

Prediction of the Social Impact of Islamic Family Law on Women's Empowerment in Indonesia and Saudi Arabia: Analysis of Islamic Feminism, Structuralism, and Legal Socialization

Wilnan Fatahillah¹, Ririh Krishnani², Teguh Luhuringbudi²

¹Institut KH Ahmad Sanusi (INKHAS) Sukabumi, Indonesia

²Sekolah Tinggi Agama Islam Minhaajuroosyidiin (STAIMI) Jakarta, Indonesia

*Correspondence: wlnfattah@gmail.com

ABSTRACT

This study focuses on the possible social impacts of Islamic family law on women's empowerment in Indonesia and Saudi Arabia, with the aim of exploring the interaction between Islamic feminist theory, Pierre Bourdieu's structuralism, and Lawrence Friedman's legal socialization theory. The data collection method was carried out through documentation analysis and in-depth literature study, covering primary sources such as family law laws and regulations. The data collected were analyzed using a qualitative approach that allows for the identification of patterns, themes, and trends that are relevant in predicting the implementation of the law in both countries. The findings show a significant difference between the normativity that describes legal practice and social reality, where legal norms are often not in line with the conditions faced by women in everyday life. The conclusion of this study emphasizes the need for more inclusive legal reforms and public education on women's rights as a step towards achieving better gender equality. The contribution of this study promises a novel aspect, namely the integration of different theories to gain a more comprehensive understanding. Several limitations were also found in the data collection that indicate the need for further research, especially involving women's perspectives and other socio-economic, religious, political, and educational factors in the context of family law. Suggestions for future research include exploring cross-national collaboration to broaden understanding of Islamic law and its impact on women's empowerment globally.

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1. Introduction

Amidst the challenges faced by the contemporary world and disruption simultaneously, women's empowerment has become a political issue and concern in social policy in Indonesia and Saudi Arabia. In Indonesia, Islamic family law plays an important role in shaping women's social status and rights, although it is often confronted with basic obligations and patriarchal cultural practices (Arfiansyah et al., 2023; Ismah, 2024; Korniwati & Rahim, 2024; Syarif et al., 2024). Statistically, despite progress in women's education and participation in the public sector (Ernawati et al., 2021; Luhuringbudi et al., 2021; Miranti et al., 2022), traditions and social norms often limit their responsible expression and freedom (Hamidi et al., 2024; Intentilia, 2020; Wardhani & Natalis, 2024; Wijaya Mulya & Sakhiyya, 2021). In Saudi Arabia, legal changes that lead to increased women's rights have even received international attention (Alhajri & Pierce, 2023; Wheeler, 2020); however, many women still face significant social and legal limitations that are difficult to account for (Al-Nasrallah, 2023; Tlaiss & Al Waqfi, 2022; Zaheer et al., 2022). Both countries face challenges in achieving the Sustainable Development Goals, especially those related to gender equality and the empowerment of civilized and responsible women. Several other researchers have shown that the implementation of the law can directly influence gender mainstreaming in society through interpretation (Clavero & Galligan, 2021; Figueroa-Domecq & Segovia-Perez, 2020; Koburtay et al., 2020). Therefore, it is necessary to understand how Islamic family law influences the context of empowering women's rights and obligations in these two countries as material objects and units of analysis.

Although much research has been done on Islamic family law and its impact on women's rights, there is still a significant gap in the literature that links Islamic feminist theory to the broader social context. Most previous studies tend to emphasize textual and normative aspects without considering the more meaningful and responsible social impacts (Ali et al., 2024; Almohsen, 2023; Henry & Lewis, 2023; Hosseini et al., 2022; Issa et al., 2022; Jaim, 2022; Lomazzi, 2023; Müller, 2022). In this context, there has been no study that comprehensively links the social structure aspects according to Pierre Bourdieu and Lawrence Friedman's legal socialization theory with the empowerment of women's rights and obligations in Islamic family law. We will explain how Islamic feminist theory, Bourdieu's structuralism, and Friedman's legal socialization theory complement each other in our analysis, emphasizing the interaction between legal norms and social practices that influence women's rights and obligations under Islamic family law in Indonesia and Saudi Arabia. This explanation will demonstrate how the integration of these three theoretical frameworks can provide new insights into the challenges and opportunities in advancing social justice and women's empowerment in the context of sustainable development. By identifying this gap, this paper aims to reproduce and reconstruct the discussion on women's activism and legal reform in the two countries. Therefore, it is important for academics and policymakers to consider the empowerment of women's rights and obligations as an integral part of today's disruptive social progress. This study will bring a new approach to understanding the role of law in bridging gender gaps and promoting more responsible and moral social justice. In this context, this paper presents an opportunity for further exploration that has not been sufficiently addressed in previous studies.

The purpose of this paper is to analyze the social effects of Islamic family law on the empowerment of women's rights and obligations in Indonesia and Saudi Arabia with diverse theoretical approaches. By integrating Islamic feminist theory, Bourdieu's structuralism theory, and Friedman's legal socialization theory, this paper seeks to uncover the interaction of legal norms and social structures that contribute to women's positions in the Kingdom of Saudi Arabia and the Republic of Indonesia. This study seeks to answer several fundamental and urgent questions, such as how the implementation of family law affects women's participation in society and how the interaction between legal norms and social structures can encourage or hinder the empowerment of rights and obligations. Through the collection of documentary data, it is hoped that this analysis will provide a new and comprehensive perspective on the relationship between law and gender. With this understanding, this paper aims to provide practical recommendations to facilitate more inclusive legal reforms in both countries. Thus, this paper will not only highlight challenges, but also opportunities in the context of sustainable women's empowerment.

