

Implementation of Gender Equality Principles in Religious Court Decisions Related to Divorce

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Abstract

The implementation of gender equality principles in divorce rulings in religious courts has become a critical test of the extent to which Islamic family law can be interpreted dynamically to transform power relations within the family. The purpose of this study is to analyse in depth the implementation of gender equality principles in religious courts' divorce decisions and to identify the extent to which these decisions reflect gender justice values. This study uses a qualitative approach with an empirical-normative legal study design oriented towards judicial decision analysis. The results confirm that the implementation of the principle of gender equality in religious courts' decisions related to divorce is not merely a matter of textual application of legal norms, but rather reflects an arena of interpretative contestation between fiqh tradition, state regulations, and demands for social justice that continue to evolve in modern society. Although some decisions still reproduce assumptions of hierarchical gender relations, at the same time, more progressive judicial reasoning practices are beginning to emerge that interpret Islamic family law contextually to protect the economic and social vulnerability of women after divorce, thus implicitly showing that religious courts have the potential to be a motor for gender justice transformation from within the Islamic legal tradition itself, rather than merely being the object of external reform pressure.

Keywords: *Divorce, Gender equality, Gender sensitivity, Islamic family law, Religious courts*



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INTRODUCTION

Divorce is one of the family law phenomena that has continued to increase in recent decades, especially in Indonesia. Court statistics show that divorce cases are the most dominant cases handled by the religious court each year (Musawwamah, 2022). This phenomenon not only reveals problems in family relationships but also highlights the complexity of legal, social, economic, and cultural issues affecting the relationship between husband and wife. In this context, court decisions play a strategic role as instruments that not only resolve disputes but also reflect the values of justice in society, including the principle of gender equality, which is an important issue in the development of modern law.

Gender equality in a legal perspective is a principle that emphasises fair and equal treatment between men and women in various aspects of life, including in the process and outcome of law enforcement (Mashtalir et al., 2022). In the context of Islamic family law as applied in religious courts, this principle becomes even more important, given that the historical structure of family law has often been shaped by normative interpretations that place men and women in different positions. Therefore, the implementation of the principle of gender equality in court decisions is not only about the formal application of legal norms but also about how judges interpret, consider, and apply substantive values of justice in deciding divorce cases.

The urgency of studying gender equality in religious court decisions becomes even more relevant when linked to various national and international regulations that emphasise the importance of protecting women's rights. Indonesia, as a country that has ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), is committed to eliminating all forms of discrimination against women, including in the fields of law and justice (Maret, 2024). In addition, various national regulations, such as the Law on the Elimination of Domestic Violence, the Marriage Law, and gender mainstreaming policies, demonstrate the state's efforts to promote gender justice. However, the implementation of these principles in judicial practice often faces challenges related to cultural factors, legal understanding, and social constructs regarding gender roles in the family.

In divorce cases in the religious court divorce cases, the issue of gender equality often arises in various contexts, including alimony and child custody rights, the division of joint property, and the reasons for divorce submitted by the parties. In many cases, women who file for divorce are often in a vulnerable position, both economically and socially. Therefore, court decisions play an important role in ensuring that women's rights are protected fairly and proportionally. However, judges are also obliged to consider Islamic legal norms, laws and regulations, and social values that have developed in society (Al Hamid et al., 2025). This complexity analyses the implementation of the principle of gender equality in divorce rulings is an important and relevant study.

Several previous studies have examined gender equality in family law and religious court practices in Indonesia. Studies conducted by several academics show a growing trend toward gender sensitivity in the decisions of religious court judges, especially

following various gender-responsive training and judicial guidelines (Asni & Iqbal, 2025). Other studies show that judges are beginning to consider aspects of women's protection in divorce cases, for example, by granting more proportional rights to *iddah*, *mut'ah*, and child support. In addition, studies on judges' perspectives on gender justice also show that some judges have adopted a more contextual approach in interpreting Islamic family law. However, several other studies also reveal that the implementation of the principle of gender equality in religious court decisions still faces various obstacles.

