

Maqāṣid-Based Post-Divorce Protection: Gender Justice Reform in Indonesia, Morocco, and Tunisia

Dedah Jubaedah,^{1*} Imron Hamzah bin Syuhud,² Mowafg Abraham Masuwd,³ Aliyeva Patimat,⁴
Dainora Jankauskiene⁵

¹ UIN Sunan Gunung Djati Bandung, Indonesia

² Al-Ahgaḥ University, Yemen

³ University of Zawia, Az Zawiyah, Libyan Arab Jamahiriya

⁴ Moscow State University of Technologies and Management, Moscow, Russian Federation

⁵ Klaipeda State University of Applied Sciences, Klaipeda, Lithuania

*Corresponding author: Dedah Jubaedah

E-mail: dedahjubaedah@uinsgd.ac.id

Article History:

Received: January 4, 2026 | Revised: May 20, 2026 | Accepted: June 15, 2026 | Published: June 30, 2026

Citation (APA Style):

Jubaedah, D., Syuhud, I. H. B., Masuwd, M. A., Shapiulayevna, A. P., & Jankauskiene, D. (2026). Maqāṣid-Based Post-Divorce Protection: Gender Justice Reform in Indonesia, Morocco, and Tunisia. *Munakahat: Journal of Islamic Family Law*, 2(2), 16-29.

Abstract

Background: Divorce in contemporary Islamic family law involves not only marital dissolution but also challenges concerning women's economic security, recognition of marital contributions, and children's welfare. Existing studies often examine national reforms separately and provide limited explanation of how Islamic family law transforms formal rights into substantive justice.

Objective: This study aims to analyze post-divorce family protection reforms in Indonesia, Morocco, and Tunisia and develop a maqāṣid-based framework for strengthening gender justice and sustainable family governance.

Methods: Using a qualitative doctrinal and comparative legal approach, this research examines statutory regulations, judicial practices, and Islamic family law reforms in the three jurisdictions. The analysis applies gender justice and *maqāṣid al-sharī'ah*, particularly *ḥifẓ al-māl*, *ḥifẓ al-'ird*, *ḥifẓ al-nasl*, and *maṣlaḥah*.

Results: The findings identify three reform trajectories: Indonesia emphasizes judicial contextualization through joint marital property, post-divorce maintenance, *mut'ah*, and child support; Morocco advances legislative reform through the *Mudawwanah al-Usrah*; while Tunisia applies a stronger state-centered protection model. The study proposes the *Maqāṣid-Based Post-Divorce Family Protection (MPFP) Model* consisting of economic protection, recognition of marital contribution, child-centered protection, judicial accessibility, and sustainable family welfare.

Conclusion: Gender justice and *maqāṣid al-sharī'ah* provide complementary foundations for transforming Islamic family law toward substantive post-divorce justice.

Novelty: The MPFP Model offers a comparative governance framework integrating legal reform, social welfare, and institutional protection for women and children after divorce.

Keywords: post-divorce protection; gender justice; Islamic family law; *maqāṣid al-sharī'ah*; comparative legal reform.

INTRODUCTION

Divorce in contemporary societies represents more than the dissolution of marital relationships; it is a critical legal transition that determines the economic security, social position, and future welfare of former spouses and children. One of the critical challenges after divorce concerns the continuity of financial support for former spouses and children. Comparative studies on post-divorce income distribution demonstrate that legal systems

attempt to balance religious obligations and national regulations in ensuring the economic protection of women after marital dissolution (Khomala & Syarif, 2022). In many societies, women's vulnerability after marital dissolution is also shaped by broader gender relations, cultural norms, and unequal power structures that may limit women's ability to access protection and rebuild their social and economic security (Iqbal et al., 2026). In many legal systems, the consequences of divorce are often experienced unevenly, with women facing greater risks of economic vulnerability due to unequal access to marital assets, limited post-divorce financial support, and inadequate recognition of their unpaid contributions during marriage (Fredrick et al., 2025). Beyond economic vulnerability, women experiencing marital dissolution may also face broader social and psychological risks, particularly when divorce is preceded by domestic violence or unequal power relations within marriage. Recent studies on women's experiences after domestic violence demonstrate that gender-based vulnerabilities are often connected with social structures, limited protection mechanisms, and difficulties in rebuilding secure post-separation lives (Çalışkan, 2025). Recent studies on gender inequality demonstrate that divorce may reproduce existing structural disadvantages when legal institutions fail to provide effective mechanisms for protecting women's economic interests. Therefore, modern family law debates have increasingly emphasized the importance of transforming divorce regulation from a purely procedural mechanism into a broader framework of justice, protection, and sustainable family governance. Within Islamic family law, this transformation has become particularly significant because family regulations must continuously negotiate between classical legal traditions, contemporary social realities, and emerging principles of gender justice.

Islamic family law has historically developed around principles of responsibility, fairness, and protection of family welfare. However, interpretations regarding women's rights after divorce have varied significantly across Muslim societies due to differences in legal traditions, social structures, and state reform agendas. Contemporary Islamic legal scholarship argues that the protection of women after divorce should not be limited to maintaining traditional financial obligations but should also include recognition of women's economic contributions, protection of marital property rights, and assurance of post-divorce dignity. The concept of *maqāṣid al-sharī'ah* provides an important normative foundation for this development by emphasizing the objectives of Islamic law, particularly the protection of wealth (*ḥifẓ al-māl*), dignity (*ḥifẓ al-'ird*), lineage (*ḥifẓ al-nasl*), and public welfare (*maṣlahah*). Through this perspective, legal mechanisms that strengthen women's economic security after divorce can be understood as part of Islamic legal objectives rather than as a contradiction of religious principles.

Different Muslim-majority countries have developed diverse approaches to addressing women's property rights and financial protection after divorce. Indonesia, Morocco, and Tunisia provide significant comparative examples because each jurisdiction represents a distinct model of Islamic family law reform. Different Muslim-majority countries have developed diverse approaches to addressing women's property rights and financial protection after divorce. Indonesia, Morocco, and Tunisia provide significant comparative examples because each jurisdiction represents a distinct model of Islamic family law reform. In Southeast Asia, family law reforms have also reflected efforts to harmonize Islamic legal traditions with constitutional values, social transformation, and the protection of human rights. The development of Islamic family law demonstrates a continuous process of reinterpretation in which religious norms are integrated with contemporary legal objectives, including justice, equality, and family welfare (Safira et al., 2026). Indonesia combines Islamic jurisprudence with national legislation through the Marriage Law and the Compilation of Islamic Law (*Kompilasi Hukum Islam*), where religious courts play an important role in determining post-divorce rights, including *nafkah iddah*, *mut'ah*, marital property (*harta bersama*), and child maintenance obligations. Similar developments can also be observed in other Southeast Asian Muslim societies, where joint property division has increasingly been examined through the perspective of gender equality and Islamic legal principles. Studies from Malaysia demonstrate that local legal practices and social values influence the recognition of women's contributions in marital property arrangements (Hussin et al., 2025). Morocco has undertaken substantial reform through the *Mudawwanah al-Usrah* (Family Code), which strengthens women's legal standing in divorce proceedings and provides greater recognition of women's economic interests. Tunisia, meanwhile, represents one of the most progressive examples of statutory family law reform in the Muslim world by establishing stronger judicial control over divorce consequences and providing broader financial protection mechanisms for women. These differences demonstrate that Islamic family law reform operates within diverse political, cultural, and institutional environments while sharing a common concern for justice and family welfare.