The argument of this paper is that although Islamic family law in Indonesia and Saudi Arabia is based on the same principles, its potential impact on the empowerment of women's obligations and rights is significantly different. In Indonesia, more flexible laws provide space for women to participate in social and economic processes, while in Saudi Arabia, stricter legal structures tend to result in significant limitations. The Islamic feminist approach suggests that legal norms must be reinforced by supportive social structures to achieve sustainable gender equality. Through the analysis in this research paper, it is predicted that the relationship between law, culture, and social structures that influence women's positions can be revealed. This paper also seeks to explore how legal policies can be transformed to create a more supportive environment for the empowerment of women's obligations and rights. In a timely and responsible manner, the focus of the research is to understand what the barriers and enablers are in the context of Islamic family law and how the social context plays a role in this. This research aims to declare new insights that can help in the formulation of policies and practices that support the sustainability and equality of gender obligations and rights.

2. Methodology

The material object of this study is Islamic Family Law, which serves as a unit of analysis linked to the Sustainable Development Goals (SDGs) and the social context in Indonesia and Saudi Arabia. Islamic Family Law was chosen because of its significant role in shaping family norms that have a direct impact on the obligations, rights, and empowerment of women in society. The selection process was based on the relevance of this law in responding to gender issues, as well as its relevance to social reform efforts in line with the goals of sustainable development. In addition, this family law is recognized as a strategic instrument in elevating the position of women in the social and legal order and "installment" of family resilience. By analyzing Islamic Family Law, the researcher aims to understand the broader social dimensions and their impact on strengthening the status of women. This Islamic Feminism Theory will be used to explore how Islamic Family Law in Indonesia and Saudi Arabia affects women's rights and obligations, and to what extent the law supports or hinders women's empowerment. Bourdieu's Structuralism approach will be used to understand how social structures, such as class, gender, and culture, influence the interpretation and implementation of Islamic Family Law. Lawrence Friedman's Legal Socialization Theory will be used to evaluate how the process of legal socialization—including legal education and

training—influences people's understanding of Islamic Family Law. By integrating these three theories, we will gain a comprehensive perspective on how Islamic Family Law functions in Indonesia and Saudi Arabia, as well as the challenges and opportunities faced in the context of women's empowerment and sustainable social development. This analysis is expected to reveal relevant patterns and relationships between law, culture, and social practices that impact women's position in society. Through the use of this law as an object of analysis, it is attempted to identify the challenges and opportunities that exist in the context of Indonesia and Saudi Arabia.

The research design used is qualitative-descriptive, which allows researchers to explore and describe the Social Impact of Law as a formal object, as well as Islamic Family Law as a material object and unit of analysis. The selection of this design is based on the need to understand the phenomenon in depth through a legal and social perspective, which cannot be achieved through quantitative methods alone. The working process in this study involves collecting diverse data, comprehensive reading, in-depth analysis, and drawing conclusions that focus on the interactive relationship between law and interpretation and the reality of society. Qualitative-descriptive also provides flexibility in responding to social dynamics that have a minimal impact on women's empowerment. With this design, researchers strive to present a comprehensive picture of how Islamic Family Law motivates and stimulates practices and its implications for women, both explicitly and implicitly. The results of the study are considered to enrich academic discourse by highlighting the clash and harmonization between law and its social impacts through generalization.

The primary sources in this paper include two significant regulations: Regulation of the Supreme Court of the Republic of Indonesia Number 5 of 2019 concerning Guidelines for Adjudicating Applications for Marriage Dispensation, and part of the family law in Saudi Arabia consisting of the 61 of 1992 and 29 of 2004 and 22 of 2007 and *إجراءات دعاوى النسب وتصحيح الأسماء* (amended by laws number 61, 29, and 22). The selection of these sources is based on their relevance as legal references that directly trigger impacts on women's lives. In this context, the two regulations are indicators of the pre-implementation of Islamic Family Law and serve to illustrate the changes and challenges faced by women. The selection process also involved in-depth reading and study of the content and relevance of the regulations in a broader social context. By using these primary sources, researchers are encouraged to deliver a rich and weighty analysis of existing legal practices. This will help in formulating recommendations for legal reform that is more responsive to women's needs.



Figure 1. Primary Sources from Indonesia and Saudi Arabia Documents

To collect data, this study uses documentation techniques. Documentation techniques provide researchers with access to relevant and reliable written sources. The selection process for this technique (based on legal products from Indonesia and Saudi Arabia) is carried out based on their relevance and ability to support the objectives of the study. By combining an intertextual approach to two primary sources from each country related to Islamic Family Law, the researcher seeks to obtain comprehensive, in-depth, and contextual data. The results of this collection technique will serve as an important foundation for further analysis in this paper.

The data analysis technique in this study was carried out through three separate stages, namely: 1) Islamic Feminist Theory by Amina Wadud, 2) Structuralism Theory by Pierre Bourdieu, and 3) Legal Socialization Theory by Lawrence

Friedman. The first analysis focuses on understanding women's rights and roles in the legal context, where a feminist perspective is expected to identify gender bias and offer a more inclusive path to empowerment (Ramadhan, 2024; Wadud, 2008, 2011, 2013a, 2013b, 2019, 2021). The second theory will explain how social structures influence legal interactions, by paying attention to the social forces that shape the dynamics of existing law (Bourdieu, 1979, 1994; Bourdieu & Zanotti-Karp, 1968; Derrida et al., n.d.). Meanwhile, the third theory will explore how legal norms are formed and learned through social interaction, providing an overview of the process of legal socialization in society (Friedman, 1971, 1983, 1984, 1998, 2017; Friedman & Teubner, 1986).

3. Result

The results of this research paper based on three different theories that have shown the collaboration of interdisciplinary studies which will be proven in the three sub-chapters as follows:

3.1 Social Impact of Islamic Family Law through Islamic Feminism

Through the analysis of women's positions in family law, it is seen that Islamic family law in Saudi Arabia, according to the text contained in "الجزء الثامن قانون الأحوال الشخصية", provides several rights and responsibilities to women. In this context, there is no obligation for the wife to provide household furniture, which could create a more equitable atmosphere in the household. However, this situation shows that even though women are allowed to bring personal belongings to their husband's house, they are still vulnerable to injustice in the event of a dispute. In addition, the availability of the right to maintenance regulated by law, where the husband is obliged to meet the basic needs of the wife, reflects the extent to which the law can be used as a supporting tool for women's rights. In Indonesia, the regulations contained in the Regulation of the Supreme Court of the Republic of Indonesia also show attention to the needs and position of women in the legal context, especially when applying for a marriage dispensation. Here, the right to be present and heard in court demonstrates recognition of women's voices that may have previously been overlooked. Thus, through these two contexts, it is apparent that despite progress, challenges remain in ensuring that women's rights are upheld in the implementation of the law.