Several studies show that in practice, rulings still reflect gender bias, both in legal considerations and in the rulings themselves. For example, in some divorce cases, women who file for divorce do not always receive optimal protection of their economic rights (Fadil et al., 2024; Musawwamah, 2022). In addition, judges' considerations are often heavily influenced by normative interpretations of the traditional roles of men and women in the family. This situation shows that despite progress towards a more gender-responsive judiciary, the implementation of the principle of gender equality in judicial practice still requires more in-depth study.

Other more recent studies also highlight the importance of the judicial decision analysis approach to understanding how judges apply the principle of gender equality in practice (Hodson, 2022; Kholiq & Halimatusa'diyah, 2023). This approach emphasises that court decisions are not only the result of the mechanical application of legal norms, but also the product of a process of interpretation and consideration influenced by various factors, such as the judge's background, social context, and evolving legal dynamics. Although these studies have made important contributions to understanding the relationship between Islamic family law and gender equality, several knowledge gaps remain.

Most previous studies have focused on the normative or conceptual aspects of gender equality in family law. At the same time, empirical analysis of the implementation of this principle in court decisions remains relatively limited. In addition, several studies that have analysed court decisions generally only highlight certain aspects, such as alimony or child custody rights, without comprehensively examining how the principle of gender equality is implemented in the overall structure of judges' legal considerations (Kobko-Odarii et al., 2025; Zhang et al., 2024). Apart from these limitations, there is also a need to understand how religious court judges integrate various sources of law in deciding divorce cases, including Islamic law, national legislation, and human rights principles that emphasise gender equality (Sugitanata et al., 2023). The interaction among these various sources of law often results in complex interpretive dynamics that, in turn, influence the form and direction of court decisions.

Based on this description, a research gap can be identified: studies on gender equality in religious court decisions still need further exploration, particularly in analysing the implementation of this principle in concrete judicial practice. Previous studies have not fully explained how judges operationalise the principle of gender equality in their legal considerations, nor how this principle influences the outcome of divorce cases. In addition, there are still limited studies that systematically examine the

relationship between applicable legal norms and judges' interpretation practices in the context of gender equality. Within this framework, this study seeks to make a new contribution by analysing the implementation of the principle of gender equality in religious court divorce decisions more comprehensively. This analysis will not only examine whether the principle of gender equality is explicitly mentioned in the judges' legal considerations. Still, it will also examine how this principle is reflected in the logic of legal considerations, the construction of arguments, and the resulting verdicts.

The purpose of this study is to analyse in depth the implementation of the principle of gender equality in religious court decisions related to divorce, as well as to identify the extent to which these decisions reflect the values of gender justice. In addition, this study aims to provide a more comprehensive understanding of the dynamics of judges' legal interpretation in divorce cases. Theoretically, this study is expected to enrich the scientific knowledge in the field of Islamic family law, particularly in relation to the integration of gender equality principles and judicial practice. Meanwhile, in practical terms, this study is expected to inform judges, policymakers, and legal practitioners in their efforts to promote a more equitable and responsive judicial system on gender issues.

METHODS

This study uses a qualitative approach with an empirical-normative legal study design oriented towards judicial decision analysis, which was chosen because it is capable of thoroughly examining the implementation of the principle of gender equality in the legal considerations of religious court judges in divorce cases through a critical reading of the text of the decision and the context of its application. The focus of this study is directed at the implementation of the principle of gender equality, which is operationally defined as the existence, form, and intensity of judges' considerations that reflect fair, proportional, and non-discriminatory legal treatment of both women and men in terms of grounds for divorce, alimony rights, child custody rights, and the division of joint property as reflected in the structure of legal considerations and verdicts.

