


Criticism of Islamic Feminism towards Patriarchy in Islamic Family Law in Indonesia

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Article Info	ABSTRACT
<p>Article history:</p> <p>Received July, 2025 Revised July, 2025 Accepted July, 2025</p> <hr/> <p>Keywords:</p> <p>Islamic feminism, patriarchy, Islamic family law, gender justice, Indonesia</p>	<p>This study critically examines the perspectives of Islamic feminists on patriarchal elements embedded in Islamic family law in Indonesia. Using a qualitative approach, the research draws insights from five key informants, including scholars, activists, and legal practitioners engaged in Islamic feminist discourse. The findings reveal those patriarchal interpretations—particularly regarding male guardianship, polygamy, divorce, and inheritance—are rooted in socio-cultural biases rather than Islamic theological principles. Islamic feminists advocate for contextual reinterpretation (ijtihad) of religious texts to restore the egalitarian spirit of Islam. Through public education, legal advocacy, and collaboration with religious leaders, they promote reform efforts that challenge institutional resistance and conservative narratives. This study contributes to the broader discourse on gender justice in Muslim-majority societies by highlighting the transformative potential of Islamic feminism in reimagining family law in alignment with Islamic ethical values and contemporary gender equality.</p> <p><i>This is an open access article under the CC BY-SA license.</i></p> <div></div>

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1. INTRODUCTION

Islamic family law in Indonesia plays a pivotal role in regulating personal status and family matters for Muslim citizens, including marriage, divorce, inheritance, and guardianship, and is rooted in classical fiqh (Islamic jurisprudence) while integrating local customs (adat) and state interests. This legal framework—primarily governed by Marriage Law No. 1/1974 and the Compilation of Islamic Law (KHI) of 1991—reflects a complex blend of traditional Islamic principles and Indonesian socio-legal contexts, including unique provisions on inheritance and joint

property [1]. However, many interpretations of these laws have historically been shaped by patriarchal norms that privilege male authority, limiting women's rights within the family and prompting critiques and reform efforts. Scholars and activists advocating for gender justice have pushed for more egalitarian interpretations, resulting in initiatives like the Counter Legal Draft (CLD) of the KHI, which emphasizes equality and freedom as core Islamic values [2], and reforms that deviate from classical fiqh to include modern considerations such as marriage age limits and restrictions on

polygamy [3]. The evolution of religious court practices toward more contextual and civil law-aligned interpretations [4], signals a broader reform movement, although Islamic law in Indonesia remains primarily confined to family law and its full integration into the national legal system is still ongoing [5]. This dynamic reform process illustrates the tension between preserving traditional religious values and addressing contemporary demands for gender equality, reflecting a broader global challenge in reconciling Islamic jurisprudence with modern human rights principles.

Islamic feminism emerges as a critical movement that challenges patriarchal readings of Islamic texts and legal traditions, asserting that the Quran and Hadith, when interpreted contextually and holistically, uphold principles of equality and justice for both men and women. In Indonesia—the world's most populous Muslim-majority country—Islamic feminism has taken shape as a significant force advocating for gender justice within an Islamic framework, with scholars and activists reinterpreting religious texts to empower women and confront systemic gender biases in the legal system. Islamic feminists argue that traditional interpretations of the Quran and Hadith are male-centric, shaped by patriarchal societies, and advocate for reopening the door of *ijtihad* (independent reasoning) to recover the original egalitarian spirit of Islam [6]. Prominent Indonesian scholars like Lily Zakiyah Munir and Musdah Mulia, inspired by global Muslim feminists such as Amina Wadud and Asma Barlas, have led these reinterpretive efforts [7]. In regions like Makassar, Islamic feminists actively reject misogynistic readings of hadiths that undermine women's dignity, instead promoting contextual approaches aligned with Islamic values of justice and equality [8]. The translation and widespread circulation of works by international Muslim feminists have further enriched Indonesian feminist discourse, underscoring the need for gender-sensitive interpretations of Islamic teachings [7].

This paper aims to critically examine how Islamic feminists in Indonesia critique the patriarchal underpinnings of Islamic family law by exploring the ways in which they reinterpret Islamic sources, challenge traditional juristic authority, and advocate for legal reforms that better reflect the egalitarian spirit of Islam. Utilizing qualitative analysis with five key informants—including Islamic feminist scholars, legal practitioners, and gender rights advocates—the study investigates their perspectives, arguments, and strategies in confronting patriarchal legal constructs. The significance of this research lies in its contribution to ongoing debates on gender, law, and religion in Indonesia, highlighting not only the tensions between traditional legal interpretations and contemporary gender discourses but also the transformative potential of Islamic feminism as a framework for legal reform. By documenting the voices of those actively engaged in this critical discourse, the study aims to inform broader conversations on religious authority, women's rights, and legal pluralism in the Indonesian context.

