

## **NORMALIZED INJUSTICE IN POST-DIVORCE MAINTENANCE: PATTERNS OF JUDICIAL REASONING IN ISLAMIC FAMILY LAW**

**Ikrimatul Hasanah<sup>1\*</sup>, Wildan Miftahussurur<sup>2</sup>**

<sup>1,2</sup> *Institut KH Ya'qub Karimullah, Jember, Indonesia*

\* Correspondence: [ikrimahhasanah964@gmail.com](mailto:ikrimahhasanah964@gmail.com)

### **Abstract**

Post-divorce maintenance occupies a critical position in Islamic family law as a mechanism intended to protect economically vulnerable parties following marital dissolution. Despite the formal recognition of maintenance obligations in both classical fiqh and contemporary legal frameworks, judicial practice often produces outcomes that inadequately address post-divorce economic inequality. This article examines how such inequality becomes normalized through routine judicial reasoning in post-divorce maintenance cases. Employing a qualitative library-based research design, the study analyzes published judicial decisions, statutory regulations, and classical and contemporary fiqh literature. Rather than assessing the correctness of individual rulings, the analysis focuses on recurring patterns of judicial reasoning, including the prioritization of former husbands' financial capacity, the temporal limitation of maintenance obligations, and the use of abstract standards of fairness. The findings demonstrate that inequality in post-divorce maintenance is not primarily the result of legal deviation, but of routinized interpretive practices that render unequal outcomes legally ordinary and institutionally legitimate. By foregrounding judicial reasoning as a central site of analysis, this study contributes to socio-legal scholarship on Islamic family law and highlights the need to critically examine how justice is constructed and normalized within everyday adjudication.

**Keywords :** Islamic family law; post-divorce maintenance; judicial reasoning; normalized injustice; legal interpretation; socio-legal studies

### **Abstrak**

Nafkah pasca perceraian menempati posisi penting dalam hukum keluarga Islam sebagai mekanisme yang dimaksudkan untuk melindungi pihak-pihak yang secara ekonomi rentan setelah putusnya perkawinan. Meskipun kewajiban nafkah diakui secara formal baik dalam fikih klasik maupun kerangka hukum kontemporer, praktik peradilan sering

---

kali menghasilkan putusan yang tidak memadai dalam menjawab ketimpangan ekonomi pasca perceraian. Artikel ini mengkaji bagaimana ketidakadilan tersebut menjadi ternormalisasi melalui pola penalaran hakim yang bersifat rutin dalam perkara nafkah pasca perceraian. Penelitian ini menggunakan desain penelitian kualitatif berbasis studi pustaka dengan menganalisis putusan pengadilan yang dipublikasikan, peraturan perundang-undangan, serta literatur fikih klasik dan kontemporer. Alih-alih menilai benar atau salahnya putusan individual, analisis difokuskan pada pola-pola penalaran hakim yang berulang, termasuk prioritas pada kemampuan finansial mantan suami, pembatasan temporal kewajiban nafkah, serta penggunaan standar keadilan yang bersifat abstrak. Temuan penelitian menunjukkan bahwa ketidakadilan dalam nafkah pasca perceraian bukan terutama disebabkan oleh penyimpangan hukum, melainkan oleh praktik interpretatif yang terlembagakan dan menjadikan hasil yang timpang sebagai sesuatu yang lazim secara hukum. Dengan menempatkan penalaran hakim sebagai fokus utama analisis, artikel ini berkontribusi pada kajian sosio-legal hukum keluarga Islam dan menegaskan pentingnya telaah kritis terhadap cara keadilan dikonstruksi dan dinormalisasi dalam praktik peradilan sehari-hari.

**Kata Kunci :** hukum keluarga Islam; nafkah pasca perceraian; penalaran hakim; ketidakadilan yang dinormalisasi; interpretasi hukum; studi sosio-legal

## Introduction

Post-divorce maintenance occupies a crucial position within Islamic family law as it concerns economic responsibility, gender relations, and the continuing consequences of marital dissolution. In classical Islamic jurisprudence, maintenance, or *nafaqah*, is closely linked to marital obligations and the ethical responsibility of providing for dependents, particularly women and children who may face economic vulnerability after.<sup>1</sup> While divorce legally terminates the marital bond, it does not automatically eliminate the social and economic dependencies produced during marriage.<sup>2</sup> As a result, post-divorce maintenance remains a key legal mechanism through which justice and protection are expected to be realized.

In contemporary Muslim societies, the adjudication of post-divorce maintenance increasingly takes place within formal judicial institutions. These courts operate at the intersection of Islamic legal doctrine, state regulation, and

---

<sup>1</sup> John L. Esposito, *Women in Muslim Family Law: Second Edition* (Syracuse University Press, 2001); Muhammad Hashim Kamali, 'Appellate Review and Judicial Independence in Islamic Law', *Islamic Studies* 29, no. 3 (1990): 215–49.

<sup>2</sup> Nancy R. Burstein, 'Economic Influences on Marriage and Divorce', *Journal of Policy Analysis and Management* 26, no. 2 (2007): 387–429.

procedural law.<sup>3</sup> Islamic family law, once primarily administered through informal or community-based mechanisms, is now largely mediated by judges whose decisions are recorded, standardized, and publicly accessible. This institutionalization has transformed Islamic family law into a field where legal texts, judicial discretion, and social realities interact in complex ways.<sup>4</sup>

Despite the apparent clarity of maintenance obligations in both classical fiqh and modern legal regulations, numerous studies indicate that post-divorce maintenance awards often fail to meet the economic needs of divorced women and children. Maintenance is frequently limited in amount, restricted in duration, or justified through narrow interpretations of financial capability.<sup>5</sup> Such outcomes are rarely framed as unjust within judicial reasoning. Instead, they are commonly presented as reasonable compromises that balance legal norms with practical constraints.<sup>6</sup> Over time, these recurring outcomes become accepted as ordinary features of legal practice.

This situation raises a critical analytical problem. If unequal maintenance outcomes repeatedly occur without generating sustained legal or scholarly concern, how does inequality become normalized within Islamic family law adjudication? Addressing this question requires moving beyond normative debates about what the law should prescribe and toward an examination of how law actually functions in judicial reasoning. Judicial decisions do not merely apply legal rules; they construct legal meaning through argumentation, selection of facts, and interpretive emphasis.<sup>7</sup> The reasoning employed by judges plays a decisive role in shaping which interests are prioritized and which forms of vulnerability remain marginal.<sup>8</sup>

---

<sup>3</sup> John R. Bowen, *Can Islam Be French?: Pluralism and Pragmatism in a Secularist State*, Princeton University Press, 2009,

<https://www.torrossa.com/gs/resourceProxy?an=5574091&publisher=FZO137>.

