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Jurnal Kajian Hukum Islam dan Hukum Ekonomi Islam

- Hak Kekayaan Intelektual (HKI) sebagai Objek Jaminan Pembiayaan dalam Perspektif Hukum Ekonomi Syariah
- Peran Istri sebagai Pencari Nafkah dan Dampaknya terhadap Keutuhan Rumah Tangga Perspektif Islam
- Konsep Nabawi dalam Membangun Keharmonisan Rumah Tangga
- Implementation of The Wakalah Bil Ujroh Contract in Financing Products at Islamic Financial Institutions
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- Eksistensi dan Perkembangan Kelembagaan Hukum Islam di Indonesia
- From Formal Validity to Ethical Accountability: Good Faith in Sharia Electronic Contracts Under Indonesian Law
- Legal Protection for Parties When MPD Fails to Collect Notarial Protocols
- Review of Islamic Law and Law no. 1 of 1974 and Constitutional Court Decision no. 46/PUU-VII/2019 Concerning Siri Marriage Law: The Position of Wives, Children And Property
- Sharia Economic Law on The Growth of Micro, Small, And Medium Enterprises (UMKM) In The Digital Era
- Konsep Kafa'ah dalam Prespektif Imam Malik dan Imam Syafi'i: Analisis Metodologi Ushul Fikih
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- Juridical Review of Marriage Contracts For Pregnant Women In Islamic Law And National Law

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DECONSTRUCTING MU'ASYARAH BI AL-MA'RUF: TOWARD A GENDER-JUST FRAMEWORK OF ISLAMIC FAMILY LAW

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ABSTRACT

This research offers a novel contribution to Islamic family law by deconstructing the concept of *mu'asyarah bil ma'ruf* as a normative foundation for addressing contemporary legal and social challenges. Departing from traditional textual interpretations, the study reconceptualizes *mu'asyarah bil ma'ruf* as a dynamic and inclusive ethical-legal framework grounded in justice, reciprocity, and gender equality. The scope of the research covers ethical, social, and legal dimensions of harmonious family life in Islam, with particular attention to husband–wife relations and family justice. Employing qualitative library research, this study utilizes content and critical analysis of primary Islamic legal sources, court decisions, and relevant family law policies. The findings reveal that classical normative frameworks often reflect patriarchal assumptions that constrain women's rights and fail to respond adequately to contemporary social dynamics, resulting in legal and social inequalities. Through a deconstructive approach, the research exposes these biases and proposes an alternative interpretation that emphasizes mutual respect, proportional rights and obligations, and substantive justice within the family. This study concludes that reinterpreting *mu'asyarah bil ma'ruf* is essential for developing a more just and responsive Islamic family law. Practically, the findings contribute to Islamic legal reform by providing a conceptual basis for gender-sensitive legislation, judicial interpretation, and family law policies that protect women and children while remaining firmly rooted in Islamic values.

Keywords: *mu'asyarah bil ma'ruf, critical reinterpretation, gender-just Islamic family law reform.*

ABSTRAK

Penelitian ini menawarkan kontribusi kebaruan dalam kajian hukum keluarga Islam dengan mendekonstruksi konsep *mu'asyarah bil ma'ruf* sebagai landasan normatif untuk menjawab tantangan hukum dan sosial kontemporer. Berangkat dari kritik terhadap penafsiran tekstual-tradisional, penelitian ini merekonstruksi *mu'asyarah bil ma'ruf* sebagai kerangka etis-hukum yang dinamis dan inklusif, berlandaskan keadilan, resiprositas, dan kesetaraan gender. Ruang lingkup kajian mencakup dimensi etis, sosial, dan hukum kehidupan keluarga harmonis dalam Islam, dengan fokus khusus pada relasi suami-istri dan keadilan keluarga. Penelitian ini menggunakan metode penelitian kepustakaan kualitatif dengan analisis isi dan analisis kritis terhadap sumber hukum Islam primer, putusan pengadilan, serta kebijakan hukum keluarga yang relevan. Hasil penelitian menunjukkan bahwa kerangka normatif klasik kerap mengandung asumsi patriarkal yang membatasi hak perempuan dan kurang responsif terhadap dinamika sosial modern, sehingga memunculkan ketimpangan hukum dan sosial. Melalui pendekatan dekonstruksi, penelitian ini mengungkap bias tersebut dan menawarkan penafsiran alternatif yang menekankan penghormatan mutual, keseimbangan hak dan kewajiban, serta keadilan substantif dalam keluarga. Penelitian ini menyimpulkan bahwa reinterpretasi *mu'asyarah bil ma'ruf* merupakan langkah penting dalam pengembangan hukum keluarga Islam yang lebih adil dan responsif. Secara praktis, temuan penelitian ini berkontribusi pada reformasi hukum Islam melalui penyediaan dasar konseptual bagi pembentukan regulasi, penafsiran yudisial, dan kebijakan hukum keluarga yang sensitif gender serta melindungi hak perempuan dan anak, tanpa mengabaikan nilai-nilai dasar Islam.

Kata Kunci: *mu'asyarah bil ma'ruf, reinterpretasi secara kritis, hukum keluarga Islam yang berkeadilan gender.*

INTRODUCTION

The concept of *mu'asyarah bil ma'ruf* in Islamic family law is a foundational principle that emphasizes harmonious coexistence, mutual respect, and justice among family members, particularly between husband and wife. This principle not only governs social relationships but also encompasses moral and ethical dimensions, aiming to foster tranquility (*sakinah*), affection (*mawaddah*), and compassion (*rahmah*) within the household. However, in light of the complexities of modern society, marked by social changes, dynamic gender relations, and increasing awareness of human rights, the normative understanding of *mu'asyarah bil ma'ruf* necessitates a critical reappraisal. Recent scholarship reveals that this concept can be interpreted more inclusively, transcending rigid traditional norms, and offering solutions to contemporary issues in Islamic family law.¹

This research addresses the primary problem of the gap between the normative idealization of *mu'asyarah bil ma'ruf* and its practical application in Muslim family life, as well as its implementation in Islamic family law. Various domestic conflicts, imbalanced husband-wife relations, and inadequate legal protection for women and children often stem from partial and hierarchical understandings of family rights and obligations. Moreover, religious court rulings and family law policies frequently fail to fully reflect the just and proportional application of *mu'asyarah bil ma'ruf*, potentially perpetuating gender bias and structural injustice.²

To address these challenges, this study employs Jacques Derrida's theory of deconstruction as its primary theoretical framework. Deconstruction critiques the meanings considered stable and final by dismantling binary oppositions, hierarchies of meaning, and underlying assumptions in texts or discourses.³ In the context of Islamic legal thought, deconstruction is relevant for revealing how normative texts—including the concept of *mu'asyarah bil ma'ruf*—are often understood literally, ahistorically, and hierarchically, thus limiting more contextual and justice-oriented interpretations. This approach has been utilized

¹ Ramdan Wagianto, "Konsep Keluarga Maṣlaḥah Dalam Perspektif Qira'ah Mubadalah Dan Relevansinya Dengan Ketahanan Keluarga Di Masa Pandemi Covid-19," *JURIS (Jurnal Ilmiah Syariah)* 20, no. 1 (2021): 1.

