

Reconstructing Women's Rights in Islamic Marriage Law through Contemporary Legal Thought

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ABSTRACT

The construction of women's rights in Islamic marriage law remains a contested scholarly issue, particularly regarding the relationship between classical jurisprudential interpretations, historically embedded patriarchal assumptions, and the evolving demands of gender justice in contemporary Muslim societies. This study aims to critically examine the historical and epistemological foundations of women's marital rights in classical Islamic jurisprudence and to develop a coherent conceptual framework for their reconstruction through contemporary Islamic legal thought. Employing qualitative normative legal research with historical-conceptual analysis and contextual hermeneutics, the study examines classical jurisprudential discourses alongside contemporary approaches to maqāṣid al-sharī'ah, gender-just legal reasoning, and Islamic legal reform. The conceptual analysis identifies a fundamental distinction between the ethical principles of Islamic law and historically contingent jurisprudential formulations that have shaped gender-based marital authority, reciprocal obligations, economic rights, and access to divorce. It further proposes an integrative reconstruction framework that combines normative legitimacy, contextual interpretation, and substantive justice to reassess women's rights within marriage. Rather than rejecting classical jurisprudence, the proposed framework critically reinterprets its legal reasoning in light of justice, human dignity, mutual responsibility, and contemporary social realities. This study contributes to Islamic family law scholarship by advancing a theoretically grounded model of legal reconstruction that bridges jurisprudential continuity and transformative legal reform, offering conceptual implications for developing more equitable and contextually responsive Islamic marriage laws.

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INTRODUCTION

The reconstruction of women's rights in Islamic marriage law has emerged as a significant issue in contemporary legal scholarship, reflecting broader debates concerning gender equality, religious authority, human dignity, and the adaptability of Islamic jurisprudence to changing social realities (Karimullah et al., 2024). Across Muslim societies, the relationship between classical jurisprudential traditions and contemporary expectations of gender justice continues to generate tensions, particularly regarding marital guardianship, spousal authority, financial responsibilities, marital consent, and women's access to divorce (Mufti, 2024).

Although classical Islamic jurisprudence developed sophisticated legal frameworks regulating matrimonial relationships, particular interpretations of gender-based authority and differentiated marital obligations have become subjects of critical reassessment because their historical formulations do not necessarily correspond to contemporary understandings of substantive equality (Karimullah et al., 2024). Recent discussions distinguish equality as a principle of equal moral worth from identical treatment in every legal context. This distinction matters because a nominally protective legal rule may constrain women's meaningful choices when its enforcement is monopolized by another person. Conversely, differentiated obligations are not necessarily discriminatory in every circumstance; their justification must be examined in light of actual burdens, reciprocal entitlements, and the availability of remedies. Utsany (2022) emphasizes the contribution of contemporary *maqāṣid* reasoning to gender-sensitive family law, while Rahmawati (2020) identifies the institutional and interpretive obstacles that complicate mainstreaming gender equality. Their arguments support a shift from abstract declarations of rights to a legal inquiry into who can invoke a right, against whom, through what procedure, and with what consequences.

The issue is particularly pressing where family legislation draws simultaneously upon classical juristic categories, national constitutional commitments, and administrative systems. Legal pluralism can expand interpretive possibilities but may also create ambiguity concerning the relationship between religious validity and enforceable civil status. In this study, reconstruction therefore signifies a reasoned reconsideration of doctrinal applications rather than an assumption that changing the vocabulary of marriage law automatically changes family power relations. It requires attention to both the legal content of rights and the organizational capacity of courts, registrars, legal aid institutions, and community educators to make these rights effective (Zayyadi, 2023; Solikin, 2023).

The central challenge, therefore, lies not merely in identifying inequalities within existing legal doctrines but in determining whether these inequalities arise from foundational Islamic ethical principles or historically conditioned jurisprudential reasoning that remains open to reconsideration (Mufti, 2024; Karimullah et al., 2024). This distinction is particularly important because legal

reforms that prioritize women's rights must address the complex relationship between scriptural interpretation, juristic authority, and contemporary social expectations without assuming that either inherited legal formulations or modern egalitarian concepts are beyond critical examination. Comparative discussions of Islamic family law show that matrimonial legislation can combine enduring religious principles with distinctive models of spousal participation and responsibility. Rather than treating this variation as proof of a single direction of reform, it can be read as evidence of different institutional negotiations between legal tradition and present social conditions (Wagianto & Affan, 2022; Abdillah et al., 2022).