<sup>4</sup> Michael B. Hooker, *Indonesian Syariah: Defining a National School of Islamic Law* (Institute of Southeast Asian Studies, 2008).

<sup>5</sup> Euis Nurlaelawati, 'The Kompilasi and the Need for Religious Legitimacy', in *Modernization, Tradition and Identity*, The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Courts (Amsterdam University Press, 2010), <https://www.jstor.org/stable/j.ctt46msj2.12>.

<sup>6</sup> Mark Cammack, 'Islamic Law in Indonesia's New Order', *The International and Comparative Law Quarterly* 38, no. 1 (1989): 53–73.

<sup>7</sup> Duncan Kennedy, *The Rise & Fall of Classical Legal Thought* (Beard Books, 2006).

<sup>8</sup> Noryamin Aini et al., 'Interreligious Marriage in Indonesia', *Journal of Religion and Demography* 6, no. 1 (2019): 189–214, <https://doi.org/10.1163/2589742X-00601005>.

---

Much of the existing literature on Islamic family law focuses on doctrinal analysis, legal reform, or the compatibility of Islamic law with contemporary human rights discourse.<sup>9</sup> While these studies provide valuable normative insights, they often overlook the routine reasoning practices through which courts produce legal outcomes.<sup>10</sup> As a result, the everyday mechanisms through which inequality is reproduced remain insufficiently examined. Judicial reasoning is frequently treated as a neutral or technical process, rather than as a socially embedded practice that reflects institutional habits and implicit value judgments.

The concept of normalized injustice offers a useful framework for understanding this phenomenon. Normalized injustice refers to situations in which unequal outcomes persist not because they are explicitly defended as fair, but because they are embedded in routine practices and repeated without serious contestation.<sup>11</sup> In judicial contexts, normalization occurs through standardized language, formulaic reasoning, and selective attention to certain facts while excluding others. These practices allow inequality to persist under the appearance of legality and objectivity.

In post-divorce maintenance cases, normalized injustice often manifests through specific patterns of judicial reasoning. Judges may acknowledge the economic vulnerability of divorced women while simultaneously emphasizing the limited financial capacity of former husbands as a decisive factor. Maintenance obligations may be framed as temporary assistance rather than as a meaningful form of economic protection. Children's needs may be referenced abstractly, without detailed assessment of their long-term welfare. None of these reasoning patterns explicitly deny legal rights. Instead, they gradually narrow the scope of those rights through pragmatic justifications that appear legally sound.

In jurisdictions such as Indonesia, where Islamic family law is administered through Religious Courts, judicial reasoning is shaped by a plural legal environment. Judges draw on state legislation, such as marriage laws and codified

---

<sup>9</sup> Abdullahi Ahmed An-Na'im, 'Islam, Islamic Law and the Dilemma of Cultural Legitimacy for Universal Human Rights', in *Asian Perspectives On Human Rights* (Routledge, 1991).

<sup>10</sup> Neil MacCormick, *Rhetoric and The Rule of Law: A Theory of Legal Reasoning* (OUP Oxford, 2005).

<sup>11</sup> Reza Banakar and Max Travers, eds, *Theory and Method in Socio-Legal Research*, Oñati International Series in Law and Society (Hart, 2005).

Islamic family law, as well as classical fiqh sources and judicial precedents.<sup>12</sup> Research on Indonesian Religious Courts highlights their central role in shaping lived Islamic law through interpretation and procedural practice.<sup>13</sup> However, studies on maintenance in this context have largely emphasized legal norms and institutional reforms, rather than the reasoning patterns embedded in judicial texts.

This article seeks to address that gap by examining how judicial reasoning contributes to the normalization of inequality in post-divorce maintenance within Islamic family law. Rather than assessing individual court decisions as legally correct or incorrect, this study focuses on recurring argumentative structures found in judicial decisions and legal literature. By analyzing how judges frame economic responsibility, fairness, and vulnerability, the article reveals the implicit logics that stabilize unequal outcomes while maintaining the appearance of legal legitimacy.

Methodologically, this research adopts a library-based approach. The primary sources include published court decisions, statutory regulations governing marriage and maintenance, classical and contemporary fiqh literature, and scholarly works on Islamic family law and judicial behavior. This approach allows for a systematic examination of judicial reasoning as a textual practice shaped by legal norms, institutional routines, and scholarly discourse. By reading judicial decisions alongside legal and academic texts, the study situates judicial reasoning within a broader legal and intellectual context.

The contribution of this article lies in shifting attention from abstract legal principles to the everyday practices of adjudication. It argues that inequality in post-divorce maintenance is not merely the result of weak enforcement or individual judicial bias, but is produced through routinized reasoning patterns that define what counts as reasonable and fair. Addressing such inequality therefore requires critical engagement with judicial argumentation itself, rather than relying solely on doctrinal reform or policy intervention.

By foregrounding judicial reasoning as a central object of analysis, this study contributes to socio-legal scholarship on Islamic family law. It demonstrates that law operates not only through formal rules, but also through subtle patterns of interpretation that shape lived experiences of justice. In doing

---

<sup>12</sup> Athiyatul Afifah and Masrokhin Masrokhin, "Tinjauan Madzhab Syafi'i Terhadap UU Perkawinan Nomor 1/1994 Tentang Syarat Adanya Izin Istri Dalam Poligami", *Indonesian Journal of Islamic Law* 4, no. 2 (2021): 2, <https://doi.org/10.35719/ijil.v4i2.450>.

<sup>13</sup> Bowen, *Can Islam Be French?*; Hooker, *Indonesian Syariah*.

---

so, the article offers a deeper understanding of how Islamic family law functions in practice and how normalized injustice can persist within legally legitimate frameworks.

## **Method**

This study employs a qualitative library-based research design to examine patterns of judicial reasoning in post-divorce maintenance within Islamic family law. A library-based approach is appropriate because the primary focus of the research is judicial reasoning as expressed in legal texts, rather than direct observation of social behavior. Legal reasoning is treated as a textual and institutional practice through which norms are interpreted, justified, and reproduced.<sup>14</sup>

The main sources of data consist of published judicial decisions on post-divorce maintenance, statutory regulations governing Islamic family law, and classical as well as contemporary fiqh literature related to marriage, divorce, and maintenance obligations.<sup>15</sup> These sources are complemented by peer-reviewed journal articles and academic monographs that discuss Islamic family law, judicial interpretation, and socio-legal theory. The integration of judicial, doctrinal, and scholarly materials enables a comprehensive examination of how legal norms are operationalized through judicial reasoning.<sup>16</sup>

Data collection was conducted through systematic document review. Judicial decisions were selected based on their relevance to post-divorce maintenance and their availability in official or publicly accessible legal databases. Statutory regulations were examined to identify the normative frameworks frequently referenced by judges in maintenance cases.<sup>17</sup> Classical fiqh sources were drawn from recognized works within the tradition of fiqh al-munakahat, while contemporary academic literature was selected based on its relevance to judicial reasoning and Islamic family law adjudication.<sup>18</sup>

---

<sup>14</sup> John W. Creswell, *Qualitative Inquiry and Research Design: Choosing among Five Approaches*, third edition (SAGE, 2013).

