Sharia and Islamic Studies Review
Vol. 1, No. 1 (2026): July, 26–40
E-ISSN: 3164-8657
Published by: CV. Strata Persada Academia
doi: 10.59631/sisr.v1i1.609 | journals.stratapersada.com/index.php/sisr
Advance Access publication July 31, 2026

Gender Justice in Islamic Law: An Analysis of Women's Rights through the *Maqāṣid al-Syarī'ah*

Didi Mustahdi*

**Institut Agama Islam Tihamah, Indonesia.mustahdididi@gmail.com*

Abstract

Gender justice in Islamic law faces challenges when provisions concerning women are understood textually without considering the objectives of sharia, the social context, and the impact of their implementation. This study aims to analyze women's rights from the perspective of *Maqāṣid al-Syarī'ah* and formulate legal constructions that are responsive to contemporary gender issues. The research uses normative legal methods with a conceptual and legislative approach. Legal materials are analyzed qualitatively through descriptive-analytical methods, using the protection of life, mind, property, descendants, religion, human dignity, and the public interest as analytical parameters. The results show that gender justice is based on the principles of justice, equal dignity, protection of rights, and the public interest. *Maqāṣid al-Syarī'ah* can be used to distinguish sharia norms from fiqh interpretations and social practices and to evaluate the impact of a legal construction on women. This study offers a Maqā modelṣid-Based Gender Justice which consists of five stages, namely Textual Foundation, Contextual Analysis, *Maqāṣid Assessment, Gender Justice Test,* and *Maṣlaḥah-Oriented Legal Construction.* This model integrates text, context, the objectives of sharia, gender justice, and public welfare to establish Islamic law that is responsive to women's rights and dignity.

Keywords: Gender Justice; Women's Rights; Islamic Law; *Maqāṣid al-Syarī'ah*; *Maṣlaḥah*.

© The Author(s) 2026.
Published by CV. Strata Persada Academia.
This is an Open Access article distributed under the terms of theCreative Common ibution 4.0 International (CC BY 4.0)

Doi: https://doi.org/10.59631/sisr.v1i1.609

INTRODUCTION

The issue of gender justice remains a crucial issue in the development of contemporary Islamic law. The debate over women's rights concerns not only their position within the family but also their rights to education, employment, ownership and management of property, legal protection, and participation in social life. This debate is further complicated by the differences between normative Islamic principles and prevailing social practices. Some inequalities against women are often understood as a consequence of religious teachings, but these inequalities may stem from social constructs, patriarchal culture, or legal interpretations developed within specific historical contexts.(Kamila et al., 2026).

Islamic law fundamentally comprises a set of principles that protect human dignity and rights. The Quran affirms that men and women have equal status as human beings, each with moral and spiritual responsibilities. Biological differences do not automatically constitute a basis for distinctions in human value. The Quran also affirms that men and women are equally valued based on their deeds and piety. This principle demonstrates that the construction of Islamic law cannot be separated from the goal of protecting humankind and creating welfare (Hidayat et al., 2025).

Problems arise when a number of legal provisions relating to women are read textually without considering the broader objectives of the law. In certain contexts, a textual approach can result in an understanding that is less responsive to social change (Zahra et al., 2025). This can be seen in debates regarding family leadership, the division of domestic roles, economic rights, marriage, divorce, inheritance, and women's participation in the public sphere. Therefore, an approach is needed that can proportionally connect the text, context, and objectives of the law (Herdianto, 2025).

Maqāṣid al-Syarī'ah offers a relevant theoretical framework for reading this issue. MaqāṣThe Shariah places welfare as one of the primary orientations of Islamic law. The preservation of religion, life, intellect, descendants, and property is an essential part of the objectives of law developed by classical scholars. In contemporary thought, the scope of maqāṣid is also expanded to include the values of justice, freedom, human dignity, equality, and protection of vulnerable groups as part of the objectives of Islamic law.

Maqāṣid al-Syarī'ah allows analysis of women's rights to go beyond the question of whether a provision has a textual basis, but also to question its intended purpose, impact, and the benefits it seeks to achieve. With this approach, gender justice is not positioned as a concept that conflicts with Islamic law. Instead, gender justice can be analyzed as part of efforts to realize the goals of sharia, as long as the concept is placed within the framework of Islamic values (Maula, 2026).

Research on gender justice in Islamic law is crucial because there remains a gap between normative principles regarding human dignity and the reality of women's treatment. This gap requires a re-examination of legal constructions related to women. This reconstruction does not mean ignoring religious texts, but rather developing interpretive methods that consider the

objectives of sharia, the social context, the principles of justice, and the impact of law on human life (Putra et al., 2026).

Based on these issues, this article aims to analyze women's rights from an Islamic legal perspective through the *Maqāṣid al-Syarī'ah*. This article specifically discusses three issues. First, how the principle of gender justice is established in Islamic law. Second, how is the Maqāṣid al-Syarī'ah can be used to analyze women's rights. Third, how does the maqā approachṣid can provide a more responsive construction of Islamic law to contemporary gender issues.

