

FROM TRADITIONAL TO PROGRESSIVE ISLAMIC FAMILY LAW: LESSONS FROM MUHAMMADIYAH AND AISIYIAH



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Abstract

This article examines the transformation of Islamic family law from traditional, role – centered prescriptions toward a progressive and socio – legally responsive framework through the experiences of Muhammadiyah and Aisiyiah. The study employs a qualitative socio – legal approach combining an integrative literature review, six primary Muhammadiyah – Aisiyiah documents, peer – reviewed scholarship, official Indonesian data, and field research through interviews with Muhammadiyah – Aisiyiah members and family practitioners. Qualitative content analysis and source triangulation were used to compare institutional norms, scholarly interpretations, empirical evidence, and lived family experiences. The findings reveal three patterns. First, Muhammadiyah – Aisiyiah family discourse has shifted from traditional role – centered prescriptions toward a relational ethic grounded in reciprocity, dignity, deliberation, protection, and shared responsibility. Second, this normative transformation remains unevenly reflected in family practices, creating normative, relational, implementation, and protection – enforcement gaps. Third, the findings support a Progressive Socio – Legal Islamic Family Law framework in which socio – legal analysis identifies lived family problems, *maqasid al-usrah* provides evaluative criteria, *manhaj tarjih* facilitates context – responsive Islamic legal reasoning, and gender responsiveness assesses the distributive effects of interpretation. The study concludes that moving from traditional to progressive Islamic family law requires integrating Islamic normative foundations with changing social realities. Its main contribution is a feedback – loop model connecting social evidence, Islamic legal reasoning, and transformative reform, demonstrating how Muhammadiyah and Aisiyiah provide lessons for developing progressive Islamic family law.

Abstrak

Artikel ini mengkaji transformasi hukum keluarga Islam dari preskripsi tradisional yang berpusat pada peran menuju kerangka yang progresif dan responsif secara sosio-legal melalui pengalaman Muhammadiyah dan Aisiyiah. Penelitian ini menggunakan pendekatan sosio-legal kualitatif yang memadukan tinjauan literatur integratif, enam dokumen utama Muhammadiyah-Aisiyiah, kajian ilmiah yang ditelaah sejawat, data resmi Indonesia, serta penelitian lapangan melalui wawancara dengan anggota Muhammadiyah-Aisiyiah dan praktisi keluarga. Analisis isi kualitatif dan triangulasi sumber digunakan untuk membandingkan norma kelembagaan, interpretasi akademik, bukti empiris, dan pengalaman kehidupan keluarga. Temuan penelitian menunjukkan tiga pola. Pertama, wacana keluarga Muhammadiyah-Aisiyiah telah bergeser dari preskripsi tradisional yang berpusat pada peran menuju etika relasional yang berlandaskan timbal balik, martabat, musyawarah, perlindungan, dan tanggung jawab bersama. Kedua, transformasi normatif tersebut belum sepenuhnya tercermin dalam praktik keluarga, sehingga menimbulkan kesenjangan normatif, relasional, implementasi, serta perlindungan dan penegakan.

Ketiga, temuan penelitian mendukung kerangka Hukum Keluarga Islam Sosio-Legal Progresif, di mana analisis sosio-legal mengidentifikasi persoalan keluarga yang dialami, maqasid al-usrah memberikan kriteria evaluatif, manhaj tarjih memfasilitasi penalaran hukum Islam yang responsif terhadap konteks, dan responsivitas gender menilai dampak distributif dari interpretasi hukum. Penelitian ini menyimpulkan bahwa peralihan dari hukum keluarga Islam tradisional menuju progresif memerlukan integrasi antara landasan normatif Islam dan perubahan realitas sosial. Kontribusi utamanya adalah model lingkaran umpan balik yang menghubungkan bukti sosial, penalaran hukum Islam, dan reformasi transformatif, serta menunjukkan bagaimana Muhammadiyah dan Aisyiyah memberikan pelajaran bagi pengembangan hukum keluarga Islam yang progresif.

INTRODUCTION

Recent changes in Indonesian Muslim family life make the distance between normative ideals and everyday experience difficult to ignore. In 2023, 465,063 divorce cases were filed in the Religious Courts (Directorate General of Religious Courts, 2024). Komnas Perempuan's 2024 annual report documented 330,097 cases of violence against women, 14.17% more than the 289,111 cases recorded a year earlier, with the personal sphere remaining the dominant setting (National Commission on Violence Against Women [Komnas Perempuan], 2025). Unequal domestic responsibilities form another part of the same picture: in 2024, 24.53% of women reported household management as their main activity, compared with 3.04% of men (Central Bureau of Statistics, 2025). Viewed together, these data indicate that the problems cannot be understood merely as personal or domestic matters. Rather, they invite a socio – legal examination of how effectively family – law norms respond to the lived realities of Muslim families.