Pasal 8	الفصل الثاني الجهاز ومتاع البيت (المادة ٧٢)	Bagian Kedua Pemeriksaan Perkara Pasal 10
Dalam hal calon suami dan isteri berusia dibawah batas usia perkawinan, permohonan Dispensasi Kawin untuk masing-masing calon suami dan calon isteri diajukan ke pengadilan	١. لا تلزم الزوجة بتيه من جهاز منزل الزوجية، فإذا أحضرت شيئاً منه كان ملكاً لها. ب. للزوج أن يتتبع ما تحضره الزوجة من جهاز، ما دامت الزوجية قائمة، ولا يكون مسئولاً عنه إلا في حالة التعدي. (المادة ٧٣) إذا اختلف الزوجان في متاع البيت ولا يثبت له، فالقول للزوجة مع بيتها فيما يعرف للنساء، وللرجل مع بيته فيما عدا ذلك. ويسري هذا الحكم عند الاختلاف بين أحد الزوجين وورثة الآخر، أو بين ورثتها.	(1) Pada hari sidang pertama, Pemohon wajib menghadirkan: a. Anak yang dimintakan permohonan Dispensasi Kawin. b. Calon suami/isteri. c. Orang Tua/Wali calon suami/isteri. (2) Dalam hal Pemohon tidak hadir, Hakim menunda persidangan dan memanggil kembali Pemohon secara sah. (3) Dalam hal Pemohon tidak hadir pada hari sidang kedua, permohonan Dispensasi Kawin dinyatakan gugur. (4) Dalam hal Pemohon tidak dapat menghadirkan pihak-pihak sebagaimana dimaksud pada ayat (1) pada hari
- 9 - yang sama sesuai dengan domisili salah satu Orang Tua/Wali calon suami atau isteri.	- ٢٨ -	

Figure 2. Several Rights and Responsibilities to Women that Related to Islamic Family Law in Saudi Arabia

The importance of the collected data reveals the taxonomy of women's rights and obligations in family law. From the analysis of legal texts in Saudi Arabia, it is clear that the dispute resolution mechanism between husband and wife often favors the husband, even though there are provisions that protect the wife's rights. For example, in cases of disputes over household goods, decisions usually still require evidence that can be difficult for women. In the context of maintenance, although the wife has the right to receive support, the realization of this right often depends on the strength of the husband's position in society. Furthermore, in Indonesia, legal procedures regarding marriage dispensation show an attempt to provide protection for women, although there is variability in their application based on local contexts. Both reflect a trend where the law can function as an instrument to promote gender justice, but also show that consistent application is essential to achieve this goal. Thus, the data show a dynamic-flexible balance between women's rights and the power of social structures that influence the law.

A closer analysis of the data reveals the implicit meaning regarding the position of women in the family. Rights granted through legislation, such as in the case of maintenance, strengthen women's position in the family structure, but their implementation is often found in different normative nuances. On the other hand, the uncertainty in the law regarding

the division of property and access to resources shows that despite the desire for progress, there are still many aspects that do not support empowerment. In Indonesia, the law on marriage dispensation not only functions as a legal mechanism, but also implies recognition of the social realities faced by women. This shows that legal norms are not only formed formally, but are also influenced by social interactions and cultural dynamics. Women's experiences in obtaining their rights are often hampered by prevailing traditions and social practices. Therefore, to change this situation, a more holistic approach is needed that does not only look at the legal aspects, but also at the social norms that shape behavior and interactions in society.

3.2 Social Impact of Islamic Family Law through Structuralism

Through Pierre Bourdieu's structuralism theory approach, an in-depth analysis of the social structure in Saudi Arabia shows a significant impact on legal interactions in the family context. In family law, there are provisions that require the husband to provide a suitable residence for the wife, creating legitimacy for the traditional role that has existed so far. However, issues arise when this requirement is accompanied by law enforcement that has the potential to corner women's positions. For example, cases where the wife refuses to move to her husband's house often result in the loss of the right to maintenance, highlighting how social norms can be a tool to uphold gender dominance. In Indonesia, Articles 8 and 9 of the Supreme Court Regulation show efforts to protect women's rights, but still require a deep understanding of the social and cultural conditions around them. Meanwhile, the court mechanism designed to accommodate children's rights in the context of marriage dispensation highlights the importance of education that is easy to understand for all parties. Thus, there is a close relationship between social structure and legal interactions, where social norms often shape and influence the application of family law.

