

ISLAMIC LEGAL MODERNISM AND WOMEN'S RIGHTS IN INDONESIAN PESANTREN COMMUNITIES

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ABSTRACT

The discourse on women's rights has become an increasingly important dimension of Islamic legal development in Indonesia, particularly within pesantren communities that play a central role in religious education and social transformation. This study examines the relationship between Islamic legal modernism and the advancement of women's rights in Indonesian pesantren communities. Employing a normative and sociolegal approach, the research analyzes contemporary interpretations of Islamic teachings concerning gender equality, education, leadership, and social participation. The findings indicate that many pesantren institutions have increasingly embraced reform-oriented interpretations that support broader opportunities for women while remaining grounded in Islamic principles. Islamic legal modernism has facilitated critical engagement with classical jurisprudential traditions, enabling reinterpretations that emphasize justice, dignity, and equal human worth. The study further reveals that women scholars, religious educators, and community leaders play a significant role in promoting gender-sensitive understandings of Islamic law. Nevertheless, challenges remain due to varying cultural norms, institutional traditions, and differing interpretations of religious authority. The research argues that Islamic legal modernism provides an important intellectual framework for reconciling religious authenticity with contemporary human rights concerns. Through contextual interpretation and renewed legal reasoning, pesantren communities contribute to the evolution of Islamic legal discourse on gender issues in Indonesia. The study concludes that the advancement of women's rights within pesantren reflects the dynamic capacity of Islamic law to respond to social change while preserving its ethical foundations. These findings contribute to broader debates on gender, Islamic education, and legal modernization in contemporary Muslim societies.

KEYWORDS *Islamic Legal Modernism, Women's Rights, Pesantren, Gender Equality, Islamic Education*

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I. INTRODUCTION

The relationship between Islam and women's rights has become one of the most contested questions in contemporary Muslim societies. Debates concerning gender equality, women's education, religious authority, leadership, marriage, and participation in public life are frequently framed as a tension between Islamic tradition and modernity. Such a binary, however, inadequately captures the diversity of Muslim intellectual and institutional responses to changing gender relations. In Indonesia, the relationship between Islamic norms and women's rights has developed through a particularly complex process in which classical jurisprudence, Qur'anic interpretation, religious education, civil society activism, and state policy interact. Indonesian Muslim women have not merely received reforms generated by male religious authorities or secular institutions; they have increasingly participated in interpreting Islamic sources, producing religious knowledge, leading educational institutions, and redefining the social meaning of Islamic norms (van Doorn-Harder 2006; Rinaldo 2013).

This development is especially important in the context of *pesantren*. As longstanding Islamic educational institutions, *pesantren* occupy a central position in the transmission of Islamic knowledge and the formation of Muslim social identities in Indonesia. Their significance extends beyond formal education because they function as communities in which religious knowledge, ethical behavior, authority, and social relations are reproduced across generations. The traditional *pesantren* system has historically been organized around the authority of the *kyai*, the transmission of classical Islamic texts (*kitab kuning*), and a distinctive institutional culture emphasizing religious discipline and communal life (Dhofier 2011; van Bruinessen 1995). Yet *pesantren* have never been entirely static. Their engagement with modern education, state institutions, civil society, and changing social conditions has produced considerable institutional and intellectual diversity.

The question of women's rights within *pesantren* must therefore be situated within this broader process of transformation. Women have long participated in *pesantren* as students (*santri*), teachers (*ustadhah*), administrators, preachers, and

members of the extended religious families that sustain pesantren institutions. The emergence of the *nyai* as an educator and institutional leader demonstrates that female religious authority is not an entirely new phenomenon. Nevertheless, women's authority has historically been structured by gendered expectations concerning modesty, domestic responsibility, family status, and relationships with male religious leadership (Srimulyani 2007; Srimulyani 2008; Zakiyah 2016). Research on pesantren in Java has shown that *nyai* often exercise substantial educational and social authority while simultaneously negotiating institutional structures in which ultimate authority may remain associated with male *kyai* (Srimulyani 2009; Kusmana 2019).

The coexistence of women's participation and gendered institutional structures creates an important analytical problem. A pesantren may provide extensive access to religious education for women while maintaining gender segregation, differentiated leadership roles, or interpretations of classical jurisprudence that restrict women's public authority. Conversely, a pesantren may preserve traditional religious forms while developing highly progressive educational practices for female students. The existence of women's education, therefore, should not automatically be equated with gender equality. What requires examination is the process through which Islamic knowledge is interpreted and institutionalized and the extent to which those interpretations expand or constrain women's agency.

This problem becomes particularly significant when classical *fiqh* is used as the primary reference for teaching gender relations. Classical jurisprudential texts contain sophisticated legal discussions concerning marriage, family responsibilities, property, testimony, leadership, and social conduct, but these discussions were developed within historical societies characterized by particular economic structures, family arrangements, and gender norms. Contemporary Muslim scholars have increasingly questioned whether every classical formulation should be treated as permanently binding or whether some rules represent historically situated interpretations of broader Islamic ethical principles (Mir-Hosseini 1999; Wadud 1999; Barlas 2002). The distinction between revelation and jurisprudential interpretation consequently becomes central to Islamic legal modernism.

Islamic legal modernism, as used in this study, refers to approaches that seek to maintain the normative authority of Islam while reconsidering the interpretation and application of Islamic law in light of historical context, social change, public welfare, and the objectives of the *Sharī'ah*. It does not necessarily reject classical jurisprudence. Rather, it questions whether historical jurisprudential conclusions should be reproduced unchanged when the social conditions that produced them have substantially changed. In gender discourse, this methodological position has encouraged scholars to distinguish between the ethical objectives of Islamic law and particular patriarchal interpretations that became dominant within certain historical jurisprudential traditions (Wadud 1999; Barlas 2002; Auda 2008).