The study instruments consist of guidelines for analysing court decisions and a categorisation sheet for gender equality indicators developed based on the gender justice theoretical framework, laws and regulations, and the supreme court's guidelines for gender-responsive justice, which were then tested through conceptual validation by experts in family law and gender studies and data validity testing through source triangulation, persistent observation, and peer discussions. The data collection process was carried out in stages: identifying and downloading decisions from the court decision database, selecting documents based on research criteria, in-depth reading of the legal reasoning, and thematic coding of elements that reflect or do not reflect the principle of gender equality (Saeidzadeh, 2023). The data was then analysed using qualitative analysis techniques based on content analysis and critical legal interpretation through the stages of data reduction, thematic categorisation, normative interpretation, and analytical conclusion drawing, which were chosen because they

made it possible to systematically reveal patterns of judges' arguments, trends in the application of gender equality principles, and the relationship between legal norms, judges' interpretations, and verdicts.

RESULTS AND DISCUSSION

Gender Equality Between Islamic Legal Norms, State Regulations, and Religious Court Rulings

The Islamic family law system in Indonesia has a unique structure because it does not rely entirely on classical fiqh. Still, it is also not completely detached from the Islamic legal traditions that have long developed in society. Through various regulations, the state seeks to codify and reinterpret Islamic family law norms to bring them into line with modern social developments, including in terms of the protection of women. In this context, the religious court, as a judicial institution with the authority to adjudicate family cases for Muslims, plays a very important role in translating these legal norms into concrete practice through judicial decisions (Karimullah, Ruchiat Nugraha, et al., 2023).

From a normative perspective, Islamic family law, which forms the basis for religious court practices in Indonesia, has strong roots in the classical fiqh tradition that developed in various schools of thought. Classical fiqh was essentially developed in a specific socio-historical context that influenced the construction of gender relations within the family. Many fiqh provisions place men as the head of the family with primary economic responsibility, while women are placed in a domestic position as managers of the household. This relationship structure is reflected in various provisions regarding the husband's right to divorce, the obligation of men to provide financial support, and regulations regarding family leadership. However, it should be understood that fiqh, as a product of Islamic legal thought, is essentially interpretive and contextual, so that in its development it is always open to reinterpretation in accordance with changes in social conditions (Karimullah, Nugraha, et al., 2023).

These reinterpretation efforts are reflected in various state regulations governing Islamic family law in Indonesia. The marriage law, the compilation of Islamic law, and various regulations related to the protection of women demonstrate the state's efforts to balance Islamic legal values with the principle of equality that has developed in modern law (Nawawi et al., 2025). In the marriage law, for example, although the husband's role as head of the family is still recognised, it also recognises the balanced rights and obligations of husbands and wives in domestic life.

The compilation of Islamic law also regulates important aspects related to divorce, alimony, and the protection of women and children (Karimullah, 2022). In addition, the Supreme Court, through various judicial policies, has encouraged the development of a gender-responsive judicial perspective, including through guidelines for adjudicating cases involving women. These regulations demonstrate institutional efforts to integrate the principle of gender equality into the Islamic family law system in Indonesia. Although these regulations are normatively sound, their implementation in judicial practice is not always consistent.

Religious courts, as institutions that play a role in applying Islamic family law, are often faced with the dilemma of maintaining normative interpretations derived from classical fiqh or accommodating the principles of gender equality that have developed in modern law (Fathony et al., 2024). This dilemma is reflected in various court decisions that show variations in judges' interpretations and applications of Islamic family law norms. In some decisions, judges tend to adopt a more conservative approach by upholding hierarchical gender relations, while in others they seek to develop more egalitarian and contextual interpretations.

In divorce cases, for example, the tension between the classical normative approach and the gender equality paradigm is often seen in judges' considerations regarding the right to divorce, alimony, and post-divorce economic responsibilities (Bukido et al., 2025). Traditionally, classical fiqh grants the husband the right of divorce as a form of authority within the family. However, in modern judicial practice in Indonesia, the divorce mechanism has been regulated through a judicial system that provides women with the opportunity to file for divorce through a divorce lawsuit. This mechanism is essentially an adaptation of Islamic family law to the principle of equality in access to justice. However, in practice, there are still differences in the way judges view the position of women in divorce cases, particularly about proving the grounds for divorce and determining economic rights after divorce.