METHOD

This research uses a normative legal research method with a conceptual and legislative approach. The conceptual approach is used to analyze the concepts of gender justice, women's rights, Islamic law, and Maqā.ṣid al-Syarī'ah. The legislative approach is used to examine the development of regulations regarding women's rights in national law, particularly those related to marriage, women's protection, economic rights, and equality before the law (Kristianto & Chariansyah, 2026).

The legal sources for this research consist of primary and secondary legal materials. Primary legal materials include the Qur'an, relevant hadith, laws and regulations concerning women's rights, and Islamic legal provisions relating to relations between men and women. Secondary legal materials include literature on usul fiqh (Islamic jurisprudence), works by Maqā thinkers, and others.ṣid al-Syarī'ah, Islamic law books, journal articles, and previous research on gender justice (Zainuddin & Karina, 2023).

The analysis was conducted qualitatively using descriptive-analytical methods. Data and legal materials were classified based on women's rights issues and then analyzed using the Maqā principles.ṣid al-Syarī'ah. The analysis is directed at examining the suitability of a legal construct to the goals of protecting the soul, mind, descendants, property, dignity, and welfare of humanity. This approach is used to identify substantive legal constructs and distinguish them from social practices or legal interpretations that arise from specific contexts (Imanina, 2025).

RESULTS AND DISCUSSION

Reconstructing Sharia Compliance in Digital Transformation

The analysis shows that digital transformation has expanded the objects of Islamic legal governance from mere subjects, objects of transactions, contracts, and legal consequences to technological systems that shape the processes and outcomes of legal relationships. Personal data, digital identities, algorithms, recommendation systems, platforms, artificial intelligence, and automated decision-making no longer function merely as technical instruments, but can also determine access, assess risk, influence transactions, and generate decisions for users. This situation demonstrates that Sharia compliance is insufficient if it only assesses the formal

Doi: https://doi.org/10.59631/sisr.v1i1.609

conformity of a product or contract. For example, a financing contract may comply with Sharia provisions, but the credit scoring process may use biased data or opaque algorithms, resulting in discriminatory treatment and injustice.(Jazuli & Wasil, 2025).Therefore, sharia evaluation should cover technological processes, data quality, decision-making mechanisms, risk distribution, and its impact on users.(Balqis et al., 2025).These findings confirm the shift from transaction-centered governance to system-centered governance, an approach that assesses the entire socio-technical system, comprising people, data, technology, algorithms, institutions, decision-making processes, and their impacts. Thus, digital transformation not only changes the way transactions are conducted but also expands the scope of Islamic legal governance from oversight of transactions to oversight of the systems that shape, direct, and determine the consequences of those transactions.

An analysis of the concept of sharia compliance reveals a gap between conventional compliance models and the complexities of digital technology. Conventional models generally place products, contracts, and compliance with fatwas as the primary objects of review. This approach remains important, but becomes inadequate when business processes involve algorithms, large-scale data processing, and automated decision-making. The first gap lies in the object of compliance, as compliance no longer simply assesses products or activities but must also encompass the technology that shapes the process and outcomes of transactions. Algorithms, data quality, and platform design can determine access, risk, pricing, and user decisions. Therefore, product review without system review has the potential to result in formal compliance without substantive fairness. The second gap lies in the process of compliance. Compliance conducted only at the design and implementation stages is insufficient for digital systems that are constantly evolving through algorithm updates, data changes, and evolving usage patterns. Therefore, sharia compliance needs to shift from an ex ante compliance approach to continuous compliance monitoring, with ongoing oversight throughout the technology lifecycle to ensure that system changes remain consistent with sharia principles and do not introduce new risks or harms.(Safitri et al., 2025).

Women's Rights from the Maqā Perspectiveṣid al-Syarī'ah

Justice is a fundamental principle in Islamic law, serving as the basis for regulating human relationships, both in individual and social life. The Quran consistently commands humans to uphold justice and avoid all forms of injustice. This principle has important consequences for understanding the relationship between men and women.(Basri & Irsyad, 2024)Islamic law does not legitimize degrading treatment based solely on gender. Women are positioned as legal subjects with rights and obligations, not as objects completely dependent on the will of men.(Ritonga, 2025)The principle of justice also demands that all regulations relating to women be placed within a framework of protection, respect for their dignity, and the fulfillment of their rights. Therefore, discussions of gender justice in Islam are not sufficient to simply examine the existence or absence of legal differences between men and women. Analysis also requires

examining the normative rationale, legal objectives, and social consequences of a provision. Differential treatment can only be justified if it has a clear basis and does not result in injustice to either party.(Ramadhani et al., 2025).

The Quran provides a strong foundation for the equal dignity of men and women. Men and women are seen as part of the human community with moral and spiritual responsibilities. Surah al-Ahzab, verse 35, mentions men and women side by side in various religious qualities, such as faith, obedience, honesty, patience, devotion, charity, fasting, and piety. This mention indicates that moral and spiritual qualities are not determined by gender. Surah al-Nahl, verse 97, also emphasizes that men and women who do good deeds will receive a good life and be rewarded according to their deeds. Meanwhile, Surah al-Hujurat, verse 13, places piety as the measure of human dignity. This verse provides the basis that biological identity is not the primary measure of a person's worth before God. This principle has implications for the construction of Islamic law, as women have moral and legal capacities that must be respected. Therefore, any interpretation that places women as inferior absolutely needs to be re-examined based on the basic principles of the Quran regarding human dignity and responsibility.(Latief et al., 2025).