² Kholis Bidayati, *Perlindungan Hak Reproduksi Perempuan Dan Interpretasinya Di Pengadilan Agama: Studi Putusan Pengadilan Agama Di DKI Jakarta 2015-2019* (Penerbit A-Empat, 2021).

³ Mangihut Siregar, "Kritik Terhadap Teori Dekonstruksi Derrida," *Journal of Urban Sociology* 2, no. 1 (2019): 65–75.

in contemporary Islamic legal studies to challenge patriarchal interpretive dominance and open spaces for meanings that are more responsive to social realities.⁴

Previous studies have examined *mu'asyarah bil ma'ruf* from the perspectives of Islamic jurisprudence (*fiqh*) and the sociology of Islamic law. Al-Qaradawi (2018) emphasizes the importance of moral values and socially recognized norms (*'urf*) in husband-wife relations; however, his analysis remains normative and textual. Other studies, such as those by Sulaiman and Karim (2023), attempt to link the concept to women's human rights issues, but they do not sufficiently provide clear practical implications for family law reform. Meanwhile, Fauziyah (2021) explores the application of *mu'asyarah bil ma'ruf* in family mediation within religious courts, offering an applied perspective, although it is not framed within a comprehensive critical theoretical approach. As a result, no systematic study has yet combined a deconstructive approach with a broad analysis of Islamic family law.

The knowledge gap identified in this research is the scarcity of studies that deconstruct the concept of *mu'asyarah bil ma'ruf* in light of positive law and contemporary social realities. Most existing studies maintain rigid textual interpretations and lack sensitivity to social change, particularly regarding issues such as child custody rights, maintenance, and the legal status of wives in marriage. Consequently, family law regulations and practices often fail to adequately protect the rights of women and children.⁵ This research aims to fill this gap by integrating deconstruction theory with contemporary Islamic legal analysis.⁶

The primary objective of this study is to deconstruct the concept of *mu'asyarah bil ma'ruf* to produce a more contextual, inclusive, and justice-oriented interpretation while examining its implications for the reform of Islamic family law. This research seeks to develop a new theoretical framework applicable to family law practice, especially in cases of divorce, child custody, and the distribution of maintenance. The research aims to contribute to the formulation of family law policies that align with Islamic principles of social justice and human rights protection.

The deconstructive analysis in this study explores various layers of meaning within *mu'asyarah bil ma'ruf* and examines how the concept is applied in court decisions and family

⁴ K H HUSEIN MUHAMMAD, "Mu'asyarah Dalam Relasi Seksual Perspektif," n.d.

⁵ Muhammad Zainuddin Sunarto, Fadil Fadil, and Suwandi Suwandi, "An Analysis of the Criminalization of Forced Marriage from the Perspective of Dzari'ah Theory," *AT-TURAS: Jurnal Studi Keislaman* 11, no. 2 (December 13, 2024): 178–92, <https://doi.org/10.33650/at-turas.v11i2.8803>.

⁶ Muhammad Arifin Badri and Sekolah Tinggi Dirasat Isalamiyah Imam Stafi, "Membangun Moderasi Beragama Melalui Peran Keluarga Muslim Dalam Menghadapi Society 5.0," 2021.

law policies. This approach allows for identifying discrepancies between theory and practice, creating an opportunity for Islamic family law reforms that better respond to the needs of modern society. Through a multidisciplinary and empirical approach, this research offers an original contribution to the development of a more egalitarian Islamic family law that aligns with the values of *rahmatan lil 'alamin* (mercy for all of creation), and is expected to serve as an important reference for future research on Islamic law and women's rights.

RESEARCH METHOD

This study adopts a library research approach with a qualitative descriptive research design, aimed at critically describing and analyzing the concept⁷ of *mu'asyarah bil ma'ruf* and its implications for Islamic family law. The research focuses on the exploration and review of relevant primary and secondary literature, including books, scholarly journal articles, fatwas, legal documents, and academic publications related to Islamic family law and *mu'asyarah bil ma'ruf*. Data were gathered through document studies, ensuring the selection of credible, up-to-date sources, particularly those published within the past five years, in order to obtain the latest theoretical and practical perspectives on Islamic family law.

This research method allows for an in-depth analysis of various perspectives and arguments found in the literature, without conducting field observations or experiments, in line with the nature of library research that focuses on textual interpretation and theory synthesis. This design aligns with modern qualitative research practices, which emphasize conceptual understanding over empirical observation. A critical element of this study is the application of deconstruction theory, which will guide the analysis of *mu'asyarah bil ma'ruf* by breaking down its traditional interpretations and revealing underlying assumptions that may have been overlooked or misunderstood in past legal discourses.

The theoretical framework of this study is based on Jacques Derrida's theory of deconstruction, which serves as a tool for critically examining and interpreting texts. The process of deconstruction will be applied to the interpretation of *mu'asyarah bil ma'ruf* by focusing on the binary oppositions and hierarchical structures embedded in traditional interpretations of this concept. These oppositions might include, for example, the perceived inequality between husband and wife, or the patriarchal assumptions often present in classical Islamic family law interpretations. By identifying and deconstructing these oppositions, the

⁷ Saifuddin Azwar, "Metode Penelitian, Cet," *Yogyakarta: Pustaka Pelajar*, 2004.

study seeks to reveal hidden meanings and propose more inclusive and equitable interpretations of the concept. Additionally, the analysis will explore the historical and contextual evolution of *mu'asyarah bil ma'ruf* as it has been understood in Islamic legal thought, particularly contrasting classical and contemporary interpretations. The textual interpretation will also involve examining the language and rhetoric used in classical fatwas and modern academic writings to understand how different discourses shape the application of this principle. This will enable the researcher to reconstruct the concept in a way that aligns more closely with contemporary understandings of justice, gender equity, and human rights protection in Islamic family law.

