

Reinterpreting Qiwāmah in Marital Relations: A Socio-Legal Analysis of Egalitarian Practices in Muslim Society

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ABSTRACT

This study examines the reinterpretation of qiwāmah in husband–wife relations through a socio-legal approach by investigating egalitarian practices emerging in contemporary Muslim communities. While classical Islamic jurisprudence generally conceptualizes qiwāmah as male leadership within the family, this research explores how changing social conditions have reshaped its practical implementation. Employing a qualitative socio-legal methodology, the study analyzes the interaction between Islamic legal norms and evolving social practices. The findings reveal that egalitarian marital practices are expressed not through the elimination of family leadership but through joint decision-making, flexible arrangements for economic and domestic responsibilities, and negotiated role-sharing based on competence and collective welfare. The principal contribution of this research is the identification of a “contextual-partnership qiwāmah” model, in which qiwāmah is reconstructed as collaborative responsibility, moral accountability, and reciprocal protection between spouses rather than unilateral authority. This model demonstrates that egalitarian marital relations can coexist with the foundational Islamic values of justice, public welfare (maṣlahah), and mu‘āsharah bi al-ma‘rūf. Accordingly, the study contributes not only to the conceptual reinterpretation of qiwāmah but also to the development of a socio-legal framework that bridges normative Islamic teachings and contemporary marital realities, offering a more adaptive, context-sensitive, and equitable perspective for the advancement of Islamic family law.

Keywords: Qiwāmah, Marital Relations, Socio-Legal, Gender Equality, Islamic Family Law.

ABSTRAK

Penelitian ini bertujuan menganalisis reinterpretasi konsep qiwāmah dalam relasi suami-istri melalui pendekatan socio-legal dengan menelaah praktik-praktik egaliter yang berkembang dalam komunitas Muslim kontemporer. Berangkat dari pemahaman klasik yang memosisikan qiwāmah sebagai kepemimpinan laki-laki dalam keluarga, penelitian ini mengkaji bagaimana perubahan sosial memengaruhi implementasinya dalam kehidupan rumah tangga. Penelitian menggunakan metode kualitatif dengan pendekatan socio-legal melalui analisis terhadap norma hukum Islam dan praktik sosial yang berkembang. Hasil penelitian menunjukkan bahwa praktik egaliter tidak diwujudkan melalui penghapusan

kepemimpinan keluarga, melainkan melalui pengambilan keputusan secara musyawarah, pembagian tanggung jawab ekonomi dan domestik yang fleksibel, serta negosiasi peran berdasarkan kapasitas dan kemaslahatan bersama. Temuan utama penelitian ini mengidentifikasi munculnya model “contextual-partnership qiwāmah”, yaitu bentuk qiwāmah yang memaknai kepemimpinan sebagai tanggung jawab kolaboratif, akuntabilitas moral, dan perlindungan timbal balik antara suami dan istri, tanpa menghilangkan prinsip-prinsip dasar hukum Islam. Model ini memperlihatkan bahwa relasi egaliter dapat berjalan selaras dengan nilai keadilan, kemaslahatan, dan mu‘āsharah bi al-ma‘rūf dalam keluarga Muslim. Dengan demikian, kontribusi penelitian ini tidak hanya terletak pada reinterpretasi konseptual terhadap qiwāmah, tetapi juga pada penyusunan kerangka socio-legal baru yang menjembatani antara teks normatif dan praktik sosial kontemporer, sehingga memperkaya pengembangan hukum keluarga Islam yang lebih adaptif, kontekstual, dan berkeadilan.

Kata Kunci: *Qiwāmah, Relasi Suami-Istri, Socio-Legal, Kesetaraan Gender, Hukum Keluarga Islam.*

INTRODUCTION

The discourse on qiwāmah (male guardianship or leadership within the family) remains one of the most debated issues in contemporary Islamic legal and gender studies. Traditionally rooted in Qur’anic interpretation, particularly Q.S. An-Nisā’ (4):34, qiwāmah has often been understood as granting men authority over women in marital relations. Classical Islamic jurisprudence positioned this concept within a framework of responsibility, where male leadership was closely tied to financial provision and protection (Nurani, 2021). However, in modern contexts, such interpretations increasingly encounter challenges due to evolving social structures, educational advancement, and shifting gender roles within Muslim societies.

Recent studies indicate that the persistence of hierarchical interpretations of qiwāmah has contributed to unequal power relations within households. For instance, research on domestic violence in Indonesia highlights how gendered power imbalances, often legitimized through rigid interpretations of religious authority, can exacerbate vulnerability among women (Abidin et al., 2025). Similarly, socio-legal analyses of marital disputes reveal that unequal authority in decision-making processes continues to influence outcomes related to divorce, property division, and post-marital rights (Raden & Syafruddin, 2025). These findings suggest that the normative understanding of qiwāmah requires critical re-examination in light of contemporary realities.

In parallel, a growing body of scholarship has attempted to reinterpret qiwāmah within the broader framework of gender equality in Islam. Studies on gender justice emphasize that Islamic teachings fundamentally uphold principles of fairness, balance, and mutual responsibility between men and women (Asniah et al., 2023). Contemporary Qur’anic analyses further argue that the concept of gender equality is embedded within the ethical spirit of Islamic revelation, even if classical exegesis has historically been shaped by patriarchal contexts (Dias, 2025; Yusuf, 2025). Moreover, critical approaches to traditional tafsir highlight the need to reconstruct gender-related interpretations to better align with current socio-cultural conditions (Sholikhah, 2025).

