

Gender construction in the classical fiqh book *Masāil al-Nisā'*: Analysis from Judith Butler's perspective

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Article Information	Abstract:
Submitted: 2025-03-14 Revised: 2025-06-09 Published: 2025-12-28	A major issue in classical fiqh is gender representation, where women are often positioned subordinate to men. <i>Masāil al-Nisā'</i> constructs female identities and domestic roles through the repetition of socio-religious norms. This study analyzes the construction of gender in <i>Masāil al-Nisā'</i> using the performativity theory of Judith Butler. It reveals how fiqh legitimizes binary norms, naturalizes masculine authority, and religiously reproduces women's subordination within domestic and marital hierarchies. Employing a descriptive qualitative-interpretative approach, thematic analysis, and Butler's gender performativity theory, the research analyzes primary texts and supporting literature to uncover constructions of women's roles, identities, and subordination in domestic contexts. The study on <i>Masāil al-Nisā'</i> finds that women's access to the public sphere is conditional and necessity-based with unclear moral regulation. Textual prohibitions against imitating the opposite sex reinforce binary gender divisions. Women are positioned as inherently domestic supporters of husbands or fathers with limited public roles. Although balance is emphasized, male authority in final decisions results in concealed gender subordination. This study concludes that <i>Masāil al-Nisā'</i> constructs a normative and hierarchical gender framework, conditionally granting women public space while consistently positioning men as the primary authority, thereby producing covert subordination in gender relations based on religious legitimacy. This study enriches Islamic gender studies, critiques the concept of women's nature (<i>kodrat</i>), state ibuism, and promotes critical reading of fiqh texts.
Keywords: Gender; Judith Butler; <i>Masāil al-Nisā'</i> ; Performatif; Woman.	



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INTRODUCTION

One of the important issues in classical fiqh studies is the presence of gender-biased representations, in which women are often positioned in a subordinate status compared to men. Fiqh functions as a primary foundation for Muslims in practicing religious teachings, especially for communities that do not have direct access to sources such as the Qur'an and Hadith (Yani et al., 2022). As a product of scholars' *ijtihad*, fiqh serves as a bridge between religious texts and the social realities of the Muslim community (Suyadi et al., 2020). Fiqh rulings are subsequently disseminated through classical texts written in Arabic or *pegon* to facilitate public understanding, particularly within pesantren environments (Prayogi et al., 2025). However, some classical fiqh texts contain perspectives that position women unequally (Gouda & Potrafke, 2016), despite the fundamental Islamic principles that uphold women's dignity and justice (Marvi et al., 2025; Tadros & Shutt, 2024). Therefore, the unequal gender representations found in classical fiqh texts need to be critically examined, considering that these works are often treated as normative references in determining women's roles and positions within both the family and society (Abou El Fadl, 2017).

Previous studies on women in Islam can be categorized into three major groups based on their key findings. First, studies highlight gender bias in classical fiqh, where women are positioned as subordinate through domestic restrictions and the legitimization of male authority (Jufri & Jupri, 2019; Abdurrohim & Ali, 2019; Gojali et al., 2020). Second, studies emphasize marital harmony through communication and deliberation, as well as various approaches in women's fiqh that reflect efforts to promote women's rights within Islamic law (Mayyadah, 2021; Widjaja, 2023). Third, critical-theoretical studies examine religious texts addressing women's issues from adolescence to marriage, which potentially reproduce gender inequality (Ahmad et al., 2024; Njuki et al., 2022; Marlina et al., 2025). Thus, previous research has largely focused on gender bias in classical fiqh and marital relations, but has not specifically examined *Masāil al-Nisā'*. This study offers novelty by analyzing *Masāil al-Nisā'* through Judith Butler's framework, revealing the ambivalence between women's participation and subordination through the performativity of gender norms in fiqh discourse.

This study is based on the argument that *Masāil al-Nisā'* represents a hierarchical gender construction through four performative mechanisms. First, women's participation in the public sphere is framed as functional and need-based rather than an autonomous right, positioning women as supplementary actors when men are unable to perform certain roles. Second, prohibitions against gender imitation (*tashabbuh*) are cited textually without contextual interpretation, potentially functioning as a social control mechanism that reinforces a rigid binary gender division. Third, domestic roles are naturalized as "nature" (*thabiate*), positioning women as helpers to husbands or fathers rather than equal partners. Fourth, although the text promotes balance in rights and obligations, it ultimately affirms male leadership in final decision-making as divinely ordained, producing concealed forms of subordination. Through Judith Butler's lens, these constructions are not biological essences but performative effects of repeated religious discourse that continually reproduces patriarchal structures.

This study aims to analyze the construction of gender in the classical fiqh text *Masāil al-Nisā'* using Judith Butler's theory of performativity. Specifically, it addresses four main questions: (1) how the text represents women's gender roles in both public and domestic spheres; (2) how women's bodies, dress, and behavior are regulated; (3) how marital power relations and male authority are legitimized through fiqh discourse; and (4) how gender norms operate performatively to construct and stabilize gender hierarchies. By addressing

these questions, the study contributes theoretically to the enrichment of gender studies in Islamic scholarship through the application of Butler's framework to classical fiqh texts. Methodologically and practically, it offers a critical reading of normative pesantren texts, reveals the subtle reproduction of women's subordination through religious legitimation, and serves as a reference for more critical, contextual, and gender-sensitive fiqh studies in Islamic education.

