural obstacles.

¹² Permana, Aramdhan Kodrat. "Mahram pada Safar Perempuan dalam Tinjauan Sosiologis." *Musāwa: Jurnal Studi Gender dan Islam* 9, no. 1 (2010): 101–117. <https://doi.org/10.14421/musawa.2010.91.101-117>.

¹³ Solikul Hadi. "Bias Gender dalam Konstruksi Hukum Islam di Indonesia." *Palastren: Jurnal Studi Gender* 7, no. 1 (2014). <https://doi.org/10.21043/palastren.v7i1.997>.

Modern family law reforms address this imbalance by limiting the arbitrary nature of divorce and expanding the doors of justice for women.

In many Muslim countries, including in legal compilations in various regions, *talaq* is no longer legally recognized if it is carried out outside an official court hearing. This step not only closes the gap for unilateral emotional decisions from the husband, but also ensures that the entire divorce process is under fair judicial supervision. At the same time, divorce institutions such as *khul'* or demanding divorce with ransom, *ta'liq thalaq* or divorce due to violation of marriage promises, as well as *fasakh* or cancellation of marriage through a judge's decision for reasons of harm, were developed and expanded their acceptance criteria. Women now have a strong legal basis to file for divorce if they experience domestic violence, financial neglect, moral deviation, or their husband's inability to carry out household obligations, without having to lose their basic rights as independent human beings.¹⁴

Beyond divorce, the codification of modern Islamic family law has also brought significant changes in the protection of women's assets and financial rights. Traditionally, women's contributions were often valued solely in material terms, limited to the physical support they received from their husbands, while domestic work, childcare, and household management were considered natural obligations with no economic value. This view proved particularly detrimental to women in the event of divorce, as they were often thrown out of the household without a proper share of the assets they had worked for together over the years.

Modern family law is based on the recognition of the concept of community property, or marital wealth accumulation. Through this instrument, all assets acquired during a marriage are legally recognized as the result of the joint labor and contributions of both husband and wife, regardless of whose name appears on the ownership documents or who generates the cash income. Women's non-financial contributions to maintaining the household and caring for the family are fully recognized as having economic value equal to their financial breadwinners. Consequently, upon divorce, community assets are divided fairly and proportionally to ensure that women do not experience systemic poverty due to the dissolution of the marriage.¹⁵

Another crucial dimension of modern family law is the restructuring of child custody rights (*hadhanah*) and the guarantee of child welfare after divorce.

¹⁴Sri Warjiyati. "Partisipasi Politik Perempuan Perspektif Hukum Islam." *Al-Daulah: Jurnal Hukum dan Perundangan Islam* 6, no. 1 (2016): 1–27. <https://doi.org/10.15642/ad.2016.6.1.1-27>.

¹⁵ Tahir, Masnun. "Mahram dan Transformasi Zaman: Sebuah Analisis Fiqhiyyah dan Keadilan Gender." *Musāwa: Jurnal Studi Gender dan Islam* 9, no. 1 (2010): 63–81. <https://doi.org/10.14421/musawa.2010.91.63-81>.

Classical Islamic jurisprudence often imposed rigid age limits on when a child should be transferred from mother to father, often without considering the child's emotional readiness or psychological state. Modern legal codification shifts the paradigm of determining child custody from the prerogative of parents to the principle of prioritizing the child's best interests.

Mothers are given top priority to care for and raise children who still need intensive love and protection, without the threat of arbitrary loss of parental rights simply because they choose to work or restore their personal lives. Furthermore, modern law reinforces the financial obligations of ex-husbands to continue providing child support, education costs, and regular healthcare until the children are adults and independent. To prevent neglect of this obligation, various law enforcement mechanisms are in place, ranging from automatic salary deductions to legal sanctions for ex-husbands who neglect their financial obligations to their children.¹⁶

Throughout this series of reforms, the codification of women's rights in modern Islamic family law has proven to be a bridge connecting Islam's message of spiritual justice with the demands of modern human rights-based law. The effort to position women as equal legal subjects, with sovereignty over their own decisions, and financial and emotional protection is not a deviation from Islamic teachings, but rather the most concrete fulfillment of the noble ideals of sharia in realizing social justice, respect for human dignity, and protection for vulnerable groups within the family system.

