



Gender, authority, and qur'anic legal interpretation: reframing contemporary debates on women's interpretive agency

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Abstract

Contemporary debates on gender and Qur'anic legal interpretation are often framed as disputes over women's legal status, yet this framing overlooks a deeper epistemological problem: how interpretive authority is constructed and whose experience is recognized in producing Qur'anic legal meaning. This article aims to reframe contemporary gender debates by examining women's interpretive agency within Qur'anic legal hermeneutics. Employing a qualitative textual research design and critical hermeneutical analysis, the study examines selected Qur'anic legal and ethical verses, classical *tafsir* works, and contemporary Muslim gender-sensitive scholarship. The analysis draws on theories of interpretive authority, contextualist Qur'anic hermeneutics, Islamic feminist hermeneutics, and critiques of male authority in Muslim legal tradition. The findings show that classical Qur'anic legal exegesis constructed gendered authority through linguistic reasoning, juristic method, hadith-based interpretation, and social assumptions about male responsibility, while often marginalizing women lived moral reasoning as an interpretive resource. Contemporary gender-sensitive scholars reframe women from objects of legal regulation into interpretive agents who critically engage inherited meanings of *qiwamah*, testimony, inheritance, and family authority. The study proposes a reflexive model of Qur'anic legal hermeneutics based on textual seriousness, historical consciousness, epistemic inclusivity, *maqasid*-based ethical reasoning, and legal-theoretical accountability. Its central contribution lies in shifting the debate from women's legal status to women's epistemic participation, showing that gender justice in Qur'anic legal interpretation requires not only more equitable rulings but also a reconstruction of interpretive authority.

keywords: qur'anic legal interpretation, gender, interpretive authority, women's interpretive agency, islamic feminist hermeneutics

Abstrak

Perdebatan kontemporer tentang gender dan interpretasi hukum Qur'ani sering kali dipahami sebagai perdebatan mengenai status hukum perempuan. Namun, kerangka semacam ini mengabaikan persoalan epistemologis yang lebih mendalam, yaitu bagaimana otoritas interpretatif dibentuk dan pengalaman siapa yang diakui dalam produksi makna hukum Qur'ani. Artikel ini bertujuan untuk membongkar ulang perdebatan gender kontemporer dengan mengkaji agensi interpretatif perempuan dalam hermeneutika hukum Qur'ani. Dengan menggunakan desain penelitian kualitatif berbasis teks dan analisis hermeneutika kritis, penelitian ini mengkaji ayat-ayat hukum dan etika Qur'ani terpilih, karya-karya tafsir klasik, serta pemikiran Muslim kontemporer yang sensitif gender. Analisis ini bertumpu pada teori otoritas interpretatif, hermeneutika Qur'ani kontekstual, hermeneutika feminis Islam, dan kritik terhadap otoritas laki-laki dalam tradisi hukum Islam. Temuan penelitian menunjukkan bahwa tafsir hukum Qur'ani klasik membangun otoritas bergender melalui penalaran linguistik, metode yuridis, interpretasi berbasis hadis, dan asumsi sosial tentang tanggung jawab laki-laki, sembari sering kali meminggirkan penalaran moral perempuan yang bersumber dari pengalaman hidup sebagai sumber interpretatif. Para sarjana kontemporer yang sensitif gender membongkar ulang perempuan dari objek regulasi hukum menjadi agen interpretatif yang secara kritis menelaah makna-makna warisan tentang qiwamah, kesaksian, warisan, dan otoritas keluarga. Penelitian ini menawarkan model refleksi hermeneutika hukum Qur'ani yang didasarkan pada keseriusan tekstual, kesadaran historis, inklusivitas epistemik, penalaran etis berbasis maqasid, dan akuntabilitas legal-teoretis. Kontribusi utama artikel ini terletak pada pergeseran perdebatan dari status hukum perempuan menuju partisipasi epistemik perempuan, dengan menunjukkan bahwa keadilan gender dalam interpretasi hukum Qur'ani tidak hanya menuntut putusan hukum yang lebih setara, tetapi juga rekonstruksi otoritas interpretatif.

Kata kunci: interpretasi hukum qur'ani, gender, otoritas interpretatif, agensi interpretatif perempuan, hermeneutika feminis islam.



Introduction

Contemporary debates on gender and Qur'anic legal interpretation emerge within a wider global struggle over the persistence of gender inequality in legal, social, and religious institutions. Although equality has become a central normative language in international development, empirical evidence shows that formal recognition has not yet translated into substantive justice. The *Gender Snapshot 2024* reports that none of the indicators under Sustainable Development Goal 5 has been fully achieved, indicating that gender inequality continues to operate through structural, economic, legal, and cultural mechanisms.¹ The World Bank's *Women, Business and the Law 2024* similarly demonstrates that legal reforms alone remain insufficient when institutional implementation, social norms, and access to justice continue to limit women's actual rights.² These global findings are especially relevant to Islamic legal studies because gender relations in Muslim societies are often shaped not only by state law and local custom, but also by authoritative interpretations of Qur'anic legal texts.

Within Muslim intellectual traditions, questions of gender rarely remain purely sociological. Issues such as marital authority, testimony, inheritance, guardianship, divorce, and family law are frequently framed as matters of divine normativity and legal legitimacy. Qur'anic legal interpretation therefore becomes a decisive site where gendered meanings are produced, defended, contested, and revised. The problem is not simply whether legal rulings are egalitarian or patriarchal, but who is authorized to interpret Qur'anic law and whose moral experience is considered relevant in producing legal meaning. This issue becomes more pressing because classical *tafsir* and *fiqh* traditions developed sophisticated methods linguistic analysis, *asbāb al-nuzūl*, hadith-based reasoning, *ijma'*, *qiyās*, and *maqāṣid*-oriented reflection while being historically produced within institutions largely dominated by male scholars. The central tension, therefore, lies in the coexistence of methodological refinement and gendered exclusion within the same interpretive tradition.

This tension is particularly visible in debates over *qiwāmah*, *wilāyah*, testimony, inheritance, and Muslim family law. Classical readings of Q.S. al-Nisā' [4]: 34 often interpreted *qiwāmah* as male authority within marriage, while contemporary scholars increasingly ask whether it should be understood as domination, responsibility, protection, or context-bound economic obligation. Recent studies show that modern female exegetes reinterpret *qiwāmah* as a framework of responsibility rather than superiority, linking it to justice, reciprocity, and inclusivity.³ Similar debates appear in the interpretation of Q.S. al-Baqarah [2]: 282 on testimony, where gender differentiation has often been treated as a universal legal principle, although contextualist readings argue that the verse addresses a specific commercial-documentary situation. Indonesian and Malaysian feminist activists have also reinterpreted *qiwāmah* to challenge cultural and religious barriers to women's public leadership and to advance gender-responsive authority.⁴

¹ UN Women and United Nations Department of Economic and Social Affairs, "Progress on the Sustainable Development Goals: The Gender Snapshot 2024" (New York: UN Women and United Nations Department of Economic and Social Affairs, 2024), <https://www.unwomen.org/en/digital-library/publications/2024/09/progress-on-the-sustainable-development-goals-the-gender-snapshot-2024>.

² World Bank, "Poverty, Prosperity, and Planet Report 2024: Pathways Out of the Polycrisis" (Washington, DC: World Bank, 2024), <https://www.worldbank.org/en/publication/poverty-prosperity-and-planet>.

³ Z I Syarifah et al., "Trends In Modern Women's Relations In Social Problems: Islamic Law in Tafsir Al-Qurtubi," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 25, no. 2 (2025): 218–31, <https://doi.org/10.30631/alrisalah.v25i2.1540>; H Husain et al., "The Dynamics of Family Law Reform in Muslim Societies: A Comparative Fiqh Analysis of Gender Justice and Legal Modernization," *Mawaddah: Jurnal Hukum Keluarga Islam* 4, no. 1 (2026): 143–72, <https://doi.org/10.52496/mjhki.v4i1.74>.

⁴ M R Muqtada, A S bin Mustapha, and A Mufid, "Fiqh Contestation on Women's Public Leadership in Indonesia and Malaysia: Reproducing Qur'anic and Hadith Interpretations," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 19, no. 1 (2024): 221–48, <https://doi.org/10.19105/al-lhkam.v19i1.13163>.

