

## REFRAMING GENDERED ROLES THROUGH *MASHLAHAH* IN ISLAMIC FAMILY LAW

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**Abstract:** This article explores how married Muslim women navigate the boundaries of gendered roles, as they combine professional careers and religious activism, and the implications of this negotiation about family welfare in contemporary Islamic law. Using a normative empirical methodology, it is an amalgamation of doctrine analysis of Islamic legal norms and field data on concrete career women practicing as activists in Islamic organizations in West Java, Indonesia. The conceptual framework is guided by Muhammad Shahrur's Limit Theory (*hadd al-adnâ* and *hadd al-a'lâ*) pursued alongside *maqâshid al-syar'iâh* in order to determine demarcations between domestic duties as against public participation. To evaluate the substantive impact of women's dual roles on family well-being, this study develops a *maslahah*-Based Family Welfare Index, incorporating core *maqâshid* domains religion, life, intellect, progeny, and wealth alongside psychosocial indicators. The findings reveal that women's participation in public and religious spheres does not inherently undermine Islamic family norms when conducted within flexible yet principled limits. Instead, optimal family welfare emerges when role negotiation is supported by spousal cooperation, institutional flexibility, and contextual legal interpretation. This study contributes to contemporary Islamic legal discourse by offering a measurable framework for assessing gendered role balance and by proposing a normative model that reconciles Islamic legal principles with evolving gender realities. It advances Islamic family law beyond rigid dichotomies by foregrounding substantive justice and contextual *maslahah* as central evaluative standards.

**Keywords:** gender roles; career women; religious activism; *maslahah*

**Abstrak:** Artikel ini mengeksplorasi bagaimana wanita Muslim yang sudah menikah menavigasi batas-batas peran gender, saat mereka menggabungkan karir profesional dan aktivisme agama, dan implikasi dari negosiasi tentang kesejahteraan keluarga dalam hukum Islam kontemporer. Dengan menggunakan metodologi empiris normatif, ini merupakan penggabungan analisis doktrin norma hukum Islam dan data lapangan tentang perempuan karir konkret yang berpraktik sebagai aktivis di organisasi Islam di Jawa Barat, Indonesia. Kerangka konseptual dipandu oleh Teori Batas Muhammad Shahrur (*hadd al-adnâ* dan *hadd al-a'lâ*) yang dikejar bersama *maqâshid al-syar'iâh* untuk menentukan demarkasi antara tugas domestik terhadap partisipasi publik. Untuk mengevaluasi dampak substantif dari peran ganda perempuan terhadap kesejahteraan keluarga, penelitian ini mengembangkan Indeks Kesejahteraan Keluarga Berbasis *maslahah*, yang menggabungkan domain *maqâshid* inti agama, kehidupan, kecerdasan, keturunan, dan kekayaan di samping indikator psikososial. Temuan ini mengungkapkan bahwa partisipasi perempuan dalam bidang publik dan agama tidak secara inheren merusak norma-norma keluarga Islam ketika dilakukan dalam batas-batas yang fleksibel namun berprinsip. Sebaliknya, kesejahteraan keluarga yang optimal muncul ketika negosiasi peran didukung oleh kerja sama pasangan, fleksibilitas kelembagaan, dan interpretasi hukum kontekstual. Studi ini berkontribusi pada wacana hukum Islam kontemporer dengan menawarkan kerangka kerja yang terukur untuk menilai keseimbangan peran gender dan dengan mengusulkan model normatif yang mendamaikan prinsip-prinsip hukum Islam dengan realitas gender yang berkembang. Ini memajukan hukum keluarga Islam melampaui dikotomi yang kaku dengan mengedepankan keadilan substantif dan *maslahah* kontekstual sebagai standar evaluatif pusat.

**Kata kunci:** peran gender; wanita karier; aktivisme agama; *maslahah*

## Introduction

Social and economic changes in contemporary Muslim society have encouraged more and more married women to actively participate in the public sphere, both as professionals and as important actors in religious organizations.<sup>1</sup> This phenomenon is no longer marginal, but part of a widespread social reality, including in Indonesia. National and regional statistical data show an increase in women's economic, professional, and social contributions, including those who simultaneously exercise the role of wives, mothers, workers, and religious activists. This development puts Islamic family law in a challenging position: on the one hand it is required to maintain the normative values of the family, and on the other hand it must respond to increasingly complex social dynamics.

