

Analysis of the right of reconciliation for wives from the perspective of gender justice and Islamic law in Indonesia

Ahdiyatul Hidayah *

STAI Rasyidiyah Khalidiyah Amuntai, South Kalimantan, Indonesia

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Abstract:

In reconciliation practices, wives' consent is often neglected and interpreted differently across Islamic schools, while gender justice emphasizes equality in marriage. The husband's unilateral right to reclaim his wife after talaq raj'i reflects persistent male dominance within marital relations. This study analyzes wives' reconciliation rights from gender justice and Islamic law in Indonesia, identifying transformation of Islamic family law, Compilation of Islamic Law (KHI) reconstruction, shift from male authority to participatory relational justice. This study employed a qualitative normative-juridical approach using library research. Primary and secondary data sources were analyzed through content analysis and comparative analysis between classical fiqh perspectives, the KHI, and gender justice perspectives. This study finds: (1) Islamic family law transforms toward gender justice via women's rights, husbands' ethical duties, khulu', and equal marital relations; (2) KHI reconstructs reconciliation by requiring wife's consent, reinforcing her dignity, autonomy, and gender justice; (3) comparing classical law with gender perspectives shows a shift from absolute male authority to participatory reconciliation and relational justice. This study found a transformation of Islamic family law toward gender justice, the reconstruction of the KHI through the requirement of the wife's consent, and a shift from absolute male authority toward participatory and relational reconciliation. This study contributes to integrating gender justice and maqāṣid al-syarī'ah within Islamic law, while also encouraging the strengthening of KHI implementation, judicial training, and the inclusion of wife consent clauses in marriage contracts.



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*Corresponding author: Ahdiyatul Hidayah, Islamic Family Law Study Program, Faculty of Sharia and Law, STAI Rasyidiyah Khalidiyah Amuntai, North Hulu Sungai Regency, South Kalimantan, Indonesia email: ahdiyatul123@gmail.com

INTRODUCTION

In the context of family law, gender justice is essential because traditional norms often position wives in a subordinate role to husbands (Rufaida, 2019; Cohen et al., 2024). This inequality is rooted in cultural and legal traditions that prioritize male authority. The issue is evident in the husband's right of reconciliation (*rujuk*), which Salim and Wulandari (2023) define as a normative right during the *iddah* period based on QS. Al-Baqarah: 228. Nevertheless, Nely (2024) and Güney (2024) argues that this right is frequently exercised unilaterally without the wife's consent or psychological consideration. In Indonesia, although regulated by Law No. 1 of 1974 and the Compilation of Islamic Law, its implementation still creates manipulation and power imbalance (Adegoke, 2021; Atmadianti & Rizal, 2024). Maulida and Busyro (2018) view this condition as contradictory to equality in household decision-making. Therefore, Al-As'ary (2016) proposes reinterpretation through the *maqāṣid al-sharī'ah* approach to ensure justice and welfare, particularly for women.

Previous studies on the right of reconciliation (*rujuk*) in divorce have been widely discussed in both classical and contemporary Islamic law. Normatively, this right is granted to husbands during the wife's *iddah* period following a *ṭalāq raj'ī*, as recognized in the Qur'an and the jurisprudence of the four Sunni schools (Bariah & Ferianto, 2024; Mera et al., 2024). In Indonesia, however, this concept has increasingly been reevaluated through the lens of gender justice. Cullati et al. (2019) and Lwamba et al. (2022) show that *rujuk* often creates unequal power relations when exercised without the wife's consent or psychological consideration. Maula and Vivi (2022) found that women frequently lack bargaining power in religious courts, including in domestic violence cases. Furthermore, Law No. 1 of 1974 and the Compilation of Islamic Law have not explicitly protected women's rights (Maloko et al., 2024; Langaji et al., 2024). Unlike previous studies, this research reconstructs *rujuk* through gender justice, wife's consent, and shared marital authority.