The existing literature may be grouped into several major strands. The first examines the historical construction of gendered norms in Islamic legal and exegetical traditions. Ahmed shows that Muslim gender norms developed through complex intersections between scripture, empire, patriarchy, and social institutions.⁵ Ali further argues that Islamic sexual and family ethics cannot be understood from Qur'anic verses alone because juristic reasoning, legal institutions, and social assumptions have deeply shaped gendered obligations.⁶ Bauer, Afsaruddin, and Jones-Pauly similarly demonstrate that historical interpretations of Qur'anic verses often upheld male-dominated hierarchies, while modern critiques seek to recover the Qur'an's egalitarian ethical horizon.⁷ This scholarship is important because it shows that gendered legal meanings are not mechanically derived from scripture; they are mediated through interpretive authority.

The second strand consists of Islamic feminist and gender-sensitive Qur'anic hermeneutics. Wadud argues for a holistic rereading of the Qur'an that takes women's experience seriously and challenges androcentric assumptions in interpretation.⁸ Barlas distinguishes between the Qur'an and patriarchal readings of the Qur'an, arguing that patriarchy is produced through particular theological and exegetical assumptions rather than being inherent in revelation itself.⁹ Hidayatullah refines this debate by critically examining the methodological strengths and unresolved tensions within feminist *tafsīr*. Additional scholarship reinforces this trajectory:¹⁰ Islamic feminists have argued that inherited interpretations are often shaped by patriarchal norms and therefore require renewed *ijtihād* to recover egalitarian ethics within Islam.¹¹ Studies on Wadud, Barlas, and related feminist exegetes also show how verses on gender roles, marriage, and inheritance have been reread in dialogue with contemporary discourses of gender justice.¹² More recent work on female scholars in Türkiye and Indonesia further indicates that women's hermeneutical agency is no longer marginal but increasingly visible through interpretive strategies that emphasize reciprocity, compassion, and moral responsibility.

The third strand focuses on authority, ethics, and legal reform. Abou El Fadl provides a crucial theoretical foundation through his distinction between authoritative and authoritarian interpretation.¹³ For him, the ethical danger arises when human interpreters claim to speak conclusively in God's name and close down interpretive plurality. Saeed, through contextualist Qur'anic hermeneutics, argues that legal verses should be read by

⁵ Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate* (Yale University Press, 1992).

⁶ Kecia Ali, *Sexual Ethics and Islam: Feminist Reflections on Qur'an, Hadith, and Jurisprudence*, Revised edition (London: Oneworld, 2016).

⁷ K Bauer, *Gender Hierarchy in the Qur'an: Medieval Interpretations, Modern Responses, Gender Hierarchy in the Quran: Medieval Interpretations, Modern Responses*, 2015, <https://doi.org/10.1017/9781139649759>; A Afsaruddin, "Women and the Qur'an," in *The Oxford Handbook of Qur'anic Studies*, 2020, 527–37, <https://doi.org/10.1093/oxfordhb/9780199698646.013.54>; C Jones-Pauly, "Gender Relations," in *The Ashgate Research Companion to Islamic Law*, 2016, 137–49, <https://doi.org/10.4324/9781315613093-14>.

⁸ Amina Wadud, *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective*. (New York: Oxford University Press, 1999).

⁹ Asma Barlas, *Believing Women in Islam: Unreading Patriarchal Interpretations of the Qur'an* (Austin: University of Texas Press, 2002).

¹⁰ A A Hidayatullah, "Feminist Interpretation of the Qur'an in a Comparative Feminist Setting," *Journal of Feminist Studies in Religion* 30, no. 2 (2014): 115–29, <https://doi.org/10.2979/jfemistudreli.30.2.115>.

¹¹ F Shahin, "Islamic Feminism and Hegemonic Discourses on Faith and Gender in Islam," *International Journal of Islam in Asia* 1, no. 1 (2020): 27–48, <https://doi.org/10.1163/25899996-01010003>; N Davids, "Are Muslim Women in Need of Islamic Feminism? In Consideration of a Re-Imagined Islamic Educational Discourse," *British Journal of Religious Education* 37, no. 3 (2015): 311–25, <https://doi.org/10.1080/01416200.2014.944096>.

¹² Shahin, "Islamic Feminism and Hegemonic Discourses on Faith and Gender in Islam"; M Banu and P.S.S.M. Jamali, "Some Reflection on Paradigm Shift in Qur'anic, Interpretation on Gender Issue Discourse," *Hamdard Islamicus* 42, no. 1–2 (2019): 199–213, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85076564993&partnerID=40&md5=845041f411e2bebb4b4cc385bb43b38d>; M S M Val, "Rethinking the Qiwāmah: A Qur'āno-Centric Evaluation of Modern Women Exegetes' Perspectives," *AlBayan* 11, no. 2 (2013): 55–70, <https://doi.org/10.11136/jqh.1311.02.04>.

¹³ Khaled Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women* (Oxford: Oneworld, 2001).

considering historical context, textual hierarchy, moral values, and contemporary application.¹⁴ Mir-Hosseini, Al-Sharmani, and Rumminger extend this debate by analyzing how male authority is reproduced in Muslim legal traditions, especially through *qiwamah* and *wilayah*.¹⁵ Contemporary *maqāṣid*-based scholarship also contributes to this discussion by using the objectives of Islamic law to justify gender-sensitive reforms in family law, including polygamy, divorce, inheritance, and marital responsibility.¹⁶ This *maqāṣid* framework is increasingly positioned as a bridge between Islamic legal principles and universal concerns for justice, dignity, welfare, and the reduction of inequality.¹⁷

Despite these contributions, several gaps remain. Conceptually, much scholarship still focuses on women's legal status whether women receive equality, rights, or protection while giving less direct attention to women's interpretive agency, namely their capacity to participate as epistemic subjects in producing Qur'anic legal meaning. Methodologically, studies often either defend classical interpretation or advocate reformist rereading, but fewer examine how interpretive authority itself is constructed, gendered, and legitimized across classical and contemporary frameworks. Empirically and textually, discussions of *qiwamah*, testimony, inheritance, and family law are frequently treated as separate debates, without sufficient attention to the broader question of whose lived experience counts in legal reasoning. Recent rhetorical analysis also suggests that Qur'anic language contains deliberate structures affirming gender equality, thereby challenging patriarchal readings that claim exclusive textual authority¹⁸

This article therefore asks three questions: how has interpretive authority in Qur'anic legal discourse been historically constructed in gendered terms; how do contemporary gender-sensitive Muslim scholars challenge or reconfigure male-centered authority; and how can women's interpretive agency be theoretically framed without severing Qur'anic legal interpretation from Islamic scholarly tradition? The study aims to analyze the gendered construction of Qur'anic legal authority, examine contemporary efforts to reframe women from legal objects into interpretive agents, and formulate a reflexive model of Qur'anic legal hermeneutics grounded in textual fidelity, historical consciousness, *maqāṣid*-based ethical reasoning, and epistemic inclusivity.

Theoretically, this article draws on Abou El Fadl's theory of interpretive authority, Saeed's contextualist hermeneutics, Wadud's and Barlas's Islamic feminist hermeneutics, and Mir-Hosseini's critique of male authority in Muslim legal tradition.¹⁹ These frameworks allow women's interpretive agency to be understood not as an external liberal demand imposed on the Qur'an, but as an internal epistemological question within Qur'anic legal

¹⁴ Abdullah Saeed, *Interpreting the Qur'an: Towards a Contemporary Approach* (London: Routledge, 2006); Abdullah Saeed, *Reading the Qur'an in the Twenty-First Century: A Contextualist Approach* (London and New York: Routledge, 2014).

¹⁵ Ziba Mir-Hosseini, Mulki Al-Sharmani, and Jana Rumminger, eds., *Men in Charge? Rethinking Authority in Muslim Legal Tradition* (London: Oneworld, 2015).

¹⁶ I Zainuddin et al., "Negotiating The Authority of Female Ulama in the Reinterpretation of the Qur'an in Islamic Family Law in East Kalimantan," *Samarah* 10, no. 1 (2026): 26–48, <https://doi.org/10.22373/sjhk.v10.i1.32158>; Husain et al., "The Dynamics of Family Law Reform in Muslim Societies: A Comparative Fiqh Analysis of Gender Justice and Legal Modernization"; Z M O Channak and Y J Amuda, "Legitimacy And Legitimation: A Comparative Analysis Of Islamic Law And European Standards Through The Lens Of Sdg 16," *Access to Justice in Eastern Europe* 9, no. 1 (2026): 263–91, <https://doi.org/10.33327/AJEE-18-9.1-a000180>.

