

Heterarchic In Sasak Muslim Families: Renegotiation Of Husbands' Permission And Women's Economic Leadership

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Abstract

This article examines the phenomenon of shifting power relations within Sasak Muslim families in Gunungsari Subdistrict, West Lombok, where many wives have become the primary economic backbone of the family while Islamic family law construction particularly Article 79 of the KHI still preserves a vertical hierarchical paradigm. Using a phenomenological socio-legal approach following Alfred Schutz's framework on lived experience and the life-world (*Lebenswelt*), this research describes how Sasak Muslim couples interpret the husband's permission, *qawwamah*, and *nafkah* within a factual context that has diverged from the premises of classical *fiqh*. Data were obtained through participant observation and in-depth interviews with twelve couples across five villages (Sesela, Jatisela, Jeringo, Midang, Mambalan) between December 2025 and March 2026. Carole L. Crumley's heterarchy framework is employed as an interpretive lens, not as a tool for normative reform. The article offers three conceptual contributions: first, the identification of the pattern of "emic shift without explicit normative reconstruction" as a mode of adaptation in contemporary Muslim families; second, an interpretive reading of the husband's permission as partnership capital (*ra's mal al-syirkah*) within a heterarchic configuration; third, the concept of "discursive accommodation" that explains how classical *fiqh* doctrines and contemporary practice mutually accommodate one another through theological reframing without open confrontation. This study underscores that classical *ushul fiqh* maxims—such as *al-hukmu yaduru ma'a 'illatihi* and *al-'adah muhakkamah*—in fact provide epistemic room for such phenomenological reading.

Artikel ini berupaya mengkaji sebuah fenomena perubahan relasi kuasa yang terjadi dalam keluarga Muslim Sasak di Kecamatan Gunungsari, Lombok Barat, di mana banyak istri telah bertransformasi dari hanya sekadar penerima *nafkah* menjadi partner bahkan penyangga utama ekonomi keluarga, sementara itu di sisi lain konstruksi hukum keluarga Islam khususnya pada Pasal 79 KHI masih mempertahankan paradigma hierarki piramida. Maka dengan menggunakan pendekatan fenomenologis socio-legal yang mengikuti kerangka Alfred Schutz tentang *lived experience* dan dunia kehidupan (*Lebenswelt*), penelitian ini ingin mendeskripsikan bagaimana pasangan Muslim Sasak memaknai izin sang suami, *qawwamah*, dan *nafkah* dalam konteks kenyataan masa kini yang sudah jauh berubah

dari gagasan fikih klasik. Data diperoleh dari pengamatan partisipatif dan wawancara mendalam dengan dua belas pasangan di lima desa (Sesela, Jatisela, Jeringo, Midang, Mambalan) antara Desember 2025 dan Maret 2026. Kerangka heterarki Carole L. Crumley kami gunakan sebagai sudut pandang untuk memahami, bukan sebagai alat reformasi normatif. Artikel ini menawarkan tiga kontribusi konseptual: pertama, identifikasi pola "pergeseran emik tanpa rekonstruksi normatif eksplisit" sebagai modus adaptasi keluarga Muslim kontemporer; kedua, pembacaan interpretatif izin suami sebagai modal kemitraan (ra's mal al-syirkah) dalam proses pengaturan heterarkis; ketiga, konsep "akomodasi diskursif" yang menjelaskan bagaimana doktrin fikih klasik dan praktik kontemporer saling memberi ruang melalui reframing teologis tanpa ada tindakan konfrontasi terbuka. Studi ini menggarisbawahi bahwa kaidah ushul fikih klasik seperti al-hukmu yadūru ma'a 'illatihi dan al-'adah muhakkamah pada kenyataannya sebenarnya membuka ruang epistemik bagi pembacaan fenomenologis semacam ini.

Kata Kunci: discursive accommodation; socio-legal phenomenology; heterarchic; Sasak.



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A. INTRODUCTION

One morning in November 2025, the writer sat in the berugaq of a residents' cattle farm located in Cengok Hamlet, Sesela Village. Near the enclosure, there is a simple stall that has been opened for a long time belonging to a woman in her thirties, who deftly arranges the trade of instant noodles, eggs, and the kitchen of her stall. Then her husband appeared, holding a cup of coffee, and then sat down while staring at his wife who was working without saying much. When the writer asked about the division of roles in their household, the husband replied quietly: "I am the one who signs if there is an affair, but the one who manages the money and alimony, my wife, ustaz." The answer is short, but honest, and without any sense of inferiority; it has actually become the entrance that makes the author begin to formulate the following question: what exactly is happening to the power relations in the Sasak Muslim family here?¹

Gunungsari District, which consists of sixteen villages and is directly adjacent to Mataram City to the south, is one of the interesting contact areas to observe in West Lombok. The majority of the population is ethnic Sasak, Muslim, there are many large Islamic boarding schools, teachers, students, and are on the outskirts of the urban economy. It is close enough to the pulse of the city of Mataram to be able to always feel structural transformation, but far enough from the center to maintain a communal network that is typical of the countryside. In this area, the author witnesses a phenomenon that seems simple but contains layers of problems that are not trivial such as the shift in women's economic roles, especially in the

¹The author's participatory observation in five villages in Gunungsari District (Sesela, Sandik, Penimbung, Midang, and Mambalan) between March–October 2025. The author's position as the Head of the Banu Sanusi Islamic Boarding School in Sesela Village provides cross-village access through a network of pilgrims, guardians, and community leaders.

household that has taken place in real life, but has not been recognized discursively both in jurisprudence and in Indonesian Islamic family law. In Law No.1/1974 in Article 31 it is stated that the obligation of husband and wife is "balanced" and is actually withdrawn by Article 79 of the KHI which expressly places the husband as the "head of the family".²

Since the last few years, the phenomenon of a wife as a partner and even the main buffer of the family economy has actually begun to be academically documented in various regions in Indonesia. Elizabeth et al. In her ethnographic study of working Muslim couples in Semarang City, she found that post-COVID-19 pandemic there was a significant change in gender roles, such as the static of traditional boundaries between the public (husband) and domestic (wife) spheres becoming more fluid, replaced by what they called *flexible role-sharing*.³ Selva in her study of female vegetable traders in Midang Village, Gunungsari District, also captured that the dual role of a woman as a breadwinner as well as a household manager has become commonplace, not a rare thing.⁴ Hurnawijaya and Muhtolib have even proposed a new conceptual framework of *beteroarchy* to read this phenomenon as an alternative to the patriarchal paradigm in Islamic family law.⁵ However, there is one thing that has not been studied much, namely how this phenomenon is experienced, understood, and narrated by the perpetrators themselves, namely husbands and wives who undergo changes in this work structure from day to day.