Based on the gap identified above, this study aims to analyze the wife's right of reconciliation (*rujuk*) from the perspectives of gender justice and Islamic law in Indonesia, while also identifying the transformation of Islamic family law, the reconstruction of the KHI, and the shift from the husband's absolute authority toward participatory reconciliation and relational justice. This study addresses three main questions: (1) How has Islamic family law transformed toward gender justice in the context of *rujuk*? (2) How does the KHI reconstruct the right of reconciliation by positioning the wife's consent as a prerequisite for reconciliation? and (3) How do classical Islamic law and gender perspectives demonstrate a shift from the husband's absolute authority toward participatory reconciliation? Therefore, this study contributes to enriching the discourse of Islamic law through the integration of gender justice and *maqāṣid al-sharī'ah*, while also offering policy recommendations, including strengthening the KHI, providing judicial training, and incorporating the wife's consent clause into marriage contracts.

The central argument of this study is that although there has been a paradigm shift from the husband's absolute authority toward the recognition of the wife's consent, its implementation continues to face structural challenges. Article 167 paragraph (2) of the KHI has normatively reconstructed the right of reconciliation (*rujuk*); however, its effectiveness in practice remains weak due to the absence of strict sanctions for violations. The gender perspective, which demands substantive justice, has not yet been fully internalized within the practices of religious courts, where the wife's objection often has limited influence on judicial decisions. Furthermore, the dynamic flexibility of Islamic legal interpretation may create ambiguity when it is not accompanied by measurable mechanisms for protecting women's rights. Therefore, normative transformation alone is insufficient; procedural

reform and stronger awareness among judges and society regarding the principles of relational justice are necessary to achieve a more equitable reconciliation system.

METHOD

Research Approach

This study employs a normative juridical qualitative approach with library research as the primary source of data (George, 2008; Snyder, 2019). Its main characteristics include the researcher's direct engagement with written materials rather than field data (Luft et al., 2022; Sutton & Austin, 2015; Cheong et al., 2023), while the data remain relatively stable across time. The study seeks to identify three major findings. First, the transformation of Islamic family law toward gender justice through the recognition of women's rights, the husband's ethical obligations, *khulu'*, and dynamic egalitarian relationships. Second, the reconstruction of the KHI by positioning the wife's consent as a prerequisite for reconciliation, thereby strengthening women's dignity and autonomy. Third, the comparison between classical Islamic law and gender perspectives, which demonstrates a shift from the husband's absolute authority toward participatory reconciliation and relational justice.

Data Sources

The data sources of this study consist of primary and secondary data. Primary data include classical and contemporary Islamic legal references, such as jurisprudential (*fiqh*) texts from various schools of thought, Qur'anic exegeses, and hadiths concerning the right of reconciliation (*rujuk*) (Ramadhita et al., 2023; Yotenka et al., 2022). Secondary data comprise Indonesian legal instruments, including the KHI, Law No. 1 of 1974, and Supreme Court decisions, as well as academic books, journal articles, literature reviews, reports, regulations, encyclopedias, online media, and social media platforms (Wickham, 2019; Afian & Saputra, 2021). Malayudha et al. (2023) emphasize that this approach is essential for understanding both the theoretical framework and the practical implications of gender justice. These diverse sources support a comprehensive analysis of the understanding and practice of gender justice within the concept of *rujuk*, both in normative and contemporary contexts.

Data Analysis

Data analysis in this study involves several systematic stages. The analysis employs a content analysis technique, which, according to Benuf and Azhar (2020), is highly appropriate for exploring deeper normative meanings and evaluating whether the implementation of the right of reconciliation (*rujuk*) reflects justice, particularly for wives who are often marginalized within the process. Lee et al. (2024) explain that the initial stage includes the identification and collection of relevant sources, such as books and literature related to the concept of *rujuk*. After these sources are collected, Elo et al. (2014) emphasize the importance of organizing and analyzing the data consistently and methodically. Sindin (2017) further states that researchers must thoroughly read and comprehend the entire content of the sources in order to identify discussions relevant to the research problem.