This equality of dignity does not mean that Islamic law requires that all positions, functions, and responsibilities of men and women be identical. Islamic law does recognize certain differences in a number of areas, particularly in family matters, economic responsibilities, and several other legal provisions. However, the existence of differences cannot be directly equated with injustice. The key issue lies in the basis and purpose of these differences. If a distinction is intended to provide protection, distribute responsibilities proportionally, or achieve public welfare, then it must be understood within the context of the law's purpose.(Anwar & Sofi'i, 2024)On the other hand, if an interpretation results in the subordination, violence, exploitation, or removal of women's rights, this interpretation needs to be re-examined through the principles of justice and Maqā.ṣid al-Syarī'ah. This approach is important because some gender issues in society stem not only from legal texts but also from cultural constructions and social practices that develop within society. Therefore, an analysis of Islamic law needs to distinguish between religious norms, the results of fiqh interpretations, and social practices. This distinction allows for a more objective study of gender without simplifying the entire issue of inequality for women as a direct consequence of Islamic law.(Umar, 2019).

From this perspective, gender justice in Islamic law is more accurately understood as an effort to ensure that women receive the rights, protection, opportunities, and appropriate treatment as human beings and as legal subjects. Justice does not necessarily mean equal outcomes in every situation, but rather requires a legitimate legal justification for any form of discrimination. The principle of proportionality is important because a provision must be able to demonstrate a rational relationship between the difference in treatment and the intended legal objective. The Maqā ApproachṣThe Shariah law strengthens this framework by placing welfare and prevention of harm as key orientations in the application of law. Protection of life, mind, property, lineage, religion, and human dignity can serve as parameters for assessing whether a legal construct truly delivers justice for women. Thus, gender justice is not a concept that should

Doi: https://doi.org/10.59631/sisr.v1i1.609

be at odds with Islamic law. Rather, it can be a space for the application of the principle of welfare when analyzed based on the objectives of sharia. This framework opens up opportunities for the development of Islamic law that remains rooted in Islamic normative sources but is able to respond to the concrete issues faced by women in family life, the economy, education, law, and the public sphere.(Lestari & Istiqomah, 2025).

MaqāṣThe Shariah provides an important methodological basis for analyzing women's rights based on the primary objectives of Islamic law. In classical theory, scholars of Islamic jurisprudence (usul fiqh) explain that sharia aims to achieve human welfare and prevent harm. Al-Ghazali identified five basic needs that must be maintained, namely religion (*ḥifẓal-din*), soul (*ḥifẓal-nafs*), reason (*ḥifẓal-'aql*), descendants (*ḥifẓal-nasl*), and property (*ḥifẓal-māl*). This framework provides the basis that Islamic law is not solely oriented towards formal compliance with a provision, but is also directed towards protecting fundamental human needs. In the development of contemporary thought, the theory of maqāṣThe scope of the id has expanded to include values such as justice, freedom, human dignity, equality, and protection of vulnerable groups. This expansion has strong relevance in the study of women's rights because various women's issues are directly related to the protection of life, the development of intellectual capacity, access to economic resources, family protection, and respect for human dignity. Therefore, MaqāṣSharia law can be used as an instrument to test whether a legal construction truly benefits women or creates harm and injustice. This approach also allows for a distinction between the basic principles of sharia and interpretations of Islamic jurisprudence formed within specific social and historical contexts.

The first dimension relates toḥifẓal-nafs, namely the protection of human life and safety. In the context of women's rights, this principle has direct implications for protection from physical violence, sexual violence, psychological violence, human trafficking, and various forms of action that threaten women's safety. Domestic violence, for example, cannot be understood solely as a private matter between husband and wife. Such violence has legal and social consequences because it can threaten the physical and mental safety of the victim and undermine the purpose of marriage.*ḥifẓal-nafs*can also be used to strengthen women's rights to a safe environment, both within the family and in public spaces.ḥifẓAl-'aql provides the basis for recognizing women's right to education and developing intellectual capacity. Education is not only related to the ability to read and acquire knowledge, but also to a person's ability to make decisions, develop independence, and participate in social life. Restricting women's education without a valid reason potentially contradicts the goal of protecting and developing reason. Within the framework of maqāṣid, women have intellectual capacities that must be developed because the progress of families and society is also influenced by the quality of women's education. Thus, the protection of life and the development of reason demonstrate that women's rights are not only related to protection from negative actions but also include providing opportunities for optimal development.(Latief et al., 2025).

