Enhancing Mechanisms for Protecting Women's Rights within Islamic Family Law: A Comparative Study of Indonesia and Middle Eastern Practices

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Abstract

This research examines the comparison of mechanisms for protecting women's rights in Islamic family law between Indonesia and several Middle Eastern countries. Using a comparative qualitative approach, this study collects data through in-depth interviews, document studies, and content analysis from relevant legal sources. The research results show that there are significant differences in the interpretation and implementation of Islamic family law which have an impact on protecting women from domestic violence. In Indonesia, there is a tendency for more flexible and progressive interpretations towards the integration of the principle of gender equality in family law, whereas in Middle Eastern countries, more conservative interpretations often hinder the protection of women's rights. The study also explores the impact of women's

rights advocacy and activism, which has played an important role in supporting legislative change and increasing public awareness. The resulting recommendations focus on developing strategies to increase the implementation of policies that are more effective in protecting women's rights, strengthening a supportive legal framework, and integrating the principles of justice and protection in Islamic family law.

Keywords

Protection of women; legal reform; Human Rights

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Introduction

Domestic violence is recognized as a serious problem throughout the world, involving human rights violations that cause profound harm at the individual, family and societal levels. In the context of Muslim families, the complexity of this problem increases because it is tied to the interpretation and implementation of various Islamic family laws. Although theoretically, Islamic teachings emphasize the prohibition of all forms of violence and advocate equality and justice, the reality often shows a discrepancy between theory and practice. This phenomenon creates a real disparity between religious principles and the treatment of women in the family sphere. The study conducted by Dedisyah Putra and Nuriza Acela highlights the urgency to address domestic violence in the context of Islamic family law. The research revealed that although the basics of Islamic law support the protection of women, there are often failures in the practical application of these laws. This shows an urgent need to formulate more effective strategies in implementing laws that not only support the protection of women's rights, but also actively eliminate the practice of domestic violence.

In a global context, this problem is not only limited to legal failures but also to deficiencies in effective education and outreach systems regarding human rights and gender equality. There is a need for a multidisciplinary approach involving relevant parties to promote a broader understanding of gender equality and women's rights as an integral part of human rights. These initiatives must be integrated in formal and informal education, as well as in public policies that reach all levels of society. Therefore, increased efforts in monitoring, reporting and law enforcement are critical to ensure that violations of women's rights in the context of domestic violence are addressed seriously and effectively. Increasing the capacity of law enforcement institutions and legislative reforms that strengthen the protection of women in Islamic family law will not only help

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close the gap between Islamic teachings and current practice, but also support the creation of a more just and equal society for all genders.

In Indonesia and several Middle Eastern countries, the implementation of laws designed to protect women from domestic violence often faces obstacles. These laws, although well formulated on paper, are often ineffective in practice. This is because there is a significant gap between Islamic teachings that support the protection of women and applicable legal practices. Religious teachings, which should provide a strong basis for protecting women's rights, sometimes conflict with the implementation of laws that do not support or even ignore these protections in complex social realities. One of the main weaknesses in the existing legal system is the lack of legal awareness and understanding among the wider community. Often, stigma and deeply rooted social norms are the main barriers for women to gain access to legal protection. Despite efforts to increase this awareness through campaigns and public education, many cases of domestic violence still go unreported due to fear of social stigma or other consequences that victims may face.

Furthermore, the role of the institutions responsible for implementing this law is also critical. Many of these institutions, including the police and justice systems, often do not have sufficient resources or are not specifically trained to handle cases of violence against women. The lack of sensitivity and understanding of gender issues by legal officers often makes victims feel unsupported and may even experience revictimization when seeking justice. Identifying factors that hinder the effective implementation of these laws is important for formulating better strategies to protect women's rights. Further in-depth research should be conducted to examine the impact of social norms, power structures in society, and the role of education in changing views on domestic violence. Through a

better understanding of these dynamics, it is hoped that solutions can be found that are not only legally effective but also acceptable and respected in the broader cultural context.

This research carries out an in-depth comparative analysis of the approaches used by Indonesia and Middle Eastern countries in overcoming the problem of domestic violence, within the framework of Islamic family law. This study aims to reveal variations and differences in the interpretation of Islamic legal norms and the implementation of policies aimed at protecting women from violence. This exploration is essential to understand how external factors such as culture, politics and social conditions influence the effectiveness of implementing this law. In more detail, the research will examine how cultural differences between Indonesia and Middle Eastern countries influence the interpretation and application of Islamic family law related to the protection of women. Different social cultures can lead to differences in the acceptance and practice of law, as well as in what actions are considered socially acceptable or unacceptable. For example, the dominant social norms in society can influence the extent to which domestic violence is recognized as a legal and social problem, as well as the extent to which the law can intervene to protect victims.