¹⁷ Channak and Amuda, "Legitimacy And Legitimation: A Comparative Analysis Of Islamic Law And European Standards Through The Lens Of Sdg 16"; Arifinsyah, "Analisis Deskriptif Peta Konflik Umat Beragama Di Sumatera Utara. Jurnal Ushuluddin," 2016, 1–23.

¹⁸ R Yasmar et al., "A Rhetorical-Legal Hermeneutic: Representations of Women in the Qur'an through Balaghah and Their Implications for Islamic Law," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (2025): 731–60, <https://doi.org/10.29240/jhi.v10i2.11132>.

¹⁹ Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*; Saeed, *Interpreting the Qur'an: Towards a Contemporary Approach*; Saeed, *Reading the Qur'an in the Twenty-First Century: A Contextualist Approach*, 2014; Wadud, *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective*; Barlas, *Believing Women in Islam: Unreading Patriarchal Interpretations of the Qur'an*; Mir-Hosseini, Al-Sharmani, and Rumminger, *Men in Charge? Rethinking Authority in Muslim Legal Tradition*.

hermeneutics. The novelty of this study lies in shifting the analytical focus from women as legal subjects to women as interpretive agents. By doing so, the article contributes to Qur'anic studies, Islamic legal theory, and gender studies by showing that gender justice in Qur'anic legal interpretation is not only a matter of legal outcomes, but also a matter of epistemic participation and authority.

Method

This study employs a qualitative textual research design using critical hermeneutical analysis. This approach is appropriate because the study does not measure gender attitudes statistically, but examines how Qur'anic legal meanings are constructed, authorized, and contested across classical and contemporary interpretive traditions. Qualitative inquiry is suitable for analyzing meaning, context, discourse, and interpretive processes in religious and social life.²⁰ Since the object of analysis is written texts rather than human participants, the study treats Qur'anic verses, classical *tafsīr*, and contemporary gender-sensitive writings as the primary body of data. Following Krippendorff, textual materials are examined as sources from which valid and context-sensitive interpretive inferences can be drawn.²¹ The hermeneutical orientation of the study is also informed by Gadamer's view that understanding is shaped by historically situated horizons and Ricoeur's emphasis on moving from textual explanation to deeper interpretation of meaning.²²

The data consist of primary textual sources and secondary academic sources. The primary sources include selected Qur'anic legal and ethical verses: Q.S. al-Nisā' [4]:34 on *qiwāmah* and marital authority, Q.S. al-Baqarah [2]:282 on testimony in debt documentation, Q.S. al-Nisā' [4]:11 on inheritance, Q.S. al-Aḥzāb [33]:35 on moral equality, Q.S. al-Tawbah [9]:71 on mutual ethical responsibility, and Q.S. al-Nahl [16]:97 on equal moral recompense. These verses were selected because they represent major textual sites in debates on gender, legal authority, and women's interpretive agency. The classical *tafsīr* corpus includes al-Ṭabarī's *Jāmi' al-Bayān*, al-Qurṭubī's *al-Jāmi' li-Aḥkām al-Qur'ān*, Ibn Kathīr's *Tafsīr al-Qur'ān al-'Azīm*, and al-Rāzī's *Mafātīḥ al-Ghayb*, selected for their influence and for their linguistic, juristic, hadith-based, and theological approaches to Qur'anic legal interpretation. The contemporary corpus includes works by Khaled Abou El Fadl, Abdullah Saeed, Amina Wadud, Asma Barlas, Aysha Hidayatullah, Kecia Ali, and Ziba Mir-Hosseini, Al-Sharmani, and Rumminger, because these texts directly address interpretive authority, contextual hermeneutics, feminist Qur'anic interpretation, Islamic legal ethics, and male authority in Muslim legal tradition.

Data were collected through documentary research and purposive textual selection. Document analysis is appropriate because this study relies on written materials that carry religious, legal, and scholarly authority. In line with Bowen, the documents were selected, reviewed, appraised, and synthesized according to their relevance to the research questions.²³ The selection criteria were legal or quasi-legal relevance to gender relations; significant presence in classical and contemporary interpretive debate; and direct contribution to the article's concern with women's interpretive agency. No interviews, surveys, or participant observation were conducted because the study is conceptual and

²⁰ Norman K Denzin and Yvonna S Lincoln, *The Sage Handbook of Qualitative Research* (Sage Publications, 2018); John W Creswell and Cheryl N Poth, *Qualitative Inquiry and Research Design: Choosing Among Five Approaches*, 4th ed. (Sage, 2018).

²¹ Klaus Krippendorff, *Content Analysis: An Introduction to Its Methodology*, 4th ed. (Thousand Oaks, CA: SAGE Publications, 2019).

²² Hans-Georg Gadamer, *Truth and Method* (New York: Continuum, 2004); Paul Ricoeur, *Interpretation Theory: Discourse and the Surplus of Meaning* (Fort Worth: Texas Christian University Press, 1976).

²³ Glenn A Bowen, "Document Analysis as a Qualitative Research Method," *Qualitative Research Journal* 9, no. 2 (2009): 27–40.

textual rather than empirical fieldwork. Therefore, ethical approval involving human participants was not required.

The analysis was conducted through critical hermeneutical analysis, supported by qualitative content analysis and comparative textual analysis. The procedure follows Miles, Huberman, and Saldaña's model of data condensation, data display, and conclusion drawing or verification.²⁴ First, textual segments related to gender, authority, *qiwamah*, testimony, inheritance, moral equality, and women's agency were identified through close reading. Second, the findings were organized into thematic categories: classical authority, gendered legal reasoning, women as legal subjects, women as interpretive agents, contextual interpretation, *maqāsid*-based reasoning, and epistemic inclusivity. Third, classical and contemporary interpretations were compared to identify continuities, tensions, and shifts in how Qur'anic legal authority is constructed.

The theoretical lens combines four frameworks: Abou El Fadl's distinction between authoritative and authoritarian interpretation,²⁵ Saeed's contextualist Qur'anic hermeneutics,²⁶ Wadud's and Barlas's Islamic feminist hermeneutics and Mir-Hosseini's critique of male authority in Muslim legal tradition.²⁷ Methodological trustworthiness was maintained through transparent source selection, triangulation of Qur'anic, classical, and contemporary texts, and explicit linkage between data, theory, and interpretation. Following Lincoln and Guba,²⁸ credibility was supported by authoritative primary sources, dependability by clear analytical procedures, confirmability by grounding claims in textual evidence, and transferability by providing sufficient contextual detail. The study does not issue legal rulings or claim to represent all Muslim women's experiences; it analyzes women's interpretive agency as an epistemological issue within Qur'anic legal hermeneutics.

Results and Discussion

Classical Structures of Gendered Interpretive Authority in Qur'anic Legal Exegesis

Classical Qur'anic legal exegesis constructed gendered interpretive authority not simply by reading legal verses literally, but by embedding them within juristic assumptions about household order, evidentiary competence, and gendered economic responsibility. The selected verses Q.S. al-Nisā' [4]:34, Q.S. al-Baqarah [2]:282, Q.S. al-Nisā' [4]:11, and Q.S. al-Aḥzāb [33]:35 show that classical *tafsīr* combined linguistic analysis, transmitted reports, legal reasoning, and social expectations to produce a normative gender order. The central finding is therefore twofold: classical exegetes developed a methodologically sophisticated legal hermeneutic, yet this hermeneutic often authorized gender hierarchy without treating women lived experience as an explicit source of interpretive knowledge.

The most visible example appears in the interpretation of *qiwamah* in Q.S. al-Nisā' [4]:34. The phrase *al-rijāl qawwāmūna 'alā al-nisā'* became a foundational textual basis for defining male authority in marriage. Classical exegetes such as al-Ṭabarī, al-Qurṭubī, Ibn Kathīr, and al-Rāzī generally linked *qiwamah* to men's financial responsibility, household

²⁴ Matthew B. Miles & A. Michael Huberman, *Analisis Data Kualitatif*, ed. Universitas Indonesia Press (Jakarta, 2014).

²⁵ Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*.