This codification process also touches on a fundamental aspect of the dynamics of family law, namely the transformation of legal protection during the pre-marital phase and the requirements for the validity of the marriage contract. One crucial issue addressed by modern Islamic family law is the minimum age for marriage and the elimination of child marriage. In the classical Islamic jurisprudence tradition, the absence of a strict age limit often opens the door to early marriages that exploit and harm women, both in terms of reproductive health, psychological readiness, and the right to education. Modern legal codification emphasizes that the minimum age for marriage must be raised and equalized for men and women, taking into account physical and mental maturity, as well as socio-economic readiness. This restriction is not merely an administrative matter, but a positive legal instrument to protect girls' rights from coercion or family economic pressures that often lead to premature marriage. Furthermore, the official marriage registration procedure at the civil registry office or religious affairs office is an imperative requirement. Without official registration, a marriage is considered to have no legal force in the eyes of the state, which will ultimately be very

¹⁶ Tobroni, Faiq. "Rethinking Posisi Mahram Pria dalam Fiqih Safar Perempuan." *Musāwa: Jurnal Studi Gender dan Islam* 9, no. 1 (2010): 41–61. <https://doi.org/10.14421/musawa.2010.91.41-61>.

detrimental to the position of women and children if legal disputes arise in the future, such as abandonment, inheritance distribution, or requests for custody.

Along with age restrictions and marriage registration, modern codification also fundamentally revised provisions regarding the free consent of prospective brides and grooms. The concept of *ijbar*, or the right to coerce, which in some classical Islamic jurisprudence literature rested with the guardian of the marriage, was explicitly amputated in modern legal codification. Conscious, free consent, and without intervention or intimidation from any party, from the prospective bride is made an absolute requirement for the validity of the marriage contract. The judge or marriage registrar has the authority and obligation to directly verify that the prospective bride gives her consent voluntarily. This step restores the essence of marriage as a pure agreement based on mutual love and respect, while simultaneously dismantling the perspective that positions women as objects of transaction or commodities transferable by family authorities.¹⁷

Another important aspect undergoing progressive codification is the restriction of the practice of polygamy. Based on a critical analysis of the just requirements enshrined in the Quran, modern Muslim countries have introduced strict regulations to narrow and restrict the permission for polygamy. Polygamy is no longer seen as an absolute right for men to exercise at any time according to their personal wishes, but rather as a very strict exception that must be processed through a court process. Before permission for polygamy is granted, the court must examine very stringent requirements, such as written consent from the first wife, clarity about the husband's financial ability to support more than one family, and guarantees of fair treatment for wives and children. In some jurisdictions, violating polygamy procedures without court permission can result in criminal sanctions for the husband or give the first wife the automatic right to file for divorce and demand compensation. These restrictive measures reflect the courage of modern law to protect women's emotional integrity and financial well-being from the destructive impacts of uncontrolled polygamy.¹⁸

Furthermore, the codification of modern Islamic family law also strengthens women's position in terms of inheritance rights and economic protection after the death of the head of the family. Classical Islamic jurisprudence often places a smaller share of women's inheritance than men's, based on the assumption that men bear the entire family's economic burden. However, when sociological realities indicate an increase in women's financial contributions, or when a woman becomes the sole breadwinner after her husband's death, the application of rigid

¹⁷Umar, Nasaruddin. *Argumentasi Kesetaraan Gender Perspektif Al-Qur'an*. Jakarta: Paramadina, 1999.

¹⁸Muhammad, Husein. *Fiqh Perempuan: Refleksi Kiai atas Tafsir Wacana Agama dan Gender*. Yogyakarta: IRCiSoD, 2019.

inheritance distribution often gives rise to injustice. To address this challenge, modern codification utilizes various legal instruments such as mandatory wills and the institution of gifts. Through mandatory wills, inheritance shares can be allocated to daughters or granddaughters who, under classical law, would be precluded by the presence of other male relatives. This mechanism ensures that daughters do not lose their rights to their parents' inheritance simply because of overly rigid patrilineal kinship rules.