Existing scholarship approaches Islamic family law from several directions. One body of work examines statutory reform, the Compilation of Islamic Law (*KHI*), and judicial practice as avenues for strengthening family protection (Wirastri & van Huis, 2024; Maimun et al., 2024; Solikin & Wasik, 2023; Rachmadhani et al., 2024). A second uses *maqasid* to move beyond formal compliance and ask whether the law protects children, promotes welfare, and prevents harm (Purnomo et al., 2023; Mohadi, 2023; Busriyanti et al., 2025; Mera et al., 2024; Nurcholis et al., 2025; Nasohah et al., 2025). Gender – oriented studies focus on authority, livelihood, women's experience, and interpretive power (Dzuhayatin, 2020; Syamsiyatun, 2022; Abdul Kodir et al., 2024; Begum et al., 2024; Rahmaniah et al., 2025; Zainuddin et al., 2026), while socio – legal research highlights the role of culture, economic conditions, courts, divorce processes, and legal consciousness (Mudzhar, 2020; Ramadhita et al., 2023; Darmawan et al., 2023; Fikri et al., 2023; Sururie et al., 2023; Rinaldo et al., 2024; Warnis et al., 2026). These conversations are increasingly rich, but they still tend to proceed in parallel. Existing scholarship tends to examine normative aims, legal reasoning, empirical evidence, and gender transformation separately rather than as parts of a unified analytical framework.

Previous studies provide important foundations for understanding Muhammadiyah – Aisyiyah family thought, but their analytical focus remains fragmented. Fanani et al. (2021) examine the development of *manhaj Tarjih*, while Syamsiyatun (2022) emphasizes women's agency within Muhammadiyah. Abdul Kodir et al. (2024) and Rahmaniah et al. (2025) further demonstrate the significance of gender – sensitive reasoning, women's activism, and religious reinterpretation. These studies are valuable because they show how institutional reasoning and women's agency contribute to changes in Islamic family

thought. However, they primarily address institutional discourse, interpretive methodology, or gender transformation as separate dimensions and provide limited analysis of how these dimensions interact with the empirical realities of Muslim families. In particular, insufficient attention has been given to the relationship between the Muhammadiyah – Aisyiyah normative corpus, lived family problems, *maqasid al-usrah*, and the socio – legal processes through which normative change can produce transformative outcomes. The present study therefore positions Muhammadiyah – Aisyiyah as a case for examining the transition from traditional role – centered normativity toward progressive Islamic family law by integrating institutional norms, empirical family realities, Islamic legal reasoning, and gender – responsive transformation.

This study argues that the transformation of Islamic family law from traditional to progressive cannot be achieved through textual reinterpretation alone. It requires a continuous engagement between Islamic normative foundations and the lived realities of Muslim families. In the context of Muhammadiyah and Aisyiyah, progressive family – law development can be understood through the interaction of *tajdid*, *manhaj Tarjih*, *sakinah* family discourse, relational ethics, *maqasid al-usrah*, socio – legal analysis, and gender responsiveness. The central argument is that socio – legal evidence should inform Islamic legal reasoning, while Islamic normative principles should provide ethical and evaluative direction for responding to changing family realities. This study therefore examines how Muhammadiyah – Aisyiyah family norms have moved beyond traditional role – centered prescriptions, identifies the gaps between normative ideals and family practices, and develops an integrated framework for progressive Islamic family – law reform. The argument is further supported by the proposition that effective reform must address not only normative coherence but also domestic responsibility, violence, economic vulnerability, legal agency, and the effectiveness of protection. Through this approach, progressive Islamic family law is conceptualized not as a departure from Islamic tradition, but as a transformative process that connects normative continuity, contextual reasoning, empirical evidence, and gender – responsive outcomes.

METHODS

This study employs a qualitative socio – legal research design integrating field research, an integrative literature review, institutional documents, and official Indonesian social data. Data were collected by the researcher using an interview guide addressing family roles, domestic responsibility, gender relations, marital conflict, protection, and perceptions of Muhammadiyah – Aisyiyah family norms. The documentary corpus comprised six primary Muhammadiyah – Aisyiyah documents: *Adabul Mar'ah fil Islam* (1976), *Keluarga Sakinah* (1989), *Pedoman Hidup Islami Warga Muhammadiyah* (2000), *Manhaj Tarjih dan Pengembangan Pemikiran Islam* (2000), *Tuntunan Menuju Keluarga Sakinah* (2016), and *Himpunan Putusan Tarjih Muhammadiyah 3* (2018), together with the Compilation of Islamic Law (*KHI*). The study also examined peer – reviewed scholarship and official data from Badilag, BPS, and Komnas Perempuan. Literature searches were conducted through Google Scholar and Crossref and completed on 30 August 2026.