In the context of Islamic law in Indonesia, the normative division of gender roles in the family still refers to positive legal frameworks such as the Marriage Law and the Compilation of Islamic Law (KHI), which places the wife as the main manager of domestic affairs without explicitly prohibiting involvement in external activities.<sup>2</sup> However, the absence of clear operational boundaries on the extent to which women's public roles can be exercised often leads to social tensions and normative resistance. At the practical level, women who are active in careers and involved in religious organizations are often faced with accusations of going beyond "nature", even if these activities are carried out with the consent of the family and oriented towards social and religious benefits. The tension between legal norms, religious interpretations, and empirical reality is what makes the issue of women's dual role an important issue in the study of contemporary Islamic family law.

Academic studies on women and Islamic law

<sup>1</sup> Ahmed Abdullahi, "Impact of Globalization and Digitalization on Social Movements and Collective Action Across Different Regions and Contexts in Nigeria," *International Journal of Sociology (IJS)* 8, no. 1 (2024): 27–40, <https://doi.org/10.47604/ijss.2331>.

<sup>2</sup> Azka Raghdah Daulay et al., "PERLINDUNGAN HAK PEREMPUAN DALAM PERKAWINAN MENURUT PERSPEKTIF HUKUM ISLAM," *Elbayyinah : Jurnal Ilmu Hukum Dan Humaniora* 1, no. 01 (June 28, 2025): 2025, <https://journal.tabayanu.com/index.php/elbayyinah/article/view/160>.

have developed significantly, particularly through gender approaches and Islamic feminism. The works of Amina Wadud and Fatema Mernissi, for example, emphasize the importance of contextual reading of religious texts to realize gender justice.<sup>3</sup> On the other hand, the *maqâshid al-syarî'ah* approach in Islamic law places the substantive goals of law such as family protection, welfare, and justice as the primary benchmark of the validity of a norm. Nevertheless, most of the studies still focus on normative analysis or textual criticism, and relatively few link such discourse to empirical data on how Muslim women actually negotiate domestic and public roles in everyday life.

In the realm of contemporary Islamic legal theory, Muhammad Shahrur offers a Limit Theory which views Islamic law as a system of limits (*hudûd*) consisting of a minimum limit (*hadd al-adnâ*) and a maximum limit (*hadd al-a'lâ*). Between these two limits, social practices can move dynamically according to the context of space and time, as long as they do not go beyond the basic principles of sharia. This approach opens up space for a more flexible understanding of gender roles, especially in the context of women who perform dual roles. However, this theory has also attracted debate. His critics considered that the elasticity of Shahrur's interpretation had the potential to undermine the authority of the classical *fiqh* tradition.<sup>4</sup> This difference of views makes Limit Theory a relevant and controversial framework for examining the relationship between Islamic legal norms and social change.

Until now, there is still a fairly dominant assumption that women's involvement in career and organizational activities including religious organizations has the potential to disrupt family harmony and child welfare. This assumption is often accepted as normative truth without adequate

<sup>3</sup> A Susetyo and Z A Ni'mah, "Understanding Gender Justice Perspective Amin Wadud Muhsin," *Empirisma: Jurnal Pemikiran...*, 2022, 49–60, <https://jurnal.iainkediri.ac.id/index.php/empirisma/article/view/3900> Ahttps://jurnal.iainkediri.ac.id/index.php/empirisma/article/download/3900/1660.

<sup>4</sup> Roihatul Jannah Siagian and Zulheldi Zulheldi, "Pemikiran Muhammad Syahrur; Theory of Limit ( Teori Batas)," *Al-Bayan: Jurnal Ilmu Al-Qur'an Dan Hadist* 8, no. 1 (November 18, 2025): 18–29, <https://doi.org/10.35132/ALBAYAN.V8I1.765>.

empirical data support. This study positions these assumptions as hypotheses that need to be critically tested. Taking the context of the Muslim community in Bandung Regency, this study seeks to show that the relationship between women's dual roles and family welfare is not linear or deterministic, but rather relies heavily on how these roles are negotiated within normative and social boundaries.