²⁶ Saeed, *Interpreting the Qur'an: Towards a Contemporary Approach*; Saeed, *Reading the Qur'an in the Twenty-First Century: A Contextualist Approach*, 2014.

²⁷ Wadud, *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective.*; Barlas, *Believing Women in Islam: Unreading Patriarchal Interpretations of the Qur'an*; Mir-Hosseini, Al-Sharmani, and Rumminger, *Men in Charge? Rethinking Authority in Muslim Legal Tradition*.

²⁸ Yvonna S Lincoln and Egon G Guba, *Naturalistic Inquiry* (Sage Publications, 1985).

leadership, and disciplinary authority within the family.²⁹ Yet the verse itself ties *qiwamah* to reasons that are not merely metaphysical: differentiated responsibility and male expenditure. This distinction matters because it shows that *qiwamah* was not produced only by the Qur'anic wording, but by the interpretive expansion of financial obligation into a wider doctrine of marital authority. Recent scholarship confirms this point by arguing that *qiwamah* should be understood as an epistemic construct shaped by exegetical traditions and legal systems, rather than as a fixed and self-evident doctrine of male superiority.³⁰

A closer reading also complicates overly simple claims about classical *tafsir* as uniformly domination oriented. Although al-Qurṭubī is often read within a medieval juristic framework, recent analysis suggests that his treatment of *qiwamah* can also be understood as emphasizing responsibility, care, and protection rather than pure domination.³¹ This does not eliminate the hierarchical implications of classical interpretation, but it refines the analysis: classical *qiwamah* discourse contained both paternal authority and ethical responsibility. From Abou El Fadl's perspective, this distinction is crucial. A reading may be authoritative when it remains accountable to language, legal reasoning, and moral restraint; it becomes authoritarian when a historically situated interpretation of male authority is presented as identical with God's final and uncontested will.³² Thus, the problem is not the existence of interpretive authority itself, but the closure of interpretive possibility around male-centered assumptions.

A similar pattern appears in Q.S. al-Baqarah [2]:282, which addresses written documentation and witness procedure in deferred debt transactions. Classical exegetes and jurists commonly treated the verse as evidence for differentiated rules concerning women's testimony, and some juristic traditions extended this differentiation beyond commercial documentation into broader evidentiary contexts, including debates over women's testimony in *ḥudūd* and *qisās* cases.³³ Amin, Z argues that these restrictions were shaped by sociocultural and epistemological assumptions and were therefore contextually contingent rather than directly mandated as an absolute divine rule.³⁴ This finding supports Saeed's contextualist hermeneutics, which requires interpreters to distinguish between the immediate legal setting of revelation and the ethical principle that the text seeks to protect, such as justice, reliability, and prevention of harm in financial dealings.³⁵ The implication is significant: if the operative concern is credibility and procedural fairness, then gender cannot be treated as the sole or permanent criterion of testimonial admissibility. Contemporary *maqāṣid*-oriented reforms that prioritize credibility over gender therefore do not necessarily reject the verse; they reinterpret its legal function considering its ethical purpose.³⁶

Inheritance provides a third site where classical legal interpretation linked textual specificity with gendered social assumptions. Q.S. al-Nisā' [4]:11 assigns fixed shares to

²⁹ Al-Ṭabari, *Jāmi' Al-Bayān 'an Ta'wīl Āy Al-Qur'ān* (Beirut: Mu'assasah al-Risālah, 2001); sayyid Al Qurṭhubi, *Tafsir Fi Zḥilalil Qur'an*. (kairo: dar: al Syuruq, 1968); Ibn Kathir, *Tafsir Al-Qur'an Al-'Azim* (Riyadh: Dār Ṭayyibah, 1999); Fakhr al-Dīn Al-Rāzī, *Mafāṭih Al-Ghayb (Al-Tafsir Al-Kabir)*. (Beirut: Dār Iḥyā' al-Turāth al-'Arabi, n.d.).

³⁰ A F Ardiansyah et al., "Qiwamah And Epistemic Violence: A Critical Socio-Legal Analysis of Gendered Authority In Islamic Family Law," *Mawaddah: Jurnal Hukum Keluarga Islam* 3, no. 2 (2025): 605–26, <https://doi.org/10.52496/mjhki.v3i2.100>.

³¹ Syarifah et al., "Trends In Modern Women's Relations In Social Problems: Islamic Law in Tafsir Al-Qurṭubī."

³² Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*.

³³ Abu Abdullah Muhammad ibn Ahmad al-Qurṭubī, *Al-Jāmi' Li-Abkām Al-Qur'an* (Cairo: Dar al-Kutub al-Misriyyah, 1964); Kathir, *Tafsir Al-Qur'an Al-'Azim*.

³⁴ Z Amin, "Religious Coping and Moral Injury among Muslim Clinicians: A Mixed-Methods Study of Post-Pandemic Burnout in Healthcare Settings," *Journal of Religion and Health*, 2025, <https://doi.org/10.1007/s10943-025-02528-8>.

³⁵ Saeed, *Interpreting the Qur'an: Towards a Contemporary Approach*; Saeed, *Reading the Qur'an in the Twenty-First Century: A Contextualist Approach*, 2014.

³⁶ Amin, "Religious Coping and Moral Injury among Muslim Clinicians: A Mixed-Methods Study of Post-Pandemic Burnout in Healthcare Settings."

daughters, sons, parents, spouses, and other heirs, including the well-known formulation in which a male receives the share of two females in certain configurations. Classical exegetes interpreted this distribution within a broader legal economy in which men were obligated to provide maintenance, dower, and family support.³⁷ This means that the male-female ratio was not simply read as a declaration of ontological superiority, but as part of a distributive structure tied to gendered economic duties. Yet this framework also relied on the assumption that men were the primary providers and women were economically dependent or legally protected through male kinship. Comparative legal contexts complicate this assumption. In Minangkabau society, for example, *adat*-based property arrangements prioritize female ownership, demonstrating a form of functional legal pluralism in which Islamic inheritance norms and local social structures are negotiated to preserve social cohesion.³⁸ Progressive juristic debates, including those associated with Ayatollah Yusef Sanei, further show that inheritance law remains a contested field in which gender equality, textual fidelity, and legal tradition are negotiated rather than mechanically settled.³⁹

The broader theoretical implication is that classical *tafsir* did not merely transmit Qur'anic law; it institutionalized assumptions about authority, social order, and gendered competence. This finding supports historical studies that show how male-dominated legal institutions shaped Muslim gender norms, but it also challenges reductive claims that classical interpretation was nothing more than patriarchy. The Qur'anic corpus itself contains a strong ethical grammar of shared moral agency, especially in Q.S. al-Aḥzāb [33]:35, which places believing men and women, truthful men and women, patient men and women, charitable men and women, and remembering men and women in parallel moral relation before God. Digital and reformist approaches to *tafsir* have recently drawn on this ethical horizon to reread concepts such as *nushūz* and *qiwāmah* through accountability, reciprocity, and gender equity.⁴⁰ Oral reinterpretations of classical *tafsir*, including those associated with Gus Mus, similarly demonstrate an egalitarian shift that contrasts with inherited gender-biased readings while still working inside Islamic interpretive language.⁴¹

This sub-section therefore answers the first research question by showing that gendered interpretive authority emerged through the interaction of text, legal method, and male-cantered scholarly institutions. Classical *tafsir* contains both legal differentiation and ethical resources for moral equality, but its historical authority was often organized through assumptions that privileged male experience as normative. The crucial issue is not whether the Qur'an speaks about gender, but how exegetical authority transformed selected legal verses into durable structures of gendered law.

Contemporary Reframing of Women from Legal Objects to Interpretive Agents

Contemporary gender-sensitive Qur'anic scholarship reframes women not merely as recipients of legal rulings, but as epistemic agents capable of questioning, interpreting,

³⁷ Al-Ṭabari, *Jāmi' Al-Bayān 'an Ta'wil Ay Al-Qur'ān*; al-Qurtubi, *Al-Jāmi' Li-Abkam Al-Qur'ān*; Kathir, *Tafsir Al-Qur'an Al-'Azim*.

³⁸ H Sulfinadia et al., "Negotiating Islamic Inheritance and Customary Law: Functional Legal Pluralism and Matrilineal Pusako Randah in Minangkabau," *Journal of Islamic Law* 7, no. 1 (2026): 1–30, <https://doi.org/10.24260/jil.v7i1.3743>.