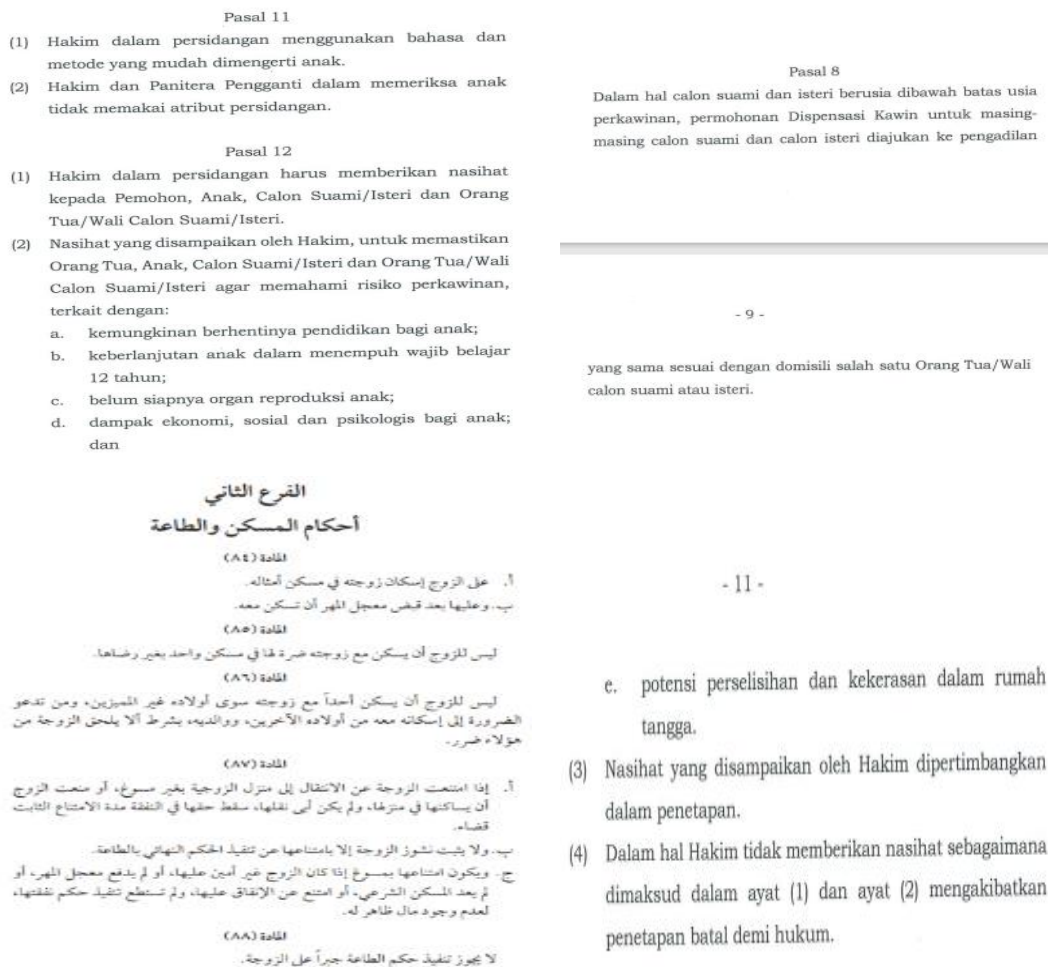


Figure 3. The Documents of Significant Impact on Legal Interactions in the Family Context

Data collection from various sources shows a clear pattern of how social structures influence interactions in family law in both countries. Through legal data in Saudi Arabia, there appears to be a struggle between tradition and the need to adapt to the dynamics of social change. For example, the husband's right to regulate his wife's residence is a frequently debated issue, given cases where the wife's consent is essential. In addition, the need for mutual respect between partners and the clarity of each other's roles in the legal context creates a trend that shows the influence of appreciation for individual rights. On the other hand, in Indonesia, the emphasis on the importance of understanding the risks of marriage for children shows that the judiciary is trying to make more informed and responsive decisions. However, there are challenges in equalizing legal knowledge in a society that is still influenced by stigma and old traditions. This shows that the application of the law does not only depend on legal texts, but more on the patterns of social interaction that exist in society.

From the analysis carried out, it is clear that there is an implicit meaning regarding how social norms function and shape interactions in family law. Legal provisions on residence and maintenance are tools for understanding the position of women in society, where husbands have a major responsibility in providing housing. However, this situation often causes women to be trapped in an unbalanced relationship, especially when the husband does not fulfill his financial responsibilities. On the other hand, more inclusive law enforcement in Indonesia, especially in the context of marriage dispensation, provides hope for women and children to receive protection. By paying more attention to understanding the risks of marriage, the law seeks to create awareness of the long-term impacts on the parties involved. Therefore, a higher collective awareness is needed to create a change in mindset in society, especially regarding the treatment of women. With these steps, it is hoped that more equal justice will be created in legal practices in both countries.

3.3 Social Impact of Islamic Family Law through Legal Socialization

Data collection from various sources shows a clear pattern of how social structures influence interactions in family law in both countries. Through legal data in Saudi Arabia, there is a struggle between tradition and the need to adapt to the dynamics of social change. For example, the husband's right to regulate his wife's residence is a frequently debated issue, given cases where the wife's consent is essential. In addition, the need for mutual respect between partners and the clarity of each other's roles in the legal context creates a trend that shows the influence of appreciation for individual rights. On the other hand, in Indonesia, the emphasis on the importance of understanding the risks of marriage for children shows that the judiciary is trying to make more informed and responsive decisions. However, there are challenges in equalizing legal knowledge in a society that is still influenced by stigma and old traditions. This shows that the application of the law does not only depend on legal texts, but more on the patterns of social interaction that exist in society.

The process of legal socialization in Saudi Arabia shows how legal norms are formed and strengthened through social interaction. In the context of divorce, the law stipulates that only a sane, mature, and legally aware individual can initiate a divorce, creating clear boundaries around the actions that individuals may take in an emotional state. This norm serves to protect more vulnerable parties, such as women, by ensuring that decisions are made in a conscious state. Additionally, the provision that states that divorce is not valid if the wife is in certain circumstances—such as during the *iddah* period—illustrates an effort to maintain women's psychological and social stability. Meanwhile, in Indonesia, the Supreme Court Regulation on marriage dispensation shows that the courts are trying to listen to the voices of children and parents, creating space for more inclusive participation in the legal process. Judges are obligated to consider the information provided, which in turn shapes how society views marriage and divorce. Thus, this process of legal socialization not only produces legal norms, but also shapes broader social understandings of family responsibilities.

The data collected shows significant patterns in how legal norms and rules are understood by individuals in Saudi Arabia, particularly in cases of divorce and the presence of a third party. In the context of divorce, the norm that requires the husband to confirm his intention to divorce is particularly important, as this action encourages reflection and discussion within the relationship. This is evident in the provisions that require certain processes before a divorce can be recognized, creating an opportunity for reconciliation. In addition, when the divorce process occurs, the rights and obligations of both parties are clearly communicated, including mechanisms for resolving issues such as child support and custody. In contrast, Indonesian law requires judges to hear from all parties involved, providing an opportunity for lawyers and mediators to engage in more in-depth discussions. This also serves as a reminder that any decision made must include significant consideration of the welfare of the child. This data collection shows that legal socialization plays a role in shaping a common understanding among the community about each person's role in family dynamics.