Comparative Data Analysis

In line with this, Kraus et al. (2021) emphasize that researchers need to compare the literature on the right of reconciliation (*rujuk*) from both classical and contemporary *fiqh* perspectives in order to identify patterns and shifts in interpretation. Abdullah (2023) explains that this process requires researchers to interpret the views of Islamic scholars, the Compilation of Islamic Law (KHI), and various other legal perspectives while integrating their own critical analysis. Therefore, mastery and synthesis of all available descriptions are essential to producing a comprehensive and balanced analysis.

RESULTS AND DISCUSSION

Results

Paradigm shift: Islamic family law begins to advocate for women's rights

Islamic family law has long been perceived as patriarchal; however, contemporary legal developments indicate a transformation toward more egalitarian relationships. Wives now possess greater agency in determining reconciliation, including the right to refuse or propose *rujuk* (reconciliation), while husbands are increasingly required to uphold principles of justice and fairness. The concept of *khulu'* has also strengthened the protection of women's rights within marital relations. These developments demonstrate that Islamic law is dynamic and adaptable to the values of gender justice within modern family life.

Table 1

Reconciliation and Gender Justice in Islamic Family Law

No	Theme	Key Findings	Description
1	Repositioning Women's Rights in Reconciliation	<ul style="list-style-type: none"> - Women have the right to express their opinions in reconciliation- - Wives may initiate reconciliation 	A shift has occurred in Islamic family law from a male-dominated perspective toward a more inclusive recognition of women's rights in reconciliation processes and marital relations.
2	Husband's Obligations in the Reconciliation Process	<ul style="list-style-type: none"> - Husbands are required to behave properly - Husbands must treat their wives fairly 	Reconciliation is not merely procedural but also requires ethics and justice in husband-wife relations as a form of moral responsibility within the family.
3	<i>Khulu'</i> as a Mechanism of Relational Justice	<ul style="list-style-type: none"> - <i>Khulu'</i> grants wives the right to initiate separation - A solution when the husband refuses reconciliation 	<i>Khulu'</i> serves as an Islamic legal instrument that balances rights and obligations in resolving household conflicts, particularly in divorce cases.
4	Transformation Toward Gender Justice	<ul style="list-style-type: none"> - Emphasis on equal husband - wife relationships- Islamic law is dynamic 	Islamic family law demonstrates interpretative flexibility that leads toward the principles of gender justice and more egalitarian marital relationships.

Source: Processed by the researchers, 2025

Table 1 presents four major findings in Islamic family law. First, there has been a repositioning of women's rights in reconciliation, in which wives now have the right to express their opinions and initiate reconciliation. Second, husbands possess ethical obligations to act properly and fairly, extending beyond merely procedural responsibilities. Third, *khulu'* functions as a mechanism of relational justice that grants wives the right to take the initiative when husbands refuse reconciliation. Fourth, overall, Islamic family law demonstrates a transformation toward gender justice through more equal and dynamic relationships between husbands and wives.

Based on the findings, Islamic family law has experienced a paradigm shift from a patriarchal approach toward relational and gender justice. The repositioning of women's rights indicates that reconciliation is no longer dominated by the husband's authority; instead, wives have become active subjects who are entitled to voice their interests. The husband's obligation to act properly and fairly emphasizes that reconciliation is an ethical process rather than merely a legal formality. Meanwhile, *khulu'* functions as a balancing mechanism that provides wives with a solution when husbands act uncooperatively. From a transformative perspective, the flexibility of Islamic legal interpretation enables the development of more egalitarian marital relationships. This dynamic reflects the law's responsiveness to contemporary demands for equality without abandoning the foundations

of *sharī'ah*, while also demonstrating that Islamic family law possesses the capacity to evolve contextually and justly.

Reconstruction of the right of reconciliation from classical Fiqh to the KHI

In classical Islamic family law, the right of reconciliation (*rujuk*) was entirely vested in the husband without requiring the wife's consent. Women tended to occupy a passive position and had little or no role in decision-making during the *iddah* period. However, the Compilation of Islamic Law (KHI) in Indonesia introduced a significant transformation by recognizing the wife's right to refuse reconciliation. This development reflects a shift from the husband's absolute authority toward greater recognition of women's dignity, autonomy, and gender justice within contemporary Islamic family relations.