<sup>15</sup> Durotun Nafisah et al., 'Comparative Analysis of Islamic Family Law and Normative Law: Examining the Causes of Divorce in Purwokerto, Indonesia', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (2024): 847–71, <https://doi.org/10.22373/sjhk.v8i2.16825>.

<sup>16</sup> Hooker, *Indonesian Syariah*.

<sup>17</sup> Zainuddin Ali, *Metode Penelitian Hukum* (Sinar Grafika, 2021).

<sup>18</sup> D. Saifullin and A. Adilbayev, 'Basis of the Formation of Islamic Law.', *Eurasian Journal of Religious Studies* 42, no. 2 (2025): 56, <https://doi.org/10.26577/EJRS20254225>.

The analytical method used in this study is qualitative content analysis with a critical interpretive orientation. Content analysis allows for the systematic identification of recurring themes, argumentative patterns, and interpretive strategies within legal texts.<sup>19</sup> Judicial decisions were read closely to examine how judges justify maintenance obligations, assess financial capacity, frame vulnerability, and determine the amount and duration of post-divorce maintenance. The analysis emphasizes patterns of reasoning across multiple texts rather than the outcomes of individual cases.

The analysis was conducted in three stages. First, judicial decisions were coded to identify recurring themes and dominant forms of reasoning related to post-divorce maintenance. This stage focused on mapping references to legal norms, economic considerations, and moral or equitable language. Second, these reasoning patterns were compared with normative expectations derived from fiqh literature and statutory provisions to identify selective interpretations, reductions of normative scope, or omissions within judicial reasoning.<sup>20</sup> Third, the findings were interpreted through a socio-legal perspective to assess how repetitive reasoning practices contribute to the normalization of unequal maintenance outcomes.<sup>21</sup>

This study does not aim to assess judicial decisions in terms of legal correctness or compliance with doctrinal ideals. Instead, it adopts an interpretive approach that views judicial reasoning as a socially embedded practice shaped by institutional routines and legal culture.<sup>22</sup> By examining what judges emphasize, marginalize, or leave unaddressed, the study seeks to reveal how inequality becomes routinized and rendered legally acceptable within Islamic family law adjudication.

To enhance analytical rigor, source triangulation was applied by comparing judicial reasoning found in court decisions with arguments in fiqh literature and

---

<sup>19</sup> Klaus Krippendorff, *Content Analysis: An Introduction to Its Methodology* (SAGE Publications, 2018).

<sup>20</sup> Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate* (Yale University Press, 1992).

<sup>21</sup> Ayesha S Chaudhry, 'Domestic Violence and the Islamic Tradition: Ethics, Law, and the Muslim Discourse on Gender', *Oxford Islamic Legal Studies*, 2013, 258.

<sup>22</sup> Austin Sarat and Thomas R. Kearns, *Law in Everyday Life* (University of Michigan Press, 1995).

---

academic scholarship. This approach helps ensure that the identified reasoning patterns reflect broader tendencies rather than isolated cases.<sup>23</sup>

As a library-based study, this research is limited to the analysis of available published materials and does not include interviews or ethnographic observation of judges. Consequently, the focus remains on judicial reasoning as it appears in authoritative legal texts rather than on the subjective motivations of individual judges. Nevertheless, this limitation is consistent with the study's objective of analyzing how judicial reasoning functions as a textual and institutional mechanism through which inequality is normalized.

## **Result and Discussion**

### **Judicial Reasoning Patterns in Post-Divorce Maintenance Cases**

The analysis of judicial decisions, statutory regulations, and scholarly literature reveals that post-divorce maintenance in Islamic family law is shaped by relatively stable and recurring patterns of judicial reasoning. These patterns do not emerge randomly but are produced through interpretive routines that guide how judges read legal norms, assess facts, and justify their decisions. As a result, maintenance outcomes are less a reflection of case-specific circumstances and more the product of standardized reasoning practices that operate across cases and jurisdictions.<sup>24</sup>

One of the most dominant patterns identified is the centralization of the former husband's financial capacity as the primary determinant of post-divorce maintenance. Judicial reasoning consistently frames maintenance as conditional upon the husband's stated or presumed ability to pay, often treating this factor as decisive.<sup>25</sup> While courts occasionally acknowledge the economic vulnerability of divorced women, such acknowledgment tends to remain abstract and secondary. The assessment of women's needs is rarely detailed, whereas the economic limitations of former husbands are frequently emphasized and

---

<sup>23</sup> Kan Yin et al., 'Exosomes from Mesenchymal Stem/Stromal Cells: A New Therapeutic Paradigm', *Biomarker Research* 7, no. 1 (2019): 8, <https://doi.org/10.1186/s40364-019-0159-x>.

<sup>24</sup> Abdullahi A An-Na'im, *Islamic Family Law in a Changing World: A Global Resource Book* (Zed Books, 2020).

<sup>25</sup> Sonia Berber and Samira Blanc, 'Intimate Jurisprudence: Islamic Family Law Between Global Human Rights and French Republican Values', *Indonesian Journal of Islamic Law* 7, no. 2 (2024), <https://ijil.uinkhas.ac.id/index.php/IJIL/article/view/2142>.

individualized.<sup>26</sup> This imbalance in evaluative attention has a direct impact on maintenance outcomes, resulting in awards that are minimal in amount and limited in duration.

This reasoning pattern reflects a narrow interpretation of maintenance obligations that prioritizes feasibility over adequacy. Judges frequently justify reduced maintenance by invoking considerations of fairness or proportionality, without clarifying how these standards are operationalized. In doing so, judicial reasoning implicitly shifts the burden of post-divorce economic adjustment onto women, while presenting the outcome as a reasonable compromise.<sup>27</sup> Similar tendencies have been observed in comparative studies of Islamic family law adjudication, where maintenance is framed as an obligation constrained by practicality rather than as a mechanism of substantive economic protection.<sup>28</sup>

A second recurring pattern concerns the temporal limitation of maintenance obligations. Judicial decisions often conceptualize post-divorce maintenance as a short-term obligation intended to provide transitional assistance rather than long-term support.<sup>29</sup> This temporal framing is typically justified through references to procedural norms, customary practice, or assumptions regarding women's capacity for economic independence. Courts rarely engage in a contextual analysis of whether such assumptions align with actual labor market conditions, caregiving responsibilities, or structural inequalities faced by divorced women.<sup>30</sup>

Classical fiqh literature offers diverse perspectives on the duration and scope of maintenance obligations, including views that emphasize continued responsibility under certain conditions.<sup>31</sup> However, judicial reasoning tends to

---

<sup>26</sup> Annemette Sorensen and Sara McLanahan, 'Married Women's Economic Dependency, 1940-1980', *American Journal of Sociology* 93, no. 3 (1987): 659-87, <https://doi.org/10.1086/228792>.