Research comparing Indonesia and Tunisia likewise highlights the significance of family law reform as a mechanism for reassessing women's legal status and matrimonial rights within Muslim-majority societies (Wagianto & Affan, 2022). Focusing on divorce in Indonesia, Mufti (2024) demonstrates the relevance of *maqāṣid al-sharīʿah* for interpreting women-initiated divorce as part of the continuing adaptation of Islamic marriage law to demands for gender justice. Similarly, studies of judicial interpretation indicate that judges may advance women's post-divorce financial protection through contextual legal reasoning, while comparative research covering Indonesia, Egypt, Malaysia, and Morocco illustrates the continuing tension between classical juristic authority, legal reform, and gender equality (Sanusi et al., 2023). These contributions establish that Islamic family law reform is neither a uniform process nor an inevitable departure from religious tradition, but a contested field in which institutional structures, interpretive methodologies, and local social conditions shape the recognition and enforcement of women's marital rights (Karimullah et al., 2024).

Despite these developments, a significant conceptual and methodological gap remains in explaining how classical jurisprudential constructions of women's marital rights can be critically reassessed and systematically translated into contemporary legal principles (Karimullah et al., 2024). Existing studies have provided valuable insights into gender-sensitive interpretation, comparative legal reform, and the application of *maqāṣid al-sharīʿah*, yet their distinct analytical emphases leave room for a more integrated account of historical jurisprudential reasoning, normative legitimacy, and substantive gender justice (Mufti, 2024). More importantly, recent research has already proposed the integration of *uṣūl al-fiqh*, contextual hermeneutics, and feminist legal reasoning, making the mere combination of these approaches insufficient to establish a genuinely original theoretical contribution (Utsany, 2022). The unresolved analytical problem is therefore how such interpretive approaches can be operationalized through explicit criteria that distinguish immutable ethical objectives from historically contingent legal formulations and assess proposed reforms against the requirements of normative coherence, women's legal agency, and substantive equality (Karimullah et al., 2024).

To address this gap, the present study proposes a structured framework for reconstructing women's marital rights that moves beyond general arguments for gender equality toward a transparent and analytically assessable

method of legal reinterpretation (Mufti, 2024). Building on contemporary discussions of feminist hermeneutics and *maqāṣid*-oriented reform, the framework consists of four interconnected stages: historical identification of jurisprudential assumptions, examination of scriptural and juristic justifications, normative evaluation through *maqāṣid al-sharī'ah* and reciprocal justice, and formulation of contextually responsive legal alternatives (Karimullah et al., 2024).

These stages are designed to assess specific matrimonial issues, including marital consent, spousal authority, economic entitlements, and access to divorce, while preserving the distinction between Islamic legal sources and historically developed juristic interpretations (Mufti, 2024). The proposed contribution thus lies in developing explicit evaluative procedures for reconciling jurisprudential continuity with transformative legal reasoning, rather than claiming that contextual interpretation or gender-sensitive Islamic legal reform constitutes an entirely new scholarly development (Utsany, 2022). Against this background, this study aims to critically examine the historical and epistemological foundations of women's rights in classical Islamic marriage jurisprudence and to formulate a contemporary reconstruction framework grounded in justice, equality, and *maqāṣid al-sharī'ah* (Karimullah et al., 2024; Mufti, 2024).

Employing qualitative normative legal research through historical-conceptual analysis, comparative jurisprudential examination, and contextual hermeneutics, the study investigates how classical legal interpretations have influenced women's marital status and how contemporary Islamic legal thought can provide alternative normative foundations for more equitable matrimonial relationships (Izzati et al., 2024). Accordingly, the study addresses two research questions: (RQ1) How do classical Islamic jurisprudential interpretations shape women's rights in marriage, particularly regarding gender justice? and (RQ2) How can contemporary Islamic legal thought reconstruct women's rights in marriage based on justice, equality, and *maqāṣid al-sharī'ah*? (Mufti, 2024; Karimullah et al., 2024). By addressing these questions, the study seeks to advance a methodological understanding of Islamic family law reform that respects jurisprudential plurality while providing an evaluative foundation for protecting women's rights and strengthening substantive justice within contemporary Muslim families (Izzati et al., 2024).

METHODS

This study employs a qualitative approach through normative-juridical and library-based legal research to critically examine women's rights in classical Islamic marriage jurisprudence and explore their reconstruction within contemporary Islamic legal thought. The research integrates doctrinal analysis, comparative jurisprudential interpretation, and a conceptual approach grounded in *maqāṣid al-sharī'ah* and gender justice (Solikin, 2023; Karimullah et al., 2024). Primary legal materials include the Qur'an, Hadith, classical jurisprudential texts from the Hanafi, Maliki, Shafi'i, and Hanbali schools, and relevant Islamic family law provisions. Secondary sources comprise scholarly books and peer-reviewed

articles, particularly those published between 2020 and 2024.

Data are collected through documentary research using purposive literature selection based on thematic relevance, scholarly credibility, and analytical significance. Relevant publications are identified through academic databases, including Scopus, Web of Science, and Google Scholar, using keywords related to Islamic marriage law, women's marital rights, gender justice, and Islamic legal reform. The collected materials are analyzed through qualitative thematic analysis and comparative doctrinal interpretation, involving the identification of legal principles, classification of recurring themes, and critical examination of jurisprudential differences (Braun & Clarke, 2021; Page et al., 2021). The analysis focuses on marital consent, guardianship, financial entitlements, reciprocal marital obligations, and marital dissolution. Subsequently, these doctrinal constructions are evaluated through the principles of justice, equality, human dignity, and *maqāṣid al-sharī'ah* to formulate a conceptual framework for reconstructing women's rights in Islamic marriage. Analytical credibility is maintained by examining contrasting interpretations and ensuring consistency between legal sources, interpretive arguments, and the resulting conclusions (Karimullah et al., 2024).