This is where the phenomenological approach sits as a very appropriate approach. The approach of social phenomenology developed by Alfred Schutz offers a framework for understanding social reality through the subjective meanings given by its own actors.⁶ For Schutz, the social world is not a neutral object that can be viewed from the outside, but rather a "life-world" (*Lebenswelt*) experienced from within, with a structure of meaning constructed by social actors in everyday interactions.⁷ With this framework, the phenomenon of shifting the relationship between husband and wife in Gunungsari does not want the author to immediately pull directly into the normative realm (proposing a revision of the KHI, for example), but wants the author to understand it first as *a lived experience* that has its own meaning for the perpetrator himself. So the question that arises later is descriptive-analytical, not prescriptive: how do Sasak Muslim couples in Gunungsari interpret their husband's permission in the context of the wife who is the main breadwinner? How do they negotiate authority in

²Compilation of Islamic Law (Presidential Instruction No. 1 of 1991), Article 31 paragraph (1) concerning the balance of rights and obligations of husband and wife; compare Article 79 paragraph (1) which refers to the husband as the head of the family and the wife as the housewife; and Article 80 paragraph (4) which imposes the obligation of alimony, kiswah, and place of residence on the husband.

³Misbah Zulfa Elizabeth, Ririh Megah Safitri, Naili Ni'matul Illiyyun, Masrohatun Masrohatun, and Titik Rahmawati, "Gender Relation in Family in Post-COVID-19 Era: Study among Working Couples in Semarang, Indonesia," Samarah: Journal of Family Law and Islamic Law 7, no. 2 (September 2023): 940, <https://doi.org/10.22373/sjhk.v7i2.17007>.

⁴Sri Lestari Selva, "The Role of Women Traders in Increasing Family Income (Case Study of Women Vegetable Traders in Midang Village, Gunungsari District, West Lombok Regency)," JIAP: Journal of Public Administration Science 5, no. 2 (September 2019): 175.

⁵Hurnawijaya Hurnawijaya dan Muhtolib Muhtolib, "From Patriarchy to Heteroarchy in Islamic Family Law: Conceptualization of Equal Partnerships Between Husband and Wife," Tasyri': Journal of Islamic Law 5, no. 1 (Januari 2026): 127, <https://doi.org/10.53038/tsyr.v5i1.348>.

⁶Alfred Schutz, *The Phenomenology of the Social World*, ed. George Walsh and Frederick Lehnert (London: Heinemann Educational Books, 1972), 7. Schutz's original work in German was published in 1932 under the title *Der sinnhafte Aufbau der sozialen Welt*.

⁷Schutz, *The Phenomenology of the Social World*, 8.

the household when the economic reality is already different from the premise of classical fiqh?

Previous studies that the authors reviewed still tend to stop at two opposite poles. On the one hand, there are several normative studies that reconstruct the concept of classical fiqh such as about alimony and *qanwamah* however, without a strong enough foothold on empirical reality. On the other hand, there are sociological studies that document the phenomenon of women working without any effort to build a productive dialogue with the normative framework of fiqh. Therefore, this article wants to place itself in the space between the two, by prioritizing the voices of social actors, namely Sasak Muslim husbands and wives in Gunungsari sub-district, as a gate that will then be read through two lenses: Schutz's phenomenological lens to understand the construction of meaning, and Crumley's heteroarchic lens to understand the division of power.⁸

So departing from the background in the article, this article specifically tries to answer three main problem formulations. **First**, how do Sasak Muslim couples in Gunungsari District interpret their husband's permission emicically in the context of the fact that the wife has now become the main partner or buffer of the family economy? **Second**, how is the distribution of power configured in the domestic practices of the Sasak Muslim family in Gunungsari on a daily basis, especially in the dimensions of economic, managerial, legal-representative, and spiritual authority? **Third**, how is this phenomenon of shift read coherently through the heterogeneous framework of Carole L. Crumley, the social phenomenology of Alfred Schutz, and the rules of classical jurisprudence on the dialectic of 'illat, 'urf, and the change of fatwa?

In line with the formulation of the problem, this study aims to: (1) describe the emic meaning of the perpetrators—Sasak Muslim husbands and wives—to permission, authority, and domestic partnerships in everyday reality; (2) mapping the configuration of the ongoing distribution of authority in the Sasak Muslim family in Gunungsari District; and (3) offer a dialogical analytical reading of the phenomenon, based on phenomenological and heteroarchic lenses, as well as in connection with the epistemic tradition of classical jurisprudence.

Based on the empirical basis and formulation framework, this article wants to offer three conceptual contributions that will be detailed at the end of the discussion. First, identify the pattern of "emic shifts without explicit normative reconstruction" as a mode of adaptation typical of contemporary Muslim communities. Second, the interpretive reading of the husband's permission as partnership capital (*ra's mal al-shirkah*) in a heterarchic configuration, which is a reading that is rooted in the framework of Faqihuddin Abdul Kodir but deepened through field observation. Third, the concept of "discursive accommodation" as a mechanism that explains how classical fiqh doctrine and contemporary practice give each other space through theological reframing (reframing of understanding) without open confrontational efforts. The normative implications are laid out at the end only as a reflective note, not as a reform recommendation.

B. RESEARCH METHODS

This research uses a socio-legal phenomenological approach, which is a combination of Alfred Schutz's social phenomenology as a framework to understand the subjective meaning of actors, and a socio-legal approach to try to; what the relationship of this experience with the normative framework of Islamic family law. This choice is based on the consideration that the topic studied, namely the power relationship in the Muslim family, is a matter that cannot be

⁸Compare the discussion of the phenomenological approach in the study of Islamic family law in Hisyam Ramadhan, "Revitalising Maskan during 'Iddah: A Fiqh Analysis of Contemporary Post-Divorce Challenges in Indonesia," MILRev: Metro Islamic Law Review 5, no. 1 (January 2026): 14.

solved by analyzing the fiqh text alone, and will also be inadequate if it is only approached sociologically without a normative footing. What the author does is read the phenomenon, not try to reform.