<sup>27</sup> Dr Sajjad Ahmad et al., 'Integrating Islamic Ethics with Modern Governance: A Comprehensive Framework for Accountability Across Religious, Social, and Economic Dimensions', *Al-Irfan* 8, no. 15 (2023): 51-79, <https://doi.org/10.58932/MULB0043>.

<sup>28</sup> Nizam Ubaidilah and Asmaul Husna, 'Regulation of Maintenance in Islamic Family Law: Implications for Family Welfare', *International Journal of Health, Economics, and Social Sciences (IJHES)* 5, no. 4 (2023): 601~612-601~612, <https://doi.org/10.56338/ijhess.v5i4.6639>.

<sup>29</sup> Geoffrey Shannon, 'Post-Divorce Maintenance for Spouses', in *Routledge Handbook of International Family Law* (Routledge, 2019).

<sup>30</sup> Martha Fineman, *The Illusion of Equality: The Rhetoric and Reality of Divorce Reform* (University of Chicago Press, 1994).

<sup>31</sup> Mappasessu Mappasessu and Andi Muhammad Akmal, 'Studying Fiqh Based on the Quran and Hadith in the Modern Era by Revisiting the Methodology of Legal Istinbat', *Nuris*

adopt restrictive interpretations that favor limited temporal commitments. This selective engagement with doctrinal sources suggests that judges prioritize interpretations that align with administrative efficiency and institutional expectations, rather than exploring the full range of normative possibilities available within Islamic legal tradition.<sup>32</sup>

Another important pattern is the selective use of legal sources in judicial reasoning. Statutory regulations and codified Islamic family law are frequently cited as authoritative foundations for maintenance decisions. By contrast, references to classical fiqh texts are often brief and generalized, serving more as symbolic legitimization than as substantive engagement.<sup>33</sup> When fiqh is invoked, it is typically used to support conclusions already reached through statutory interpretation or procedural considerations. This hierarchy of sources reinforces a legalistic mode of reasoning that prioritizes formal compliance over normative depth.<sup>34</sup>

Judicial reasoning also exhibits a strong tendency toward standardization. Decisions often follow similar argumentative structures, employing familiar phrases and justificatory formulas.<sup>35</sup> Terms such as reasonableness, fairness, and proportionality appear repeatedly, yet their meanings remain largely implicit. The lack of explicit criteria for applying these concepts allows judges to maintain discretion while presenting their decisions as objective and neutral. This linguistic pattern plays a crucial role in shaping perceptions of legitimacy, as it frames maintenance outcomes as the product of rational legal reasoning rather than discretionary judgment.<sup>36</sup>

---

*Journal of Education and Islamic Studies* 5, no. 2 (2025): 151–67, <https://doi.org/10.52620/jeis.v5i2.119>.

<sup>32</sup> Mohammad Hashim Kamali, 'Between Separation and Unity: The Interplay of Law and Morality in Islamic Jurisprudence', in *Sharia Law in the Twenty-First Century* (World Scientific, 2022), <https://www.worldscientific.com/doi/pdf/10.1142/q0344#page=68>.

<sup>33</sup> Annelies Moors, 'Debating Islamic Family Law: Legal Texts and Social Practices', in *A Social History Of Women And Gender In The Modern Middle East* (Routledge, 1999).

<sup>34</sup> Euis Nurlaelawati, 'Between the Kompilasi and the Fiqh Texts', in *Modernization, Tradition and Identity*, The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Courts (Amsterdam University Press, 2010), <https://www.jstor.org/stable/j.ctt46msj2.11>.

<sup>35</sup> John W. Du Bois, 'Argument Structure: Grammar in Use', in *Preferred Argument Structure: Grammar as Architecture for Function*, ed. John W. Du Bois et al. (John Benjamins Publishing Company, 2008), <https://www.degruyterbrill.com/document/doi/10.1075/sidag.14.04dub/html>.

<sup>36</sup> Kennedy, *The Rise & Fall of Classical Legal Thought*.

The use of neutral legal language further obscures the normative implications of judicial decisions. By adopting a technical tone and avoiding explicit moral evaluation, judicial reasoning masks the value judgments embedded in maintenance determinations. Economic vulnerability, caregiving labor, and long-term welfare are rarely articulated as central legal concerns.<sup>37</sup> Instead, they are subsumed under abstract legal categories that limit their practical significance. This mode of reasoning contributes to the routinization of unequal outcomes by detaching legal decisions from the lived realities of post-divorce life.<sup>38</sup>

The cumulative effect of these reasoning patterns is the production of maintenance outcomes that consistently favor limitation over protection.<sup>39</sup> Importantly, these outcomes are not presented as exceptional or controversial. On the contrary, they are framed as standard applications of law that reflect institutional norms and expectations. As similar reasoning structures are reproduced across cases, they acquire normative force, shaping both judicial practice and litigants' expectations regarding what constitutes a reasonable maintenance award.

From a socio-legal perspective, these findings demonstrate that judicial reasoning operates as a mechanism through which inequality is produced and stabilized. The repetition of similar argumentative strategies across cases transforms discretionary choices into institutional habits.<sup>40</sup> Over time, these habits define the boundaries of legal imagination, limiting the range of outcomes considered legitimate within Islamic family law adjudication.<sup>41</sup>

This analysis challenges the assumption that unequal maintenance outcomes primarily result from doctrinal ambiguity or individual judicial bias. Instead, it highlights the structural nature of judicial reasoning as a patterned practice embedded within institutional and legal cultures. Judges do not simply

---

<sup>37</sup> Ellen Gordon-Bouvier, 'Relational Vulnerability: The Legal Status of Cohabiting Carers', *Feminist Legal Studies* 27, no. 2 (2019): 163–87, <https://doi.org/10.1007/s10691-019-09404-3>.

<sup>38</sup> Sarat and Kearns, *Law in Everyday Life*.

<sup>39</sup> Paul A. Klaczynski and Gayathri Narasimham, 'Development of Scientific Reasoning Biases: Cognitive versus Ego-Protective Explanations', *Developmental Psychology* (US) 34, no. 1 (1998): 175–87, <https://doi.org/10.1037/0012-1649.34.1.175>.