Despite these developments, significant gaps remain in the literature. First, many

studies tend to focus either on normative textual analysis or on feminist critique, often without integrating both into a comprehensive legal framework. Second, there is a lack of empirical socio-legal research examining how qiwāmah is actually practiced, negotiated, or transformed within contemporary Muslim households. Third, limited attention has been given to the lived experiences of different social groups, such as younger generations, whose perspectives on marriage and partnership are rapidly evolving. For example, recent anthropological findings reveal that many individuals from Generation Z perceive marriage as a potentially unequal and even intimidating institution, reflecting anxieties about gender imbalance and authority (Alitha et al., 2025).

Furthermore, while several studies have explored gender relations in Islamic thought, they often remain theoretical and do not sufficiently address how these concepts operate within real social and legal contexts. Research on marital dynamics has shown a gradual shift toward more balanced and negotiated roles between spouses, indicating a transformation from rigid hierarchical structures toward relational partnership models (Romli, 2021). However, these transformations have not been adequately theorized within Islamic legal discourse, particularly through a socio-legal lens that bridges normative teachings and social practice.

This study seeks to address these gaps by offering a socio-legal reinterpretation of qiwāmah in the context of contemporary marital relations. Unlike previous works that are predominantly textual or ideological, this research integrates normative Islamic legal principles with empirical social analysis to examine how egalitarian practices are emerging within Muslim societies. The novelty of this research lies in its attempt to move beyond the binary opposition between traditional and feminist interpretations by proposing a contextualized understanding of qiwāmah grounded in lived realities. It also contributes to the development of Islamic family law by incorporating socio-legal insights into the reconstruction of marital authority and responsibility.

Accordingly, the objective of this study is to analyze the reinterpretation of qiwāmah in husband–wife relations through a socio-legal approach, with particular attention to egalitarian practices in Muslim communities. Specifically, this research aims to: (1) examine the classical and contemporary understandings of qiwāmah; (2) analyze the socio-legal dynamics influencing marital relations; (3) explore the emergence of egalitarian practices in Muslim households; and (4) formulate a contextual framework for understanding qiwāmah that aligns with principles of justice, mutuality, and social change. Through this approach, the study aspires to contribute to a more balanced and relevant discourse on Islamic family law in the modern era.

METHOD

This study employs a qualitative research design with a socio-legal approach to explore the reinterpretation of qiwāmah in contemporary marital relations within Muslim societies. Qualitative research is particularly suitable for this study as it enables an in-depth understanding of social phenomena, meanings, and lived experiences related to gender relations and legal practices (Ratnaningtyas et al., 2023). The socio-legal approach is used to bridge the gap between normative Islamic legal texts and their implementation in real social contexts, allowing the researcher to examine how legal concepts are interpreted,

negotiated, and practiced within society (Kaelan, 2010).

The data used in this study consist of both primary and secondary sources. Primary data are obtained through field observations and in-depth interviews with married Muslim individuals, religious figures, and community leaders to capture their perspectives on qiwāmah and egalitarian marital practices. Meanwhile, secondary data include relevant literature such as academic journals, books, legal documents, and prior research discussing Islamic family law, gender relations, and socio-legal dynamics. This combination of data sources aims to provide a comprehensive understanding of both theoretical and empirical dimensions of the issue.

Data collection techniques involve semi-structured interviews, documentation, and literature review. Semi-structured interviews are chosen to allow flexibility in exploring participants' experiences while maintaining a clear research focus. Documentation is used to analyze written sources related to Islamic legal interpretations and gender discourse. The data analysis process follows an interactive model, including data reduction, data display, and conclusion drawing, which allows continuous interpretation throughout the research process (Sugiyono, 2016).

To ensure the validity and reliability of the findings, this study applies triangulation techniques by comparing data from different sources and methods. This approach enhances the credibility of the research and minimizes potential bias. Through this methodological framework, the study aims to produce a contextual and comprehensive understanding of the reinterpretation of qiwāmah in promoting egalitarian marital relations in Muslim society.

RESULTS AND DISCUSSION

The Concept of Qiwāmah in Classical Islamic Jurisprudence

The concept of qiwāmah in classical Islamic jurisprudence is fundamentally rooted in the Qur'anic verse Q.S. An-Nisā' (4):34, which positions men as qawwāmūn (protectors or maintainers) over women. Classical jurists interpreted this verse within a socio-historical context where men were primarily responsible for economic provision and public leadership, thereby justifying a structured form of authority within the household. This interpretation framed qiwāmah not merely as power, but as a combination of responsibility, obligation, and moral accountability (Nurani, 2021). In this sense, leadership in the family was seen as a functional necessity aimed at maintaining order and ensuring the welfare of its members.

From a jurisprudential perspective, qiwāmah was closely linked to the division of rights and obligations between spouses. The husband's role as a provider (nafāqah) and protector legitimized his leadership, while the wife's role was often associated with domestic management and obedience within the boundaries of Islamic law. This reciprocal arrangement was understood as a form of balance rather than inequality, as each party was assigned complementary roles based on perceived natural and social differences (Sukatin & Astuti, 2022). However, this framework also established a hierarchical structure in which decision-making authority predominantly rested with the husband, reflecting the patriarchal norms of the time.