The research locations were deliberately chosen in five villages in Gunungsari District, West Lombok Regency: Sesela, Jatisela Jeringo, Midang, and Mambalan. These five villages were chosen by the author with consideration, namely the variety of socioeconomic characteristics: Sesela with a combination of pesantren and small female traders; Jatisela with an urban base; Jeringo with a mixed agricultural economy; Midang with the dominance of female vegetable traders; and Mambalan with a mix of urban-rural families. Data collection took place between December 2025 and March 2026 through participatory observation and in-depth interviews with twelve married couples, plus six community leaders and local ustadz as key informants.

Observations are made in everyday settings in the stables, in the market, in hamlet recitations, at celebrations with the aim of obtaining what Schutz calls "*first-order constructs*", that is, the original meanings of social actors in their own worlds.⁹ Interviews are conducted in a semi-structured and open-ended manner, with questions that allow space for the informant to narrate his or her own experiences. The identity of the informant was deliberately disguised by the author with initials in an effort to maintain privacy as well as research ethics. The author's position as the Head of the Banu Sanusi Islamic Boarding School in Sesela provides cross-village access through the Alumni network, as well as demanding its own reflexivity so that emotional and structural involvement does not distort reading.¹⁰

Secondary data sources include classical fiqh books (especially *al-Kasanin's Bada'i' al-Sana'i'* and *al-Fiqh al-Islami wa Adillatuhu* by Wahbah al-Zuhaili), ushul fiqh books and fiqh rules (especially *al-Aybah wa al-Naza'ir* by al-Suyuti and *I'lam al-Muwaqqi'in* by Ibn Qayyim al-Jawziyyah), contemporary fiqh works (especially *Qira'ah Mubadalah* Faqihuddin Abdul Kodir and *Women's Fiqh* Husein Muhammad), as well as journal articles indexed by Scopus and Sinta with a publication range of 2019–2026. The analysis was carried out in four stages: (1) condensation of field data into patterns of meaning; (2) reading the pattern through the lens of Crumley's heterarchy and Faqihuddin's theory of mublah; (3) the placement of findings in dialogue with the rules of classical jurisprudence to ensure epistemic coherence; (4) the withdrawal of carefully formulated discursive implications as a reflective note.

C. DISCUSSION

1. Gunungsari Socio-Economic Landscape: Field Context

To be able to understand the phenomenon that the author will try to describe, it is necessary to first convey the economic context of Gunungsari. Based on data from Gunungsari District in the 2024 Figures, the majority of the productive age population works in the informal sector such as traders, farm workers, craftsmen, motorcycle taxi drivers, and home convection workers.¹¹ Of this number, women's economic participation is relatively

⁹Schutz, *The Phenomenology of the Social World*, 14.

¹⁰The author's position at the Banu Sanusi Sesela Islamic Boarding School requires its own reflexivity: the author's emotional and structural involvement with the community is not eliminated, but rather recognized as part of the interpretive process. See the discussion on positionality in Tasbih Tasbih et al., "Islamic Feminists' Rejection of the Textual Understanding of Misogynistic Hadiths for the Advancement of Gender Justice in Makassar, Indonesia," *Samarah: Journal of Family Law and Islamic Law* 8, no. 1 (March 2024): 200, <https://doi.org/10.22373/sjhk.v8i1.20716>.

¹¹Data from the Statistics Office of West Lombok Regency and Gunungsari District in 2024 Figures. Field verification was carried out through a network of hamlet heads and local community leaders.

high. Selva said that in Midang Village alone, the majority of vegetable traders in traditional markets are women, most of whom have husbands who also work but with uncertain incomes.¹² A study on recipients of the Family Hope Program (PKH) conducted in Kekait Village, another village in Gunungsari District, also showed that the recipients of assistance were dominated by women who carried out dual roles at the same time.¹³

In addition to the local economic phenomenon, the phenomenon of migration of women workers abroad is also another dynamic that is very distinctive in West Lombok in particular. Hakimi et al. It is noted that West Lombok is included in the region with a significant number of female migrant workers, with many villages in Gunungsari, including Sesela and Sandik, being the main sending points.¹⁴ The author himself, in the network of pilgrims of the Banu Sanusi Islamic boarding school, knows many families whose wives work as migrant workers in Malaysia or Saudi Arabia while at the same time their husbands live in the village. This configuration results in a typical family typology: formally-legally, the husband remains the head of the family, but functionally, it is the wife who is the main economic supporter. This is the demographic and economic layer that becomes the fertile ground for the emergence of the phenomenon that the author observes.

The most important thing for us to underline from the beginning is that this phenomenon is not an imported item of urban modernity that suddenly appears. In many Sasak villages, women have historically held substantive economic roles, such as in agriculture, small trade, handicrafts, although it is traditionally the husband who is always considered the "leader". What has transformed in the last two decades is not just the existence of women's economic contributions, but its scale, intensity, and visibility. Scale: from simply "helping" to "mainstay". Intensity: from seasonal to daily practice. Visibility: from hidden to celebrated on a limited basis. It is within this framework that the daily events that the author will tell next need to be read.

2. Lived Experience: How Couples Interpret Permission

One of the key questions asked by the author in his interview is: "How do you view husband's permission for a working wife?" The answer that the author hears is quite different from what is imagined by the textualist reader of classical fiqh books. SN, a thirty-four-year-old woman who owns a stall in Sesela, replied very calmly: "The permit is not just a question and answer, sir. But it's also about the way we talk. I opened the stall because we had agreed together. My husband doesn't disagree, but he can't work anymore because it's hard. So we arranged it together."¹⁵ Note that SN does not place the husband's consent as the vertical consent of the husband; it places it as a form of "mutual agreement". In Schutz's vocabulary, this is an emic meaning that is different from the classical fiqh ethical construction of *ihtibas* and permission as an instrument of the release of husband control.

¹²Sri Lestari Selva, "The Role of Women Traders," 178–179.

