RECONSTRUCTION OF THE CONCEPT OF MARITAL GUARDIANSHIP (WALI *MUJBIR*) IN *FATHUL MU'IN* PERSPECTIVE OF GENDER JUSTICE IN ISLAMIC FAMILY LAW

Ansari
Universitas Islam Ibrahimy Banyuwangi, Indonesia
e-mail: ansaridosen1@gmail.com

Abstract

This research is motivated by the still strong traditional understanding in the Book of Fathul Mu'in regarding the concept of wali mujbir which gives full authority to the wali to marry his daughter without consent, on the grounds of maintaining the honor and benefit of the family. However, in the context of contemporary Islamic family law, this interpretation raises the issue of gender justice because it has the potential to negate women's right to freedom of choice of life partner. Therefore, this study aims to reconstruct the concept of wali mujbir so that it is in line with the values of maqasid al-shari'ah, especially the principles of justice (al-'adl), equality (al-musawah), and benefit (al-maslaḥah). The method used is qualitative research with a normative-hermeneutic approach, namely examining the classical fiqh text of Fathul Mu'in contextually. The data collection technique is carried out through library research by studying, identifying, and analyzing these legal sources systematically. Meanwhile, data analysis uses content analysis and maqasid-based interpretation methods and analyzes its relevance to the development of Islamic legal thought and modern gender justice theory. The results of the study show that the right of ijbar in guardianship is not an absolute authority, but a moral responsibility that must consider the willingness (ridha) and benefit of the bride-to-be. This reconstruction affirms the importance of a guardianship that is fair, egalitarian, and respectful of women's rights as a form of Islamic family law reform that is responsive to the values of social justice and gender equality.

Keywords: *Wali Mujbir, Gender Justice, Fathul Mu'in, Islamic Family Law.*

A. Introduction

In many Muslim communities in Indonesia, the practice of marriage guardianship with a wali *mujbir* continues to emerge as part of family traditions and religious norms, especially in pesantren and rural areas (Sallom & Syu'aib, 2022). *Wali mujbir* is a wali who has the right *of ijbar,* which is the ability to marry a woman under guardianship without her consent under certain conditions (Yusrizal, 2023). This practice is often associated with early marriage, lack of meaningful consent from the bride-to-be, and limited legal and gender awareness

at the local level. The research on the Controversy of Wali *Mujbir* in the Case of Early Marriage in Indonesia, shows that wali *mujbir* is often used as a *justification* for the marriage of minors which causes losses to women's reproductive health, education, and psychology (Mutakin, 2024). In addition, religious court reports indicate a high rate of divorces related to forced or unforced marriages based on adequate consent (Halim dkk., 2024).

Although there is considerable study on wali *mujbir* in countries with large Muslim populations, there is still a lack of research that specifically examines classical fiqh texts that are used as a reference for practice in Islamic boarding schools, such as the Book *of Fathul Mu'in,* in relation to gender justice. Most previous research has discussed wali *mujbir* in the general context *of fiqh* or Shafi'i/Hanafi madhhab, or from the perspective of human rights, *sharia maqāsid,* or early marriage (Andiko dkk., 2023). However, specific studies on how *Fathul Mu'in* defines the terms, limits, and authority of wali *mujbir,* as well as how the text can be reconstructed to align with gender justice standards and national law have not been found systematically. This is what makes this theme important to fill the knowledge gap and provide an intellectual basis for Islamic family law reform.

