

Gender Relations in Female Leadership: an Empirical Study of Female Judges in Religious Courts in South Sulawesi

Nisa'ul Majdah Nurdin*¹, Andi Mutmainnah Assyahrah², Kurniati³

^{1,2,3}Alauddin State Islamic University Makassar, Indonesia

Email: 10100123055@uin-alauddin.ac.id, 10100123056@uin-alauddin.ac.id, kurniati@uin-alauddin.ac.id.

ARTICLE INFO

Article history:

Received 11-01-2026
Accepted 18-03-2026
Published 19-03-2026

Keywords:

Female Leadership;
Islamic Law;
Female Judges;
Religious Courts;
Gender Equality

*Corresponding Author

Competing interest:

This section is a statement from the author that this article has a conflict of interest or not.

ABSTRACT

Women's leadership in Islamic judicial institutions is a contemporary issue that requires in-depth study from the perspective of Islamic law and social reality. This study examines three fundamental aspects: Islamic law's view of women's leadership in religious courts, perceptions of the legitimacy of female judges' leadership, and gender challenges faced in judicial practice in the South Sulawesi Religious Court. The method used is normative legal research (library research) with a conceptual and case approach, analyzing primary legal sources such as the Qur'an, hadith, and religious court regulations, as well as secondary sources such as academic literature and previous research results. The results of the study show that Islamic law does not absolutely prohibit female leadership in the judiciary, with contextual interpretations of Sharia arguments that consider Sharia objectives and *maslahah*. However, the perception of the legitimacy of female judges is still influenced by patriarchal gender constructs rooted in conservative interpretations of religious texts. The main challenges include the theological dimension of resistance based on hadith prohibiting female leadership, the structural dimension of gender bias in the promotion and assignment system, and the socio-cultural dimension of the double burden of domestic and public roles. This study contributes to the development of a progressive Islamic legal discourse that supports gender equality in religious court institutions in Indonesia.

Copyright© 2026 by Author(s)

This is an open access article under the [CC BY-SA](https://creativecommons.org/licenses/by-sa/4.0/) license



How to cite article:

Nurdin, N. M., Assyahrah, A. M., & Kurniati, K. (2026). Gender Relations in Female Leadership: an Empirical Study of Female Judges in Religious Courts in South Sulawesi. *Insight: Indonesian Journal of Social, Humanity, and Education*, 1(4), 194–205. <https://doi.org/10.70742/insight.v1i4.551>

INTRODUCTION

Women's participation in the judicial system is an important indicator of legal democratization and social justice in modern societies. In the Indonesian context, the presence of women as judges in judicial institutions, particularly the Religious Courts that handle Islamic family law cases, has increased significantly in the last two decades. Data from the Directorate General of Religious Courts of the Supreme Court shows that the number of

female judges in Religious Courts increased from 12% in 2010 to around 35% in 2024. This quantitative increase reflects changes in recruitment and human resource development policies within the religious court system. However, the increase in participation does not necessarily correlate with substantive acceptance of the legitimacy of women's leadership in an institution that has historically been dominated by men (Kurniati, 2015; Nurlaelawati, 2015).

South Sulawesi, as one of the provinces with a strong Islamic influence, has unique dynamics related to gender relations. On the one hand, the Bugis-Makassar community has a tradition of respect for women, which is reflected in local philosophies such as the concepts of *siri'* and *sipakatau*, which uphold human dignity without gender discrimination. On the other hand, conservative interpretations of patriarchal religious texts are still very dominant in public discourse and religious practices (Fatmawati et al., 2024). This complex socio-cultural context makes the study of female leadership in the South Sulawesi Religious Court highly relevant both academically and practically.

The discourse on women's leadership in Islam has been a topic of long debate among Muslim scholars and intellectuals. Conservative perspectives tend to use the hadith narrated by Abu Bakrah, which states that "a people who entrust their affairs to women will not prosper," as an argument for the absolute prohibition of women's leadership. However, progressive perspectives offer a contextual reinterpretation by considering the specific historical context of the hadith, which refers to Persian political leadership during the time of the Prophet, not judicial leadership in general (Kurniati, 2015; Wadud, 2015). Furthermore, the progressive perspective emphasizes the principles of *maqashid sharia*, which prioritize justice, equality, and the welfare of the people as the basis for contemporary *ijtihad* (Auda, 2016).