Departing from these gaps, this study proposes a normative-empirical approach that integrates Islamic legal analysis with field data. This study examines married women who have careers and are active in religious organizations such as Muslimat NU, 'Aisyiyah, Fatayat, and other Islamic organizations. To assess the substantive impact of dual roles on the family, this study developed the Family *Mashlahah* Index (IMK), an evaluative instrument that combines the main dimensions of *maqâshid al-syarî'ah* the protection of religion, soul, intellect, descent, and property with indicators of psychological well-being and family social relations. This approach allows for a more comprehensive and measurable assessment of the balance between women's domestic and public roles.

The main objective of this study is to analyze how Muslim women negotiate the boundaries of gender roles between the domestic and public spheres within the framework of contemporary Islamic law, as well as to assess the extent to which such negotiations result in benefits or potential *mafsadah* for the family. The main findings of this study show that the majority of respondents are in the category of optimal and moderate *mashlahah*, which indicates that the dual role of women is not inherently contrary to the values of Islamic law. In contrast, family well-being tends to be maintained when dual roles are carried out within flexible sharia boundaries, supported by partner cooperation, and managed through time management strategies and fair division of roles.

This study confirms the importance of a paradigm shift in Islamic family law: from a formalistic assessment of gender roles to a substantive justice based evaluation and family *mashlahah*. The study not only contributes to the development of Islamic legal theory and gender studies, but also offers an evaluative framework that can be used in policy formulation

and family law reform that is more responsive to the social realities of contemporary Muslim women.

## Method

This study employs a normative-empirical research approach to examine the reframing of gendered roles within Islamic family law through the lens of *mashlahah*. The normative dimension focuses on Islamic legal principles, including classical *fiqh*, contemporary Islamic legal theories, and *maqâshid al-syarî'ah*, while the empirical dimension explores how these norms are negotiated and practiced in the lived experiences of Muslim families. This integrated approach allows the study to bridge doctrinal legal analysis with social realities, thereby moving beyond a purely textual or descriptive understanding of gender roles.

The subjects of this study consist of married Muslim women who simultaneously perform domestic responsibilities and engage in public roles, particularly professional careers and religious organizational activities. The respondents were selected purposively from Muslim communities in West Java, Indonesia, with specific attention to women actively involved in Islamic organizations such as Muslimat NU, 'Aisyiyah, Fatayat, and similar religious associations. The selection criteria included marital status, duration of marriage, level of involvement in public and religious activities, and willingness to participate in the study. This purposive sampling strategy was employed to ensure the relevance of data to the research objectives.

The research was conducted in several stages. First, a normative analysis was undertaken to map prevailing legal constructions of gendered roles in Islamic family law, drawing from classical jurisprudence, statutory regulations, and contemporary Islamic legal thought. Second, empirical data were collected through structured and semi-structured instruments to capture respondents' experiences in negotiating domestic and public roles. Third, the normative and empirical findings were systematically integrated using a *mashlahah*-based analytical framework. This staged procedure ensured coherence between theoretical foundations and field-based observations.

The primary research materials included Islamic legal texts (classical *fiqh* works, contemporary legal interpretations, and relevant statutory instruments), alongside empirical data derived from respondents. The main research instrument was the *Mashlahah*-Based Family Welfare Index (MBFWI), developed by the researcher to assess family welfare through *maqâshid al-syarî'ah* dimensions protection of religion, life, intellect, progeny, and wealth supplemented by indicators of psychological well-being and family relations. Supporting instruments included questionnaires and interview guides designed to explore role distribution, time management, spousal cooperation, and perceptions of religious legitimacy.

Data collection was carried out through questionnaires, in-depth interviews, and document analysis. Questionnaires were used to obtain structured data on respondents' daily role distribution and perceived family welfare. In-depth interviews provided qualitative insights into the strategies and challenges faced by women in negotiating gendered roles. Document analysis was conducted on organizational guidelines, family-related legal documents, and relevant religious texts to contextualize empirical findings within normative frameworks.