Some of the research related to this theme includes; *Reconstruction of the concept of wali mujbir an analysis of maqasid sharia and the contemporary social context in Indonesia* by Fadhli, Muhaini and Marzuki who see the relevance of wali *mujbir* in *maqāsid sharia* and today's society (Fadhli dkk., 2025). There is also the view of the al-Shafi'i and Hanafi schools on wali *mujbir* in the marriage of minors that compares the two schools in the context of national law and local practices (Habib & Talli, 2022). *The concept of wali mujbir imam shafi'i in the perspective of human rights* also describes classical thought and contemporary human rights issues (Faizah, 2019). However, these studies generally do not place *Fathul Mu'in* as the center of the analytical text, nor do they delve into the aspects of normative reconstruction in the context of gender justice, as well as its interaction with Indonesian positive law. This research is different because (a) *the exclusive* focus on the Book *of Fathul Mu'in* as a source of classical texts that are very influential in Islamic boarding schools; (b) textual analysis combined with analysis of national law and principles of human rights and gender justice; and (c) proposals for operational reconstruction to make the text more responsive without departing from sharia principles.

The purpose of this research is; (1) describe systematically how the Book *of Fathul Mu'in* explains the concept of wali *mujbir* including definitions, conditions, limitations, and authority of wali in the condition of ijbar; (2) analyze the extent to which the presentation is in accordance with or contrary to the principles of

gender justice, human rights, and state legal regulations in Indonesia; (3) reconstructing the concept of wali mujbir in *Fathul Mu'in* to be more gender-fair by considering the needs of the bride-to-be's consent, age, psychological and physical readiness, and legal capacity; and (4) compiling practical recommendations for religious institutions, Islamic boarding schools, religious courts and policy makers so that the concept of marriage guardian can be applied in a more humane and gender-sensitive manner.

This research is based on the assumption that classical *fiqh* texts such as *Fathul Mu'in* are not *monolithic* and do not always have to be applied literally without considering the social context, changing times, and higher sharia principles *(maqasid sharia).* The second assumption is that gender justice is part of *the maqasid sharia* and human rights principles recognized in both the Islamic tradition and international law, and that the interpretation of Islamic law can and does need to be developed to be in harmony with both principles. The third assumption is that positive law in Indonesia provides a normative and legal space for the protection of women's and children's rights, including consent in marriage and the prohibition of violence/forced marriage, so that the reconstruction of the concept of wali mujbir can be bridged between classical texts and modern regulations.

The benefits of this research are academic and practical, academic in enriching the international Islamic legal literature with detailed textual studies on *Fathul Mu'in* and the concept of wali *mujbir* in the context of gender justice, practical in providing a framework for policy reform in Islamic boarding schools, religious courts, and the government in formulating regulations or fatwas so that the rights of women prospective brides are respected, and social in increasing awareness about the importance of the consent of the bride and groom and the negative consequences of the practice of wali *mujbir* which is applied without control. At the international level, this research can also contribute to the global discourse on Islam and gender, the reconstruction of classical Islamic law, and how Muslim societies maintain the authenticity of traditions while upholding gender justice.

B. Research Methods

This research uses a type of qualitative research with *a normative* approach and *contextual* hermeneutics (Darmalaksana, 2022). The *normative* approach is used to examine Islamic legal texts related to the concept of wali *mujbir* as a *normative* basis in the Islamic family law system (Ansari dkk., 2023), Meanwhile, the contextual *hermeneutic approach* serves to understand the meaning of the

classical text in accordance with the social, cultural, and justice contexts of justice in the modern era (Purba, 2018). Through this approach, the research seeks to uncover the basic values of sharia *(maqāṣid al-syarī'ah)* contained in the Book *of Fathul Mu'in,* as well as to reinterpret the concept of marital guardianship to be in harmony with the principles of gender equality and justice. This research is *descriptive-analytical* because it focuses on the interpretation and reconstruction of legal concepts based on classical texts and contemporary social dynamics.

The primary legal source of this research (Dimyati & Wardiono, 2014), is the Book *of Fathul Mu'in* by Zainuddin al-Malibari, as well as several books of Shafi'iyyah jurisprudence such as *Al-Umm* by Imam al-Shafi'i and *Al-Majmū' Syarh al-Muhadzdzab* by Imam al-Nawawi. The secondary legal sources include contemporary scientific works, Islamic law books, journal articles, and previous research related to gender issues, justice, and reconstruction of Islamic family law. Data collection techniques are carried out through library *research* by studying, identifying, and analyzing these legal sources systematically (Soekanto, 2015). Furthermore, data analysis uses *the content analysis* and *maqasid-based interpretation methods,* which are to interpret the substance of the fiqh text in depth to find universal values of sharia that are relevant to the principles of justice and gender equality in the context of Islamic family law.