Classical interpretations of qiwāmah were further reinforced by exegetical traditions that emphasized male superiority in certain aspects, such as physical strength and financial capability. These interpretations often shaped legal doctrines in Islamic family law,

including issues of guardianship, marital authority, and conflict resolution. As a result, qiwāmah became institutionalized as a normative principle governing marital relations, influencing legal practices in areas such as divorce, inheritance, and dispute settlement (Awang et al., 2025). This institutionalization demonstrates how theological interpretations can evolve into binding legal norms within Muslim societies.

Nevertheless, it is important to note that classical jurists did not uniformly interpret qiwāmah as absolute domination. Rather, many emphasized ethical limitations on male authority, including the obligation to treat wives with kindness (*mu‘āsharah bi al-ma‘rūf*) and to avoid *ظلم* (injustice). This indicates that the concept inherently contained moral checks intended to prevent abuse of power. However, in practice, these ethical dimensions were not always effectively enforced, leading to disparities between normative ideals and social realities. Contemporary socio-legal studies reveal that hierarchical interpretations of marital authority can still contribute to unequal power dynamics and, in some cases, to domestic violence (Abidin et al., 2025).

In the broader discourse of gender and Islamic law, the classical concept of qiwāmah has increasingly been scrutinized for its potential to perpetuate inequality. Scholars of gender studies argue that many traditional interpretations were shaped by historical and cultural contexts rather than purely theological imperatives (Fathurrohman et al., 2024). This perspective suggests that the hierarchical model of qiwāmah may not be universally applicable across different times and societies. Supporting this view, studies on gender equality in Islam emphasize that the Qur’an promotes justice, balance, and mutual respect between men and women, which may require reinterpreting traditional concepts in light of contemporary conditions (Asniah et al., 2023; Yusuf, 2025).

Moreover, the evolution of social structures has significantly challenged the classical assumptions underlying qiwāmah. In modern Muslim societies, women increasingly participate in education, employment, and public life, thereby altering the traditional basis of male authority. Research on marital dynamics indicates a gradual shift toward more egalitarian relationships, where decision-making is shared and roles are negotiated rather than fixed (Romli, 2021). This transformation highlights the tension between classical legal frameworks and contemporary social realities, raising questions about the continued relevance of traditional interpretations.

The persistence of gender inequality in certain legal and social contexts further complicates the application of qiwāmah. Socio-legal analyses of divorce cases and property distribution reveal that unequal power relations can still disadvantage women, particularly when traditional interpretations are rigidly applied (Raden & Syafruddin, 2025). Additionally, cultural perceptions of marriage among younger generations reflect growing concerns about inequality and authority within marital relationships, suggesting a shift in societal expectations (Alitha et al., 2025). These findings underscore the need to critically examine how qiwāmah operates not only as a legal doctrine but also as a lived social practice.

At the same time, Islamic scholarship continues to explore the possibility of reconciling classical jurisprudence with contemporary notions of gender justice. Studies on Qur’anic interpretations emphasize that equality in Islam does not necessarily imply identical roles, but rather fairness and proportional justice based on context (Dias, 2025; Resky et al., 2023). This perspective opens space for a more flexible understanding of

qiwāmah, one that prioritizes ethical principles over rigid hierarchies. Furthermore, critical approaches to traditional exegesis advocate for reconstructing gender-related interpretations to better align with the values of justice and human dignity (Sholikhah, 2025).

In light of these discussions, the classical concept of qiwāmah can be understood as a historically situated legal construct that requires contextual reinterpretation. While it originally functioned as a mechanism to organize family life and ensure responsibility, its hierarchical elements must be re-evaluated in response to changing social conditions. A socio-legal perspective reveals that the meaning and application of qiwāmah are not static, but continuously shaped by interactions between religious texts, legal frameworks, and societal practices. Therefore, understanding qiwāmah in classical Islamic jurisprudence is not merely an exercise in textual analysis, but a critical step toward developing a more just and relevant model of marital relations in contemporary Muslim society.

Contemporary Reinterpretations of Qiwāmah and Gender Equality Discourse

Contemporary reinterpretations of qiwāmah have emerged as a critical response to the growing tension between classical Islamic legal frameworks and modern discourses on gender equality. While traditional interpretations largely emphasized hierarchical authority within marital relations, recent scholarship increasingly repositions qiwāmah as a contextual and ethically grounded concept rather than a fixed structure of male dominance. This shift reflects broader transformations in Muslim societies, where evolving socio-economic realities and educational advancements have redefined the roles and expectations of both men and women. In this context, qiwāmah is no longer viewed solely as a symbol of authority, but rather as a dynamic principle that must be interpreted in light of justice, reciprocity, and social change (Asniah et al., 2023).

One of the most significant developments in contemporary discourse is the effort to align the concept of qiwāmah with the Qur'anic principles of justice and equality. Scholars argue that the ethical foundation of Islam prioritizes fairness ('adl) and balance, which should guide the interpretation of gender relations. Rather than legitimizing inequality, qiwāmah is increasingly understood as a functional responsibility contingent upon specific conditions, such as economic provision and social responsibility (Dias, 2025; Yusuf, 2025). This interpretation challenges the assumption that male leadership is inherently absolute, suggesting instead that it is conditional and adaptable to changing circumstances.