Field, documentary, and literature data were analyzed using qualitative content and thematic analysis. Interview data were transcribed, organized, and coded alongside documentary and scholarly materials using a matrix recording source identity, normative claims, empirical findings, explanatory factors, and transformative implications. Deductive codes included *tajdid*, *manhaj Tarjih*, *maqasid al-usrah*, *sakinah*, reciprocity, protection, gender justice, domestic responsibility, and socio – legal analysis, while inductive codes

were developed from recurring patterns in the field data. The analysis compared institutional norms, scholarly interpretations, official statistics, and lived family experiences to identify convergence, divergence, and gaps. Triangulation was conducted across institutional documents, field interviews, and scholarly and official sources. The analysis focused on three themes: transformation from traditional role – centered norms toward relational ethics, gaps between normative ideals and family realities, and reconstruction of a Progressive Socio – Legal Islamic Family Law framework. Methodological rigor was strengthened through systematic coding, source triangulation, transparent selection criteria, and documentation of the research process.

RESULT AND DISCUSSION

RESULT

Transformation of Muhammadiyah-'Aisyiyah Family Normativity

Muhammadiyah – Aisyiyah family norms demonstrate a gradual transformation in the articulation of marital roles, authority, responsibility, and gender relations. Earlier formulations tend to organize family relations around differentiated roles and prescribed responsibilities, while later documents increasingly emphasize partnership, reciprocity, dignity, deliberation, mutual protection, and shared responsibility. This transformation can be traced across *Adabul Mar'ah fil Islam*, *Keluarga Sakinah*, *Pedoman Hidup Islami Warga Muhammadiyah*, *Manhaj Tarjih dan Pengembangan Pemikiran Islam*, and *Tuntunan Menuju Keluarga Sakinah*. The shift does not eliminate distinctions between husbands and wives but changes how such distinctions are articulated and justified. Marital authority is increasingly associated with responsibility, fairness, protection, and family welfare rather than unilateral control. Similarly, domestic responsibilities are increasingly framed through mutual contribution and cooperation. Decision – making is presented as requiring deliberation, while spousal relations are associated with respect for dignity and protection from harm. These patterns indicate a movement from predominantly role – centered prescriptions toward a relational model in which rights, responsibilities, authority, and protection are increasingly understood through reciprocity and ethical accountability.

Table 1. Evolution of Muhammadiyah – 'Aisyiyah Family Normativity

Primary document	Year / authority	Key finding from corpus	Transformative direction
Adabul Mar'ah fil Islam	1976; 20th Tarjih Congress	Women's dignity, religious rights and obligations, education, and social participation.	Women are positioned as moral and social subjects, not merely domestic subjects.
Sakinah Family	1989; 22nd Tarjih Congress	The family is directed towards peace, responsibility, marital ethics, and well – being.	The orientation shifts from the sharing of obligations towards the ethical goals of the family.
Guidelines for Islamic Life for Muhammadiyah Members	2000; 44th Muhammadiyah Congress	The family is positioned as a realm for practicing Islamic values, role models, education, and responsibility.	The family is integrated into Muhammadiyah's social ethics.

Primary document	Year / authority	Key finding from corpus	Transformative direction
<i>Manhaj Tarjih</i> and the Development of Islamic Thought	2000; <i>Tarjih</i> forum	Reasoning opens up space for context, knowledge, welfare, and renewal.	Family norms can be read contextually and correctively.
Guidance Towards a <i>Sakinah</i> Family	2016; PP 'Aisyiyah / Suara Muhammadiyah	Mutuality, respect, deliberation, shared responsibility and peace.	The family is emphasized as a relationship of partnership and protection.
Muhammadiyah <i>Tarjih</i> Decision Collection 3	2018; <i>Tarjih</i> and Tajdid Council of PP Muhammadiyah	Consolidation of the decisions of the XXVI–XXIX <i>Tarjih</i> National Conference, including Women's Jurisprudence and the theme of contemporary renewal.	Connecting <i>Tarjih</i> decisions across periods with the development of women's and family issues.

Source: Authors' synthesis of Muhammadiyah-'Aisyiyah institutional documents analyzed in this study.

Reading the documents across periods shows that the change concerns more than the wording of family norms. PHIWM, for example, treats the family as an ethical arena in which Islamic values are practiced through example, education, care, and responsibility (Pimpinan Pusat Muhammadiyah, 2000). *Manhaj Tarjih*, meanwhile, provides room for legal reasoning to remain attentive to changes in knowledge and social context. Fanani et al. (2021) describe a similar movement within Muhammadiyah reasoning, from a predominantly textual tendency toward a more integrative approach. When these strands are read together, the *sakinah* family is no longer measured only by household continuity. Its quality also depends on whether family relations generate peace, education, protection, and welfare. This broadens the measure of family success from conformity with a role structure to the ethical quality of the relationship itself.

A second pattern is the increasingly explicit treatment of women as moral, intellectual, social, and legal actors. Syamsiyatun (2022) traces a more reciprocal understanding of men and women in 'Aisyiyah through contextual interpretation, while Rahmania et al. (2025) show how education, advocacy, and religious reinterpretation have widened women's agency within Muhammadiyah. The same concern appears in the *maqasid* cum–*mubadalah* methodology, which treats women's experience as relevant to legal knowledge (Abdul Kodir et al., 2024), and in recent debates over the interpretive authority of female ulama in family law (Zainuddin et al., 2026). Comparative work on gender equity likewise cautions against treating role differentiation as a sufficient basis for domination (Begum et al., 2024). These studies suggest that change has been driven by a combination of religious reinterpretation, educational expansion, organizational experience, and wider female participation. The legal consequence is significant: different family roles must be assessed by their effects on dignity, reciprocity, responsibility, and substantive justice.