METHOD

Research Approach

This study employs a qualitative descriptive-interpretative approach focusing on the analysis of *Masāil al-Nisā'* to critically and contextually explore meaning construction (Ahmed et al., 2025). It examines women's gender roles and identities within the domestic sphere, paying attention to the relationship between religious norms, language, and social practices. This approach aligns with Judith Butler's theory of gender performativity (1988), which conceptualizes gender as a social construction produced through the repetition of practices. This view is supported by McKinlay (2010) as well as Jenkins and Finneman (2017), who argue that gender identity is formed through social interaction and the repetition of norms. Accordingly, this approach enables a critical analysis of how religious texts contribute to gender construction within family life. It also reinforces the importance of contextual reading of religious texts in contemporary Islamic gender studies in Indonesia.

Data Sources and Analysis Units

The primary data of this study are derived from *Masāil al-Nisā'*, particularly the chapters and sections that discuss domestic law, women's roles, and husband wife relations. The selection of these units of analysis is based on their relevance to the research focus on gender construction. In addition, secondary literature is employed as supporting data to ensure the validity of the interpretation and to provide a comparative perspective. By determining specific units of analysis, this study is able to more precisely identify how women's gender roles and identities are framed through religious discourse.

Data Collection Techniques

Data collection was conducted through an in-depth literature review of *Masāil al-Nisā'* as the primary source. The text was examined both textually and contextually to identify explicit and implicit representations of women's roles, including their position in domestic and public spheres, marital relations, male leadership, and norms of dress and gendered behaviour (Bingham, 2023). The analysis also considered the historical and social context of the text, including its temporal background, cultural setting, and prevailing social norms, to ensure a contextualized interpretation. This approach enabled the researcher to move beyond literal reading and uncover underlying meanings embedded in social practices. Secondary data included classical fiqh texts for comparison, literature on gender in Islam, studies on gender performativity and discourse analysis, and previous research on women and pesantren.

Data Analysis

Data were analyzed using thematic analysis based on the framework proposed by Braun and Clarke (2006). The analysis began with data familiarization through close reading, followed by textual coding of segments related to gender representation. Codes were then grouped into themes, reviewed, and refined to ensure coherence. The final stage involved defining themes and producing a systematic analytical report. Critical interpretation employed the theory of gender performativity by Butler to examine how gender norms are

constructed and reproduced in religious discourse (Butler, 2011). The phrase “the wife is obliged to obey” was interpreted as a performative act reinforcing women’s subordination. Validity was ensured through triangulation, peer review, and an audit trail.

Research Procedures

The research procedure was conducted systematically. The initial stage involved identifying relevant chapters or themes in *Masāil al-Nisā'*. Subsequently, significant textual segments were coded using thematic analysis. These codes were then grouped into major themes related to the construction of gender roles. The next stage consisted of critical analysis by applying the theory of gender performativity to uncover the performative processes underlying representations of women. The final stage involved drawing conclusions regarding how the text reproduces and normalizes gender norms within the institution of the family. This systematic procedure ensures that the research is conducted in a clear manner and that its findings are academically accountable.

RESULTS AND DISCUSSION

Results

Normative role of women in the book *Masāil al-Nisā'*

The claim that Islam is entirely progressive toward women is not fully accurate. Women do not yet possess equal freedom with men in engaging in various activities. The condition of “necessity” positions women as supplementary actors rather than rights-bearing subjects. Their obligation to work emerges only when men are unable to do so, which frames their role as substitutive rather than autonomous. In addition, the boundary of “maintaining moral conduct” is often ambiguous and has the potential to restrict and control women’s spatial and social mobility.

Table 1

Women's Roles in the Book Masāil al-Nisā'

No	Javanese Language	English	Initial Codes	Theme
1	“Ana ing agama Islam, ora ana peraturan kang nglarang wong wadon ana ing prakara makarya utawa usaha apa wae, utawa ana ing prakara sekolah apa wae, yen wong wadon kuwi butuh.”	In Islam, there is no rule that prohibits women from working, engaging in business, or pursuing education, as long as it is needed.	conditional access; necessity-based; limited legitimacy	Conditional public participation
2	“Miturut para ulama ahli fiqh padha dhawuh: yen masyarakat butuh marang wong wadon kanggo sawijining pagawean kang ora kena ditindakake dening wong lanang, mula wong wadon wajib melu tandang lan nguwasani ilmuné...”	According to fiqh scholars, if society requires women to perform tasks that cannot be carried out by men, then women are obliged to participate and master the necessary knowledge.	social obligation; societal need; instrumental role	Instrumentalization of women's roles
3	“Lan ora ana prakara kang bisa ndadekake ala pekertine utawa ngilangake sifat setitine wong wadon.”	There should be no activities that damage moral character or diminish the essential nature of women.	moral control; essential female nature; behavioral restrictions	Moral regulation and gender essentialism

Source: *Masāil al-Nisā'*, pages 60–61.