RESULT AND DISCUSSION

Classical Islamic Jurisprudence and the Construction of Women's Marital Rights

The findings reveal that women's marital rights in classical Islamic jurisprudence were constructed through a complex relationship between scriptural interpretation, juristic reasoning, and historically situated social circumstances. Classical Islamic legal traditions established important matrimonial entitlements, including the right to dower (*mahr*), financial maintenance (*nafaqah*), marital consent, and certain mechanisms for marital dissolution. Nevertheless, these protections developed alongside differentiated formulations of matrimonial authority, legal capacity, and reciprocal responsibilities between spouses. Consequently, the central analytical issue is not whether classical Islamic jurisprudence recognized women's rights, but how its interpretive frameworks determined the scope, exercise, and legal enforceability of those rights (Qadri & Siregar, 2023).

The development of matrimonial doctrines within the Hanafi, Maliki, Shafi'i, and Hanbali schools demonstrates that classical Islamic jurisprudence cannot be regarded as an entirely homogeneous legal tradition. Differences among these schools reflect variations in the interpretation of authoritative texts, the application of jurisprudential principles, and assessments of the relationship between individual rights and family welfare. These differences are particularly apparent in matters concerning matrimonial guardianship, contractual capacity, financial obligations, and mechanisms for dissolving marriage. Such plurality challenges approaches that represent classical Islamic marriage law as a single and unchanging normative construction (Utsany, 2022; Karimullah et al., 2024).

However, jurisprudential diversity should not be interpreted as sufficient justification for adopting any alternative legal opinion merely because it appears compatible with contemporary expectations. The existence of different juristic

interpretations establishes the plurality of legal reasoning, but does not independently determine the normative superiority of one interpretation. Each position must be examined through its scriptural foundations, interpretive methodology, historical assumptions, and consequences for matrimonial rights. This distinction is important because the legitimacy of Islamic legal reconstruction depends not only on the desirability of its outcomes but also on the coherence of the reasoning through which those outcomes are justified (Solikin, 2023).

Historical analysis further indicates that differentiated matrimonial responsibilities were formulated within particular socioeconomic circumstances. Assumptions concerning men's financial obligations, women's social vulnerability, household organization, and the distribution of familial authority influenced juristic understandings of marriage. Although these considerations contributed to legal arrangements intended to preserve family welfare, their continuing relevance requires critical examination when contemporary social circumstances differ from those informing earlier interpretations. The increasing participation of women in education, professional employment, and household economic provision raises questions concerning the application of legal formulations premised on relatively fixed gender responsibilities (Qadri & Siregar, 2023; Karimullah et al., 2024).

An important analytical distinction emerges between the formal recognition of matrimonial entitlements and women's substantive capacity to exercise them. The recognition of *mahr* as an individual property right does not necessarily establish that women experience unrestricted control over the corresponding assets. Similarly, the existence of maintenance obligations does not automatically guarantee effective financial protection when institutional or procedural barriers obstruct their enforcement. These distinctions suggest that matrimonial rights must be evaluated through both their doctrinal formulation and the legal mechanisms through which they can be realized.

The relationship between legal protection and matrimonial authority therefore constitutes a central concern in evaluating classical jurisprudence. A legal arrangement may be justified through the protection of family welfare while simultaneously allocating decision-making authority in ways that constrain the individual agency of one spouse. This possibility does not establish that all differentiated obligations are necessarily unjust. Rather, it requires a more precise examination of whether particular distinctions remain proportionate to their legitimate purposes and whether their implementation provides adequate safeguards against coercion, exclusion, or disproportionate burdens (Rahmawati, 2020; Utsany, 2022).

From this perspective, historical jurisprudential analysis requires three interconnected evaluations. The first concerns textual legitimacy, including the authoritative sources and recognized interpretive principles supporting a matrimonial doctrine. The second concerns historical contextualization, particularly the socioeconomic assumptions influencing its formulation. The third concerns contemporary normative consequences, including whether the doctrine continues to achieve its protective objectives without unjustifiably restricting women's legal capacity, dignity, or access to effective remedies. These evaluations

establish a connection between classical legal reasoning and contemporary discussions of justice without reducing Islamic jurisprudence to either historical social arrangements or unrestricted moral reinterpretation (Solikin, 2023; Karimullah et al., 2024).