From a political perspective, this study will explore the role of government and legislative institutions in forming and implementing laws related to domestic violence. This includes how differences in political structures and policy priorities between Indonesia and Middle Eastern countries affect the effectiveness of Islamic family law in addressing the issue of violence against women. Differences in political stability, the strength of women's advocacy groups, and the level of influence of religion in public policy will be analyzed to assess their impact on justice and the protection of women's human rights. Finally, this research aims to provide recommendations based on this comparative analysis, with a focus on developing strategies that can support more effective policy implementation in both

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contexts. It is hoped that the results of this study can contribute to increasing global understanding regarding how to integrate the principles of justice and protection in Islamic family law, especially in different contexts such as Indonesia and Middle Eastern countries.

This research not only focuses on identifying problems in the implementation of existing Islamic family law, but also aims to develop and propose innovative and evidence-based mechanisms that can strengthen the protection of women's rights. This proposal includes policy recommendations designed to improve the implementation of gender-equitable laws. These policy recommendations will be developed based on empirical and comparative data analysis, as well as an in-depth study of family law practices that apply in Indonesia and Middle Eastern countries. It aims to produce guidelines that can be adopted by policy makers and legal practitioners to ensure that the implementation of family law is not only in line with Islamic teachings, but also supports global efforts to achieve gender equality. Furthermore, the resulting recommendations are expected to support legislative reform and improve legal practice in the field to be more effective and inclusive. The proposed legislative changes will advocate for the integration of new knowledge and methods that can help in implementing aspects of justice and equality in the practice of Islamic family law more efficiently. This initiative also aims to strengthen the legal framework that supports women's rights, by ensuring that existing laws and policies support and strengthen women's position in society and protect them from all forms of discrimination and violence. Thus, this research contributes significantly to efforts to update the interpretation and application of Islamic family law, in accordance with the principles of social justice and gender equality. Finally, this study will make a significant contribution to the existing literature by expanding understanding of the ways in which

human rights values can be integrated into the practice of Islamic family law. By focusing on both the Indonesian and Middle Eastern contexts, this research aims to enrich the global discussion on gender equality in Islam and provide practical insights for more effective and inclusive policy making and legal implementation.

Methods

The research method that will be used in this study is a comparative qualitative approach. Data will be collected through in-depth interviews, document studies, and content analysis from various relevant legal sources, such as family law codes, court decisions, and government policies. Interviews will be conducted with various stakeholders, including legal experts, women's rights activists, and victims of domestic violence in Indonesia and selected Middle Eastern countries. The comparative analysis will focus on the interpretation and implementation of Islamic family law in both contexts, with the aim of identifying differences and similarities in legal practices that influence the protection of women.

Next, the collected data will be analyzed using thematic analysis techniques to reveal main themes and patterns related to the effectiveness of laws in protecting women's rights. The results of this analysis will be used to develop policy recommendations oriented towards increasing the implementation of laws and legal practices that support gender justice. This study will also utilize social change theory to explain how legislative changes and legal reforms can have a positive impact on the position of women in society. Thus, this research will provide new insights into the influence of legal and social structures on efforts to overcome domestic violence and support women's rights in Indonesia and the Middle East.

Results and Discussion
Differences in Interpretation of Islamic Family Law

A comparative analysis of the interpretation of Islamic family law in Indonesia and Middle Eastern countries reveals significant differences that influence the implementation of laws aimed at protecting women from domestic violence. In Indonesia, Islamic family law is often interpreted with greater flexibility, integrating modern principles such as gender equality and human rights. This is reflected in several court decisions which have begun to support women's rights in marriage and divorce, as well as protecting them from violence. However, there is still resistance from conservative groups who adhere to traditional interpretations, which sometimes exclude protection for women. Meanwhile, in many Middle Eastern countries, interpretations of Islamic family law tend to be more conservative. Family law is often understood and applied in a very literal way, significantly limiting women's rights in divorce, property, and recognition of domestic violence. In some regions, this assertiveness is reinforced by the strength of social norms and strong institutional support from religious institutions, which emphasize adherence to tradition over adaptation to modern human rights norms. These differences can be explained by various factors, including colonial history, levels of urbanization, and the influence of feminist movements and legal reforms that differ in each region. In Indonesia, movements for women's rights and legal reform have made some progress in integrating the concepts of equality and justice in family law. In contrast, in several Middle Eastern countries, less political stability and the dominance of patriarchal power structures further consolidate traditional interpretations of Islamic law that often override progressive legal reform efforts.