C. Results and Discussion

1. The Classic Concept of Wali Mujbir in the Book of Fathul Mu'in

In the Book *of Fathul Mu'in,* Zainuddin al-Malibari explains that the wali mujbir has the right to marry his daughter who is still a girl without permission, with the aim of maintaining honor and preventing women from fitnah. The ijbar right is mainly owned by the father and grandfather on the father's side, based on the assumption that they better understand *the benefits of* their children (Al-Malibari & Abdul Aziz Al-Malibari, 2023). In the medieval social framework, the position of guardian as a protector was considered important because women at that time did not have adequate social, educational, or economic freedom to make decisions independently (Al-Nawawi, 2003).

The concept of wali *mujbir* in the *Book of Fathul Mu'in* by Zainuddin al-Malibari is firmly rooted in the fiqh thought of the Shafi'i madhhab which places the wali as the party who has the right *of ijbar* or coercion in marriage against his unmarried daughter. This ijbar right is considered a form of moral responsibility of the guardian to maintain the honor and benefit of his daughter. However, in contemporary social practice, the concept is often abused and has the potential to lead to gender injustice, especially when the guardian exercises his authority

without considering the consent of the woman in question (Al-Malibari & Abdul Aziz Al-Malibari, 2023). Therefore, the concept of wali *mujbir* needs to be reconstructed to ensure that the purpose of Islamic law *(maqasid al-shari'ah)* remains realized, which is to maintain human dignity and social justice.

However, when viewed normatively, the concept shows the existence of a hierarchy of gender relations in classical Islamic family law. In the context of *Shafi'iyyah jurisprudence,* women are considered as parties in need of protection *(al-mar'ah mahall al-ri'ayah),* not as independent subjects of law *(mukallaf mustaqil)* (Qudamah, 2004). This view arose due to the strong patriarchal cultural construction in medieval Arab society, which was later accommodated by the *fuqaha* as a legitimate social norm (Bouras, 2024). Thus, *the right of ijbar* owned by the guardian is not solely derived from the text of the Qur'an or hadith, but rather the result of a socially legitimized construction.

The concept of wali *mujbir* in *Fathul Mu'in* also emphasizes the importance of the intention of benefit *(maslahah)* as the basis for justifying the actions of the wali. However, in practice, the right to ijbar often causes abuse and injustice, especially when used without considering the will of women (Zubaidah, 2019). In this regard, Al-Malibari does not explicitly limit the authority of the guardians, but affirms the importance of goodwill and moral responsibility. This becomes a *hermeneutical* gap for *the modern reinterpretation* of the concept, by placing maslahah as a dynamic principle that can change according to the context of the times (al-Qaradawi, 1998).

Theoretically, *Fathul Mu'in* contains *ambivalence*, on the one hand strengthening the authority of men as guardians, on the other hand providing opportunities for *the reinterpretation* of the values of maslahah and justice. This is an important starting point to reconstruct the concept of wali *mujbir* towards gender justice in Islamic family law.

Table 1. Problems and Directions of Reconstruction

Problem Classic	The Root of the Problem	Contemporary Impact	Reconstruction Direction
Ijbar rights without women's permission	Medieval patriarchal social structure	Gender injustice & the potential for forced marriage	Ijbar → Right to guidance and protection
Hierarchy of gender relations	Women as objects of protection	Marginalization of women's autonomy	Women as subjects of independent law
Maslahah is understood unilaterally	No explicit limitation of guardianship authority	Abuse of authority	Maslahah based on maqāṣid and substantive justice