The third dimension relates toḥifẓAl-māl, namely the protection of property and economic rights. Islamic law recognizes women's capacity as property owners and subjects in various legal

transactions. Women have the right to own, receive, manage, and use property in accordance with sharia provisions. These rights can be found in various provisions regarding dowries, inheritance, transactions, and ownership. In the contemporary context, the principle of*ḥifẓal-māl*is relevant to women's rights to access employment, income, asset ownership, and protection from economic exploitation. Economic dependence arising from restrictions on access to education, employment, or property ownership requires critical examination because it can increase women's vulnerability to various forms of injustice. The next dimension isḥifẓal-nasl, which relates to the protection of offspring and the continuation of the family. This principle relates not only to the biological existence of offspring, but also to the creation of a safe and responsible family environment. In the context of marriage, the protection of women must go hand in hand with the protection of children and the family. The relationship between husband and wife must be built on responsibility, respect, protection, and the fulfillment of each other's rights. Therefore, the construction of family law that ignores the interests and safety of women can be questioned if it results in harm to the family as a whole. The maqā approachṣid demands that the institution of marriage be understood as a space for realizing the common good, not as a mechanism for legitimizing the domination of one party over another.(Hamdiyah, 2025).

The fifth dimension relates to the protection of human dignity in the development of maqā theoryṣContemporary id has become a crucial concern. Women's dignity must be placed as part of the objectives of the law because women have the status of legal subjects and human beings with honor. Women cannot be reduced solely to reproductive or domestic functions. They also have the capacity to obtain education, develop a profession, manage assets, make decisions, participate in social life, and contribute to community development. Protecting women's dignity also requires protection from discrimination, humiliation, exploitation, and degrading treatment. Based on this overall analysis, women's rights from the perspective of MaqāṣSharia law can be mapped into five main dimensions: protection of life, development of reason, protection of property, protection of family and descendants, and protection of human dignity. These five dimensions are interrelated and cannot be rigidly separated. Protection of life without access to education does not fully produce benefits. Recognition of economic rights without protection of the family can also create new vulnerabilities. Similarly, formal recognition of women's rights is insufficient if discrimination and violence persist in practice. Therefore, MaqāṣThe Shariah can serve as an evaluative framework to ensure that Islamic law not only has normative legitimacy but also produces tangible protection and benefits for women. This approach provides space for the development of Islamic law that is responsive to social change while remaining oriented toward the fundamental goals of sharia.(Rahazade & Yunanto, 2024).

Reconstruction of Gender Relations through the Maqā Approachṣid al-Syarī'ah

Maqā ApproachṣThe Sharia has important implications for understanding and developing legal provisions relating to women. Islamic legal provisions cannot be analyzed solely based on the literal form of a text, but must also be examined in light of the objectives the sharia seeks to achieve. Maqā analysisṣid places the welfare, justice, protection of human beings, and prevention of harm as essential components of the legal reasoning process. Therefore, the interpretation of

Doi: https://doi.org/10.59631/sisr.v1i1.609

provisions relating to women must take into account the social context, the concrete conditions of the affected parties, and the consequences of implementing a norm. This approach does not mean ignoring the text, but rather seeking to understand the text in relation to the underlying legal objectives. In the context of social change, this method becomes crucial because societal conditions continue to evolve. Family structures, employment patterns, education, technology, and women's participation in the public sphere are undergoing changes that affect the legal relationship between men and women. Therefore, legal reconstruction through the maqā approachṣid is needed so that Islamic law remains relevant to contemporary issues without losing the normative principles that form the basis of its formation.(Rayyan & Frijatuluah, 2026).

In the context of family relations, the concept of male leadership needs to be placed within a framework of responsibility and public welfare, not as a legitimation of unlimited domination over women. The concept of qiwāmah, for example, needs to be read in conjunction with the obligation to provide sustenance, protection, family responsibilities, deliberation, and fulfillment of one's spouse's rights. Family leadership should not be understood as unilateral authority to make all decisions without considering the interests of the wife and other family members. Marriage, from an Islamic legal perspective, has a broader purpose, namely to build a family life based on peace, affection, responsibility, and respect for each partner. If an interpretation of leadership results in violence, neglect, excessive restrictions, or exploitation of women, then that interpretation needs to be evaluated through the principle of maqā.ṣThis evaluation is important because a norm cannot be separated from its consequences. From a public welfare perspective, the authority granted to one party must be accompanied by legal responsibilities and limitations. Therefore, the relationship between husband and wife should be directed toward mutual protection and complementarity, rather than a subordinate relationship that places women as always under the authority of men.(Husti & Ismail, 2026).

Reconstruction is also necessary in the economic sphere because societal developments have expanded women's roles as workers, entrepreneurs, professionals, and asset owners. Islamic law recognizes women's capacity to own and manage property. This principle demonstrates that women have a position as subjects of economic law. In the contemporary context, this recognition needs to be translated into protection of women's access to economic education, employment, income, asset ownership, and property-related decision-making. Economic dependence arising from limited access to resources can increase women's vulnerability within the family and society. Therefore, Islamic legal construction needs to distinguish between the division of economic responsibilities within the family and restrictions on women's economic rights. A husband has an obligation to provide for his family, but this obligation does not automatically remove a wife's legal capacity to work, earn an income, or manage her property. The maqā approachṣid can be used to ensure that the division of economic responsibilities continues to generate benefits and does not become an instrument of limiting women's independence. Within this framework,*ḥifẓal-māl*not only means protecting property from damage, but can also be the basis for ensuring the protection of women's property rights and economic security.(Maula, 2026).

