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## Protection of Women's Rights in Marriage According to the Compilation of Islamic Law and Its Implementation in Indonesia

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**Abstract:** The issue of protecting women's rights in marriage still leaves various problems, especially regarding women's rights and their protection, especially in Islamic legal norms. Cases of domestic violence always place women as victims, the alignment between formal law and Islamic law is clear. However, the approach to resolving domestic violence against women always prioritizes a family approach and informal resolution, so that similar cases have the potential to recur. This study examines the protection of women's rights in marriage according to a compilation of Islamic law in Indonesia using a formal juridical approach and library research methods. This study found that the protection of women's rights has been comprehensively regulated in formal state law and Islamic law, but its implementation is still not optimal because in practice the protection of women's rights is still dominated by non-formal interests such as customary/cultural law, patriarchal cultural practices so that women's rights are marginalized.

**Keywords:** Women's Rights, Women's Protection, Islamic Law.

### INTRODUCTION

Protection of women's rights in marriage is an important issue in Islamic family law (Widjaja, 2023). In Indonesia, the Compilation of Islamic Law is the main reference in resolving family law for Muslims. The Compilation of Islamic Law seeks to balance Islamic norms and the principles of gender justice in marital life (Mutaqin, 2018). This study discusses the protection of women's rights in marriage according to the Compilation of Islamic Law and its implementation in Indonesia. Protection women's rights in marriage is a very relevant theme in legal and social dynamics in Indonesia, especially in the context of implementation Compilation of Islamic Law. This protection does not only include legal regulations, but also requires a deep understanding of women's roles as individuals and part of the family institution. As a country with a majority Muslim population, Indonesia has a big responsibility to integrate sharia principles with the contextual needs of society (Silfiah & Humiati, 2023).

Women's rights in marriage involve the concepts of justice, balance and respect for women's roles as individuals and partners in the household. In this context, women's rights include recognition of economic, social and emotional rights that guarantee the welfare and protection of women (Nasir, 2016). This concept aims to ensure that women can carry out their role in family harmony. In Islam, women's rights in marriage include sharia principles which emphasize fair treatment of women, including the right to protection, maintenance and recognition of their contributions. This right was formulated to fulfill women's basic rights and ensure that they do not experience injustice or exploitation in the sacred marriage relationship.

The Compilation of Islamic Law in Indonesia integrates the concepts of women's rights in marriage with a clear legal basis. Women's rights are formulated based on Islamic law, with the aim of creating justice and balance in marital relationships. This right includes legal protection for women and the integration of Islamic values that support equality and women's right to participate in family decisions. Debate and implementation protection of women's rights often intersecting with cultural, social, and economic challenges. Therefore, various aspects such as the definition of women's rights, the basis of Islamic law, and implementation steps require serious attention from policy makers, legal officials and the wider community. Thus, this article will explore these various dimensions through an in-depth study based on the Compilation of Islamic Law and its relevance in Indonesia.

## **METHOD**

This research is qualitative with elaboration of literature methods. Literature analysis is the main part of writing this manuscript, compilation of Islamic law and Formal Law as the main basis of discussion strengthens the formal legal approach in this manuscript. The data in this study were obtained through literature studies, no interviews were conducted with respondents and the analysis was carried out using the legal interpretation method.

## **RESULT AND DISCUSSION**

Women's rights in marriage according to the Compilation of Islamic Law cover various fundamental aspects aimed at ensuring justice and women's welfare. One of them is the right to receive fair treatment from her husband, including in terms of maintenance, respect and recognition of women's role in the family. This compilation formulates these rights within an adequate legal framework so that they can be implemented effectively. Apart from that, women's rights also include space for active participation in family life, such as joint decision making. The principles set out in the Compilation of Islamic Law ensure that women are not only seen as complements in the household but also as equal partners. This is important so that women can carry out their roles with the respect and protection they deserve. The rights of women regulated in the Compilation of Islamic Law also emphasize the protection of women's honor and basic rights, for example in situations of conflict or divorce. Women are given the right to file for divorce when there are *syar'i* reasons and to ensure their right to child custody after divorce. Thus, Islamic law offers humane and fair protection to women.