Table 1 shows that *Masāil al-Nisā'* emphasizes that in Islamic teachings there is no prohibition for women to work, engage in economic activities, or pursue education, as long as these activities are necessary. Furthermore, based on the opinions of fiqh scholars, if society requires specific expertise that cannot be performed by men for example, in midwifery services or the washing of female corpses women are even obliged to participate and master such knowledge. However, the text also provides ethical boundaries: women's activities must not damage moral character or eliminate essential feminine qualities. Thus, the book encourages women's active participation in public and educational spheres, while still operating within the framework of moral values and Islamic law.

Based on the findings, *Masāil al-Nisā'* opens spaces for women's public participation, such as working, pursuing education, and even mandating involvement when society requires specific expertise that cannot be performed by men. However, these spaces are constrained by moral provisions to ensure that women do not compromise moral conduct or lose their essential feminine qualities. Critically, this view can be considered relatively progressive within the 1980s context, yet it remains ambivalent. First, women's participation is based on social necessity rather than autonomous rights. Second, the notion of "essential feminine qualities" (*setiti*) is treated as a taken-for-granted social construct, which potentially limits women's agency. Third, the boundary of "moral damage" is subjective and opens space for normative control. Nevertheless, the text reflects an attempt at compromise in expanding women's roles within the patriarchal structure of *pesantren* society.

Norms of appearance and gender behavior in the book *Masāil al-Nisā'*

In Islam, behavior that imitates the opposite sex, both in clothing and actions, is considered a violation of normative rules with serious theological consequences. Several hadiths state that there is a curse for women who imitate men and vice versa. This prohibition is reciprocal, emphasizing the importance of maintaining gender identity in accordance with Islamic law. Thus, this regulation carries both ethical and normative dimensions in shaping the moral and social order of the Muslim community.

Table 2

Norms of Appearance and Behavior of Women

No	Javanese Language	English	Initial Codes	Theme
1	"Apa keno wong wadon nganggo penganggo kang ngemperi wong lanang?"	Women are not allowed to imitate men in terms of clothing or behavior.	prohibition of imitation; gender distinction; behavioral restriction	Gender differentiation and prohibition of imitation
2	"Ing Hadiste Siti Aisyah kadawuhake; la'ana al-Allahu arrajulata mina an-nisā'..."	According to a hadith narrated by Aisha, Allah curses women who imitate men in their actions and appearance.	religious sanction; moral condemnation; imitation taboo	Religious legitimization of gender norms
3	"Semono ugo hadise ibnu abbas: la'ana al-allahu al-mushabihāti mina al-nisā' bi arrijali..."	A hadith from Ibn Abbas emphasizes that Allah curses women who resemble men and men who resemble women.	divine curse; gender boundary enforcement; binary norms	Reinforcement of binary gender order

Source: *Masāil al-Nisā'*, page 62.

Table 2 shows that *Masāil al-Nisā'* emphasizes the prohibition for women to imitate men, both in dress and behavior. This prohibition is based on two hadiths: first, a narration

from 'Aisha stating that Allah curses women who imitate men; second, a narration from Ibn Abbas which extends this curse not only to women who imitate men but also to men who imitate women. Thus, the text regards cross-gender imitation as a violation of Islamic law that results in divine curse.

Based on the findings, the prohibition of gender imitation is indeed recognized in Islamic literature; however, its contextual and interpretive dimensions are often neglected. The text cites such rulings without critical discussion of the legal rationale ('illah) or the distinction between essential, temporal, and culturally conditioned forms of imitation. As a result, this prohibition may function as a rigid instrument of social control, where items such as trousers, hairstyles, or certain professions perceived as "masculine" can easily be classified as prohibited imitation. More problematically, the hadith is used to sustain a binary gender dichotomy, requiring men and women to appear and behave in strictly distinct ways, leaving no space for fluid or non-conforming gender expressions. In the modern context, such a view challenges the understanding that clothing and behavior are socially constructed rather than biologically determined and vary across time and place. Consequently, the text reinforces patriarchy by labeling deviations from gender stereotypes as acts deserving condemnation.

Domestic and public roles of women in the book *Masāil al-Nisā'*

The view that Islam restricts women solely to the domestic sphere is not entirely accurate. Based on the analyzed Javanese text, there is no prohibition for women to work, engage in entrepreneurship, or pursue education, as long as such activities are necessary and do not contradict moral values. The existing restrictions are primarily directed at actions that may damage ethical conduct and perceived feminine nature. Thus, extreme interpretations that categorically prohibit women from participating in the public sphere tend to be inconsistent with the more balanced principles of Islamic teachings.

