

## WOMEN, ISLAM, AND HUMAN VALUES: *MAQĀṢID SYARĪ'AH*- SYATIBI'S APPROACH AND FEMINIST HERMENEUTICS IN REVIEWING CONTEMPORARY GENDER ROLES

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### ABSTRAK

Isu kesetaraan gender dalam perspektif Islam tetap menjadi topik yang relevan, terutama ketika menghadapi ketegangan antara nilai-nilai normatif ajaran Islam dan realitas praktik sosial yang masih memperlihatkan ketimpangan peran. Artikel ini bertujuan untuk menganalisis bagaimana konsep (*maqāṣid syarī'ah*) menurut *al-Syātibī* bersama dengan pendekatan hermeneutika feminis dapat digunakan untuk merevaluasi konstruksi peran gender dalam konteks masa kini. Penelitian ini dilakukan melalui metode studi kepustakaan (*library research*) dengan pendekatan kualitatif normatif. Data diperoleh dari literatur akademik, seperti buku dan jurnal ilmiah, lalu dianalisis menggunakan metode deskriptif-analitis dan komparatif hermeneutis. Penelitian ini mengungkap bahwa *maqāṣid syarī'ah*, terutama melalui prinsip *hiḏ al-karāmah* (perlindungan martabat manusia) dan keadilan sosial, menyediakan landasan normatif yang kokoh untuk mengkritik struktur patriarkis. Di sisi lain, hermeneutika feminis berfungsi untuk mengungkap adanya bias gender dalam tafsir keagamaan serta mendorong pendekatan interpretasi yang lebih kontekstual dan berorientasi pada keadilan. Hasil temuan ini menunjukkan bahwa penggabungan kedua pendekatan tersebut dapat mendorong perubahan peran gender ke arah yang lebih adil dan humanis. Penelitian ini memberikan dampak positif terhadap penguatan diskursus keislaman yang inklusif serta responsif terhadap isu-isu gender. Selain itu, penelitian ini juga membuka peluang bagi studi lanjutan yang lebih mendalam dan berbasis empiris dalam berbagai konteks sosial yang beragam.

**Kata Kunci:** Gender, *Maqāṣid Syarī'ah*, Hermeneutika Feminis, Keadilan Sosial, Islam Kontemporer

### ABSTRACT

*The issue of gender equality from an Islamic perspective remains a relevant topic, particularly when faced with the tension between the normative values of Islamic teachings and the reality of social practices that still display unequal roles. This article aims to analyze how the concept (maqāṣid sharī'ah) according to al-Syātibī, along with a feminist hermeneutic approach, can be used to reevaluate the construction of gender roles in the current context. This research was conducted through library research with a qualitative normative approach. Data were obtained from academic literature, such as books and scientific journals, and then analyzed using descriptive-analytical and comparative hermeneutical methods. This study reveals that maqāṣid sharī'ah,*

*especially through the principles of *hifz al-karāmah* (protection of human dignity) and social justice, provides a solid normative foundation for criticizing patriarchal structures. On the other hand, feminist hermeneutics serves to uncover gender bias in religious interpretation and encourages a more contextual and justice-oriented interpretive approach. These findings suggest that combining these two approaches can encourage changes in gender roles toward a more just and humane one. This research has a positive impact on strengthening inclusive Islamic discourse that is responsive to gender issues. Furthermore, this research opens up opportunities for more in-depth, empirically based follow-up studies in diverse social contexts.*