The contemporary *maqāṣid al-sharī'ah* approach is particularly relevant to this development. By emphasizing objectives such as justice, human dignity, welfare, and the prevention of harm, *maqāṣid* reasoning creates a conceptual framework through which inherited legal norms can be evaluated in relation to their contemporary consequences. Auda (2008), for example, conceptualizes *maqāṣid*

through a systems approach that emphasizes interrelatedness, multidimensionality, and contextual reasoning. Kamali (2008) similarly demonstrates the continuing importance of public interest and legal adaptation in contemporary Islamic jurisprudence. In the field of gender, such approaches provide an intellectual basis for asking whether legal interpretations actually realize the ethical purposes of Islam or reproduce historical patterns of inequality.

The question is particularly important in pesantren because these institutions are major sites of knowledge transmission. If gendered interpretations are embedded within the teaching of *fiqh*, *tafsīr*, *hadith*, and Islamic ethics, they can influence how generations of Muslim students understand women's social roles. Conversely, if pesantren introduce contextual approaches to classical texts, gender-sensitive pedagogy, and greater recognition of women's religious authority, they can become important sites of Islamic legal transformation. Recent research explicitly identifies pesantren as potential spaces for the reinterpretation of classical *fiqh* in response to contemporary gender-equality concerns (Nasution, Pohan, and Khairurrijal 2025).

The educational dimension of pesantren is therefore inseparable from their legal and normative significance. The teaching of a particular interpretation of *fiqh* does not merely transmit abstract legal doctrine; it shapes students' understanding of authority, responsibility, family relations, leadership, and appropriate gender behavior. Studies of Muslim women's education in pesantren have shown both the historical importance of pesantren in expanding women's access to Islamic learning and the persistence of institutional tensions involving restricted public space, gender-biased educational materials, and male-centered authority structures (Srimulyani 2008; Lukens-Bull 2001).

At the same time, pesantren should not be portrayed simply as institutions of gender conservatism. Historical and ethnographic research demonstrates that women associated with Indonesian Islamic organizations have actively participated in the reinterpretation of religious texts and the development of social programs addressing women's education, family welfare, employment, and public participation (van Doorn-Harder 2006). The experience of *Aisyiyah*, *Muslimat NU*, *Fatayat NU*, and other women's organizations demonstrates that Islamic piety can provide resources for women's activism rather than necessarily functioning as an obstacle to it (van Doorn-Harder 2006; Rinaldo 2013). Rinaldo's study is particularly important because it shows that Indonesian Muslim women activists can combine Islamic commitments with feminist or rights-oriented agendas without necessarily perceiving the two as mutually exclusive.

The emergence of women religious scholars (*ulama perempuan*) represents a further development in this process. Historically, the category of *ulama* has often been socially associated with male religious authority, even though women have participated in religious education and knowledge production for generations. Contemporary women's movements have challenged this assumption by asserting women's capacity to become authoritative interpreters of Islamic texts and producers of religious legal discourse. The Indonesian Congress of Women Ulama (*Kongres Ulama Perempuan Indonesia*, KUPI), established through networks connected to pesantren and women's Islamic activism, is particularly significant in this regard. Research on KUPI identifies it as a new arena in which women claim religious authority and participate directly in debates over gender, Islamic law, and

social justice (Ma'ruf, Wilodati, and Aryanti 2021; Satibi, Mahmudah, and Supriadi 2023).

KUPI also demonstrates that contemporary Islamic legal reform can emerge through alternative epistemologies. Rather than relying exclusively on inherited textual interpretations, its methodology has emphasized women's lived experiences, *maqāṣid al-sharī'ah*, reciprocal relationships (*mubāḍalah*), and the ethical objective of preventing harm. The resulting *maqāṣid cum-mubāḍalah* methodology seeks to place women's experiences within Islamic legal reasoning instead of treating them as secondary evidence outside the jurisprudential process (Kodir et al. 2024). This development is significant because it challenges the assumption that Islamic legal interpretation must be produced from a predominantly male social experience.

The transformation of religious authority is also visible in the growing recognition of women as leaders in Islamic educational institutions. Studies of pesantren leadership show that *nyai* can exercise authority in teaching, student supervision, institutional management, and community engagement, although the scope of their authority varies considerably among institutions (Zakiyah 2016; Kusmana 2019; Prasetyawan and Lis 2019). More recent research on pesantren leadership similarly emphasizes the contribution of women to institutional transformation, educational quality, community development, and inclusive learning environments (Yani, Aimah, and Setiawan 2025).

However, the expansion of women's authority should not be interpreted as evidence that gender hierarchy has disappeared from pesantren. Women's leadership frequently remains mediated by family relationships, especially the status of the *nyai* as the wife or daughter of a *kyai*. In some institutions, women gain authority because they occupy a recognized familial position within the pesantren rather than because the institution has explicitly adopted gender-neutral criteria for religious leadership. This distinction is analytically important. It indicates that institutional change may occur through adaptation of existing structures rather than through their complete transformation (Srimulyani 2007; Kusmana 2019).

Previous studies have made substantial contributions to understanding these dynamics. The first body of literature examines the historical and institutional character of pesantren. Dhofier (2011), van Bruinessen (1995), and Lukens-Bull (2001) demonstrate that pesantren possess distinctive systems of religious authority and knowledge transmission while simultaneously adapting to broader educational and social changes. This literature establishes the institutional context necessary for understanding gender reform but does not primarily focus on the relationship between pesantren education and Islamic legal modernism.

A second body of research focuses specifically on women's leadership in pesantren. Srimulyani (2007, 2008, 2009), Zakiyah (2016), Prasetyawan and Lis (2019), and Kusmana (2019) demonstrate that women have occupied significant educational and leadership roles within pesantren, although their authority remains shaped by gender norms and institutional hierarchies. This literature effectively challenges the assumption that pesantren are exclusively male spaces of religious authority. Nevertheless, much of this scholarship focuses on leadership and institutional practice rather than on the legal-interpretive mechanisms through which gender norms themselves are reconstructed.

A third body of scholarship examines Muslim women's reinterpretation of Islamic texts and the relationship between Islam and feminism in Indonesia. Van Doorn-Harder (2006) and Rinaldo (2013) demonstrate that Indonesian Muslim women can use Islamic knowledge and piety as resources for social activism and gender reform. International scholarship by Wadud (1999), Barlas (2002), Mir-Hosseini (1999), and Auda (2008) provides broader theoretical frameworks for understanding gender-sensitive interpretation and Islamic legal reform. These works establish an important intellectual foundation but are not specifically concerned with how such interpretive approaches enter the pedagogical and institutional environment of Indonesian pesantren.