Despite significant developments in Islamic family law reform, challenges remain regarding the effective realization of women's rights after divorce. Formal recognition of legal rights does not always guarantee

substantive protection because many women continue to experience difficulties in accessing marital property, obtaining financial support, and enforcing court decisions. Previous research has examined various dimensions of divorce law, including maintenance obligations, child custody, marital property distribution, and women's legal status. However, much of the existing literature remains focused on individual national contexts or specific legal issues without providing a comprehensive comparative framework that connects women's economic rights, gender justice, and *maqāṣid al-sharī'ah*-oriented governance. Recent studies on Indonesian Islamic family law have also highlighted that gender inequality may persist within divorce mechanisms, particularly in women-initiated divorce (*khul'* and *ceraai gugat*), where procedural burdens, compensation requirements, and unequal access to legal protection influence women's post-divorce vulnerability (Nurfatma & Fithriyyah, 2026). However, these studies primarily focus on Indonesian legal contexts and feminist Islamic legal analysis, leaving comparative questions involving broader Islamic family law reform models relatively underexplored. This limitation indicates the need for an integrated analytical approach capable of explaining how Islamic family law systems can respond to contemporary challenges while preserving their normative foundations.

This study aims to examine the development of women's property rights after divorce in Indonesia, Morocco, and Tunisia through a comparative Islamic family law perspective. By combining gender justice analysis and *maqāṣid al-sharī'ah* principles, this research seeks to identify how different legal systems construct mechanisms for protecting women's economic interests and promoting sustainable family welfare after marital dissolution. The study contributes to the existing literature by proposing the *Maqāṣid-Based Post-Divorce Family Protection (MPFP) Model*, which consists of five interconnected dimensions: women's economic protection, recognition of marital contribution, child-centered protection, judicial accessibility, and sustainable family welfare. This model argues that the protection of women's property rights after divorce is not merely a matter of individual legal entitlement but represents a fundamental element of contemporary Islamic family governance. Through comparative analysis, this research demonstrates how Islamic family law can evolve as a responsive legal framework capable of addressing gender inequality, strengthening family resilience, and achieving broader objectives of justice and social welfare.

LITERATURE REVIEW

Contemporary scholarship on Islamic family law has increasingly shifted from viewing divorce merely as the termination of marital relations toward understanding it as a complex legal and social process involving economic security, gender relations, and post-marital welfare. Recent studies in Islamic family law also demonstrate the diversity of contemporary family law issues in Indonesia, where legal discussions extend beyond marriage and divorce regulation to broader interactions between Islamic norms, religious practices, and social realities (Fitriyah & Adnan, 2025). Within this perspective, women's property rights after divorce have become a significant area of inquiry because divorce frequently produces asymmetric social and economic consequences between men and women. Previous studies demonstrate that post-divorce property disputes are not only influenced by statutory regulations but also shaped by social, cultural, and religious norms that determine the recognition and distribution of marital assets. In the Indonesian context, the controversy over *sunrang* in Makassar illustrates how customary practices interact with Islamic legal principles in determining post-divorce ownership and women's economic rights (Abdillah et al., 2024). Previous studies further demonstrate that women often experience greater vulnerability after marital dissolution due to unequal access to financial resources, limited recognition of unpaid domestic contributions, and weaknesses in legal enforcement mechanisms (Meinzen-Dick et al., 2025). Similar patterns of inequality have also been identified in broader property rights contexts, where women may possess formal legal recognition but continue to experience barriers in accessing and controlling economic resources. Studies on women's land rights demonstrate that the effectiveness of legal protection depends not only on statutory recognition but also on social structures, institutional capacity, and enforcement mechanisms (Asfaw et al., 2025). Recent research on gender-based inequality and women's economic insecurity highlights that legal systems must move beyond formal equality toward substantive justice by ensuring that women are protected from structural disadvantages after divorce. Therefore, contemporary Islamic family law reforms increasingly incorporate principles of justice, welfare, and human dignity as essential foundations for regulating post-divorce consequences.

The concept of gender justice provides an important analytical framework for examining the transformation of women's rights within Islamic family law. Gender justice emphasizes fairness, recognition of social roles, and correction of historical inequalities. This perspective is also reflected in broader discussions of Islamic property relations, including inheritance and marital asset distribution, where contemporary studies highlight continuing

tensions between classical legal interpretations, social realities, and women's demands for equitable access to economic resources (Rini, 2026). Unlike approaches that interpret gender equality solely through identical treatment between men and women, gender justice emphasizes fairness, recognition of social roles, and correction of historical inequalities. The persistence of gender disparities in access to property and inheritance rights demonstrates that legal equality does not always produce substantive justice. Comparative studies on Indonesian inheritance law reveal that women may continue to encounter structural inequalities in the distribution and recognition of economic rights, highlighting the importance of gender-responsive legal reform (Wulandari et al., 2025). Contemporary family law reforms in various jurisdictions also demonstrate broader debates concerning the relationship between marriage institutions, individual rights, and evolving concepts of equality. Studies on marriage reform indicate that legal systems increasingly face challenges in balancing traditional understandings of family structures with emerging demands for recognition, protection, and equal legal status (Kuttappan & Kaur Tiwana, 2025). Although debates on marriage equality differ from issues of women's property rights after divorce, they reflect a wider transformation in family law discourse concerning justice, legal recognition, and the protection of individual rights. In the Indonesian context, the realization of gender justice in Islamic family law is also influenced by the interaction between religious norms, state law, and professional legal institutions. The reconstruction of legal authority within Islamic family law demonstrates that institutional arrangements play an important role in ensuring that Islamic legal principles are implemented in ways that respond to contemporary demands for justice and equality (Anwar et al., 2025). Studies on women's rights in Muslim societies indicate that family law reforms in various countries have attempted to reconcile Islamic legal traditions with contemporary demands for women's protection. In Indonesia, Morocco, and Tunisia, legislative developments demonstrate different trajectories of reform regarding women's financial rights after divorce. Indonesia has strengthened judicial mechanisms concerning *nafkah iddah*, *mut'ah*, marital property (*harta bersama*), and child maintenance obligations. Morocco's reform through the *Mudawwanah al-Usrah* introduced broader recognition of women's economic interests, including marital property arrangements and judicial supervision of divorce consequences. Meanwhile, Tunisia has adopted a more statutory-oriented approach by institutionalizing stronger financial protections and compensation mechanisms for divorced women. These comparative developments illustrate that Islamic family law is not static but continuously evolves through interaction between religious norms, social realities, and legal institutions.

The theoretical foundation of this study is also connected to *maqāṣid al-sharī'ah*, which provides a normative framework for evaluating whether legal reforms achieve broader objectives of Islamic law. Recent studies on Islamic family law have also emphasized that *maqāṣid al-sharī'ah* should be understood as a framework for developing sustainable family governance by balancing individual rights, family responsibilities, and social welfare objectives (Hasan et al., 2024). Contemporary *maqāṣid* scholarship emphasizes that the protection of human welfare (*maṣlaḥah*) should become the central objective of legal interpretation, including in family law matters. Recent studies further demonstrate that Islamic legal institutions traditionally associated with women's financial security, such as mahr, can be reinterpreted within contemporary family law frameworks to strengthen women's economic autonomy and bargaining position. The revitalization of mahr within Muslim family law illustrates that Islamic legal concepts may serve as instruments of women's empowerment when interpreted through principles of justice, dignity, and welfare (Okumuş & Gümüş, 2025). Recent Islamic legal studies demonstrate that *maqāṣid al-sharī'ah* has increasingly been employed as an interpretative framework for addressing contemporary family law issues by balancing religious principles, human welfare, and gender justice. This approach allows Islamic law to respond to changing social realities while maintaining its normative foundations (Aulia et al., 2025). Within this framework, women's property rights after divorce are closely associated with the protection of wealth (*ḥifẓ al-māl*), dignity (*ḥifẓ al-'ird*), lineage (*ḥifẓ al-nasl*), and family stability. This perspective is strengthened by empirical studies demonstrating that women's contributions within families extend beyond formal economic activities, as women frequently play significant roles in household management, family welfare, and economic resilience. Recognizing these contributions is essential in developing a more substantive understanding of justice in marital property arrangements and post-divorce protection (Chance & Sardi Abdoul, 2025). Recent studies argue that Islamic family law reform should not only preserve traditional legal structures but also respond to changing social conditions, including women's economic participation, changing family structures, and increasing awareness of human rights. Accordingly, the recognition of women's economic contributions during marriage and the protection of their financial interests after divorce can be understood as consistent with the higher objectives of Islamic law rather than as a departure from Islamic legal principles.