**Keywords:** *Gender, Maqāṣid Syarī'ah, Feminist Hermeneutics, Social Justice, Contemporary Islam*

## INTRODUCTION

The role of gender in the Islamic context is currently at an important stage, where human values are often confronted with conservative religious interpretations. Placing women not only as social supporters, but also as individuals who have full human rights within the framework of the sharia (Nurhaidah Siregar & Uswatun Hasanah, 2025). Previous research on sharia maqasid and equality of women's rights reviews the concept of maqasid which emphasizes the protection of religion, soul, intellect, descent, and property, providing strong legitimacy for the fulfillment of women's rights in a balanced and dignified manner. In this context, justice in Islam is not only limited to formal legal aspects, but must be realized in the form of tangible benefits that reject all forms of discrimination and injustice. Therefore, reconstructing fiqh through the maqasid approach is very important to improve classical legal products that come from patriarchal contexts and are not in accordance with the modern situation. Recent thoughts from figures such as Jasser Auda, Amina Wadud, Hashim Kamali, Abdullahi An-Na'im, Musdah Mulia, and Fatima Mernissi affirm the importance of this approach, by underlining the need for contextual interpretation, critical hermeneutics, and gender sensitivity. In this way, the maqasid sharia not only serves as a philosophical basis, but also as a practical tool to create Islamic law that is more inclusive, just, and responsive to social change, especially in fighting for women's equal rights (Ramadhania, 2025).

The novelty of this study lies in its attempt to combine al-Shatibi's benefit-focused thought (*al-maslahah*) with a feminist hermeneutic approach as a tool for analyzing and evaluating current gender positions. While previous research has

often addressed Maqasid in general, this article specifically describes the relationship between the protection of human rights in *Al-Daruriyyat al-Khams* and profound gender equality.

Based on the description of the problems and research contributions that have been presented, this article aims to answer three main questions that are the focus of the study. First, how the concept of *maqāṣid syarī'ah* according to al-Syātibī can be used as a basis to reconstruct the role of gender that is just in order to support the common good and create social justice. Second, how the feminist hermeneutic approach is able to reinterpret contemporary gender relations by prioritizing human values in Islam through a contextual reading of texts that are free from patriarchal bias. Third, how the synthesis between *maqāṣid syarī'ah* and feminist hermeneutics can give birth to a gender paradigm in Islam that is inclusive, transformative, and oriented towards respect for human dignity. These three questions are the basis for analysis to explore the relationship between the fundamental goals of sharia and the reinterpretation of gender concepts in response to various socio-religious dynamics faced today.

In order to deal with this problem, this study uses a qualitative method with the type of *library research*. The data collection technique is carried out through a documentation study of the important works of Al-Syatibi, Al-Muwafaqat, as well as primary sources of feminist hermeneutics. For data analysis, content *analysis* and comparative methods are used to find similarities between universal benefits and gender justice, which will later be brought together to answer challenges related to gender roles in today's times.

## **METHOD**

This research method adopts a qualitative descriptive approach that aims to understand social issues in depth and describe the circumstances being studied in a systematic and contextual way. This research uses a theoretical framework *Maqāṣid Syarī'ah* according to al-Syatibi and also the feminist hermeneutic approach. The approach in this study is descriptive-normative, (Solikin, 2021) Which means describing the concept of maqasid sharia and its relationship with justice, then analyzing it from a gender perspective to understand how *maqāṣid* can function as a foundation in the reconstruction of fiqh. Data collection is carried out through

document study, namely by reading, studying, and interpreting related literature sources.

The sources of this research come from classical and modern works, scientific publications, and digital sources relevant to this topic. The data analysis process is carried out in a deductive manner, namely by linking the understanding of the general principles of Islamic law and *maqāṣid syarī'ah* to interpret and evaluate social phenomena that exist in patriarchal societies.

## DISCUSSION

### ***Maqāṣid Syariah* and Women in Islam**

The discourse on women in Islam is inseparable from the tug-of-war between normative-textual interpretations and contextual approaches that emphasize justice as the core of sharia. In this regard, the concept of *maqāṣid shari'ah* introduced by Abu Ishaq al-Shatibi provides a solid epistemological foundation for reinterpreting the position of women in Islam.