A fourth body of scholarship has emerged around KUPI and the institutionalization of women's religious authority. Ma'ruf, Wilodati, and Aryanti (2021) analyze KUPI through the genealogy of gender discourse, while Satibi, Mahmudah, and Supriadi (2023) examine its contribution to Islamic moderation. More recent studies explore KUPI's role in reconstructing Islamic law and establishing female religious authority within Indonesia's Islamic public sphere (Mun'im et al. 2024; Nadia and Faizah 2024; Faizah et al. 2024). These studies demonstrate the growing importance of women scholars but leave open the question of how such intellectual developments interact with everyday religious education inside pesantren.

This gap is particularly significant because pesantren constitute a crucial intermediary between formal Islamic scholarship and everyday Muslim life. The production of a gender-just *fiqh* at the level of national conferences or women's scholarly organizations does not automatically mean that such interpretations become embedded in pesantren curricula, teaching practices, leadership structures, or student experiences. Recent studies indicate that gender mainstreaming in pesantren continues to encounter structural and cultural barriers, including male-dominated authority structures, insufficient gender literacy, and the absence of sufficiently developed gender-responsive institutional frameworks (Mala, Chasanah, and Marpuah 2025).

The central research problem of this study therefore lies in the relationship between Islamic legal interpretation and institutional educational practice. The question is not simply whether Islamic legal modernism supports women's rights in theory, but how its interpretive principles are negotiated within pesantren communities. This requires attention to three interconnected dimensions: the reinterpretation of classical Islamic texts, the expansion of women's religious and educational authority, and the institutional mechanisms through which gender-sensitive interpretations are transmitted to students and communities.

Accordingly, this study asks three interrelated questions. First, how does Islamic legal modernism reshape interpretations of women's rights within Indonesian pesantren communities? Second, how do women religious scholars, *nyai*, educators, and pesantren leaders contribute to the production and dissemination of gender-sensitive Islamic knowledge? Third, what institutional and cultural factors facilitate or constrain the incorporation of gender-just interpretations into pesantren education and authority structures?

This study argues that Islamic legal modernism contributes to the advancement of women's rights in pesantren not primarily by replacing classical Islamic jurisprudence, but by recontextualizing its interpretation through justice,

human dignity, reciprocity, public welfare, and the objectives of the Shari'ah. The transformation is therefore better understood as a process of internal Islamic legal negotiation. Classical texts remain important sources of religious legitimacy, but their interpretation is increasingly mediated by women's experiences, contemporary social realities, and broader ethical objectives. In this process, women religious scholars become not merely beneficiaries of legal reform but active producers of Islamic legal knowledge.

This study employs a normative and socio-legal qualitative approach. The normative component examines Islamic legal and interpretive frameworks concerning women's rights, gender relations, religious authority, education, and leadership. It focuses particularly on contemporary approaches to *ijtihad*, *maqāsid al-shari'ah*, gender-sensitive Qur'anic interpretation, and reciprocal approaches to Islamic jurisprudence. The socio-legal component situates these interpretive frameworks within the institutional and social environment of Indonesian pesantren. The study uses a literature-based analysis of three categories of materials. First, it examines classical and contemporary Islamic legal and interpretive scholarship concerning gender and women's rights. Second, it analyzes empirical and ethnographic studies of Indonesian pesantren, *nyai*, women educators, female religious authorities, and Muslim women's organizations. Third, it examines recent scholarship concerning KUPI, gender mainstreaming in pesantren, women's leadership, and the reinterpretation of classical *fiqh*. The literature is limited to scholarly works published no later than 2025.

Analytically, the study proceeds through three stages. The first identifies the dominant structures of gender and religious authority within pesantren. The second examines how Islamic legal modernism provides interpretive resources for challenging or modifying those structures. The third evaluates the extent to which reinterpretation becomes institutionalized through women's leadership, curriculum development, religious education, and networks of female religious scholarship. The study does not assume that every progressive practice within pesantren constitutes Islamic legal modernism. Rather, a practice is considered relevant to Islamic legal modernism when it involves a conscious or discernible reinterpretation of Islamic norms, legal principles, or religious authority in response to contemporary social conditions while retaining an Islamic normative justification. This distinction allows the study to differentiate between ordinary institutional modernization and changes that specifically involve the transformation of Islamic legal reasoning.

This study makes three principal contributions. First, it contributes theoretically by connecting the literature on Islamic legal modernism with scholarship on pesantren and women's religious authority. Existing studies frequently examine these fields separately, whereas this article treats pesantren as a site where Islamic legal interpretation and gendered social practice interact. Second, the study contributes empirically by highlighting women religious scholars and *nyai* as agents of Islamic legal transformation. Rather than treating women solely as subjects whose rights are being reformed, the study examines their role as teachers, interpreters, institutional leaders, and producers of religious knowledge. This perspective is consistent with scholarship showing that women in Indonesian Islam have increasingly participated in religious authority and textual interpretation (van Doorn-Harder 2006; Nurlaelawati 2020). Third, the study

contributes to debates on Islamic education by demonstrating that gender reform cannot be assessed solely through formal access to education. The more significant issue is the kind of Islamic knowledge transmitted within educational institutions. A pesantren may expand women's access to education while reproducing gender hierarchy through curriculum, textual interpretation, leadership arrangements, or institutional norms. Conversely, contextual approaches to *fiqh* and the growing authority of women scholars can transform pesantren into spaces where religious tradition and gender justice are mutually negotiated.

The article therefore conceptualizes pesantren as sites of negotiated Islamic legal modernism. They are neither merely repositories of classical tradition nor straightforward agents of secular modernization. Instead, pesantren constitute institutional spaces where inherited Islamic knowledge is continuously interpreted in relation to changing social realities. The advancement of women's rights within these communities consequently depends on the interaction between textual reinterpretation, female religious authority, educational practice, and institutional change.