Accordingly, classical Islamic jurisprudence should be understood as a significant normative foundation for contemporary discussions of women's marital rights rather than as an undifferentiated collection of rules that must be either entirely preserved or rejected. Its internal diversity and established interpretive traditions create opportunities for critical legal reasoning, provided that such reasoning remains attentive to authoritative sources, methodological consistency, and the substantive consequences of particular legal arrangements. This conclusion provides the foundation for examining specific matrimonial institutions through which women's rights and legal agency are negotiated.

Gender Inequality and the Limits of Women's Marital Rights

The analysis identifies matrimonial guardianship (*wilāyah*), marital authority (*qiwāmah*), economic entitlements, and access to divorce as interconnected dimensions through which differentiated gender responsibilities become visible within Islamic marriage jurisprudence. Although these institutions possess distinct doctrinal foundations, their interpretation may influence women's contractual capacity, financial independence, participation in household decisions, and access to judicial protection. The relationship between formal entitlement and substantive legal agency therefore provides an important analytical framework for understanding the limits of women's marital rights.

Matrimonial guardianship represents one of the clearest examples of jurisprudential disagreement concerning women's legal capacity. Classical jurists developed different positions regarding the authority of guardians and the conditions under which legally competent adult women may conclude marriage contracts. The Hanafi tradition generally recognizes broader contractual capacity for adult women, subject to relevant juristic conditions, whereas the Maliki, Shafi'i, and Hanbali traditions assign a more central role to guardianship in determining matrimonial validity. Nevertheless, these positions cannot be reduced to a simple distinction between unrestricted autonomy and absolute guardianship authority because each tradition contains specific legal requirements, qualifications, and protective considerations.

The significance of these differences extends beyond doctrinal classification. Guardianship raises questions concerning the relationship between familial involvement, contractual validity, and women's independent expression of consent. These matters are closely related but analytically distinct. A marriage may involve a guardian without necessarily eliminating the woman's right to consent, while the formal recognition of consent may remain inadequate when coercion, social pressure, or institutional barriers prevent meaningful choice. Contemporary discussions of Islamic family law therefore emphasize the necessity of examining whether guardianship operates as a protective legal mechanism or creates restrictions that exceed its legitimate purposes (Rahmawati, 2020; Utsany, 2022).

A reconstruction of guardianship consistent with substantive gender justice

must consequently address the practical realization of informed consent. Legal protection requires more than declaring that coercion is prohibited. It also involves procedures through which prospective spouses can express their preferences, challenge coercive arrangements, and obtain impartial institutional consideration when disputes arise. Within this framework, the normative legitimacy of *wilāyah* depends partly on whether its application secures dignity, protects against harm, and recognizes legally relevant individual capacity without disregarding established jurisprudential requirements (Solikin, 2023).

A related tension emerges in the interpretation of *qiwāmah*, commonly associated with the husband's leadership and financial responsibilities within marriage. Classical formulations frequently connect this concept with differentiated obligations concerning family maintenance and household organization. However, interpreting such responsibilities as an unconditional entitlement to superior decision-making authority raises questions regarding the relationship between legal duties and personal autonomy. Contemporary Islamic legal scholarship increasingly examines whether *qiwāmah* should be understood through responsibility, accountability, consultation, and cooperation rather than through an unrestricted hierarchy of marital authority.

Aisyah and Hidayah (2023) emphasize the relevance of responsibility and partnership in understanding family leadership. Their perspective offers a conceptual foundation for distinguishing authority exercised to fulfill legitimate matrimonial obligations from authority claimed as an independent legal privilege. Financial responsibility, for example, does not necessarily establish an unrestricted entitlement to control a spouse's property, educational opportunities, professional activities, or access to legal assistance. The central normative question concerns whether marital authority serves identifiable protective purposes while respecting the legal personality and recognized rights of both spouses.

Contemporary socioeconomic developments further complicate rigid interpretations of marital authority. Women's participation in paid employment, contributions to household income, and responsibilities for unpaid domestic labor demonstrate that matrimonial cooperation cannot be adequately understood through monetary provision alone. Caregiving, household management, and other non-remunerated activities contribute substantially to family welfare, even when they are not reflected in individual earnings. Accordingly, the interpretation of reciprocal responsibilities requires attention to the actual distribution of obligations rather than relying exclusively on assumptions concerning predetermined gender roles (Karimullah et al., 2024; Rahmawati, 2020).

The same distinction between formal entitlement and substantive protection applies to women's economic rights. Classical Islamic jurisprudence established legal mechanisms recognizing women's individual ownership of *mahr* and their entitlement to financial maintenance. Nevertheless, the practical protection of these rights requires distinguishing individual property, ongoing financial support, and economic claims arising from marital dissolution. Each category may involve different legal foundations, evidentiary requirements, and enforcement mechanisms. Treating these interests as interchangeable risks obscuring the specific forms of protection required in different matrimonial

circumstances.