Comparative legal studies on Muslim-majority countries reveal that post-divorce women's rights are shaped by different historical, political, and institutional contexts. Research on Morocco and Tunisia demonstrates that North African family law reforms have been influenced by state modernization projects, women's rights movements, and reinterpretations of Islamic legal principles. Morocco's family law reform has expanded judicial discretion and strengthened women's position in divorce proceedings, while Tunisia has maintained one of the most progressive family law systems in the Muslim world through extensive state regulation of marriage and divorce. In Indonesia, the interaction between Islamic jurisprudence, national legislation, and religious court practices has produced a distinctive model of family law governance. Studies on Indonesian religious courts indicate that judicial activism, including the use of *ex officio* authority, has contributed to strengthening women's and children's rights after divorce. However, existing literature also identifies continuing challenges, particularly regarding the implementation of court decisions, economic dependency, and unequal bargaining positions between former spouses.

Although previous studies have extensively examined divorce regulation, women's rights, and Islamic family law reform, limited attention has been given to developing an integrated comparative model that connects gender justice, women's property rights, and *maqāṣid al-sharī'ah*-based governance across different Muslim legal systems. Most existing research focuses either on specific national contexts or particular aspects of divorce rights, such as child custody, maintenance, or marital property. This study addresses this gap by comparatively analyzing Indonesia, Morocco, and Tunisia as three distinct models of Islamic family law development. By integrating gender justice theory and *maqāṣid al-sharī'ah* perspectives, this research proposes the *Maqāṣid-Based Post-Divorce Family Protection (MPFP) Model* as an analytical framework for understanding sustainable family governance after divorce. The model emphasizes five interconnected dimensions: women's economic protection, recognition of marital contribution, child-centered protection, judicial accessibility, and sustainable family welfare. Through this approach, the study contributes to broader debates on Islamic family law reform by demonstrating that women's property rights after divorce represent not only a matter of individual entitlement but also a fundamental component of justice-oriented and sustainable family governance.

METHODS

This study employs a qualitative doctrinal and comparative legal research approach to examine the development of women's property rights after divorce within contemporary Islamic family law. The doctrinal approach is used to analyze legal norms, statutory provisions, judicial interpretations, and institutional policies governing post-divorce rights, particularly regarding marital property, financial maintenance, compensation mechanisms, and children's welfare. The comparative approach is adopted to identify similarities, differences, and reform patterns across three Muslim-majority jurisdictions: Indonesia, Morocco, and Tunisia. These countries were selected because they represent different trajectories of Islamic family law reform, ranging from a state-regulated religious legal system in Indonesia, a codified reform model through *Mudawwanah al-Usrah* in Morocco, to a more progressive statutory framework under the *Code of Personal Status* in Tunisia. Previous studies have demonstrated that Islamic family law reforms increasingly respond to social transformation, gender relations, and the demand for stronger protection of vulnerable family members after marital dissolution (Rahmawati et al., 2025; Shiddieqy et al., 2025).

The primary legal materials examined in this research consist of national family law regulations, judicial practices, and scholarly interpretations related to women's rights after divorce. For Indonesia, the analysis focuses on Law No. 1 of 1974 concerning Marriage as amended by Law No. 16 of 2019, the *Compilation of Islamic Law (Kompilasi Hukum Islam)*, and developments in the decisions of the Religious Courts regarding *nafkah iddah*, *mut'ah*, *harta bersama*, and child maintenance obligations. The Moroccan analysis investigates the reform provisions of the *Mudawwanah al-Usrah*, particularly those concerning women's economic rights, marital property arrangements, and post-divorce responsibilities. Meanwhile, the Tunisian analysis examines the legal protection provided under the *Code of Personal Status*, including divorce compensation, maintenance rights, and judicial supervision of divorce consequences. These legal sources are analyzed alongside contemporary academic discussions on gender equality, family resilience, and women's economic security after divorce (Mahfiana et al., 2025; Mubarak et al., 2026). Supporting literature from international studies on gender relations, social vulnerability, and family transformation is also incorporated to strengthen the interdisciplinary understanding of post-divorce justice (Tutar Çınar, 2025; Doan-Pham et al., 2026).

The analytical framework of this study integrates the principles of gender justice and *maqāṣid al-sharī'ah* as normative perspectives for evaluating the effectiveness of Islamic family law reforms. Gender justice is employed to assess whether legal systems provide equitable recognition of women's contributions during marriage and adequate protection after divorce, particularly concerning economic independence, access to property, and social security. Meanwhile, *maqāṣid al-sharī'ah* provides an Islamic ethical framework emphasizing the preservation of essential human interests, including protection of wealth (*ḥifẓ al-māl*), lineage (*ḥifẓ al-nasl*), dignity (*ḥifẓ al-'ird*), and public welfare (*maṣlahah*). Through this framework, the study does not merely compare legal texts but evaluates how legal reforms achieve substantive justice for women and children in post-divorce contexts. The analysis follows three stages: first, identifying the regulatory foundations and institutional mechanisms governing women's rights after divorce; second, comparing reform patterns and legal protection models across Indonesia, Morocco, and Tunisia; and third, developing the Maqāṣid-Based Post-Divorce Family Protection (MPFP) Model as a conceptual framework for sustainable Islamic family governance. This methodological design follows recent approaches in Islamic legal studies that emphasize contextual interpretation, comparative reform analysis, and the integration of Islamic normative principles with contemporary justice frameworks (Maulana et al., 2025; Yuzaidi et al., 2025; Sufyan & Strzpek, 2025).

RESULT AND DISCUSSION

The Evolution of Women's Property Rights after Divorce in Indonesia, Morocco, and Tunisia: From Formal Rights to Substantive Justice

The recognition of women's property rights after divorce has become one of the central indicators in evaluating the transformation of contemporary Islamic family law. Historically, classical Islamic jurisprudence placed strong emphasis on the husband's financial responsibility (*naḥaqah*) and the protection of family lineage, yet the economic contributions of women within marriage were often less visible in legal structures. Contemporary Islamic family law reforms have gradually shifted from a purely formalistic understanding of marital rights toward a more substantive justice-oriented approach that recognizes women's economic vulnerability after divorce. This transformation reflects broader efforts to reconcile Islamic legal principles with gender justice, human rights standards, and sustainable family governance (Al-Rasyid, 2025; Husain et al., 2026; Shiddieqy et al., 2025). In this context, Indonesia, Morocco, and Tunisia represent three different models of reform that demonstrate how Muslim-majority jurisdictions negotiate between religious norms, statutory development, and social realities.