II. PESANTREN AS SITES OF ISLAMIC LEGAL AUTHORITY AND GENDER FORMATION

Understanding women's rights in Indonesian pesantren requires moving beyond the assumption that pesantren are merely educational institutions. Historically, pesantren have functioned simultaneously as centers of Islamic learning, sites of religious authority, spaces of socialization, and institutions through which particular understandings of Islamic morality are reproduced. The curriculum, teacher–student relationship, organization of daily life, and interpretation of classical texts all contribute to the formation of students' understandings of appropriate Muslim behavior. Consequently, the gender norms transmitted within pesantren are not simply social customs; they can acquire religious legitimacy when they are connected to interpretations of *fiqh*, *tafsir*, *hadith*, or other Islamic sciences (Dhofier 2011; van Bruinessen 1995; Lukens-Bull 2001).

The traditional structure of pesantren has generally placed the *kyai* at the center of religious authority. His authority derives from multiple sources, including mastery of Islamic knowledge, lineage, charisma, moral reputation, and institutional ownership or control. The *kyai* is therefore not merely an administrator but frequently serves as the ultimate reference point for religious and social decisions within the pesantren community. This structure has historically created a gendered hierarchy because religious authority at the highest institutional level has frequently been associated with men (Dhofier 2011; Zakiyah 2016).

Yet the dominance of male leadership should not be interpreted as evidence that women have been absent from pesantren authority. Women have long participated as students, teachers, administrators, and members of religious families. The *nyai*, particularly the wife of a *kyai*, can exercise considerable authority over female students and the educational activities of the pesantren. Studies of women's leadership demonstrate that *nyai* frequently manage female dormitories, teach religious texts, provide counseling, supervise students, and represent the pesantren within surrounding communities (Zakiyah 2016; Srimulyani 2007).

The contemporary situation is even more complex. Muafiah et al. (2024) demonstrate that *nyai* occupy an important position in negotiating female agency within gendered pesantren structures. Their study of contemporary *nyai* shows that women can make substantial contributions to the transformation of pesantren while simultaneously confronting cultural expectations that privilege male leadership. This indicates that the gender order of pesantren is not static. It is continuously negotiated through everyday institutional practice.

The significance of this negotiation becomes clearer when religious authority is conceptualized as relational rather than exclusively hierarchical. A *nyai* may not possess formal institutional authority equivalent to the *kyai*, but she can possess substantial pedagogical, moral, affective, and social authority. Female students may regard the *nyai* as an important source of religious knowledge and personal guidance even when formal institutional structures remain male-dominated.

This distinction between formal and substantive authority is crucial for analyzing women's rights. If leadership is measured only by formal titles, the contribution of women in pesantren may appear limited. If authority is instead understood through actual practices of teaching, interpretation, mentoring, and community engagement, the scope of women's participation becomes much more visible.

The emergence of women as religious authorities also challenges the assumption that Islamic knowledge is necessarily transmitted through exclusively male scholarly networks. Contemporary research identifies *nyai* as active participants in preserving intellectual traditions within pesantren. Pandiva Books and Munawara (2025), for example, show that *nyai* leadership can contribute to maintaining santri literacy and sustaining the intellectual culture of pesantren. Such findings are important because literacy is directly connected to religious authority: those who control access to texts, interpretation, and educational practices also participate in determining how religious norms are understood.

Nevertheless, women's authority within pesantren often remains mediated by kinship. The social legitimacy of a *nyai* may initially derive from her position as the wife, daughter, or descendant of a *kyai*. This creates what can be described as relational legitimacy. A woman may obtain institutional recognition through her relationship with an established male religious authority rather than solely through independent scholarly credentials.

This pattern does not necessarily make women's authority insignificant. On the contrary, relational legitimacy can provide women with access to institutional spaces that might otherwise remain unavailable. However, it creates a structural limitation: if women's authority depends primarily on familial status, the institutionalization of female religious leadership may remain vulnerable to patriarchal succession patterns.

The transformation of pesantren leadership therefore involves a gradual movement from derivative authority toward autonomous religious authority. The former derives legitimacy from family, marriage, or association with male scholars; the latter derives legitimacy increasingly from women's own knowledge, pedagogical competence, institutional leadership, and public religious engagement. This transition is visible in several contemporary pesantren. Research on female leadership has demonstrated that *nyai* can exercise decision-making authority, develop educational programs, manage institutions, and build relationships with

external communities. Rahayu and Faraz (2019), for example, identify *nyai* leadership as transformational because women leaders participate in decision-making, institutional development, and the creation of educational environments.

The transformation is also visible in the changing social role of pesantren women. Rather than restricting their activities to domestic responsibilities, many *nyai* combine religious teaching with public engagement, educational administration, community service, and advocacy. The result is an expansion of the legitimate social roles available to women within an Islamic institutional environment. This development should not, however, be interpreted as the disappearance of gender differentiation. Pesantren remain institutions in which gender segregation and differentiated roles can be maintained for religious, cultural, or pedagogical reasons. The analytical question is therefore not whether all distinctions disappear but whether those distinctions are understood as absolute religious requirements or as contextual institutional arrangements.

This distinction is fundamental to Islamic legal modernism. If a particular gender arrangement is presented as an immutable religious rule, institutional reform becomes difficult because changing the arrangement can be perceived as rejecting Islam. If, however, the arrangement is recognized as one historical interpretation or institutional strategy, reform becomes possible without undermining Islamic legitimacy.

Thus, pesantren constitute an important arena for Islamic legal modernism precisely because they bring abstract jurisprudential interpretations into everyday social practice. The way teachers explain gender, the way students are encouraged to participate, the way leadership is distributed, and the way classical texts are contextualized all influence the practical meaning of women's rights. The first major finding, therefore, is that gender reform in pesantren begins with the transformation of religious authority. Women's rights cannot be substantially expanded if women remain exclusively objects of interpretation. They become more sustainable when women participate in producing, teaching, and institutionalizing the religious knowledge through which gender norms are justified.