2. LITERATURE REVIEW

2.1 *Islamic Feminism: A Framework for Gender Justice*

Islamic feminism is a reformist movement that seeks to harmonize Islamic teachings with gender equality and justice by challenging patriarchal interpretations of Islam through a contextual and ethical re-reading of foundational texts. Drawing on the Quran, Hadith, and Islamic history, scholars such as Amina Wadud, Fatima Mernissi, and Asma Barlas argue that gender-biased interpretations are not intrinsic to Islam but are shaped by historically male-dominated cultural contexts. Islamic feminists emphasize the use of *ijtihad* (independent reasoning) to reinterpret religious texts in light of contemporary gender dynamics, thus questioning traditional authority structures and advocating for jurisprudence rooted in Islamic ethics rather than rigid legalism. Through reinterpretation strategies such as intertextuality and intratextuality, they

promote justice and equality by comparing Quranic verses and situating them within broader ethical contexts [6], [9]. This methodological approach challenges conventional readings that have historically marginalized women's rights and asserts that Islam inherently guarantees gender equality [6]. Emerging as part of a broader reform movement since the mid-19th century, Islamic feminism is also closely linked to global democratic and civil rights movements, positioning itself as a resistance to both patriarchal religious norms and Western secular models of modernity [10], [11].

2.2 Patriarchy in Islamic Legal Traditions

Patriarchy, as defined by Sylvia Walby, is a systemic structure that upholds male dominance and female subordination, deeply embedded across various social institutions, including religious and legal frameworks such as Islamic law. Within Islamic legal traditions, patriarchal interpretations—such as male guardianship (*wilayah*) and gender-biased inheritance laws—often reflect the socio-cultural contexts of classical jurists rather than immutable divine injunctions. This aligns with Kecia Ali's assertion that many classical rulings in Islamic jurisprudence are products of pre-modern patriarchal norms, not essential Islamic values. For example, the concept of *qiwamah* has frequently been invoked to justify male authority within the family, although a contextual reading of the Quran suggests mutual responsibility and a more egalitarian ethic. Sociologically, patriarchy has been sustained through male-dominated family structures that extend to broader social hierarchies, reinforcing gendered access to resources and authority [12]. Furthermore, patriarchy operates intersectionally with other systems of power, such as white supremacy and heteronormativity, forming layered and complex mechanisms of domination that cannot be understood in isolation.

2.3 Islamic Family Law in Indonesia

The Compilation of Islamic Law (KHI), established in Indonesia in 1991, has been widely criticized for institutionalizing

patriarchal norms, particularly in its provisions on polygamy, household leadership, and women's legal rights, which many scholars argue conflict with both the Indonesian constitution and international human rights standards. The KHI permits polygamy under certain conditions, a practice that has been criticized for reinforcing gender inequality, causing injustice toward women and children, and fostering familial tensions [13], [14]. Additionally, its patriarchal interpretations contribute to the double burden experienced by women, who are expected to balance domestic responsibilities with participation in the public workforce, highlighting the need for a more gender-sensitive legal approach [15]. The KHI is also linked to the persistence of domestic violence, as its cultural reinforcement of male authority often places women in vulnerable positions; thus, legal reform is deemed essential to fostering gender equality and achieving harmonious marriages [16]. In response to these issues, scholars advocate for revising the KHI to align with gender justice and democratic values, including reforms that enhance women's rights in marriage, divorce, and inheritance [13]. A more equitable legal framework is also called for to regulate practices such as polygamy in a way that protects all parties and minimizes harmful effects [14], emphasizing the urgent need to reform Islamic family law in Indonesia to reflect contemporary understandings of justice and equality.