In Indonesia, women's property rights after divorce are primarily regulated through the Marriage Law and the Compilation of Islamic Law (*Kompilasi Hukum Islam/KHI*). The concept of *harta bersama* (joint marital property) has become a significant legal instrument to recognize the economic partnership between husband and wife during marriage. Comparative research on matrimonial property law further demonstrates that post-divorce protection for women requires a gender-based justice approach because the division of marital assets is not merely a matter of ownership but also reflects recognition of women's contributions during marriage. A comparative study between Indonesia and Thailand shows that legal frameworks continue to face challenges in ensuring substantive protection for women after divorce, particularly in relation to equitable distribution of marital property (Tarigan & Rahmi, 2026). Although traditionally Islamic jurisprudence did not explicitly formulate a concept equivalent to community property regimes, Indonesian Islamic family law has developed a contextual interpretation by considering the contributions of both spouses in building family assets. Recent judicial practices indicate that Religious Courts increasingly apply gender-sensitive reasoning in determining post-divorce rights, including the allocation of joint property, *nafkah iddah*, *mut'ah*, and child maintenance obligations (Fahmi et al., 2025; Nawawi et al., 2025). Recent developments in Indonesian family law also demonstrate that the distribution of joint property after divorce is increasingly interpreted through the lens of substantive justice rather than merely formal equality. Judicial considerations may prioritize the protection of former wives and children when immediate division of marital assets could threaten residential stability and child welfare. Such approaches indicate that joint property regulation has evolved into a gender-responsive mechanism aimed at balancing legal certainty, women's economic protection, and the best interests of children (Alfitri, 2026). However, the implementation of these rights remains challenging because legal recognition does not always guarantee effective enforcement. Several studies demonstrate that many divorced women continue to experience difficulties in obtaining financial rights due to weak compliance mechanisms, limited legal awareness, and socio-cultural barriers (Rahmawati et al., 2025; Warnis et al., 2026).

Unlike Indonesia, Morocco has undertaken a more explicit legislative reform through the *Mudawwanah al-Usrah* (Family Code), which seeks to restructure family relations based on principles of equality, responsibility, and

dignity. Moroccan family law reform represents an important development in the Islamic legal world because it attempts to integrate Islamic principles with contemporary concepts of gender justice. Women's rights after divorce are protected through several mechanisms, including financial obligations during the waiting period (*iddah*), compensation (*mut'ah*), settlement of marital property issues, and stronger recognition of women's role in family formation. The reform demonstrates a movement from a patriarchal understanding of divorce consequences toward a more balanced legal relationship between spouses. Comparative studies between Indonesia and Morocco indicate that both countries share similar objectives in protecting women after divorce, although Morocco provides a stronger statutory framework for recognizing women's economic interests within marriage dissolution (Shiddieqy et al., 2025; Puteh & Kurniawan, 2025). Furthermore, the Moroccan experience illustrates that Islamic family law reform can maintain religious legitimacy while simultaneously responding to contemporary demands for equality and social justice.

Tunisia represents a more progressive model of post-divorce women's protection within the Muslim world. Through the *Code of Personal Status*, Tunisia has developed a centralized statutory approach where divorce consequences are strongly supervised by the state and judicial institutions. Women's economic protection is not merely framed as a private obligation of the former husband but as part of a broader legal responsibility to ensure justice after marital dissolution. The Tunisian model emphasizes financial compensation, judicial control, and institutional protection of women and children. This approach demonstrates a significant transformation from traditional divorce regulation toward a modern family governance framework that prioritizes social welfare. Within the comparative landscape of Islamic family law, Tunisia provides an example of how statutory reform can expand women's rights while maintaining connections with Islamic ethical principles, particularly the protection of dignity and welfare (*maṣlahah*) (Husain et al., 2026; Kobko-Odarri et al., 2025).

The comparative analysis of Indonesia, Morocco, and Tunisia reveals that women's property rights after divorce have evolved from formal recognition toward substantive justice. The three jurisdictions demonstrate different pathways: Indonesia emphasizes judicial interpretation and contextual adaptation of Islamic norms; Morocco relies on comprehensive family law reform; while Tunisia adopts a stronger state-centered regulatory model. Despite these differences, all three systems reflect a shared movement toward protecting women's economic security after divorce. The transformation can be summarized as follows:

Table 1. Comparative Framework of Women's Property Rights after Divorce in Indonesia, Morocco, and Tunisia

Dimension	Indonesia	Morocco	Tunisia
Legal foundation	Marriage Law and Compilation of Islamic Law (<i>KHI</i>)	<i>Mudawwanah al-Usrah</i> (Family Code)	<i>Code of Personal Status</i>
Main protection mechanism	<i>Harta bersama, nafkah iddah, mut'ah</i> , child support	Financial maintenance, compensation, marital property regulation	Judicially supervised compensation and financial protection
Gender justice orientation	Judicial protection through Religious Courts	Legislative reform toward equality	Progressive statutory protection
Main challenge	Enforcement of court decisions and social barriers	Cultural resistance to reform	Balancing Islamic tradition and modern legal principles

Source: Authors' analysis (2026).

These developments indicate that post-divorce property rights are increasingly understood not merely as individual claims but as essential components of sustainable Islamic family governance. Through the lens of *maqāsid al-sharī'ah*, protecting women's economic rights corresponds particularly with *hifẓ al-māl* (protection of wealth), *hifẓ al-'ird* (protection of dignity), and *maṣlahah* (public and family welfare). Therefore, contemporary Islamic family law reforms should be evaluated not only by their textual conformity with legal traditions but also by their ability to prevent vulnerability, restore balance, and achieve substantive justice for women and children after divorce (Mubarak et al., 2026; Patawari et al., 2026).

Gender Justice and *Maqāṣid al-Sharī'ah* as Foundations of Post-Divorce Family Protection

The development of women's property rights after divorce in contemporary Islamic family law cannot be separated from the broader discourse of gender justice and *maqāṣid al-sharī'ah*. Traditional approaches to Islamic family law often emphasized the preservation of marital structures and the husband's financial obligations, while the economic experiences and contributions of women within marriage received comparatively limited legal recognition. However, contemporary reforms demonstrate a significant paradigm shift by positioning women not merely as recipients of protection but as legal subjects whose dignity, economic security, and social welfare must be guaranteed. This transformation reflects the movement from formal equality toward substantive justice, where legal systems are expected to address structural inequalities that may affect women after divorce (Azhari & Asmuni, 2025; Ramadhan et al., 2025). Within this framework, gender justice does not seek to replace Islamic legal principles but rather to reinterpret them through ethical objectives that emphasize fairness, responsibility, and human welfare.

The concept of *maqāṣid al-sharī'ah* provides an important normative framework for understanding post-divorce protection mechanisms. Among the essential objectives of Islamic law, the protection of wealth (*ḥifẓ al-māl*), dignity (*ḥifẓ al-'ird*), lineage (*ḥifẓ al-nasl*), and welfare (*maṣlahah*) are directly connected to the rights of divorced women and children. Women's property rights after divorce represent not only an economic issue but also a matter of dignity and social justice because financial insecurity may increase women's vulnerability after the termination of marriage. Therefore, mechanisms such as marital property division, post-divorce maintenance, and child support obligations should be viewed as instruments for achieving the higher objectives of Islamic law rather than merely administrative legal procedures (Mubarak et al., 2026; Yuzaidi et al., 2025). This *maqāṣid*-based approach allows Islamic family law to respond to contemporary social realities while maintaining its religious foundation.

In Indonesia, the integration between gender justice and *maqāṣid al-sharī'ah* can be observed through the evolving judicial interpretation of Religious Courts. Judges increasingly consider substantive justice when deciding cases involving divorce consequences, particularly regarding women's maintenance rights, marital property distribution, and child welfare. The development of judicial reasoning indicates that legal decisions are no longer limited to textual application but also consider social circumstances, fairness between spouses, and the protection of vulnerable parties. Studies on Indonesian Religious Courts demonstrate that judicial practices increasingly incorporate gender-sensitive approaches in determining post-divorce obligations, although implementation challenges remain due to patriarchal social structures and unequal legal awareness (Fahmi et al., 2025; Martius et al., 2025; Patawari et al., 2026). Thus, gender justice operates as a complementary principle that strengthens the ethical objectives of Islamic family law.