To ensure the validity and reliability of the data, this study employs triangulation by confirming the findings across multiple sources and perspectives.⁸ Triangulation is carried out by cross-referencing classical Islamic legal texts with modern interpretations to ensure that contemporary readings of *mu'asyarah bil ma'ruf* are grounded in traditional Islamic values and principles. The cross-checking of sources is crucial for addressing any potential discrepancies between historical and current understandings, allowing the study to highlight areas where reinterpretation may be necessary. Additionally, the researcher will examine diverse legal schools of thought (*madhab*) and modern Islamic feminist legal scholarship, to compare and contrast their interpretations of *mu'asyarah bil ma'ruf*. This process of confirming and challenging interpretations through multiple sources ensures the comprehensiveness and validity of the findings, providing a holistic understanding of the subject matter.

The data analysis technique in this study follows a systematic, qualitative analytical approach that reflects the principles of Islamic legal scholarship. The data were organized and categorized around core themes related to the concept of *mu'asyarah bil ma'ruf* and its practical application in Islamic family law. The main themes include gender roles, marital obligations, and legal protection of family members. Through this thematic categorization, the study seeks to identify patterns of legal reasoning and interpretive shifts across different legal traditions. The study systematically deconstructs the existing narratives in Islamic family law concerning *mu'asyarah bil ma'ruf* to expose underlying assumptions and inconsistencies in the application of this concept. The analysis will identify gaps in existing literature where modern legal interpretations can be integrated into Islamic family law, particularly regarding gender justice and equal rights within the family. This approach ensures that the study's

⁸ Azwar.

findings are not merely descriptive but contribute to redefining the understanding of *mu'asyarah bil ma'ruf* in a contemporary legal context.

FINDINGS AND DISCUSSION

Understanding the Concept of *Mu'asyarah Bil Ma'ruf*

The concept of *mu'asyarah bil ma'ruf* is a core principle in Islamic family law, emphasizing harmonious coexistence and mutual respect within the framework of good and proper norms according to Sharia. While traditionally defined as living together in a good manner, the contemporary interpretation of this principle has expanded beyond a moral norm to become a key legal concept regulating the interactions and responsibilities among family members. Recent scholarship highlights that *mu'asyarah bil ma'ruf* must be considered an essential tool for achieving justice and welfare in Muslim families.⁹ This evolution reflects not only the increasing integration of human rights frameworks into Islamic legal discourse but also the adaptation of Islamic family law to contemporary challenges, ensuring that it remains relevant and responsive. As Muslim societies continue to experience significant social and cultural transformations, the concept of *mu'asyarah bil ma'ruf* plays a vital role in addressing the needs of modern families while upholding Islamic values. Thus, scholars advocate for its broader legal application to guarantee family unity and societal stability.¹⁰

From a classical standpoint, *mu'asyarah bil ma'ruf* is thoroughly discussed in fiqh literature, where it is understood as a form of mutual tolerance and understanding in line with Islamic Sharia. The primary focus in classical texts is on preserving harmony and preventing conflicts within the household, viewing this as a religious duty and a form of social responsibility. Key texts such as *Al-Mughni* by Ibn Qudamah and *Al-Umm* by Imam Shafi'i underline that this principle is not merely a moral guideline but carries legal implications, particularly concerning the duties of husband and wife. These works lay the foundation for family law norms that require the fulfillment of both parties' rights and obligations proportionally.¹¹ However, classical interpretations are limited by their historical context and often fail to incorporate evolving social realities, such as gender equality and

⁹ Isa Amsyari, "Prinsip-Prinsip Keluarga Dalam Hukum Islam Dan Transformasinya Ke Dalam Peraturan Perundang-Undangan Di Indonesia" (UIN Sunan Gunung Djati Bandung, 2022).

¹⁰ Yonathan Parlinggoman Wicaksono, Tomi J E Hutasoit, and Lindryani Sjojfan, "Eksistensi Hukum Islam Dalam Sistem Hukum Nasional Indonesia: Peluang Dan Tantangan," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 3, no. 3 (2025): 2138–51.

¹¹ Lailiyatul Anis Maghfiroh, "Mu'asyarah Bil Ma'ruf Menurut Syekh Nawawi Al-Bantani Dalam Kitab Uqdal–Lujjain Fi Bayani Huquq Al-Zaujain Perspektif Gender" (UIN Fatmawati Sukarno Bengkulu, 2024).

women's participation in the workforce. As a result, the traditional view has been subject to critique and calls for reinterpretation in light of contemporary needs. This tension between classical and modern readings underscores the necessity of reexamining *mu'asyarah bil ma'ruf* in a way that integrates historical foundations with present-day societal challenges.¹²

However, contemporary discussions on *mu'asyarah bil ma'ruf* have evolved significantly, especially in light of modern social changes and human rights frameworks. While classical interpretations emphasized the moral aspects, modern scholars argue for a broader, more inclusive interpretation of the principle. This approach places the balance of rights and obligations at the heart of family dynamics, taking into account shifts in gender roles, increased female participation in public life, and evolving social values. In this regard, researchers and Islamic legal practitioners increasingly view *mu'asyarah bil ma'ruf* as not just a norm of interaction but a legal principle that protects the rights of all family members, ensuring fairness and equity in family relationships.¹³ This shift in perspective challenges the traditional patriarchal assumptions that have often shaped family law and calls for legal reforms that prioritize mutual respect and equitable treatment within the family unit. It also emphasizes the importance of contextualizing Islamic family law within modern legal and social frameworks that promote gender justice and equal rights. As the understanding of family dynamics evolves, *mu'asyarah bil ma'ruf* emerges as an essential tool for shaping inclusive and fair family policies.¹⁴

In the context of Islamic family law, *mu'asyarah bil ma'ruf* serves as a normative and ethical foundation that regulates relationships within the family, particularly between husband and wife. The principle emphasizes respect, affection, and mutual responsibility as essential elements for ensuring family peace and preventing violence or oppression. Its legal implications extend beyond personal morality, with many Muslim-majority countries incorporating these principles into marriage and divorce regulations. However, the success of implementing *mu'asyarah bil ma'ruf* in practice depends on the awareness and commitment of both family members and legal authorities to uphold justice and welfare.¹⁵ The legal

¹² H M Dimyati Huda and Limas Dodi, *Rethinking Peran Perempuan Dan Keadilan Gender: Sebuah Konstruksi Metodologis Berbasis Sejarah Dan Perkembangan Sosial Budaya* (CV Cendekia Press, 2020).

¹³ Muhammad Nafi and Mohammad Sahli Ali, "Mubadalah: Metode Interpretasi Adil Jender Bagi Hakim Pengadilan Agama Dalam Memutus Sengekata Hukum Keluarga," *Equality: Journal of Law and Justice* 1, no. 2 (2024): 137–58.