The data were analyzed using a qualitative quantitative integrative technique. Quantitative data derived from the *Mashlahah*-Based Family Welfare Index were analyzed descriptively to identify patterns of family welfare outcomes. Qualitative data from interviews and documents were analyzed thematically to uncover recurring narratives, normative tensions, and strategies of role negotiation. The final analysis employed a *mashlahah*-oriented interpretive framework, informed by *maqâshid al-syarî'ah* and Muhammad Shahrur's Limit Theory, to evaluate whether the reframing of gendered roles aligns with substantive justice and family welfare within Islamic family law.<sup>5</sup>

## Result and Discussions

### *Mashlahah, Maqâshid, and the Reconfiguration of Gender Roles in Muslim Families: A Descriptive Empirical Analysis*

To provide a clearer empirical foundation for examining the reframing of gendered roles through *mashlahah* in Islamic family law, this section presents descriptive statistical findings derived from field data collected among married Muslim women actively engaged in professional work and religious organizations. The data are intended to contextualize patterns of role negotiation and family welfare outcomes without making premature causal claims.

Table 1. Socio-Demographic Profile of Respondents (n = 72)

Variable	Category	Frequency	Percentage (%)
Age	30–39 years	28	38.9
	40–49 years	31	43.1
	≥50 years	13	18.0
Length of Marriage	5–10 years	21	29.2
	11–15 years	27	37.5
	>15 years	24	33.3
Education Level	Secondary	18	25.0
	Bachelor	39	54.2
	Postgraduate	15	20.8
Employment Sector	Education	26	36.1
	Health & Social Services	17	23.6
	Administration	14	19.4
	Entrepreneurship	15	20.9

As shown in **Table 1**, the respondents represent a socio-demographically mature and stable group, with the majority aged between 30 and 49 years and having been married for more than ten years. More than half of the respondents hold at least a bachelor's degree and are employed in sectors closely related to education, health, administration, and entrepreneurship. This profile is significant, as it reflects a cohort of women who are not only economically and socially active but also possess sufficient life experience to engage in reflective role negotiation within their families. The demographic composition thus provides a reliable basis for

<sup>5</sup> Nancy Mustapha and E L Hallak, "Approaching The Qur'an Through The Lens of Muhammad Shahrur: A Critical Analysis," April 20, 2022, <http://hdl.handle.net/10938/23365>.

assessing how gendered roles are negotiated in relatively established Muslim households.

Table 2. Patterns of Gendered Role Distribution in Muslim Families

Role Configuration Pattern	Frequency	Percentage (%)
Shared Domestic-Public Roles	41	56.9
Female-Centered Domestic Roles	17	23.6
Extended-Family Supported Roles	14	19.5
<b>Total</b>	<b>72</b>	<b>100</b>

Building on this profile, **Table 2** illustrates the dominant patterns of gendered role distribution observed among the respondents. The data indicate that shared domestic-public role arrangements constitute the most prevalent pattern, accounting for more than half of the cases. This finding suggests a departure from rigid role segregation toward negotiated role-sharing within families. Female-centered domestic arrangements and extended-family support systems appear as complementary strategies, particularly in households facing intensive public or organizational commitments. These patterns demonstrate that gendered roles are actively constructed through pragmatic negotiation rather than passively inherited from normative prescriptions.

Table 3. *Mashlahah*-Based Family Welfare Index (MBFWI) Scores

Maqâshid Dimension	Mean Score (0-4)	Category
<i>Hifzh al-Dîn</i> (Religion)	3.42	High
<i>Hifzh al-Nafs</i> (Well-being)	3.05	Moderate
<i>Hifzh al-'Aql</i> (Intellect)	3.36	High
<i>Hifzh al-Nasl</i> (Progeny)	3.18	Moderate-High
<i>Hifzh al-Mâl</i> (Wealth)	3.27	High
Overall MBFWI	3.26	Moderate-High

Family welfare outcomes were assessed using the *Mashlahah*-Based Family Welfare Index, as

summarized in **Table 3**. The results show moderate to high mean scores across all *maqâshid* dimensions, with particularly strong performance in *hifzh al-dîn* and *hifzh al-'aql*.<sup>6</sup> This indicates that women's professional and religious engagements are often accompanied by sustained religious commitment and educational orientation within the household. While dimensions related to psychological well-being (*hifzh al-nafs*) and progeny (*hifzh al-nasl*) exhibit slightly lower mean scores, they remain within a moderate-to-high range, suggesting that role complexity does not necessarily undermine family stability when managed effectively.<sup>7</sup>