The comparative perspective further demonstrates that gender justice in Islamic family law develops through different institutional approaches. Indonesia relies significantly on judicial interpretation, Morocco emphasizes legislative restructuring through the *Mudawwanah al-Usrah*, while Tunisia applies a stronger statutory mechanism. Despite differences in legal models, these reforms share a common objective: preventing economic marginalization of women after divorce. Research on family law reforms in Muslim societies shows that contemporary Islamic legal systems increasingly reconstruct traditional concepts of family authority by emphasizing equality, accountability, and protection of human dignity (Husain et al., 2026; Kobko-Odarii et al., 2025). This transformation illustrates that gender justice within Islamic family law should not be understood as a foreign concept but as a contextual expression of Islamic principles of justice (*'adl*) and public welfare (*maṣlahah*).

Furthermore, the implementation of gender justice requires moving beyond the recognition of rights toward effective protection mechanisms. Legal norms concerning women's property rights, maintenance, and child welfare will remain insufficient if divorced women face difficulties in accessing justice or enforcing judicial decisions. Several studies highlight that the gap between legal provisions and practical implementation remains one of the major challenges in Islamic family law reform. Factors such as cultural norms, limited legal literacy, and institutional weaknesses continue to influence the effectiveness of women's rights protection after divorce (Shofwan, 2023; Syukrawati et al., 2024; Rahmawati et al., 2025; Sarah et al., 2025). Therefore, sustainable family governance requires not only legal reform but also institutional strengthening, public awareness, and judicial commitment to substantive justice.

Based on the comparative analysis, gender justice and *maqāṣid al-sharī'ah* can be conceptualized as complementary foundations for developing a more responsive Islamic family law framework. The relationship between these two perspectives can be summarized as follows:

Table 2. Integration of Gender Justice and *Maqāṣid al-Sharī'ah* in Post-Divorce Family Protection

Dimension	Gender Justice Perspective	<i>Maqāṣid al-Sharī'ah</i> Perspective
Economic protection	Ensuring women's access to marital property and financial support	<i>Hifẓ al-māl</i> (protection of wealth)
Human dignity	Preventing economic dependency and social vulnerability after divorce	<i>Hifẓ al-'ird</i> (protection of dignity)
Child protection	Prioritizing children's welfare after parental separation	<i>Hifẓ al-nasl</i> (protection of lineage)
Judicial accessibility	Ensuring equal access to justice for women	<i>Maṣlahah</i> (public and family welfare)
Legal reform	Creating responsive family law institutions	Achievement of justice and social balance

Source: Authors' analysis (2026).

Towards a *Maqāṣid*-Based Post-Divorce Family Protection (MPFP) Model: A Sustainable Governance Framework

The comparative analysis of Indonesia, Morocco, and Tunisia demonstrates that contemporary Islamic family law requires a more comprehensive framework for protecting women and children after divorce. Existing legal mechanisms have successfully recognized several post-divorce rights, including marital property distribution, maintenance obligations, compensation, and child protection. However, the findings reveal that legal recognition alone remains insufficient when divorced women continue to experience economic vulnerability, limited access to justice, and difficulties in enforcing judicial decisions. Therefore, this study proposes the *Maqāṣid*-Based Post-Divorce Family Protection (MPFP) Model as an analytical framework that integrates gender justice, Islamic legal objectives, and sustainable family governance. The model is developed based on the understanding that post-divorce protection should not only regulate legal consequences of marriage dissolution but also ensure long-term social and economic resilience for affected family members (Patawari et al., 2026; Husain et al., 2026). This governance-oriented perspective is consistent with contemporary Islamic ethical governance approaches, which emphasize that legal reform should be accompanied by institutional responsibility, social inclusion, and protection of vulnerable groups. From this perspective, *maqāṣid al-sharī'ah* functions not only as a framework for interpreting legal norms but also as an ethical foundation for developing sustainable protection mechanisms for communities affected by social vulnerability (Ash-shidīqī et al., 2026).

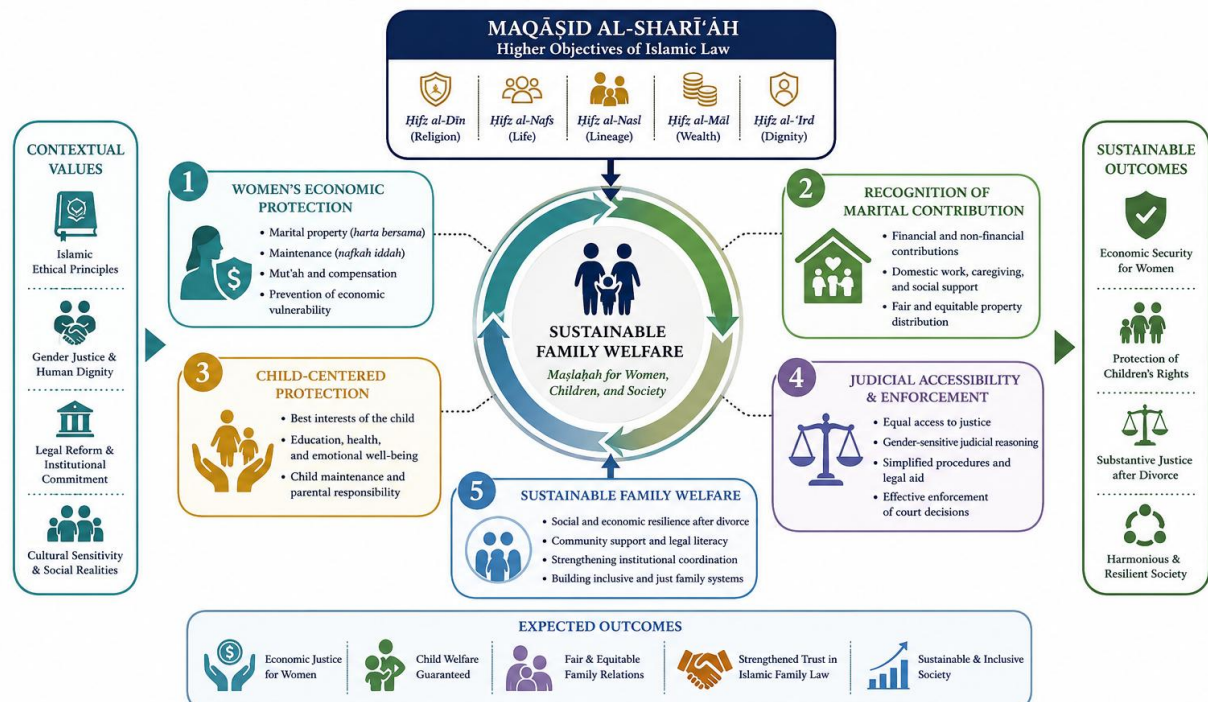
The MPFP Model consists of five interconnected dimensions: (1) women's economic protection, (2) recognition of marital contribution, (3) child-centered protection, (4) judicial accessibility, and (5) sustainable family welfare. The first dimension emphasizes that divorced women's economic security is a fundamental component of justice. Rights such as *harta bersama*, *nafkah iddah*, *mut'ah*, and compensation mechanisms should be interpreted as instruments for preventing economic marginalization after divorce. The second dimension recognizes that marriage represents a partnership where both spouses contribute financially, socially, and domestically. Therefore, property distribution should consider not only formal ownership but also invisible contributions, including household management and caregiving responsibilities (Mahfiana et al., 2025; Mubarak et al., 2026). This approach reflects the principle of fairness embedded within Islamic legal ethics.