The issue of protection against domestic violence has also become an integral part of the modern family law system. While in the past, domestic violence disputes were often considered a private domestic matter and had to be resolved behind closed doors, modern legal codification explicitly criminalizes all forms of physical, psychological, sexual violence, and economic neglect within the household. Victims of violence, the majority of whom are women, are granted legal rights to emergency protection, detention orders for perpetrators, and access to medical and psychological services covered or facilitated by the state. This legal guarantee provides a sense of security for women to speak out and break free from the cycle of violence without fear of losing their legal rights to their children or property.¹⁹

The process of legal engineering through codification was certainly not without challenges. There was considerable resistance from conservative groups who viewed the reform of family law as a deviation from traditional sharia teachings or the influence of Western values. However, modern Muslim legal formulators and academics successfully demonstrated that each point of reform incorporated into the codification had strong methodological roots in Islamic scholarly tradition, such as the use of the principle of *takhayyur*, or selecting the school of thought that best engenders the greatest benefit, and *talfiq*, or combining various legal perspectives to formulate the most just rule. By leveraging the internal flexibility of Islamic jurisprudence, modern codification proved itself an effective means of realizing the primary objectives of sharia: upholding social justice and protecting vulnerable groups.²⁰

Ultimately, the codification of women's rights in modern Islamic family law demonstrates that Islamic law is neither static nor resistant to change. This codification integrates the values of faith, the principles of substantive justice, and the demands of modern life into a robust and inclusive legal framework. By providing concrete guarantees of protection from before marriage, during marriage, through to divorce and inheritance, modern family law has successfully

¹⁹Muhammad, Husein. *Islam Agama Ramah Perempuan: Pembelaan Kiai Pesantren*. Yogyakarta: LKiS, 2004.

²⁰Rofiq, Ahmad. *Fiqh Kontekstual: Dari Normatif ke Pemaknaan Sosial*. Yogyakarta: Pustaka Pelajar, 2004.

established women's position, no longer as subordinates, but as sovereign, dignified legal subjects with equal rights in building a just and civilized society.²¹

4. Conclusion

The reinterpretation of gender jurisprudence in modern Islamic family law demonstrates that a renewal of interpretive methodology is an unavoidable necessity to maintain the relevance of Islamic law to the dynamics of contemporary society. The methodological shift from textualist reading to contextual hermeneutics has opened up space for a more comprehensive understanding of sharia norms by considering the historical background of the revelation of the texts, changes in social structures, the development of women's roles, and the primary objectives of Islamic law, which are oriented towards justice, welfare, and the protection of human dignity. This approach does not discount the authority of the Qur'an and Sunnah, but places them within a methodological framework that allows Islamic law to remain responsive to changing times without losing its normative legitimacy. A deconstruction of the classical fiqh doctrines of *qiwāmah*, *wilāyah*, and *nafāqah* shows that these three concepts are neither static nor absolute, but rather are the result of *ijtihad* constructions influenced by the social context during which they were formed. Therefore, reinterpreting these concepts is a legitimate methodological step as long as it remains based on the principles of Islamic jurisprudence, the *maqāṣid al-syarī'ah*, and the principle of benefit. The concept of *qiwāmah* is understood as a leadership responsibility oriented towards cooperation and partnership within the family, rather than as a legitimization of male superiority. Similarly, *wilāyah* is reinterpreted as a protective instrument that does not eliminate women's legal capacity or autonomy in decision-making, while *nafāqah* is understood as a family's economic responsibility whose implementation can be adjusted to the socio-economic conditions of the parties based on the principles of justice and agreement. The codification of women's rights in modern Islamic family law in various countries shows a tendency to harmonize the principles of Islamic sharia with the development of national laws and standards of human rights protection. Regulatory reforms regarding marriage, divorce, economic rights, child custody, and access to justice demonstrate that Islamic family law continues to develop through a process of institutional *ijtihad* that seeks to accommodate the needs of modern society. This codification demonstrates that Islamic values have the flexibility to be implemented in legislation that provides optimal protection for women's rights without neglecting the fundamental principles of sharia. Therefore, the reinterpretation of gender jurisprudence cannot be understood as an attempt to change Islamic teachings, but rather as a process of methodological renewal to actualize the universal values of sharia in the context of modern life. A contextual hermeneutic approach combined with the *maqāṣid al-syarī'ah* (the principles of Islamic law) produces a more inclusive, adaptive, and equitable

²¹Syarifuddin, Amir. *Hukum Perkawinan Islam di Indonesia*. Jakarta: Kencana Prenada Media, 2007.

paradigm for Islamic family law. Going forward, the development of Islamic family law requires strengthening the interdisciplinary *ijtihad* methodology through dialogue between Islamic jurisprudence, social sciences, law, and gender studies so that the resulting legal reforms retain religious legitimacy and are able to address the challenges of a constantly evolving society. In this way, Islamic family law can continue to function as an instrument for protecting rights, creating justice, and realizing the welfare of all family members regardless of gender.

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