Contemporary analyses of financial obligations illustrate the importance of ensuring that matrimonial entitlements remain legally identifiable and effectively enforceable. Ahmad et al. (2020), in examining maintenance obligations from a Shariah perspective, provide relevant considerations concerning the determination and fulfillment of financial responsibilities. Similarly, discussions of contemporary matrimonial relations indicate that economic justice requires attention to property ownership, access to relevant documentation, and the procedures available for claiming financial support (Qadri & Siregar, 2023).

The recognition of women's financial contributions should not be interpreted as automatically eliminating established maintenance obligations. Such reasoning could undermine protections intended to address economic vulnerability. Conversely, the existence of maintenance responsibilities should not be transformed into a justification for unrestricted financial control. A more defensible approach distinguishes economic duties from decision-making privileges and evaluates each arrangement according to its normative foundations, reciprocal implications, and protective consequences. This distinction is particularly relevant when changing household circumstances challenge assumptions concerning the exclusive economic dependence of wives (Sari & Arif, 2023; Karimullah et al., 2024).

Women's access to marital dissolution provides another significant indicator of substantive gender justice. Classical Islamic jurisprudence developed different mechanisms for terminating marriage, including *ṭalāq*, *khul'*, and judicial dissolution. These mechanisms differ in their legal foundations, procedural requirements, and implications for matrimonial obligations. Although the availability of different forms of dissolution demonstrates that Islamic jurisprudence recognizes circumstances under which marriage may be terminated, the existence of such mechanisms does not necessarily guarantee equal procedural accessibility or effective protection against economic disadvantage.

Research concerning divorce and post-divorce entitlements highlights the significance of judicial interpretation and institutional implementation. Sanusi et al. (2023) examine the role of judicial reasoning in protecting women's post-divorce rights, while Kholidah et al. (2023) and Nurhasnah (2024) address challenges associated with the realization of financial and legal entitlements following marital dissolution. These discussions underscore the difference between formally recognized claims and the ability to secure appropriate remedies through accessible and enforceable legal procedures.

Comparative scholarship also demonstrates that divorce mechanisms are shaped by different legislative arrangements and sociocultural circumstances. Research concerning *ta'liq al-ṭalāq* in Indonesia and Morocco illustrates how conditional divorce provisions may operate as protective instruments while being subject to different legal and institutional requirements (Izzati et al., 2024). Similarly, comparative analyses of divorce reform in Egypt, Indonesia, and Pakistan demonstrate that related legal objectives can be pursued through distinct regulatory pathways (Amar et al., 2024). These differences indicate the importance

of evaluating the actual operation of legal mechanisms rather than assuming that the recognition of a particular doctrine guarantees equivalent protection across jurisdictions.

The combined analysis of guardianship, marital authority, economic entitlements, and divorce reveals that gender justice cannot be adequately assessed through formal legal recognition alone. Three dimensions must be considered together: doctrinal legitimacy, procedural accessibility, and substantive protection. Doctrinal legitimacy concerns whether a right or obligation possesses a defensible foundation within Islamic legal reasoning. Procedural accessibility concerns whether affected individuals can meaningfully exercise their rights. Substantive protection concerns whether legal arrangements provide effective safeguards against coercion, deprivation, and disproportionate disadvantage. The interaction among these dimensions demonstrates why contemporary reconstruction must address not only the interpretation of matrimonial doctrines but also the institutional conditions necessary for their realization.

Reconstructing Women's Marital Rights through Maqāṣid al-Sharī'ah and Contextual Interpretation

The preceding findings demonstrate that the reconstruction of women's marital rights requires a framework capable of maintaining jurisprudential legitimacy while critically evaluating the substantive consequences of matrimonial doctrines. Such reconstruction cannot be achieved solely by emphasizing historical legal diversity or invoking contemporary equality as an abstract normative objective. Instead, it requires a structured relationship between authoritative Islamic legal sources, contextual interpretation, and explicit criteria for assessing justice, dignity, and reciprocal responsibilities. Within this framework, *maqāṣid al-sharī'ah* and contextual hermeneutics provide complementary foundations for evaluating and reformulating matrimonial rights.

Maqāṣid al-sharī'ah offers a purposive approach through which legal formulations can be examined in relation to the objectives they are intended to achieve. Its relevance lies in distinguishing the broader normative purposes of Islamic law from specific juristic mechanisms developed within historically situated circumstances. Matrimonial arrangements historically justified through the protection of family welfare should therefore be evaluated according to whether their contemporary application continues to secure legitimate interests without creating avoidable restrictions on women's dignity or legal agency (Solikin, 2023; Utsany, 2022).

The widely discussed objectives concerning the protection of religion, life, intellect, lineage, and property provide important normative considerations for understanding matrimonial obligations. However, these objectives should not be applied mechanically or assumed to establish a predetermined hierarchy in every legal dispute. Protection of family stability, for example, cannot automatically justify overlooking credible threats to a spouse's safety, while the protection of property must account for women's recognized ownership and financial entitlements. Similarly, the protection of lineage should be considered alongside

the rights and welfare of children without unnecessarily restricting the legal capacity of either spouse.