¹³Aisyah Fatimah, Yulianus Hasbullah, Abdul Manan, Muhammad Alwi, and Akhmad Daeng, "Implementation and Effectiveness of the Family Hope Program (PKH) in Improving Community Economic Welfare: A Study in Kekait Village, Gunungsari District, West Lombok Regency," *Journal of Economics and Business* 8, no. 1 (March 2022): 168, <https://doi.org/10.29303/ekonobis.v8i1.98>.

¹⁴See also the context of the movement of women workers from West Lombok in Abdul Rahim Hakimi, Citra Widyasari S, Mukarramah Mukarramah, and Rahma Pramudya Nawang Sari, "Legal Policy for Women Workers in Indonesia: A Review of Contemporary Islamic Law," *MILRev: Metro Islamic Law Review* 3, no. 1 (April 2024): 88, <https://doi.org/10.32332/milrev.v3i1.9023>.

¹⁵Interview with SN informant (female, 34 years old, stall owner at Sesela market), Sesela Village, December 15, 2025. The identities of all informants in this article are disguised with initials to maintain privacy in accordance with research ethics.

A similar meaning is found in H, a forty-one-year-old man whose wife works as a migrant worker in Malaysia. When the writer asked about the form of his permission for his wife to go to work remotely, H only replied honestly: "He asked to be escorted to go to immigration to make a passport because he wanted to work abroad, yes I delivered, sir. If it's between the two of us, it's a joint decision. I said to my wife at the time, 'You can work better now, I hold the child at home.' It wasn't really me who gave permission explicitly. That's the form of our agreement."¹⁶ Again, the concept of "consent" as a unilateral decision of the husband is replaced by the concept of "agreement" which is dialogical. It is interesting to see that neither SN nor H see this pattern as a violation of religious values; Instead, they see it as a more realistic form of fulfilling obligations in the limitations of life they face.

This pattern is also repeated in interviews with other couples. RM, a forty-year-old woman, who runs a homemade cracker business in Jeringo Village, called her husband's permission a "support, not a signature". "My husband is the one who helps bring in and out the ingredients, who deliver them to the market. If I don't have time to be like because my child is sick, he will replace me," he said.¹⁷ AS, a thirty-eight-year-old woman of mobile vegetable vendors in Midang, stated that the question of "permits" to work was not actually in her daily vocabulary: "We have been like this for a long time, sir. I sell, my husband works on projects if there is any. There was never any permission, only discussion and assignment."¹⁸ The phrase "share the task" appears repeatedly in the author's interviews with many informants, it certainly indicates a structure of meaning that is worth considering: these couples have eminically shifted to the framework of partnership without having to articulate it theoretically.

In Schutz's phenomenological analysis, the distinction between the structure of the actor's emic meaning and the analyte's ethical meaning structure becomes important because they both operate on different levels. Schutz calls the actor's meaning structure a "*subjective meaning context*" in which the subjective meaning is experienced from the action.¹⁹ What is interesting about this field finding in Gunungsari is that the emirical meaning of permission arising from informants is systematically different from the doctrinal meaning constructed by classical fiqh. The question is not who is at fault, but: what is going on when these two structures of meaning meet in real life? This is what the author thinks is the essence of the phenomenon that deserves to be described.

Of course, not all couples give the same meaning. TR, a thirty-two-year-old woman who works as a home convection worker in Jatisela, said that at the beginning of her marriage, her husband had objected when she wanted to receive a convection order from the city. "At first my husband asked, 'why do you have to work?' Even though I work at home, I don't go

¹⁶Interview with informant H (male, 41 years old, husband of a migrant worker from dasan hamlet), Sesela Village, December 22, 2025.

¹⁷Interview with informant RM (female, 40 years old, manager of a homemade cracker and palm sugar business), Jeringo Village, January 10, 2026. Compare with the documentation of the empowerment of women artisans in Taman Sari village in Lina Rahmawati, "Empowerment of Women Artisans of Iris Water Processing in Increasing Family Income Through Innovation and Marketing in Taman Sari Village, Gunungsari District, West Lombok Regency," *Journal of Master of Science Education Service* 7, no. 2 (June 2024): 641, <https://doi.org/10.29303/jpmpi.v7i2.8109>.

¹⁸Interview with US informant (female, 38 years old, mobile vegetable trader), Midang Village, January 12, 2026; see also Selva, "The Role of Women Traders," 179.

¹⁹Schutz, *The Phenomenology of the Social World*, 15. Schutz explains that "in-order-to-motive" is different from "because motive," which is important in understanding the structure of social action's meaning.

out. But slowly he began to understand, because his income was also uncertain."TR's ²⁰ acknowledgment is important because it shows that the emic shift does not go smoothly in every case; there are negotiations, there are objections, there are adjustments. What makes it worthy of being called a phenomenon is that the same shift pattern is repeated, with variant variations, in many of the households that the authors observed.

3. Domestic Negotiations: The Everyday Practice of Power Distribution

In addition to the interpretation of the doctrine of permission, the focus of the author's observation is also the practice of daily distribution of power. It is here that the author finds what in Schutz's framework can be called a typical "domestic world-life structure". In many of the household phenomena that the author has observed, the reality is that power is not only distributed in a single vertical hierarchical pattern, where the husband is the owner of authority over the entire space. Instead, power is distributed laterally and functionally, with different domains it will be held by different parties.

There are quite a few examples. In the SN family, the day-to-day economic authority is held by the wife (she is the one who buys stall stock, regulates margins, and decides on expansion); The childcare authority is divided equally. However, legal-representative authority remains in the hands of the husband (he becomes the guardian, signs the documents, represents the family in customary meetings); Spiritual authority such as being an imam of prayer is held by the husband. In the H family, the economic authority is fully held by the wife on the grounds that the wife is abroad, while the authority of daily care is held by the husband, but, the legal authority remains in the hands of the husband; Spiritual authority is run by husbands for children in the home. In the U.S. family, economic authority is divided (he trades, the husband of a project worker); the management authority of the household is held by the wife; legal authority in the hands of the husband.