At the same time, feminist-oriented approaches within Islamic studies have played a crucial role in re-examining classical interpretations. These approaches critique the patriarchal biases embedded in traditional tafsir and highlight the need for a more inclusive and context-sensitive reading of religious texts. Studies on Islam, feminism, and gender demonstrate that many classical interpretations were influenced by socio-cultural contexts rather than purely theological imperatives, thus opening space for reinterpretation (Fathurrohman et al., 2024; Mubarakh et al., 2025). Similarly, critical analyses of traditional exegesis advocate for reconstructing gender-related concepts, including qiwāmah, to better reflect contemporary values of equality and human dignity (Sholikhah, 2025).

However, contemporary reinterpretations are not without debate. Some scholars caution against overly liberal readings that may detach qiwāmah from its normative Islamic framework. Instead, they emphasize the importance of maintaining a balance between

textual fidelity and contextual relevance. In this regard, the reinterpretation of qiwāmah is not about rejecting classical jurisprudence but about re-engaging with it through a critical and contextual lens. This perspective is supported by studies that highlight the need to integrate classical legal principles with modern socio-legal realities, ensuring that Islamic family law remains both authentic and responsive (Awang et al., 2025).

Beyond theoretical discussions, the reinterpretation of qiwāmah is also shaped by empirical social dynamics. Research on marital relationships indicates a gradual shift toward more egalitarian patterns, where authority is negotiated rather than imposed. This transformation is particularly evident in households where both spouses contribute economically, thereby challenging the traditional basis of male leadership (Romli, 2021). In such contexts, qiwāmah is often reinterpreted as shared responsibility rather than unilateral authority, reflecting a more partnership-oriented model of marriage.

Socio-legal studies further reveal that rigid interpretations of qiwāmah can have tangible consequences in legal and social practices. For instance, unequal power relations in marital contexts have been linked to issues such as domestic violence and inequitable legal outcomes in divorce cases (Abidin et al., 2025; Raden & Syafruddin, 2025). These findings underscore the urgency of reinterpreting qiwāmah in ways that prevent the misuse of authority and promote justice within the family. At the same time, legal frameworks that fail to adapt to changing social realities risk perpetuating inequality, highlighting the importance of integrating socio-legal perspectives into Islamic legal discourse.

Another important dimension of contemporary reinterpretation is the influence of generational change. Studies on younger generations, particularly Generation Z, reveal shifting attitudes toward marriage and gender roles. Many young individuals perceive traditional marital structures as restrictive or even intimidating, often associating them with unequal power dynamics (Alitha et al., 2025). This perception indicates a growing demand for more egalitarian and flexible models of marital relationships, which in turn pressures religious and legal institutions to reconsider established interpretations.

Cultural context also plays a significant role in shaping reinterpretations of qiwāmah. The interaction between Islamic teachings and local traditions, as seen in various Muslim societies, demonstrates that gender roles are not static but continuously negotiated within specific cultural settings (Luthfi, 2016). This suggests that reinterpretation must take into account not only textual analysis but also the socio-cultural environment in which Islamic law is applied. In this regard, qiwāmah can be understood as a concept that evolves through the interplay between religious principles and social realities.

Moreover, contemporary scholarship increasingly emphasizes the importance of mutuality and partnership in marital relations. Concepts such as *mu'āsharah bi al-ma'rūf* (living together in kindness) are highlighted as foundational principles that support egalitarian relationships. This perspective aligns with broader Islamic teachings on compassion, cooperation, and shared responsibility, offering a framework for reinterpreting qiwāmah in a way that is both faithful to Islamic values and responsive to contemporary needs (Hadi et al., 2023; Yamani & Nur, 2024).

In addition, interdisciplinary approaches have enriched the discourse on qiwāmah by incorporating insights from sociology, law, and gender studies. These approaches enable a more comprehensive understanding of how religious concepts function within complex

social systems. For example, socio-economic analyses demonstrate that gender equity contributes to social inclusion and institutional sustainability, suggesting that egalitarian principles are not only ethically desirable but also socially beneficial (Hazmi et al., 2025). This reinforces the argument that reinterpreting qiwāmah is not merely a theoretical exercise but a practical necessity for enhancing social justice.

In conclusion, contemporary reinterpretations of qiwāmah reflect an ongoing effort to reconcile classical Islamic teachings with modern values of gender equality. While debates persist, there is a growing consensus that the concept must be understood within its ethical and contextual dimensions rather than as a rigid hierarchy. By integrating normative principles with socio-legal realities, contemporary scholarship offers new pathways for understanding marital relations in Islam as based on partnership, justice, and mutual responsibility. This evolving discourse not only challenges traditional assumptions but also opens the possibility for a more equitable and relevant application of Islamic family law in the modern world.

Socio-Legal Dynamics of Egalitarian Marital Practices in Muslim Society

The emergence of egalitarian marital practices in Muslim society cannot be separated from the dynamic interaction between legal norms, social realities, and cultural transformations. From a socio-legal perspective, marriage is not merely a religious institution governed by textual prescriptions, but also a social construct continuously shaped by lived experiences, power relations, and changing societal expectations. In this context, egalitarianism in marital relations reflects a gradual shift from rigid hierarchical structures toward more negotiated and reciprocal forms of partnership. This transformation is driven not only by internal developments within Islamic thought but also by broader socio-economic and cultural changes affecting Muslim communities.