III. REINTERPRETING CLASSICAL FIQH: GENDER-JUST ISLAMIC EDUCATION IN PESANTREN

The second dimension of Islamic legal modernism concerns the reinterpretation of classical *fiqh*. Pesantren have historically relied heavily on classical Islamic texts as important sources of religious education. The *kitab kuning* provides students with access to centuries of Islamic jurisprudential and theological scholarship and constitutes a central element of traditional pesantren identity (van Bruinessen 1995; Dhofier 2011). The continued teaching of these texts demonstrates the enduring importance of tradition. At the same time, it raises a crucial question: how should classical jurisprudential formulations concerning women be interpreted in contemporary social contexts?

The answer cannot simply be to abandon classical *fiqh*. Such an approach would undermine one of the defining characteristics of pesantren and could create a false dichotomy between religious authenticity and gender equality. Islamic legal modernism instead offers another possibility: critical continuity. Classical texts

remain part of the intellectual tradition, but their legal conclusions are interpreted through historical context, *maqāṣid al-sharī'ah*, *maṣlaḥah*, and contemporary understandings of justice.

This approach begins with a methodological distinction between revelation and jurisprudence. The Qur'an and Sunnah constitute foundational sources of Islamic law, whereas *fiqh* represents human attempts to understand and apply those sources. Because *fiqh* is the product of human reasoning, it can be subjected to reinterpretation when social circumstances change. This distinction has been central to modern Muslim scholarship on gender (Wadud 1999; Barlas 2002; Mir-Hosseini 1999).

The distinction becomes particularly important when classical rules are applied to contemporary family and social relations. A legal interpretation developed within a historical society characterized by male economic dominance, extended patriarchal households, and limited female access to formal education may not necessarily produce the same social consequences when women participate extensively in education, employment, public leadership, and community organization. Islamic legal modernism does not assume that social change automatically invalidates classical jurisprudence. Instead, it asks whether the underlying objectives of Islamic law can be realized more effectively through alternative interpretations. This is where *maqāṣid al-sharī'ah* becomes methodologically significant.

A *maqāṣid*-based approach shifts legal analysis from isolated rules toward the purposes and consequences of legal norms. Justice (*'adl*), human dignity (*karāmah*), welfare (*maṣlaḥah*), and the prevention of harm become important criteria for evaluating contemporary applications of Islamic law (Auda 2008; Kamali 2008). In relation to women's rights, this framework allows scholars and educators to ask whether a particular interpretation protects women's dignity and welfare or unnecessarily reproduces patterns of inequality.

The emergence of *mubādalāh* or reciprocal interpretation strengthens this approach. The *mubādalāh* framework emphasizes reciprocity in relationships, arguing that ethical and legal principles concerning human relationships should generally be understood through mutuality rather than one-directional gender hierarchy. This approach is especially relevant to family relations, education, leadership, and social responsibility. The combination of *maqāṣid* and *mubādalāh* is particularly significant in the methodology developed by KUPI. Kodir et al. (2024) describe a *maqāṣid cum-mubādalāh* approach that centers women's lived experiences in the development of gender-just *fiqh*. The methodology seeks to overcome conventional approaches that rely heavily on textual interpretation while insufficiently considering the experiences of women affected by the resulting legal norms.

The relevance of this approach to pesantren is considerable. If students are taught not merely to memorize classical legal positions but also to examine the objectives, contexts, and consequences of those positions, they acquire a more dynamic conception of Islamic law. Classical *fiqh* becomes a foundation for intellectual engagement rather than a closed set of immutable conclusions. Such pedagogical transformation can take several forms. Teachers may contextualize historical legal opinions, compare different *madhhab* positions, distinguish between obligatory norms and customary practices, introduce contemporary

maqāṣid scholarship, and encourage students to consider women's experiences when evaluating legal questions.

This does not necessarily eliminate traditional *bandongan*, *sorogan*, or textual learning. Instead, modernist pedagogy can operate within traditional educational structures. A *kitab* can remain the object of study while the methodology of interpretation becomes more critical and contextual.

This is particularly important because the reproduction of gender norms frequently occurs indirectly. Students may internalize assumptions about women's proper roles not because a teacher explicitly advocates gender inequality, but because the curriculum consistently presents men as authorities, decision-makers, and interpreters while women appear primarily as wives, daughters, or recipients of male protection. Gender-sensitive pedagogy therefore requires not only adding materials specifically about women's rights but also examining the broader structure of knowledge transmission. Who is cited as an authority? Whose experiences are considered legally relevant? Who is portrayed as capable of interpreting religious texts? These questions reveal that gender equality involves epistemological as well as institutional transformation.

Recent research supports the proposition that pesantren can become spaces for such reinterpretation. Nasution, Pohan, and Khairurrijal (2025), for example, examine the reinterpretation of classical *fiqh* in pesantren in relation to gender equality and argue for a contextual approach that remains connected to Islamic jurisprudential tradition. The importance of this development lies in its attempt to reconcile educational continuity with changing understandings of gender justice. The reinterpretation of classical *fiqh* also has practical implications for women's educational opportunities. If women's intellectual capacity is treated as equal in principle, there is stronger justification for providing women with advanced access to Islamic sciences. Historically, restrictions on women's public participation could sometimes be justified through assumptions concerning gender roles rather than explicit textual prohibitions. Contemporary Islamic legal modernism challenges these assumptions by emphasizing the general Islamic imperative to seek knowledge.

Education consequently becomes both an outcome and an instrument of legal reform. Greater access to Islamic education enables women to acquire the knowledge necessary to participate in religious interpretation. Their participation then creates further possibilities for reinterpretation. This produces a self-reinforcing relationship between education and religious authority. The result is a transformation of the traditional epistemic structure of pesantren. Women are no longer merely students of religious knowledge; they increasingly become teachers, authors, curriculum designers, researchers, and institutional leaders. This transformation expands the range of perspectives through which Islamic law is interpreted.

Nevertheless, critical reinterpretation remains contested. Some pesantren communities may perceive gender-sensitive readings as foreign, overly influenced by Western feminism, or insufficiently grounded in classical scholarship. This resistance illustrates why Islamic legal modernism must engage seriously with traditional sources rather than simply dismiss them.