Table 3

Women's Roles and Responsibilities

No	Javanese Language	English	Initial Codes	Theme
1	"Mestine, miturut thabiate, tugase wong wadon muslimah, yaiku ngurus ruwet rentenge rumah tanggane, andidik putro-putrone..."	By nature, the primary role of a Muslim woman is to manage household affairs and educate her children to become righteous individuals.	naturalized role; domestic responsibility; motherhood duty	Domestic role as naturalized obligation
2	"Putro kang ngerti lan nyukupi hakke Allah, ngerti lan nyukupi hak-hak oke masyarakat..."	Children are educated to understand and fulfill their obligations to God and their social responsibilities within society.	moral education; religious duty; socialization role	Women as moral and religious educators
3	"...utowo ambantu wong lanang utowo bapakke ono ing persoalan urip ing bumi iki."	Women also play a role in supporting their husbands or fathers in dealing with life's challenges.	supportive role; dependency; auxiliary function	Subordinate and supportive positioning
4	"Ana ing agama Islam, ora ana peraturan kang nglarang wong wadon ana ing prakara makarya utawa usaha apa wae... utawa sekolah... yen wong wadon kuwi butuh."	Islam does not prohibit women from working, engaging in business, or pursuing education, as long as it is needed.	conditional access; necessity-based; limited participation	Conditional public participation
5	"Lan ora ana prakara kang bisa ndadekake ala pekertine"	Any activity should not damage moral character or	moral control; essential nature;	Moral regulation and gender

utawa ngilangake sifat setitine wong wadon."	diminish the essential nature of women.	behavioral restriction	essentialism
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Source: Masāil al-Nisā', page 60.

Table 3 shows that Masāil al-Nisā' views the primary role of Muslim women as, by nature, managing household affairs and educating children to become righteous individuals while understanding both divine and social obligations. In addition, women are also positioned as supporting their husbands or fathers in facing life's challenges. Nevertheless, the text acknowledges that Islam does not prohibit women from working, engaging in economic activities, or pursuing education, as long as such activities are necessary and do not damage moral conduct or diminish essential feminine qualities. In other words, the domestic sphere is prioritized, while access to the public sphere is allowed in a limited and functional manner.

Based on the research findings, the "natural" role of women as household managers and child educators reproduces an essentialist gender division of labor. The term *thabiat* (nature) legitimizes the domestic sphere as the primary vocation of women, without recognizing that such roles can also be performed by men or negotiated socially. Women's positioning as helpers to husbands or fathers, rather than equal partners, reinforces an unequal power relation. Although access to the public sphere is acknowledged, the conditions of "necessity" and "not damaging moral conduct/essential feminine qualities" function as subtle mechanisms of control that confine women to a secondary status: they may participate in public life, but are not allowed to move beyond a predefined feminine identity. Consequently, the text fails to offer substantive equality, providing only conditional tolerance that sustains patriarchal structures. From a contemporary gender perspective, the domestic public dichotomy must be deconstructed as it is socially constructed rather than biologically determined, and ultimately disadvantageous to both genders.

Gender inequality in marital relations in Masāil al-Nisā'

Discourses on equality in Islam are often interpreted in diverse ways. Based on the presented data, there are indications that men are positioned as the primary authority holders and final decision-makers, while women are placed within a framework of balance that remains under male coordination. This reflects a normative differentiation of roles. Thus, the notion of equality in this context appears to reflect role complementarity rather than absolute equality, thereby opening interpretive space for both potential inequality and social harmony.

Table 4
Rights, Obligations, and Male Leadership in the Family

No	Bahasa Jawa	English	Initial Codes	Theme
1	"Hak lan kewajiban iku kudu nganggo ukuran kang bagus..."	Rights and obligations between men and women should be balanced and measured by appropriate standards accepted within society.	balance of roles; normative standards; social legitimacy	Normative balance of rights and obligations
2	"Wong lanang iku anduweni derajat tegese kekuasaan nentuake opo-opo..."	Men hold a position of leadership, having authority to make decisions within the household.	male leadership; authority; decision-making power	Male authority and leadership
3	"Dawuh iki dawuhe Allah... Yen sira langgar sira bakal ngadepi	This concept is based on divine command and must be observed; violating it will lead	divine command; religious obligation; sanction	Theological legitimation of authority

	kesulitan.”	to difficulties.		
4	“Ana sakjerune lanang wadon jejodohan... hak lan kewajibane wadon kudu imbang karo...”	Within marriage, the rights and obligations of husband and wife should be balanced.	marital balance; reciprocal roles; ideal harmony	Idealized marital reciprocity
5	“...wong lanang kudu bisa mapaake awake dadi wong kang tanggung jawab... lan mutusake.”	In cases of differing opinions, men are responsible for making the final decision for both worldly and spiritual matters.	final authority; responsibility; gender hierarchy	Final decision-making dominance

Source: *Masāil al-Nisā'*, page 73.

Table 4 shows that *Masāil al-Nisā'* teaches that rights and obligations between men and women should be balanced and measured according to appropriate standards that are acceptable within society. However, the text affirms that men possess a degree of leadership authority in household decision-making, as it is considered a divine command, the violation of which is believed to bring hardship. Within the context of marriage, the rights and obligations of husband and wife are expected to be balanced, yet in cases of disagreement, men are responsible for making the final decision for the benefit of both worldly and spiritual life. Thus, the notion of balance presented is hierarchical in nature: equal in basic duties, but superior in final authority.