Dominating Guardianship Authority	Textual-literal interpretation	Conflict with human rights principles and national law	Contextual interpretation and gender hermeneutics

This paper shows that the concept of *wali mujbir* in *Fathul Mu'in* is historical-contextual. The right to ijbar was born as a form of protection in a patriarchal society, but in modern reality it can have the potential to cause gender injustice. On the other hand, the existence of the concept of maslahah in Zainuddin al-Malibari's thought opens up space for reinterpretation. *This ambivalence* is the entry point for reconstruction towards Islamic family law that is more just, equal, and in accordance with *maqasid al-shari'ah.*

2. Criticism and Gender Problems Against the Concept of Wali *Mujbir*

Criticism of the concept of wali *mujbir* has emerged along with the increasing gender awareness in the modern Islamic world. Amina Wadud emphasized that any form of authority that abolishes the will of women is contrary to the principle of monotheism, because only Allah has the right to have absolute authority over human beings (Wadud, 1999). Thus, the concept of *ijbar* in marriage needs to be reviewed so as not to cause inequality in the power relationship between men and women. Ziba Mir-Hosseini also mentioned that the structure of classical Islamic law is often shaped by patriarchal culture, not by *the egalitarian* principles in the Qur'an (Mir-Hosseini, 2021). Therefore, the meaning of the law must be contextualized to match the spirit of contemporary social justice.

In the Indonesian social context, the concept of wali in marriage is still often practiced *formalisically,* without considering the rights and wishes of the bride-to-be. Many cases of early marriage and forced marriage occur under the pretext of obedience to the guardian, which is actually contrary to *the values of maqāṣid al-syarī'ah* which upholds the protection of the soul, honor, and freedom of choice of spouse (Fadhilah, 2020). In addition, Law Number 16 of 2019 concerning Marriage has regulated the importance of consent between the bride and groom, which shows the harmonization between the values of national law and the principle of justice in Islam (JDIH, 2019).

From the perspective of *Islamic legal hermeneutics*, Fazlur Rahman emphasizes the importance of *"double movement"* in interpretation, which is to understand the text in its original context, and then apply it to the present context (Voll, 1983). This approach is important to use to understand *Fathul Mu'in,* because the text was born in a different social context than modern society. Therefore, gender criticism of wali mujbir does not mean rejecting the tradition of

fiqh, but striving so that the basic values of justice which are the spirit of Islamic law can continue to live and be relevant to the needs of the times.

The relevance of this criticism strengthens the argument that Islamic family law needs to be developed through a paradigm of equality, not hierarchy. The concept of guardianship needs to be reinterpreted so that the function of guardians is no longer coercive *(ijbar),* but is companion *(ri'ayah wa mas'uliyyah).* Thus, women still have the right to autonomy in choosing a partner, while guardians continue to play the role of moral and social protectors according to the principle of balance of responsibility in Islam.

Tebel 2. Criticism of the Concept of Wali Mujbir

No	Points of Mind	Criticism Against Wali Mujbir	Implications / Relevance
1	Absolute authority belongs only to Allah (tauhid).	The guardian authority that removes the will of women is contrary to the principles of monotheism and justice.	The concept of ijbar needs to be reviewed so as not to create an imbalance in the power relations between men and women.
2	Classical Islamic law is influenced by patriarchal culture.	The structure of classical jurisprudence does not fully reflect the egalitarian principles of the Qur'an.	Legal interpretation must be contextualized in the spirit of contemporary social justice.
3	Classical jurisprudence was born in a certain social context.	Textual understanding without context can perpetuate inequality.	It needs a hermeneutic approach to remain relevant to modern society.
4	Understand the text in its original context and then apply it to the current context.	The literal interpretation of the concept of ijbar may not be in accordance with the modern context.	It is used to reinterpret the concept of guardian to suit the value of justice today.
5	The marriage must be with the consent of both brides.	The practice of coercive guardians is contrary to national law.	The harmonization of Islamic law and national law emphasizes the importance of women's consent.
6	There is still a formalistic practice of guardianship.	Early and forced marriages are often justified in the name of the guardian.	Contrary to *maqāṣid al-syarī'ah* (protection of the soul, honor, and freedom of choice).
7	Equality-based legal development.	Wali should not be coercive (ijbar).	The reinterpretation of the guardian as a companion *(ri'ayah wa mas'uliyyah),* not the ruler of the decision.