Women are seen not only as legal objects, but also as moral subjects who have equal dignity, rights, and human roles. As a theory of the purpose of Islamic law, *Maqāṣid Syarī'ah* It basically focuses on the protection of benefits, which is reflected in five fundamental principles *al-ḍarūryeyā T al-Khams*: Protect religion (*ḥifẓ Al-Dīn*), soul (*ḥifẓ Al-nafs*), Sense (*ḥifẓ al-'aql*), descendants (*ḥifẓ Al-Nasl*), and property (*ḥifẓ Al-Māl*). In recent developments, the scope of this *maqāṣid* has been expanded to include the protection of human dignity (*ḥifẓ Al-KarāṢāo*) and social justice. This becomes particularly relevant when discussing women's issues and the dynamics of gender relations within the framework of Islam (Abdullah Affandi, M. Mu'tashim Billah, 2025).

In al-Shatībī's thought, law is not simply understood as a collection of legal-formal rules, but as a means to achieve human benefits. This view becomes significant considering that many classical fiqh constructions related to women are often influenced by patriarchal social contexts, so they do not fully reflect the universal values of the Shari'a. Through the approach *maqāṣid*, issues such as women's rights in education, leadership, public participation, and relationships within the family are no longer interpreted literally, but are judged based on the

purpose of the sharia: whether certain interpretations are able to bring justice, benefit, and maintain human dignity. With this approach, it is difficult to maintain the subordination of women as a fundamental part of Islamic teachings (Abdullah Affandi, M. Mu'tashim Billah, 2025).

This understanding is in line with the view that *maqāṣid syarī'ah* has an emancipatory dimension. Contemporary reformist thinkers such as Jasser Auda broadened the scope *maqāṣid*. It is an open system, emphasizing human rights, freedom, and gender justice as an integral part of the goals of sharia. This approach rejects views that reduce sharia to mere narrow legalism and, instead, directs Islamic law to act as an ethical response to the dynamics of social change. In the context of women's issues, this approach is particularly relevant. Many gender issues in the modern era, such as participation in the public sphere, domestic violence, and inequality in family law, require interpretation *maqāṣid* that is adaptive and progressive, not just a repetition of classical interpretations (Ramadhania et al., 2026).

Deeper, *maqāṣid syarī'ah* provides a theological basis that gender justice is not a foreign concept adopted from modern discourse, but rather an inherent part of the Islamic ethical order itself. Principles *Al-'ADL* (justice) and *Al-Raḥ.Sāo* (affection) directs the relationship between men and women on a pattern of complementary interdependence, not on the dominance of one party. This understanding can be seen in verses such as QS. al-Taubah [9]:71, which states that men and women are *Awliyā' to'ḍUhum Li-ba'ḍ* (helping each other). From the perspective *maqāṣid*, this kind of verse is seen as a more fundamental normative footing, going beyond the one-sided textual interpretations that are often used as justifications to affirm male superiority (Revelation of Ningsih, 2025).

In this context, the dialogue between *maqāṣid syarī'ah* and feminist hermeneutics has important relevance. Feminist hermeneutics, as pioneered by (Wadud, 1999) and (Barlas, 2019), plays a role in uncovering how patriarchal biases can affect the process of interpreting texts. Meanwhile, *maqāṣid syarī'ah* offers a framework of values for re-evaluating the interpretation. By combining these two approaches, a method is created that is not only critical of patriarchal structures, but remains firmly rooted in the normative tradition of Islam. In this context, women's

issues are no longer seen as modern demands that are contrary to religion, but are seen as part of an effort to realize the main goals of sharia itself (Revelation of Ningsih, 2025).

It is important to understand that the defence of women's rights within the framework of *maqāṣid* It is not intended to ignore biological differences or differences in social experiences between men and women. Rather, it rejects the use of such differences as an excuse to create subordination. Rather, *maqāṣid* paves the way to understand these differences functionally and fairly. For example, in the issue of women's involvement in the public sphere, this approach evaluates their participation not by basing it on traditional domestic assumptions, but by considering benefits, competence, and respect for human dignity. A similar perspective can also be seen in the discourse on Islamic family law reform, which emphasizes the need to read rules related to inheritance, marriage, or guardianship through the framework of substantive justice, not just based on mere literal norms (Mutiara et al., 2025).