A purposive interpretation consequently requires identifying the legitimate objective of a legal doctrine, examining the relationship between that objective and the mechanisms used to pursue it, and evaluating whether alternative arrangements could provide comparable protection with fewer unjustified burdens. This approach recognizes that legal protection may sometimes require differentiated obligations while also demanding a defensible explanation of why such differentiation remains necessary and proportionate. The normative validity of reconstruction therefore depends on transparent reasoning rather than generalized references to welfare or equality (Karimullah et al., 2024; Mufti, 2024).

Contextual hermeneutics complements this evaluation by examining how legal interpretations develop through interactions between authoritative sources, jurisprudential methods, and social circumstances. Its contribution is particularly significant in distinguishing scriptural principles from juristic conclusions influenced by particular historical assumptions. The existence of differences among classical schools demonstrates that matrimonial doctrines have been formulated through multiple interpretive approaches. Nevertheless, interpretive plurality does not provide unlimited discretion to disregard recognized legal methodologies or replace established reasoning with contemporary preferences.

A methodologically defensible reconstruction must therefore identify the relevant juristic tradition, explain its interpretation of authoritative sources, clarify the assumptions underlying its legal conclusions, and establish why those assumptions remain valid or require reconsideration. This process also demands serious engagement with competing interpretations. Reform-oriented arguments must demonstrate that proposed alternatives maintain sufficient normative coherence, while defenses of existing legal formulations must explain why their contemporary application continues to achieve legitimate protective objectives without imposing disproportionate restrictions (Qadri & Siregar, 2023; Karimullah et al., 2024).

Comparative scholarship concerning Islamic family-law reform demonstrates the relevance of this approach. Different national legal systems may translate related jurisprudential principles into distinct statutory arrangements and institutional procedures. Such variation suggests that the implementation of Islamic matrimonial norms involves interpretive and regulatory choices rather than the automatic reproduction of a single uniform legal model. Nevertheless, differences among jurisdictions must be assessed carefully because legislative variation does not independently establish the superiority or effectiveness of particular reforms (Wagianto & Affan, 2022; Zayyadi, 2023).

Building on these considerations, this study proposes a four-stage conceptual framework for reconstructing women's marital rights through the integration of doctrinal analysis, contextual examination, *maqāṣid*-based evaluation, and normative reformulation. The framework is intended to establish an identifiable analytical process through which matrimonial doctrines can be critically assessed without disregarding their jurisprudential foundations.

The first stage involves identifying the relevant classical jurisprudential

doctrine, its authoritative textual foundations, and significant differences among legal schools. This stage requires careful examination of the reasoning supporting each position, including the interpretive principles through which scriptural evidence is translated into legal rules. Its purpose is to prevent reconstruction from relying on generalized or inaccurate representations of classical Islamic law.

The second stage examines the historical and contextual assumptions informing the doctrine. Particular attention is directed toward socioeconomic responsibilities, familial authority, institutional arrangements, and understandings of social vulnerability that may have influenced legal formulations. This analysis distinguishes between the normative purposes of legal rules and the historically contingent mechanisms through which those purposes were pursued. It also identifies circumstances in which contemporary social developments may require renewed examination of the relationship between legal means and legitimate objectives.

The third stage evaluates the doctrine through normative criteria derived from *maqāṣid al-sharī'ah*, including justice, human dignity, reciprocal responsibility, protection against harm, and the effective realization of legally recognized rights. This evaluation requires examining both the benefits associated with a particular rule and the possible restrictions it imposes. A doctrine cannot be considered normatively satisfactory solely because it claims to promote family welfare; its protective rationale must remain intelligible when assessed against the interests and legal capacities of those affected.

The fourth stage formulates a defensible alternative interpretation or institutional mechanism and evaluates its implications for matrimonial rights. This stage must explain how the proposed formulation relates to authoritative sources, recognized juristic methods, and applicable legal structures. It must also identify potential objections concerning legal certainty, procedural safeguards, institutional feasibility, and the distribution of responsibilities between spouses. The purpose is not merely to articulate an ideal of gender justice, but to establish how such an ideal may be translated into coherent legal reasoning and potentially workable arrangements.

The proposed framework can be illustrated through its application to matrimonial guardianship. Doctrinal identification clarifies the positions of relevant legal schools concerning adult women's contractual capacity and the role of guardians. Contextual examination considers the protective assumptions associated with guardianship. Normative evaluation assesses whether the resulting arrangements protect informed consent and prevent coercion without imposing unnecessary restrictions. Legal reformulation then considers whether alternative interpretations or procedural safeguards can preserve legitimate protective objectives while strengthening women's legal agency.

A comparable approach can be applied to economic entitlements and marital dissolution. In evaluating maintenance obligations, the framework distinguishes the underlying financial protection from any additional claim to unilateral household authority. In examining divorce procedures, it separates recognized grounds for dissolution from procedural access, evidentiary requirements, and the enforcement of post-divorce entitlements. These

applications demonstrate that the framework does not prescribe a single substantive outcome across all matrimonial issues. Rather, it provides consistent criteria for evaluating different legal arrangements according to their doctrinal foundations and protective consequences.