2.4 Previous Studies on Gender Reform in Islamic Law

Efforts to challenge gender bias in Islamic family law, particularly in Indonesia, have been strongly influenced by progressive Muslim scholars and organizations advocating for gender-sensitive interpretations of Islamic texts, aiming to shift the traditional paradigm of male authority toward a model of gender partnership within family life. In Indonesia, organizations such as Rahima, Fahmina, and the Indonesian Conference on Religion and Peace (ICRP) have played pivotal roles in promoting these reformist perspectives, supported by

empirical studies from scholars like Musdah Mulia, who document reinterpretations of Quranic verses to advocate for equal marital rights, women's leadership, and shared responsibilities in parenting and household management [2], [17]. Musdah Mulia's development of the Counter Legal Draft of the Compilation of Islamic Law underscores the emphasis on equality and freedom as core Islamic values, proposing reforms that embed these principles into family regulations [2]. Similarly, Adis Duderija highlights the use of *maqasid al-shariah* (higher objectives of Islamic law) and gender-egalitarian Quranic hermeneutics to reinterpret family laws and move away from patriarchal legacies [18], while international examples from Morocco and Tunisia show that Islamic family law can be aligned with gender justice through contextual and ethical interpretation [17]. Nevertheless, challenges remain, as traditional interpretations continue to uphold gender-biased practices such as polygamy, unequal inheritance rights, and the requirement of male guardianship in marriage—elements rooted in classical jurisprudence that resist progressive change [19]. Moreover, Islamic feminists face limitations due to the enduring influence of traditional interpretive authorities and conservative readings of scripture in many Muslim societies [20].

3. METHODS

The research employs a phenomenological design to explore and interpret the lived experiences and critical perspectives of Islamic feminist figures in Indonesia. This approach is particularly suitable for understanding how individuals perceive, interpret, and contest the patriarchal values embedded in Islamic family law. The focus lies on the meanings these informants construct from their engagement in gender justice advocacy and Islamic legal discourse, capturing their personal and intellectual journeys in challenging established norms.

The study involves five key informants selected through purposive sampling, comprising Islamic feminist

scholars, gender activists, legal practitioners, and religious educators who are actively involved in advancing gender justice within the framework of Islamic teachings. The selection criteria include deep knowledge of Islamic law and feminism, involvement in legal reform or advocacy, and experience in writing, teaching, or engaging the public on gender and Islam. To ensure ethical integrity, the identities of all informants are anonymized to protect confidentiality and encourage open, honest dialogue throughout the research process.

Data collection was conducted through in-depth semi-structured interviews, each lasting between 60 to 90 minutes, and held either face-to-face or via online platforms such as Zoom or Google Meet, depending on informant availability. The interviews explored themes such as perceptions of patriarchy in Islamic family law, theological and legal bases for critique, personal experiences in advocacy, and recommendations for reform. All interviews were recorded with consent and transcribed verbatim for analysis. Thematic analysis, following Braun and Clarke's (2006) framework, was used to interpret the data, involving steps of familiarization, coding, theme development, and refinement. NVivo software supported the organization and coding process, facilitating systematic analysis of themes related to patriarchal critique, reinterpretation strategies, and reform agendas.

4. RESULTS AND DISCUSSION

4.1 *Perceptions of Patriarchy in Islamic Family Law*

All informants strongly agreed that patriarchal norms are deeply embedded in the formulation and implementation of Islamic family law in Indonesia, particularly within the Compilation of Islamic Law (KHI). Several key aspects were consistently identified as problematic, including *wali nikah* (male guardianship), which restricts women's agency by allowing only male family members to serve as marriage guardians. Polygamy, permitted under specific

conditions in the KHI, was seen as an institutionalized form of male privilege. Informants also highlighted unequal divorce rights—where men can unilaterally pronounce talaq, while women must go through court procedures—as creating a legal imbalance in marital power. Additionally, inheritance laws that uphold a 2:1 ratio in favor of male heirs were criticized for reinforcing women's economic dependency and limiting their autonomy within the family structure.

An Islamic law scholar (Informant A) emphasized the importance of distinguishing between religious doctrine and socio-cultural influences, stating, “Patriarchy is not divine; it is a result of human interpretation. We must distinguish between the sacred text and the socio-cultural context in which it was interpreted.” This view encapsulates the broader consensus among the informants that current patriarchal interpretations are products of historical contexts rather than intrinsic elements of Islamic theology. Their critiques reflect a collective call for the reevaluation and reform of Islamic legal norms to align more closely with the principles of justice, equality, and the ethical essence of Islam.

4.2 Reinterpretation of Islamic Texts

The informants emphasized the importance of contextual and gender-just reinterpretations (tafsir and ijtihad) of Islamic texts, arguing that many Quranic verses—when analyzed within their socio-historical contexts—actually promote principles of justice, equality, and mutual responsibility between genders. A key example frequently cited was the verse on qiwamah (Surah An-Nisa: 34), which is often misinterpreted to legitimize male superiority. Feminist scholars and informants asserted that this verse, when read contextually, refers primarily to financial responsibility within the household rather than granting men inherent authority over women.