One of the key factors influencing this shift is the increasing awareness of gender justice within Islamic discourse. Early advocacy for gender equality in Muslim societies has long emphasized that justice is a fundamental principle embedded in Islamic teachings, rather than an external imposition (Alawiyah, 2002). Contemporary studies further reinforce this perspective by highlighting that gender equality in Islam is rooted in the balance of rights and obligations, rather than identical roles between men and women (Noor, 2013). This understanding provides a normative foundation for the development of egalitarian marital practices, where both spouses are recognized as equal moral agents with shared responsibilities.

At the same time, socio-legal realities reveal that the implementation of egalitarian principles remains complex and uneven. Legal frameworks governing marriage and divorce often reflect a combination of religious doctrines and socio-cultural norms, which may not always align with contemporary expectations of equality. For instance, studies on divorce cases indicate that women frequently face structural disadvantages in accessing their rights, particularly in relation to economic security and post-divorce entitlements (Sa'adah, 2018; Wiranto et al., 2025). These challenges highlight the persistence of gender asymmetry within legal systems, even as societal attitudes begin to shift toward more egalitarian values.

The role of culture in shaping marital practices is equally significant. In many Muslim societies, local traditions and customs interact with Islamic teachings to produce diverse

interpretations of gender roles. The concept of Islam Nusantara, for example, illustrates how Islamic values are adapted to local cultural contexts, resulting in more flexible and context-sensitive understandings of social relations (Luthfi, 2016). This cultural adaptability suggests that egalitarian marital practices are not necessarily in conflict with Islamic principles, but can emerge organically through the interaction between religion and local traditions.

Moreover, the increasing participation of women in education and the workforce has fundamentally altered the socio-economic basis of marital relations. As women gain greater access to resources and opportunities, the traditional model of male breadwinner and female dependent becomes less applicable. This shift encourages a more balanced distribution of roles and responsibilities within the household, fostering a sense of partnership rather than hierarchy. Research on gender dynamics indicates that such changes contribute to the reduction of rigid masculinity and promote more cooperative and mutually supportive relationships between spouses (Romli, 2021). In this sense, egalitarianism is not merely an ideological construct but a practical response to changing socio-economic conditions.

However, the transition toward egalitarian marital practices is not without challenges. One of the most pressing issues is the persistence of unequal power relations, which can manifest in various forms, including domestic violence. Socio-legal studies demonstrate that power imbalances within the household are often linked to the misuse of authority, particularly when traditional interpretations of leadership are applied without critical reflection (Abidin et al., 2025). This underscores the importance of reinterpreting legal and religious concepts in ways that prevent the legitimization of injustice and promote the protection of vulnerable parties.

In addition, the legal recognition of women's rights remains a critical factor in shaping egalitarian practices. Studies on the protection of women in divorce processes reveal that legal systems must evolve to ensure fairness and justice for both parties (Fitriani, 2019). Similarly, analyses of gender inequality in property distribution highlight the need for more equitable legal frameworks that reflect contemporary realities (Raden & Syafrudin, 2025). These findings suggest that achieving egalitarian marital relations requires not only changes in social attitudes but also reforms in legal structures.

Another important dimension of socio-legal dynamics is the role of education and critical awareness. Research indicates that individuals with higher levels of education are more likely to adopt egalitarian perspectives in their relationships, as they are better equipped to critically engage with both religious teachings and social norms (Shaber et al., 2025). This highlights the transformative potential of education in promoting gender equality and reshaping marital practices. Furthermore, the integration of gender-sensitive perspectives into Islamic education can contribute to a more nuanced understanding of concepts such as qiwāmah, emphasizing responsibility and mutual respect rather than domination.

The influence of contemporary discourse on gender and feminism also plays a significant role in shaping socio-legal dynamics. While some view feminism as incompatible with Islamic teachings, others argue that it can serve as a critical tool for uncovering and addressing injustices within traditional interpretations (Kusuma et al., 2023; Negara, 2022). This perspective encourages a more dialogical approach, where Islamic principles and

modern ideas of equality are engaged in constructive interaction. As a result, egalitarian marital practices can be seen as the outcome of an ongoing negotiation between tradition and modernity.

Furthermore, the broader implications of gender equality extend beyond the household to social and institutional levels. Studies on gender equity and social inclusion demonstrate that more balanced gender relations contribute to greater social stability and institutional effectiveness (Hazmi et al., 2025). This suggests that promoting egalitarian marital practices is not only beneficial for individual families but also for society as a whole. In this regard, the reinterpretation of marital roles becomes part of a larger effort to achieve social justice and sustainable development.

In conclusion, the socio-legal dynamics of egalitarian marital practices in Muslim society reflect a complex interplay between religious norms, legal frameworks, cultural contexts, and social transformations. While significant progress has been made toward more balanced and reciprocal relationships, challenges remain in addressing structural inequalities and ensuring the effective implementation of gender justice. By adopting a socio-legal perspective, it becomes possible to understand marriage as a dynamic institution that evolves in response to changing realities. This approach not only highlights the limitations of rigid interpretations but also opens new possibilities for constructing more just, inclusive, and contextually relevant models of marital relations in Muslim societies.

Toward a Contextualized Reconstruction of Qiwāmah in Islamic Family Law

The growing tension between classical interpretations of qiwāmah and contemporary socio-legal realities necessitates a contextualized reconstruction of this concept within Islamic family law. Rather than treating qiwāmah as a fixed doctrine of male authority, contemporary scholarship increasingly emphasizes its reinterpretation as a dynamic and context-dependent principle grounded in justice, responsibility, and mutuality. This shift is not merely theoretical but emerges from the recognition that legal norms must evolve in response to changing social conditions while remaining rooted in the ethical foundations of Islamic teachings. In this regard, reconstructing qiwāmah requires a careful balance between preserving normative values and addressing the realities of modern marital life.