³⁹ A Saeed and A Akbar, "Contextualist Approaches and the Interpretation of the Qur'an," *Religions* 12, no. 7 (2021), <https://doi.org/10.3390/rel12070527>.

⁴⁰ S Musafa'ah et al., "Reframing Islamic Family Law Through Web-Based Tafsir: The Case of Nushuz in the Indonesian Tafsir Online," *Ulumuna* 29, no. 2 (2025): 666–700, <https://doi.org/10.20414/ujis.v29i2.1756>; M Irsad, A Mustaqim, and S Z Qudsy, "Paradigm Shifts in Gender Narratives of of Tafsir Al-Ibriz through Oral Exegesis on Youtube," *Jurnal Studi Ilmu-Ilmu Al-Qur'an Dan Hadis* 25, no. 1 (2024): 141–60, <https://doi.org/10.14421/gh.v25i1.5416>.

⁴¹ Irsad, Mustaqim, and Qudsy, "Paradigm Shifts in Gender Narratives of of Tafsir Al-Ibriz through Oral Exegesis on Youtube."

and reshaping Qur'anic legal meaning from within the Islamic intellectual tradition. This finding is evident in the works of Amina Wadud, Asma Barlas, Aysha Hidayatullah, Ziba Mir-Hosseini, Kecia Ali, and Khaled Abou El Fadl, whose contributions move the debate beyond the narrow question of whether Islamic law “grants” women rights. Instead, they examine how legal meanings are produced, who is authorized to produce them, and why women's experience has often been excluded from recognized modes of Qur'anic interpretation. In this sense, women's interpretive agency does not function as an external ideological addition to *tafsir*, but as a critical intervention into the epistemic structure of Qur'anic legal authority.

Amina Wadud's *Qur'an and Woman* represent a major methodological turning point because it places women's experience within the interpretive process itself. Wadud argues that Qur'anic interpretation should be approached holistically, rather than through atomistic readings that isolate specific legal verses from the Qur'an's broader ethical worldview.⁴² Her reading of gender-related verses, including those associated with marriage and authority, challenges the assumption that male-cantered interpretations exhaust the meaning of the Qur'an. This approach is consistent with later studies showing that Islamic feminist hermeneutics contests patriarchal exegesis by exposing how traditional readings were shaped by male-centric perspectives that reinforced male authority and marginalized women's agency.⁴³ Wadud's contribution is therefore not limited to producing alternative conclusions; it redefines what counts as a legitimate interpretive question.

Asma Barlas advances this reframing by distinguishing between the Qur'an as revelation and patriarchal *tafsir* as a historically situated interpretive tradition. In *“Believing Women” in Islam*, Barlas argues that patriarchy should not be treated as intrinsic to the Qur'an, since patriarchal meanings emerge through theological and exegetical assumptions.⁴⁴ Her critique is especially relevant to interpretations of Q.S. al-Nisā' [4]:34, a verse frequently used to justify male superiority and control. Recent scholarship similarly notes that Wadud and Barlas reread such verses through the Qur'an's wider ethical commitments to justice, equality, and moral accountability.⁴⁵ This supports Abou El Fadl's distinction between authoritative and authoritarian interpretation: gendered readings become problematic not because they are interpretive, but because they often present historically mediated male authority as if it were identical with divine intention.⁴⁶

Aysha Hidayatullah's intervention refines this feminist hermeneutical project by insisting that gender-sensitive readings must also remain methodologically self-critical. In *Feminist Edges of the Qur'an*, Hidayatullah examines the internal tensions of feminist Qur'anic interpretation, including its appeal to *tawhid*, justice, context, and holistic reading.⁴⁷ Her work prevents women's interpretive agency from being reduced to the automatic production of egalitarian conclusions. Instead, agency requires textual discipline, theoretical clarity, and awareness of interpretive limits. This point is crucial because it challenges both classical and feminist forms of closure: just as male juristic authority should

⁴² Wadud, *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective*.

⁴³ F V Greifenhagen, “North American Islamic Feminist Interpretation: The Case of Sūrah 4:34, with a Comparison to Christian Feminist Interpretation,” *Studies in Religion* 33, no. 1 (2004): 51–70, <https://doi.org/10.1177/000842980403300103>; Ibrahim Ilyasu Adam, “Qur'anic Interpretation Politicized: Asma Barlas' Text Rereading,” *Al-Shajarah* 21, no. 1 (2016): 73–89, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85028591684&partnerID=40&md5=009d6333ecec615c8d56561d009dd33b0>; Shahin, “Islamic Feminism and Hegemonic Discourses on Faith and Gender in Islam.”

⁴⁴ Asma Barlas, *Believing Women in Islam* (Austin: University of Texas Press, 2002).

⁴⁵ Greifenhagen, “North American Islamic Feminist Interpretation: The Case of Sūrah 4:34, with a Comparison to Christian Feminist Interpretation”; Adam, “Qur'anic Interpretation Politicized: Asma Barlas' Text Rereading”; Z Saleem, “Addressing Quran 4:34: Muslim Feminists' Hermeneutics vs. Mahmoud Muhammad Taha's Hermeneutics,” *Hawwa* 22, no. 3–4 (2024): 266–90, <https://doi.org/10.1163/15692086-12341420>.

⁴⁶ Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*.

⁴⁷ Hidayatullah, “Feminist Interpretation of the Qur'an in a Comparative Feminist Setting.”

not be immune from critique, feminist hermeneutics must also justify its methods rather than relying solely on moral claims.

The works of Ziba Mir-Hosseini, Mulki Al-Sharmani, and Jana Rumminger deepen this shift by relocating gender justice within Islamic legal reasoning itself. *Men in Charge?* critically examines *qiwamah* and *wilayah* as legal concepts through which male authority has been reproduced in Muslim family law.⁴⁸ Their contribution lies in showing that gender hierarchy is not sustained by scripture alone, but by juristic institutions, legal codification, and social authority. Kecia Ali similarly demonstrates that Islamic sexual ethics and family law were shaped through *fiqh*, hadith, and legal reasoning, not through direct scriptural derivation alone (Ali, 2016). Together, these studies support the argument that women's interpretive agency must engage the broader legal-discursive field, rather than merely propose alternative translations of isolated Qur'anic terms.

Recent scholarship further shows that women's agency is not confined to elite academic discourse. Female exegetes in Indonesia and Türkiye reinterpret verses on creation, marriage, and social roles by foregrounding reciprocity, compassion, and moral responsibility while remaining within recognizable Islamic frameworks.⁴⁹ Women's agency also appears in grassroots activism, educational leadership, and socio-religious negotiation, as seen in Aceh and other Muslim contexts where women challenge inequality while navigating religious and political constraints.⁵⁰ At the same time, agency should not be equated only with open resistance. Studies of piety and Sufi spirituality show that women may negotiate power through religious practices, including spiritual resources used to mediate domestic violence and moral vulnerability.⁵¹ This broadens the analytical meaning of agency: women do not always confront authority from outside tradition; they often reshape it from within.

This finding supports and refines existing theories of Islamic feminist hermeneutics. It supports Wadud and Barlas by showing that women's participation in *tafsir* expands interpretive possibilities and challenges androcentric assumptions.⁵² It refines Abou El Fadl's theory by showing that authoritarian closure is not only a problem of legal absolutism, but also of gendered exclusion from interpretive authority. It also extends Saeed's contextualist hermeneutics by demonstrating that context includes not only historical circumstances of revelation, but also the social location of interpreters and the lived realities of those affected by legal interpretation.⁵³ Reformist male scholars such as Nasr Abu Zayd and Khaled Abou El Fadl have also contributed to gender-affirmative readings, indicating that the critique of male authority is not reducible to a binary opposition between male and female interpreters.⁵⁴ The citation listed as Goudarzi, M.R 205 should be verified bibliographically before submission, but its stated point fits the

⁴⁸ Mir-Hosseini, Al-Sharmani, and Rumminger, *Men in Charge? Rethinking Authority in Muslim Legal Tradition*.

⁴⁹ P Van Doorn-Harder, "Controlling the Body: Muslim Feminists Debating Women's Rights in Indonesia," *Religion Compass* 2, no. 6 (2008): 1021–43, <https://doi.org/10.1111/j.1749-8171.2008.00105.x>.