In some cases, women who file for divorce still face a heavier burden of proof than men who file for divorce. This condition shows a tendency to maintain gender relations that place men as the party with greater authority in determining the continuation of marriage. In addition, in several decisions related to post-divorce alimony, there are still legal considerations that do not sufficiently take into account the economic conditions of women after divorce (Karimullah, Efendi, et al., 2023). In many cases, divorced women often face significant economic vulnerability, especially if during their marriage they played a greater role in the domestic sector and did not have access to adequate economic resources (Kurniawan et al., 2025).

This discrepancy between the norms for the protection of women as stipulated in regulations and the judges' considerations is one indicator that the implementation of the principle of gender equality in judicial practice still faces various challenges. On the other hand, developments in judicial practice also show a tendency towards more progressive rulings that accommodate the principle of gender equality. Some judges have begun to adopt a more contextual interpretive approach by considering the parties' socio-economic conditions and the principle of substantive justice. In these decisions, judges not only adhere to a literal interpretation of legal norms but also consider broader values of justice. For example, in cases of post-divorce alimony, some rulings explicitly consider women's economic and domestic contributions during marriage as the basis for determining appropriate economic rights (Parhi et al., 2025). This approach reflects efforts to develop a more comprehensive understanding of justice in family relationships that is not based solely on rigid traditional roles.

The emergence of these progressive rulings shows that judges have considerable room for interpretation in applying Islamic family law (Haerozi et al., 2023). This room

for interpretation allows judges to develop approaches that are more responsive to gender equality issues, provided they remain within the framework of applicable legal theory. This phenomenon can be understood through the concept of judicial discretion, which gives judges the authority to interpret and apply the law in accordance with the specific context of the case at hand. In religious courts, the exercise of judicial discretion is very important because Islamic family law, as applied in the courts, does not always provide detailed provisions for various issues that arise in practice. However, the use of judicial discretion also has consequences in including variations in court rulings, which can create inconsistencies in the application of the principle of gender equality.

Such variations are often influenced by factors such as judges' educational backgrounds, their understanding of gender justice, and the influence of socio-cultural values that have developed in society (Karimullah, 2023a; Sugitanata et al., 2024; Wati et al., 2022). In societies that still have strong patriarchal social structures, judges' interpretations of the law are often not entirely detached from these social constructs. In this context, developing a more gender-responsive legal perspective is very important. This perspective emphasises that law should not only be understood as a set of formal rules, but also as an instrument for realising substantive justice in society. Within this framework, judges are required not only to apply legal norms textually but also to consider the social impact of their decisions. This approach is in line with the development of progressive legal theory, which emphasises that law should function as a means of achieving social justice.

The integration of Islamic legal norms, state regulations, and gender equality principles ultimately requires a continuous dialogue between various legal sources and scientific perspectives. Islamic law, as a dynamic legal tradition, has great potential to adapt to social changes, provided the interpretive process is carried out critically and contextually. In the Indonesian context, this adaptation process has taken place through various family law reform efforts that seek to balance religious values with modern principles of justice. Religious courts, as institutions at the forefront of family law enforcement, have a strategic role in ensuring that this adaptation process proceeds constructively.

Gender Bias in Judges' Considerations in Divorce Cases and Its Impact on Substantive Justice

Gender bias in the legal context refers to the tendency to interpret or judge in a way that unconsciously reproduces stereotypes and unequal gender relations between men and women. This bias does not always manifest in explicit discrimination. Still, it is often implicitly present in social assumptions about how men's and women's roles in the family are viewed. In divorce cases, gender bias can manifest in various forms, such as how judges assess the reasons for divorce, how judges assess the economic contributions of the parties during the marriage, and how judges determine economic rights and obligations after the divorce. When this bias influences the legal reasoning process, the resulting verdict may not fully reflect the principle of substantive justice, which should be the main objective of the judicial system.