Furthermore, recent studies on child neglect highlight that children's vulnerability after family disruption is strongly influenced by cultural norms, social environments, and the availability of protective mechanisms. Therefore, post-divorce family governance should not only regulate financial obligations but also ensure broader child welfare protection against neglect and social vulnerability (Abdullah & Thattengat, 2025). Consequently, the MPFP Model positions child protection as an inseparable element of women's post-divorce justice. The fourth dimension concerns judicial accessibility and institutional responsibility. The effectiveness of women's rights after divorce depends not only on substantive legal provisions but also on the ability of women to access courts, obtain fair judgments, and enforce judicial decisions. In the Indonesian context, mediation in contested divorce cases represents an important institutional mechanism for promoting negotiated justice and reducing prolonged family

disputes. However, the effectiveness of mediation remains influenced by complex social, cultural, and legal factors that determine whether agreements genuinely protect the interests of women and children after divorce (Yangto et al., 2025). Research on post-divorce maintenance implementation in Indonesia indicates that enforcement gaps remain a significant obstacle to achieving substantive justice. Furthermore, judicial mechanisms for resolving family disputes often face complex tensions between legal protection, cultural expectations, and the safety of vulnerable parties. Suryani et al. (2026) demonstrate that mediation processes in Religious Courts may involve a delicate balance between maintaining family reconciliation and ensuring adequate protection for women experiencing domestic violence. This finding indicates that access to justice in Islamic family law should not be measured only by the availability of legal procedures but also by the capacity of institutions to provide gender-sensitive and protection-oriented dispute resolution mechanisms. Similar challenges appear in various Muslim societies where legal reforms face tensions between progressive regulations and existing cultural practices (Jannah et al., 2025; Rahmawati et al., 2025). Therefore, sustainable Islamic family governance requires stronger institutional mechanisms, including gender-sensitive judicial reasoning, simplified legal procedures, legal literacy programs, and effective monitoring of court decisions. These mechanisms transform women's rights from theoretical guarantees into practical protections.

The fifth dimension, sustainable family welfare, represents the broader objective of the MPFP Model. Divorce should not be understood solely as the termination of a marital contract but as a social transition requiring legal and institutional support. Through the perspective of *maqāṣid al-sharīʿah*, sustainable family welfare (*maṣlahah*) becomes the ultimate objective that connects economic protection, human dignity, and child welfare. The model demonstrates that Islamic family law reform can simultaneously preserve religious values and respond to contemporary challenges related to gender inequality, economic vulnerability, and changing family structures (Azhari & Asmuni, 2025; Widianingsih & Bhatti, 2025). The conceptual structure of the MPFP Model can be presented as follows:

Figure 1. *Maqāṣid*-Based Post-Divorce Family Protection (MPFP) Model



Source: Authors' analysis (2026).

The MPFP Model contributes to contemporary Islamic family law scholarship by proposing a governance-oriented perspective that connects legal reform with social sustainability. Unlike approaches that focus exclusively on divorce procedures or individual legal claims, this model emphasizes the interconnected relationship between economic justice, family responsibility, and institutional protection. Indonesia, Morocco, and Tunisia demonstrate

that Islamic family law is capable of continuous adaptation through different pathways of reform. Indonesia illustrates the importance of judicial contextualization, Morocco represents legislative transformation, and Tunisia demonstrates state-driven legal protection. These experiences collectively indicate that the future of Islamic family law should move toward integrated governance models that protect vulnerable groups while maintaining compatibility with Islamic ethical principles (Shiddieqy et al., 2025; Puteh & Kurniawan, 2025).

Therefore, the MPFP Model provides a conceptual contribution by reframing women's property rights after divorce as part of sustainable Islamic family governance rather than merely a consequence of marital dissolution. By integrating gender justice and *maqāṣid al-sharī'ah*, the model offers a pathway for developing Islamic family law systems that are more responsive, equitable, and socially sustainable. The model also provides a comparative framework that can be applied to other Muslim-majority jurisdictions facing similar challenges in balancing religious traditions, legal modernization, and the protection of women's and children's rights.

CONCLUSION

This study concludes that the development of women's property rights after divorce in Indonesia, Morocco, and Tunisia reflects a significant transformation in contemporary Islamic family law from formal legal recognition toward substantive justice. In response to the first research objective, the comparative analysis demonstrates that each country has developed distinct mechanisms for protecting divorced women's economic rights. Indonesia emphasizes judicial protection through the recognition of *harta bersama*, *nafkah iddah*, *mut'ah*, and child maintenance obligations within the framework of Religious Courts. Morocco strengthens women's protection through the reform of the *Mudawwanah al-Usrah*, which provides broader recognition of women's financial interests and marital contributions. Meanwhile, Tunisia adopts a more progressive statutory model by emphasizing state supervision, judicial intervention, and financial protection mechanisms after divorce. These findings indicate that although the three jurisdictions differ institutionally, they share a common commitment to preventing women's economic vulnerability and strengthening family welfare after marital dissolution.

Regarding the second research objective, this study demonstrates that gender justice and *maqāṣid al-sharī'ah* provide a relevant conceptual foundation for reconstructing post-divorce family protection. The protection of women's property rights is not merely an issue of economic entitlement but represents a broader Islamic legal objective involving *hifẓ al-māl* (protection of wealth), *hifẓ al-'ird* (protection of dignity), *hifẓ al-nasl* (protection of lineage), and *maṣlahah* (family and social welfare). The main novelty of this research lies in the development of the Maqāṣid-Based Post-Divorce Family Protection (MPFP) Model, which integrates five dimensions: women's economic protection, recognition of marital contribution, child-centered protection, judicial accessibility and enforcement, and sustainable family welfare. Unlike previous studies that mainly examine individual legal rights or national reforms separately, this model provides a comparative governance framework explaining how Islamic family law can respond to post-divorce challenges through a combination of normative Islamic values, gender-responsive approaches, and institutional mechanisms.

Theoretically, this research contributes to the advancement of Islamic family law studies by proposing a sustainable governance perspective that connects gender justice with *maqāṣid*-oriented legal reform. Practically, the findings provide insights for policymakers, judges, and family law institutions in designing more effective mechanisms for protecting women and children after divorce. Nevertheless, this study has several limitations. First, the analysis is based primarily on doctrinal and comparative legal approaches and does not include extensive empirical investigation of divorced women's lived experiences or enforcement practices at the community level. Second, the study focuses on Indonesia, Morocco, and Tunisia; therefore, future research may expand the comparative scope to other Muslim-majority jurisdictions with different legal traditions. Further studies may also empirically examine the effectiveness of the MPFP Model in improving post-divorce justice outcomes. Despite these limitations, this research demonstrates that the future development of Islamic family law requires an integrated approach that balances legal tradition, social justice, and sustainable family governance.