### **Right to Livelihood and Fulfillment of Basic Needs**

The right to a living and fulfilling basic needs is an important aspect in protecting women's rights in marriage according to the Compilation of Islamic Law. Islam requires husbands to provide support for their wives, in the form of daily living needs, shelter and clothing appropriate to the husband's capacity and abilities. This aims to maintain the welfare and dignity of women in domestic life. Providing a living does not only involve material aspects, but also fulfilling emotional and attention needs. The Compilation of Islamic Law emphasizes that fulfilling the wife's basic needs is the husband's responsibility as the leader of the family. Inability or negligence to fulfill these obligations can affect the stability of marital

relationships, so legal regulations are needed to ensure that women's rights in this context are protected.

In practice, fulfilling maintenance rights often faces challenges rooted in economic factors or imbalances in the husband and wife relationship. Therefore, the Compilation of Islamic Law in Indonesia provides space for women to claim their legal rights if there is a violation regarding their husband's support obligations. This is an effort to maintain justice and respect women's rights in marriage.

### **The Right to Justice in Marital Relations**

The right to justice in marital relations is an important cornerstone in protecting women in accordance with the Compilation of Islamic Law. This concept of justice includes a balance of rights and obligations between husband and wife, so that one-sided domination does not occur which is detrimental to women. This principle emphasizes equal treatment and respect for women's contributions to domestic life. Justice does not only lie in material aspects, such as the distribution of household work, but also in making important decisions regarding the family's future. The Compilation of Islamic Law emphasizes the importance of women's active involvement in dialogue and deliberation with their husbands. This aims to create harmonious and balanced relationships for the overall welfare of the family. Apart from that, justice in marital relations also includes protecting women from discrimination and inappropriate treatment, both emotional and physical. If injustice occurs in marriage, women have the right to voice their dissatisfaction and seek a fair legal solution, in accordance with the procedures regulated in the Compilation of Islamic Law. Thus, Islamic law provides space to guarantee justice for women in the realm of marriage.

### **The Right to Obtain Education and Personal Development**

The right to education and personal development is a fundamental right of women in marriage as regulated in the Compilation of Islamic Law and sharia principles. This right guarantees women to continue learning, increasing their knowledge and developing their potential without being limited by marital status. Husbands are obliged to support their wives in educational efforts, both formal and informal, for the welfare of the family. Women have the right to pursue education that suits their interests and needs, as well as the opportunity to develop professional or personal skills. This development is important so that women are able to contribute productively in the family and society. The Compilation of Islamic Law encourages respect for these rights as part of justice in the husband and wife relationship. In its implementation, it is important to create an environment that supports women in exercising their right to education, including access to education and training facilities. Cultural or social barriers that often limit women must be addressed through advocacy and education by various parties. By achieving optimal education, women can increase their own capacity and provide wider benefits for their families.

### **The Right to Participate in Family Decisions**

The right to participate in family decisions is an important part of protecting women's rights in marriage as regulated in the Compilation of Islamic Law. This right ensures that women have a voice in making decisions regarding family life, such as children's education, use of family assets, and planning for the future. This creates a fairer and more harmonious marital relationship. Recognition of women's rights to participate aims to eliminate hierarchical family relationship patterns without balance. In Islamic principles, deliberation is an important basis for every decision, which involves husband and wife equally. By implementing this right, women are seen not only as complements but also as partners with an equal position in the family. The implementation of this right requires a deep understanding from both parties regarding the importance of communication and deliberation. Existing challenges, such as

cultural or social barriers, must be overcome with an educational approach and supportive regulations. When women are given space to actively participate, they can contribute optimally to building a family that is prosperous, stable and based on mutual respect.

### **The Right to Protection from Domestic Violence**

The right to protection from domestic violence is one of women's fundamental rights regulated in the Compilation of Islamic Law. This protection aims to prevent all forms of violence, whether physical, psychological or economic, which can threaten the dignity and welfare of women in the family. Islam emphasizes the importance of building a household based on love, mutual respect, and avoiding all forms of oppression. In the Compilation of Islamic Law, the obligation to create harmonious domestic relationships is not only the responsibility of the husband, but also the wife. However, in the context of domestic violence, women are often the most vulnerable. Through this regulation, every act of violence must be handled firmly in order to provide a sense of security for women and ensure that their rights are not neglected. Implementing this protection requires cooperation between legal authorities, religious courts and other supporting institutions. Education about domestic violence must also be expanded so that women have the awareness and courage to report acts of violence. Through this approach, the household environment is expected to be a place of protection, comfort and justice, as mandated in Islamic teachings.