This emerging pattern closely resembles what Carole L. Crumley describes as "heteroarchival". For Crumley, heteroarchy is not the absence of authority, but rather "the relationship between elements in a system when they are not permanently ranked, or when they have the potential to be ranked in a variety of different ways, depending on systemic needs."²¹ Crumley emphatically states that heterohierarchy and hierarchy are in dialectical relations: in every society, the two coexist and exchange dominance according to the context.²² In the context of the family in Gunungsari, this heterarchic configuration is not something that is theorized by the perpetrators; it is a pattern that simply arises organically from daily needs and negotiations.

The author uses Crumley's heteroarchic framework here not to propose that societies "shift" from hierarchy to heteroarchy, since some of them are already there factually, but rather to use it as an analytical lens to understand what is happening. Here's an important distinction worth emphasizing: the heteroarchic framework is used only as a tool for reading phenomena, not as a recipe for reform. Crumley himself, in his later writings, asserted that the concept of

²⁰Interview with TR informant (female, 32 years old, home convection worker), Jatisela Village, January 18, 2026.

²¹Carole L. Crumley, "Heterarchy and the Analysis of Complex Societies," *Archeological Papers of the American Anthropological Association* 6, no. 1 (Januari 1995): 3, <https://doi.org/10.1525/ap3a.1995.6.1.1>.

²²Crumley, "Heterarchy and the Analysis," 2.

heteroarchy is most productive when it is used descriptively to read complex configurations of power, rather than prescriptively to engineer new configurations.²³

What is interesting about the heterarchical configuration that occurred in Gunungsari is that it does not remove the legal-formal authority of the husband. In almost all the couples that the author observes, the legal-representative authority remains in the hands of the husband: he who is the guardian of the marriage, he who signs the deed, he who represents the family in traditional ceremonies, he who becomes the priest of family prayers. What has changed is not the formal structure, but the distribution of authority in other domains—especially economic and managerial. This configuration, according to the author, is actually one of the stabilizing forces of this phenomenon of shift: it does not challenge the entire order, but rather accommodates changes in the realms that must change.

4. Reading Phenomena: Dialogue with the Rules of Classical Fiqh

After describing the meaning of emic and the practice of power distribution, now the author wants to attract a more comprehensive analytical reading by placing this finding in dialogue with the rules of classical jurisprudence. This step is important because the phenomenon that has been observed in Gunungsari District, which seems to be "new", can actually be read coherently through the epistemic framework that has long existed in the tradition of ushul al-fiqh. The question is not whether the perpetrators in Gunungsari have violated fiqh, but the question is whether classical fiqh itself has provided an epistemic space for a re-reading that is sensitive to changes in context.

First, the most relevant ushul rule for reading this phenomenon is "*al-hukmu yaduru ma'a 'illatihi wujudan wa 'adaman*" the law revolves according to *its 'illat*, whether it exists or not. This rule is a pillar of the qiyas methodology in the proposal of fiqh, it contains substantive epistemic implications, namely if *the 'illat* law changes or disappears, then the law built on it must also change.²⁴ In the context of the obligation of maintenance and permission of the husband in classical jurisprudence, *his 'illat*, as al-Kasani has suggested, is "*al-ibtibas li haqq al-zauj*" the detention of the wife for the fulfillment of the husband's rights.²⁵ A reflective question arises from this: in the SN, H, RM, and AS families in Gunungsari, where the wife is the main breadwinner and the husband is the main breadwinner and the husband mostly bears the domestic role, is *the traditional 'illat ibtibas* still empirically appropriate? The author does not want to answer this question definitively here, the author wants to note that this question actually arises from the logic of ushul fiqh itself, not from external criticism of fiqh.

Second, the rule of "*al-'adah muhakkamah*" a custom that does not violate the sharia can be a source of legal consideration, as formulated by Imam al-Suyuti in *al-Asybah wa al-Naza'ir*, this also opens up space for a more sensitive reading of '*urf*' (the customs of the community).²⁶ The pattern of distribution of family economic roles in Gunungsari that the

²³Carole L. Crumley, "Heterarchy," dalam *Emerging Trends in the Social and Behavioral Sciences*, ed. Robert A. Scott dan Stephan M. Kosslyn (Hoboken: John Wiley & Sons, 2015), 3, <https://doi.org/10.1002/9781118900772.etrds0158>.

²⁴The relevant rule of ushul here is *al-hukmu yaduru ma'a 'illatihi wujudan wa 'adaman* ("the law revolves according to its 'illat, its existence or not"). See Wahbah al-Zuhaili, *Ushul al-Fiqh al-Islami*, volume 1 (Damascus: Dar al-Fikr, 1986), 651.

²⁵Ala' al-Din Abu Bakr bin Mas'ud al-Kasani, *Bada'i' al-Sana'i fi Tartib al-Shara'i*, vol. 4 (Beirut: Dar al-Kutub al-'Ilmiyyah, 1986), 16. The concept of *al-ibtibas li haqq al-zauj* in the Hanafi madhhab is the basis of the husband's maintenance obligation to his wife.

²⁶Jalal al-Din al-Suyuti, *al-Asybah wa al-Naza'ir fi Qawa'id wa Furu' Fiqh al-Syafi'iyah* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1990), 89. The rules of *al-'adah muhakkamah* place the habits of the community as a source of legal consideration, as long as they do not contradict the *qath'i nas*.

author documents, where a wife as an economic buffer and a husband as a legal partner, has become a *'urf* that is widely applicable in contemporary Sasak communities. In the epistemic framework of the fiqh proposal, *this kind of 'urf* should be considered in the re-reading of the classical fiqh doctrine of maintenance and permission, not as a cancellation of the doctrine, but only as a context that modulates its application.

Third, Ibn Qayyim al-Jawziyyah's methodological contribution in *I'lam al-Muwaqqi'in* on "*taghayyur al-fatwa wa ikhtilafuha bi hasab taghayyur al-azminah wa al-amkinah wa al-ahwal wa al-niyat wa al-'awa'id*" changes and differences in fatwas due to changes in times, places, circumstances, intentions, and customs are a very relevant epistemic framework.²⁷ Ibn Qayyim, one of the classical scholars whose authority is undeniable, has provided a solid methodological basis for a reading of fiqh that is sensitive to changing contexts. For the author, this suggests that a phenomenological reading of contemporary Muslim family practices in Gunungsari should not be contradicted by the classical tradition of ushul fiqh; Because the truth is the opposite, it is combined with one of the fundamental methodological principles that has long been recognized in the fiqh tradition.