One form of gender bias that often arises in judges' considerations is the tendency to uphold traditional constructions of gender roles in the household. In many family law systems rooted in patriarchal traditions, men are often positioned as the main breadwinners, while women are associated with domestic roles (Aziza & Nugroho, 2025). Although in modern social reality, many women contribute economically to the family, these traditional constructs still often influence views on economic responsibility in marriage. In some divorce rulings, for example, judges still place the entire economic obligation on the husband without considering the possibility of significant economic contributions from the wife during the marriage. Conversely, in some other cases, there is a tendency to ignore women's economic vulnerability after divorce by awarding alimony that is disproportionate to their reasonable living expenses.

This phenomenon shows that gender bias in judges' considerations does not always work in one simple direction. In some cases, this bias can reinforce traditional assumptions about male economic dominance, while in other cases it can ignore the reality of women's vulnerability after divorce (Fakher, 2026). This situation shows that gender bias in judicial practice is often complex and influenced by various factors, including the judge's social background, cultural values that have developed in society, and understanding of the concept of justice in family law.

In addition to economic aspects, gender bias can also arise in the way judges assess the morality of the parties in divorce cases. In many societies with patriarchal social structures, women are often subject to stricter moral standards than men (Liu et al., 2025). These moral standards can then influence the way domestic conflicts that form the basis for divorce are viewed. In some cases, for example, behaviour by women that is considered inconsistent with certain social norms can be a factor that reinforces negative assessments of the wife in divorce cases (Ottakkam Thodukayil et al., 2026). Meanwhile, similar behaviour by the husband does not always receive the same weight in legal considerations. This imbalance in moral judgment shows how social constructions of gender roles can influence the process of interpreting facts in court.

The influence of gender bias in judges' considerations can also be seen in the way courts decide cases related to child custody after divorce. In many cases, there is a tendency to assume that women are naturally more suited to caring for children because they are considered to have better parenting skills (Loh et al., 2026). Although in many situations this assumption can protect the relationship between mother and child, an overly stereotypical approach can also ignore the complexity of the family situation. In certain situations, for example, the father may be better able to provide a stable environment for the child. Still, stereotypical assumptions about gender roles can influence the way the court assesses the situation.

The implications of gender bias in judges' considerations are closely related to the concept of substantive justice in the legal system. Substantive justice emphasises that the main purpose of law enforcement is not merely to apply the rules formally, but also to ensure that the outcome of the decision reflects fair protection for all parties involved. In the context of divorce cases, substantive justice means that court decisions must be

able to consider the socio-economic conditions of the parties proportionally and provide protection to those in vulnerable positions. When gender bias influences the legal reasoning process, the resulting decision may fail to meet the principle of substantive justice because it does not fully account for the reality of inequality experienced by the parties.

Within the framework of critical legal theory, the phenomenon of gender bias in judicial practice can be understood as part of the reproduction of broader social structures within the legal system. The law is never completely neutral because it is always influenced by the social values that develop within society. Therefore, the judicial system often reflects the power relations that exist within society, including unequal gender relations. In this context, judges, as the main actors in the judicial process, cannot be completely separated from the social and cultural backgrounds that shape their views on various legal issues.

Understanding this phenomenon is important to identify how gender bias can arise implicitly in the legal reasoning process. Nevertheless, developments in modern legal discourse show efforts to reduce the influence of gender bias in judicial practice by developing a more sensitive legal perspective toward issues of equality. Various judicial policies that encourage the application of a gender perspective in decision-making are part of efforts to ensure that judges are more attuned to the social conditions faced by the parties (Karimullah, 2023b). This approach emphasises the importance of understanding the social context of the case at hand, including factors that may affect women's bargaining position in family relationships.

In several more progressive rulings, judges have sought to integrate a gender equality perspective into legal analysis. For example, in cases relating to post-divorce alimony, there have been rulings that explicitly consider women's domestic contributions during marriage as a form of economic contribution that has significant social and economic value. This approach shows that justice in family relationships cannot be measured only by formal economic contributions, but also by domestic contributions that are often invisible in the conventional economic system. However, the emergence of these progressive rulings has not eliminated variations in judicial practice.