Maqā ApproachṣThe Shariah can also be used to develop the concept of role division within the family. The division of tasks between husband and wife should not always be based on a rigid construct and ignore family circumstances. Economic conditions, employment, education, health, childcare, and family needs can vary from one family to another. Therefore, the division of roles needs to consider the capabilities and agreements of each partner. The principle of deliberation is important because decisions regarding family life should not be made solely by one party. This approach does not eliminate the responsibilities of husband and wife but rather provides space for a more proportional division of responsibilities. In this context, the purpose of marriage becomes an important parameter. If the division of roles can create security, peace, respect, and family well-being, then this division is relevant to the objectives of the maqā (lawful relationship).ṣid. Conversely, a division of roles that results in one party experiencing a disproportionate burden, loss of rights, or violence needs to be evaluated. Thus, Islamic family law can move from a rigid role-sharing pattern to a more adaptive relationship pattern, while remaining grounded in responsibility and sharia principles.(Alpiyendra et al., 2026).

In the end, MaqāṣThe Shariah can serve as an instrument for evaluating various legal interpretations related to women. This evaluation can be conducted by questioning whether an interpretation has a strong normative basis, whether it aligns with the objectives of Sharia, whether it takes into account the social context, and whether it benefits those affected. An interpretation deserves criticism if it results in significant harm, weakens protection for women, eliminates legally recognized rights, or contradicts the principles of justice. Conversely, an interpretation that protects life, mind, property, family, and human dignity has a stronger relevance to the objectives of Sharia. With this approach, the reconstruction of Islamic law is not aimed at replacing the basic principles of Sharia, but rather at ensuring that the application of these principles results in justice in constantly changing social conditions. Reconstructing gender relations through maqāṣid ultimately positions men and women as legal subjects with dignity and responsibility. Their relationship is not solely built on a power structure, but on justice, responsibility, protection, deliberation, and the common good. This framework can serve as a basis for developing Islamic law that is more responsive to women's rights while maintaining continuity with Islamic legal tradition.(Jasmin et al., 2025).

Maqāṣid al-Syarī'ah and Substantive Justice for Women

Gender justice in Islamic law requires a shift from an approach that only assesses formal equality to substantive justice. Formal equality focuses on whether men and women enjoy equal status or treatment before the law. This approach is important, but it does not always adequately account for the conditions under which women face different social, economic, cultural, or structural barriers. Substantive justice further assesses whether a norm and its application truly provide fair protection, opportunities, and outcomes. Thus, the measure of justice goes beyond the equality of legal formulations and also considers the actual conditions of those affected by the rules.(Jasmin et al., 2025).

Doi: https://doi.org/10.59631/sisr.v1i1.609

Maqā Perspective*ṣid al-Syarī'ah*provides a methodological basis for this approach because the objectives of Islamic law are closely related to the achievement of ma*ṣlaḥah* and prevention of malice. A provision cannot be assessed solely on its normative form; it must also be analyzed based on its purpose and the consequences of its application. In the context of women's rights, this assessment includes protection of life, reason, property, family or descendants, religion, and human dignity. This approach allows Islamic law to respond to changing social conditions without eliminating its normative basis. Therefore, the application of norms requires consideration of whether the provision truly achieves the goals of sharia in actual societal conditions.(Alhusna, 2026).

Substantive justice is becoming increasingly important in the issue of violence against women. Family relations cannot be understood solely through the division of roles between husband and wife, without considering the potential for abuse of power. When women experience physical, psychological, sexual violence, or neglect, the law must provide effective protection.*ḥifẓal-nafs*The protection of human dignity demands that the safety of victims be placed at the heart of the law. Therefore, reasons stemming from family authority structures cannot be used to justify actions that cause serious harm. Substantive justice demands mechanisms for prevention, protection, reparation, and access to justice for women who are victims.(Mentari, 2024).

The same dimension applies to economics, marriage, and divorce. Recognizing women's rights to property, work, education, and income is insufficient if women still face barriers to exercising those rights. In marriage and divorce, women also need effective access to legal processes when facing violence, neglect, economic injustice, or other rights violations. A legal system that grants rights normatively but fails to provide easy, safe, and effective access has not fully realized these rights.*ṣlaḥAh*Therefore, justice must be measured through the relationship between recognized rights, the ability to exercise those rights, and the protection available when those rights are violated.(Khusni, 2026).

Based on this framework, Maqā*ṣid al-Syarī'ah*can be used as an evaluation instrument for legal norms and practices related to women. There are at least three main questions that need to be asked. First, does a rule have a legal basis that can be accounted for in Islamic legal sources and the applicable legal system? Second, are the substance and interpretation of the rule in line with the objectives of sharia, specifically the protection of life, mind, property, family, religion, and human dignity? Third, does its implementation result in harm?*ṣlaḥAh*or even cause harm to women. With this model, gender justice is not understood as a demand to standardize all positions of men and women, but rather as an effort to ensure that every legal difference has a basis, purpose, limits, and consequences that can be justified according to sharia.(Wulandari & Andaryuni, 2025).