Informant B, a gender justice educator, reinforced this perspective by explaining, “The Quran uses the term zawj, not rajul or imra’ah when discussing spouses.

This gender-neutral term emphasizes partnership. Patriarchy emerges not from the Quran but from male-centered tafsir.” This interpretation aligns with the feminist hermeneutics of scholars such as Amina Wadud and Asma Barlas, who advocate for rereading the Quran to recover its ethical essence and separate divine intent from patriarchal legal frameworks. Such approaches seek to realign Islamic teachings with the core values of justice and equality, offering a transformative foundation for reinterpreting family law in more inclusive and equitable ways.

4.3 Strategies for Legal Reform

Islamic feminists in Indonesia employ a range of strategic approaches to advocate for reform in Islamic family law, combining education, legal activism, and community engagement to promote gender justice within an Islamic framework. These strategies include organizing educational programs, writing articles, and facilitating public discussions to raise awareness about gender justice in Islam; collaborating with moderate clerics (ulama) and scholars from pesantren to promote inclusive interpretations of religious texts; engaging in legal advocacy through partnerships with women's organizations to propose revisions to the Compilation of Islamic Law (KHI) and influence the practices of family courts; and mobilizing grassroots efforts by empowering women in rural areas to understand and claim their rights under both religious and civil law. As explained by Informant C, a legal activist, “We try to create an Islamic narrative that supports justice, so that communities are not forced to choose between Islam and gender equality—they can have both.” This integrated and contextually grounded approach underscores the dynamic efforts of Islamic feminists to bridge faith and feminism in the Indonesian socio-legal landscape.

4.4 Challenges and Resistance

Despite significant efforts, informants acknowledged that they continue to face strong resistance from conservative religious authorities, rigid bureaucratic structures, and deeply rooted cultural norms. This resistance

is often expressed through the labeling of feminist discourse as Western or anti-Islamic, the institutional inflexibility of religious courts and ministries, and the widespread misinterpretation of reform initiatives as deviations from authentic religious tradition. Informant D, a women's rights campaigner, stated, "Our greatest obstacle is not the religion, but those who claim monopoly over its interpretation. They fear change because it threatens their authority." Such resistance highlights broader challenges faced across many Muslim societies, where calls for reform are frequently seen as threats to religious orthodoxy and institutional power. Nevertheless, Islamic feminists in Indonesia persist in their advocacy by firmly grounding their reform efforts in Islamic sources and ethical reasoning, demonstrating that the pursuit of gender justice is both authentically Islamic and socially transformative.

4.5 Theoretical Implications

The findings demonstrate that Islamic feminism in Indonesia is not a rejection of Islamic law, but rather a critical response to patriarchal interpretations that have distorted the egalitarian spirit of Islam, aiming instead to harmonize faith with justice by returning to the ethical foundations of the Quran. This approach aligns with the broader theoretical framework of gender-sensitive *ijtihad*, which advocates for reinterpretation of religious texts in light of evolving socio-cultural contexts and challenges the perception of Islamic law as rigid or unchangeable, emphasizing instead its dynamic and living nature. The Indonesian context presents a distinctive case where Islamic feminism operates at the intersection of state law and

religious doctrine, enabling reform efforts within a plural legal system. By integrating religious reasoning with gender analysis, Islamic feminists in Indonesia are able to engage with communities that might otherwise be resistant to secular feminist discourse, thereby advancing a culturally resonant and theologically grounded path toward gender justice.

5. CONCLUSION

This research underscores the critical role Islamic feminism plays in challenging patriarchal structures within Indonesia's Islamic family law. The informants—comprising Islamic feminist scholars, legal experts, and activists—highlight how key legal provisions reflect male-dominated interpretations rather than the core egalitarian teachings of Islam. By applying contextual hermeneutics and ethical reasoning rooted in Islamic sources, Islamic feminists strive to deconstruct gender-biased norms related to marriage, divorce, inheritance, and guardianship. Despite resistance from religious institutions and cultural conservatism, reform efforts are underway through educational campaigns, engagement with religious authorities, and legal advocacy. The study concludes that genuine reform in Islamic family law requires both critical engagement with traditional jurisprudence and the empowerment of women as equal stakeholders in interpreting and shaping Islamic legal discourse. Islamic feminism thus offers a legitimate and powerful pathway toward achieving gender justice without compromising religious values.