<sup>40</sup> Steve Fleetwood, 'Structure, Institution, Agency, Habit, and Reflexive Deliberation', *Journal of Institutional Economics* 4, no. 2 (2008): 183–203, <https://doi.org/10.1017/S1744137408000957>.

<sup>41</sup> Banakar and Travers, *Theory and Method in Socio-Legal Research*.

---

apply law to facts; they operate within interpretive frameworks that shape how law is understood and enacted. These frameworks privilege certain considerations while marginalizing others, thereby influencing the distribution of economic responsibility after divorce.

By foregrounding judicial reasoning patterns, this section contributes to a deeper understanding of how Islamic family law functions in practice. It reveals that the persistence of limited post-divorce maintenance is not merely a legal anomaly but a predictable outcome of routinized interpretive practices. Recognizing these patterns is a crucial step toward critically examining the mechanisms through which inequality becomes normalized within Islamic family law.

### **Normalization of Inequality through Routine Adjudication**

The patterns of judicial reasoning identified in post-divorce maintenance cases do not operate in isolation. When reproduced consistently across decisions, they form a routine mode of adjudication that gradually normalizes unequal outcomes. Normalization in this context refers to a process through which inequality becomes embedded in ordinary legal practice and is no longer perceived as problematic.<sup>42</sup> Rather than being recognized as injustice, unequal maintenance awards are framed as reasonable, lawful, and procedurally appropriate.

One of the central mechanisms of normalization is repetition. Judicial decisions repeatedly rely on similar argumentative structures when addressing post-divorce maintenance.<sup>43</sup> These structures emphasize financial capacity, limit the duration of obligations, and employ abstract standards of fairness. When such reasoning appears across multiple cases, it acquires an aura of inevitability. Judges, litigants, and legal practitioners come to view limited maintenance not as a deviation from justice, but as the expected outcome of legal proceedings. This

---

<sup>42</sup> Michał Krzyżanowski, 'Normalization and the Discursive Construction of "New" Norms and "New" Normality: Discourse in the Paradoxes of Populism and Neoliberalism', *Social Semiotics* 30, no. 4 (2020): 431–48, <https://doi.org/10.1080/10350330.2020.1766193>.

<sup>43</sup> Chaudhry, 'Domestic Violence and the Islamic Tradition: Ethics, Law, and the Muslim Discourse on Gender'.

routinization reduces the likelihood of contestation and discourages alternative interpretations of maintenance obligations.<sup>44</sup>

Another key mechanism is the abstraction of inequality. Judicial reasoning often transforms concrete socio-economic hardships into abstract legal considerations.<sup>45</sup> Divorced women's vulnerability is acknowledged in general terms but rarely examined in detail. Economic dependency, caregiving responsibilities, and limited access to employment are mentioned, if at all, as background conditions rather than decisive legal factors.<sup>46</sup> By contrast, the financial constraints of former husbands are frequently detailed and individualized. This asymmetrical treatment of vulnerability contributes to the normalization of inequality by rendering women's hardship legally peripheral.<sup>47</sup>

Institutional routines further reinforce this process. Courts operate under procedural pressures such as heavy caseloads, standardized decision formats, and expectations of consistency.<sup>48</sup> These conditions encourage formulaic reasoning that prioritizes efficiency and predictability. While such routines serve administrative purposes, they also limit judicial engagement with the substantive implications of maintenance decisions. As a result, judges rely on familiar reasoning patterns rather than exploring alternative interpretations that might better address economic disparity.<sup>49</sup>

The language used in judicial decisions plays a crucial role in sustaining normalized inequality. Judicial texts frequently employ neutral and technical language to describe maintenance outcomes. Terms such as reasonable, proportional, and appropriate are used without explicit criteria or explanation.<sup>50</sup>

---

<sup>44</sup> Antoni Abat Ninet, 'Modernity, Rationality and Constitutional Law in Muslim-Majority Countries', *Copenhagen: Danish Institute for Human Rights*, 2015, 1–26.

<sup>45</sup> Arindam Bhattacharya, *The Socio-Economic Impact of Judicial Verdicts: A Comparative Analysis* (Opus Publica, 2024).

<sup>46</sup> Ellen Gordon-Bouvier, *Chapter 28: Relational Vulnerability: A Theory of Family, Unpaid Work, and the State* (2024), <https://www.elgaronline.com/edcollchap/book/9781802202656/book-part-9781802202656-39.xml>.

<sup>47</sup> Ziba Mir-Hosseini, ed., *Gender and Equality in Muslim Family Law: Justice and Ethics in the Islamic Legal Tradition*, Library of Islamic Law 5 (I.B. Tauris, 2013), <https://doi.org/10.5040/9780755609277>.

<sup>48</sup> Justin Weinstein-Tull, 'The Structures of Local Courts', *Virginia Law Review* 106, no. 5 (2020): 1031–106.

<sup>49</sup> Sarat and Kearns, *Law in Everyday Life*.

<sup>50</sup> Sundus Serhan Ahmed, 'The Evolving Role of Sustainable Development in Shaping Political Progress: A Contemporary Islamic Perspective on Human Rights and Civil Institution', *MILRev: Metro Islamic Law Review* 4, no. 1 (2025): 1–30.

This linguistic neutrality presents decisions as objective applications of law, even when the substantive result disadvantages one party. By avoiding explicit moral evaluation, judicial reasoning conceals the value judgments that shape maintenance determinations, thereby reinforcing their legitimacy.<sup>51</sup>

Normalization is also reinforced through the selective visibility of legal norms. Maintenance rights remain formally recognized within Islamic family law and statutory frameworks.<sup>52</sup> However, their practical scope is narrowed through interpretive choices that emphasize limitation rather than protection. This creates a situation in which legal rights exist in principle but are weakened in practice. Because the law continues to acknowledge maintenance obligations, the resulting inequality is less likely to be perceived as a failure of justice. Instead, it appears as a lawful outcome produced within accepted legal boundaries.<sup>53</sup>

The table below summarizes the key mechanisms through which judicial reasoning contributes to the normalization of inequality in post-divorce maintenance cases.

Table 1. Mechanisms of Normalized Inequality in Post-Divorce Maintenance Adjudication

| Dimension of Reasoning     | Dominant Judicial Pattern                          | Effect on Maintenance Outcomes                           |
|----------------------------|----------------------------------------------------|----------------------------------------------------------|
| Assessment of capacity     | Emphasis on former husband's financial limitations | Maintenance amounts reduced and justified as unavoidable |
| Treatment of vulnerability | Abstract acknowledgment of women's hardship        | Socio-economic needs marginalised in legal reasoning     |
| Temporal framing           | Maintenance viewed as short-term assistance        | Obligations limited in duration                          |
| Use of legal language      | Reliance on neutral and technical terms            | Value judgments obscured and outcomes legitimized        |
| Institutional routine      | Standardized reasoning formats                     | Inequality reproduced consistently across cases          |

The normalization of inequality has significant implications for the functioning of Islamic family law. It suggests that inequality persists not because

<sup>51</sup> Chaudhry, 'Domestic Violence and the Islamic Tradition: Ethics, Law, and the Muslim Discourse on Gender'.