Table 2

The Evolution of the Wife's Right to Refuse Reconciliation

No	Theme	Sub-Findings	Description
1	The Wife's Right to Refuse Reconciliation in the Perspective of Classical Law	<ul style="list-style-type: none"> - Before the Compilation of Islamic Law, wives did not have the right to refuse reconciliation - Reconciliation was considered the husband's absolute right 	In classical <i>fiqh</i> , which was patriarchal in nature, the right of reconciliation was entirely vested in the husband without requiring the wife's consent during the <i>iddah</i> period.
2	The Dominance of Classical Scholars' Views on Reconciliation	<ul style="list-style-type: none"> - Reconciliation was regarded as the husband's absolute right - The wife's consent was not required 	The views of traditional scholars reflected a structure of Islamic family law that positioned men as the primary authority holders in divorce and reconciliation.
3	Legal Reconstruction in the Compilation of Islamic Law (KHI)	<ul style="list-style-type: none"> - Reconciliation must obtain the wife's consent - The wife's refusal may invalidate reconciliation 	The KHI introduced a significant transformation by recognizing the wife's role and consent as legal requirements in the reconciliation process in Indonesia.
4	The Influence of Modern Thought on Family Law	<ul style="list-style-type: none"> - The KHI was influenced by ideas of gender equality-Emphasis on justice in husband-wife relations 	Islamic family law has undergone transformation due to the development of modern thought emphasizing equality and gender justice within the family.
5	Gender Perspective on the Right to Refuse Reconciliation	<ul style="list-style-type: none"> - Refusal serves as a form of protection of women's dignity - A symbol of resistance against male domination 	From a gender perspective, the wife's right to refuse reconciliation is viewed as recognition of women's autonomy, free will, and protection against injustice in marital relations.

Source: Processed by the researchers, 2025

Table 2 demonstrates that, within classical *fiqh*, wives did not possess the right to refuse reconciliation because such authority was considered the husband's absolute right. Traditional Islamic scholars positioned men as the sole authority in matters of divorce and reconciliation. However, the Compilation of Islamic Law (KHI) in Indonesia reconstructed this legal framework by requiring the wife's consent in the reconciliation process, whereby the wife's refusal may invalidate the reconciliation. This transformation has been influenced by modern perspectives on gender equality. From a gender perspective, the right to refuse reconciliation represents a form of protection of women's dignity, autonomy, and resistance against male domination within marital relationships.

Based on the findings, a fundamental paradigm shift has occurred in Islamic family law in Indonesia. During the classical period, the legal structure was patriarchal, with husbands holding absolute authority over reconciliation, while wives had no space for negotiation. The dominance of classical Islamic scholars further reinforced this relational inequality. However,

the Compilation of Islamic Law emerged as a significant turning point through its legal reconstruction, which requires the wife's consent as a valid element of reconciliation. This transformation did not occur in isolation; rather, it was influenced by modern intellectual currents emphasizing equality and gender justice. From a deeper gender perspective, the wife's right to refuse reconciliation is interpreted as a mechanism for protecting women's dignity and autonomy. Therefore, the KHI not only revises procedural regulations but also recognizes wives as legal subjects who possess the right to reject injustice within marital relationships.

Comparative analysis of reconciliation rights in Islamic Law

In classical Islamic law, the right of reconciliation (*rujuk*) is positioned as the husband's authority to return to his wife during the *iddah* period without requiring the wife's consent. This construction reflects the dominance of male authority within marital relations. However, contemporary gender perspectives offer a different approach by emphasizing the importance of the wife's consent, the protection of women's rights, and formal mechanisms such as witnesses to prevent the abuse of power. These differences illustrate the dynamic interpretation between preserving the traditions of classical Islamic law and responding to the demands of relational justice in modern society.