With the foothold of the rules of ushul fiqh and the rules of fiqh, the reading of the field experience becomes more epistemic. Hurnawijaya and Muhtolib add one useful element to this discussion: that heteroarchy in Islamic family law does not mean the abolition of authority, but rather an attempt to transform the concept of authority from "*authority over*" to "*authority for*".²⁸ This, according to the author, is the most accurate analytical framework for reading the Gunungsari phenomenon. The husband as "*authority over*" is a hierarchical construction in which he has the power to rule and restrain the wife; The husband as "*authority for*" is a heteroarchic construct in which he has the functional responsibility to protect, facilitate, and be a partner. The husbands in Gunungsari that the author observes are more likely to play the second role, although discursively they are still called "heads of families". This is not a deviation from fiqh, but rather the most honest expression of the principle *of mu'asyarah bi al-ma'ruf* in contemporary reality.

5. The Voice of Local Figures: Between Classical Doctrine and Field Reality

This section narrates an important layer that is often missed in similar studies, namely how local religious leaders themselves read the phenomena that take place in their environment. The author interviewed several religious leaders of hamlet recitation, hamlet heads, and traditional leaders in the five villages where the research was located. Interestingly, their voices are not monolithic. A, One of the community leaders of Kebun Indah Hamlet, sesela, he stated firmly: "There is nothing wrong with working wives if the situation is like that, as long as the communication remains between husband and wife. The important thing is not who gets the money, but the household is not damaged."²⁹

A different voice came from MH, the ustaz of recitation in West Jeringo Hamlet in Jeringo Village: "In fiqh, the husband should be the one who is obliged to provide for him. That should not be changed. But if the wife helps, it is called alms, it is allowed. The important

²⁷Ibn Qayyim al-Jawziyyah, *I'lam al-Muwaqqi'in 'an Rabb al-'Alamin*, volume 3, ed. Muhammad 'Abd al-Salam Ibrahim (Beirut: Dar al-Kutub al-'Ilmiyyah, 1991), 14–15. The rule of *taghayyur al-fatwa wa ikhtilafuha bi hasab taghayyur al-azminah wa al-amkinah wa al-ahwal wa al-niyat wa al-'awa'id* ("changes and differences in fatwa due to changes in times, places, circumstances, intentions, and customs") is one of Ibn Qayyim's important methodological contributions.

²⁸Crumley, "Heterarchy and the Analysis," 3; Hurnawijaya dan Muhtolib, "From Patriarchy to Heteroarchy," 129.

²⁹Kodir, *Qira'ah Mubadalah*, 332.

thing is that your husband keeps trying, don't just keep silent."³⁰MH's view, which is in line with that of the ustaz in the main dasan hamlet in Sesa village, reflects what Husein Muhammad calls a "cautious accommodative attitude", which is an attitude that acknowledges the reality of change but does not change its classical normative formulation.³¹ Interestingly, MH does not call the wives who work as *nasyihah* or violators of fiqh; rather, he places their contribution as "alms" in the category of positive religious value.

This reading of MH shows one important thing: at the level of local religious leaders, this phenomenon of shifting power relations has been accommodated even with a theological reframing that maintains the formulation of classical fiqh. They do not explicitly acknowledge the existence of "domestic heterogeneity" (they do not use that term), but they also do not necessarily condemn the phenomenon that is taking place. This accommodation practice takes place through what is called *'urf* in fiqh, which is a habit that is recognized as valid as long as it does not contradict the nas. Within the framework of classical jurisprudence itself, the rules of *al-'adah muhakkamah* discussed earlier are epistemic doors that open up space for this kind of adjustment.

What the author finds from the observation of the Gunungsari phenomenon is that there is a typical adaptation mechanism, namely an emotional shift at the perpetrator level that runs simultaneously with discursive accommodation at the level of religious leaders, without ever actually colliding formally. So that the conflict between reality and formulation does not explode because the two have actually given each other space. Working wives do not verbally condemn classical fiqh, nor do local religious leaders verbally condemn working wives. But what is going on is a productive gray zone where both sides adapt to each other. This is what in socio-legal frameworks is referred to as the "*living law*" of living law, which arises from the constant interaction between formal doctrine and real practice.

SH, a thirty-six-year-old woman who owns a home salon in Mambalan, gave an interesting insight into how she interprets the gray zone. "I work, my husband knows. I always say that if I open a new business, or if I want to receive customers outside of normal hours. Not asking for permission, not telling you. We talked. If asked by the ustadz, I said that my husband gave permission. But in fact, we decided together."³² SH's confession, with its honesty, shows that the perpetrators themselves are actually aware of the existence of two discourses that run in parallel: the official discourse ("the husband who gives permission") and the practical discourse ("we decide together"). They do not see this as hypocrisy, but rather as a pragmatic navigation of two different worlds of meaning.

6. Conceptual Offerings for the Study of Empirical Islamic Family Law

Departing from the series of descriptions and analyses above, the author wants to offer three conceptual contributions that can be considered in the study of empirical Islamic family law in Indonesia. These three contributions are tentative or temporary and open to criticism, and then corrected by further research, but they are formulated specifically enough to serve as a gateway to broader academic discourse.³³

³⁰Interview with MH informant (male, 50 years old, ustadz of hamlet recitation), Jeringo Village, January 20, 2026.

³¹Husein Muhammad, *Women's Fiqh: Kiai's Reflections on Religious and Gender Discourse*, cet. 9th (Yogyakarta: IRCiSoD, 2019), 173.

³²Interview with informant SH (female, 36 years old, owner of a home salon), Mambalan Village, February 10, 2025.

³³For the record, this reading is tentative and open to correction by follow-up research with a broader database. The authors are aware that any conceptual proposition—including the one formulated

The first contribution is the identification of the pattern of "emic shifts without explicit normative reconstruction" as a mode of adaptation typical of contemporary Muslim communities. This pattern captures a situation in which the perpetrators, in this case the Sasak Muslim husband and wife in Gunungsari, have factually shifted the meaning of permission, authority, and family leadership towards a more partnershipal direction, without ever consciously stating that they are reconstructing fiqh reason. For them, what takes place is only a practical adjustment to reality. In Schutz's vocabulary, they operate with new *typifications* of the husband-wife relationship that arise from everyday interactions, without ever realizing it. This pattern differs from the "defiance of doctrine" often alleged in conservative discourse, and is different from the "conscious reconstruction" that progressives have been projecting. It is a third mode: pragmatic adaptation that takes place outside of formal theoretical discourse.