REFERENCES

- Abdillah, A., Sharaf, S. Y., & Halim, A. D. F. (2024). Controversy over *sunrang*: Analyzing post-divorce ownership in the context of Makassar custom and Islamic law. *Mazahibuna: Jurnal Perbandingan Mazhab*, 128–143. <https://doi.org/10.24252/mazahibuna.vi.39933>

- Abdullah, A., & Thattengat, R. (2025). Child neglect as a culture-based concept: A systematic review and implications for studying and measuring child neglect. *Child Abuse & Neglect*, 161, 107261. <https://doi.org/10.1016/j.chiabu.2025.107261>
- Adi, M. F. (2023). Hadhonah rights of children (not *mumayyiz*) based on Compilation of Islamic Law and Child Protection Act. *Nusantara: Journal of Law Studies*, 2(1), 9–22. <https://doi.org/10.5281/zenodo.17388734>
- Alfitri, A. (2026). Gender analysis of the postponement of joint property distribution of the sole residential home for the former wife and children. *Gender, Islamic Law, and Sustainability*, 1(2), 76–88. <https://doi.org/10.70211/gils.v1i2.545>
- Al-Rasyid, H. (2025). Protection of women's rights in Islamic family law: A review of jurisprudence and legislation in Indonesia. *Samarinda International Journal of Islamic Studies (SIJIS)*, 2(1). <https://doi.org/10.64093/sijis.v2i1.605>
- Anwar, C., Sulaiman, A., & Sopyan, Y. (2025). Reconstructing Sharia competent notarial authority in Indonesia: Legal pluralism and gender justice in Islamic family law. *Mawaddah: Jurnal Hukum Keluarga Islam*, 3(2), 438–464. <https://doi.org/10.52496/mjhki.v3i2.42>
- Asfaw, M. N., Mengesha, A. K., Gugerell, K., Mansberger, R., & Damyanovic, D. (2025). Land rights for women in rural Ethiopia: Legal framework and reality. *World Development Perspectives*, 39, 100705. <https://doi.org/10.1016/j.wdp.2025.100705>
- Ash-shidiqqi, E. A., Nailul, A., Ismono, J., Suryanti, S., & Jaya, I. B. (2026). Islamic ethical governance of post-disaster recovery: Advancing inclusive education, gender equality, and decent work for vulnerable communities. *Mawaddah: Jurnal Hukum Keluarga Islam*, 4(1), 810–827. <https://doi.org/10.52496/mjhki.v4i1.67>
- Aulia, R., Alfani, I. H. D., Haririe, M. R., Iswanto, D., & Hannah, N. (2025). Social egg freezing in Islamic law: Conditional permissibility through a *maqāṣid al-sharī'ah* and gender justice perspective. *Mawaddah: Jurnal Hukum Keluarga Islam*, 3(2), 546–578. <https://doi.org/10.52496/mjhki.v3i2.81>
- Azhari, D., & Asmuni, A. (2025). The politics of reform in Islamic family law and its impact on gender equality. *USRATY: Journal of Islamic Family Law*, 3(1), 87–99. <https://doi.org/10.30983/usraty.v3i1.8721>
- Çalışkan, A. (2025). Female pathways to recidivism after domestic violence in Türkiye. *International Journal of Law, Crime and Justice*, 83, 100801. <https://doi.org/10.1016/j.ijlcj.2025.100801>
- Chance, E. A., & Sardi Abdoul, I. (2025). The roles and contributions of women to the health of their families and household economics in rural areas in the district of Mbe, Cameroon. *Social Sciences & Humanities Open*, 11, 101456. <https://doi.org/10.1016/j.ssaho.2025.101456>
- Fahmi, A., Nasir, M., Anshari, N., Aminah, A., & Nurunnabi, M. (2025). Judicial practices in enforcing post-divorce maintenance rights for women and children in Indonesia. *Indonesia Private Law Review*, 6(2), 103–116. <https://doi.org/10.25041/iplr.v6i2.4608>
- Fitriyah, S. Z. Z., & Adnan, N. I. M. (2025). Integrating *rukyyatul hilal* practices and Islamic family law: Case study in Banjar City, Indonesia. *Munakahat: Journal of Islamic Family Law*, 1(2), 13–24. <https://doi.org/10.5281/zenodo.21051991>
- Fredrick, L. A., Lucian, C., & Urassa, J. (2025). Women and land rights: The impact of formalization in Tanzania's coastal region. *Research in Globalization*, 10, 100288. <https://doi.org/10.1016/j.resglo.2025.100288>
- Hasan, F., Mu'iz, M. A., & Blazhevich, S. V. (2024). Grounding Shariah through the flexi-parenting approach to achieve sustainable development goals (SDGs) in family life. *Munakahat: Journal of Islamic Family Law*, 1(1), 69–79. <https://doi.org/10.5281/zenodo.20916969>
- Husain, H., Chadziq, A. L., Setyorini, F. S., Faizah, N., & Sanek, S. K. A. (2026). The dynamics of family law reform in Muslim societies: A comparative fiqh analysis of gender justice and legal modernization. *Mawaddah: Jurnal Hukum Keluarga Islam*, 4(1), 143–172. <https://doi.org/10.52496/mjhki.v4i1.74>
- Hussin, M. N. M., Arifah, R. N., Aisyah, S., Daud, M. Z., & Samah, M. (2025). Local wisdom and gender equality in joint property division: An Islamic legal perspective from Malaysia. *De Jure: Jurnal Hukum dan Syar'iah*, 17(2), 394–416. <https://doi.org/10.18860/j-fsh.v17i2.31562>
- Iqbal, K., Liang, H., & Khan, Z. (2026). Gender-based violence and the cultural ethos of Pashtunwali: A qualitative study of Pashtun women in Khyber Pakhtunkhwa, Pakistan. *Women's Studies International Forum*, 114, 103214. <https://doi.org/10.1016/j.wsif.2025.103214>
- Jannah, S., Dewi, M. S., Arifin, N. S. R. R., Anggraeni, S., & Arifin, Q. A. (2025). Implementation of post-divorce alimony policies from a gender justice perspective: A comparative legal study of Indonesia, Malaysia, and Brunei Darussalam. *Uhumuna*, 29(2), 959–989. <https://doi.org/10.20414/ujis.v29i2.1762>