Based on the research findings, there is an ambivalence in the concept of balance within *Masāil al-Nisā'*. On the one hand, the rights and obligations of men and women are stated to be equal. On the other hand, men are granted absolute authority as leaders and final decision-makers. This does not constitute genuine equality but rather concealed subordination: women's rights are formally acknowledged, yet final decisions remain in the hands of men. The justification that male leadership is a divine command closes space for negotiation, as any violation is associated with theological consequences. From a contemporary gender equality perspective, this model is problematic: it assumes that final authority must rest with one party, employs religious dogma to sustain hierarchy, and defines “balance” in a skewed manner equal in burden but unequal in power. In contrast, collective deliberation would better reflect justice. The text therefore fails to achieve substantive equality as it maintains a patriarchal structure with male final veto authority.

Discussion

This study concludes that *Masāil al-Nisā'* represents a normative and hierarchical construction of gender. First, the text opens public space for women, such as working and studying; however, this participation is functional in nature as it is based on “necessity” and restricted by ambiguous moral control. Second, prohibitions against imitating the opposite sex in dress and behavior are cited textually without contextual discussion, potentially functioning as a mechanism of social control that reinforces a binary gender dichotomy. Third, women are positioned in the domestic sphere as a natural duty (*thabiate*), functioning as helpers to husbands or fathers, while access to the public sphere is limited and conditional. Fourth, although the text emphasizes balance in marital rights and obligations, it affirms male leadership in final decision-making as divinely ordained, thereby producing concealed forms of subordination. Thus, the equality articulated in the text is conditional and continues to operate within a patriarchal structure.

These findings are relevant to contemporary Indonesian society, where debates on gender equality in Islam remain ongoing. Muslim women today experience a double burden: they are encouraged to pursue higher education and employment, yet are still expected to

prioritize domestic responsibilities and maintain religious standards of femininity (Iqbal et al., 2022). The rise of “mompreneurs” and Muslim influencers reproduces a discourse that permits women’s productivity only if they do not neglect household duties and continue to observe modest dress, reflecting the conditional logic found in *Masāil al-Nisā’*. In pesantren settings, prohibitions against resembling men are still used to critique women wearing trousers or short hairstyles (Ansor, 2016; Smith-Hefner, 2025). Meanwhile, rising domestic violence and women’s double burden indicate that the ideology of “hierarchical balance” sustains unequal power relations (Aulia et al., 2024; Bellani & Hidalgo-Hidalgo, 2025). This patriarchal discourse is continuously reproduced through sermons, social media, and Islamic education, shaping marital relations today (Rosyid, 2020).

Within the framework of Judith Butler’s theory of gender performativity (1990), this study shows that women’s gender identity in *Masāil al-Nisā’* is not a biological essence, but rather the outcome of repeated discursive practices that are religiously legitimized. The concepts of “setiti,” domestic “nature,” and prohibitions against imitating men constitute bodily stylization through the repetition of actions, gestures, and roles that produce the illusion of a stable and naturalized gender order (Butler, 1988; 1990; Hook, 2016). Fiqh norms function as regulatory mechanisms that govern women’s behavior, labor, and appearance through religious authority and pesantren institutions (McKinlay, 2010; Nussbaumer et al., 2024). The interpretation of QS. Al-Baqarah [2]:228 (darajah) legitimizes male superiority, while domestic obedience is framed as an indicator of female piety (Dawood, 2024). Thus, women’s subordination emerges as a performative effect continuously reproduced through religious discourse and Javanese patriarchal culture (Shuhufi & Purkon, 2023; Utami et al., 2022).

This study shows that classical religious texts such as *Masāil al-Nisā’* should not be read simply as absolute truth or merely as “products of their time,” but as discursive instruments that actively shape social reality. Gender constructions that appear natural and inevitable are, in fact, produced through repeated norms legitimized by religious and cultural authority (Leca & Cruz, 2021). The findings emphasize the importance of critically reading fiqh by situating it within historical, social, and cultural contexts, including the 1980s state ibuisism ideology that reinforced women’s domestic roles (Dewi, 2016; Widiastuti et al., 2024). Women’s piety is often evaluated through symbolic compliance such as dress, behavior, and domestic responsibility rather than substantive justice. Therefore, it is crucial to distinguish universal Islamic principles of justice and human dignity from historically situated, gender-biased interpretations, while empowering critical readers especially students and women activists to question narratives of domestication and subordination framed in religious discourse (Sumadi & Nurteti, 2024; Sangidu et al., 2024).

Previous studies show that classical fiqh texts (*‘Uqūd al-Lujayn*, *Fath al-Mu‘īn*, *al-Majmū’*) position women in domestic and subordinate roles (Rohmah & Malik, 2022). This study aligns with previous critiques of the naturalization of biological differences as the basis for social role division, identified as gender bias by Sumadi (2018) and Sangidu et al. (2024). The novelty lies in three aspects. First, applying Judith Butler’s gender performativity to *Masāil al-Nisā’* reveals gender hierarchy as a historical and discursive construction rather than a natural fact. Second, it extends Dewi’s (2016) concept of state ibuisism by showing its internalization within Pegon-script religious texts. Third, unlike Siswantari et al. (2024) who emphasize national representations of women, this study highlights patriarchal legitimation through piety discourse. In contrast to Langaji et al. (2024) and Fakhyadi et al. (2025), which stress progressive reinterpretation, this research focuses on performative mechanisms. It

positions itself at the intersection of fiqh studies, gender studies, and critical discourse analysis, deconstructing women's "natural roles".