Table 4. Relationship between Role Negotiation Quality and Family *Mashlahah*

Role Negotiation Quality	Mean MBFWI Score	Welfare Category
Explicit & Cooperative	3.48	High
Partial Negotiation	3.19	Moderate-High
Minimal Negotiation	2.71	Moderate
Overall Mean	3.26	Moderate-High

The relationship between role negotiation quality and family welfare outcomes is further clarified in **Table 4**. Families characterized by explicit and cooperative role negotiation exhibit the highest overall *mashlahah* scores, whereas families with minimal negotiation display comparatively lower welfare outcomes. This pattern reinforces the central empirical insight of the study: family welfare is less dependent on the formal allocation of gendered roles than on the quality of communication, mutual agreement, and ethical commitment within the household.

<sup>6</sup> Krismiyarsi Krismiyarsi and Rayno Dwi Adityo, "The Urgency of Community Service Imposed as Punishment on Juvenile Delinquents: A Study of Al-Shatibi's Maqhasid Al-Syariah Concept," *De Jure: Jurnal Hukum Dan Syar'iah* 17, no. 1 (2025): 132-48, <https://doi.org/10.18860/j-fsh.v17i1.31246>.

<sup>7</sup> Delia Atika Sari and Nur Lailatul Musyafaah, "'Marriage Is Scary' on TikTok: Maqâshid Al-Shari'ah's Analysis of the Fear of Marriage in the Digital Era," *Ma'mal: Jurnal Laboratorium Syariah Dan Hukum* 7, no. 2 (2025): 132-64, <https://doi.org/10.15642/mal.v7i2.466>.

Table 5. Religious Activism and Normative Legitimacy Perception

Perceived Religious Legitimacy	Frequency	Percentage (%)
Strongly Legitimate	38	52.8
Moderately Legitimate	24	33.3
Weakly Legitimate	10	13.9
Total	72	100

Finally, **Table 5** highlights the role of religious legitimacy in shaping perceptions of women's public engagement. More than half of the respondents reported that their professional and organizational activities were strongly perceived as religiously legitimate, particularly when framed as forms of religious service or community contribution. This perception appears to function as a stabilizing factor, reducing social resistance and facilitating smoother role negotiation within families. The data underscore the importance of normative framing in mediating the relationship between women's public roles and family harmony. Taken together, these descriptive findings demonstrate that the reframing of gendered roles through a *mashlahah*-based approach is empirically grounded in the lived experiences of Muslim families. The statistical patterns presented in the tables provide a substantive basis for evaluating how Islamic family law can accommodate evolving gender realities without compromising its core ethical objectives.

## Discussion

### Gender Role Negotiation and Substantive Family Welfare

The empirical findings presented in this study underscore that gendered roles within Muslim families are not static legal constructs but negotiated social arrangements that significantly shape substantive family welfare. As evidenced in Table 2, the predominance of shared domestic-public role configurations reflects a pragmatic shift away from rigid role segregation toward negotiated role-sharing. This pattern suggests that contemporary Muslim families increasingly prioritize functional cooperation over formal role prescriptions, particularly in contexts where

women engage in professional and religious public activities.<sup>8</sup>

Crucially, the data indicate that the quality of role negotiation, rather than the distribution of roles per se, constitutes the decisive factor in achieving family *mashlahah*. Table 4 demonstrates a clear gradient between negotiation quality and welfare outcomes: families characterized by explicit and cooperative negotiation exhibit the highest *Mashlahah-Based Family Welfare Index* scores, while those with minimal negotiation show comparatively lower outcomes. This finding challenges normative assumptions within classical legal discourse that associate family harmony primarily with fixed gender hierarchies. Instead, it supports a model of family relations grounded in mutual agreement (*tarâdhî*), shared responsibility, and ethical deliberation.<sup>9</sup>