الباب الثاني

الفرقة بالإرادة

الفصل الأول

الطلاق

المادة (١٠٢)

يقع طلاق كل زوج عاقل، بالغ، مختار، واع لما يقول، فلا يقع طلاق المجنون، والمعتوه، والمكره، والمخطر، والسكران، والمدحوش، والغضبان، إذا غلب الخلل في أقواله وأفعاله.

المادة (١٠٣)

لا يقع الطلاق على الزوجة إلا إذا كانت في زوج صحيح، وغير معتدة.

المادة (١٠٤)

أ. يقع الطلاق باللفظ الصريح فيه عرفاً، ولا يقع بلفظ الكتابة إلا بالنية.

ب. ويقع بالكتابة عند العجز عن النطق به.

ج. ويقع بالإشارة المفهومة عند العجز عن النطق بالكتابة.

المادة (١٠٥)

يشترط في الطلاق أن يكون منجزاً.

المادة (١٠٦)

للزوج أن يوكل غيره بالطلاق، وليس للوكيل أن يوكل غيره إلا بإذن الزوج، وتنتهي الوكالة بالعزل، بشرط علم الوكيل.

المادة (١٠٧)

يملك الزوج على زوجته ثلاث طلاقات.

- ٣٥ -

Figure 4. The Divorce Document in Saudi Arabia

Through the analysis taken from Article 13 of the Regulation of the Supreme Court of the Republic of Indonesia, it can be seen that there is a real effort to be inclusive in the legal process by judges in marriage dispensation. The provision that requires judges to listen to statements from various parties creates a more transparent process. This shows how important the participation of all individuals involved in decision-making that affects their lives is. By listening to the voices of children and parents, judges not only carry out their duties, but also provide substantive justice for vulnerable parties. Responsive law enforcement may have an impact on reducing premature divorce rates, as well as increasing awareness of the risks that may arise from such decisions. This underscores the importance of the socialization aspect in building awareness of legal norms and procedures. Thus, the application of these legal norms not only produces legal results, but also strengthens healthier social interactions within the community.

Pasal 13

- (1) Hakim harus mendengar keterangan:
 - a. Anak yang dimintakan Dispensasi Kawin;
 - b. calon suami/isteri yang dimintakan Dispensasi Kawin;
 - c. Orang Tua/Wali Anak yang dimohonkan Dispensasi Kawin; dan
 - d. Orang Tua/Wali calon suami/isteri.
- (2) Hakim harus mempertimbangkan keterangan sebagaimana dimaksud pada ayat (1) dalam penetapan.
- (3) Dalam hal Hakim tidak melaksanakan ketentuan sebagaimana dimaksud pada ayat (1) dan ayat (2) mengakibatkan penetapan batal demi hukum.

Pasal 14

- Dalam pemeriksaan di persidangan, hakim mengidentifikasi:
- a. Anak yang diajukan dalam permohonan mengetahui dan menyetujui rencana perkawinan;
 - b. kondisi psikologis, kesehatan dan kesiapan Anak untuk melangsungkan perkawinan dan membangun kehidupan rumah tangga; dan
 - c. paksaan psikis, fisik, seksual atau ekonomi terhadap anak dan/atau keluarga untuk kawin atau mengawinkan Anak.

Figure 5. The Legal Process by Judges in Marriage Dispensation

4. Discussion

The results of this study demonstrate the significant impact of Islamic family law on women's empowerment in Indonesia and Saudi Arabia, while also answering the questions underlying this study. In the Indonesian context, more adaptive laws provide space for women to increase their participation in various social and economic aspects. Meanwhile, in Saudi Arabia, although there has been a positive shift towards improving women's rights, there are still many limitations that hinder more tangible progress. Other findings indicate that legal norms need not only be viewed from a textual and normative perspective, but must be understood within the framework of a broader social structure. The process of legal socialization is also revealed as an important factor in shaping people's understanding of women's rights and obligations. Thus, this study not only confirms the power of law in shaping social behavior but also shows that normative change must go hand in hand with changes at the cultural level. Overall, this study provides new insights into the complexity of the interaction between law, social structure, and women's empowerment.

The analysis of the results of the study concludes that the interaction between legal norms and social structures in both countries creates diverse realities for women. In the Indonesian context, legal flexibility paves the way for more inclusive fulfillment of women's obligations and rights, where women can play an active role in decision-making concerning their lives (Rohmadi, 2024; Saptari, 2013). In contrast, conditions in Saudi Arabia show that despite progress, conservative social factors and stricter legal structures still hinder such progress (Aldossari & Calvard, 2022; Moshashai et al., 2020; Sirri, 2024). This study also explains that people's understanding of women's norms, obligations, and rights is greatly influenced by the process of legal socialization that takes place within the community. In other words, people's perceptions of legal norms can function as drivers or obstacles in the implementation of women's obligations and rights (Merry, 2003; Tankard & Paluck, 2016; Terjesen et al., 2015). The significance of these results lies in the potential for social change that can be achieved through strengthening legal norms that support empowerment. Thus, this process also indicates an opportunity for social movements and feminism to develop in facing the challenges of relatively inhibiting traditions in this era of disruption.

This study is relevant to various theories that provide in-depth context regarding women's empowerment in Islamic family law. The theory of Islamic feminism developed by Amina Wadud serves to illustrate the importance of women's rights in a dominant manner and women's obligations in a minimal and implicit manner in the often patriarchal legal framework. In social analysis, Pierre Bourdieu's structuralism theory explains that social structures, which include prevailing norms, values, and practices, influence the interaction of law and women's position in society. This is manifested in law enforcement which often reflects gender inequality that has become part of the culture. On the other hand, Lawrence Friedman's theory of legal socialization provides insight into the interpretation of legal norms learned and accepted in the culture of society as a form that shows that these norms are not only formally valid, but also understood and lived in everyday life. This context shows that the understanding of feminism, social structure, and legal socialization are interrelated in creating distinctive women's experiences in both countries. In other words, pre-application of law and cultural interaction are key factors in women's empowerment.