Shared responsibility provides the clearest example of this tension between normative development and social practice. In the institutional discourse, domestic work, care, economic contribution, and family decision–making are increasingly framed as areas of cooperation. Yet Kiram (2026) documents a substantial gender gap in time spent on

housework and childcare. Economic roles have also become more fluid. Mubadalah – based studies emphasize reciprocity in the fulfillment of maintenance (Nur et al., 2023; Firdawaty et al., 2024), whereas research on migrant – worker households and female breadwinners shows that shifts in earning responsibility are not always matched by a comparable redistribution of care work or social recognition (Khamim et al., 2024; Junaidy et al., 2025; Fadhilah et al., 2025). Firdaus et al. (2024) likewise support more flexible role arrangements when family welfare is the governing consideration. The obstacle, then, is less an absence of equality language than the persistence of a breadwinner – caregiver model. A more defensible approach moves from the idea that husbands 'help' with domestic work to the premise that responsibility itself is shared and negotiated according to capacity, need, deliberation, and welfare.

Taken together, the RQ1 findings are better described as a movement from role – based to relational family normativity. Across the corpus, the recurring concern is not simply the allocation of tasks, but whether the relationship produces *sakinah*, *mawaddah wa rahmah*, dignity, protection, well – being, reciprocity, and resilience. This is consistent with recent attempts to read family law and the *KHI* through *maqasid* and justice (Mohadi, 2023; Solikin & Wasik, 2023; Busriyanti et al., 2025). In this article, *maqasid al-usrah* is therefore used as an analytical lens for values already visible in the Muhammadiyah – 'Aisyiyah corpus, rather than as an external scheme imposed upon it. The shift changes the question asked of family law: not only who has which right or duty, but whether the arrangement of rights, duties, and authority produces justice and benefit for the family as a whole.

The Normative-Empirical Gap in Contemporary Muslim Family Life

Comparison with the empirical literature reveals a persistent gap between these relational ideals and the experience of many Muslim families. Divorce is the most visible expression of that gap, although it should not be read simply as evidence that a marriage has failed. Research on litigation and women's protection shows that procedural rules may constrain a wife's ability to defend her interests (Darmawan et al., 2023), while studies of mediation, divorce prevention, and lived experience draw attention to conflict, social setting, and relationship quality (Fikri et al., 2023; Sururie et al., 2023; Husin, 2023). Rinaldo et al. (2024) show how class shapes divorce narratives and available choices; Nisa et al. (2026) document the emotional demands of the process; and Warnis et al. (2026) demonstrate that litigation may also express women's legal consciousness. These findings make a one – dimensional reading of divorce untenable. Divorce may signal vulnerability and suffering, but in some cases it can also provide a legally recognized exit from an unsafe or deeply unjust relationship.

Violence and economic neglect make the normative – empirical distance even more visible. Domestic violence is closely tied to power, financial dependency, and marital breakdown (Hasanudin et al., 2023), while community and institutional responses strongly affect whether victims can obtain meaningful protection (Cholil et al., 2025; Nuroniyah et al., 2025). Research on post – divorce maintenance shows the same problem from another angle: a right recognized in law may remain largely symbolic without an effective enforcement mechanism (Ruzmi et al., 2025). Court decisions involving non – consensual polygamy also reveal risks of neglect and harm to wives and children (Analiansyah et al., 2024). Against the Muhammadiyah – 'Aisyiyah normative corpus, these patterns amount to more than failure to provide maintenance; they represent a breakdown in the protective

purposes of family life. The relevant shift is therefore from formally recognized rights to rights that are practically accessible and enforceable.

Table 2. Normative – Empirical Gaps in Contemporary Muslim Family Life

Normative ideal	Empirical manifestation	Generating factors & Transformative implications
<i>Sakinah</i> and family stability	Divorce, conflict, and unsafe marriages.	Violence, economic stress, infidelity, changing expectations; Rinaldo et al. (2024); Warnis et al. (2026). The quality of marriage and just exit need to be included in the legal measure of success.
Reciprocity and shared responsibility	Domestic caregiving burdens remain predominantly on women.	Breadwinner – caregiver norms and naturalization of care work; Kiram (2026); Firdawaty et al. (2024); Khamim et al. (2024); Junaidy et al. (2025). Equality needs to be translated into a real redistribution of responsibilities.
Love and mercy and protection	Physical, psychological, social and economic violence still occurs.	Power relations, economic dependency, and weak access to protection; Hasanudin et al. (2023); Cholil et al. (2025); Nuroniyah et al. (2025); Ruzmi et al. (2025). The principle of compassion must be operationalized as nonviolence and effective protection.
Deliberation and responsible authority	Formal equality has not always changed authority and control of resources.	Hierarchical interpretation of <i>Qiwamah</i> and bias in the application of <i>nusyūz</i> ; Begum et al. (2024); Fitriyani et al. (2023); Asni & Iqbal (2025). Authority needs to shift from status – based authority to responsibility – based authority.
Dignity and legal agency	Women face stigma and barriers, but are increasingly using the law.	Legal literacy, experiences of injustice, and access to justice; Darmawan et al. (2023); Nisa et al. (2026); Warnis et al. (2026). Women need to be positioned as legal agents, not just objects of protection.
Justice and <i>maqasid al-usrah</i>	Progressive norms do not automatically result in substantive justice.	Fragmentation of norms – implementation and the need for impact indicators; Solikin & Wasik (2023); Busriyanti et al. (2025); Qomaro (2026). <i>Maqasid al-usrah</i> needs to become an impact – based evaluative standard.