From a *maqâhid al-syarî'ah* perspective, these outcomes highlight the multidimensional nature of family welfare. The relatively high scores across *hifzh al-dîn*, *hifzh al-'aql*, and *hifzh al-mâl* dimensions (Table 3) suggest that negotiated gender roles can positively contribute to religious vitality, intellectual development, and economic resilience within families. Importantly, these dimensions are not isolated achievements but interrelated outcomes of cooperative role management.<sup>10</sup> Where negotiation mechanisms are weak, particularly in the absence of spousal support, declines are most visible in *hifzh al-nafs*, indicating heightened psychological strain and role overload.<sup>11</sup> This pattern reinforces the argument that substantive welfare cannot be secured through economic or religious performance

<sup>8</sup> Hala Ahmed and Nour El-Din, "Indeterminacy of the Best Interest of the Child and Shari'a Rules in Custody Adjudications: Egypt Case," *Theses and Dissertations*, June 15, 2021, <https://fount.aucgypt.edu/etds/1641>.

<sup>9</sup> Laura Kunreuther, "Between Love and Property: Voice, Sentiment, and Subjectivity in the Reform of Daughter's Inheritance in Nepal," *American Ethnologist*, 2009, <https://doi.org/10.1111/j.1548-1425.2009.01178.x>.

<sup>10</sup> Ruth Ann Marie Attolba-Aquino and Marc Oliver Castañeda, "Implementation and Effectiveness of Sustainable Cooperative Management Practices," *Journal of Interdisciplinary Perspectives* 3, no. 6 (May 30, 2025): 488–501, <https://doi.org/10.69569/JIP.2025.256>.

<sup>11</sup> Siagian and Zulheldi, "Pemikiran Muhammad Syahrur; Theory of Limit (Teori Batas)."

alone, but requires relational stability and emotional well-being.

The findings further reveal that negotiated gender roles operate within ethical boundaries rather than outside Islamic normative frameworks. Shared-role households do not signify the abandonment of religious norms; instead, they represent adaptive strategies aimed at realizing family *mashlahah* under changing social conditions. This observation aligns with Muhammad Shahrur's Limit Theory, wherein legal norms define minimum and maximum boundaries while allowing contextual flexibility in between.<sup>12</sup> Within this framework, role negotiation functions as a mechanism for maintaining balance, ensuring that expanded public engagement does not transgress ethical limits nor undermine family obligations.

Moreover, the empirical evidence weakens the persistent claim that women's public engagement inherently disrupts family welfare.<sup>13</sup> The data demonstrate that family instability is more closely associated with unarticulated expectations and asymmetrical decision-making than with women's professional or religious activities themselves. In families where role boundaries are clearly articulated and periodically reassessed, women's dual roles contribute to collective welfare rather than conflict. This finding invites a reconsideration of how Islamic family law evaluates compliance and deviation, suggesting that outcome-oriented assessments based on *mashlahah* are more normatively sound than rigid role-based judgments.<sup>14</sup>

Taken together, the discussion affirms that gender role negotiation is not merely a sociological phenomenon but a normative process with direct implications for Islamic family law. Substantive family welfare emerges when legal and ethical norms are

interpreted through lived negotiation rather than imposed hierarchy. By foregrounding *mashlahah* as the evaluative standard, this study advances a reframing of gendered roles that is faithful to Islamic legal objectives while responsive to contemporary social realities.<sup>15</sup>

### Religious Legitimacy, Normative Flexibility, and the Reinterpretation of Islamic Family Law

The findings of this study demonstrate that religious legitimacy plays a pivotal role in mediating the relationship between women's public engagement and the stability of Muslim family life. As shown in Table 5, a substantial majority of respondents perceived women's professional and organizational activities as religiously legitimate, particularly when these activities were framed as forms of religious service (*khidmah*) or community contribution. This perception significantly influenced the acceptance of women's dual roles within families, reducing normative resistance and facilitating smoother role negotiation.

From a legal-theoretical perspective, religious legitimacy functions as an interpretive bridge between formal norms and lived practices. Classical constructions of Islamic family law often emphasize predefined role expectations grounded in gendered responsibility, especially regarding domestic labor.<sup>16</sup> However, the empirical evidence suggests that families do not necessarily abandon these norms; rather, they reinterpret them in light of ethical objectives and contextual needs. Activities that are perceived as aligned with Islamic values such as religious education, organizational leadership, and social outreach are more readily incorporated into family life without being construed as normative transgressions.