A successful reform strategy therefore requires what may be called tradition-conscious reform. It must demonstrate that gender justice can be articulated using

concepts recognizable within Islamic jurisprudence, including *maṣlaḥah*, *maqāṣid*, *ʿurf*, *lā ḍarar wa lā ḍirār*, *muʿāsharah bi al-maʿrūf*, and reciprocal rights and responsibilities. The second major finding is therefore that gender-sensitive education in pesantren depends less on abandoning classical *fiqh* than on changing the method through which it is taught and interpreted. Islamic legal modernism becomes educationally effective when students learn that jurisprudence is a historical intellectual tradition capable of critical interpretation rather than a fixed collection of conclusions beyond contextual analysis.

IV. NYAI, WOMEN ULAMA, AND THE TRANSFORMATION OF RELIGIOUS AUTHORITY

The transformation of women's rights in pesantren cannot be separated from the emergence of women as religious authorities. For much of Indonesia's modern history, the public category of *ulama* has been strongly associated with men. Women have certainly participated in religious education, but their contributions have often been understood through familial or domestic categories rather than through independent scholarly authority (van Doorn-Harder 2006). The emergence of *ulama perempuan* challenges this pattern. It asserts that women can possess not merely pedagogical authority over female students but also interpretive authority concerning Islamic law and theology. This distinction is crucial. A woman who teaches religious texts is not necessarily recognized as an authority capable of issuing or influencing legal opinions. The contemporary women's ulama movement seeks to narrow this gap.

KUPI represents the most prominent institutional manifestation of this development in Indonesia. Research by Mun'im et al. (2024) argues that KUPI has become a center for reproducing female authority in Islamic law and has challenged aspects of "official Islam" characterized by masculine assumptions. This is significant because it shifts the question of women's rights from "what rights should women receive?" toward "who has the authority to determine what Islam says about women's rights?" This is an epistemological transformation. If Islamic legal interpretation has historically privileged male experience, then expanding women's authority changes the sources of experience that enter legal reasoning. Women's lived experiences become legally relevant evidence rather than merely social data external to jurisprudence.

Kodir et al. (2024) make this point particularly clear through their discussion of *maqāṣid cum-mubādalāh*. The methodology explicitly centers women's experiences in the construction of gender-just *fiqh*. The methodological implication is profound: women are not simply beneficiaries of legal interpretation; their experiences can contribute to determining the interpretation itself. This approach also changes the meaning of objectivity in Islamic jurisprudence. Traditional legal methodologies may claim neutrality by prioritizing textual sources and established scholarly opinions. Yet the selection and interpretation of those texts have always occurred through human intellectual and social contexts. Bringing women's experiences into the process therefore does not necessarily make Islamic law less objective. It can instead expose previously overlooked dimensions of legal harm and welfare.

The issue becomes especially visible in questions concerning marriage. Agustina and Ismah (2024) demonstrate how female ulama associated with KUPI reinterpret *wilāyat al-ijbār*, challenging the understanding of guardianship as an unrestricted paternal right to compel a daughter into marriage. Their approach reframes *ijbār* as guardianship involving responsibility and protection and grounds the reinterpretation in *ma'rūf*, *mubādalah*, and substantive justice. This example illustrates the practical operation of Islamic legal modernism. The reform does not simply reject the classical category of *wilāyah*. Instead, it reconstructs the concept by asking what the underlying purpose of guardianship should be. If guardianship is intended to protect the welfare of the child, then coercion that produces harm cannot easily be justified by the concept of guardianship itself.

The method therefore combines textual engagement with ethical reasoning and lived experience. The result is a form of *ijtihad* that is simultaneously theological, juridical, and sociological. Within pesantren, *nyai* occupy an especially important position in translating this intellectual transformation into educational practice. They can serve as intermediaries between formal women-ulama networks and students who encounter Islamic gender discourse primarily through everyday religious education. The role of *nyai* is particularly significant because pesantren authority operates through close personal relationships. Students do not learn only from formal lectures. They observe how religious leaders organize family life, treat women, distribute responsibilities, respond to social problems, and interact with male and female community members. The lived example of a female religious leader can therefore communicate a conception of Islamic gender relations more powerfully than abstract curricular content.

Muafiah et al. (2024) demonstrate that *nyai* navigate institutional and cultural barriers while contributing significantly to women's public participation. Similarly, recent research on female leadership in Salafiyah pesantren shows that *nyai* can develop strategies for institutional advancement despite patriarchal resistance (Fauzan et al. 2025). These findings challenge a common characterization of Salafiyah pesantren as inherently incompatible with women's leadership. The reality is more differentiated. Traditional institutions can accommodate women leaders when leadership is justified through recognized Islamic concepts, demonstrated competence, social trust, and institutional continuity.

The distinction between reform and rupture is again important. Female leaders do not necessarily need to abandon traditional pesantren identity to expand women's authority. They may instead reinterpret the meaning of *khidmah* (service), *ta'lim* (education), *tarbiyah* (formation), and religious leadership so that these concepts encompass women's public and institutional roles. This produces an important form of Islamic legal modernism: reform through internal religious legitimacy. Women's authority becomes more sustainable when it is perceived not as an external demand imposed upon pesantren but as a legitimate development within Islamic educational tradition.

The growing visibility of women ulama also creates new networks of authority. KUPI and organizations such as the Association of Female Islamic Boarding School Leaders and Preachers (*Jam'iyah Perempuan Pengasuh Pesantren dan Muballighah*, JP3M) provide institutional spaces through which women can exchange knowledge, develop legal arguments, and formulate collective religious positions. Nadia and Faizah (2024) show that these networks

have become important for strengthening the agency and authority of women ulama in Indonesia.

These networks are significant because isolated female leadership can remain dependent on local institutional circumstances. Collective organizations, by contrast, create the possibility of broader epistemic communities in which women's religious interpretations can be validated, debated, and disseminated. The transformation of religious authority therefore operates at several levels: individual *nyai*, pesantren institutions, women scholars' networks, national organizations, and public religious discourse. Each level reinforces the others. The third major finding is that women's rights in pesantren are closely connected to the democratization of religious authority. Legal reform becomes more sustainable when women possess the institutional and intellectual capacity to participate in defining Islamic norms. The emergence of *nyai* and women ulama consequently represents not simply an outcome of gender reform but one of its principal mechanisms.