From an implementation perspective, these differences in interpretation have a direct impact on the effectiveness of the law in protecting women from domestic violence. In Indonesia, although obstacles remain, there are more progressive legislative and policy efforts to protect women, such as laws prohibiting

domestic violence and extensive human rights education initiatives. In some Middle Eastern countries, domestic violence is often not recognized as a serious legal offense, reflecting the persistence of more conservative legal interpretations and their influence on legal practice. The results of this research demonstrate the need for intercultural dialogue and legal reform that respects cultural values while promoting a more inclusive and just interpretation of Islamic family law. Promoting a broader understanding of violence as a violation of human rights and integrating legal approaches oriented towards the protection and empowerment of women can be key to achieving gender equality and social justice in various cultural contexts.

External Factors that Influence Legal Implementation

Political conditions play a crucial role in the implementation of laws that protect women's rights. In countries with high levels of political stability, there is often stronger legislative support for legal reforms that support gender equity. In contrast, in countries with political instability, legislative change tends to stagnate, and policies that support women's rights are often overlooked. This research found that in several Middle Eastern countries, conservative political forces tend to inhibit the passage of laws aimed at protecting women from domestic violence, citing the reasons for preserving traditional values. In Indonesia, despite relative political stability, challenges remain, especially in ensuring that existing laws are applied consistently across regions with varying social and cultural conditions. Economic conditions also influence the effectiveness of law implementation in protecting women. In countries with poor economic conditions, there is often limited access to legal resources, education, and social services that can help women who are victims of violence. Poverty exacerbates gender inequality and makes women more vulnerable to domestic violence and less able to seek legal protection. The results of this research show that in many regions in the Middle

East, unemployment and low education among women correlate with high levels of domestic violence, while in Indonesia, economic variations between regions create disparities in access to legal and support services.

Social norms and social conditions play an important role in the effective implementation of the law. Dominant norms often prevent women from reporting and seeking justice for fear of stigma and social isolation. In some parts of the Middle East, women reporting domestic violence can be seen as breaking up families, while in Indonesia, despite social norms being more supportive of women's rights, there are still challenges in changing society's perception of domestic violence. These factors show that without profound social change, laws alone are not enough to protect women from violence. The interaction between political, economic, and social factors often determines the extent to which laws can protect women. In this context, the influence of public policies shaped by these external factors can create a more conducive environment or actually hinder the protection of women. This study identifies that where there is synergy between progressive policies, economic support, and changes in social norms, legal implementation tends to be more effective. However, when one of these factors is weak, for example a lack of political support or an economic crisis, legal efforts become less effective. Based on this analysis, several strategies are recommended to improve the implementation of laws to protect women. First, there needs to be legislative reform supported by stable and inclusive political policies. Second, increased investment in education and the economy, especially in poor areas, to reduce inequalities that can exacerbate violence against women. Third, public awareness campaigns need to be intensified to change social norms and reduce stigma towards victims of domestic violence. Fourth, increased coordination between agencies, including the police and justice system, to

ensure that the law is implemented effectively and victims get the support they need.

Impact of Policy and Legal Reform

This research evaluates the impact of new policies and legal reforms that have been implemented in an effort to protect women's rights. These reforms are aimed at addressing the gap between Islamic teachings that support equality and justice, and legal practices that are often inconsistent in protecting women from domestic violence. In this analysis, we observe that a number of legislative reforms undertaken, both in Indonesia and in Middle Eastern countries, have provided some positive changes at the formal legal level, but challenges remain in terms of implementation on the ground. For example, in some regions of the Middle East, legal reforms have included harsher penalties for perpetrators of domestic violence, as well as the introduction of protective mechanisms such as temporary protection orders that can be issued quickly by the courts. However, despite improvements in the legal framework, limitations in law enforcement often reduce its effectiveness. In Indonesia, the implementation of the Women's Protection Law has been strengthened through legislative revisions that clarify the definition and sanctions for violence against women, but there are still reports of slow legal processes and low rates of successful prosecutions. The discrepancy between existing laws and the reality of their implementation is exacerbated by a lack of adequate resources and training for law enforcement officials.