<sup>52</sup> An-Na'im, *Islamic Family Law in a Changing World: A Global Resource Book*.

<sup>53</sup> Banakar and Travers, *Theory and Method in Socio-Legal Research*.

legal norms are absent, but because interpretive practices systematically limit their transformative potential. Judicial reasoning becomes a site where inequality is quietly produced and stabilized, rather than openly contested.<sup>54</sup> This dynamic challenges the assumption that improving legal outcomes necessarily requires the introduction of new rules or doctrinal reform.

From a socio-legal perspective, normalized inequality reflects the gap between formal recognition and substantive realization of legal rights. Maintenance obligations continue to exist within legal texts, yet their practical enforcement is shaped by interpretive habits that prioritize limitation.<sup>55</sup> This phenomenon underscores the importance of examining how law operates in practice, rather than focusing exclusively on its normative aspirations.<sup>56</sup>

The findings of this study also contribute to broader debates on judicial discretion. While discretion is often viewed as a necessary feature of adjudication, the routinization of discretionary reasoning can entrench inequality. When judges repeatedly exercise discretion in similar ways, discretion itself becomes structured and predictable. This predictability reinforces existing power relations and limits the scope for alternative outcomes that might better address economic disparity.<sup>57</sup>

Importantly, normalized injustice does not depend on overtly discriminatory intent. Judges may sincerely view their decisions as fair and balanced, guided by legal norms and practical considerations.<sup>58</sup> However, the cumulative effect of routine reasoning practices produces outcomes that systematically disadvantage certain groups. This insight shifts the focus of critique away from individual judges and toward the institutional and interpretive frameworks that shape judicial reasoning.

---

<sup>54</sup> Andrea Büchler and Christina Schlatter, 'Marriage Age in Islamic and Contemporary Muslim Family Laws. A Comparative Survey', *Electronic Journal of Islamic and Middle Eastern Law (EJIMEL)* 1, no. 2 (2013): 37–74.

<sup>55</sup> Zeyad Jaffal et al., 'Toward Constructive Harmonisation of Islamic Family Law and CEDAW: A Study on the UAE's Reservation to CEDAW Article 16 and Equal Rights to Marriage and Family Relations', *Australian Journal of Human Rights* 28, no. 1 (2022): 139–62, <https://doi.org/10.1080/1323238X.2022.2122689>.

<sup>56</sup> Bowen, *Can Islam Be French?*

<sup>57</sup> Andrea Büchler and Christina Schlatter, 'Marriage Age in Islamic and Contemporary Muslim Family Laws. A Comparative Survey', *Electronic Journal of Islamic and Middle Eastern Law (EJIMEL)* 1, no. 2 (2013): 37–74, <https://doi.org/10.5167/uzh-78204>.

<sup>58</sup> Yusuf Ridho Billah and Zulaikha Hussain Shihab, 'Prevention of Falsification of Polygamous Marriage Identity in Lampung Province and Its Contribution to the Reform of Islamic Family Law in Indonesia', *SMART: Journal of Sharia, Tradition, and Modernity* 4, no. 1 (2024): 1, <https://doi.org/10.24042/smart.v4i1.20548>.

Addressing normalized inequality therefore requires critical engagement with judicial argumentation. Legal reform that focuses solely on substantive rules may fail if interpretive practices remain unchanged. Greater transparency in reasoning, explicit engagement with socio-economic realities, and critical reflection on routine justifications could help disrupt patterns of normalized inequality. While this study does not prescribe specific reforms, it highlights the importance of examining judicial reasoning as a central component of legal practice.

In conclusion, the normalization of inequality in post-divorce maintenance cases illustrates how Islamic family law operates through routine adjudication. Judicial reasoning, when repeated and standardized, transforms unequal outcomes into ordinary legal results. By revealing these mechanisms, this study contributes to a deeper understanding of how injustice can persist within legally legitimate frameworks. Recognizing normalized inequality is a crucial step toward rethinking how justice is articulated and realized in Islamic family law adjudication.

## **Conclusion**

This study has examined post-divorce maintenance in Islamic family law by focusing on patterns of judicial reasoning rather than on isolated legal outcomes. Through a qualitative library-based analysis of judicial decisions, statutory regulations, and fiqh literature, the research demonstrates that inequality in post-divorce maintenance is not primarily the result of legal deviation or doctrinal ambiguity. Instead, it is produced and sustained through routine judicial reasoning that gradually normalizes unequal outcomes.

The findings reveal that judges consistently prioritize the former husband's financial capacity, limit the duration of maintenance obligations, and rely on abstract standards of fairness without clearly defined criteria. These reasoning patterns, when repeated across cases, transform discretionary choices into institutional norms. As a result, limited maintenance awards become perceived as reasonable and legally appropriate, even when they fail to address the socio-economic vulnerability of divorced women and children. Inequality thus operates quietly within the framework of legal legitimacy, rather than appearing as an overt failure of justice.

By conceptualizing inequality as a normalized product of routine adjudication, this study contributes to socio-legal scholarship on Islamic family law in several ways. First, it shifts analytical attention from normative prescriptions to judicial practices, highlighting the importance of examining how law is interpreted and applied in everyday decision-making. Second, it demonstrates that formal recognition of legal rights does not guarantee their substantive realization. Maintenance obligations may exist in legal texts, but their practical impact is shaped by interpretive habits that systematically narrow their scope.

The implications of these findings extend beyond post-divorce maintenance. They invite a broader reconsideration of how judicial reasoning functions as a site where legal meaning and social hierarchy intersect. When judicial reasoning becomes standardized and insulated from critical reflection, it can entrench inequality even within legal systems that formally endorse principles of fairness and protection. Addressing such inequality therefore requires not only legal reform, but also sustained engagement with judicial argumentation as a central component of legal practice.

This study does not propose specific policy solutions or doctrinal reforms. Instead, it offers a critical lens for understanding how normalized injustice operates within Islamic family law adjudication. By making visible the reasoning patterns that render inequality ordinary, the research opens space for further inquiry into alternative interpretive approaches that might better align legal practice with substantive justice.