Previous studies have examined various aspects related to women's leadership in Islam from various perspectives. Wadud (2006) in her seminal work emphasizes the importance of gender hermeneutics in re-reading the Qur'an to open up more equal participation for women in various domains of life, including leadership. Barlas (2002) criticizes the patriarchal interpretation that has dominated the understanding of women's roles in Islam and proposes a more egalitarian alternative approach. In the Indonesian context, Nurlaelawati (2010) examines the modernization of Islamic law in religious courts and shows that despite legal reforms, implementation is still influenced by traditional patriarchal values. Meanwhile, Kurniati (2013) analyzes how socio-political developments influence the formation of Islamic law in Indonesia, including issues related to gender and justice.

A more specific study on women's leadership in South Sulawesi was conducted by Fatmawati et al. (2024), who examined the transformation of women's leadership in Islamic boarding schools from the perspective of *fiqh siyāsah*. They found that although women's leadership is increasingly accepted in theoretical discourse, in practice it still faces resistance from deep-rooted patriarchal culture. Rusli et al. (2022) analyzed the position of career women from the perspective of *maslahah mursalah* and found that Islamic law legitimizes women's professional careers, including in leadership positions, provided that they do not neglect their primary obligations in the family. Safriani et al. (2016) examined the role of female lecturers at UIN Alauddin in realizing a *sakinah* family and found that professional

women are able to balance domestic and public roles through time management strategies and family support.

Although these studies have made important contributions to understanding the position of women in Islamic institutions, there is a gap in terms of comprehensive analysis that specifically integrates three dimensions: the normative perspective of Islamic law, the reality of perceptions of legitimacy, and the practical challenges faced by female judges in the specific context of the South Sulawesi Religious Court. This study attempts to fill this gap by using an in-depth library research approach to Islamic legal sources and related academic literature. Based on the background and research gaps described above, this study will answer three questions: First, how does Islamic law view women's leadership in religious courts? Second, how is the legitimacy of female judges' leadership perceived in the South Sulawesi Religious Court? Third, what challenges do female judges in the South Sulawesi Religious Court face in exercising their leadership authority in relation to gender issues?

METHOD

This study uses a normative legal research method with a conceptual and case approach. This method was chosen because the focus of the study is to analyze the concepts, norms, and principles of Islamic law related to female leadership in religious courts, without collecting empirical data in the field. The conceptual approach is used to examine theoretical concepts of leadership, legitimacy, and gender within the framework of Islamic law. Meanwhile, the case approach is used to analyze the practices and phenomena of female leadership in the South Sulawesi Religious Court based on published literature and research reports.

The data used in this study is secondary data consisting of three categories of legal materials. First, primary legal materials include the Qur'an and its translations, authentic hadith books, especially Sahih Bukhari and Sahih Muslim, laws and regulations related to religious courts, including Law Number 7 of 1989 concerning Religious Courts as amended by Law-Law Number 3 of 2006 and Law Number 50 of 2009, Supreme Court Regulations on the recruitment and development of judges, and the Compilation of Islamic Law. Second, secondary legal materials include classical and contemporary Islamic law books, accredited national and international scientific journals, scientific articles relevant to the research theme, and previous research results on gender, women's leadership, and Islamic courts. Third, tertiary legal materials include legal dictionaries, Islamic encyclopedias, Arabic-Indonesian dictionaries, and other reference sources that support the understanding of the terminology and concepts used.

Data collection techniques were carried out through library research with systematic stages. First, an inventory of legal materials relevant to the research theme was compiled from various sources such as libraries, electronic journal databases, and academic repositories. Second, classification of legal materials based on primary, secondary, and tertiary categories and their relevance to each problem formulation. Third, systematization of legal materials to facilitate the analysis process by grouping them based on main themes such as the normative perspective of Islamic law, perceptions of legitimacy, and gender challenges.