From this explanation, it can be concluded that *maqāṣid syarī'ah* acts as a tool for evaluating fiqh which tends to be patriarchal as well as a foundation for building more just and humane gender relations. The principle of *jalb al-maṣāliḥ wa dar' al-mafūsid* (producing benefits and preventing harm) can be used as an ethical guideline in dealing with various forms of discrimination against women, such as marginalization in education, gender-based violence, and restrictions on their involvement in social life. If a social practice causes injustice to women, then logically *maqāṣid*, it is not in harmony with the purpose of sharia, although it is often wrapped in religious postulates.

In contemporary Islamic discourse, this approach also has relevance in facing the challenges of modernity. Changing the role of women in the public, educational, political, and economic spheres requires a reconstruction of Islamic thought that is responsive, not just defensive (Mutiara et al., 2025). The concept of *maqāṣid sharia* provides space for Islamic law to adapt to the dynamics of change without losing its normative foundation. Therefore, many scholars view the *maqāṣid* approach as a middle path that bridges the gap between textual conservatism and secular liberalism in the discussion of gender issues (Rain, 2024).

In the end, the discussion of women through the perspective of maqāṣid sharia shows that Islam has an internal intellectual foundation that supports the achievement of gender justice. Women are no longer seen solely in the framework of traditional domestic roles, but as individuals who are fully human and included in the goals of the sharia, which is to realize justice, benefit, and maintain human dignity. In this context, efforts to defend women's rights are not something that is contrary to Islamic principles, but part of the realization of true Islamic ethics. The approach of al-Syāṭibī, thus, serves not only as a legal theory, but also as a paradigm of liberation that opens up opportunities to revisit gender relations in the contemporary era in a more inclusive, equitable, and focused on human values.

### **Feminist Hermeneutics as a Critique of Patriarchal Interpretation and the Reconstruction of Contemporary Gender Roles**

Feminist hermeneutics in contemporary Islamic studies emerged as a critical attempt at the dominance of patriarchal interpretations that have shaped the understanding of gender relations in Muslim society. This approach is not intended to reject the authority of sacred texts, but rather to re-evaluate how they are understood, interpreted, and applied in social life. In the context of discussions on Women, Islam, and Human Values, feminist hermeneutics serves as an epistemological tool to reinterpret the nash by emphasizing the principles of justice, equality, and respect for human dignity, in line with the values of humanity in Islam. Thus, the main problem lies not in the Qur'an as revelation, but in the tradition of interpretation that is often influenced by patriarchal social structures. *The Role of Women in the Contemporary World* (Budi, 2025).

One of the important foundations in the development of Islamic feminist hermeneutics is formulated by Amina Wadud through the *Tawhidic Hermeneutics*. In Wadud's view, the concept of monotheism not only refers to the doctrine of the oneness of God, but also implies a rejection of all forms of human domination over other human beings, including domination rooted in gender differences. This approach directs the relationship between men and women on the principle of reciprocity (*Mutuality*) rather than hierarchy or subordination. Through his monumental works *Qur'an and Woman*, Wadud explores that a number of verses of the Qur'an that have been used as justifications for male superiority are actually

the result of an ahistorical and androcentric textual interpretation, not a normative message carried by the Qur'an itself. (Wadud, 1999) This hermeneutical approach is significant because it shifts the focus of interpretation from literal readings toward more in-depth and thorough linguistic, historical, and ethical analysis (Riyani, 2017).

Feminist hermeneutics continues to evolve through the ideas of Asma Barlas, who highlights the fundamental difference between the text of revelation and patriarchal interpretation. She rejects the view that the Qur'an is misogynistic, asserting that patriarchy arises more often from authoritarian readings of religious texts than from the content of the text itself. In Barlas's perspective, the principle of justice taught by the Qur'an actually rejects the power relations structure that places women in subordinate positions. Through this approach, feminist hermeneutics not only serves to deconstruct bias in classical interpretation, but is also reconstructive by offering an alternative perspective that is more just and inclusive (Barlas, 2019). This approach is closely related to *maqāṣid syarī'ah*, especially in the principle of the protection of human dignity (*hifẓ Al-KarāṢāo*) and efforts to realize social justice.