In many cases, the implementation of a gender equality perspective still depends heavily on judges' individual awareness in interpreting the law. This condition shows that efforts to reduce gender bias in judicial practice require not only changes in legal regulations, but also a transformation in the legal culture that has developed in the judicial environment. This transformation includes increasing understanding of gender justice, developing more reflective methods of legal reasoning, and strengthening institutional commitment to the protection of women's and children's rights.

The Transformation of Religious Courts Towards a Gender Justice Perspective in Contemporary Social Dynamics

Social changes that have occurred in Indonesian society in recent decades show a significant shift in the structure of gender relations. Women's participation in various

sectors of life, including education, the economy, and politics, has increased significantly (Suwarni et al., 2024; Wiranti et al., 2025). Women are no longer confined solely in the domestic sphere; they also play an important role in various productive activities in the public sphere. These changes have direct implications for the dynamics of family relationships, including the division of economic roles, decision-making, and responsibilities in child-rearing. In this context, the family law structure, which is based on traditional assumptions about the division of gender roles, often faces challenges in remaining relevant to an increasingly complex social reality.

In practice, religious courts in Indonesia do not only function as institutions that mechanically apply the law, but also as arenas for legal interpretation that allow for adaptation to social change (Rifa'i et al., 2025). Judges, as the main actors in the judicial process, have the authority to interpret the applicable legal norms in the concrete context of the cases they face. This interpretation process allows room for the development of a legal approach that is more responsive to gender equality issues. In divorce cases, for example, judges are not only faced with the issue of terminating a marriage (Suleman et al., 2023). Still, they must also consider various aspects of protecting women's and children's rights, including economic rights, custody rights, and post-divorce welfare guarantees.

The process of transformation towards a gender justice perspective in religious courts has not been without challenges (Karimullah & Aliyah, 2023). One of the main issues that has arisen is the tension between demands for more egalitarian family law reforms and concerns that such changes could be seen as contrary to long-established Islamic legal traditions. In Islamic legal discourse, classical fiqh is often cited as the primary source for understanding various provisions on family relationships (Karimullah, Sugitanata, et al., 2023). The structure of family law in classical fiqh is generally built on a social construct that places men as the head of the family with primary economic responsibility. At the same time, women are associated with domestic roles in managing the household. Although this structure is not entirely absolute and is subject to reinterpretation, in practice it is often understood as part of a legal tradition that must be preserved.

The tension between tradition and change has given rise to various argumentative positions in the debate on Islamic family law reform. Conservative positions generally emphasise the importance of maintaining a family law structure that is considered to be in accordance with the principles of sharia (Hayat, 2022). From this perspective, changes that stray too far from the classical fiqh framework are feared to obscure the identity of Islamic law and weaken the legitimacy of religious court institutions. The conservative approach often emphasises that the difference in roles between men and women in family law is not a form of discrimination, but rather a reflection of the division of responsibilities that is considered in accordance with the principle of balance in sharia.

On the other hand, the reformist position argues that Islamic law is essentially dynamic and open to reinterpretation in accordance with changes in the social context. Thinkers in this perspective emphasise that many provisions in classical fiqh are

actually the result of *ijtihad* (independent reasoning) by scholars influenced by the social conditions of a particular era (Sakinah et al., 2025; Sutisna et al., 2025). Therefore, reinterpretation of Islamic legal texts is considered a legitimate and even necessary step to ensure that the law continues to realise the main objectives of sharia, namely justice, benefit, and protection of human dignity. Within this framework, the principle of gender equality is not seen as a concept that conflicts with Islam, but rather as part of an effort to realise the values of justice that are the main objectives of Islamic law itself. The reformist approach then encourages the use of contextual interpretation methods that take into account social changes and women's life experiences in modern society.