REFERENCES

- [1] E. Nurlaelawati, "Managing familial issues Unique features of legal reform in Indonesia," 2013.
- [2] S. M. Mulia, "Muslim family law reform in Indonesia a progressive Interpretation of The Qur'an," *Al-Mawarid J. Huk. Islam*, pp. 1–18, 2015.
- [3] I. Ismail, "Pembaruan pemikiran hukum keluarga Islam di Indonesia," *Ijtihad J. Wacana Huk. Islam dan Kemanus.*, vol. 11, no. 2, pp. 145–163, 2011.
- [4] N. Syarif, "The Discourse and Practice of Islamic Family Law in Indonesia," *Psychol. Educ. J.*, vol. 58, no. 1, pp. 5201–5212, 2021.
- [5] E. A. Rohmah and M. Nu'man, "النظام أحكام الشريعة الإسلامية في إندونيسيا," *J. AL-IHDA' Media Ilm. Bhs. Arab*, vol. 11, no. 1, 2023.
- [6] F. Shahin, "Islamic feminism and hegemonic discourses on faith and gender in Islam," *Int. J. Islam Asia*, vol. 1, no. 1, pp. 27–48, 2020.
- [7] N. Nurmila, "The influence of global Muslim feminism on Indonesian Muslim feminist discourse," *Al-Jami'ah J. Islam*.

- Stud.*, vol. 49, no. 1, pp. 33–64, 2011.
- [8] T. Tasbih, A. Langaji, S. A. Hafid, A. F. Bakti, and A. G. Haris, "Islamic feminists' rejection of the textual understanding of misogynistic hadiths for the advancement of gender justice in Makassar, Indonesia," *Samarah J. Huk. Kel. Dan Huk. Islam*, vol. 8, no. 1, pp. 196–215, 2024.
 - [9] R. Iqbal, "Nurturing Gender Justice: Qur'anic Interpretation and Muslim Feminist Thought," *J. Fem. Stud. Relig.*, vol. 39, no. 2, pp. 59–61, 2023.
 - [10] H. Jawad, "Islamic feminism: Leadership roles and public representation," *Hawwa*, vol. 7, no. 1, pp. 1–24, 2009.
 - [11] A. Kynsilehto, "Islamic feminism: current perspectives," *A. Kynsilehto*, vol. 96, pp. 9–13, 2008.
 - [12] V. Beechey, "On patriarchy," *Fem. Rev.*, vol. 3, no. 1, pp. 66–82, 1979.
 - [13] D. Azhari and A. Asmuni, "Progressive Steps in Reforming Indonesian Islamic Family Law Through Gender Studies," *Syakhshiyah J. Huk. Kel. Islam*, vol. 3, no. 2, pp. 210–225, 2023.
 - [14] A. Iswandi, "Poligami di Indonesia: Analisis Praktik Hukum Keluarga Islam," *Qonuni J. Huk. Dan Pengkaj. Islam*, vol. 3, no. 02, pp. 1–11, 2023.
 - [15] Q. Qothrunnada, A. S. Q. Maghfur, and L. Kushidayati, "For Justice! The Double Burden of Women in Indonesia from the Perspective of The Compilation of Islamic Law," *Al-Ahkam J. Sharia Sci. Law*, vol. 9, pp. 61–74.
 - [16] D. R. Auliya, V. A. B. Sinuhaji, F. Utami, N. Z. Prakoso, N. L. Azalia, and E. L. Rizkiyah, "Perspektif Agama Islam Terhadap Kesetaraan Gender Dalam Rumah Tangga," *Moderasi J. Kaji. Islam Kontemporer*, vol. 1, no. 01, 2022.
 - [17] L. Larsen, K. Vogt, C. Moe, and Z. Mir-Hosseini, "Gender and equality in Muslim family law," 2013.
 - [18] A. Duderija, "Maqāsid Al Shari Ah, Gender Egalitarian Qur' Ānic Hermeneutics and the Reformation of Muslim Family Law," *Adis Duderija, Palgrave*, 2014.
 - [19] I. Hayati, B. Edyar, and R. Sanjaya, "Hukum Keluarga Islam Di Indonesia Dalam Diskursus Ketidaksetaraan Gender," *Berasan J. Islam. Civ. Law*, vol. 2, no. 2, pp. 165–190, 2023.
 - [20] Q. Mirza, "Islamic Feminism & Gender Equalit.,(1), 30-31," from <https://hdl.handle.net/1887/17220> Version Not applicable (or Unknown) *Licenses. Leiden University Non-exclusive License. Downloaded from https://hdl.handle.net/1887/17220*, 2008.