Based on the research findings, several policy recommendations and practical actions are required to promote a more gender-equitable reading of religious texts. First, Islamic educational institutions such as pesantren and madrasah should integrate gender critique into the teaching of classical Islamic texts (*kitab kuning*) and develop a women's fiqh curriculum that distinguishes universal Islamic values from local social constructions. Second, religious leaders and preachers are encouraged to avoid literalist use of hadith on gender imitation without explaining its context and legal reasoning (*'illat*), and to promote the view that women's piety should not be measured solely through symbolic compliance. Third, the government and the Ministry of Religious Affairs should promote gender-friendly fiqh through religious moderation certification programs and policies that protect women from violence justified by religious interpretations. Fourth, women's activists and civil society groups should strengthen critical literacy of local fiqh texts and advocate for contextual reinterpretation of *Masāil al-Nisā'*.

CONCLUSION

This study critically shows that *Masāil al-Nisā'* does not merely contain normative teachings, but actively constructs and normalizes gender hierarchy through subtle discursive mechanisms. Although the text appears to provide space for women in the public sphere, such access is instrumental, limited, and regulated by ambiguous moral standards, rather than grounded in equal rights. At the same time, the emphasis on prohibitions against imitating men and the construction of domestic roles as "natural" reinforce a binary gender dichotomy while restricting women's autonomy. Marital relations are framed as balanced, yet men remain positioned as final decision-making authorities legitimized through theological justification, producing concealed forms of subordination. Thus, the equality articulated in the text is conditional and continues to operate within a patriarchal framework. This pattern resonates with contemporary Indonesian society, where Muslim women still experience double burdens that reproduce similar logics in everyday social life.

This study contributes to the enrichment of gender and Islamic studies by applying Judith Butler's theory of performativity to a Javanese fiqh text written in Pegon script. The findings indicate that the "natural role of women" is not a biological essence, but rather a discursive effect produced through the repeated enactment of norms legitimized by religious authority. The study also extends critiques of state ibuism by demonstrating how this ideology is internalized within traditional religious literature. Practically, the findings emphasize the importance of critical literacy among santri, educators, and women activists in distinguishing universal Islamic values from historically situated gender-biased interpretations. Furthermore, this research provides a foundation for developing more gender-sensitive pesantren curricula and encourages the reinterpretation of religious teachings in a more equitable manner without undermining their religious legitimacy.

This study is limited by its focus on a single classical text (*Masāil al-Nisā'*) without comparison to other fiqh texts from different periods or regions. In addition, the analysis does not include actual reader reception, particularly how contemporary female students (*santriwati*) or housewives negotiate these norms in their daily lives. Future research is recommended to conduct ethnographic studies on gender performativity practices in pesantren or urban Muslim communities. It is also important to examine how similar texts are reproduced in digital media, such as online sermons and religious influencer content, as well as to develop critical fiqh pedagogy that deconstructs patriarchal bias while still

respecting religious authority. A mixed-method approach combining qualitative inquiry and cross-text critical discourse analysis would be particularly beneficial.

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AUTHOR CONTRIBUTION STATEMENT

Fina Mazida Husna: Conceptualization; Data Curation; Formal Analysis; Methodology; Writing Original Draft. **Indar Wahyuni:** Formal Analysis; Resources; Writing Original Draft. **Mowafg Masuwd:** Formal Analysis; Visualization; Writing Review & Editing.

REFERENCES

- Abdurrohim, N., & Ali, H. (2019). Kontekstualisasi kedudukan dan peran perempuan dalam kitab taqrib. *Jurnal Perspektif*, 3(1), 57–74. <https://doi.org/10.15575/jp.v3i1.35>
- Abou El Fadl, K. (2017). Qur'anic ethics and Islamic law. *Journal of Islamic Ethics*, 1(1–2), 7–28. <https://doi.org/10.1163/24685542-12340002>
- Ahmad, N., Zamri, Z., & Omarali, N. (2024). Islamic nations' approaches to combating gender discrimination against women: An examination of the Southeast Asia region. *De Jure: Jurnal Hukum dan Syar'iah*, 16(2), 501-530. <https://doi.org/10.18860/j-fsh.v16i2.29965>
- Ahmed, S. K., Mohammed, R. A., Nashwan, A. J., Ibrahim, R. H., Abdalla, A. Q., Ameen, B. M. M., & Khahir, R. M. (2025). Using thematic analysis in qualitative research. *Journal of Medicine, Surgery, and Public Health*, 6, 100198. <https://doi.org/10.1016/j.glmedi.2025.100198>
- Ansor, M. (2016). Post-Islamism and the remaking of islamic public sphere in post-reform Indonesia. *Studia Islamika*, 23(3), 471–515. <https://doi.org/10.15408/sdi.v23i3.2412>
- Aulia, S. S., Marzuki, S., Suyato, & Arpanudin, I. (2024). Women in gender equality movement: A systematic literature review. *Frontiers in Sociology*, 9, 1432383. <https://doi.org/10.3389/fsoc.2024.1432383>
- Bellani, L., & Hidalgo-Hidalgo, M. (2025). Bridging the gender gap: Women's education and political representation. *Economics of Education Review*, 104, 102605. <https://doi.org/10.1016/j.econedurev.2024.102605>
- Bingham, A. J. (2023). From data management to actionable findings: A five-phase process of qualitative data analysis. *International Journal of Qualitative Methods*, 22. <https://doi.org/10.1177/16094069231183620>
- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2), 77–101. <https://doi.org/10.1191/1478088706qp063oa>
- Butler, J. (1988). Performative acts and gender constitution: An essay in phenomenology and feminist theory. *Theatre Journal*, 40(4), 519–531. <https://doi.org/10.2307/3207893>
- Butler, J. (1990). *Gender trouble: Feminism and the subversion of identity*. Routledge. https://selforganizedseminar.wordpress.com/wp-content/uploads/2011/07/butler-gender_trouble.pdf
- Butler, J. (2011). *Bodies that matter: On the discursive limits of sex* (1st ed.). Routledge. <https://doi.org/10.4324/9780203828274>