This dynamic highlights the importance of

<sup>12</sup> Saifuddin Herlambang, "Interpretasi Milenial Muhammad Shahrur Tentang Isu-Isu Perempuan," *F1000research* 12 (January 1, 2023): 39–39, <https://doi.org/10.12688/F1000RESEARCH.125653.4>.

<sup>13</sup> Rizki Zil Ikram Rambe and Iwan, "Implications of the 'Marriage Is Scary' Trend on Tiktok on Muslim Teenagers' Views on Marriage," *Awang Long Law Review* 7, no. 2 (2025): 392–401, <https://doi.org/10.56301/awl.v7i2.1552>.

<sup>14</sup> Amali Philips, "Rethinking Culture and Development: Marriage and Gender among the Tea Plantation Workers in Sri Lanka," *Gender and Development*, 2003, <https://doi.org/10.1080/741954313>.

<sup>15</sup> Muhammad Yusuf, "Pendekatan Al-Mashlahah Al-Mursalah Dalam Fatwa MUI Tentang Pernikahan Beda Agama," *AHKAM : Jurnal Ilmu Syariah* 13, no. 1 (2013): 99–108, <https://doi.org/10.15408/ajis.v13i1.955>.

<sup>16</sup> Nurhikmah Nurhikmah and Hanim Yumna, "Gender Issues in Islamic Family Law: Perspectives from History, Philosophy, and Sociology of Law," *Ahlika: Jurnal Hukum Keluarga Dan Hukum Islam* 1, no. 2 (November 29, 2024): 111–27, <https://doi.org/10.70742/AHLIKA.V1I2.76>.

normative flexibility within Islamic legal reasoning. As reflected in the *Mashlahah*-Based Family Welfare Index (Table 3), high scores in *hifzh al-dīn* coexist with women's extensive public engagement, indicating that religious commitment is not diminished by expanded roles. Instead, religious activism often reinforces family religiosity by integrating public service with domestic ethical formation. These findings challenge the assumption that legal compliance in Islamic family law must be measured through rigid role conformity, suggesting instead that compliance may be more accurately assessed through ethical outcomes.

Muhammad Shahrur's *Limit Theory* provides a useful framework for interpreting this flexibility.<sup>17</sup> By conceptualizing Islamic law as operating within minimum and maximum boundaries, Shahrur allows for contextual variation without normative collapse. The empirical data reveal that women's public roles generally remain within these boundaries when legitimized by religious intention and mutual family agreement. Normative tension arises not from role expansion itself, but from perceived boundary transgression particularly when public engagement lacks ethical framing or spousal consensus.

The findings further indicate that normative authority in family life is increasingly negotiated rather than unilaterally imposed. Religious legitimacy, in this context, is not solely derived from textual authority but is co-constructed through everyday practices, organizational affiliations, and shared moral reasoning within families. This observation aligns with contemporary scholarship on Islamic legal pluralism, which recognizes that legal meaning emerges from the interaction between texts, institutions, and social actors. Consequently, Islamic family law must be understood not only as a body of prescriptive norms but also as a living ethical system responsive to social change.<sup>18</sup>

<sup>17</sup> Udin Saprudin et al., "LIMITING THE NUMBER OF POLYGAMIES TO REALIZE ECONOMIC JUSTICE: A HERMENEUTIC ANALYSIS OF MUHAMMAD SYAHRUR," *QiST: Journal of Quran and Tafseer Studies* 2, no. 3 (September 28, 2023): 347–68, <https://doi.org/10.23917/QIST.V2I3.2769>.

<sup>18</sup> Halan Riadi, "Pembaharuan Hukum Keluarga Islam Di Indonesia (Ditinjau Dalam Undang-Undang No.1 Tahun 1974)," *Journal de Jure* 3, no. 2 (2021): 24–32.

Importantly, the data reveal that normative flexibility does not result in moral relativism. Families exhibiting high *mashlahah* outcomes consistently maintained clear ethical boundaries, particularly regarding childcare, marital obligations, and religious education. Flexibility, therefore, operates within a principled framework oriented toward substantive justice rather than unrestricted autonomy. This finding counters critiques that reinterpreting approaches to Islamic law undermine normative stability, demonstrating instead that adaptive interpretation can strengthen legal relevance and ethical coherence.