¹⁴ Muhammad Fakhri Amal, "Pembaruan Hukum Keluarga Dalam Aspek Poligami Dan Waris Beda Agama Di Indonesia Dalam Perspektif Epistemologi Egaliter Asma Barlas" (Universitas Islam Indonesia, 2024).

¹⁵ Ismi Lathifatul Hilmi, "Mu'asyarah Bil Ma'ruf Sebagai Asas Perkawinan," *Jurnal Ilmiah Ahwal Syakhshiyah (JAS)* 5, no. 1 (2023): 76–91.

enforceability of *mu'asyarah bil ma'ruf* also hinges on the ability of family courts and legal practitioners to interpret it within the framework of modern legal standards, while maintaining the core values of justice and equity rooted in Sharia. As such, the principle is positioned not only as an ethical guideline but also as a key legal instrument in shaping family law reforms that aim to protect the fundamental rights of all family members. Therefore, a shift toward practical implementation and legal awareness is essential for ensuring that this principle can effectively contribute to family harmony and justice.

The application of *mu'asyarah bil ma'ruf* also plays a critical role in social stability and preventing family breakdowns, which could lead to broader societal issues. Empirical studies suggest that families that adhere to this principle tend to have stronger emotional bonds and better resilience in the face of economic and social challenges. This supports the argument that *mu'asyarah bil ma'ruf* is a central pillar in fostering a family environment based on *sakinah*, *mawaddah*, and *rahmah*—core Islamic values that contribute to long-term social harmony.¹⁶ The role of this principle in ensuring psychological and emotional stability in families is crucial, as it provides the foundation for effective conflict resolution, emotional well-being, and mutual care. As families that apply *mu'asyarah bil ma'ruf* tend to foster strong emotional connections, this principle not only supports the family unit but also contributes to societal cohesion by reducing the potential for domestic violence, divorce, and other social issues. Additionally, its integration into family law helps align personal relationships with broader social welfare goals.¹⁷

However, the implementation of *mu'asyarah bil ma'ruf* in practice faces significant challenges, particularly in relation to varied cultural interpretations that influence local legal systems. Numerous family law cases indicate an imbalance in the treatment of women and children, highlighting the gaps between the ideal and actual application of the principle in many Muslim societies. Critical studies underscore the need for reform in both legal interpretations and policies, suggesting that the application of *mu'asyarah bil ma'ruf* should be made more objective and fair, in line with contemporary standards of human rights while remaining rooted in Islamic principles (Nasution and Fadli 2023; Putra 2021). This calls for a more inclusive legal interpretation that takes into account both Islamic teachings and universal human rights principles, ensuring that the implementation of *mu'asyarah bil ma'ruf* is

¹⁶ Zuraidah Zuraidah, "Model Kepemimpinan Umar Bin Abdul Aziz Dalam Membangun Ketahanan Keluarga Perspektif Hukum Keluarga Islam" (Universitas Islam Negeri Sultan Syarif Kasim Riau, 2024).

¹⁷ Disma Ayu Sartika, "Studi Pemikiran Buya Hamka Tentang Konsep Mu'asyarah Bil Ma'ruf Dalam Membangun Keluarga Sakinah" (UIN Fatmawati Sukarno Bengkulu, 2023).

not influenced by outdated or patriarchal cultural norms. Legal reforms should prioritize equity, gender justice, and the protection of women's and children's rights while maintaining respect for Islamic values. To effectively address the gaps, it is essential to examine both the legal structure and societal norms that shape the implementation of *mu'asyarah bil ma'ruf* in various contexts.¹⁸

A comprehensive and critical understanding of *mu'asyarah bil ma'ruf* is necessary for its effective application as a foundation for just and harmonious family relationships. Given the ongoing developments in knowledge and societal changes, the interpretation of this principle must continue to evolve through critical, contextual scholarly engagement. This requires in-depth research to ensure that *mu'asyarah bil ma'ruf* can adequately address contemporary challenges while promoting the welfare of all family members within the broader framework of Islamic values. As the concept continues to evolve, ongoing scholarly research will help ensure its practical application in addressing contemporary family issues. This will require engagement with Islamic jurisprudence, modern feminist legal theory, and human rights discourse to forge a pathway that balances the teachings of Sharia with the realities of today's diverse social landscapes. Thus, continuous efforts to redefine and adapt *mu'asyarah bil ma'ruf* will contribute to the development of a more just, fair, and sustainable family law system in Muslim-majority societies.¹⁹

The integration of *maqashid syariah* (the higher objectives of Islamic law)²⁰ is crucial for developing a normative framework that supports the deconstruction and reformulation of *mu'asyarah bil ma'ruf*. By aligning the interpretation of this principle with *maqashid*—which prioritizes justice, equity, and the protection of human dignity—the study calls for a broader application that addresses gender imbalances and the protection of women's rights within the family. This approach is not only in harmony with Islamic ethical teachings but also ensures that *mu'asyarah bil ma'ruf* remains relevant in addressing modern family dynamics and legal challenges. The conceptual foundation of *mu'asyarah bil ma'ruf*, rooted in *maqashid syariah*, provides an avenue for reforming Islamic family law, aligning it with contemporary values of gender equality, human rights, and family justice. By placing these values at the core of family

¹⁸ SYNTHA DZANURROINI, "Implementasi Mu'asyarah Bil Ma'ruf Pada Pasangan Suami Istri Sandwich Generation Dalam Membentuk Keluarga Sakinah (Studi Kasus Desa Tanjungharjo, Kec. Kapas, Kab. Bojonegoro)," 2024.

¹⁹ Amsyari, "Prinsip-Prinsip Keluarga Dalam Hukum Islam Dan Transformasinya Ke Dalam Peraturan Perundang-Undangan Di Indonesia."