- Dawood, S. (2024). Islamic law and gender equality: challenges and reforms in Sri Lanka's muslim marriage and divorce act. *Journal of Islamic Law*, 5(2), 288–305. <https://doi.org/10.24260/jil.v5i2.2833>
- Dewi, K. H. (2016). Demokratisasi dan dekonstruksi ideologi gender orde baru. *Jurnal Penelitian Politik*, 4(1), 59–68. <https://doi.org/10.14203/jpp.v4i1.450>
- Fakhyadi, D., Samsudin, M. A., Dasrianto, V., Danil, M., & Wahyudi, A. A. (2025). Reconstructing gender relations for family resilience in Minangkabau: Integrating Islamic law and customary law. *Al-Ahkam*, 35(1), 1–30. <https://doi.org/10.21580/ahkam.2025.35.1.22906>
- Gojali, D., Abdurrohman, N., & Ali, H. (2020). The representation of women's role and position in Taqrib Book: A discourse analysis study. *Mazahib*, 19(1), 135–160. <https://doi.org/10.21093/mj.v19i1.1737>
- Gouda, M., & Potrafke, N. (2016). Gender equality in muslim-majority countries. *Economic Systems*, 40(4), 683–698. <https://doi.org/10.1016/j.ecosys.2016.04.002>
- Hook, G. A. (2016). Judith Butler's gender performativity and recognition. In *Sole parent students and higher education*. Palgrave Macmillan. https://doi.org/10.1057/978-1-137-59887-5_5
- Iqbal, A., Hassan, S., Mahmood, H., & Tanveer, M. (2022). Gender equality, education, economic growth and religious tensions nexus in developing countries: A spatial analysis approach. *Heliyon*, 8(11), e11394. <https://doi.org/10.1016/j.heliyon.2022.e11394>
- Jenkins, J., & Finneman, T. (2017). Gender trouble in the workplace: Applying Judith Butler's theory of performativity to news organizations. *Feminist Media Studies*, 18(2), 157–172. <https://doi.org/10.1080/14680777.2017.1308412>
- Jufri, M., & Jupri, R. (2019). Hak dan kewajiban istri yang berkarier: Studi komparatif antara Kitab 'Uqudullujain dan kitab fikih wanita Yusuf Qardhawi. *Istidlal: Jurnal Ekonomi dan Hukum Islam*, 3, 57–80. <https://doi.org/10.35316/istidlal.v3i1.130>
- Langaji, A., Hafid, S. A., Bakti, A. F., & Haris, A. G. (2024). Islamic feminists' rejection of the textual understanding of misogynistic hadiths for the advancement of gender justice in Makassar, Indonesia. *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 8(1), 196–215. <https://doi.org/10.22373/sjhk.v8i1.19856>
- Leca, B., & Cruz, L. B. (2021). Enabling critical performativity: The role of institutional context and critical performative work. *Organization*, 28(6), 903–929. <https://doi.org/10.1177/1350508421995759>
- Marlina, S., Adawiyah, R., Maryani, M., Elvira Zahara, A., & Guswendra, R. (2025). Social injustice: The dilemma of family resilience in early marriage to supporting regenerative development. *Substantive Justice International Journal of Law*, 8(1), 1–8. <https://doi.org/10.56087/substantivejustice.v8i1.293>
- Marvi, N., Mollazadeh, S., Azmoude, E., & Babazadeh, R. (2025). The application of Islamic laws in different dimensions of women's empowerment: A narrative review. *Journal of Midwifery and Reproductive Health*, 13(4), 5000–5011. <https://doi.org/10.22038/jmrh.2023.68841.2018>
- Mayyadah, M. (2021). Perbedaan manhaj ulama dalam fikih perempuan kontemporer dan realitasnya di Indonesia. *Al-Manahij: Jurnal Kajian Hukum Islam*, 15(2), 277–292. <https://doi.org/10.24090/mnh.v15i2.5066>