The second contribution is the interpretive reading of the husband's permission as partnership capital (*ra's mal al-shirkah*) in a heterarchical configuration. This reading is rooted in the framework of Faqihuddin Abdul Kodir who places the relationship between husband and wife as "*shirkah hayah*" a life partnership in which the two share capital, work, and results.³⁴ What the author adds is a conceptual elaboration: in fiqh muamalah, *shirkah* does not require that both parties must contribute equal material capital. *Shirkah al-wujuh*, for example, is a partnership based on trust and reputation (non-material). In the context of Gunungsari, the husband's permission—with all its willingness, support, and accompanying trust—can function eminently as non-material capital that becomes the basis of household *shirkah*. When SN says "I manage the money" and her husband says "I sign", the two are actually describing the division of contributions that form a complete working partnership. It's important to underline: this reading is interpretive, not normative. The author does not propose that jurisprudence should adopt this concept as a new doctrine; The authors simply show that this conceptual framework can explain what is going on coherently.

The third contribution is the concept of "discursive accommodation" as a mechanism that explains how classical fiqh doctrine and contemporary practice can make room for each other through theological reframing without open confrontation. This concept, which the authors propose as a new technical term, differs from "compromise" in that neither party is required to formally resign from its position.³⁵ Ustadz MH who places the wife's economic contribution as "alms" without suing the classical maintenance doctrine, and SH who says "if you ask the ustadz, I say it is my husband who gives permission" without questioning the reality of his deliberations, are two sides of the same mechanism. Discursive accommodation opens up space for a productive coexistence between two seemingly opposite worlds of meaning: the world of formal doctrine and the world of real practice. The rules of *al-'adah muhakkamah* and Ibn Qayyim's principle of *taghayyur al-fatwa* constitute the classical epistemic basis that underpins this mechanism, although the perpetrators themselves are not always aware of this basis.

here—requires empirical validation and a longer academic dialogue before it can be considered established.

³⁴Faqihuddin Abdul Kodir, *Qira'ah Mubadalah: Progressive Tafsir for Gender Justice in Islam* (Yogyakarta: IRCiSoD, 2019), 218.

³⁵The author proposes the term "discursive accommodation" as a technical concept to refer to the mechanism by which two seemingly colliding discourses (classical doctrine and contemporary practice) give each other space through reframing without open confrontation. This concept differs from "compromise" in that neither party is required to formally resign from its position.

These three conceptual contributions, according to the author, provide an analytical framework that can be used to read similar phenomena in other Muslim communities in Indonesia such as in Aceh, in Java, in Sulawesi, in Sumatra, while respecting the local specificity of each. This framework does not want to claim universality; It simply offers conceptual vocabulary that can be tested and modified according to different empirical contexts. This is what the authors mean by the "socio-legal phenomenological approach": an approach that places the voices of social actors as the basis of conceptual construction, not the other way around.

7. Discursive Implications: Reflective Notes, Not Prescriptions

This section is deliberately named by the author with "discursive implications" instead of the name "recommendations". The reason is very simple: with an empirical basis of five villages in one sub-district, with twelve pairs of main informants, and with a research span of about four months, the authors are not in a position to formulate recommendations for legal reform on a national scale. What the author can do is contribute some reflective notes that can be the entrance to a broader academic discourse.

At the level of ushul fiqh rules, the phenomenon that occurred in Gunungsari shows that there is a gap between the normative formulation of classical fiqh, especially the concept of *ibtibas* which is 'illat nafkah, and the structure of the reality of the contemporary Sasak Muslim family. Al-Kasani places *al-ibtibas li haqq al-zauj* as the basis for the obligation of alimony, and al-Zuhaili systematizes the views of the four madhhabs with a similar conclusion.³⁶ However, the reality in the families that the author has observed, that *ibtibas* no longer reflects the factual structure of the husband-wife relationship. A reflective question that then arises: how should the rules of ushul fiqh manage this gap? The author underlines that classical principles such as *al-hukmu yaduru ma'a 'illatibi*, *al-'adah muhakkamah*, and *taghayyur al-fatwa* have actually opened up epistemic space for this kind of discussion. The discourse of contemporary ushul fiqh only has to continue the work that has been pioneered by classical Fiqh scholars themselves.

At the level of positive family law, Indonesian Islamic family law today is indeed in a long negotiation dilemma between classical doctrine, national law, and changing social realities. Article 31 of Law No. 1/1974 which has stated that "the obligations of husband and wife are balanced" has actually encouraged a more partnership reading; the problem is the contradiction with Article 79 which still maintains a hierarchical formulation. Solikin and Wasik in *Ulumuna* have read this kind of contradiction as "internal tensions of the KHI" that need to be resolved through a more substantive maqashid approach.³⁷ However, it is not the task of this article to resolve these tensions, but Gunungsari's findings are at least one additional contributor to the fact that this tension is not only theoretical, it is rooted in everyday reality. Royhan and Sukiati in their study of the Tabligh Jamaah found that families that applied the partnership model tended to be more stable than families that imposed rigid hierarchies.³⁸ Rouf in the journal *Al-Ahkam* proposed a reconstruction of the model of sharing common property for wives who

³⁶Wahbah al-Zuhaili, *al-Fiqh al-Islami wa Adillatuhu*, volume 10 (Damascus: Dar al-Fikr, 1985), 7372–7373.

³⁷Nur Solikin dan Moh. Wasik, "The Construction of Family Law in the Compilation of Islamic Law in Indonesia: A Review of John Rawls's Concept of Justice and Jasser Auda's Maqashid al-Shari'a," *Ulumuna: Journal of Islamic Studies* 27, no. 1 (Juni 2023): 138, <https://doi.org/10.20414/ujis.v27i1.708>.