- Khomala, R., & Syarif, M. R. (2022). Salary distribution of civil servants after divorce: Comparative study of Islamic law and national law. *Mazahibuna: Jurnal Perbandingan Mazhab*, 71–84. <https://doi.org/10.24252/mh.vi.27109>
- Kobko-Odarii, V., Leheza, Y., Sokolovskiy, K., Tatarenko, H., & Nestertsova-Sobakar, O. (2025). Reconstructing gender equality in family law: A normative and comparative analysis of European family law systems in religious context. *Syariah: Jurnal Hukum dan Pemikiran*, 25(1), 195–214. <https://doi.org/10.18592/sjhp.v25i1.17694>
- Kuttappan, S., & Kaur Tiwana, D. (2025). The future of same-sex marriage in India: An analysis with other countries. *Social Sciences & Humanities Open*, 11, 101237. <https://doi.org/10.1016/j.ssaho.2024.101237>
- Mahfiana, L., Osman, N. D. B., Ariyani, E., & Zahriani, L. (2025). Influence of religion and culture on women's rights in joint property settlements in Java, Indonesia. *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan*, 25(1), 117–138. <https://doi.org/10.18326/ijtihad.v25i1.117-138>
- Martius, M., Shabah, M. A. A., Akbar, A. M., Che-umong, E. B., & Gustiana, R. (2025). Judicial reasoning in child guardianship: Gender justice and *maqāṣid al-sharī'ah* in Indonesian Religious Courts. *Mawaddah: Jurnal Hukum Keluarga Islam*, 3(2), 652–683. <https://doi.org/10.52496/mjhki.v3i2.103>
- Martius, M., Shabah, M. A. A., Akbar, A. M., Che-umong, E., & Gustiana, R. (2025). Judicial reasoning in child guardianship: Gender justice and *maqāṣid al-sharī'ah* in Indonesian religious courts. *Mawaddah: Jurnal Hukum Keluarga Islam*, 3(2), 652–683. <https://doi.org/10.52496/mjhki.v3i2.103>
- Maulana, R. F., Mesraini, M., Asmawi, A., Amin, K., & Dahrial, Z. (2025). Rethinking *wali mujbir* in Islamic family law: *Maqāṣid al-sharī'ah*, gender justice, and legal reform. *Mawaddah: Jurnal Hukum Keluarga Islam*, 3(2), 813–838. <https://doi.org/10.52496/mjhki.v3i2.113>
- Maulana, R. F., Mesraini, M., Asmawi, A., Amin, K., & Dahrial, Z. (2025). Rethinking *wali mujbir* in Islamic family law: *Maqāṣid al-sharī'ah*, gender justice, and legal reform. *Mawaddah: Jurnal Hukum Keluarga Islam*, 3(2), 813–838. <https://doi.org/10.52496/mjhki.v3i2.113>
- Meinzen-Dick, R., Doss, C., Flintan, F., Knight, R., Larson, A. M., & Monterroso, I. (2025). Women's tenure security on collective lands: A conceptual framework. *Journal of Rural Studies*, 118, 103694. <https://doi.org/10.1016/j.jrurstud.2025.103694>
- Mubarak, A., Nazmi, N., Abduh, M. R., Azkia, N., Listiana, N., & Ashidiqi, I. U. (2026). Marital property regimes in Islamic law: A comparative madhhab analysis and its integration into modern Islamic economic governance. *Syariah: Jurnal Hukum dan Pemikiran*, 26(1), 27–48. <https://doi.org/10.18592/sjhp.v26i1.20553>
- Nawawi, M., Ansari, A., & Harahap, A. M. (2025). Towards substantive justice: Reforming Islamic family law regarding the division of marital property in Indonesia. *Al-Qadha: Jurnal Hukum Islam dan Perundang-Undangan*, 12(2), 356–373. <https://doi.org/10.32505/qadha.v12i2.10905>
- Nurfatiah, M., & Fithriyyah, M. U. (2026). Gender inequality in *khul'* and judicial divorce: Feminist Islamic family law in Indonesia. *Muwazah*, 18(1), 92–110. <https://doi.org/10.28918/7tcrxd11>
- Okumuş, H. Ş., & Gümüş, M. A. (2025). Revitalizing *mahr* for Muslim women's empowerment within Türkiye's secular legal system. *Social Sciences & Humanities Open*, 12, 101644. <https://doi.org/10.1016/j.ssaho.2025.101644>
- Patawari, A. M. Y., Jafar, U., Supardin, Asni, & Kitta, A. A. K. A. (2026). From formal rights to substantive justice: Rethinking legal protection for divorced women in Indonesia. *Mazahibuna: Jurnal Perbandingan Mazhab*, 181–207. <https://doi.org/10.24252/mazahibuna.vi.66393>
- Puteh, H. N. binti H., & Kurniawan, C. S. (2025). Reforming Islamic family law in Southeast Asia: A comparative study of Indonesia, Malaysia, and Brunei Darussalam. *ASEAN Journal of Islamic Studies and Civilization (AJISC)*, 2(1), 1–25. <https://doi.org/10.62976/ajisc.v2i1.1367>
- Rahmawati, R., Budiman, B., Saka, P. A., Manaf, N. binti A., & Sunuwati, S. (2025). Dis-implementation of the Islamic family law in fulfilling the rights of ex-wives after divorce in Indonesia. *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 9(1), 538–559. <https://doi.org/10.22373/sjhc.v9i1.27172>
- Ramadhan, R. G., Hibatullah, M. R., Farichudzaki, W. K., & Aji, R. H. (2025). Patriarchal structures in Islamic law and Indonesian positive law: A comparative legal analysis from a gender justice perspective. *Komparatif: Jurnal Perbandingan Hukum dan Pemikiran Islam*, 5(2), 150–173. <https://doi.org/10.15642/komparatif.v5i2.3126>
- Rini, E. (2026). Islamic inheritance law in Indonesia and Malaysia: An interdisciplinary study of conflict, resolution, and gender perspectives. *Tasyri': Journal of Islamic Law*, 5(1), 341–352. <https://doi.org/10.53038/tsyr.v5i1.476>

- Safira, M. E., Nur, I., Saleh, A. M., Khasanah, U., & Abdullah, R. binti. (2026). Transcendental emancipatory unification of family law in Muslim majority countries in Southeast Asia. *El-Mashlahah*, 16(1), 183–208. <https://doi.org/10.23971/el-mashlahah.v16i1.11211>
- Sarah, S., Saputra, M. A., Akbar, F., & Fakhriah, S. (2025). Pluralisme hukum dan keadilan gender dalam penetapan nafkah istri di Indonesia. *Jurnal USM Law Review*, 8(3), 2800–2823. <https://doi.org/10.26623/julr.v8i3.12707>
- Shiddieqy, A. A., Zaman, A. R. B., Faqihah, S., Fathoni, M. N., & Madina, D. D. (2025). 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(2), 165–190. <https://doi.org/10.33367/legitima.v7i2.7101>
- Shofwan, M. R. (2023). Advocacy of civil issues and strengthening legal literacy for religious extension workers through preventive and conflict resolutions approach. *Nusantara: Journal of Law Studies*, 2(2), 99–111. <https://doi.org/10.5281/zenodo.17388586>
- Sufyan, A. F. M., & Strzpek, K. (2025). Gender equality and divorce: Legal guarantees of women's rights and their misuse in traditional Muslim communities. *Journal of Indonesian Constitutional Law*, 2(3), 428–451. <https://doi.org/10.71239/jicl.v2i3.196>
- Suryani, I., Warman, A. B., Husni, A., Andiko, & Azzahra, R. F. (2026). Between culture and safety: The paradox of protecting domestic violence victims in mediation at the Batusangkar Religious Court, Indonesia. *Nusantara: Journal of Law Studies*, 5(1), 331–358. <https://doi.org/10.66325/nusantaralaw.v5i1.168>
- Syukrawati, S., Sidqi, I., Nisa, S. M., Zufriani, Z., & Witro, D. (2024). Post-divorce rights of women and children in Pekalongan City, Central Java: Challenges in Islamic law analysis. *Al-Ahkam*, 34(1), 121–146. <https://doi.org/10.21580/ahkam.2024.34.1.20624>
- Tarigan, V. K., & Rahmi, A. (2026). Gender-based justice in matrimonial property law: A comparative study of post divorce protection for women in Indonesia and Thailand. *PALAR: Pakuan Law Review*, 12(2), 41–52. <https://doi.org/10.33751/palar.v12i2.67>
- Warnis, Kustati, M., Nelmawarni, Hayati, S., & Atieqoh, S. (2026). Negotiating justice in litigated divorce: Women's legal consciousness in Indonesian religious courts. *Al-Istinbath: Jurnal Hukum Islam*, 11(1), 243–271. <https://doi.org/10.29240/jhi.v11i1.15780>
- Widianingsih, H., & Bhatti, M. S. (2025). Human rights in Islamic family law and statutory regulations: Challenges and interactions across countries. *Nahdlatul Fikr: International Journal of Islamic Studies, Education, and Humanities*, 1(2), 1–15. <https://doi.org/10.5281/zenodo.21253131>
- Wulandari, W. R., Ahmad, N., Fitriliani, Y., & Purwaningsih, R. (2025). Inheriting inequity: A comparative legal dissection of gender discrimination in Indonesian inheritance law. *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi*, 285–307. <https://doi.org/10.24090/volksgeist.v8i1.12994>
- Yangto, S., Sayehu, Tarihoran, N., & Almagdub, M. A. (2025). Contemporary challenges and prospects of mediation in contested divorce cases in Indonesia. *Nusantara: Journal of Law Studies*, 4(1), 44–59. <https://doi.org/10.5281/zenodo.17354688>
- Yuzaidi, Y., Sari, W., Munandar, A., Yiddin, M., & Al-Lammushi, I. U. (2025). Reconstructing the concept of *sakinah* family in the Qur'an: A *maqāsidī* tafsir analysis of contemporary Muslim family dynamics. *Mawaddah: Jurnal Hukum Keluarga Islam*, 3(2), 730–758. <https://doi.org/10.52496/mjhki.v3i2.114>