At the normative level, the reconstruction of qiwāmah must begin with a re-examination of its ethical underpinnings in the Qur'an. Islamic teachings consistently emphasize justice, compassion, and the protection of human dignity as central principles guiding social relations. Gender equality, in this sense, is not understood as uniformity of roles but as fairness in rights and responsibilities, ensuring that no party is subjected to injustice (Suhra, 2013; Yusuf, 2025). This ethical framework provides a strong basis for reinterpreting qiwāmah as a form of responsibility rather than domination, where leadership is contingent upon the ability to fulfill obligations and promote the well-being of the family.

From a legal perspective, the need for reconstruction becomes evident when examining the limitations of existing frameworks. Islamic family law in many contexts still reflects traditional assumptions about gender roles, which may not align with contemporary realities. For instance, the persistence of unequal power relations in divorce and post-divorce arrangements highlights the inadequacy of rigid legal interpretations in ensuring justice (Wiranto et al., 2025). Similarly, earlier studies have shown that legal protections for

women, particularly in cases of marital conflict, often remain insufficient due to structural biases embedded in legal systems (Fitriani, 2019). These issues underscore the urgency of reformulating qiwāmah in a way that supports equitable legal outcomes.

A contextualized reconstruction of qiwāmah also requires engagement with contemporary gender discourse, including critical perspectives that challenge patriarchal interpretations. While some scholars view such perspectives with caution, others argue that they provide valuable tools for identifying and addressing injustices within traditional frameworks (Negara, 2022). Feminist-oriented analyses, for instance, highlight how historical interpretations of qiwāmah have sometimes been used to justify unequal power relations, thereby calling for a more critical and reflective approach to Islamic legal thought (Mubarakh et al., 2025). In this sense, reconstruction does not imply abandoning tradition but rather reinterpreting it in light of its ethical objectives.

Importantly, the reconstruction of qiwāmah must be grounded in empirical socio-legal realities. Contemporary marital practices demonstrate a clear shift toward more egalitarian relationships, where authority is shared and decisions are made collaboratively. This transformation is driven by various factors, including increased female participation in education and the workforce, as well as changing cultural expectations regarding marriage (Romli, 2021). As these changes reshape the socio-economic foundations of family life, the traditional justification for unilateral male authority becomes less relevant, necessitating a more flexible and context-sensitive understanding of qiwāmah.

Cultural context further complicates the process of reconstruction. In diverse Muslim societies, local traditions and social norms interact with Islamic teachings to produce varied interpretations of gender roles. This interaction highlights the importance of adopting a culturally responsive approach to legal reform, one that recognizes the diversity of Muslim experiences while remaining anchored in Islamic principles (Luthfi, 2016). By acknowledging this diversity, a reconstructed concept of qiwāmah can better reflect the realities of different communities, rather than imposing a uniform model that may not be universally applicable.

Moreover, the integration of socio-economic considerations into the reconstruction of qiwāmah reveals its broader implications for social justice. Studies on gender equity and social inclusion demonstrate that more balanced gender relations contribute to stronger and more sustainable social institutions (Hazmi et al., 2025). This suggests that redefining marital roles is not only a matter of individual rights but also a key factor in promoting societal well-being. In this context, qiwāmah can be reimagined as a collaborative framework that enhances family stability and social cohesion.

Another critical dimension of reconstruction is the emphasis on mutuality and partnership as core principles of marital relations. Islamic teachings on *mu‘āsharah bi al-ma‘rūf* and shared responsibility provide a normative basis for egalitarian relationships, where both spouses actively contribute to the well-being of the family. Contemporary interpretations increasingly highlight these principles as central to understanding qiwāmah, shifting the focus from authority to cooperation (Hadi et al., 2023). This perspective aligns with broader efforts to promote gender-sensitive interpretations of Islamic law that prioritize justice and inclusivity.

However, the process of reconstruction also faces significant challenges. Resistance

to change, particularly from conservative perspectives, often stems from concerns about preserving religious authenticity. Additionally, the lack of institutional support for legal reform can hinder the implementation of more egalitarian interpretations. These challenges highlight the need for a comprehensive approach that combines scholarly engagement, legal reform, and public education. By fostering dialogue between different perspectives, it becomes possible to develop a more balanced and widely accepted understanding of qiwāmah.

In light of these considerations, a contextualized reconstruction of qiwāmah can be conceptualized as a shift from hierarchical authority to relational responsibility. Rather than positioning one spouse as inherently superior, this approach emphasizes the shared obligations of both partners in achieving harmony, justice, and mutual respect. Such a reconstruction not only addresses the limitations of classical interpretations but also aligns Islamic family law with contemporary values and realities. Ultimately, this transformation reflects the dynamic nature of Islamic legal thought, which continues to evolve in response to the changing needs of society while remaining grounded in its foundational ethical principles.

CONCLUSION

The findings of this study demonstrate that the concept of qiwāmah in Islamic family law should be understood as a dynamic and context-dependent institution rather than as a fixed or inherently hierarchical form of authority. While classical Islamic jurisprudence traditionally associated qiwāmah with male leadership and responsibility, contemporary socio-legal developments indicate that its practical implementation has evolved in response to changing educational, economic, and social conditions within Muslim societies. The analysis reveals that many modern marital relationships increasingly embody egalitarian practices through negotiated authority, reciprocal obligations, and collaborative decision-making without abandoning the ethical foundations of Islamic family law. Most importantly, this study proposes a partnership-based qiwāmah model in which leadership is exercised through consultation, mutual responsibility, functional role-sharing, and shared accountability, instead of unilateral control or gender-based domination.