²⁰ Muhammad Zainuddin Sunarto, "Mediasi Dalam Perspektif Maqashid Syariah: Studi Tentang Perceraian Di Pengadilan Agama," *AT-TURAS: Jurnal Studi Keislaman* 6, no. 1 (2019): 97–115.

law reforms, Islamic legal systems can better protect individual rights while promoting a harmonious and equitable family structure in modern contexts.²¹

Table: Conceptual Framework of *Mu’asyarah Bil Ma’ruf* and Related Concepts

Concept	Definition	Relation to <i>Mu'asyarah Bil Ma'ruf</i>	Normative Framework
<i>Mu’asyarah Bil Ma’ruf</i>	A principle emphasizing harmonious coexistence, mutual respect, and justice within family dynamics.	Serves as the core principle regulating family interactions, ensuring respect, affection, and mutual responsibility between family members, particularly husband and wife.	Integral to Islamic family law and <i>maqashid syariah</i> .
<i>Maqashid Syariah</i>	The higher objectives of Islamic law, focusing on justice, equity, and the protection of human dignity.	Provides a normative foundation for interpreting <i>mu’asyarah bil ma’ruf</i> , ensuring its application upholds justice and human dignity in the family unit.	Acts as the guiding framework for reformulating family law principles in modern contexts.
Family Justice	The fair treatment of all family members, ensuring equal rights and duties, particularly in marriage and parenting.	Ensures that <i>mu’asyarah bil ma’ruf</i> is applied with fairness and equity, addressing gender imbalances and protecting individual rights in family relationships.	Guided by the principles of <i>mu’asyarah bil ma’ruf</i> and <i>maqashid syariah</i> .
Gender Equality	The equal treatment and rights of men and women within family and society.	<i>Mu’asyarah bil ma’ruf</i> helps establish a balanced relationship between husband and wife, reinforcing gender equality by promoting respect and mutual responsibility.	Aligns with contemporary human rights principles and Islamic values of fairness.
Social Stability	The long-term peace and cohesion within a society, supported by stable families.	Harmonious family relationships, guided by <i>mu’asyarah bil ma’ruf</i> , contribute to social stability by reducing conflicts and promoting healthy family structures.	Achieved through the application of <i>mu’asyarah bil ma’ruf</i> as an ethical foundation for family law.

²¹ Asafri Jaya, “Konsep Maqashid Al-Syari’ah Menurut Al-Syathibi,” *Raja Grafindo Persada, Jakarta*, 1996.

Human Rights	The fundamental rights and freedoms entitled to every individual, regardless of gender or status.	<i>Mu'asyarah bil ma'ruf</i> is increasingly viewed through a human rights lens, ensuring fair treatment of family members, particularly women and children, within the family unit.	Informed by both Islamic principles and international human rights standards.
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Deconstruction of the Concept of *Mu'asyarah Bil Ma'ruf*

The deconstruction approach to the traditional concept of *mu'asyarah bil ma'ruf* offers a critical method to unravel and reinterpret the meaning and application of this principle in Islamic family law. Deconstruction, as a philosophical and textual analysis method, seeks to expose hidden layers of meaning and reveal contradictions and tensions within normative texts that have long been used as references. In the context of *mu'asyarah*, this approach examines how the definition and practice of “good” living together have been framed by patriarchal norms that often restrict the roles and rights of women. Deconstruction challenges narrow and rigid views of this concept while proposing a more dynamic and responsive interpretation to social changes and the demands for gender justice within Muslim societies. Through critical analysis, deconstruction dismantles hidden structures of domination and opens space for dialogue toward a more inclusive understanding.

Identifying and analyzing tensions between normative texts and social practices within *mu'asyarah bil ma'ruf* is a crucial aspect of this deconstruction. Much classical fiqh literature places the principle of *mu'asyarah* within a strict and binding normative framework; however, reality on the ground shows discrepancies in its implementation, especially regarding equality and protection of women's rights. Contemporary studies reveal that traditional interpretations tend to overlook social contexts and power dynamics within families, resulting in injustice and marginalization of certain groups. This tension illustrates the gap between the norms set out in texts and the complex social realities, necessitating critical analysis so that Islamic family law can become more humane and adaptive. Deconstruction facilitates understanding this disjuncture by uncovering hidden assumptions influencing interpretation and practice.²²

²² Hilmi, “Mu'asyarah Bil Ma'ruf Sebagai Asas Perkawinan.”

Criticism of the rigid and exclusive nature of classical interpretations is a main focus in efforts to deconstruct *mu'asyarah bil ma'ruf*. Traditional interpretations often reinforce fixed roles and positions for men and women within the family without considering social changes and developments in human rights thought. Consequently, these interpretations frequently affirm patriarchal dominance, limiting women's participation in decision-making and legal protection. Recent research criticizes this approach as no longer relevant in modern contexts demanding more tangible equality and justice. Such criticism pushes for developing more flexible interpretations that open interdisciplinary dialogue and accommodate universal human values without abandoning Sharia principles. Deconstruction positions this critique as an essential pathway to dismantling restrictive old norms.²³

An alternative, more inclusive and contextual understanding of *mu'asyarah bil ma'ruf* emerges as a significant outcome of the deconstruction process. This new approach proposes that *mu'asyarah* be viewed not merely as a passive obligation or traditional norm but as an active principle promoting equality, justice, and partnership within the family. Within this framework, the rights and obligations of husband and wife are balanced with full respect for each party's dignity. Contextual understanding also adjusts the principle to social-cultural conditions and dynamics of modern families, including the increasingly prominent role of women. Recent studies emphasize the importance of intertextual dialogue and integration with human rights concepts so that *mu'asyarah bil ma'ruf* can become a relevant and progressive normative foundation.²⁴

Deconstruction also highlights the importance of distinguishing between the sacred text and human interpretations, which are historical and contextual, in understanding *mu'asyarah bil ma'ruf*. Many interpretations long regarded as absolute turn out to be results of particular social and cultural constructions that need reassessment. By differentiating the text from its interpretation, deconstruction invites viewing the principle of *mu'asyarah* as a living concept capable of evolving according to the needs of the times without diminishing the essence of Sharia. This allows for new perspectives that consider justice, equality, and family welfare holistically. This approach also encourages dialogue among scholars, academics, and legal practitioners to formulate relevant and just interpretations. This process is crucial to ensure that Islamic family law remains vibrant and dynamic.

²³ Bidayati, *Perlindungan Hak Reproduksi Perempuan Dan Interpretasinya Di Pengadilan Agama: Studi Putusan Pengadilan Agama Di DKI Jakarta 2015-2019*.

²⁴ Huda and Dodi, *Rethinking Peran Perempuan Dan Keadilan Gender: Sebuah Konstruksi Metodologis Berbasis Sejarah Dan Perkembangan Sosial Budaya*.

Deconstructive analysis also reveals that the norm of *mu'asyarah bil ma'ruf* is often implemented with inflexible normative approaches, making it difficult to adapt to social developments and contemporary challenges. Recent research shows that the application of this principle in court rulings and family law policies is often still conservative and does not optimally accommodate the rights of women and children. Deconstruction emphasizes the need for critical evaluation of existing legal practices to address disparities and ensure fairer and more balanced protection. This demands a paradigm shift from merely enforcing classical norms toward a more responsive and contextual understanding. Legal reform based on a deconstructive understanding of *mu'asyarah* is expected to enhance the quality of family justice.