Based on the overall analysis, this article offers a Maqā model*ṣid-Based Gender Justice*as an analytical framework for assessing and developing women's rights under Islamic law. This model starts from the assumption that gender justice issues cannot be sufficiently resolved through a

textual reading of legal sources. Analysis also requires attention to the social context, the objectives of sharia, the impact of implementing norms, and women's position as legal subjects. Thus, this model seeks to connect Islamic normative sources with the need for legal protection in contemporary life. The model consists of five interrelated stages: Textual Foundation, Contextual Analysis, Maqāṣ*id Assessment, Gender Justice Test,* and Maṣ*laḥah-Oriented Legal Construction*.

The first stage is the Textual Foundation. The analysis begins by identifying the normative basis related to women's issues through the Qur'an, hadith, fiqh, the principles of usul fiqh, and other sources of Islamic law. This stage serves to ensure that the legal reconstruction process maintains a clear connection to Islamic legal tradition. Each norm needs to be traced for its source, argumentative structure, and limits of application. This step is crucial for the maqā approach.ṣid does not become an argument that is detached from the normative basis of sharia. Thus, the text remains the primary source in constructing legal arguments, while maqāṣid serves to help understand the purpose and orientation of these provisions(Septiendra, 2026).

The second stage is contextual analysis. At this stage, legal norms are analyzed based on the social, historical, cultural, and societal contexts in which they are applied. Some Islamic jurisprudence constructs developed in specific social situations with family structures, economic systems, and social relationships that differ from those of contemporary society. Therefore, the application of a provision requires a distinction between fundamental legal principles and their application, which is influenced by context. Contextual analysis does not mean freely changing legal sources, but rather assessing how a norm can be appropriately applied under different conditions. This approach allows Islamic law to maintain its relevance as social structures and societal needs change.(Setiawan & Sulton, 2026).

The third stage is Maqāṣ*id Assessment*. Norms that have been analyzed textually and contextually are then tested based on the objectives of Islamic law. The test includes the protection of religion (*ḥifẓal-din*), soul (*ḥifẓal-nafs*), reason (*ḥifẓal-'aql*), descendants or family (*ḥifẓal-nasl*), and property (*ḥifẓal-māl*), as well as dimensions of human dignity and benefit. In the context of women, this assessment is directed at seeing whether a norm is able to provide protection for safety, education, ownership, family and honor. Norms also need to be evaluated based on potential mafsadah that may arise in their application. Thus, maqāṣid serves as an instrument to ensure that the implementation of the law continues to move towards the goals of sharia.

The fourth stage is the Gender Justice Test. At this stage, the application of norms is specifically tested based on the principle of gender justice. The test not only questions whether men and women are treated equally, but also whether the differences in treatment have a justifiable legal basis. The analysis should ask whether women receive adequate protection, whether there are any differences based on sex, the basis and purpose of these differences, and whether these differences are proportional to the objectives to be achieved. Furthermore, it is necessary to assess whether the application of the norm results in discrimination, subordination, violence, exploitation, or unjustifiable restrictions on rights. This stage uses gender justice as an instrument for evaluating the concrete impact of a norm.(Hida et al., 2026).

Doi: https://doi.org/10.59631/sisr.v1i1.609

The fifth stage is Maṣlaḥah-*Oriented Legal Construction*The results of all previous stages are used to formulate a legal construction oriented toward the public interest. Legal construction is not only directed at maintaining normative certainty and consistency, but also ensuring that the law is able to provide effective protection for women's rights and dignity. If there is more than one possible interpretation, the maqā approachṣThe id can be used to select the construction that best achieves benefits and prevents harm. At this stage, the results of the analysis can include strengthening existing norms, limiting the application of certain norms, or developing interpretations that are more responsive to social conditions. This process must maintain the legitimacy of the legal sources and the arguments of the usul fiqh (Islamic jurisprudence).

These five stages show that Maqāṣ*id-Based Gender Justice*can function as an integrative model in the development of contemporary Islamic law. This model places the text as the foundation, the context as the analytical space, and the maqāṣid as orientation, gender justice as a testing instrument, and ma*ṣlaḥah* as the direction of legal construction. With this structure, the maqā approachṣid is not intended to eliminate texts or replace sources of Islamic law. On the other hand, maqāṣid helps connect the normative meaning of texts with legal objectives and social realities. This model ultimately offers a framework that can be used to assess whether a legal construction truly provides protection, justice, and welfare for women in contemporary life.(Gunawan et al., 2026).

CONCLUSION

Gender justice in Islamic law is firmly grounded in the principles of justice, equal human dignity, and the common good. Islam recognizes women as legal subjects with rights in family, education, economic, social, and legal protection. Therefore, inequality against women cannot be automatically viewed as a consequence of Islamic law. Inequality must be distinguished from religious norms and social constructions or legal interpretations that develop in specific contexts.ṣThe Shariah provides a methodological framework for a more comprehensive analysis of women's rights. Protection of life, intellect, property, lineage, religion, and human dignity can be used as a basis for evaluating various provisions relating to women. This approach allows Islamic law to respond to social change without losing its normative foundation.