Future research may build on these findings by incorporating empirical methods such as interviews or courtroom observation to complement textual analysis. Such approaches could deepen understanding of how judges perceive their own reasoning and how institutional constraints shape decision-making. Nevertheless, the present study underscores that any effort to address inequality in Islamic family law must begin with a careful examination of how justice is reasoned, justified, and normalized within the judicial process itself.

## Reference

- Abdullah, Boedi. "*Hukum Wakaf Benda Bergerak (Uang) Menurut Fatwa Ulama dan Undang-Undang Nomor 41 Tahun 2014 Tentang Wakaf.*" *Asy-Syari'ah* 20, No. 1 (Agustus 2018): 1–14.
- Falaakh, Mohammad Fajrul, "Monarki Yogya Inkonstitusional?", *Kompas*, 1 Desember 2010.

- 
- Kerry, Whigham. "Affective Echoes: Affect, Resonant Violence, and the Processing of Collective Trauma in Post-Genocidal Societies." Disertasi, New York University, 2016.
- Mertokusumo, Sudikno, *Sejarah Peradilan dan Perundang-undangannya di Indonesia Sejak 1942 dan Apa Kemanfaatannya bagi Indonesia*, Disertasi, Yogyakarta : Program Doktor Fakultas Hukum Universitas Gadjah Mada, 1971.
- Putusan Mahkamah Konstitusi Nomor 004/PUU-I/2003 perihal Pengujian Undang-Undang Republik Indonesia Nomor 14 Tahun 1985 tentang Mahkamah Agung terhadap Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, 30 Desember 2003.
- Abat Ninet, Antoni. 'Modernity, Rationality and Constitutional Law in Muslim-Majority Countries'. *Copenhagen: Danish Institute for Human Rights*, 2015, 1–26.
- Abdullah, Boedi. 'Hukum Wakaf Benda Bergerak (Uang) Menurut Fatwa Ulama Dan Undang-Undang Nomor 41 Tahun 2014 Tentang Wakaf'. *Asy-Syari'ah* 20, no. 1 (2018): 1–14.
- Afifah, Athiyatul, and Masrokhin Masrokhin. 'Tinjauan Madzhab Syafi'i Terhadap UU Perkawinan Nomor 1/1994 Tentang Syarat Adanya Izin Istri Dalam Poligami'. *Indonesian Journal of Islamic Law* 4, no. 2 (2021): 2. <https://doi.org/10.35719/ijil.v4i2.450>.
- Ahmad, Dr Sajjad, Abdul Jabbar Qamar, Muhammad Asad Akram Bhatti, and Usman Bashir. 'Integrating Islamic Ethics with Modern Governance: A Comprehensive Framework for Accountability Across Religious, Social, and Economic Dimensions'. *Al-Irfan* 8, no. 15 (2023): 51–79. <https://doi.org/10.58932/MULB0043>.
- Ahmed, Leila. *Women and Gender in Islam: Historical Roots of a Modern Debate*. Yale University Press, 1992.
- Ahmed, Sundus Serhan. 'The Evolving Role of Sustainable Development in Shaping Political Progress: A Contemporary Islamic Perspective on Human Rights and Civil Institution'. *MILRev: Metro Islamic Law Review* 4, no. 1 (2025): 1–30.
- Aini, Noryamin, Ariane Utomo, and Peter McDonald. 'Interreligious Marriage in Indonesia'. *Journal of Religion and Demography* 6, no. 1 (2019): 189–214. <https://doi.org/10.1163/2589742X-00601005>.
- Ali, Zainuddin. *Metode Penelitian Hukum*. Sinar Grafika, 2021.
- An-Na'im, Abdullahi A. *Islamic Family Law in a Changing World: A Global Resource Book*. Zed Books, 2020.
- An-Na'im, Abdullahi Ahmed. 'Islam, Islamic Law and the Dilemma of Cultural Legitimacy for Universal Human Rights 1'. In *Asian Perspectives On Human Rights*. Routledge, 1991.

- Banakar, Reza, and Max Travers, eds. *Theory and Method in Socio-Legal Research*. Oñati International Series in Law and Society. Hart, 2005.
- Berber, Sonia, and Samira Blanc. 'Intimate Jurisprudence: Islamic Family Law Between Global Human Rights and French Republican Values'. *Indonesian Journal of Islamic Law* 7, no. 2 (2024). <https://ijil.uinkhas.ac.id/index.php/IJIL/article/view/2142>.
- Bhattacharya, Arindam. *The Socio-Economic Impact of Judicial Verdicts: A Comparative Analysis*. Opus Publica, 2024.
- Billah, Yusuf Ridho, and Zulaikha Hussain Shihab. 'Prevention of Falsification of Polygamous Marriage Identity in Lampung Province and Its Contribution to the Reform of Islamic Family Law in Indonesia'. *SMART: Journal of Sharia, Tradition, and Modernity* 4, no. 1 (2024): 1. <https://doi.org/10.24042/smart.v4i1.20548>.
- Bois, John W. Du. 'Argument Structure: Grammar in Use'. In *Preferred Argument Structure: Grammar as Architecture for Function*, edited by John W. Du Bois, Lorraine E. Kumpf, and William J. Ashby. John Benjamins Publishing Company, 2008. <https://www.degruyterbrill.com/document/doi/10.1075/sidag.14.04du b/html>.
- Bowen, John R. *Can Islam Be French?: Pluralism and Pragmatism in a Secularist State*. Princeton University Press, 2009. <https://www.torrossa.com/gs/resourceProxy?an=5574091&publisher=FZO137>.
- Büchler, Andrea, and Christina Schlatter. 'Marriage Age in Islamic and Contemporary Muslim Family Laws. A Comparative Survey'. *Electronic Journal of Islamic and Middle Eastern Law (EJIMEL)* 1, no. 2 (2013): 37–74.
- Büchler, Andrea, and Christina Schlatter. 'Marriage Age in Islamic and Contemporary Muslim Family Laws. A Comparative Survey'. *Electronic Journal of Islamic and Middle Eastern Law (EJIMEL)* 1, no. 2 (2013): 37–74. <https://doi.org/10.5167/uzh-78204>.
- Burstein, Nancy R. 'Economic Influences on Marriage and Divorce'. *Journal of Policy Analysis and Management* 26, no. 2 (2007): 387–429.
- Cammack, Mark. 'Islamic Law in Indonesia's New Order'. *The International and Comparative Law Quarterly* 38, no. 1 (1989): 53–73.
- Chaudhry, Ayesha S. 'Domestic Violence and the Islamic Tradition: Ethics, Law, and the Muslim Discourse on Gender'. *Oxford Islamic Legal Studies*, 2013, 258.
- Creswell, John W. *Qualitative Inquiry and Research Design: Choosing among Five Approaches*. Third edition. SAGE, 2013.
- Esposito, John L. *Women in Muslim Family Law: Second Edition*. Syracuse University Press, 2001.