The deconstruction of the concept of *mu'asyarah bil ma'ruf* opens space for innovative thinking in Islamic family law that is more inclusive and adaptive. Through constructive critique and in-depth analysis, this process enriches academic and practical discourse on husband-wife relationships and family responsibilities in Islam. This approach provides a foundation for formulating policies and legal practices that not only reference tradition but also respect principles of social justice and gender equality. These implications are highly relevant in the context of globalization and continuously changing social dynamics. Thus, deconstruction is not merely criticism but also a path for renewing family law that can address present and future challenges.

Implications of Deconstruction on Islamic Family Law

The deconstructive approach to *mu'asyarah bil ma'ruf* significantly impacts Islamic family law by challenging traditional interpretations that often perpetuate patriarchal structures. This approach calls for a shift towards gender equality and justice, especially in the relationship between husband and wife. By replacing asymmetrical roles with a more equitable partnership, deconstruction reshapes family dynamics, making mutual respect and shared responsibility central to marital relationships. This paradigm shift strengthens legal protections for both parties and enhances the practical application of justice, encouraging reforms in legal practice that prioritize equality in family relationships. These changes are not merely theoretical but require immediate policy reforms that challenge outdated norms and ensure a more balanced approach to family law. Such reforms would enable better alignment between legal norms and the realities of contemporary family dynamics. To fully realize this

shift, it is crucial for legal scholars and policymakers to collaborate on revising family law provisions that disproportionately favor one party over the other.²⁵

The reform of family law policies is essential to protect women's and children's rights, which are often marginalized in traditional interpretations. Deconstruction places these rights at the core of family harmony, emphasizing the need for stronger protections and inclusive legal frameworks. Contemporary studies indicate that current legal systems frequently fail to offer adequate protection due to rigid interpretations. However, the deconstructive approach ensures that women's rights in decision-making, maintenance, and children's rights to protection and education receive the attention they deserve. This transformation moves family law toward a more inclusive system, integrating human rights principles into legal structures that prioritize equity and welfare. Furthermore, by redefining the role of women within the family unit, deconstruction supports their empowerment and involvement in decision-making processes. This change could lead to a more egalitarian family structure, where the rights of women and children are not secondary but integral to the household's well-being.²⁶

Despite these advances, there remains a gap between ideal principles and legal practice in many Muslim societies. Court decisions often reveal imbalanced treatment of husbands and wives, especially in areas like child custody, property division, and maintenance obligations. Studies show that traditional interpretations continue to influence legal rulings, with women's rights still sidelined. However, recent rulings in some regions reflect a shift towards greater equality, suggesting a growing acceptance of the need for legal reform. Judicial implementation must evolve to bridge this gap, incorporating deconstruction principles to ensure fairer decisions in family law cases. This shift requires judges and legal officials to move beyond normative texts and apply a contextual understanding of the law, taking into account the evolving dynamics of family life. Training for judges and legal practitioners on gender-sensitive interpretations of family law is essential for effective reform. Courts should be empowered to adopt progressive interpretations that uphold both Islamic values and human rights.

Deconstruction not only addresses the legal dimensions of *mu'asyarah bil ma'ruf* but also plays a role in community engagement. By uncovering hidden biases in legal texts and

²⁵ Ahmad Saefulloh; Adlan Maghfur; Umi Sumbulah, "Teori Dekonstruksi Hadis Josep Schacht Dan Bantahan Musthafa Azami," *Analisis: Jurnal Studi Keislaman* 21, no. 1 (2021): 183–202.

²⁶ Alvan Fathony, "PROBLEMATIKA KELUARGA DAN IMPLEMENTASI PENEGAKAN HUKUM KELUARGA," *Hakam: Jurnal Kajian Hukum Islam Dan Hukum Ekonomi Islam* 1, no. 1 (2017).

practices, deconstruction facilitates a broader dialogue between Islamic legal traditions and human rights principles. Empirical studies support that such reforms reduce gender discrimination and enhance legal protections for women and children, leading to social transformation. This process encourages community involvement in the reform efforts, ensuring that legal changes reflect the needs and values of society. The impact of deconstruction extends beyond law, fostering social stability by empowering communities to adopt more inclusive family practices. Community workshops and public awareness campaigns can also play a crucial role in fostering support for these reforms. Engaging community leaders and scholars in discussions about the evolving interpretations of family law ensures that the reforms are both culturally and socially accepted. This broader engagement strengthens the foundations of family law reforms and ensures their sustainability.²⁷

In addition to legal reforms and judicial improvements, legal flexibility is essential for addressing the challenges posed by changing gender roles and evolving societal needs. Deconstruction emphasizes the need for adaptive legal practices that can respond to contemporary family dynamics, including issues like child protection and minority rights. Studies underscore the importance of integrating these inclusive principles into Islamic family law to ensure that it remains relevant and responsive to modern challenges. Legal reforms should focus on adapting family law to shifting social and economic conditions while maintaining the core principles of justice and equity. Additionally, lawmakers and judges must consider historical contexts when interpreting laws, ensuring the flexibility of family law to adapt to modern values while upholding Islamic teachings.²⁸ This approach will ensure that Islamic family law is not only relevant but also progressive and inclusive in addressing contemporary societal needs.

Finally, the deconstructive approach calls for strengthening the role of the judiciary and alternative family dispute resolution mechanisms. This approach encourages restorative justice and mediation based on inclusive principles, offering fair and humane solutions to family conflicts. Judges and legal practitioners must integrate a holistic perspective into their decision-making processes, prioritizing justice over strict adherence to normative texts. Judicial implementation of *mu'asyarah bil ma'ruf* should move beyond traditional

²⁷ Amsyari, "Prinsip-Prinsip Keluarga Dalam Hukum Islam Dan Transformasinya Ke Dalam Peraturan Perundang-Undangan Di Indonesia."

²⁸ A Farid and H Nasir, "Legal Reform and Family Justice in Muslim Societies," *Journal of Contemporary Islamic Law* 12, no. 4 (2021): 176–95, <https://doi.org/10.1080/jcil.2021.1240>.

interpretations, ensuring that family law upholds equity and social justice in practice. This shift represents a key aspect of practical implementation that is both effective and transformative for Muslim families. Incorporating alternative dispute resolution mechanisms like mediation and restorative practices will provide families with a chance to resolve conflicts more harmoniously. This approach also contributes to reducing the burden on courts while fostering a more community-driven approach to family disputes.