The table above emphasizes that gender criticism of the concept of wali mujbir is not a rejection of the fiqh tradition, but an attempt to reinterpret Islamic family law so that it is more in line with the principles of justice, equality, *maqasid al-shari'ah,* and modern social development.

3. Reconstruction of the Concept of Wali Mujbir Towards Gender Justice

The reconstruction of the concept of wali *mujbir* in *Fathul Mu'in* must be based on the principles of *maqasid al-shari'ah,* especially *hifz al-nafs* (protection of the soul), *hifz al-'ird* (protection of honor), and *hifz al-'aql* (protection of reason) (Mulia, 2018). According to Jasser Auda, Islamic law should be seen as an open system that is oriented towards moral goals and human benefits, not just on literal texts (Al-Syatibi, 2003). Thus, *the right of ijbar* can be reconstructed into the right of moral guidance of guardians to their daughters, without negating women's rights to make conscious and rational decisions. This concept does not oppose classical jurisprudence, but places it within the framework of Islamic universal justice values.

The reconstruction process is carried out through gender and *maqāṣid hermeneutic approaches.* In this case, the role of the guardian is understood not as a ruler, but as a spiritual partner in building a family that *is sakinah, mawaddah, wa rahmah* (Saeed, 2005). This paradigm shift is important to ensure that Islamic family law truly guarantees substantive equality and justice between men and women. Through *progressive interpretations* of classical fiqh texts, a new foundation can be found for an Islamic legal system that is more responsive to the needs of modern society.

This reconstruction is also in line with the principle of *substantive* justice affirmed by Abdullahi An-Na'im, that Islamic law must adapt to the principles of human rights and social justice in order to remain relevant to the demands of the times (An-Na'im, 2010). Thus, *the right of ijbar* which was originally coercive can be transformed into the right of the guardian in providing consent, protection, and moral guidance. This approach also strengthens the position of women as independent and dignified legal subjects in the Islamic family system.

This reconstruction is carried out by understanding the historical and social context of the emergence of the concept *of ijbar.* In medieval *patriarchal* societies , ijbar rights were intended to protect women who did not have a social bargaining position (Hallaq, 2001). However, as the times have evolved, women have had access to education, employment, and high legal awareness. Therefore, the classical interpretation of wali *mujbir* is no longer absolutely relevant and needs to be approached with *contextual hermeneutics* that pays attention to the values of equality and freedom of choice of life partner.

Reinterpreting the wali *mujbir* does not mean rejecting the authority of the wali, but rather rearranging its position to be in line with the principles of gender justice in Islam. As emphasized by Amina Wadud, justice in Islam must be interpreted as a balance of rights and responsibilities between men and women without gender-based discrimination (Wadud, 1999). Therefore, in this context, the rights of the guardian must be limited by the principle *of ridha* (willingness) and deliberation as the basis for the marriage contract. That way, the role of guardians is no longer *dominant*, but becomes a manifestation of moral and spiritual protection for women.

In addition, the *maqasid al-shari'ah* approach developed by Jasser Auda provides a philosophical framework to reinterpret the concept of wali *mujbir* (Huda, 2021). Auda explained that Islamic law must be oriented towards the universal goals of sharia such as justice *(al-'adalah),* benefit *(al-maslahah),* and respect for human dignity *(karamah insaniyyah).* Within this framework, *ijbar rights* can only be defended if they serve to protect women from social harm, not to restrict their right to vote. This reconstruction makes the guardian no longer the owner of absolute authority, but a partner in maintaining the moral integrity of the marriage.