Source: Authors' synthesis of organizational norms, official social data, and reviewed empirical literature.

The literature also indicates that gaps are produced through interpretation itself. *Qiwamah*, when treated as unilateral male authority, can reproduce subordination unless it is tied to responsibility, protection, and deliberation. Contemporary scholarship offers a range of positions on gender equity and familial responsibility (Begum et al., 2024), while the *maqasid* cum – *mubadalah* approach explicitly treats women's experience as a source of legal knowledge (Abdul Kodir et al., 2024). Judicial research adds a practical dimension.

Fitriyani et al. (2023) show how *nusyūz* may be applied asymmetrically when it is attached only to wives, whereas Asni and Iqbal (2025) identify judicial reasoning that is more attentive to domestic violence, economic neglect, and post-divorce rights. The broader point is that family authority cannot be justified by status alone. Its legitimacy has to be tested through responsibility, accountability, and its effects on those subject to it.

Women involved in family disputes also appear in the literature as legal actors rather than merely as vulnerable parties. Warnis et al. (2026) show how female litigants use mediation and court proceedings to translate violence, infidelity, neglect, and other experiences of injustice into recognizable legal claims. Darmawan et al. (2023) underline the importance of jurisdictional rules for protecting wives' interests, and Fitriyani et al. (2023) show why gender sensitivity matters when judges assess *nusyūz*. Legal agency in these settings is shaped by prior experience of injustice, access to information, legal literacy, and the availability of judicial institutions. This means that a progressive family-law framework should take women's social experience seriously when identifying *mafsadah*, evaluating justice, and reconsidering norms. Wardatun and Smith's (2020) account of woman-initiated divorce points in the same direction.

The RQ2 synthesis can therefore be organized into four related gaps. A normative gap appears when principles such as *sakinah* and justice remain too abstract to guide evaluation. A relational gap exists when formal equality leaves existing distributions of power and responsibility largely untouched. An implementation gap arises when recognized rights are applied inconsistently, while a protection-enforcement gap appears when formal rights cannot be effectively accessed, restored, or enforced. The child-protection literature displays comparable tensions: marriage dispensation and child marriage may place formal legality at odds with the child's best interests (Barkah et al., 2023; Abdol Malek et al., 2023; Amberi, 2023; Sopyan et al., 2023; Nurcholis et al., 2025), and custody or co-parenting disputes require clearer indicators of child welfare (Mera et al., 2024; Turnip et al., 2024; Nasohah et al., 2025). The central problem, in other words, is not merely insufficient norm production but a break in the chain linking norms, relationships, implementation, and protection.

Socio-Legal Reconstruction of Progressive Islamic Family Law

Those four gaps help explain why reform cannot be reduced to adding new rules or producing another doctrinal reinterpretation. Muhammadiyah's traditions of *tajdīd* and *tarjih* provide a basis for a more responsive form of reasoning. Fanani et al. (2021) show that *manhaj tarjih* has developed toward an approach that brings text, context, knowledge, and *maṣlaḥah* into conversation, while recent work on *uṣūl* in Indonesian family law likewise stresses the importance of evaluating context and consequence (Rachmadhani et al., 2024). The step proposed here is to treat family realities—divorce, violence, unequal care, changing patterns of income, and women's legal agency—not as illustrations added after legal reasoning, but as evidence relevant to the reasoning itself. In that sense, *manhaj tarjih* functions as a context-responsive mechanism that connects normative sources with social evidence and allows consequences to inform the need for correction.

Within this reconstruction, *maqasid al-usrah* is used as a standard of evaluation rather than as a general statement of normative legitimacy. Studies of family *maqasid* emphasize kinship, justice, value orientation, and welfare (Mohadi, 2023; Solikin & Wasik, 2023), while more recent work on legal reform and family resilience calls for indicators capable of linking such aims to observable outcomes (Busriyanti et al., 2025; Qomaro, 2026). The

Muhammadiyah – 'Aisyiyah corpus contains closely related concerns in its treatment of *sakinah*, dignity, reciprocity, deliberation, protection, and shared responsibility. On that basis, this study uses six evaluative dimensions: dignity, justice, protection, well – being, reciprocity, and family resilience. Formal validity remains necessary, but it is not the only question; the practical effect of a norm on family life also matters.