Table 3

Comparison of the Right of Reconciliation and Gender Perspectives

No	Comparative Theme	Classical Islamic Law Perspective	Gender Perspective	Comparative Analysis
1	Position of the Right of Reconciliation	The right of reconciliation (<i>rujuk</i>) is the husband's authority in <i>ṭalāq raj'i</i> during the <i>iddah</i> period without requiring a new marriage contract.	The husband's absolute right of reconciliation is considered to create unequal relations because the wife is excluded from the decision-making process.	Classical Islamic law positions the husband as the primary authority holder, whereas the gender perspective demands the wife's participation and consent in reconciliation.
2	Basis of the Legitimacy of Reconciliation	Based on QS. Al-Baqarah: 228, hadith, and the practices of the Prophet Muhammad (PBUH).	The gender perspective does not reject the normative basis but emphasizes a more just and egalitarian reinterpretation.	The difference lies in the interpretative approach; classical law is normative-textual, while the gender perspective is more contextual and grounded in relational justice.
3	Authority in Decision-Making	The husband may carry out reconciliation without the wife's consent.	The wife should have the right to determine whether to accept or reject reconciliation.	The gender perspective criticizes male dominance and promotes more egalitarian family relations.
4	Purpose of Reconciliation	Reconciliation aims to restore marital relations and preserve family unity.	Reconciliation should consider the welfare and wishes of both parties.	Classical Islamic law focuses on maintaining family continuity, whereas the gender perspective emphasizes the quality and justice of family relationships.
5	Forms of Reconciliation	Reconciliation may be conducted verbally or through actions such as marital relations.	The gender perspective considers such practices potentially neglectful of the wife's consent.	The primary difference concerns the issue of consent, which is central in contemporary gender studies.
6	The Value of	Classical <i>fiqh</i>	Justice is understood as	Both perspectives

	Justice in Reconciliation	emphasizes ethics and justice even though the right belongs to the husband.	equality of rights, participation, and the protection of women's dignity.	emphasize justice, but the gender perspective defines justice in a more substantive and participatory manner.
7	Formality and Witnesses	Some schools of thought recommend witnesses, while others do not require them.	The presence of witnesses is considered important to protect women's rights and prevent the abuse of power.	The gender perspective supports formal mechanisms as legal protection for women.
8	Limitations on the Right of Reconciliation	Reconciliation is limited by the <i>iddah</i> period, <i>ṭalāq bain kubra</i> , and <i>khulu'</i> .	These limitations are viewed as mechanisms to prevent abuse of the right of reconciliation.	The gender perspective regards legal limitations as important instruments for maintaining relational balance and protecting women's rights.

Source: Processed by the researchers, 2025

Table 3 presents a comparison of eight aspects of the right of reconciliation (*rujuk*) between classical Islamic law and gender perspectives. Classical Islamic law positions *rujuk* as the husband's absolute right based on QS. Al-Baqarah: 228, without requiring the wife's consent, with the primary aim of preserving family unity. In contrast, the gender perspective critiques this unequal relational structure by demanding the wife's participation and consent, as well as a more just and contextual reinterpretation. The fundamental differences lie in the authority of decision-making, the forms of reconciliation that may potentially neglect consent, and the understanding of justice, which in the gender perspective is viewed in a more substantive and participatory manner.

The findings reveal a paradigmatic tension between the normative-textual approach of classical Islamic law and the contextual-egalitarian gender perspective. Classical law views *rujuk* as the husband's legitimate authority, though it still emphasizes ethical justice. The gender perspective does not entirely reject this normative foundation but advocates reinterpretation incorporating the wife's consent as a prerequisite for relational justice. The crucial difference lies in the definition of justice: classical law is procedural (husband remains rights-holder), while gender perspective demands substantive justice through equal rights and participation. The gender perspective also supports witnesses as a legal safeguard for women and views *rujuk* limitations as control mechanisms. Although both perspectives seek family welfare (*maṣlahah*), classical law prioritizes stability, while the gender perspective emphasizes the quality of egalitarian relationships.