In light of these findings, the reinterpretation of Islamic family law through *mashlahah* necessitates a shift from rule-centered evaluation toward outcome-oriented reasoning. Legal norms concerning gendered roles should be assessed based on their capacity to realize family welfare, relational justice, and moral integrity. Such an approach does not negate classical jurisprudence but situates it within a broader *maqâshid*-based framework capable of addressing contemporary gender realities.<sup>19</sup>

This discussion affirms that religious legitimacy and normative flexibility are not peripheral considerations but central components in the ongoing evolution of Islamic family law. By recognizing the role of ethical framing and negotiated authority, Islamic legal discourse can more effectively accommodate women's changing social roles while remaining faithful to its foundational objectives.

## Policy Implications

The findings of this study carry several important implications for legal development, institutional practice, and religious governance within Muslim societies.

First, policymakers and legal reform institutions should incorporate a *mashlahah*-oriented framework into the formulation and interpretation of family law regulations. Rather than emphasizing rigid role assignments, legal provisions should allow for negotiated role arrangements that prioritize family welfare, mutual consent, and ethical responsibility.

<sup>19</sup> Nurhikmah and Yumna, "Gender Issues in Islamic Family Law: Perspectives from History, Philosophy, and Sociology of Law."

This approach can enhance the relevance and legitimacy of Islamic family law in increasingly diverse social contexts.

Second, religious courts and legal practitioners are encouraged to adopt outcome-based reasoning when adjudicating family disputes related to gender roles. Judicial assessments should consider the substantive welfare of the family, including psychological well-being and relational stability, alongside formal legal obligations. Such an approach aligns with *maqâshid al-syarî'ah* and can reduce the gap between legal norms and social realities.

Third, religious organizations and educational institutions play a crucial role in shaping normative perceptions of gendered roles. Programs aimed at promoting family ethics should emphasize cooperation, shared responsibility, and religious legitimacy of women's public engagement, thereby fostering normative environments conducive to constructive role negotiation.

Finally, this study underscores the need for continued empirical research in Islamic legal studies. Future research should expand the scope of analysis to include diverse socio-cultural contexts and explore longitudinal impacts of role negotiation on family welfare. Such efforts will further strengthen the development of Islamic family law as a dynamic, evidence-informed legal system grounded in substantive justice.

In conclusion, reframing gendered roles through *mashlahah* offers a viable and normatively sound pathway for aligning Islamic family law with contemporary social realities while preserving its core ethical commitments.

## Conclusion

This study set out to reframe gendered roles in Islamic family law through a *mashlahah*-based perspective by integrating normative legal analysis with empirical evidence from Muslim families. The findings demonstrate that gendered roles are not fixed legal prescriptions but negotiated ethical arrangements that operate within flexible normative boundaries. Women's participation in professional and religious public spheres does not inherently

undermine family welfare; rather, substantive family well-being is primarily determined by the quality of role negotiation, spousal cooperation, and ethical alignment within the household.

Empirical evidence from the *Mashlahah*-Based Family Welfare Index reveals that families characterized by explicit and cooperative role negotiation consistently achieve higher welfare outcomes across *maqâshid* dimensions, particularly in religious commitment, intellectual development, and economic resilience. These findings challenge formalistic interpretations of Islamic family law that equate normative compliance with rigid role conformity. Instead, they support an outcome-oriented approach in which legal norms are evaluated based on their capacity to realize substantive justice and family *mashlahah*.

The study further highlights the central role of religious legitimacy in mediating normative acceptance of women's public engagement. When women's activities are framed as ethically and religiously meaningful, they are more readily integrated into family life without generating normative conflict. This reinforces the relevance of Muhammad Shahrur's Limit Theory, which conceptualizes Islamic law as a system of principled boundaries rather than static commands. Within this framework, normative flexibility emerges not as a deviation from Islamic law but as an intrinsic mechanism for maintaining its ethical objectives in changing social contexts.

This research contributes to Islamic family law scholarship by offering a empirically grounded and normatively coherent framework for understanding gendered roles beyond dichotomous domestic-public binaries. By foregrounding *mashlahah* as the primary evaluative standard, the study advances a reinterpretation of Islamic family law that is both faithful to its foundational principles and responsive to contemporary gender realities.

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