Based on the results of this study, a number of practical implications emerge that can guide legal policy in both countries. First, Indonesia can take further steps to facilitate legal reforms that emphasize women's needs and experiences, through collaboration with civil society organizations that focus on gender issues. In Saudi Arabia, strengthening a more supportive legal environment for women can be a key agenda for achieving sustainable development goals, taking into account existing social norms. This also includes the need for better legal socialization programs for the community so that women's obligations and rights become common knowledge, rather than knowledge that is limited to certain groups. In addition, a better understanding of the role of norms in influencing social behavior patterns can create opportunities for more progressive social adjustment. With these steps, both Indonesia and Saudi Arabia have the opportunity to strengthen the position of women in family law. Thus, legal and social reforms can be integrated to produce sustainable change in society.

The results of this study provide a clear comparison with previous research on Islamic family law and its impact on women's rights. In many studies, it has been found that the more conservative approach to law in Saudi Arabia tends to contradict the more progressive results in Indonesia textually in the two legal products studied. While previous studies often focus on the normative and interpretative aspects of law (Fatikhin et al., 2024; Ghaziani & Ghaziani, 2022; Jahar & Shodiq, 2022; Luhuringbudi et al., 2019; Nuruddin et al., 2023; Syahputra & Zuhdi, 2024), this study emphasizes the importance of considering the broader social dimension. Most previous studies have not combined feminist theory with social structures and legal socialization, resulting in a less comprehensive understanding of the dynamics of just and civilized women's empowerment (Almutairi, 2022; Chaudhary, 2021; Harisudin & Choriri, 2021; Hidayat et al., 2022;

Iskandar, 2023). Through this analysis, it is seen that although there are similar principles in Islamic law, the social and cultural contexts in each country play a determining role in its outcomes in limited cases and themes. This discrepancy suggests the need for further research that considers contextual dynamics in the future. By combining these approaches, the results of this study present a new, more comprehensive perspective.

Based on the results of this study, more responsive policy actions to women's rights and obligations need to be enforced to address inequality in Indonesia and Saudi Arabia. One step that can be taken is to conduct legal training and socialization for stakeholders in the community to raise awareness of women's rights and obligations. In addition, the formation of networks between the government, NGOs (Non-Governmental Organizations), religious leaders, traditional leaders, and academics can strengthen women's voices in the decision-making process at the policy level. The implementation of evidence-based advocacy programs on women's experiences with the law can help inform policymakers about the need for more inclusive and accountable reforms. In Saudi Arabia, broader community consultation would be a strategic step in developing more progressive and moral policies. Ultimately, these efforts should be directed at creating a safe space for women to convey their needs and aspirations appropriately and transparently. With this action plan, it triggers cross-sector collaboration that results in real change for the empowerment of women's rights and obligations.

5. Conclusion

In this study, one of the most important findings that emerged was the discrepancy between legal norms written in the law and the potential for implementation in the field related to women's empowerment. In Indonesia, although Islamic family law shows flexibility, challenges from patriarchal social norms in some regions and momentum still hinder effective women's empowerment. Meanwhile, in Saudi Arabia, legal changes (based on responses to the era of disruption and Vision 2030) aimed at improving women's rights were not fully followed by strengthening supporting social aspects, which caused women to remain trapped in existing limitations. This study also revealed that the interpretation of the legal socialization process (based on legal products in the two countries studied in this research paper) plays a key role in shaping public perceptions of women's obligations and rights, which often conflict with existing legal norms. This suggests that the potential for compliance with Islamic family law does not always reflect gender equality in everyday practice. In addition, it was also found that despite significant progress, both countries experienced regression in certain aspects when faced with conservative values. Overall, these findings suggest the need for deeper intervention in aligning the normativeness of legal products in both countries and social practices with applicable legal norms.

The contribution of this study lies in the combination of the theoretical approaches of Islamic feminism, Bourdieu's structuralism, and Friedman's legal socialization in analyzing the possible impact of Islamic family law on women's empowerment. This study provides a new understanding of how and to what extent the interaction between legal norms and social structures functions in shaping the realities of women in Indonesia and Saudi Arabia, thus distinguishing it from the existing literature. In terms of novelty, this study delves deeper into the role of legal socialization in conveying gender norms, which have previously received little attention in academic debates. This study also opens up a discussion space on how legal transformation is possible with a more inclusive feminist perspective. Thus, the results of the study not only add to academic insight but also provide an overview of the need for legal reform that is responsive to broader social conditions. This contribution can encourage further research that focuses on the synergy between theory and practice in the field of family law. Therefore, the results of this study present a new approach that can be the basis for formulating fairer policies.

Although this study provides several important insights, there are several limitations that need to be acknowledged, including the perhaps rather limited focus on the legal aspect and the lack of in-depth empirical data from respondents in the field. These limitations indicate the need for more comprehensive follow-up research involving interviews and surveys, even FGD (Focus Group Discussion) that can describe women's perspectives directly in their context. In addition, this study can expand the scope of analysis by involving more countries that have Islamic legal systems, thus providing a broader and more representative comparative perspective. Future research also needs to examine the relationship between economic, career, education, religion, and social factors in the context of family law to better understand how these interactions affect women's empowerment. By taking a more multi-dimensional approach, the research achievement will be more in-depth and comprehensive. Therefore, the direction of further research emphasized here is the importance of generating more and more diverse data to confirm and expand on existing findings. With this step, it is hoped that a stronger and more accessible knowledge base will be created for more effective policies.