In contemporary gender discourse, feminist hermeneutics makes an important contribution through efforts to reconstruct issues such as domestic relations, women's leadership, participation in the public sphere, and women's religious authority. For example, verses such as QS. al-Nisā' [4]:34, which are often used to legitimize the absolute dominance of men, are reinterpreted contextually by Muslim feminist scholars. They view this verse as a discussion of socioeconomic responsibility in a particular context, rather than as an affirmation of men's ontological superiority over women (Arsal, Busyro, 2020). This kind of interpretation emphasizes that the structure of gender relations in Islam is not rigid, but can be reinterpreted in line with the principle of justice which is the core of the sharia.

Feminist hermeneutics pays special attention to women's experience as an important epistemological category in the interpretive process. In the classical interpretive tradition, women's experiences are often marginalized due to the dominance of male mufasir. As a result, many interpretations indirectly reinforce

patriarchal social assumptions. Feminist hermeneutics offers a renewed perspective by making women active subjects in interpretation, rather than just legal objects. This approach views the process of interpretation as a dialogue between texts, contexts, and human experiences, which is dynamic. Therefore, interpretation not only serves to reproduce the authority of the past, but also seeks to continue moving in a more ethical direction, with the aim of supporting the upholding of social justice (Riyani, 2017),(Rozy, 2023).

Methodologically, feminist hermeneutics operates through three main steps: first, conducting a historical reading of the context of the descent of the verse; second, analyzing the structure of language and the power relations contained in the text; and third, conducting an ethical reinterpretation based on universal principles in the Qur'an, such as justice (*'adh*), compassion (*rahmah*), and human equality (*musawah*). This approach rejects attempts to reduce Islamic law to only legal-formal readings, since the law is seen as obligatory to serve the moral purpose of the Shari'a. Within this framework, the relationship between feminist hermeneutics and *maqāṣid*-Syāṭibī is increasingly intertwined. If *maqāṣid* provides a normative framework, feminist hermeneutics presents a methodological tool to realize these principles in the context of today's gender issues.

In the modern era, this approach has become very relevant to deal with problems related to the inequality of women's roles that are often justified in the name of religion. For example, the marginalization of women in the public sphere, inequality in access to education, and the justification of domestic violence based on literal interpretations. Feminist hermeneutics is here to shift the focus of the discussion from simply asking "what is the position of women in Islam?" to deeper questions, such as "how to understand Islam in order to ensure justice for women?". This shift in perspective is very important because it places women's issues not as mere normative matters, but as an integral part of ethical efforts in Islamic humanity. Thus, gender issues are no longer considered as an external agenda imposed on Islam, but as a form of authentic implementation of Qur'anic values (Rozy, 2023).

Even so, feminist hermeneutics remains an object of criticism. Some argue that this approach is too influenced by modern Western feminist theories and tends

to interpret the text ideologically. However, this view is not entirely accurate. Many Muslim feminist scholars refer to the internal sources of Islam while utilizing a set of fiqh, interpretation, and *maqāṣid* to construct a new, more contextual reading. In fact, feminist hermeneutics can be seen not as an attempt to liberalize the text, but rather as a step to revitalize the values of justice that have actually been an inherent part of Islam since the beginning (Noor, 2023). In this perspective, feminist hermeneutics is not intended to oppose tradition, but rather as a constructive critique of a reading of tradition that is historical and still re-examineable.

Thus, the feminist hermeneutic approach makes a significant contribution to re-imagining the role of gender in the contemporary context through two main functions: first, deconstructing patriarchal biases that are often found in various interpretations; and second, formulating a paradigm of gender relations that is more oriented towards human values. In the framework of dialogue with *maqāṣid shari'ah* al-Syātibī, this approach shows that efforts to achieve gender equality are not something that is contrary to Islamic teachings. Rather, it is firmly rooted in the moral essence that is the goal of sharia itself. With this perspective, feminist hermeneutics plays a strategic role in strengthening Islamic discourse that is inclusive, transformative, and focuses on respect for universal human values.