⁵⁰ M T A Lopes Cardozo and E Srimulyani, "Analysing the Spectrum of Female Education Leaders' Agency in Islamic Boarding Schools in Post-Conflict Aceh, Indonesia," *Gender and Education* 33, no. 7 (2021): 847–63, <https://doi.org/10.1080/09540253.2018.1544361>; Qazi Sarah Rasheed, "Transcending Binaries through Self-Empowerment and Personal Development Exploring the Role of Muslim Women Activists in Community Reforms," *South Asia Multidisciplinary Academic Journal*, no. 30 (2023), <https://doi.org/10.4000/SAMAJ.8629>.

⁵¹ B J Smith and A Wardatun, "Domestic Violence and Islamic Spirituality in Lombok, Indonesia: Women's Use of Sufi Approaches to Suffering," *Contemporary Islam* 16, no. 2–3 (2022): 427–47, <https://doi.org/10.1007/s11562-022-00495-5>; S Mahmood, "Feminist Theory, Agency, and the Liberatory Subject: Some Reflections on the Islamic Revival in Egypt," *Etnografica* 23, no. 1 (2019): 135–75, <https://doi.org/10.4000/etnografica.6431>.

⁵² Adam, "Qur'anic Interpretation Politicized: Asma Barlas' Text Rereading"; Shahin, "Islamic Feminism and Hegemonic Discourses on Faith and Gender in Islam."

⁵³ Saeed, *Interpreting the Qur'an: Towards a Contemporary Approach*; Abdullah Saeed, *Reading the Qur'an in the Twenty-First Century: A Contextualist Approach* (London: Routledge, 2016).

⁵⁴ Adis Duderija, "Contemporary Muslim Male Reformist Thought and Gender Equality Affirmative Interpretations of Islam," *Feminist Theology* 28, no. 2 (2020): 161–81, <https://doi.org/10.1177/0966735019886076>.

broader literature that Islamic feminism challenges institutionalized discrimination and calls for reinterpretation of foundational texts.

The theoretical implication is clear: women's interpretive agency is not a supplementary theme within Qur'anic legal interpretation, but a condition for a more accountable hermeneutics. When women are recognized as interpretive agents, the debate shifts from legal status to epistemic participation, from passive inclusion to authority in meaning-making. This sub-section therefore answers the second research question by showing that contemporary gender-sensitive scholarship challenges male-cantered authority through methodological critique, contextual rereading, and the recognition of women's situated moral reasoning as part of Qur'anic legal hermeneutics.

Negotiating Textual Fidelity, Historical Context, and *Maqāṣid*-Based Ethical Reasoning

Contemporary debates on women's interpretive agency show that Qur'anic legal interpretation cannot be responsibly resolved through either rigid literalism or unrestricted contextualism, but requires a negotiated hermeneutic that holds textual fidelity, historical consciousness, and *maqāṣid*-based ethical reasoning in productive tension. This finding is most visible in debates on *qiwāmah*, testimony, and inheritance, where the Qur'anic text contains specific legal formulations while later interpretive traditions have often expanded those formulations into broader gendered doctrines. The issue, therefore, is not whether the Qur'anic text should be preserved or revised, but how its legal meaning should be understood when textual language, historical conditions, and ethical objectives interact.

In the case of *qiwāmah*, Q.S. al-Nisā' [4]:34 links male authority or responsibility to two textual grounds: differentiated responsibility and men's financial expenditure. Classical exegetes such as al-Ṭabarī, al-Qurṭubī, and Ibn Kathīr generally interpreted this verse as establishing male leadership within the household, often connecting *qiwāmah* to *nafaqah*, protection, discipline, and marital order.⁵⁵ A textually faithful reading must acknowledge that the verse does not speak in abstract egalitarian terms; it contains a concrete legal-social formulation. Yet a historically conscious reading must also notice that the verse grounds *qiwāmah* in economic responsibility rather than in an unconditional metaphysical superiority of men. This is why recent critical work argues that *qiwāmah* should be read as an epistemic and legal construct shaped by interpretive traditions and codified family-law systems, not as a fixed doctrine immune to ethical review⁵⁶ The concept becomes problematic when its historically situated rationale is transformed into a permanent structure of male privilege.

Saeed's contextualist hermeneutics is useful here because it allows the interpreter to distinguish between textual wording, historical circumstance, and contemporary significance. This approach resonates with broader contextual-hermeneutical arguments in Islamic studies, especially those associated with Fazlur Rahman and Abdullah Saeed, which seek to move beyond rigid textualism by recovering the ethical objectives embedded in revelation.⁵⁷ However, contextualism must not be misunderstood as an arbitrary suspension of textual authority. Critics rightly warn that certain hermeneutical

⁵⁵ Al-Ṭabarī, *Jāmi' Al-Bayān 'an Ta'wil Ay Al-Qur'an*; al-Qurṭubī, *Al-Jami' Li-Abkam Al-Qur'an*; Kathir, *Tafsir Al-Qur'an Al-'Azim*.

⁵⁶ Ardiansyah et al., "Qiwāmah And Epistemic Violence: A Critical Socio-Legal Analysis of Gendered Authority In Islamic Family Law."

⁵⁷ C Rois, A Irfan, and H Anam, "Islamic Hierarchy Of Value: Abdullah Saeed's Progressive Interpretation of the Qur'an," *Miqot: Jurnal Ilmu-Ilmu Keislaman* 49, no. 1 (2025): 205–21, <https://doi.org/10.30821/miqot.v49i1.1125>; N Z N Zainol, L A Majid, and M F Md Saad, "An Overview on Hermeneutics Method Application to the Quran by Muslim Thinkers," *International Journal of Engineering and Technology(UAE)* 7, no. 4 (2018): 167–70, <https://doi.org/10.14419/ijet.v7i4.9.20643>; Ismail Lala, "Gender and Early Qur'anic Exegesis: Reconsidering Androcentrism in Classical Tafsir," *Journal of Qur'anic Studies* 25, no. 1 (2023): 45–70.

appropriations may weaken the sanctity of the Qur'an when they treat revelation merely as a literary artifact detached from normative authority.⁵⁸ The present analysis therefore refines contextualism by insisting that context is not a replacement for the text, but a discipline for understanding the legal and ethical function of the text.

The same negotiation appears in Q.S. al-Baqarah [2]:282, which regulates written debt contracts and witness procedure. The verse's mention of one male witness and two female witnesses occurs within a documentary-commercial setting involving debt, writing, reliability, and protection against dispute. Classical jurists often extended this formulation into wider discussions of women's evidentiary capacity, but the immediate textual field is narrower: it concerns financial documentation rather than an ontological judgment on women's rationality. A *maqāṣid*-oriented reading therefore asks what purpose the verse seeks to protect credibility, justice, contractual clarity, and avoidance of harm rather than treating gender as the permanent criterion of testimonial value. Such reasoning is consistent with *maqāṣid* scholarship, which identifies preservation of religion, life, intellect, progeny, and property as central objectives, while some contemporary scholars extend *maqāṣid* to include wider concerns such as social ethics and environmental protection.⁵⁹ In legal practice, *maqāṣid* functions as a hermeneutical tool for addressing contemporary matters in family law, social finance, and treaty obligations by foregrounding public welfare and justice.⁶⁰

Inheritance further demonstrates why both textual seriousness and ethical reasoning are indispensable. Q.S. al-Nisā' [4]:11 assigns fixed shares to heirs, including the well-known male-female ratio in particular configurations. A responsible analysis cannot flatten Islamic inheritance law into the claim that women always receive half of men's shares, since inheritance outcomes vary according to the heir's legal position. At the same time, contemporary socioeconomic realities raise legitimate ethical questions about family responsibility, women's financial contribution, and distributive justice. Here *maqāṣid* is not a license to cancel explicit legal texts, but a framework for examining how justice, welfare, dignity, and protection of property operate within changing circumstances. Its reformative role has been discussed in modern Islamic jurisprudence, including Shi'i legal thought and broader debates on the adaptation of Islamic law to evolving socio-political realities.⁶¹

This finding also clarifies the meaning of textual fidelity. Fidelity does not require freezing all inherited applications; it requires preserving the integrity of the text while resisting distortive translation, selective reading, and decontextualized legal expansion. Studies on Islamic textual translation show that inadequate fidelity can produce inaccuracies and unintended reinterpretations,⁶² while scholarship on dynamic textuality

⁵⁸ Zainol, Majid, and Md Saad, "An Overview on Hermeneutics Method Application to the Quran by Muslim Thinkers."