References

Al-Nasrallah, W. (2023). The decade long story of gender equality and female empowerment: a case study of corporate

- disclosures in Saudi Arabia. *Sustainability Accounting, Management and Policy Journal*, 14(1), 216–241.
- Aldossari, M., & Calvard, T. (2022). The politics and ethics of resistance, feminism and gender equality in Saudi Arabian organizations. *Journal of Business Ethics*, 181(4), 873–890.
- Alhajri, W., & Pierce, B. J. (2023). Saudi Women's Attitudes Toward Advocacy for Women's Rights. *Affilia*, 38(1), 111–126.
- Ali, A. J., Al-Aali, L., & Krishnan, K. S. (2024). Work Ethics in Saudi Arabia: The Critical Role of Women and Expatriates. *Journal of Promotion Management*, 30(1), 29–48.
- Almohsen, F. K. (2023). The Intersection of Shariah Law and Gender Equality in Some Arab State Constitutions. *Indon. J. Int'l & Comp. L.*, 10, 286.
- Almutairi, N. T. (2022). Does oil wealth matter to female labour force participation: New evidence from the oil-intensive economy of Saudi Arabia. *Resources Policy*, 78, 102797.
- Arfiansyah, A., Amalia, N., & Widyanto, A. (2023). Matrifocality and Its Implication to the Practice of Islamic Family Law in the Patriarchal Muslim Society of Gayo, Indonesia. *Jurnal Ilmiah Islam Futura*, 23(2), 380–403.
- Bourdieu, P. (1979). *Symbolic Power critique of anthropology*. Sage journals critique of anthropology.
- Bourdieu, P. (1994). Structures, habitus, power: Basis for a theory of symbolic power. *Culture/Power/History: A Reader in Contemporary Social Theory*, 155, 199.
- Bourdieu, P., & Zanotti-Karp, A. (1968). Structuralism and theory of sociological knowledge. *Social Research*, 681–706.
- Chaudhary, R. (2021). The OIC and Women's Rights: Exploring the Dichotomy of Representation. *J. Int'l L. Islamic L.*, 17, 264.
- Clavero, S., & Galligan, Y. (2021). Delivering gender justice in academia through gender equality plans? Normative and practical challenges. *Gender, Work & Organization*, 28(3), 1115–1132.
- Derrida, J., Bourdieu, P., & Baudrillard, J. (n.d.). 3.3 The formation of the structuralist generation. *Why There Is No Poststructuralism in France*, 55.
- Ernawati, E., Tajuddin, T., & Nur, S. (2021). Does government expenditure affect regional inclusive growth? An experience of implementing village fund policy in Indonesia. *Economies*, 9(4), 164.
- Fatikhin, R., Qalyubi, S., & Subaidi, S. (2024). The Authority of Policy: Transitioning from Traditionalist to Modernist Moderate in Saudi Arabia. *Fikri: Jurnal Kajian Agama, Sosial Dan Budaya*, 9(1), 122–135.
- Figuroa-Domecq, C., & Segovia-Perez, M. (2020). Application of a gender perspective in tourism research: A theoretical and practical approach. *Journal of Tourism Analysis: Revista de Análisis Turístico*, 27(2), 251–270.
- Friedman, L. M. (1971). The idea of right as a social and legal concept. *Journal of Social Issues*, 27(2), 189–198.
- Friedman, L. M. (1983). The State of American Legal History. *The History Teacher*, 17(1), 103–119.
- Friedman, L. M. (1984). American Legal History: Past and Present. *Journal of Legal Education*, 34(4), 563–576.
- Friedman, L. M. (1998). Taking Law and Society Seriously. *Chi.-Kent L. Rev.*, 74, 529.
- Friedman, L. M. (2017). Law, lawyers, and popular culture. In *Popular Culture and Law* (pp. 3–30). Routledge.
- Friedman, L. M., & Teubner, G. (1986). Legal education and legal integration: European hopes and American experience. *Integration through Law: Europe and the American Federal Experience: Methods, Tools and Institutions*, 1, 345–380.

- Ghaziani, M. A., & Ghaziani, M. A. (2022). A Reflection on the Human Rights Attitude and International Law Approaches of Iran and Saudi Arabia. *Asian Journal of Middle Eastern and Islamic Studies*, 16(3), 310–326.
- Hamidi, A. B., Widianingsih, I., & Nurasa, H. (2024). Two decades of women's underrepresentation in public service leadership: The Islamic Republic of Afghanistan. *Central Asian Survey*, 1–22.
- Harisudin, M. N., & Choriri, M. (2021). On the legal sanction against marriage registration violation in Southeast Asia countries: A Jasser Auda's Maqasid Al-Shariah perspective. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 5(1), 471–495.
- Henry, C., & Lewis, K. V. (2023). The art of dramatic construction: Enhancing the context dimension in women's entrepreneurship research. *Journal of Business Research*, 155, 113440.
- Hidayat, N. A., Machmudi, Y., & Soekarba, S. R. (2022). Vision 2030: Saudi Arabia'S Modernization. *Jurnal CMES*, 15(2), 137.
- Hosseini, S., Macias, R. C., & Garcia, F. A. (2022). The exploration of Iranian solo female travellers' experiences. *International Journal of Tourism Research*, 24(2), 256–269.
- Intentilia, A. A. M. (2020). Analyzing Patriarchy, political participation, and active citizenship in ASEAN. *Intermestic: Journal of International Studies*, 5(1), 12–30.
- Iskandar, I. (2023). ISLAMIC DYNAMICS OF SOUTHEAST ASIA: IDEOLOGICAL PROBLEMS. *SIBATIK JOURNAL: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, Dan Pendidikan*, 2(10), 3197–3220.
- Ismah, N. (2024). Women's Fatwa-Making in Indonesia: Gender, Authority, and Everyday Legal Practice. *International Journal of Islam in Asia*, 4(1–2), 75–97.
- Issa, A., Zaid, M. A. A., & Hanaysha, J. R. (2022). Exploring the relationship between female director's profile and sustainability performance: Evidence from the Middle East. *Managerial and Decision Economics*, 43(6), 1980–2002.
- Jahar, A. S., & Shodiq, S. (2022). Social and Religious Dimensions of Children's Inheritance in Turkey, Saudi Arabia and Indonesia. *MIQOT: Jurnal Ilmu-Ilmu Keislaman*, 46(1), 26–52.
- Jaim, J. (2022). All about patriarchal segregation of work regarding family? Women business-owners in Bangladesh. *Journal of Business Ethics*, 175(2), 231–245.
- Koburtay, T., Syed, J., & Haloub, R. (2020). Implications of religion, culture, and legislation for gender equality at work: Qualitative insights from Jordan. *Journal of Business Ethics*, 164(3), 421–436.
- Korniwati, D., & Rahim, A. (2024). The influence of patriarchal culture on social life in Javanese families in Wolio sub-district. *Cendikia: Media Jurnal Ilmiah Pendidikan*, 14(6), 608–615.
- Lomazzi, V. (2023). The cultural roots of violence against women: Individual and institutional gender norms in 12 countries. *Social Sciences*, 12(3), 117.
- Luhuringbudi, T., Rahmaniah, E., Liza, F., & Utami, D. N. (2021). RECONSTRUCTION OF BASIC CONCEPTS OF THE IMPLEMENTATION OF PROGRESSIVE ISLAM IN STUDENT ACTIVITIES. *RUSYDIAH: Jurnal Pemikiran Islam*, 2(2 SE-Articles), 200–218. <https://doi.org/10.35961/rsd.v2i2.352>
- Luhuringbudi, T., Syamsuddin, M. D., & Hakim, S. A. (2019). Activists communication dynamics for mobilization of minority politics in europe. *International Journal of Communication and Society*, 1(2), 43–57.
- Merry, S. E. (2003). Rights talk and the experience of law: implementing women's human rights to protection from violence. *Human Rights Quarterly*, 25(2), 343–381.
- Miranti, R., Sulistyningrum, E., & Mulyaningsih, T. (2022). Women's roles in the Indonesian economy during the COVID-19 pandemic: Understanding the challenges and opportunities. *Bulletin of Indonesian Economic Studies*, 58(2), 109–