### **Synthesis of Maqāṣid and Feminist Hermeneutics**

Synthesis between approaches *maqāṣid* al-Syātibī and feminist hermeneutics produce an inclusive Islamic gender paradigm by integrating the normative foundations of shari'a and methods of critical reinterpretation of religious texts. *Maqāṣid shari'ah* provides an ethical framework that affirms that the purpose of Islamic law is oriented towards the benefit, justice, and protection of human dignity (*hiḏ Al-KarāṢā*). With this principle, gender relations should not be based on subordination structures, but on the principles of reciprocity and justice (Jasser Auda, 2008). Meanwhile, feminist hermeneutics serves as a methodological tool to revisit patriarchal interpretations that have historically limited the role of women. This approach emphasizes the importance of contextual, historical, and ethically grounded readings of the Qur'an (Wadud, 1999). The combination of these two approaches allows for the formation of a more inclusive Islamic gender paradigm. In addition to criticizing patriarchal bias in the tradition of interpretation, it also

provides a basis for reconstructing gender roles in accordance with the moral goals of sharia.

In this frame of thought, gender equality is not interpreted as the adoption of external values into Islam, but as an intrinsic manifestation of the principles of justice contained in the Qur'an. This approach combines *maqāṣid* as a normative foundation with feminist hermeneutics that serves as an operational method in understanding texts in a more humanist way and being responsive to changing social dynamics (Barlas, 2019). By synergizing these two aspects, issues such as women's leadership, public engagement, and justice in the family are no longer seen as contradictions between tradition and modernity, but rather as integral elements of an Islamic ethical project oriented to the universal values of humanity. This inclusive Islamic gender paradigm is both progressive and transformative, in that it maintains Islamic normative authority while encouraging a more just, egalitarian, and contextually relevant interpretation reform (Fitryansyah, 2024).

## CONCLUSION

The results of this research analysis show that the concept of *maqāṣid syarī'ah* according to al-Syāṭibī provides a solid normative basis for rebuilding equitable gender roles, by focusing on the benefit, justice, and protection of human dignity. In this framework, gender relations are not interpreted as subordinate relationships, but based on the principles of mutual respect and recognition of human rights. Meanwhile, feminist hermeneutics underlines that gender inequality in many cases does not actually originate from the teachings of Islam itself, but from interpretations influenced by patriarchal bias. This approach, through a contextual reinterpretation of religious texts, offers a more equitable, inclusive, and sensitive perspective on today's social dynamics.

This research reveals that the combination of *maqāṣid syarī'ah* and feminist hermeneutics is able to create a transformative Islamic gender paradigm. This approach combines the moral goals of sharia with an integrated method of interpretive criticism, resulting in a more holistic understanding. The synthesis reinforces the view that gender justice is not a foreign concept imported into Islam, but an element inherent in the purpose of sharia in realizing human benefits and

values. Therefore, efforts to reconstruct the role of women in various aspects of life, such as education, family, leadership, and public space, can be seen as a form of inclusive and comprehensive actualization of Islamic ethics.

This research makes a significant contribution by seeking to synthesize two approaches that are rarely explicitly combined in the study of gender in Islam. This effort presents a new theoretical perspective that has the potential to enrich contemporary Islamic discourse. However, this research has limitations because it is literature and focuses on conceptual analysis. Thus, this research has not provided empirical testing of its implementation in various complex and diverse social contexts. For this reason, future research is suggested to be more directed to field studies that explore the application of maqāṣid approaches and feminist hermeneutics, especially in the domains of family law, education, public policy, and socio-religious practices. This is important to test the relevance and effectiveness of the Islamic gender paradigm that is just and humanist in a more contextual and applicative manner.

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