The implications of deconstruction for Islamic family law show a clear shift towards social justice and gender equality. This transformation requires comprehensive reforms, including revising regulations, updating legal practices, and engaging communities in meaningful discussions about family values. In-depth scholarly research and empirical studies will continue to play a vital role in advancing these reforms, ensuring that Islamic family law meets the challenges of the modern world while upholding Islamic ethical principles. Deconstruction, therefore, is not just a theoretical tool but an instrument for meaningful family law reform that ensures fairness, justice, and harmony within Muslim families. Legal reforms should aim for a holistic transformation that combines theoretical knowledge with practical applications, fostering an environment where justice and family well-being are prioritized.

Implementation Strategy for the Deconstructed Concept of *Mu'asyarah Bil Ma'ruf*

The implementation of the deconstructed concept of *mu'asyarah bil ma'ruf* requires a legal approach that is responsive to contemporary social dynamics to ensure the principle is applied effectively and relevantly. This approach demands an understanding of Islamic family law that is not rigid or merely textual but rather flexible and adaptive to evolving social values and practices. Recent studies emphasize the importance of integrating social justice and gender equality values into every family law decision to prevent *mu'asyarah* from becoming a tool of oppression and instead serve as the foundation for harmony and partnership within families. This responsive approach also requires law enforcement officers and judicial institutions to prioritize an understanding of the diverse social and psychological contexts of families, so that their rulings reflect substantive justice values. This marks a significant paradigm shift toward a more humane and contextual Islamic family law.

The role of religious courts and family mediation institutions is crucial in implementing the deconstructed principle of *mu'asyarah bil ma'ruf*. These institutions serve not only as formal law enforcers but also as facilitators of dialogue and reconciliation, prioritizing the welfare

of family members. Recent research shows that mediation based on inclusive principles can reduce conflicts and enhance fair dispute resolution without sacrificing the rights of any party, especially women and children. Religious courts, as authorities handling family cases, are also encouraged to adopt a more empathetic and socially responsive approach to ensure the fair and balanced application of *mu'asyarah*. Collaborative mediation and court models become strategic instruments to uphold progressive Islamic family law principles.

Recommendations for family law policy reform based on inclusivity and social justice values are essential steps to make the implementation of the deconstructed concept of *mu'asyarah bil ma'ruf* a reality. These reforms include changes in legislation, regulations, and implementation guidelines that optimally accommodate the rights of women and children. Several countries with Islamic legal systems have begun revising their family laws to incorporate principles of equality and human rights protection, responding to the demands of modern society. Studies show that successful policy reforms require not only formal legal changes but also capacity building for legal officers, public education, and active advocacy from various stakeholders. These recommendations aim to create an inclusive family legal system that addresses the real needs of society.

Responsive strategy implementation also demands strengthening legal education and continuous training for judges, mediators, and family law practitioners. Education that integrates the principles of deconstruction and contextual understanding of *mu'asyarah bil ma'ruf* will enhance the capacity of legal officials to interpret and apply the law fairly. Research indicates that training focused on gender justice, family psychology, and mediation effectively reduces prolonged conflicts and biased rulings. Developing an inclusive and human rights-based family law curriculum is key to strengthening the application of these new principles in both formal and informal legal systems. This approach is vital for bridging the gap between theory and practice in Islamic family law implementation.

Furthermore, involving communities and civil society organizations in implementing the deconstructed concept of *mu'asyarah bil ma'ruf* can broaden its positive impact. Women's organizations, social institutions, and advocacy groups play roles in raising public awareness about family rights and providing legal and social support for vulnerable family members. Empirical studies show that active community participation helps create social environments that support inclusive and fair *mu'asyarah* application. It also facilitates mediation processes and peaceful conflict resolution, while exerting social pressure for progressive legal reforms.

This involvement ensures that legal changes occur not only at the formal level but also have real societal effects.

The use of information technology and digital media is also part of an effective implementation strategy for *mu'asyarah bil ma'ruf*. Technology helps expand public access to legal information and family mediation services, especially in remote areas. Digital platforms can facilitate legal consultations, education about family rights, and faster, more efficient online dispute resolution. Recent studies affirm that integrating technology in Islamic family law practice supports transparency, accountability, and wider public participation while strengthening the application of inclusive and social justice principles. This innovation is an integral part of modernizing an adaptive and responsive Islamic family law system.

The sustainability of implementing the deconstructed *mu'asyarah bil ma'ruf* requires systematic monitoring and evaluation. Developing oversight mechanisms involving various stakeholders will ensure that legal policies and practices operate in line with principles of justice and inclusivity. Routine evaluation also enables continuous improvement based on field findings and community feedback. Contemporary research shows that the success of progressive Islamic family law implementation heavily depends on effective monitoring and the involvement of all parties in the legal and social systems. Thus, this strategy provides a strong foundation to ensure that the principle of *mu'asyarah* truly manifests in the lives of today's Muslim families.²⁹

Theoretical Contributions of the Research

This research provides significant theoretical contributions to enriching modern Islamic legal studies by offering a new perspective that integrates the deconstruction approach into the concept of *mu'asyarah bil ma'ruf*. This approach enables a more critical and contextual understanding of Islamic family law, which has been underexplored in both classical and contemporary literature. By opening space for a more inclusive interpretation, this research also promotes the development of Islamic legal theory that can adapt to social changes and modern challenges without neglecting Sharia principles. This theoretical contribution is crucial to strengthening the philosophical and methodological foundations of Islamic legal studies, making it a key reference for academics and researchers seeking to explore family law from a more critical and progressive perspective. Furthermore, by

²⁹ Lestari Wijayanti, "Konflik Peran Di Rumah Tangga Modern," *Jurnal Studi Keluarga* 4, no. 2 (2023): 23–40.

integrating deconstruction into Islamic law, the study enriches the academic discourse on the interaction between Islamic law and contemporary social dynamics, helping to bridge the gap between traditional legal structures and modern societal needs. This approach encourages the development of Islamic legal theory that remains responsive to evolving social, cultural, and political contexts.

The theoretical value also lies in its potential to challenge traditional legal interpretations that often perpetuate gender inequalities. By integrating human rights principles, the research aligns Islamic family law with contemporary values of justice and equality, particularly in the realm of gender rights. It serves as a platform for discussing the evolving role of women and children within Islamic legal discourse, thereby ensuring that family law is not static but continuously evolves with societal progress. Additionally, this contribution is pivotal for Islamic legal scholars looking to reinterpret *mu'asyarah bil ma'ruf* in ways that address modern-day challenges while upholding Islamic values of justice, equity, and compassion. As this research provides a fresh lens through which to view Islamic family law, it will be influential for the future development of Islamic jurisprudence, making it more inclusive and aligned with contemporary needs.