Socio – legal analysis performs a different task. It asks how a norm works in practice, who bears its burdens, and which social or institutional arrangements produce injustice. Research by Rinaldo et al. (2024), Fadhilah et al. (2025), Junaidy et al. (2025), and Warnis et al. (2026) shows that family practices are shaped by economic conditions, gender relations, legal consciousness, culture, and institutional design. Those findings provide the empirical diagnosis. *Maqasid al-usrah* then supplies the evaluative criteria, and *manhaj tarjih* provides the space for contextual legal reasoning. Gender responsiveness adds a final question: does the proposed interpretation reduce hierarchy and vulnerability, or reproduce them? Studies by Asni and Iqbal (2025), Abdul Kodir et al. (2024), and Zainuddin et al. (2026) illustrate how gendered experience and interpretive authority can materially alter understandings of rights, responsibility, and harm.

Bringing these functions together yields the Progressive Socio – Legal Islamic Family Law framework proposed in this article. The sequence begins with socio – legal diagnosis, moves to evaluation through *maqasid al-usrah*, proceeds through contextual reasoning in *manhaj tarjih*, and ends with a gender – responsive assessment of likely effects. It is deliberately cyclical. Once a norm is implemented, its consequences should be examined again; if new normative, relational, implementation, or protection – enforcement gaps appear, those findings return to the reasoning process. The value of the framework is therefore not that it offers a single final interpretation, but that it makes each stage of the analysis visible and open to correction. Table 3 summarizes the function, indicators, guiding questions, and illustrative applications attached to each element.

Table 3. Operationalization of the Progressive Socio – Legal Islamic Family Law Framework

Framework element	Function	Analytical indicators	Guiding questions	Example application
Socio – legal analysis	Empirical diagnosis	Lived experience; harm; power relations; economic dependency; care burden; access to justice; institutional practice	What happens, to whom, and through what mechanism?	Domestic violence, unpaid care work, divorce litigation
<i>Maqasid usrah</i>	al- Evaluative standard	Dignity; justice; protection; reciprocity; welfare; child family welfare; resilience	Does the norm/practice generate substantive family welfare and prevent harm?	Maintenance, custody, child protection
<i>Manhaj tarjih</i>	Context – responsive reasoning	Textual basis; context; interdisciplinary knowledge;	How should the norm be interpreted	<i>Qiwamah</i> , <i>nusyūz</i> , marital or responsibility

Framework element	Function	Analytical indicators	Guiding questions	Example application
Gender responsiveness	Transformative test	<i>maṣlaḥah</i> – <i>mafsadah</i> ; consequences	reconstructed in light of evidence?	
		Distribution of authority/resources; care burden; agency; vulnerability; enforceability	Who benefits, of who bears the burden, and does the interpretation reproduce hierarchy?	Post – divorce rights, domestic responsibility

Source: Authors' operationalization based on the analytical synthesis of the reviewed corpus.

A first illustration comes from the tension within *KHI* Articles 79–80. Article 79(1) describes the husband as head of the family and the wife as housewife, Article 79(2) affirms a balance of position, and Article 80(1) requires joint decisions on important household matters (Supreme Court of the Republic of Indonesia, 1991). Read only through status, the first formulation can reinforce unilateral authority and economic dependence. Yet studies of female breadwinners and changing livelihood arrangements show that contemporary household economies are considerably more varied (Firdawaty et al., 2024; Khamim et al., 2024; Junaidy et al., 2025; Fadhilah et al., 2025). *Maqasid al-usrah* therefore asks whether leadership protects dignity, welfare, and reciprocity; *manhaj tarjih* allows *Qiwamah* to be understood as accountable responsibility rather than inherited privilege; and gender – responsive analysis examines how power, resources, and care are actually distributed. The point is not to erase family responsibility, but to move from status – based authority toward responsibility – based authority.

A second illustration concerns *nusyūz* and its economic consequences. *KHI* Article 80(7) and Article 84 connect a wife's *nusyūz* with consequences for maintenance, yet judicial research shows the risk of bias when the husband's conduct, violence, or the wider relational context is not examined with the same seriousness (Supreme Court of the Republic of Indonesia, 1991; Fitriyani et al., 2023; Asni & Iqbal, 2025). Under the proposed framework, socio – legal diagnosis first identifies the source and pattern of harm. *Maqasid al-usrah* then considers the consequences for safety, dignity, welfare, and children; *manhaj tarjih* guards against mechanically applying the category of *nusyūz* without context; and the gender – responsive test asks whether comparable forms of neglect by both spouses are judged by comparable standards. This reading is consistent with research on women's protection and legal consciousness in divorce proceedings (Darmawan et al., 2023; Warnis et al., 2026). It remains rooted in the normative tradition while making room to correct interpretations that produce hierarchical or harmful effects.