The principal theoretical contribution of this reconstruction lies in establishing an explicit relationship between jurisprudential continuity and substantive justice. Existing discussions of women's rights frequently emphasize either fidelity to classical legal traditions or the necessity of reform through contemporary principles of equality. The framework proposed here seeks to move beyond this opposition by demonstrating that the legitimacy of legal reconstruction depends on both doctrinal accountability and a defensible evaluation of contemporary consequences (Solikin, 2023; Karimullah et al., 2024).

Nevertheless, the framework remains a conceptual proposal rather than an empirically validated legal model. Its effectiveness cannot be established solely through normative analysis because the realization of matrimonial rights also depends on judicial interpretation, institutional capacity, procedural accessibility, and social circumstances. Consequently, further research is required to examine how the proposed criteria operate within particular legal jurisdictions and whether they contribute to measurable improvements in women's access to protection. Recognizing this limitation preserves the distinction between the theoretical coherence of legal reconstruction and its practical implementation.

Implications for Contemporary Islamic Family Law and Gender Justice

The reconstruction of women's marital rights carries important implications for contemporary Islamic family law, particularly in jurisdictions where matrimonial regulation involves interactions between classical jurisprudence, national legislation, judicial interpretation, and changing socioeconomic circumstances. Comparative scholarship demonstrates that Muslim-majority legal systems have developed different approaches to matrimonial authority, financial responsibilities, divorce procedures, and the protection of vulnerable family members. Such differences provide an important basis for examining how Islamic legal principles are translated into contemporary regulatory arrangements.

Comparative studies involving Indonesia and Morocco illustrate variations in the formal construction of spousal relationships and responsibilities. Moroccan family-law reform places greater legislative emphasis on shared responsibility within marriage, whereas Indonesian marriage legislation continues to identify the husband as head of the family. These differences are relevant to discussions of gender justice because they demonstrate that related Islamic legal concepts can be expressed through distinct statutory formulations. Nevertheless, the existence of more explicitly egalitarian statutory language does not necessarily establish that a particular legal system provides consistently superior outcomes for women (Izzati et al., 2024).

The effectiveness of matrimonial reform depends on the interaction between substantive legal provisions and institutional implementation. A formally recognized right may provide limited protection when individuals face procedural complexity, insufficient legal information, financial barriers, or difficulties

enforcing judicial decisions. Conversely, established legal mechanisms may provide meaningful protection when their interpretation is supported by transparent reasoning and accessible remedies. Accordingly, contemporary reconstruction must consider both the normative content of matrimonial rules and the legal institutions responsible for implementing them.

The regulation of polygamous marriage illustrates this relationship between legal permission and procedural protection. A rights-oriented analysis should examine not only whether polygamy is permitted within a particular legal system, but also whether its regulation provides sufficient mechanisms for assessing relevant circumstances, protecting financial entitlements, and considering the interests of affected spouses. Awang (2024) examines the involvement of Malaysian courts in the regulation of polygamous marriage, highlighting the relevance of institutional oversight. This example demonstrates why the adequacy of matrimonial regulation cannot be determined exclusively through abstract doctrinal categories.

Similar considerations apply to divorce and post-divorce protection. Although legal systems may recognize mechanisms for marital dissolution and financial claims, the substantive realization of these rights depends on procedural accessibility and effective enforcement. Research concerning women's post-divorce entitlements in Indonesia identifies continuing challenges associated with the fulfillment of judicially recognized rights (Sanusi et al., 2023; Nurhasnah, 2024). These findings suggest that reconstruction must incorporate institutional safeguards rather than relying solely on changes to doctrinal interpretation.

The interests of children constitute another essential dimension of contemporary matrimonial justice. Questions concerning lineage, maintenance, inheritance, and legal status may extend beyond the marital relationship and require independent legal protection. Comparative research involving Indonesia, Malaysia, and Turkey illustrates the relevance of child-related rights within broader family-law regulation (Azwar et al., 2024). Consequently, the reconstruction of women's marital rights should not be understood as necessarily opposing children's welfare. Instead, both interests must be assessed through a framework that recognizes their possible convergence while remaining attentive to circumstances in which particular legal claims require independent consideration.

The relationship between matrimonial justice and socioeconomic vulnerability further demonstrates the limitations of exclusively doctrinal reform. Following marital dissolution, individuals may encounter financial insecurity, caregiving responsibilities, and obstacles to securing maintenance or other legal entitlements. Research concerning post-divorce family resilience in Indonesia and Malaysia emphasizes the continuing relevance of economic and social conditions after formal legal dissolution (Hamidah et al., 2024). Such considerations highlight the necessity of connecting the interpretation of matrimonial rights with accessible legal assistance, effective judicial procedures, and mechanisms for enforcing financial obligations.