### **The Right to File for Divorce under Certain Conditions**

The right to file for divorce under certain conditions is one of the protections given to women in the Compilation of Islamic Law. This right gives women space to end a marriage that does not comply with the principles of justice, such as if the husband is abusive, does not provide support, or violates the terms of the marriage contract. This effort aims to protect women's rights from potential oppression. In this context, women can file for divorce through the Religious Court with the reasons set out in the Compilation of Islamic Law. Reasons for divorce such as khuluk, fasakh, or breach of marriage promise are legally acceptable grounds. This mechanism also gives women legal protection and ensures that the divorce process is done fairly in accordance with Islamic norms. The right to file for divorce also involves responsibilities related to managing the consequences of divorce, such as child custody<sup>[4]</sup> or division of joint assets. This process requires an objective review from the judge to ensure fairness for both parties. With this protection, women have the opportunity to get out of harmful relationships, without violating religious rules and state law.

### **Right to Post-Divorce Child Maintenance**

The right to post-divorce child maintenance is an important right for women according to the Compilation of Islamic Law in Indonesia. After a divorce, the woman who has custody of the child has a big responsibility in caring for, educating and meeting the child's needs. This right is given by considering the best interests of the child, including emotional, physical and educational aspects so that they grow in a healthy environment. Religious courts play a role in determining child custody based on the principles of justice and the child's needs. Usually, children who are still immature are more likely to be cared for by mothers, because they are considered to have more ability to provide the attention needed. This right also comes with an obligation for the father to continue to provide support for the child, even though he is no longer the main caregiver. However, the implementation of this right often encounters challenges, such as non-compliance in providing child support by the father or conflicts over custody. In this context, Islamic law and social development are needed to ensure both parties carry out their responsibilities. By protecting child maintenance rights, women can play a better role in providing an environment that supports children's development after divorce.

## **The Role of Religious Courts in Guaranteeing Women's Rights**

Religious Courts have a strategic role in guaranteeing women's rights, especially in matters related to marriage and divorce. As an institution based on Islamic law, this court is tasked with providing legal certainty for women in accordance with sharia. In the divorce process, for example, the Religious Court ensures that women's rights are recognized, such as child custody, maintenance, and providing justice in domestic conflicts. Apart from being a place for resolving disputes, Religious Courts function to protect women from actions that harm their rights. This institution plays a role in analyzing the demands and evidence submitted by women, so that the resulting decisions reflect justice. With the rules contained in the Compilation of Islamic Law, the courts become an effective legal tool in maintaining the dignity and welfare of women under religious norms. In its implementation, the Religious Courts also provide space for socialization and education regarding women's rights. This is important to increase women's awareness of the rights they have, and encourage them to fight for them when these rights are violated. With its role, the court becomes a strong legal fortress to protect women from injustice, while creating legal harmony in Muslim society.

## **Implementation of the Compilation of Islamic Law in Indonesia**

The implementation of the Compilation of Islamic Law in Indonesia has been carried out through legal regulations implemented in the Religious Courts and related institutions. This compilation serves as a guide in resolving various issues such as marriage, divorce and family rights. Based on sharia, its implementation aims to create legal certainty for women, especially in protecting their rights in accordance with Islamic values. In its implementation, the Compilation of Islamic Law helps women who face legal problems, such as domestic violence or violations of their right to support. Religious Courts are the main instrument for ensuring the principles of justice are implemented. This implementation provides space for women to be able to legally demand their rights, while prioritizing an approach that takes into account the socio-cultural values of Muslims in Indonesia. However, the implementation of the Compilation of Islamic Law still faces challenges, such as a lack of public awareness about these rules and obstacles at the economic level. Therefore, cooperation between legal institutions, government and society is very necessary to ensure effective implementation of the law. With proper implementation, this law can strengthen protection for women and support harmonious family life.

## **Challenges in Implementing Women's Rights Protection**

Challenges in Implementing the Protection of Women's Rights include various aspects originating from social, cultural and economic barriers in society. In many cases, patriarchal traditions that are still strong are the main obstacle in efforts to fight for women's rights. Society's limited understanding of the Compilation of Islamic Law often prevents women from demanding justice or accessing available legal protection. Apart from that, limited access to legal services is another challenge in implementing the protection of women's rights. Factors such as the lack of experts in the field of sharia law, the long geographical distance from the Religious Courts, and unaffordable costs, often make women reluctant or unable to fight for their rights. This exacerbates existing inequalities, especially for women from vulnerable groups or remote areas. Challenges also arise from the regulatory side and implementation of the law itself. Policies that are not fully aligned with or integrated with women's needs often create gaps in law enforcement. In addition, a lack of coordination between legal institutions, community organizations and the government is an obstacle in ensuring that women's rights are fully protected. System updates and collective efforts are needed to meet these challenges.