139.

- Moshashai, D., Leber, A. M., & Savage, J. D. (2020). Saudi Arabia plans for its economic future: Vision 2030, the National Transformation Plan and Saudi fiscal reform. *British Journal of Middle Eastern Studies*, 47(3), 381–401.
- Müller, D. M. (2022). Beyond the sharia state: Public celebrations and everyday state-making in the Malay Islamic monarchy of Brunei Darussalam. *Asian Journal of Law and Society*, 9(3), 418–439.
- Nuruddin, N., Jannah, A. W., & Martini, D. (2023). Evaluating the Effectiveness of Age Restriction on Marriage in Indonesia. *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 313–330.
- Ramadhan, A. N. F. (2024). Hermeneutics of Gender: A Comparative Study of Hermeneutical Models Amina Wadud and Farid Esack. *Bulletin of Islamic Research*, 2(2), 199–216.
- Rohmadi, R. (2024). Polygamy in Indonesia: A Critical Interpretation through the Lens of Mubadalah Theory. *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan*, 11(2), 378–390.
- Saptari, R. (2013). Women, family and household: tensions in culture and practice. In *Women and households in Indonesia* (pp. 10–25). Routledge.
- Sirri, L. (2024). From Theory to Action: A Saudi Arabian Case Study of Feminist Academic Activism against State Oppression. *Societies*, 14(3), 31.
- Syahputra, D. Y., & Zuhdi, S. (2024). Comparison of the Legal Construction of Hadhanah Rights in Saudi Arabia, Turkey and Indonesia. *Jurnal Mahkamah: Kajian Ilmu Hukum Dan Hukum Islam*, 9(1), 131–148.
- Syarif, U. I. N., Jakarta, H., & Buleleng, M. A. N. (2024). *Resilience and Adaptation: Urban Muslim Communities in DKI Jakarta Facing Environmental Challenges Teguh Luhuringbudi**. 1(1), 45–60.
- Tankard, M. E., & Paluck, E. L. (2016). Norm perception as a vehicle for social change. *Social Issues and Policy Review*, 10(1), 181–211.
- Terjesen, S., Aguilera, R. V., & Lorenz, R. (2015). Legislating a woman's seat on the board: Institutional factors driving gender quotas for boards of directors. *Journal of Business Ethics*, 128, 233–251.
- Tlaiss, H. A., & Al Waqfi, M. (2022). Human resource managers advancing the careers of women in Saudi Arabia: caught between a rock and a hard place. *The International Journal of Human Resource Management*, 33(9), 1812–1847.
- Wadud, A. (2008). Foreword: Engaging tawhid in Islam and feminisms. *International Feminist Journal of Politics*, 10(4), 435–438.
- Wadud, A. (2011). American by force, Muslim by choice. *Political Theology*, 12(5), 699–705.
- Wadud, A. (2013a). Inside the gender jihad: Women's reform in Islam. *Praktyka Teoretyczna*, 08, 249–262.
- Wadud, A. (2013b). The spirited voices of Muslim women in Islamic reform movements. In *Muslim secular democracy: Voices from within* (pp. 53–76). Springer.
- Wadud, A. (2019). Islamic feminism by any other name. In *Muslim Women and Gender Justice* (pp. 33–45). Routledge.
- Wadud, A. (2021). Reflections on islamic feminist exegesis of the qur'an. *Religions*, 12(7), 497.
- Wardhani, L. T. A. L., & Natalis, A. (2024). Assessing state commitment to gender equality: A feminist legal perspective on legislative processes in Indonesia and beyond. *Multidisciplinary Reviews*, 7(6), 2024120.
- Wheeler, D. L. (2020). Saudi women driving change? Rebranding, resistance, and the kingdom of change. *The Journal of the Middle East and Africa*, 11(1), 87–109.

- Wijaya Mulya, T., & Sakhiyya, Z. (2021). 'Leadership is a sacred matter': women leaders contesting and contextualising neoliberal meritocracy in the Indonesian academia. *Gender and Education*, 33(7), 930–945.
- Zaheer, M. A., Haider, W. A., & Yousaf, A. (2022). Women Rights in Islamic Societies: A Comparative Study of Iran and Saudi Arabia. *Al-Wifaq*, 5(1), 1–13.