Discussion

The study entitled analysis of the wife's right of reconciliation in the perspectives of gender justice and Islamic law concludes the following. First, Islamic family law has undergone a transformation toward gender justice through the strengthening of women's rights in reconciliation, the reinforcement of husbands' ethical obligations, the recognition of *khulu'*, and the development of more equal and dynamic marital relationships. Second, the KHI reconstructs the right of reconciliation (*rujuk*) by recognizing the wife's consent as an essential requirement for reconciliation, thereby strengthening the protection of women's dignity, autonomy, and gender justice within the household. Third, the comparison between classical Islamic law and gender perspectives demonstrates a shift from the husband's absolute authority toward a reconciliation model emphasizing consent, participation, and more substantive relational justice. Therefore, Islamic family law is evolving toward gender

justice, while the KHI reconstructs the right of *rujuk* by requiring the wife's consent, shifting from absolute male authority toward a participatory and relational reconciliation model.

Socially, the practice of unilateral reconciliation (*rujuk*) reflects unequal power relations in Indonesia (Campbell, 2005; Carback, 2016). However, the transformation of Islamic family law toward gender justice through the recognition of women's rights, the ethical obligations of husbands, *khulu'*, and more egalitarian marital relations has emerged as a response to such inequality. Cameron (2023) and Patoari (2019) note the ongoing global debate concerning gender equality in Islam. The Compilation of Islamic Law (KHI) reconstructs the right of reconciliation by requiring the wife's consent as a condition for reconciliation, thereby strengthening women's dignity and autonomy (Guterres et al., 2024; Halim & Amalia, 2024; Gander et al., 2024). Furthermore, the comparison between classical Islamic law and gender perspectives demonstrates a shift from the husband's absolute authority toward participatory reconciliation and relational justice. Therefore, these findings align with contemporary societal demands for equality and are relevant to the broader global movement toward gender justice in Muslim-majority countries.

Theoretically, these findings reveal a tension between classical *fiqh* and contemporary gender justice. Classical Islamic law positions the husband as the sole authority based on QS. Al-Baqarah: 228 (Thoyib & Huda, 2022; Aisyah, 2024), while gender perspectives critique such domination (Rufaida, 2019; Mun'im & Suaidi, 2024). This reflects the transformation of Islamic family law toward gender justice through the strengthening of women's rights, husbands' ethical obligations, *khulu'*, and more egalitarian marital relations. Chappell et al. (2024) and Farkhani et al. (2022) advocate reinterpretation of *maqāṣid al-sharī'ah* and revision of the Compilation of Islamic Law (KHI). The KHI reconstructs the right of reconciliation (*rujuk*) by requiring the wife's consent, thereby reinforcing women's dignity and autonomy. Furthermore, the comparison between classical Islamic law and gender perspectives demonstrates a shift from the husband's absolute authority toward participatory reconciliation and substantive relational justice.

This study demonstrates that Islamic law can evolve alongside social change without abandoning the principles of *sharī'ah*. The transformation toward gender justice is reflected in the strengthening of women's rights, husbands' ethical obligations, *khulu'*, and more egalitarian marital relations (Glázer-Kniesz & Makay, 2024). Fattah (2019) emphasizes reconstructing the doctrine of *rujuk* in a more equitable manner. The Compilation of Islamic Law (KHI) reconstructs the right of reconciliation by requiring the wife's consent, thereby reinforcing women's dignity and autonomy. Grossbard-Shechtman and Lemennicier (1999) argue that *rujuk* should be understood as a mutual agreement rather than the husband's absolute right. Furthermore, comparisons between classical Islamic law and gender perspectives reveal a shift toward participatory reconciliation and relational justice. Therefore, this study highlights that Islamic family law should prioritize substantive justice and the protection of women within marital relationships.