In many cases, even though the law explicitly prohibits violence against women, police and judicial officials have sometimes not fully adopted a gender perspective in handling cases. This lack of understanding not only hinders the legal process, but also encourages negative public perceptions of the law's effectiveness in protecting women's rights. In addition, the impact of legal reform also depends on the social and cultural context in which the law is implemented. Cultural differences and social norms between Indonesia and Middle Eastern

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countries influence public acceptance of legislative changes. In some Middle Eastern countries, although family law reforms have been introduced, cultural resistance to changing gender roles often slows the adoption of new practices. In Indonesia, despite broader support for reform, challenges remain in the form of conflict between customary law and national law which sometimes conflict in the context of women's protection. In conclusion, although there has been legislative progress in protecting women's rights, there remains a significant gap between the laws as they are designed and the reality of their implementation. Successful legal reform requires more than simply changing the legislative text; it requires investment in legal education, increased resources for law enforcement, and changes in social norms that support full gender equality. A multidisciplinary approach involving relevant parties from various sectors is crucial to ensure that legal reform can have a significant impact in fighting for women's rights in both contexts, Indonesia and the Middle East.

Role and Response of Law Enforcement Agencies

In both the context of Indonesia and Middle Eastern countries, the effectiveness of law enforcement agencies in dealing with domestic violence against women represents a complex challenge. These institutions often face criticism for inadequate responses, influenced by a combination of limited resources, lack of specialized training, and prevailing gender bias. For example, although Indonesian law enforcement has begun to integrate gender sensitivity training in recent years, the depth and impact of such training varies significantly across regions. Similarly, in the Middle East, law enforcement responses can be severely limited by conservative cultural norms that influence both perceptions of domestic violence and the operational procedures followed by police. Gaps in training and resources are stark, with many officers lacking the skills necessary to appropriately handle domestic violence cases. In

several regions of Indonesia, model police units have been developed that specialize in handling cases involving women and children, demonstrating a proactive approach to this problem. In contrast, in some Middle Eastern countries, the absence of such specialized units often results in the mishandling of domestic violence cases, where law enforcement personnel may prioritize family reconciliation over victim safety, under the influence of cultural norms that view domestic problems as private matters. Gender awareness among law enforcement officers is critical in shaping their response to domestic violence.

In both contexts, there is a significant need for continuing education to combat deeply entrenched stereotypes that often lead to victim blaming. In Middle Eastern countries, where the legal framework may be heavily influenced by strict interpretations of Sharia, the challenge is twofold: officials must navigate both legal mandates and cultural resistance to recognizing women's rights as equal to those of men. Meanwhile, in Indonesia, although the legal framework is more progressive, actual implementation by law enforcement still shows inconsistencies, especially due to different levels of gender awareness. Effective law enforcement practices are critical to providing immediate and long-term support for victims. The study found that in Indonesia and several Middle Eastern countries, there is often a lack of support structures such as safe houses and counseling services. These shortages reduce the capacity of law enforcement to offer protection and assistance, leaving victims with few alternatives to escape their perpetrators. Additionally, procedural approaches to dealing with domestic violence cases often lack empathy and can prevent victims from seeking further help. Based on the comparative analysis, it is recommended that law enforcement agencies in Indonesia and the Middle East improve their response to domestic violence by focusing on three key areas: increasing specialized training, increasing resources dedicated to gender-based violence, and improving inter-agency collaboration. In

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particular, the development of more specialized units, equipped with trained personnel who understand the complexities of gender-based violence, will help in dealing with these cases more effectively. Additionally, fostering a collaborative approach with NGOs and women's rights organizations can provide a more supportive environment for victims, ensuring that they receive comprehensive care and legal support.

Social Stigma and Reports of Domestic Violence

Social stigma is one of the main inhibiting factors in reporting domestic violence in Indonesia and several Middle Eastern countries. This stigma is closely related to social and cultural norms which consider family problems as private matters that should not be disclosed to the public. In societies that maintain traditional views about gender roles and family honor, victims of domestic violence often feel isolated and afraid to report the violence they experience. The fear of being ostracized from society and other social impacts makes many victims choose to remain silent, even though they are in a dangerous situation. The impact of this social stigma on the effectiveness of the law is very significant. Due to victims' reluctance to report, many cases of domestic violence never register in the justice system. As a result, official statistics do not reflect the true reality, meaning that policies and resources allocated to this issue are often inadequate. The lack of accurate data hinders the government and related institutions in formulating effective intervention strategies and in allocating sufficient resources to help victims. In addition, the stigma attached to victims of domestic violence often worsens the trauma they experience.