Based on these findings, the study argues that reconstructing qiwāmah through a contextual socio-legal perspective provides a viable framework for reconciling Islamic legal principles with contemporary family realities. Rather than diminishing the normative significance of qiwāmah, the proposed model redefines it as an ethical mechanism for achieving justice, *maṣlahah* (public welfare), and harmonious cooperation between spouses. This conceptual reconstruction bridges the gap between classical legal doctrine and evolving social practices by emphasizing that family leadership should be measured by competence, responsibility, and commitment to collective well-being rather than by rigid gender hierarchy alone. Consequently, the study contributes a theoretically grounded and practically applicable framework for the future development of Islamic family law, offering a more adaptive, inclusive, and context-sensitive understanding of marital relations in contemporary Muslim societies.

REFERENCES

- Abidin, K., Darna, A., Nuzul, A., Samad, S. A. A., & Samad, M. (2025). Determinants of Domestic Violence in Indonesia from a Gender and Sociology of Law Perspective. *El-Usrah*, 8(2), 701–723. <https://doi.org/10.22373/0t3bc059>
- Alawiyah, T. (2002). *Penggagas dan penggerak keadilan Gender*. (Pusat Studi Betawi UIA. Jakarta). 15.
- Alitha, R., Santoso, W. M., & Siscawati, D. M. (2025). Tinjauan Budaya Atas Pandangan Perempuan Generasi Z Tentang Perkawinan: Memiliki Fenomena “Marriage is Scary.” *Jurnal Ilmiah Kajian Antropologi*, 8(2), 403–421.
- Asniah, Huriani, Y., & Zulaiha, E. (2023). Kesetaraan Gender Dalam Hukum Islam. *Socio Politica*, 4(1), 23–34.
- Awang, A. B., Abdullah, M. M. izz, Awang, A., & Nasir, N. M. (2025). An Analysis of the Justice of Faraid Law in Relation to the Concept of Qiwamah in the Sustainability of the Muslim Family Institution. *El-Usrah: Jurnal Hukum Keluarga*, 8(2), 1160–1183. <https://doi.org/10.22373/ujhk.v8i2.26431>
- Dias, H. P. (2025). Kesetaraan Gender Dalam Al-Qur’an: Studi Atas Hak Dan Kewajiban. *Midaduna: Journal Islamic Studies*, 2(1), 11–22.
- Fathurrohman, A., Rifai, A. F. Al, & Darma, A. A. (2024). Islam, Feminisme, Dan Gender: Pesrpektif Tafsir Maudhu’i. *JISMA: Jurnal Ilmu Sosial, Manajemen, Dan Akuntansi*, 3(1), 1293–2501306. <https://melatijournal.com/index.php/JISMA>
- Fitriani, N. A. (2019). Tinjauan Hukum Islam dan Positif Terhadap Perlindungan Perempuan dalam Proses Perceraian: Studi Kasus Dr. Letty. Isti`dal : *Jurnal Studi Hukum Islam*, 9(1), 57–81.
- Hadi, S., Muid N, A., & Nurbaiti, N. (2023). Konsep Kesetaraan Gender Perspektif M. Quraish Shihab Dan Nasaruddin Umar. *COMSERVA : Jurnal Penelitian Dan Pengabdian Masyarakat*, 3(7), 2818–2835. <https://doi.org/10.59141/comserva.v3i07.1048>
- Hazmi, F., Utami, C. B., & Chouarfa, H. (2025). Islamic Microfinance Institutions Performance Evaluation Model Based on Mobadala Conception, Gender Equity, and Social Inclusion. *Iqtishoduna: Jurnal Ekonomi Islam*, 14(1), 197–216. <https://doi.org/10.54471/iqtishoduna.v14i1.XXXX>
- Kaelan. (2010). *Metode Penelitian Agama Kualitatif Interdisipliner*. Paradigma.
- Kusuma, M., Hanif Al Aufa, M., & Ali Nashrulloh Usman, M. (2023). Pandangan Al-Qur’an Terhadap Feminisme Dan Gender: Kajian Tafsir Maudhu’I. *Jurnal Ilmu Sosial, Manajemen, Dan Akuntansi (JISMA)*, 2(3), 2986–2507.
- Luthfi, K. M. (2016). Islam Nusantara: Relasi Islam dan Budaya Lokal. *SHAHIH: Journal of Islamicate Multidisciplinary*, 1(1), 1–12. <https://doi.org/10.22515/shahih.v1i1.53>
- Mubarakh, A., Akhlasa, R., Athallah, W., & Faiz, A. (2025). Islam Gender dan Feminisme Dalam Al-Quran. *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial*, 2(1), 396–405. <https://doi.org/10.5281/zenodo.15592645>
- Muhammad Romli. (2021). Dinamika Gender Dalam Pernikahan: Reduksi Maskulinitas Dan Keseimbangan Relasi Suami Istri. *Jurnal Al Wasith: Jurnal Studi Hukum Islam* ||, 6(2), 206–216.