The framework also points to different sites of change. At the micro level, it concerns the day – to – day relationship between spouses and children: the distribution of responsibility, deliberation, protection, and recognition of agency. At the meso level, religious organizations, counseling services, community programs, and legal education translate norms into practical support. Cholil et al. (2025), for example, show the importance of community intervention in strengthening legal awareness among victims of violence, while Ruzmi et al. (2025) highlight the institutional work required to enforce

family—support rights. At the macro level, *Tarjih* reasoning, regulation, adjudication, and asset protection determine whether normative principles become effective safeguards (Wirastri & van Huis, 2024; Rohmadi et al., 2024; Asni & Iqbal, 2025). Muhammadiyah—'Aisyiyah is unusually well placed to connect these levels because it combines norm production, organizational mediation, and direct engagement with family life.

On this basis, progressive family law can be described through three linked criteria: it is normatively grounded, empirically responsive, and capable of producing transformative effects. These criteria move evaluation beyond rule compliance toward the consequences of legal arrangements. Maintenance, for instance, must be considered alongside earning capacity, care work, dependency, and household welfare (Firdawaty et al., 2024; Fadhilah et al., 2025). *Qiwamah* is assessed through responsibility and accountability rather than title alone. In child—protection cases, the best interests of the child and continuity of care become substantive outcomes (Turnip et al., 2024; Nasohah et al., 2025). In divorce, procedural fairness, post—divorce support, and later family resilience also matter (Darmawan et al., 2023; Sungaidi et al., 2026). The broader proposition is that family norms become genuinely progressive when normative legitimacy, empirical diagnosis, contextual reasoning, and relational change operate as parts of one evaluative cycle.

DISCUSSION

Three findings should be read together. The first is a shift in Muhammadiyah—'Aisyiyah family thought from role—centered prescriptions toward a relational ethic marked by reciprocity, dignity, deliberation, protection, and shared responsibility. The second is that this normative development has not translated evenly into social practice; the evidence points to gaps in normative specification, family relations, implementation, and enforcement. The third is the need for an analytical framework capable of connecting those two levels. Progressive Socio—Legal Islamic Family Law responds to that need by linking empirical diagnosis, *maqasid al-usrah*, *manhaj tarjih*, and gender responsiveness. This reading is consistent with recent scholarship on women's agency and gender—aware legal methodology (Rahmaniah et al., 2025; Abdul Kodir et al., 2024; Zainuddin et al., 2026), but it extends that work by focusing on the structure of family normativity and the evaluation of legal impact.

The persistence of the gap is best explained by the interaction between reformist religious thought and the social structures through which family norms are lived. *Tajdid*, *Tarjih* reasoning, women's education, and 'Aisyiyah's long organizational experience have all widened the space for rethinking family relations (Fanani et al., 2021; Syamsiyatun, 2022; Rahmaniah et al., 2025). Yet cultural expectations, economic pressures, and unequal power continue to shape what happens inside households. Evidence on care work and changing breadwinning arrangements shows that a shift in who earns income does not automatically lead to a corresponding redistribution of domestic responsibility (Kiram, 2026; Khamim et al., 2024; Firdawaty et al., 2024; Junaidy et al., 2025). The issue, therefore, is not a simple opposition between Islamic norms and social reality. It is the mediating process through which norms are interpreted, negotiated, and enforced. Socio—legal diagnosis becomes important precisely because it allows such evidence to enter the assessment of *maṣlaḥah* before, rather than after, a normative conclusion is reached.

This has consequences for how family justice is measured. Formal recognition of equal spousal status says little unless it is reflected in the distribution of responsibility, access to resources, decision—making power, and the availability of protection when

relationships become harmful. Shared responsibility is therefore more demanding than a model in which one spouse merely 'helps' the other, and responsibility—based authority is more defensible than authority grounded in status alone. The same point applies to divorce. It may indicate marital vulnerability and cause substantial distress, but it can also function as a form of legal agency where remaining in the relationship would perpetuate harm (Rinaldo et al., 2024; Nisa et al., 2026; Warnis et al., 2026). Research on co—parenting and child welfare further shows why children's interests should be assessed independently rather than assumed to follow automatically from marital continuity (Turnip et al., 2024; Mera et al., 2024; Nurcholis et al., 2025; Nasohah et al., 2025). In this sense, the reform agenda moves from recognized rights toward enforceable rights and from formal compliance toward impact—based evaluation.

The article differs from earlier problem—specific studies in the way it organizes these insights. Previous work has examined *KHI* reform and *maqasid* (Solikin & Wasik, 2023; Rachmadhani et al., 2024), child marriage (Barkah et al., 2023; Abdol Malek et al., 2023), polygamy and women's experience (Ma'u, 2023; Husain et al., 2024; Analiansyah et al., 2024), maintenance and female breadwinning (Nur et al., 2023; Firdawaty et al., 2024; Junaidy et al., 2025), and gender sensitivity in judicial practice (Fitriyani et al., 2023; Asni & Iqbal, 2025). Rather than treating these as separate debates, the present study reads them against the Muhammadiyah—Aisiyiah corpus and assigns each analytical approach a specific task: socio—legal analysis diagnoses the problem; *maqasid al-usrah* supplies evaluative criteria; *manhaj tarjih* structures contextual reasoning; and gender responsiveness tests the likely distributional effects. The resulting model is not simply a combination of concepts but a normative—empirical—interpretive—transformative process with an explicit feedback loop.