Sociologically, this study found that modern Muslim societies began to reject the practice of marriage without women's consent. In various cases recorded in legal institutions and social media, women rejected forced marriages because they were considered to be in violation of human rights and the principle of compassion in Islam (Perempuan, 2024). This shows a paradigm shift from "guardian authority" to "women's consent" as the basis for the legitimacy of marriage (Bouras, 2024). This social change is proof that Islamic law is dynamic and always open to reinterpretation according to the context of the times (Rahman, 2024).

In the context of Indonesia's positive law, this principle of reconstruction has strong relevance. Law Number 1 of 1974 concerning Marriage and Compilation of Islamic Law (KHI) stipulates that marriage must be based on the consent of both prospective brides (RI, 1974). This means that the concept of wali *mujbir* in national law can only be applied if it does not contradict the principle of *ridha* (Kemenag, 2019). Thus, the national legal system has actually reflected *the values of maqāṣid al-syarī'ah* which are in line with gender justice.

This research also confirms that the reconstruction of the concept of wali *mujbir* can strengthen the role of wali in a more ethical and *humanistic social function.*The guardian still plays the role of protector, but not the controller. This principle is in line with the hadith of the Prophet which states that "marriage

without the permission of a guardian and two witnesses is invalid" (HR. Abu Dawud, No. 2085.), which shows the importance of a balance between guardian authority and women's rights. By understanding this hadith contextually, Islamic family law can move towards a just and loving order *(mawaddah wa rahmah).*

Within an academic framework, this research contributes to the development of *an epistemology* of Islamic law that *is responsive* to gender issues. The reconstruction of the concept of wali *mujbir* through the hermeneutic approach *of maqāṣid* paved the way for the *scientific reinterpretation* of classical texts without abandoning the authority of the shari'a (Abou El Fadl, 2014). It also shows that Islamic law is not rigid, but *rather flexible* and *adaptive* to the values of social justice that develop in modern society.

The results of this study prove that gender justice is not a Western concept that is contrary to Islam, but is the core of the teachings of Islam itself. As stated by Abdullahi An-Na'im, justice in Islamic law must be realized through a rational reinterpretation of classical legal sources in order to remain relevant to contemporary life (An-Na'im, 2010). The reconstruction of wali *mujbir* is not just a reformulation of the law, but an effort to revive the values of justice and mercy in sharia. This reinterpretation is an important step in the renewal of Islamic family law, to be in line with *maqasid al-shari'ah* and the principle of universal gender equality. The results of this research are expected to be a real contribution to the development of just, humanist, and contextual Islamic law in answering the challenges of modern times. Therefore, the reconstruction of the concept of wali *mujbir* is not only a theoretical step, but also a praxis towards Islamic family law that is more just, *humanist,* and rahmatan lil 'alamin.

Table 3. Reconstruction of the Concept of Wali Mujbir Based *on Maqasid al-Shari'ah*

No.	Characters / Sources	Key Ideas	Relevance to the Reconstruction of Wali Mujbir	Conceptual Implications
1	Fathul Mu'in	The concept of ijbar in classical jurisprudence gives the guardian authority to marry a girl.	It needs to be reinterpreted according to the modern social context.	The right to ijbar is reconstructed into a right of guidance, not coercion.
2	Jasser Auda	Islamic law is an open system based on moral goals *(maqasid).*	The law is not understood literally, but teleologically (goal-oriented).	Ijbar is only valid if it protects the benefits, not limits women's