- Negara, M. A. P. (2022). Keadilan Gender dan Hak-Hak Perempuan dalam Islam (Studi Analisis Pemikiran Asghar Ali Engineer). *Az-Zahra: Journal of Gender and Family Studies*, 2(2), 74–88.
- Ng, P. F., & Teoh, K. K. (2019). Gender differences and affective factors influencing mathematics learning success in an enabling program. *International Journal of Information and Education Technology*, 9(4), 306–309. <https://doi.org/10.18178/ijiet.2019.9.4.1217>
- Noor, N. H. (2013). Kesetaraan dan keadilan gender perspektif Al-Qur'an. *Jurnal Sipakalebbi'*, 1(1), 113–164.
- Nurani, S. M. (2021). Relasi Hak dan Kewajiban Suami Istri dalam Perspektif Hukum Islam. *Al-Syakhsiyah: Journal of Law & Family Studies*, 3(1), 98–116.
- Raden, A. N. F. A., & Syafruddin, A. U. F. (2025). Relasi Kuasa dan Ketimpangan Gender dalam Pembagian Harta Gono-Gini: Kajian Sosio-Legal Atas Putusan Perceraian Di Indonesia. *Risalah Hukum*, 21(1), 51–61. <https://e-journal.fh.unmul.ac.id/index.php/risalah/article/view/1817>
- Ratnaningtyas, E. M., Ramli, Syafruddin, Edi Saputra, Suliwati Desi, Bekty Taufiq Ari Nugroho, Karimuddin, Muhammad Habibullah Aminy, Nanda Saputra, Khaidir, & Jahja, A. S. (2023). *Metodologi Penelitian Kualitatif*. Yayasan Penerbit Muhammad Zaini.
- Razzaq, A., & Hakim, L. (2012). Gender Dalam Tinjauan Tafsir Maudhu'i. *Wardah: Jurnal Dakwah Dan Kemasyarakatan*, 2(1), 1–19. <https://doi.org/10.15548/jk.v2i1.34>
- Resky, M., Ramadhani, M. S. A., Pratama, Y. A., & Suharyat, Y. (2023). Analisis Kesetaraan Gender Dalam Al-Qur'an Analisis Kesetaraan Gender Dalam Al-Qur'an. *Jurnal Ilmu Alquran Dan Tafsir*, 6(2), 112–126. <https://doi.org/10.1007/s11192-022-04545-w>
- Sa'adah, M. (2018). Gender dan Perceraian: Kasus Cerai Gugat Di Pengadilan Agama Bekasi. *Muwazah-Jurnal Kajian Gender*, 10(1), 47–57.
- Shaber, N., Shah, S. K., Imran, M., & Almusharraf, N. (2025). Exploring the relationship between critical thinking and creativity in university students: Gender differences and the assessment of skills. *Education Sciences*, 15(4), 464. <https://doi.org/10.3390/educsci15040464>
- Sholikhah, Z. (2025). Rekonstruksi Gender Dalam Islam: Studi Kritis Atas Tafsir Tradisional Perspektif Feminisme. *IJOUGS: Indonesian Journal Of Gender Studies*, 6(1), 48–67.
- Sugiono. (2016). *Metode Penelitian Kuantitatif, Kualitatif Dan R & D* (Bandung: Alfabeta).
- Suhra, S. (2013). Kesetaraan Gender Dalam Perspektif Al-Qur'an Dan Implikasinya Terhadap Hukum Islam. *Jurnal Al-Ulum*, 13(2), 373–394.
- Sukatin, Andri Astuti, D. (2022). Kepemimpinan Dalam Islam. 2(1), 72–85.
- Tahamata, L., & Hattu, V. V. (2024). Marine Environmental Pollution And Its Impacts On The Fulfillment Of Indigenous Peoples ' Right To A Healthy Environment. *Journal of Mujaddid Nusantara*, 1(2), 59–68. <https://doi.org/10.62568/jomn.v1i2.132>
- Thaib, Z. (2023). Perspektif Al-Quran Mengenai Perlindungan Terhadap Anak. *Prosiding Seminar Nasional : Pendidikan Islam Berkeadaban*, 2(1), 1–21.

- Wiranto, Faisar Ananda Arfa, & Ibnu Radwan Siddiq Turnip. (2025). Perceraian Dan Hak Hak Pasca Perceraian Dalam Hukum Keluarga Islam. *Jurnal Riset Multidisiplin Edukasi*, 2(6), 494–508. <https://doi.org/10.71282/jurmie.v2i6.507>
- Yamani, G., & Nur, M. D. M. (2024). Gender dan Implementasinya dalam Perspektif Al-Qur'an serta Implikasinya Terhadap Harmonisasi Kehidupan Sosial. *Prosiding Kajian Islam Dan Integrasi Ilmu*, 3(1), 27–32. <https://jurnal.uindatokarama.ac.id/index.php/kiiies50/article/view/3166%0Ahttps://jurnal.uindatokarama.ac.id/index.php/kiiies50/article/download/3166/1545>
- Yanggo, H. T. (2018). Kedudukan Perempuan Di Dalam Dan Problem Ketidakadilan Gender, *Nida' Al-Qur'an*, 03, no. 01.
- Yusuf, M. (2025). Kesetaraan Gender dalam Perspektif Al-Qur'an (Telaah Tematik atas Ayat-Ayat Kesetaraan Gender) *Saniasa. Journal of Innovative and Creativity*, 5(2), 21396–21407. <https://www.un.org/en/global-issues/gender-equality>.