- McKinlay, A. (2010). Performativity and the politics of identity: Putting Butler to work. *Critical Perspectives on Accounting*, 21(3), 232–242. <https://doi.org/10.1016/j.cpa.2008.01.011>
- Njuki, J., Eissler, S., Malapit, H., Meinzen-Dick, R., Bryan, E., & Quisumbing, A. (2022). A review of evidence on gender equality, women's empowerment, and food systems. *Global Food Security*, 33, 100622. <https://doi.org/10.1016/j.gfs.2022.100622>
- Nussbaumer, L., Blankvoort, N., & Farias, L. (2024). Challenging the gender binary in occupation-based research: A feminist critical discourse analysis of sex differences. *Journal of Occupational Science*, 32(3), 517–532. <https://doi.org/10.1080/14427591.2024.2374309>
- Prayogi, A., Nasrullah, R., & Singgih Setiawan. (2025). The evolution of fiqh in the digital era: Challenges and adaptations in islamic jurisprudence. *The Journal of Religion and Communication Studies*, 2(1), 15–25. <https://doi.org/10.61511/jorcs.v2i1.2025.1751>
- Rohmah, E. I., & Malik, A. J. (2022). Peran wanita untuk mewujudkan keluarga sakinah dalam pemikiran Islam klasik dan kontemporer. *Al-Hukama'*, 12(2), 96–112. <https://doi.org/10.15642/alhukama.2022.12.2.96-112>
- Rosyid, A. A. (2020). Maskulinitas dalam media online: Analisis wacana kritis dalam kajian ceramah ustaz salaf. *MEDIASI Jurnal Kajian Dan Terapan Media, Bahasa, Komunikasi*, 1(3), 189–201. <https://doi.org/10.46961/mediasi.v1i3.141>
- Sangidu, S., Prasetyo, A. T., Arianti, F., Saka, P. A., Hidayati, S., & Nelly, N. (2024). Islam and the tradition of gender: Exploring the intersection of religion and culture in Indonesia. *International Journal of Religion*, 5(2), 37–46. <https://doi.org/10.61707/mekpfr87>
- Shuhufi, M., & Purkon, A. (2023). Harmonization of Islamic law and local culture: A study of Indonesian Sundanese ethnic culture. *Jurnal Ilmiah Al-Syir'ah*, 21(1), 138–153. <https://doi.org/10.30984/jis.v21i1.1870>
- Siswantari, A., Abdurakhman, Mulyatari, D., Haghia, R. S., & Rahman, S. S. (2024). Women and politics: Women's participation in the Indonesian national political movement, 1923–1942. *Paramita*, 34(1), 21–30. <https://doi.org/10.15294/paramita.v34i1.44657>
- Smith-Hefner, N. J. (2025). Gender and Islam in Indonesian studies, A Retrospective. *Studia Islamika*, 32(1), 75–99. <https://doi.org/10.36712/sdi.v32i1.45296>
- Sumadi, S. (2018). Ideologi bias gender dalam lembaran fikih populer di Indonesia. *Al-Afkar, Journal For Islamic Studies*, 1(1), 1–15. https://doi.org/10.31943/afkar_journal.v1i1.1
- Sumadi, S., & Nurteti, L. (2024). Women's communication strategy in realizing equality in Pesantren Darussalam: Analysis in the perspective of gender performativity. *Al-Afkar, Journal For Islamic Studies*, 7(4), 687–698. <https://doi.org/10.31943/afkarjournal.v7i4.1675>
- Suyadi, S., Nuryana, Z., & Fauzi, N. A. F. (2020). The fiqh of disaster: The mitigation of Covid-19 in the perspective of Islamic education-neuroscience. *International Journal of Disaster Risk Reduction*, 51, 101848. <https://doi.org/10.1016/j.ijdrr.2020.101848>
- Tadros, M., & Shutt, C. (2024). Gender in development: What lessons for addressing inequality on the grounds of religion or (non)-belief? *World Development*, 174, 106452. <https://doi.org/10.1016/j.worlddev.2023.106452>
- Utami, M., Siwi, E. J., & Suryani, R. W. (2022). Teori performativitas Judith Butler dalam tokoh utama film animasi Disney Pixar *Brave*. *Artchive: Indonesian Journal of Visual Art and Design*, 3(2), 113–123. <https://doi.org/10.53666/artchive.v3i2.3194>
- Widiastuti, T., Al-shami, S. A., Mawardi, I., Zulaikha, S., Haron, R., Kasri, R. A., Al Mustofa, M. U., & Dewi, E. P. (2024). Capturing the barriers and strategic solutions for women

empowerment: Delphy analytical network process. *Journal of Open Innovation: Technology, Market, and Complexity*, 10(3), 100345.
<https://doi.org/10.1016/j.joitmc.2024.100345>

Widjaja, G. (2023). Review on the women's rights and Islamic Law in Southeast Asia. *Journal of Law and Sustainable Development*, 11(7), e7851.
<https://doi.org/10.55908/sdgs.v11i7.751>

Yani, M. T., Mahfud, C., Sa'adillah, S. A. P. R., Bustami, M. R., Maskuri, & Taufiq, A. (2022). Advancing the discourse of muslim politics in Indonesia: A study on political orientation of Kiai as religious elites in Nahdlatul Ulama. *Heliyon*, 8(12), e12218.
<https://doi.org/10.1016/j.heliyon.2022.e12218>