The findings align with Rohmah et al. (2025) that husbands' unilateral rights reflect patriarchal norms, but differ from Muhibbulloh et al. (2021) who view *rujuk* as protecting marriage. Pomahiya et al. (2022) criticize reconciliation practices perpetuating inequality. Cislighi & Heise (2020) and Tchoukou (2024) show legal innovations in other Muslim countries, such as marriage contract clauses. In Indonesia, although KHI Article 167(2) requires the wife's consent (Scott et al., 2013; Albert et al., 2019), implementation is weak. Suryantoro & Rofiq (2022) state wives may refuse reconciliation, yet Santoso et al. (2023) note such refusal has not significantly influenced judicial decisions. This study finds that marriage protection has in practice become a control mechanism. The novelty lies in

positioning itself between the normative optimism of the KHI and persistent social inequality.

Based on the findings, several recommendations are proposed. First, strengthen socialization and supervision of KHI Article 167(2) requiring the wife's consent in *rujuk*. Second, train judges and marriage registrars on gender justice and *maqāṣid al-sharī'ah* to avoid treating reconciliation as mere formality. Third, encourage optional marriage contract clauses granting wives the right to refuse reconciliation. Fourth, progressively revise the KHI to include administrative sanctions for husbands who reconcile without the wife's consent. Fifth, strengthen gender justice-based counseling and mediation for couples seeking reconciliation. Sixth, actively involve women's organizations and civil society in advocating for equitable family law policies. Through these measures, Islamic law in Indonesia can move toward reconciliation practices that uphold dignity, autonomy, and justice for both husbands and wives.

CONCLUSION

This study produces three major findings. First, Islamic family law has undergone a transformation toward gender justice, reflected in the strengthening of women's rights in reconciliation, the reinforcement of husbands' ethical obligations, the recognition of *khulu'*, and the development of more equal and dynamic marital relationships. Second, the KHI reconstructs the right of reconciliation (*rujuk*) by establishing the wife's consent as a legal requirement for reconciliation, thereby strengthening the protection of women's dignity, autonomy, and gender justice within the household. Third, the comparison between classical Islamic law and gender perspectives demonstrates a fundamental shift from the husband's absolute authority toward a participatory and relationally just model of reconciliation. Socially, unilateral reconciliation practices still reflect unequal power relations; however, this legal transformation represents a strategic response to structural injustice. Theoretically, these findings highlight the tension between classical fiqh and contemporary demands for gender justice, which may be addressed through a contextual reinterpretation of *maqāṣid al-sharī'ah*.

This study provides a theoretical contribution to the development of Islamic law by integrating the principles of gender justice and the *maqāṣid al-sharī'ah* approach as a method of contemporary *ijtihad*. It enriches the discourse on marital reconciliation by offering a model of relational justice that balances the rights of both husbands and wives. Practically, these findings encourage stronger socialization and supervision of the implementation of Article 167 paragraph (2) of the KHI, training for judges and marriage registrars on gender justice, and the inclusion of optional clauses concerning the wife's consent in marriage contracts. Progressive revision of the KHI, including administrative sanctions for unilateral reconciliation, is also recommended. Furthermore, this study advocates gender-based counseling services and the active involvement of women's organizations in promoting equitable family law policies.

The main limitation of this study lies in its predominantly normative-juridical focus, which has not yet deeply explored the implementation of KHI provisions at the grassroots level, including the social, cultural, and economic factors that contribute to the weak effectiveness of the wife's consent in the practice of *rujuk*. Furthermore, this study is limited to the Indonesian context and does not undertake cross-country comparisons with other Islamic family law systems. Recommended future research directions include qualitative empirical studies on the experiences of wives who refuse *rujuk*, analysis of religious court decisions concerning *rujuk* disputes, and comparative research with Muslim-majority

countries that have adopted equal rights in rujuk. Participatory action research involving women's organizations is also necessary to promote more effective policy reform.

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AUTHOR CONTRIBUTION STATEMENT

Ahdiyatul Hidayah: Conceptualization; Data Curation; Investigation; Methodology; Resources; Writing Original Draft; Visualization; Writing Review & Editing.

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