V. KUPI, INSTITUTIONAL REFORM, AND THE CONTINUING LIMITS OF GENDER EQUALITY

The institutionalization of women-centered Islamic legal reasoning represents the fourth dimension of Islamic legal modernism. While individual *nyai* and female scholars can transform their immediate institutions, broader legal change requires mechanisms capable of connecting local religious practice with national Islamic discourse. KUPI has become particularly significant in this regard. KUPI's importance lies not simply in the fact that it is an organization of women scholars. Its more consequential contribution is methodological. It seeks to establish a framework through which Islamic legal reasoning can incorporate women's lived experiences, substantive justice, reciprocity, and *maqāṣid al-sharī'ah*. In doing so, KUPI challenges conventional models of religious authority that prioritize male scholars and textual precedent without sufficiently accounting for gendered consequences.

Faizah et al. (2024) describe KUPI as an important milestone in integrating gender equality into Indonesian Islamic legal discourse. Their analysis emphasizes its contextual methodology and reliance on *maqāṣid al-sharī'ah*. This demonstrates that KUPI's contribution is not simply organizational representation but the construction of an alternative legal methodology. The significance of this methodology becomes clearer when considering the concept of substantive justice. Formal equality may require identical treatment of men and women, but substantive justice asks whether legal rules produce equitable conditions given different social circumstances. KUPI's approach emphasizes the latter.

This distinction is especially relevant to pesantren because educational institutions often operate through gender-specific arrangements. Separate educational spaces for male and female students do not automatically constitute discrimination. The more relevant question is whether educational opportunities, intellectual resources, leadership possibilities, and institutional recognition are distributed equitably. A gender-just pesantren therefore does not necessarily have to eliminate every form of gender distinction. Rather, it must ensure that distinctions do not become mechanisms for denying women intellectual development, leadership, dignity, or participation.

The challenge is that institutional change is frequently slower than intellectual change. A pesantren may adopt gender-sensitive teaching materials while retaining male-dominated governance. It may encourage women to pursue higher education while maintaining assumptions that major institutional decisions should ultimately be made by men. It may recognize *nyai* as educators while limiting their authority over institutional policy. This produces what can be called partial modernization. Some dimensions of gender relations change while others remain embedded in older institutional structures.

Research on gender mainstreaming in pesantren confirms that structural and cultural barriers remain significant. Mala, Chasanah, and Marpuah (2025) identify challenges including patriarchal institutional structures and insufficient gender literacy. These barriers demonstrate that legal reinterpretation alone cannot guarantee institutional transformation. This point is theoretically important. Islamic legal modernism can change the intellectual framework through which gender norms are understood, but institutions require additional mechanisms to translate intellectual change into organizational practice. Curriculum reform, leadership policies, teacher training, institutional accountability, and mechanisms for addressing gender-based harm are therefore necessary complements to legal reinterpretation.

The distinction between normative reform and institutional reform should consequently be maintained. Normative reform changes how Islamic principles are interpreted. Institutional reform changes how those principles are embedded in organizational structures. The advancement of women's rights requires both. Pesantren also face the challenge of negotiating multiple sources of legitimacy. A pesantren may be influenced by classical *fiqh*, national legislation, *Nahdlatul Ulama* or other organizational traditions, local customs, parental expectations, state educational policies, and contemporary human-rights discourse. Gender reform must therefore navigate a complex field of overlapping authorities.

This legal and normative pluralism can create both constraints and opportunities. It can constrain reform because conservative interpretations may invoke tradition as a reason for resisting change. But it can also facilitate reform because institutions can draw upon different Islamic jurisprudential opinions and legal principles to justify adaptation. The pluralistic nature of Islamic jurisprudence is especially valuable in this context. The existence of multiple *madhhab* positions demonstrates that Islamic law has historically contained disagreement and interpretive diversity. Contemporary reform can therefore use the diversity of the tradition as an internal resource rather than treating reform as an external intervention.

This approach can also reduce the perceived conflict between Islamic authenticity and women's rights. When gender-just interpretations are grounded in Islamic legal concepts and supported by established jurisprudential methods, they become more accessible to pesantren communities that might otherwise resist language associated exclusively with secular feminism. The concept of religious authenticity should therefore be reconsidered. Authenticity does not necessarily mean reproducing the precise social arrangements of earlier Muslim societies. It can instead mean remaining faithful to the ethical and theological purposes of Islam while recognizing that their institutional realization may change.

This is particularly evident in KUPI's reinterpretation of forced marriage. The reinterpretation of *wilāyat al-ijbār* discussed by Agustina and Ismah (2024) does not simply reject the tradition. It engages directly with classical jurisprudence while arguing that guardianship should be understood through responsibility, protection, and substantive justice. The methodology therefore demonstrates how reform can simultaneously be traditional in its sources and modern in its social implications. The same principle applies to women's leadership. A female *nyai* does not necessarily need to frame her leadership as a rejection of the *kyai* tradition. Instead, she can demonstrate that religious leadership is fundamentally connected to knowledge, moral integrity, service, competence, and community trust—qualities that are not inherently gender-specific.

Recent research on *nyai* leadership reinforces this point. Studies show that women leaders can preserve traditional pesantren literacy, develop educational institutions, provide spiritual guidance, and navigate patriarchal expectations while maintaining the religious identity of the institution (Pandiva Books and Munawara 2025; Fauzan et al. 2025). Nevertheless, the continuing dependence of some women leaders on male familial authority demonstrates the limits of this transformation. A sustainable model of women's religious authority requires institutional criteria based on knowledge and competence rather than kinship alone. This is where Islamic legal modernism can make a deeper contribution. By distinguishing between religious principles and historically contingent institutional arrangements, it can provide a normative foundation for evaluating leadership according to qualifications rather than gender or lineage. The fourth major finding is therefore that the advancement of women's rights in pesantren requires the institutionalization of gender-just Islamic reasoning. Individual progressive interpretations are insufficient if they remain dependent on particular personalities. Sustainable transformation requires curricula, organizational structures, scholarly networks, and institutional policies that reproduce gender-sensitive interpretations beyond individual leaders.