This study recommends strengthening the connection between Islamic family—law norm production, organizational mediation, and transformative change in family life. Conceptually, *Tarjih* deliberation should integrate socio—legal evidence on violence, maintenance, care work, divorce, polygamy, child protection, and women's legal agency while maintaining fidelity to Islamic sources and objectives. Institutionally, Aisiyiah can translate these principles into premarital education, family counseling, legal literacy, victim assistance, economic empowerment, and referral systems. Methodologically, future studies should empirically test the Progressive Socio—Legal Islamic Family Law framework among Muhammadiyah—Aisiyiah families, counselors, activists, *Tarjih* scholars, and judges across diverse social settings. Particular attention should be given to whether the proposed integration of socio—legal analysis, *maqasid al-usrah*, *manhaj Tarjih*, and gender responsiveness can identify and address gaps between normative commitments and lived family realities. Evidence from mediation, family—support enforcement, post—divorce resilience, asset protection, and children's interests should be incorporated into institutional evaluation (Fikri et al., 2023; Sebyar et al., 2025; Ruzmi et al., 2025; Sungaidi et al., 2026; Rohmadi et al., 2024). These measures can transform the proposed framework from a conceptual model into a practical instrument for family—law evaluation, institutional decision—making, and progressive reform.

CONCLUSION

The study concludes that Muhammadiyah—Aisiyiah family thought demonstrates a discernible movement from traditional, role—based normativity toward a relational model centered on *sakinah*, dignity, reciprocity, deliberation, protection, and shared responsibility. This normative transformation is reflected in the gradual development of

institutional discourse from differentiated marital roles toward greater emphasis on partnership and ethical accountability. However, the transformation remains unevenly reflected in family practices, where normative, relational, implementation, and protection–enforcement gaps remain visible. These findings indicate that progressive Islamic family law cannot depend on textual reinterpretation alone but requires continuous engagement with changing social realities. The Progressive Socio–Legal Islamic Family Law framework addresses this need by assigning complementary functions to four dimensions: socio–legal analysis diagnoses lived family problems, *maqasid al-usrah* provides evaluative criteria, *manhaj Tarjih* facilitates context–responsive Islamic legal reasoning, and gender responsiveness supports transformative assessment. Progressiveness therefore requires normative continuity alongside empirical responsiveness and institutional capacity for reform.

The study contributes conceptually by showing what can be learned from Muhammadiyah and Aisyiyah in developing progressive Islamic family law. Their experience demonstrates that family–law reform can remain grounded in Islamic normative traditions while responding to changing social realities through contextual legal reasoning, institutional engagement, and gender–responsive transformation. Rather than treating Islamic family law as a fixed body of rules, the framework positions legal development as an ongoing dialogue between Islamic normative foundations and evidence from family life. Its methodological contribution lies in integrating institutional documents, field interviews, scholarly literature, and official social data to examine the relationship between normative claims and lived realities. The framework also connects different levels of institutional action: *Tarjih* reasoning operates at the macro level, Aisyiyah's education and empowerment initiatives operate at the meso level, and everyday family relations constitute the micro level. This integrated perspective provides a basis for evaluating family–law reform through formal validity as well as its effects on dignity, justice, security, well–being, reciprocity, and family resilience.

The study has limitations that should be addressed through further research. Although the analysis integrates documentary, scholarly, official, and field evidence, the empirical component remains limited in geographic and social scope and may not capture the full diversity of Muhammadiyah–Aisyiyah family experiences. The proposed Progressive Socio–Legal Islamic Family Law framework has also not yet been tested as a standardized measurement instrument, policy tool, or decision–making aid in family services or *Tarjih* deliberation. Future research should therefore employ multi–site and mixed–method designs involving families, counselors, activists, *tarjih* scholars, and judges across diverse social and economic settings. Particular attention should be given to testing the *maqasid al-usrah* indicators and evaluating interventions in premarital education, family counseling, legal assistance, victim protection, and economic empowerment. Such research can determine whether the proposed feedback loop reliably connects social diagnosis, Islamic legal reasoning, and effective family protection.

DECLARATIONS

AUTHOR CONTRIBUTION STATEMENT

Mokhammad Samson Fajar Conceptualization, methodology, investigation, data curation, and writing—original draft. Muhammad Nur Methodology, investigation, and data analysis. Dian Ayuwita Literature review, data curation, and writing—original draft. Hamdan Habibullah Formal analysis, validation, and writing—review and editing. Faris

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The data supporting the findings of this study are available from the corresponding author upon reasonable request. Access to interview data is subject to ethical considerations and participant confidentiality.

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The authors declare that they have no known competing financial or personal interests that could have influenced the work reported in this paper.

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