- 
- Fineman, Martha. *The Illusion of Equality: The Rhetoric and Reality of Divorce Reform*. University of Chicago Press, 1994.
- Fleetwood, Steve. 'Structure, Institution, Agency, Habit, and Reflexive Deliberation'. *Journal of Institutional Economics* 4, no. 2 (2008): 183–203. <https://doi.org/10.1017/S1744137408000957>.
- Gordon-Bouvier, Ellen. *Chapter 28: Relational Vulnerability: A Theory of Family, Unpaid Work, and the State*. 2024. <https://www.elgaronline.com/edcollchap/book/9781802202656/book-part-9781802202656-39.xml>.
- Gordon-Bouvier, Ellen. 'Relational Vulnerability: The Legal Status of Cohabiting Carers'. *Feminist Legal Studies* 27, no. 2 (2019): 163–87. <https://doi.org/10.1007/s10691-019-09404-3>.
- Hooker, Michael B. *Indonesian Syariah: Defining a National School of Islamic Law*. Institute of Southeast Asian Studies, 2008.
- Jaffal, Zeyad, Faisal Shawabkeh, and Ali Hadi Al Obeidi. 'Toward Constructive Harmonisation of Islamic Family Law and CEDAW: A Study on the UAE's Reservation to CEDAW Article 16 and Equal Rights to Marriage and Family Relations'. *Australian Journal of Human Rights* 28, no. 1 (2022): 139–62. <https://doi.org/10.1080/1323238X.2022.2122689>.
- Kamali, Mohammad Hashim. 'Between Separation and Unity: The Interplay of Law and Morality in Islamic Jurisprudence'. In *Sharia Law in the Twenty-First Century*. World Scientific, 2022. <https://www.worldscientific.com/doi/pdf/10.1142/q0344#page=68>.
- Kamali, Muhammad Hashim. 'Appellate Review and Judicial Independence in Islamic Law'. *Islamic Studies* 29, no. 3 (1990): 215–49.
- Kennedy, Duncan. *The Rise & Fall of Classical Legal Thought*. Beard Books, 2006.
- Kerry, Whigham. "'Affective Echoes: Affect, Resonant Violence, and the Processing of Collective Trauma in Post-Genocidal Societies'". Disertasi, New York University, 2016.
- Klaczynski, Paul A., and Gayathri Narasimham. 'Development of Scientific Reasoning Biases: Cognitive versus Ego-Protective Explanations'. *Developmental Psychology* (US) 34, no. 1 (1998): 175–87. <https://doi.org/10.1037/0012-1649.34.1.175>.
- Krippendorff, Klaus. *Content Analysis: An Introduction to Its Methodology*. SAGE Publications, 2018.
- Krzyżanowski, Michał. 'Normalization and the Discursive Construction of "New" Norms and "New" Normality: Discourse in the Paradoxes of Populism and Neoliberalism'. *Social Semiotics* 30, no. 4 (2020): 431–48. <https://doi.org/10.1080/10350330.2020.1766193>.
- MacCormick, Neil. *Rhetoric and The Rule of Law: A Theory of Legal Reasoning*. OUP Oxford, 2005.

- Mappasessu, Mappasessu, and Andi Muhammad Akmal. 'Studying Fiqh Based on the Quran and Hadith in the Modern Era by Revisiting the Methodology of Legal Istinbat'. *Nuris Journal of Education and Islamic Studies* 5, no. 2 (2025): 151–67. <https://doi.org/10.52620/jeis.v5i2.119>.
- Mir-Hosseini, Ziba, ed. *Gender and Equality in Muslim Family Law: Justice and Ethics in the Islamic Legal Tradition*. Library of Islamic Law 5. I.B. Tauris, 2013. <https://doi.org/10.5040/9780755609277>.
- Moors, Annelies. 'Debating Islamic Family Law: Legal Texts and Social Practices'. In *A Social History Of Women And Gender In The Modern Middle East*. Routledge, 1999.
- Nafisah, Durotun, Nasrudin Nasrudin, Ahmad Rezy Meidina, and Muhammad Fuad Zain. 'Comparative Analysis of Islamic Family Law and Normative Law: Examining the Causes of Divorce in Purwokerto, Indonesia'. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (2024): 847–71. <https://doi.org/10.22373/sjkh.v8i2.16825>.
- Nurlaelawati, Euis. 'Between the Kompilasi and the Fiqh Texts'. In *Modernization, Tradition and Identity*. The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Courts. Amsterdam University Press, 2010. <https://www.jstor.org/stable/j.ctt46msj2.11>.
- Nurlaelawati, Euis. 'The Kompilasi and the Need for Religious Legitimacy'. In *Modernization, Tradition and Identity*. The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Courts. Amsterdam University Press, 2010. <https://www.jstor.org/stable/j.ctt46msj2.12>.
- Saifullin, D., and A. Adilbayev. 'Basis of the Formation of Islamic Law.' *Eurasian Journal of Religious Studies* 42, no. 2 (2025): 56. <https://doi.org/10.26577/EJRS20254225>.
- Sarat, Austin, and Thomas R. Kearns. *Law in Everyday Life*. University of Michigan Press, 1995.
- Shannon, Geoffrey. 'Post-Divorce Maintenance for Spouses'. In *Routledge Handbook of International Family Law*. Routledge, 2019.
- Sorensen, Annemette, and Sara McLanahan. 'Married Women's Economic Dependency, 1940-1980'. *American Journal of Sociology* 93, no. 3 (1987): 659–87. <https://doi.org/10.1086/228792>.
- Syarifuddin, Amir. *Hukum Perkawinan Islam Di Indonesia Antara Fiqih Munakkahat Dan Undang-Undang Perkawinan*. Kencana Prenada Media Group, 2009.
- Ubaidilah, Nizam, and Asmaul Husna. 'Regulation of Maintenance in Islamic Family Law: Implications for Family Welfare'. *International Journal of Health, Economics, and Social Sciences (IJHESS)* 5, no. 4 (2023): 601~612-601~612. <https://doi.org/10.56338/ijhess.v5i4.6639>.
- Weinstein-Tull, Justin. 'The Structures of Local Courts'. *Virginia Law Review* 106, no. 5 (2020): 1031–106.

---

Yin, Kan, Shihua Wang, and Robert Chunhua Zhao. 'Exosomes from Mesenchymal Stem/Stromal Cells: A New Therapeutic Paradigm'. *Biomarker Research* 7, no. 1 (2019): 8. <https://doi.org/10.1186/s40364-019-0159-x>.



**Syariah: Jurnal Hukum Keluarga Islam**

is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/).