⁵⁹ F A Al Munawar, "'Abd Al-Majīd Al-Najjār's Perspective on Maqāṣid Al-Sharī'ah,'" *Juris: Jurnal Ilmiah Syariah* 20, no. 2 (2021): 209–23, <https://doi.org/10.31958/juris.v20i2.4281>; R Saidon et al., "Preventing Illegal Marriages in the Light of Maqasid Al-Shariah," *Pertanika Journal of Social Sciences and Humanities* 25, no. S (2017): 331–40, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85057155302&partnerID=40&md5=33d6aa2ac9d22a7de86dce7a511b264b>.

⁶⁰ M L Mohd Yusob et al., "Maqasid Al-Shariah as a Parameter for Islamic Countries in Screening International Treaties before Ratification: An Analysis," *Pertanika Journal of Social Sciences and Humanities* 23, no. SpecialIssue11 (2015): 219–26, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85012867906&partnerID=40&md5=9f01b1df8fa36e54b4ac87a4f22ac303>; S Al-Ayubi and S Halawatuddu'a, "MAQASID AL-SHARIAH IN ISLAMIC FINANCE," *Jurnal Al-Dustur* 4, no. 2 (2021): 197–215, <https://doi.org/10.30863/jad.v4i2.1823>.

⁶¹ L Takim, "Maqāṣid Al-Sharī'a in Contemporary Shi'i Jurisprudence," in *Maqasid Al-Shari'a and Contemporary Reformist Muslim Thought: An Examination*, 2014, 101–25, https://doi.org/10.1057/9781137319418_5; Y S Ibrahim, "An Examination of the Modern Discourse on Maqāṣid Al-Sharī'A," *Journal of the Middle East and Africa* 5, no. 1 (2014): 39–60, <https://doi.org/10.1080/21520844.2014.882676>.

⁶² R M Al Rousan, A M Al-Harahsheh, and A M Darawsheh, "Achieving Fidelity through Self-Translation: A Case Study of Friday Sermons by Imam Mohammed Ewes," *Humanities and Social Sciences Communications* 11, no. 1 (2024), <https://doi.org/10.1057/s41599-024-02732-z>.

emphasizes that Islamic legal hermeneutics has long recognized plurality of meaning and the need to identify divine intent through context.⁶³ Even classical traditions were not devoid of interpretive plurality; studies of the *Akbari* School show that multiple layers of Qur'anic meaning were already acknowledged in premodern Islamic thought.⁶⁴

The theoretical implication is that *maqāṣid*, contextual hermeneutics, and textual fidelity should not be treated as competing methods but as mutually corrective disciplines. Context prevents legal interpretation from absolutizing historical social forms; textual fidelity prevents reform from becoming arbitrary; *maqāṣid* prevents legal reasoning from losing its ethical orientation. This also aligns with broader Qur'anic legal ethics, including the emphasis on *ṣulh* as a principle of reconciliation and social harmony,⁶⁵ and on *qiyās* as a legal mechanism that seeks balance between justice, human dignity, and social welfare.⁶⁶ Thus, women's interpretive agency becomes most defensible when it is grounded not in rejection of tradition, but in a disciplined negotiation between text, context, and ethical purpose.

Toward a Reflexive Model of Qur'anic Legal Hermeneutics

Women's interpretive agency requires a reflexive model of Qur'anic legal hermeneutics because neither classical *tafsīr*, Islamic feminist hermeneutics, contextualist interpretation, nor *maqāṣid*-based reasoning is sufficient when used in isolation. The findings of this study indicate that classical *tafsīr* preserves linguistic precision and juristic discipline, yet it often operates within male-centered structures of authority; feminist hermeneutics foregrounds women's voices and moral experience, yet it must continue to clarify its methodological criteria; contextualist interpretation reconnects Qur'anic meaning with historical circumstances, yet it must avoid reducing legal normativity to modern preference; and *maqāṣid* reasoning highlights justice, dignity, and welfare, yet it becomes weak if detached from textual and legal accountability. A reflexive model is therefore necessary because it allows Qur'anic legal interpretation to remain faithful to the text while critically examining the historical, social, and epistemological conditions through which legal meaning is produced.

The first principle of this model is textual seriousness. Qur'anic legal interpretation must begin with close attention to Arabic language, grammar, semantic range, intertextual relations, and exegetical history. Terms such as *qanwāmūn*, *nushūz*, *shahīd*, *fariḍah*, and *awliya'* cannot be interpreted only through contemporary moral preference or ideological urgency. They require engagement with Qur'anic usage, classical *tafsīr*, and *uṣūl al-fiqh*. At the same time, textual seriousness should not be confused with rigid textualism. Contemporary hermeneutical studies show that Islamic scholarship has long recognized layers of meaning through *tafsīr*, *ta'wīl*, contextual reading, and intersubjective interpretation.⁶⁷ This finding

⁶³ M Pargoo, "Expansion and Contraction of Scripture: The Ritual (Im)Purity of Unbelievers According to Shi'a Jurisprudence," *Islam and Christian-Muslim Relations* 29, no. 2 (2018): 215–39, <https://doi.org/10.1080/09596410.2017.1371439>.

⁶⁴ H Calis, "The Theoretical Foundations of Contextual Interpretation of the Qur'an in Islamic Theological Schools and Philosophical Sufism," *Religions* 13, no. 2 (2022), <https://doi.org/10.3390/rel13020188>.

⁶⁵ S Fazaluddin, "Conciliation Ethics in the Qur'an," *International Journal for the Semiotics of Law* 29, no. 2 (2016): 333–58, <https://doi.org/10.1007/s11196-016-9455-z>.

⁶⁶ A B M Husni et al., "Relationship of Maqasid Ai-Shariah with Qisas and Diyah: Analytical View," *Social Sciences (Pakistan)* 7, no. 5 (2012): 725–30, <https://doi.org/10.3923/sscience.2012.725.730>; S T Halimang, "Justice and Qisās in Islamic Law: The Views of Muslim Scholars and Intellectuals at Makassar City, South Sulawesi," *Samarah* 9, no. 1 (2025): 617–42, <https://doi.org/10.22373/sjhk.v9i1.26164>.

⁶⁷ Calis, "The Theoretical Foundations of Contextual Interpretation of the Qur'an in Islamic Theological Schools and Philosophical Sufism"; M N Ichwan, D Ming, and M Sya'roni, "Bridging Tradition and Modernity: Integrating Classical Interpretation and Modern Hermeneutics through Ijtihad in Qur'an Studies," *Pharos Journal of Theology* 106, no. SpecialIssue-2 (2025), <https://doi.org/10.46222/pharosjot.106.2021>; I Supena, "Epistemology of Tafsīr, Ta'wīl, and Hermeneutics: Towards an Integrative Approach," *Journal of Islamic Thought and Civilization* 14, no. 1 (2024): 121–36, <https://doi.org/10.32350/jitc.141.08>.

refines literalist approaches by showing that fidelity to the Qur'an does not require freezing inherited applications but rather preserving interpretive discipline while allowing deeper ethical inquiry.