VI. ISLAMIC LEGAL MODERNISM AS NEGOTIATED GENDER REFORM

The four dimensions above reveal that Islamic legal modernism in Indonesian pesantren operates through a process of negotiation rather than abrupt institutional rupture. The transformation begins with the contestation of religious authority, continues through reinterpretation of classical *fiqh*, gains institutional visibility through women religious leaders, and becomes broader through organizations such as KUPI.

The central issue is therefore not whether pesantren are “traditional” or “modern.” Such categories are insufficient because many pesantren simultaneously preserve classical texts, traditional rituals, and established religious identities while adopting modern educational structures and supporting new forms of women's participation. The more analytically useful distinction is between static traditionalism and dynamic traditionalism. Static traditionalism treats inherited interpretations as largely closed to contextual revision. Dynamic traditionalism, by contrast, preserves the authority of tradition while recognizing that its interpretation has historically involved disagreement, adaptation, and intellectual

creativity. Indonesian pesantren increasingly demonstrate the second model. The continued teaching of *kitab kuning* coexists with new approaches to gender, leadership, education, and social participation. The resulting transformation is neither secularization nor rejection of tradition. It is a process of reinterpretation from within.

This process can be conceptualized as negotiated Islamic legal modernism. The term captures three characteristics. First, reform is normatively Islamic because it seeks justification through *maqāṣid*, *maṣlaḥah*, *mubādalāh*, Qur'anic ethics, Islamic legal maxims, and reinterpretation of jurisprudential traditions. Second, reform is socially responsive because it responds to changing realities involving women's education, public participation, family structures, violence, economic roles, and institutional leadership. Third, reform is institutionally negotiated because its implementation depends upon *kyai*, *nyai*, teachers, students, religious organizations, state institutions, and broader Muslim communities.

This model also explains why change remains uneven. Different pesantren possess different histories, leadership structures, curricula, and relationships with Islamic organizations. Consequently, the same Islamic legal modernist discourse may produce different institutional outcomes. Some pesantren may prioritize women's education without substantially altering leadership structures. Others may develop women-centered educational programs and independent female leadership. Still others may actively incorporate gender-sensitive *fiqh* and participate in women-*ulama* networks. The unevenness should not necessarily be interpreted as failure. Institutional transformation is often incremental. Changes in education can precede changes in leadership; changes in leadership can precede changes in legal interpretation; and new legal interpretations can eventually reshape institutional norms.

The most important implication is that women's rights in pesantren should be understood as a process of epistemic, institutional, and social transformation. Epistemic transformation concerns who produces Islamic knowledge and how texts are interpreted. Institutional transformation concerns who exercises authority and how educational organizations are governed. Social transformation concerns how students and communities understand women's dignity, agency, and participation. These dimensions are mutually reinforcing. Greater access to Islamic education can create female scholars. Female scholars can reinterpret Islamic law. Reinterpretation can legitimize women's leadership. Women's leadership can transform educational practices. Those practices can then produce new generations of students with more egalitarian understandings of Islamic gender relations.

The Indonesian pesantren therefore provides an important case for broader debates on Islamic legal modernism. It demonstrates that women's rights need not be framed as a choice between Islamic authenticity and modern human rights. Under particular conditions, Islamic legal reasoning can provide resources for advancing women's dignity and participation while maintaining continuity with religious tradition. At the same time, the analysis cautions against assuming that intellectual reform automatically produces gender equality. Patriarchal institutional structures, unequal access to authority, family-based leadership, cultural expectations, and uneven gender literacy remain substantial constraints. The transformation of Islamic legal discourse must therefore be accompanied by

institutional reforms capable of translating new interpretations into everyday educational and organizational practices.

Ultimately, the Indonesian *pesantren* experience demonstrates that the most consequential dimension of Islamic legal modernism may be the transformation of the process through which Islamic authority itself is produced. When women become legitimate interpreters, educators, leaders, and producers of religious knowledge, the substantive content of Islamic legal discourse can change because the community of interpreters has changed. Women's rights are consequently not merely an external object of Islamic legal reform; they become part of an internal transformation in the production of Islamic law and religious authority.

VII. CONCLUSION

This study has demonstrated that Islamic legal modernism has become an important mechanism through which women's rights are negotiated and redefined within Indonesian *pesantren* communities. The analysis shows that the transformation of women's status cannot be adequately explained through institutional modernization alone. Rather, it is closely connected to changes in the production, interpretation, and transmission of Islamic knowledge. The increasing participation of *nyai*, women religious educators, and *ulama perempuan* has challenged the assumption that religious authority within *pesantren* must remain predominantly male. At the same time, the reinterpretation of classical *fiqh* through *maqāṣid al-sharī'ah*, *maṣlaḥah*, contextual reasoning, and *mubādalāh* provides an internally Islamic framework for addressing contemporary questions of gender justice. In this respect, women's rights emerge not as an external challenge to Islamic tradition but as an area in which Islamic legal reasoning itself is being renegotiated.

The study further finds that the most significant transformation occurs when reinterpretation is accompanied by changes in religious authority and institutional practice. The rise of *nyai* as educators and institutional leaders, the emergence of women *ulama* networks, and the methodological interventions of KUPI demonstrate that women are increasingly becoming producers rather than merely recipients of Islamic legal knowledge. Nevertheless, the process remains incomplete. Patriarchal institutional structures, kinship-based authority, cultural expectations, and uneven gender literacy continue to constrain the institutionalization of gender-just interpretations. The Indonesian *pesantren* experience therefore suggests that Islamic legal modernism should be understood as negotiated reform: a process through which the ethical objectives of Islamic law are maintained while inherited interpretations and institutional arrangements are reconsidered in light of changing social realities. Ultimately, sustainable advancement of women's rights requires the simultaneous transformation of Islamic interpretation, religious authority, and educational institutions. The *pesantren* thus represents not simply a site where Islamic tradition is preserved, but an important arena in which the future meaning of Islamic law, gender justice, and religious authority in Indonesia is actively constructed.

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