				autonomy.
3	Abdullahi An-Na'im	Islamic law must be in harmony with human rights and social justice.	The reconstruction of ijbar supports the principles of human rights and substantive justice.	Women are affirmed as independent legal subjects.
4	Amina Wadud	Islamic justice is a balance of rights and responsibilities without gender discrimination.	The authority of the guardian is limited by the principles of pleasure and deliberation.	The guardian becomes the moral protector, not the ruler of decisions.
5	Fazlur Rahman	Double movement *theory* (original context → current context).	The concept of ijbar is understood in a medieval patriarchal context.	Contextually reinterpreting according to modern reality.
6	Wael B. Hallaq	Classical Islamic law was born in a patriarchal social structure.	Ijbar initially aimed to protect women without bargaining positions.	In modern society, the protective function needs to be reinterpreted.
7	Khaled Abou El Fadl	The epistemology of Islamic law is dynamic and ethical.	Reconstruction is part of scientific ijtihad.	Islamic law is flexible and adaptive to the value of justice.
8	Undang-Undang Nomor 1 Tahun 1974 & Kompilasi Hukum Islam	The marriage must be with the consent of both the bride and groom.	The concept of ijbar must not contradict the principle of ridha.	Harmonization of maqāṣid with positive laws of Indonesia.
9	Hadis HR. Abu Dawud No. 2085	"It is illegal to marry without the permission of the guardian and two witnesses."	It shows the importance of guardianship, but not the legitimacy of coercion.	Balance between guardian authority and women's rights.

Table 4. Comparison: Classical Concept vs Contemporary Reconstruction

Aspects	The Classic Concept of Wali Mujbir	Maqasid-Based Reconstruction
Nature of Authority	Ijbar (coercive under certain conditions)	Moral guidance and consent
Women's Position	Object of protection	Independent legal subjects
Social Foundation	Medieval patriarchal society	A modern society with legal awareness & higher education

Legal Approach	Textual-literal	Contextual-teleological *(maqasid)*
Purpose	Maintaining social honor and security	Safeguarding the honor, soul, intellect, and dignity of human beings
Basic Principles	Hierarchy	Equality and substantive justice
The Role of the Guardian	Decision-makers	Spiritual partner and moral protector

The reconstruction of the concept of wali mujbir in Fathul Mu'in does not reject the classical fiqh tradition, but shifts the paradigm from dominating authority to ethical assistance based on *maqasid al-shari'ah (hifz al-nafs, hifz al-'ird, hifz al-'aql).* The approach to gender hermeneutics and maqāṣid makes the guardian a moral protector who still has an important role, but does not eliminate women's right to autonomy. Thus, Islamic family law can evolve to be more just, humanistic, contextual, and relevant to modern society.

D. Conclusion

Based on the results of the analysis and reconstruction of the concept of wali *mujbir* in *the Book of Fathul Mu'in,* it can be concluded that *the right of ijbar* given to the wali is basically based on the principle of protection and benefit for girls in the social context of classical society. However, in the modern context, the meaning of ijbar is often misinterpreted as legitimacy for the guardian to impose his will without considering women's rights and consent. Therefore, the concept of wali *mujbir* needs to be reinterpreted to be in accordance with the values of justice, equality, and respect for human rights which are also the *essence* of *maqasid al-shari'ah.*

The reconstruction of wali *mujbir* shows that Islamic law is dynamic and open to contextual reinterpretation. Using *a hermeneutic* approach and *maqasid al-shari'ah,* guardianship rights are no longer seen as absolute power, but rather as a moral and social responsibility to ensure that the marriage takes place fairly and is based on the willingness of both parties. The principle *of ridha* and *deliberation* must be used as the legal basis in every marriage contract, so that the presence of the guardian becomes a symbol of protection, not domination. This interpretation is in line with the spirit of contemporary Islamic family law which is oriented towards a balance between the rights of men and women.

This study emphasizes that the reconstruction of the concept of wali *mujbir* towards gender justice is not a form of deconstruction of Islamic law, but an effort to revive the universal values of sharia based on compassion *(rahmah),* justice *('is),* and equality *(musawah).* This reformulation is expected to strengthen the position of Islamic family law as a relevant, *humanistic,* and *responsive* system to social

change. On a practical level, the results of this study make an important contribution to the reform of Islamic family law in Indonesia to be more *adaptive* to the principles of women's rights and universal human values.

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