The second principle is historical consciousness. Legal verses on *qiwamah*, testimony, inheritance, and authority were historically interpreted within social orders shaped by male financial responsibility, patriarchal family structures, and gendered access to public institutions. Recognizing this historical dimension does not weaken Qur'anic authority; it prevents historically contingent social arrangements from being absolutized as timeless divine hierarchy. This principle supports Saeed's contextualist hermeneutics, which argues that Qur'anic legal meaning must be understood through the relation between text, historical context, ethical value, and contemporary application. It also resonates with recent accounts of reflexive hermeneutics, which emphasize the need to read the Qur'an while critically considering social and epistemological contexts, especially in feminist exegesis that challenges patriarchal interpretation through the language of justice and equality.⁶⁸

The third principle is epistemic inclusivity. Interpretive authority should not be monopolized by inherited male-dominated scholarly structures, but neither should it be detached from knowledge, discipline, and method. Women who possess scholarly competence, moral reasoning, and lived knowledge of gendered harm must be recognized as legitimate participants in Qur'anic legal interpretation. This principle directly addresses the central concern of this article: women's interpretive agency. Studies on women's reasoning in Qur'anic exegesis show that women's contributions often complicate binary classifications of interpretation as either patriarchal or egalitarian, because they introduce concerns for justice, relational ethics, family vulnerability, and social repair.⁶⁹ Feminist reinterpretations of Q.S. al-Nisā' [4]:34 and Q.S. al-Baqarah [2]:282 further demonstrate that women's participation can expose the interpretive assumptions behind legal inequality and recover Qur'anic resources for gender justice.⁷⁰

The fourth principle is *maqāṣid*-based ethical reasoning. Qur'anic legal interpretation should be evaluated considering justice, mercy, dignity, welfare, and prevention of harm. This principle is especially important because legal interpretations affect marriage, divorce, custody, property, testimony, education, and public participation. *Maqāṣid al-sharī'ah* has increasingly been used to promote inclusivity and reform by foregrounding justice, human dignity, and social welfare in contemporary legal reasoning.⁷¹ Female scholars and activists also employ *maqāṣid*-based reasoning to address dowry, divorce, custody, and family-law reform, showing that women's agency operates not only in academic interpretation but also in grassroots legal and social practice.⁷² This finding extends Mir-Hosseini's critique of male authority by moving from the reform of family law toward a broader epistemology of Qur'anic legal interpretation.⁷³

⁶⁸ Afsaruddin, "Women and the Qur'an"; Yasmar et al., "A Rhetorical-Legal Hermeneutic: Representations of Women in the Qur'an through Balaghah and Their Implications for Islamic Law"; Supena, "Epistemology of Tafsir, Ta'wil, and Hermeneutics: Towards an Integrative Approach."

⁶⁹ H Mubarak, "Women's Contemporary Readings of the Qur'an," in *The Routledge Companion to the Qur'an*, 2021, 319–33, <https://doi.org/10.4324/9781315885360-32>.

⁷⁰ Yasmar et al., "A Rhetorical-Legal Hermeneutic: Representations of Women in the Qur'an through Balaghah and Their Implications for Islamic Law"; Greifenhagen, "North American Islamic Feminist Interpretation: The Case of Sūrah 4:34, with a Comparison to Christian Feminist Interpretation."

⁷¹ Channak and Amuda, "Legitimacy And Legitimation: A Comparative Analysis Of Islamic Law And European Standards Through The Lens Of Sdg 16."

⁷² Zainuddin et al., "Negotiating The Authority of Female Ulama in the Reinterpretation of the Qur'an in Islamic Family Law in East Kalimantan"; Z Kassam, "Muslim Liberative Approaches and Legal Dilemmas towards Gender Justice," in *The Bible and Feminism: Remapping the Field*, 2018, 622–33, <https://doi.org/10.1093/oso/9780198722618.003.0035>.

⁷³ Mir-Hosseini, Al-Sharmani, and Rumminger, *Men in Charge? Rethinking Authority in Muslim Legal Tradition*.

The fifth principle is legal-theoretical accountability. Reformist, feminist, contextualist, and institutional interpretations must explain how they use language, context, precedent, *maqāsid*, and ethical reasoning. This requirement prevents women's interpretive agency from being dismissed as mere activism, while also preventing feminist hermeneutics from becoming methodologically arbitrary. It supports Abou El Fadl's critique of authoritarian interpretation by showing that interpretive authority becomes ethically dangerous when human claims are presented as divine certainty and closed to critique.⁷⁴ It also develops Wadud's and Barlas's hermeneutics by grounding women's agency not only in egalitarian moral vision, but also in disciplined legal reasoning.⁷⁵

This reflexive model also has implications for debates on women's leadership. While some interpretations restrict leadership by appealing to Q.S. al-Nisā' [4]:34, other readings highlight Q.S. al-Tawbah [9]:71 to argue for moral and public responsibility based on competence rather than gender.⁷⁶ Historical and Qur'anic examples such as the Queen of Sheba have also been invoked to support women's authority in judicial and political roles.⁷⁷ In this sense, legal authority is increasingly understood not only through divine sovereignty and textual legitimacy, but also through contextual legitimation and ethical accountability.⁷⁸

The theoretical contribution of this model lies in reframing gender justice from the level of legal outcomes to the structure of interpretive authority itself. If women remain objects of law but not agents of interpretation, reform may change rulings while leaving the epistemic hierarchy intact. A reflexive Qur'anic legal hermeneutics therefore argues that women's interpretive agency is not an external addition to Islamic tradition, but an internal correction to a historically gendered field of legal meaning-making.

Conclusion

This study concludes that contemporary debates on gender and Qur'anic legal interpretation cannot be adequately understood merely as disputes over women's legal status. The more fundamental issue is epistemological: how interpretive authority is constructed, who is recognized as a legitimate interpreter of Qur'anic law, and whether women's lived moral reasoning is acknowledged in the production of legal meaning. In relation to the first research objective, the study shows that classical Qur'anic legal authority was formed through textual analysis, juristic reasoning, hadith-based interpretation, and social assumptions about gendered responsibility. Classical interpretations of *qiwāmah*, testimony, and inheritance demonstrate considerable methodological sophistication, yet they were produced within scholarly institutions largely dominated by male authority. Thus, the central problem is not the absence of intellectual rigor in classical *tafsīr*, but the tendency to normalize male experience as the default standpoint of legal reasoning.

The study demonstrates that contemporary gender-sensitive Muslim scholarship reframes women from objects of legal regulation into interpretive agents. The works of Wadud, Barlas, Hidayatullah, Mir-Hosseini, Ali, Saeed, and Abou El Fadl show that gender justice in Qur'anic interpretation requires more than alternative legal conclusions; it

⁷⁴ Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*.

⁷⁵ Wadud, *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective*; Barlas, *Believing Women in Islam*.

⁷⁶ N M Osmani, M O Farooq, and A U F Ahmad, "Women Empowerment and Leadership in Islam between Myth and Reality*," in *Economic Empowerment of Women in the Islamic World: Theory and Practice*, 2020, 39–70, https://doi.org/10.1142/9789811212154_0003; R Damis et al., "Gender, Sufism, and Qur'anic Exegesis: Perceptions of Women's Leadership within Sufi Orders in South Sulawesi," *Samarah* 9, no. 1 (2025): 83–106, <https://doi.org/10.22373/sjhk.v9i1.26145>.

⁷⁷ Osmani, Farooq, and Ahmad, "Women Empowerment and Leadership in Islam between Myth and Reality*."

⁷⁸ Channak and Amuda, "Legitimacy And Legitimation: A Comparative Analysis Of Islamic Law And European Standards Through The Lens Of Sdg 16."

requires a critical examination of the authority through which legal meanings are produced. Women's interpretive agency is significant because it reveals assumptions, harms, and interpretive silences that male-centered traditions often left unexamined. This finding confirms that women's participation in Qur'anic legal hermeneutics is not an external liberal addition to Islamic thought, but an internal epistemological correction to a historically gendered interpretive field.

This article proposes a reflexive model of Qur'anic legal hermeneutics based on five principles: textual seriousness, historical consciousness, epistemic inclusivity, *maqāsid*-based ethical reasoning, and legal-theoretical accountability. This model neither rejects classical *tafsīr* nor permits unrestricted reinterpretation detached from Islamic legal discipline. Rather, it seeks to preserve methodological continuity while opening the interpretive field to women's scholarly competence, moral reasoning, and situated experience. The theoretical contribution of this study lies in shifting the debate from women as legal subjects to women as interpretive agents. This shift refines Islamic feminist hermeneutics, contextualist Qur'anic interpretation, and theories of interpretive authority by showing that gender justice is not only a matter of legal outcomes, but also a matter of epistemic participation.

This study contributes to Qur'anic studies, Islamic legal theory, and gender studies by offering a framework that avoids both uncritical preservation of inherited patriarchal readings and methodologically weak reformism. Its broader implication is that Qur'anic legal interpretation must be evaluated not only by fidelity to text, but also by historical awareness, ethical consequences, and the diversity of interpretive subjects affected by legal meaning. Future research may extend this model through comparative studies of Sunni and *Shi'i tafsīr*, empirical research on female ulama and women judges, or case studies of Muslim family law reform in specific national contexts. Further studies may also examine how women's interpretive agency operates in digital *tafsīr* platforms, *pesantren*, Islamic universities, fatwa institutions, and grassroots legal activism.

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