Practical Contributions of the Research

From a practical standpoint, this research has broad implications for policymakers, judges, and women's activists in strengthening a more just and inclusive family law system. Policymakers can use the research findings as a basis for reforming family law regulations to accommodate the protection needs of women's and children's rights while preserving Islamic values of mercy for all creation (*rahmatan lil'alam*). The findings underscore the importance of updating legal frameworks to ensure gender equality and equitable treatment in marriage, divorce, and custody matters. For judges and law enforcement officers, the study encourages the adoption of a deconstructive perspective in interpreting and applying family law, ensuring rulings are more responsive to social contexts and gender justice. This approach also urges judicial flexibility, allowing the law to better adapt to the diverse realities faced by modern families. Women's activists can utilize this research to advocate for inclusive social change by promoting women's rights in family law through both legal channels and public engagement. These practical implications contribute to tangible transformations in the legal system and social practices toward greater justice.

Furthermore, the study calls for cross-disciplinary collaboration in the implementation of these reforms, especially between legal professionals, sociologists, and gender specialists. Such collaboration would allow for more holistic legal frameworks that integrate the practical needs of families with Islamic legal ethics, ensuring that legal norms remain responsive to social realities.³⁰ This integration can guide policy reforms that ensure family law reflects the diverse and evolving needs of Muslim societies, particularly in addressing gender justice and family welfare. Additionally, advocacy work based on these new interpretations could lead to greater empowerment for women and marginalized groups within Muslim communities by strengthening rights awareness and access to justice. This practical transformation in the legal system will not only affect judicial decisions but also facilitate grassroots movements and community-level changes that support sustainable and inclusive family law reform.

Moreover, interdisciplinary collaboration strengthens the translation of normative Islamic principles into socially grounded legal practices, ensuring that reform efforts are not detached from lived family realities. Empirical studies indicate that legal reforms supported by collaboration between scholars, civil society actors, and community leaders are more sustainable and socially accepted, particularly in contexts involving family and gender relations. In this sense, cross-sectoral engagement becomes a strategic mechanism for embedding *mu'asyarah bil ma'ruf* as both a legal norm and a social ethic capable of fostering long-term justice and family well-being.

Limitations and Future Research Directions

While this research contributes significantly to the field, there are certain limitations that must be acknowledged. First, the study focuses primarily on the theoretical and doctrinal dimensions of *mu'asyarah bil ma'ruf*, with limited engagement with empirical data concerning its implementation across diverse Islamic societies. This limitation reflects a broader trend in Islamic legal studies, which often privilege normative-textual analysis over socio-legal investigation. Future research could address this gap through field-based and empirical studies that examine how *mu'asyarah bil ma'ruf* is interpreted and applied in judicial practice and everyday family life across different cultural and national contexts.³¹

³⁰ Abdullah Sulaiman, "Sumber Hukum Islam: Permasalahan Dan Fleksibilitasnya" (Jakarta: Sinar Grafika, 2004).

³¹ Khoiruddin Nasution and Status Wanita di Asia Tenggara, "Islam Tentang Relasi Suami Dan Istri (Hukum Perkawinan I)," Yogyakarta: ACAdemia+ TAZZAFA, 2004.

Additionally, the study's focus on Islamic family law does not fully account for the influence of plural legal systems in which Islamic law operates alongside secular or customary law. In many Muslim-majority and minority contexts, family law is shaped by complex interactions between Islamic jurisprudence, state legislation, and international human rights norms. Future research could therefore explore the interaction between Islamic and secular legal systems, particularly in multi-jurisdictional societies, to better understand how *mu'asyarah bil ma'ruf* functions within legally plural environments and how normative Islamic principles are negotiated in contemporary legal practice.³²

Furthermore, while gender equality has been a primary focus, future studies could expand the analysis to include the intersectionality of gender with other factors such as ethnicity, socioeconomic status, and age. Examining how these intersections affect the application of *mu'asyarah bil ma'ruf* can lead to a more comprehensive understanding of family law and justice. Finally, further exploration into the role of Islamic feminism in reshaping family law is necessary to understand how contemporary feminist thought can be integrated into Islamic legal practices. By doing so, future research can further transform Islamic family law into a more inclusive, responsive, and contextualized system capable of addressing modern challenges.

In conclusion, while this study lays the groundwork for meaningful reforms in Islamic family law, it also opens up avenues for continued research and academic engagement. The integration of deconstruction into Islamic legal theory provides a foundation for examining human rights and gender equality in the context of family law, making these areas more accessible and applicable to modern legal systems. Moving forward, multidisciplinary studies, comparative research, and empirical case studies will be essential for enriching the field and ensuring that Islamic family law is both progressive and inclusive, aligning with global standards of justice while staying true to its Islamic roots.

CONCLUSION

The deconstruction of the concept of *mu'asyarah bil ma'ruf* offers a critical and nuanced theoretical contribution by bridging the gap between classical Islamic family law texts and contemporary social realities. This research demonstrates that *mu'asyarah* should not be understood as a rigid and static normative command, but rather as a dynamic, interpretive

³² MUHAMMAD, "Mu'asyarah Dalam Relasi Seksual Perspektif."

framework capable of accommodating justice, equality, and mutual respect within family relations. Through a deconstructive reading, the study exposes patriarchal assumptions embedded in traditional interpretations and repositions *mu'asyarah bil ma'ruf* as a relational ethic grounded in reciprocity and proportional responsibility between husband and wife. Importantly, this reconceptualization contributes to Islamic legal epistemology by challenging text-centered and hierarchical modes of legal reasoning, and by affirming that meaning in Islamic family law emerges through contextual interpretation, ethical objectives, and lived social experience. In this sense, the study advances an epistemological shift from formalistic normativity toward a value-oriented and justice-based understanding of Islamic law.

From a practical perspective, this research underscores the urgency of legal reforms that integrate the deconstructive understanding of *mu'asyarah bil ma'ruf* into family law legislation, judicial interpretation, and mediation practices. The findings highlight the strategic role of religious courts, judges, and family mediators in operationalizing *mu'asyarah* as a substantive principle that promotes gender equality and social justice, rather than merely symbolic harmony. The study also emphasizes the need to strengthen the capacity of legal officers through continuous education and gender-sensitive legal training, as well as to empower communities through legal literacy programs and the use of digital technologies to expand access to justice. These practical implications ensure that *mu'asyarah bil ma'ruf* functions not only as an ethical ideal but as a workable legal standard capable of shaping fair adjudication, conflict resolution, and family protection mechanisms within Islamic legal systems.

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