Many victims report feeling unsupported or even accused of causing problems when they seek help from authorities or social services. This not only leads to revictimization but also reduces victims' trust in the justice system. This low trust reduces the chances of successful legal intervention, thereby prolonging

the cycle of violence and abuse. The response of the legal system to victims of domestic violence also needs to be considered. Often, the practice of handling cases in court or by the police is not sensitive to the social and cultural context surrounding the victim. A lack of specific training on gender and domestic violence among law enforcement officers often leads to ineffective handling of cases, where victims do not feel safe or heard. This shows the importance of better education and training for law officers to increase their understanding of the dynamics of domestic violence and to develop a more empathetic and supportive approach towards victims. Given the complexity of this issue, there needs to be a comprehensive approach to addressing domestic violence, which is not only limited to legislative changes but also involves changing social norms and increasing public awareness. Extensive education and outreach campaigns should be undertaken to change public perceptions of domestic violence and to reduce the stigma associated with reporting it. By addressing the root causes of social stigma and increasing the responsiveness of the legal system, it is hoped that victims will be braver and able to seek justice and the support they need.

The Influence of Women's Rights Advocacy and Activism

An in-depth study of the role of women's advocacy groups and activism in shaping policy and raising awareness of women's rights is a significant topic in understanding the dynamics of social and legal change. Activism and advocacy are the driving force in highlighting critical issues faced by women, as well as in pushing for legislative change and more inclusive policies. In Indonesia and the Middle East, these groups are often on the front lines, advocating for better legal protections and urging governments to implement policies that support gender equality. In this context, activism is not only focused on achieving legal change, but also on transforming norms and values in society that often hinder the full realization of women's rights. One of the real impacts of this advocacy is increasing

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public awareness and broader understanding of the issues of violence against women.

Campaigns organized by advocacy groups contribute greatly to educating the wider community about the negative impacts of domestic violence and gender discrimination. Additionally, outreach conducted by activists helps in building social support networks for victims as well as providing them access to legal resources. The success of these initiatives often depends on the ability of advocacy groups to work with government and non-government organizations, as well as their ability to use mass media to amplify their messages. At the international level, support from global and regional organizations often plays an important role in supporting the struggles of local women's advocacy groups. This support can take the form of financial, technical or capacity building assistance that helps local organizations implement their programs more effectively. In addition, international pressure exerted through diplomatic and economic mechanisms also encourages governments to prioritize women's rights issues in their political agenda.

The effectiveness of this international support is often seen in the acceleration of legal reform and the implementation of more progressive policies regarding the protection of women's rights. However, challenges remain, especially in the context of Middle Eastern countries where social and legal change is often hindered by conservative cultural and political norms. In some cases, activists and advocacy groups faced significant resistance, both from the public and from authorities, which slowed or even thwarted reform efforts.

In facing these challenges, it is important for advocacy groups to develop intelligent and adaptive strategies, often involving dialogue and negotiation with key stakeholders who can support or hinder the change process. In conclusion, the role of advocacy and activism groups in shaping policy and raising

awareness about women's rights cannot be ignored. They are key actors in the struggle towards gender equality, giving voice to the unheard and fighting for significant change at local and global levels. Through hard work and dedication, substantive social and legal change can be achieved, even in the face of formidable challenges. It is through ongoing initiatives and support, both locally and internationally, that women's rights will continue to be fought for and respected throughout the world.

Conclusion

This research illustrates the important role of Islamic family law in protecting women's rights in Indonesia and the Middle East, while exposing disparities in the interpretation and application of laws aimed at protecting women from domestic violence. This comparative study shows that cultural, political and social differences between regions influence the effectiveness of laws in providing adequate protection to women. Despite progress in some areas, significant barriers remain due to conservative social norms, lack of resources, and inadequate training for law enforcement officers. These results underscore the urgent need for legal reform that not only aligns itself with Islamic teachings that support gender equality, but is also sensitive to local cultural and political contexts. From this analysis, it becomes clear that to strengthen the protection of women's rights in Islamic family law, a multidisciplinary approach is needed involving cooperation between governments, legal institutions, women's advocacy groups, and the international community. Legislative reform must be supported by efforts to increase awareness, education and sufficient resources, as well as changes in social norms that support gender equality and justice. The active involvement of international advocacy and support groups proved critical in driving this change. In conclusion, this study emphasizes the importance of integrating human rights values in the practice of

Islamic family law, with a focus on global and local efforts to create a more just and equal society for all genders.

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