In addition to these two positions, there is also a pragmatic approach that views the transformation of family law in judicial practice as often occurring gradually through judges' interpretation of specific cases. In this perspective, change need not always start with major legislative revisions or doctrinal reform; it can develop through the practice of legal reasoning carried out by judges in deciding cases. When judges face cases involving gender inequality, they have the space to interpret existing legal norms more contextually, providing fairer protection for the parties involved.

In the context of religious courts in Indonesia, this pragmatic approach is evident in various decisions that reflect efforts to integrate a gender justice perspective into legal considerations. For example, in divorce cases involving post-divorce alimony, some judges have begun to consider the socioeconomic conditions of both men during the marriage. This approach reflects the awareness that justice in family relationships cannot be understood solely through the division of traditional roles, but must also take into account the social realities faced by the parties after the divorce.

The transformation of religious courts towards a gender-justice perspective is also related to changes in the legal paradigm judges use (Karimullah et al., 2024). In modern legal theory, there has been a shift from a legalistic approach that emphasises the formal application of rules to a more substantive approach that emphasises the pursuit of justice in real social contexts. This approach requires judges not only to focus on the text of the law but also to consider the social impact of the resulting decisions. In family cases, a substantive approach is particularly important because court decisions can affect the parties' lives in the long term.

The theoretical implications of this phenomenon relate to the understanding of the role of the judiciary as an agent of social change in the Islamic legal system in Indonesia. In legal sociological theory, judicial institutions are often understood not only as institutions that apply the law but also as actors that can influence the direction of legal development through the interpretive practices of judges (Tampubolon, 2025). In the context of religious courts, this role becomes even more important because Islamic family law, as applied in courts, often allows considerable room for interpretation. Through interpretations responsive to social change, judges can help promote the evolution of family law towards a form more in line with the principle of gender justice.

On the other hand, this transformation also has practical implications for the development of judicial policies that are more sensitive to gender issues. Strengthening judges' capacity to understand the perspective of gender justice is an important step to

ensure that the legal reasoning process in family cases can consider the complexity of the social conditions faced by the parties (Malik et al., 2025). In addition, the development of gender-responsive judicial guidelines can help create consistency in the application of the principle of equality in court decisions. With adequate institutional support, religious courts can play a more effective role in bridging the gap between religious values and the demands of justice in modern society.

CONCLUSION

The implementation of gender equality principles in religious court rulings on divorce takes place within a complex dynamic between classical fiqh norms, modern state regulations, and developments in the discourse on gender justice in contemporary society so that the judges' legal reasoning is not entirely uniform, but rather shows a spectrum of interpretations ranging from the reproduction of hierarchical gender relations to the emergence of more progressive and substantively justice-oriented decisions through contextual considerations of women's socio-economic conditions, domestic contributions within the family, and the protection of children's rights after divorce. This finding both reinforces and refines previous studies by showing that the transformation towards a more gender-responsive judiciary in the Islamic family law system in Indonesia does not always take place through formal legislative changes, but also through the practice of legal interpretation at the judicial level, which is gradually shifting the formalistic paradigm towards a substantive justice approach that is more sensitive to power relations within the family. thus implicitly presenting a conceptual novelty in the form of an understanding of religious courts as an arena for normative transformation that bridges Islamic legal tradition and the demands for equality in modern society.

Theoretically, this study contributes to the development of perspectives on the sociology of law and Islamic family law by emphasising the active role of judges as agents of change in legal transformation. In practice, the findings of this study have important implications for strengthening judges' capacity to integrate gender justice perspectives into legal reasoning and for developing judicial policies that are more sensitive to the protection of women and children. Although this study still has limitations in the scope of its analysis of court decisions, which do not fully represent the diversity of judicial practices in various regions, as well as limitations in exploring the dimensions of the direct experiences of the parties involved in the case. Therefore, further studies are recommended to develop a broader empirical approach through a combination of analysis of court decisions, interviews with judges, and studies of women's litigation experiences to enrich understanding of how gender equality principles can be implemented more consistently in religious court practices while encouraging ongoing critical reflection on the role of judicial institutions in realising more inclusive and socially just family justice.

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