## **The Government's Role in Supporting the Protection of Women's Rights**

The government has a fundamental role in supporting the protection of women's rights through strengthening policies that support gender justice. Through regulations such as the Law on Women's Protection or domestic violence, the government ensures that women's rights are recognized and protected legally. In addition, providing access to legal and social services is a key focus in helping women obtain maximum protection. Implementing the protection of women's rights also requires proactive steps from the government through education and empowerment programs. Governments can utilize educational institutions, training, or public campaigns to increase public awareness of values gender equality<sup>[7]</sup>. By building this understanding, women can be more empowered to fight for their rights without the cultural or social barriers that often become obstacles. Apart from regulation and education, the government also plays a role in monitoring and evaluating the implementation of protecting women's rights. Through collaboration with community institutions, legal authorities and the private sector, the government can ensure that policy implementation is effective. This approach helps create a system that is more responsive to women's needs, so that their rights are guaranteed according to the principles of justice and humanity.

### **The Role of Community Organizations in Education and Advocacy**

Community organizations play an important role in providing education and advocacy regarding the protection of women's rights, especially in marriage. With a direct approach to the community, this organization can provide information regarding women's rights as regulated in the Compilation of Islamic Law. In addition, they help raise awareness through in-depth outreach, so that women better understand their rights and obligations. Apart from education, community organizations also act as companions when women face legal problems, such as domestic violence or disputes over the right to support. In their role as advocates, these organizations assist women in gaining access to legal services, guiding them through appropriate procedures, and ensuring their rights are recognized. This support is often a lifeline for women in vulnerable situations. Collaboration between community organizations, legal authorities and government institutions further strengthens protection efforts. Community organizations often act as a link between women and access to justice, and offer community-based solutions. With a focus on empowerment and advocacy, they contribute significantly to creating a society that is more litigious and respectful of women's rights under the principles of justice and equality.

### **Case Study: Protection of Women's Rights in Practice**

The practice of protecting women's rights in the context of Islamic law often faces various dynamics that show gaps between legal concepts and reality on the ground. Case studies in Indonesia show how women, especially those in marriage, struggle to get justice. In some cases, women often experience difficulties in demanding their rights, such as the right to support, child custody, or protection from domestic violence. For example, in divorce cases in the Religious Courts, women have to face lengthy procedures and are often characterized by social or cultural challenges that influence legal decisions. Even though the Compilation of Islamic Law provides a clear legal basis, in practice there are still women who have difficulty getting justice, especially due to a lack of social and economic support. This requires more intensive legal assistance to ensure that women's rights are not neglected. In addition to structural challenges, there are also successes that demonstrate the effectiveness of legal protection. In several case studies, the Religious Courts succeeded in providing decisions in favor of women, ranging from recognizing child custody rights to protecting against violence. This shows the potential of Islamic law to be a tool of justice for women, but it requires commitment and coordination between the government, community institutions and the courts to open wider access for women to achieve their rights.

### **The Role of Education in Increasing Awareness of Women's Rights**

Education has a significant role in increasing women's awareness of their rights, including in the context of marriage. Through education, women not only gain basic knowledge, but also a deep understanding of justice, equality and the rights guaranteed by Islamic law and the state. This provides a strong basis for women to recognize, fight for and defend their rights effectively in everyday life. Apart from raising awareness directly among women, education also has an impact on society as a whole. Education that is integrated with the values of equality can change traditional views which are often biased against women. In this way, society becomes more supportive of women's rights and creates an ecosystem that encourages gender justice practices. Education also plays a role in breaking the cycle of discrimination through future generations. Education oriented towards strengthening awareness must also include special programs that reach women in various levels of society, including in remote areas. The government and related institutions need to provide equal access to education to ensure that all women, without exception, can understand the importance of their rights. This effort will strengthen the protection of women's rights while encouraging social change based on equality and justice.