This article offers Maqāṣid-Based Gender Justice as an analysis model consisting of textual foundation, contextual analysis, maqāṣID assessment, gender justice test, and *Maṣlaḥah*-oriented legal construction. This model places justice as an integral part of the legal interpretation process. Thus, the development of Islamic law regarding women is not directed at pitting religion against gender justice, but rather at finding a legal construction that maintains fidelity to sharia principles while providing real protection for women's rights and dignity. Ultimately, the relevance of Islamic law to gender issues depends heavily on the interpretative method used. The maqā approachṣid allows Islamic law to move beyond mere textual reading to an understanding that considers the law's purpose, context, and impact. This framework can serve as a basis for developing Islamic family law that is more just, responsive, and oriented toward the welfare of humanity.

REFERENCES

Alhusna, M. N. (2026). Integrasi Naṣṣ dan Maṣlaḥah dalam Hukum Islam: The Integration of Naṣṣ and Maṣlaḥah in Islamic Law. *Jurnal Al-Nadhair*, *5*(01), 98–110.

Alpiyendra, D., Anshor, M., & Hardani, S. (2026). Transformasi Peran Perempuan Muslim Di Ruang Publik: Analisis Sosiologi Hukum Islam Terhadap Nafkah Dan Relasi Gender Dalam Keluarga Modern. *Al-Usroh*, *6*(1), 1–16.

Anwar, A. S., & Sofi'i, I. (2024). Konsep dan isu gender dalam perspektif Islam: Studi telaah kedudukan laki-laki dan wanita dalam pandangan Islam. *Jurnal Paris Langkis*, *5*(1), 151–161.

Balqis, A. N., Ramadhani, S. N., & Sumual, A. K. (2025). Risiko operasional dalam teknologi informasi: Kajian literatur mengenai mekanisme identifikasi, penilaian, dan dampaknya terhadap manajemen risiko. *Journal of Economics, Management, and Accounting*, *1*(1), 67–77.

Basri, H., & Irsyad, M. (2024). Hak asasi manusia dalam perspektif Al-Qur'an. *As-Salam: Journal Islamic Social Sciences and Humanities*, *2*(3), 19–30.

Gunawan, A., Harahap, A. A., & Gunawan, S. (2026). Maqāṣidī Interpretation of Qur'anic Social Verses: Reconstructing Social Justice in Contemporary Contexts. *Takwil: Journal of Quran and Hadith Studies*, *5*(1), 20–35.

Hamdiyah, H. (2025). Hak-Hak Perempuan dalam Perkawinan: Perspektif Hukum Islam dan Hak Asasi Manusia. *Abdurrauf Science and Society*, *1*(3), 303–314.

Herdianto, D. (2025). Kepemimpinan perempuan dalam hukum Islam: Peluang dan tantangan. *Jurnal Penelitian Hukum Galunggung*, *2*(1), 55–69.

Hida, D., Rahim, E. I., & Moha, M. R. (2026). Urgensi Penerapan Gender Impact Assessment (GIA) dalam Pembentukan Undang-Undang di Indonesia: Suatu Analisis Dari Feminist Legal Theory. *ADIL*, *8*(1), 50–64.

Hidayat, R., Putra, A. A., & Yuniar, A. (2025). Kesetaraan Atau Keadilan Gender: Telaah Konseptual Terhadap Ayat-Ayat Tentang Gender Dalam Al-Qur'an. *Jurnal Media Akademik (JMA)*, *3*(5).

Husti, I., & Ismail, H. (2026). Qiwāmah and Musyāwarah in Household: Interpretation of the Qur'an and Hadith on the Equality of Husband and Wife. *Journal of Practice Learning and Educational Development*, *6*(2), 2150–2160.

Imanina, K. (2025). Penggunaan metode kualitatif dengan pendekatan deskriptif analitis dalam PAUD. *Jurnal AUDI: Jurnal Ilmiah Kajian Ilmu Anak Dan Media Informasi PAUD*, *10*(1), 37–40.

Jasmin, S. P., Rahmatiah, H. L., & Sultan, L. (2025). Logika Maqāṣid Al-Syarī 'ah Sebagai Paradigma Kritik Dalam Rekonstruksi Hukum Islam. *Ekspose: Jurnal Penelitian Hukum Dan Pendidikan*, *24*(2), 349–362.

Jazuli, M., & Washil, A. (2025). Perlindungan Konsumen Fintech Syariah di Indonesia: Tinjauan Integratif atas Regulasi, Keadilan Akad, dan Tata Kelola Digital. *Jurnal Pemikiran Dan Ilmu Keislaman*, *8*(2), 563–588.

Kamila, S. Z., Akbar, D., & Rachmat, A. S. (2026). Kepemimpinan perempuan dalam hukum Islam: Studi terhadap pandangan ulama klasik dan kontemporer. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, *4*(1), 3133–3148.