These findings also have methodological implications for future Islamic family-law scholarship. Normative legal analysis can establish whether particular

interpretations possess defensible doctrinal foundations and satisfy articulated principles of justice. However, determining whether such interpretations produce effective protection requires additional empirical investigation. Judicial decision analysis may reveal how courts justify competing matrimonial claims, while interviews with litigants and legal assistance providers may clarify the practical barriers encountered when exercising legally recognized rights. Such research would enable closer examination of the relationship between formal legal reform and substantive social outcomes (Kholidah et al., 2023; Nurhasnah, 2024).

From a theoretical perspective, the study demonstrates that women's marital rights should be evaluated through the interrelationship of jurisprudential legitimacy, substantive gender justice, and institutional enforceability. Jurisprudential legitimacy ensures that proposed reforms remain grounded in defensible Islamic legal reasoning. Substantive gender justice requires examination of the distribution of legal capacity, rights, responsibilities, and protection against disproportionate disadvantage. Institutional enforceability concerns the procedures and remedies through which those rights can be effectively realized.

The relationship among these dimensions challenges the assumption that maintaining classical Islamic jurisprudential foundations necessarily requires preserving every historically developed distribution of matrimonial authority. At the same time, it questions approaches that regard contemporary conceptions of equality as sufficient justification for legal reconstruction without demonstrating their compatibility with recognized interpretive principles. The proposed framework instead establishes a more demanding standard under which matrimonial doctrines must be assessed through both normative coherence and their capacity to secure legitimate protective purposes.

The broader significance of this approach lies in shifting the discussion from a binary opposition between legal tradition and gender equality toward a structured assessment of particular legal rules. Such assessment requires identifying the jurisprudential basis of a doctrine, explaining its historically situated rationale, evaluating its present consequences, and considering defensible alternatives. This perspective recognizes that Islamic jurisprudence possesses resources for continued interpretation while emphasizing that legal reform must remain accountable to both authoritative sources and the rights of those affected by its application.

Ultimately, the study contributes to contemporary Islamic legal thought by proposing an integrated conceptual framework for reconstructing women's marital rights through doctrinal continuity, contextual interpretation, *maqāṣid al-sharī'ah*, and substantive legal protection. Its contribution is not the claim that classical Islamic jurisprudence and contemporary gender equality are automatically compatible, but the articulation of a structured method through which their relationship can be critically examined. By connecting jurisprudential legitimacy with human dignity, reciprocal matrimonial responsibility, and enforceable legal rights, the framework offers a conceptual foundation for advancing gender justice within contemporary Islamic family law while preserving the methodological integrity of Islamic legal reasoning.

CONCLUSIONS

This study concludes that classical Islamic jurisprudential interpretations have significantly shaped women's rights in marriage through legal constructions of guardianship, spousal authority, financial maintenance, marital obligations, and divorce. Although classical jurisprudence established important protections for women, certain interpretations developed within historically specific social structures have contributed to unequal distributions of marital authority and legal agency. Addressing the first research question, the study demonstrates that gender inequality in Islamic marriage law cannot be understood solely as a consequence of religious principles but must also be examined through the historical, sociocultural, and epistemological contexts in which jurisprudential doctrines were formulated.

The diversity of classical juristic opinions further indicates that Islamic legal traditions provide interpretive possibilities for reconsidering gender-based marital arrangements without disregarding their normative foundations. Regarding the second research question, this study proposes that contemporary Islamic legal thought can reconstruct women's marital rights through an integrated framework combining *maqāṣid al-sharīʿah*, contextual hermeneutics, and gender-just legal reasoning. Such reconstruction requires distinguishing foundational Islamic ethical principles from historically contingent jurisprudential formulations while evaluating matrimonial doctrines according to justice, equality, human dignity, mutual responsibility, and protection against harm.

The proposed framework encompasses four interconnected stages: identifying classical jurisprudential constructions, critically examining their textual and historical foundations, evaluating their normative implications through *maqāṣid al-sharīʿah*, and formulating contextually responsive legal interpretations. This approach demonstrates how jurisprudential continuity and substantive gender justice can be pursued through a systematic process of legal reinterpretation rather than through the wholesale rejection of classical Islamic legal traditions.

The principal theoretical contribution of this study lies in proposing an operational framework for reconstructing women's marital rights that connects historical jurisprudential analysis with contemporary normative evaluation. Practically, the framework offers conceptual guidance for Islamic family law scholarship, legal reform, and judicial interpretation concerning marital consent, spousal responsibilities, economic rights, and access to divorce. Nevertheless, as a qualitative literature-based study, its conclusions remain conceptual and have not been empirically tested across different Muslim legal systems.

Future research should therefore examine the framework through comparative doctrinal studies, judicial decision analysis, and empirical investigations of women's experiences within Islamic family law institutions. Ultimately, reconstructing women's marital rights requires an interpretive approach that preserves the ethical foundations of Islamic law while ensuring that its contemporary application advances substantive justice, reciprocal dignity, and equitable marital relationships.

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