³⁸Muhammad Royhan and Sukiati Sukiati, "Marriage and Marriage Perspectives on Islamic Family Law and Its Implementation in Members of the Medan Amplas Tabligh Congregation," *UNES Law Review* 6, no. 1 (September 2023): 2255, <https://doi.org/10.31933/unesrev.v6i1.1003>.

earn an income with a jurimetric approach.³⁹ This discourse, in the author's view, has empirical support from the reality of Gunungsari, although the reality of Gunungsari itself is not automatically a justification for all reconstruction proposals.

In terms of human rights and international obligations, Indonesia's ratification of CEDAW through Law No. 7 of 1984 places its own obligation to ensure substantive equality in family relations.⁴⁰ Hakimi et al. said that the policy on women workers in Indonesia actually still has many gaps, especially in guaranteeing their rights as workers as well as family members.⁴¹ In the context of Gunungsari, where many wives are migrant workers, this dimension of rights is becoming increasingly relevant. Again, the author does not want to propose specific reforms here, but rather underlines that the discussion of domestic heteroarchy is not a discussion of gender ideology alone; It is a discussion of how family law can be more responsive to reality.

At the methodological level, this article also wants to offer an argument that the socio-legal phenomenological approach—which places the voices of social actors as the basis for conceptual construction—is a productive methodological path for empirical Islamic family law studies in Indonesia. This approach is different from pure normative studies that often assume the existence of "independent laws" separate from the experience of the perpetrators, and is also different from pure sociological studies that often ignore the epistemic dimension of fiqh. The phenomenon of Gunungsari, with its richness of field and its connection with the rules of classical ushul fiqh, provides an illustration that the two worlds, the world of ushul fiqh and the world of daily experience, can illuminate each other without having to collapse each other.

In the end, the phenomenon of domestic heteroarchy portrayed in Gunungsari does not undermine the authority of the husband as the "Imam of the family" in a legal-representative sense. But what changes is only the way the Qowwamah is filled and run. Salahuddin et al. In relation to the inheritance of the Sasak customary inheritance, a uniform pattern is also obtained: the patriarchal Sasak customary law in its normative formulation is actually quite open to practical negotiation when the reality of the family demands adjustment.⁴² The author's observations in Gunungsari reinforce this finding: there is a capacity of the Sasak community to "accommodate" change without having to explicitly challenge its formal structure. This capacity, in the author's view, is an important social capital for the dialogue between fiqh, national law, and changing social realities.⁴³

D. CONCLUSION

The results of observations in five villages in Gunungsari District, West Lombok, identified a consistent but diverse phenomenon: an empirical shift in the meaning of husband permission, family authority, and household economic leadership, without explicit normative

³⁹Abdul Rouf, "Jurimetrics in the Reconstruction of the Joint Property Division Model for Wage-Earner Wives in Indonesia," *Al-Ahkam* 34, no. 1 (April 2024): 128, <https://doi.org/10.21580/ahkam.2024.34.1.17937>.

⁴⁰Universal Declaration of Human Rights, Article 16; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Article 16, which has been ratified by Indonesia through Law No. 7 of 1984.

⁴¹Hakimi dkk., "Legal Policy for Women Workers," 95.

⁴²Muhammad Salahuddin, Ahmad, Suharti, Syukri, dan Nurhilaliati, "Between Adat Law and National Law: The Resistance of Sasak Women to Their Inheritance Rights in Lombok Indonesia," *Lex Localis - Journal of Local Self-Government* 21, no. 4 (Oktober 2023): 1126.

⁴³According to the author, this step is not intended to sue classical jurisprudence, but to re-read its doctrine in the light of the ongoing reality. QS. al-Nisa' [4]: 19 on *mu'asyarah bi al-ma'ruf* is one of the normative references for this kind of dialogical reading.

reconstruction of the perpetrators. The Sasak Muslim couples that the author sees most of them have interpreted permission as a mechanism of partnership deliberation, not as an instrument of hierarchical control; functionally distribute authority according to specific domains (economic, managerial, legal, spiritual); and maintain the husband's legal-representative authority as a formal structure while acknowledging the wife's economic leadership factually. What took place was not a revolution against *fiqh*, but a secret negotiation rooted in the needs of real life.

Reading through the lens of social phenomenology Alfred Schutz, this phenomenon shows that in the world-life (*Lebenswelt*) of the Sasak Muslim family there has been a construction of a new structure of meaning that does not exactly align with the structure of the doctrinal meaning of classical *fiqh*. Read through the heteroarchic lens of Carole L. Crumley, this phenomenon is framed as a configuration of power-sharing that is lateral and functional, rather than vertical and permanent. If read through the rules of classical *ushul fiqh*, *al-hukmu yaduru ma'a 'illatibi*, *al-'adah muhakkamah*, and the rules of *Fiqh taghayyur al-fatwa* of Ibn Qayyim, then this phenomenon should not be a deviation that should be rejected, but a reality that actually finds its resonance in the epistemic tradition of *fiqh* itself.⁴⁴

The three conceptual contributions that the authors offer from these findings, namely the pattern of "empirical shifts without explicit normative reconstruction", "interpretive reading of husband permission as partnership capital in a heterarchic configuration", and the concept of "discursive accommodation", are discursive and tentative, not prescriptive and final. All three are worth being tested by further research in other Muslim communities in Indonesia to see the extent to which they can be a stable conceptual vocabulary for the study of empirical Islamic family law. A socio-legal phenomenological approach that positions the voices of social actors as the entrance to analysis offers a productive middle ground between pure normative studies and pure sociological studies, especially for topics located at the intersection of *fiqh* and social reality.

In closing, this research certainly has limitations that should be recognized. The coverage of five villages in one sub-district does not allow for broad generalizations; the number of informants of the twelve main pairs, while sufficient for a phenomenological approach that emphasizes depth, is limited to claims of statistical representation; and a four-month time span, while adequate for early observations, is not enough to capture long-term changes. Further research is needed to examine whether the domestic heteroarchy pattern that the author found in Gunungsari also occurs in other Sasak communities, in non-Sasak Muslim communities in Indonesia, and whether this pattern is stable or in transition to another configuration. Whatever the outcome, the author hopes that this article can contribute one honest empirical voice to the discourse on the transformation of the contemporary Indonesian Muslim family, a discourse that is still long and worthy of being lived with proper intellectual humility.

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⁴⁴Schutz, *The Phenomenology of the Social World*, 32.

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