Khusni, S. (2026). Perlindungan Hak Perempuan dalam Kasus Cerai Talak dan Kekerasan dalam Rumah Tangga di Pengadilan Agama Probolinggo. *Jurnal Ragam Pengabdian*, *3*(1), 539–559.

Kristianto, W., & Chariansyah, H. (2026). Pendekatan Perundang-Undangan, Konseptual, dan Kasus dalam Penelitian Hukum Normatif. *Pendas: Jurnal Ilmiah Pendidikan Dasar*, *11*(03), 1–14.

Latief, D. A., Saputra, M. A., & Al Ayubi, S. (2025). Peran Al-Qur'an Dalam Membahas Konsep Kesetaraan Gender Dan Hak Asasi Manusia: Studi Atas Prinsip Keadilan, Martabat, Dan Hak Individu. *JUTEQ: Jurnal Teologi & Tafsir*, *2*(7), 1288–1299.

Lestari, A. A., & Istiqomah, F. (2025). Perlindungan Hak Asasi Perempuan Dalam Perspektif Hukum Nasional Dan Hukum Islam: Analisis Kritis Terhadap Kesenjangan Norma Dan Implementasi Di Indonesia. *SINDA: Comprehensive Journal of Islamic Social Studies*, *5*(1), 50–60.

Maula, A. S. (2026). Perlindungan Perempuan dalam Hukum Syariah: Analisis Maqāṣid Al-Syarī 'ah Perspektif Jasser Auda. *AMACCANG: Journal of Multidisciplinary Studies*, *1*(2), 9–23.

Mentari, R. (2024). Mewujudkan Keadilan: Perlindungan Hukum bagi Perempuan Korban KDRT dalam Sistem Peradilan Pidana Indonesia. *SPECTRUM: Journal of Gender and Children Studies*, *4*(1), 32–45.

Putra, M. Y., Kurniati, K., & Misbahuddin, M. (2026). Rekonstruksi Otoritas Fatwa Berbasis Maqasid al-Syari 'ah dalam Menjawab Problematika Hukum Kontemporer. *SANGAJI: Jurnal Pemikiran Syariah Dan Hukum*, *10*(1), 25–39.

Rahazade, R. R. H. A. S., & Yunanto, Y. (2024). Perlindungan Hukum terhadap Hak Asasi Manusia Terkait Penempatan Transpuan dalam Sel Tahanan. *UNES Law Review*, *6*(4), 12633–12644.

Ramadhani, I., Natasha, C. A., & Akbar, A. (2025). Konsep Keadilan Sosial dalam Perspektif Al-Qur'an. *Jurnal Teologi Islam*, *1*(2), 491–499.

Rayyan, I., & Frijatuluah, Z. D. (2026). Maqāṣid Al-Syarī 'Ah (Tujuan Disyariatkannya Hukum Islam) Dan Aplikasinya Dalam Pemikiran Fiqh Para Ahli Fiqh. *Dirosah Islamiyah: Jurnal Studi Islam*, *1*(1), 41–53.

Ritonga, S. A. (2025). Ayat-Ayat Al-Qur'an Tentang Keadilan. *Edu Society: Jurnal Pendidikan, Ilmu Sosial Dan Pengabdian Kepada MasyarakaT*, *5*(1), 344–353.

Safitri, Y., Jannah, W., & Rahayu, S. (2025). Integrasi Teknologi Finansial (FINTECH) dengan Prinsip Syariah: Transformasi Layanan Keuangan Islam di Era Digital. *Prosiding Seminar Nasional Teknologi Komputer Dan Sains*, *3*(1).

Septiendra, A. T. (2026). Studi Al-Qur'an Dan Hadits Ahkam: Analisis Historis, Ruang Lingkup, Dan Metodologi Aspek Hukum Dalam Islam. *Jurnal Al Mujaddid Humaniora*, *12*(1), 18–26.

Setiawan, M., & Sulton, A. (2026). Legal Research Methods in Islamic Education: Normative, Empirical, and Contextual Analysis. *Classroom: Journal of Islamic Education*, *3*(1), 100–107.

Umar, M. (2019). Indahnya Kemitraan Laki-laki dan Perempuan Dalam Hukum Islam. *Journal Of Islamic And Law Studies*, *3*, 18.

Wulandari, R., & Andaryuni, L. (2025). Maqāṣid Syariah sebagai Kerangka Kritik atas Bias Gender dalam Hukum Keluarga Islam Indonesia. *Jurnal Tana Mana*, *6*(3), 420–429.

Zahra, R., Khusnadin, M. H., & Fitra, A. A. (2025). Studi komparatif tafsir tekstual dan tafsir kontekstual dalam pemahaman ayat-ayat sosial di era modern. *Ta'wiluna: Jurnal Ilmu Al-Qur'an, Tafsir Dan Pemikiran Islam*, *6*(1), 44–56.

Zainuddin, M., & Karina, A. D. (2023). Penggunaan metode yuridis normatif dalam membuktikan kebenaran pada penelitian hukum. *Smart Law Journal*, *2*(2), 114–123.