### **The Role of the Media in Socializing Women's Rights**

The media plays a strategic role in socializing women's rights, especially in the context of marriage in accordance with Islamic law. As a mass communication tool, the media can disseminate information, build public opinion, and increase public awareness about the importance of protecting women's rights. Educational content delivered through media, whether print, digital or television, is able to reach various levels of society. Apart from being a means of education, the media acts as an advocacy platform in raising various issues related to women's rights. Presenting factual cases through the media is able to attract public attention and encourage policy reform to provide better protection for women. The media is also a space to disseminate the results of legal studies, the views of ulama, and the government's steps to ensure gender justice in accordance with Islamic principles. In its implementation, the role of the media often faces challenges, such as information bias or a lack of content that focuses on women's rights in Islamic law. Therefore, it is important for the media to work together with legal institutions, community organizations and the government to create accurate, relevant and effective content. With an optimal role, the media can accelerate paradigm change and support advocacy for the protection of women's rights.

### **Comparison with Other Legal Systems in the World**

Comparison with other legal systems in the world shows that there are various approaches to protecting women's rights, especially in marriage. Secular legal systems, for example, tend to prioritize universal gender equality without any particular religious basis. In contrast, Islamic law offers a sharia-based approach that combines norms of justice with religious values, which are applied specifically in religious societies. In Western countries, the protection of women's rights often relies on international human rights principles, such as in the Convention on the Elimination of Discrimination against Women (CEDAW). Meanwhile, countries with Islamic law, including Indonesia, integrate religious principles as the basis of family law. Both systems have their own unique qualities but can complement each other in promoting justice for women. It is important to observe that the implementation of laws related to women's rights in the world is influenced by culture, local values, and the support of legal institutions. Islamic law offers an approach based on spiritual and social harmony, while secular law focuses more on individual individual rights. This comparison is the basis for Indonesia to continue to improve legal protection based on community needs without ignoring the principles of justice and balance.

## **The Impact of Protection of Women's Rights on Family Life**

Protection of women's rights has a significant positive impact on family life, especially in creating harmony and balance of roles in the household. When women's rights, such as the right to support, justice and protection from violence are guaranteed, the quality of husband and wife relationships improves. Mutual respect and understanding of each other's rights is a strong foundation for building family happiness. In addition, fulfilling women's rights encourages them to actively contribute to family development, both economically and socially. With protected rights to education and personal development, women can involve themselves in strategic family decision making. This creates a more open communication pattern between family members, thereby reducing the potential for conflict and increasing cooperation in facing life's challenges. Protection of women's rights also impacts future generations. Children who grow up in a family environment that respects women's rights tend to have a more positive view of gender equality. In this way, the family becomes an initial educational space for children in understanding justice and respect between individuals. This effect strengthens the social structure based on balance and equality in society.

## **Recommendations for Improving Protection of Women's Rights**

Recommendations for increasing the protection of women's rights in marriage can be started by strengthening existing regulations, including revising regulations that still have legal loopholes. The government needs to integrate women's protection policies with a more comprehensive and sensitive approach to gender issues. Providing easy and affordable legal access is also a priority to support women in fighting for their rights. Apart from regulations, education is a key element that must be improved. The socialization program regarding women's rights in marriage according to the Compilation of Islamic Law needs to be expanded, especially in rural areas. With good education, women can understand their rights in depth and prevent various forms of discrimination or unfair treatment. The government can also involve the media as partners in conveying effective messages to the public. To maximize protection, cooperation between government, community organizations and legal institutions must be increased. This collaboration could include training law enforcers and legal assistants to be more skilled in handling women's cases. With an inclusive approach, the system for protecting women's rights can be more responsive to individual needs, while building healthy families and a just society.

## **CONCLUSION**

Protection of women's rights in marriage according to the Compilation of Islamic Law is a significant effort to integrate the principles of justice and gender balance in family life. As a formal legal guide in Indonesia, this compilation plays a role in providing space for women to obtain basic rights, such as protection from violence, living rights and child custody after divorce. Proper implementation is the key to success. However, the journey to implement this protection is not without challenges. Social, cultural barriers and economic disparities often become obstacles for women to obtain their rights optimally. Although Islamic law and the Compilation already provide an adequate framework, further support is needed in the form of education, empowerment and strengthening legal structures to bridge the gap between theory and practice in the field.

Through this reflection, it is important for us to continue to encourage the development of a legal system that is more inclusive and supports gender justice. Collaboration between the government, legal institutions, community organizations and the media must be directed at increasing public awareness of the values of equality. The compilation of Islamic Law is the main tool in creating protection for women, with the hope of realizing a harmonious family and a just society.



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