The data was analyzed using content analysis with a descriptive-analytical approach. The description stage included describing the concepts, norms, and Islamic legal texts that

were the focus of the study related to women's leadership. The interpretation stage involves interpreting the meaning of the texts of the Qur'an and hadith using the rules of *usul fiqh* and contextual hermeneutics principles, as well as interpreting the results of previous studies in the context of the South Sulawesi Religious Court. The systematization stage involves compiling the results of the interpretation in a systematic and coherent manner within the framework of answering the research questions. The evaluation stage involves a critical assessment of various opinions of scholars and academic views using the criteria of *maslahah*, gender justice, and contextual relevance. In the analysis process, this study uses a hermeneutic approach to understand religious texts in their historical and social contexts, as well as a discourse analysis approach to identify gender constructions in classical and contemporary Islamic legal literature.

RESULTS AND DISCUSSION

Islamic Legal Perspectives on Women's Leadership in Religious Courts

Normative Basis in the Qur'an and Hadith

An analysis of Islamic legal sources shows that there are no verses in the Qur'an that explicitly and definitively prohibit women from becoming leaders or judges. The general principles of the Qur'an emphasize fundamental equality between men and women in terms of humanity, moral responsibility, and the potential to achieve spiritual perfection. QS. Al-Hujurāt [49]: 13 affirms that human dignity in the sight of Allah is determined only by piety, not by gender. QS. An-Nahl [16]: 97 states that men and women who believe and do righteous deeds will receive the same reward. QS. Al-Ahzāb [33]: 35 explicitly mentions the equality of male and female believers in various dimensions of religious life (Barlas, 2019; Wadud, 2015).

In the context of leadership, the verse that is often referred to is QS. An-Nisā' [4]: 34, which states "*ar-rijālu qawwāmūna 'alā an-nisā'*". Conservative interpretations translate *qawwam* as "leader" or "ruler" in an absolute sense, which gives men superiority over women in all domains of life. However, progressive interpretations that consider the historical and linguistic context suggest that *qawwam* is more accurately understood as "protector" or "responsible" in the specific context of husband-wife relationships, rather than public leadership in general. Amina Wadud and Asma Barlas emphasize that this verse was revealed in the socio-economic context of 7th-century Arabia, where men had primary financial responsibility in the family, not as a universal principle of gender superiority (Barlas, 2002; Wadud, 2006).

In hadith literature, the argument most often used to prohibit female leadership is the hadith narrated by Abu Bakrah in Sahih Bukhari, which states, "*lan yufliha qawmun wallau amrahum imra'ah*" (a people will not prosper if they entrust their affairs to a woman). This hadith was narrated in the specific context when the Prophet SAW heard the news that the Persian empire was led by the daughter of King Kisra. Contextual analysis shows that this hadith is the Prophet's commentary on the political situation in Persia, which was experiencing a succession crisis and instability, rather than a universal prohibition on female leadership in all forms (Engineer, 2015; Kurniati, 2015). Furthermore, this hadith is *khbariyyah* (news) rather than *insya'iyah* (command/prohibition), so it cannot be directly used as a basis for normative law without considering the context and 'illat.

On the contrary, there are a number of hadiths and historical accounts that show the Prophet's recognition of women's capacity and authority in various public roles. The hadith about Ummu Waraqah, who was appointed by the Prophet as the imam for her family's prayers, shows recognition of women's capacity for religious leadership. The story of Queen Balqis in QS. An-Naml [27]: 23-44, who is described as a wise and democratic leader, without any criticism from the Qur'an regarding her leadership because she is a woman, also indicates that gender is not an absolute disqualifying factor for leadership (Mernissi, 2017; Syamsuddin, 2020).

The Perspective of Maqashid Syariah and Maslahah

The maqashid syariah approach developed by Imam al-Syatibi and expanded by contemporary thinkers such as Jasser Auda emphasizes that the ultimate goal of Islamic law is to realize the benefit of humanity, which includes the preservation of religion, life, reason, lineage, and property. In the context of women's leadership in the judiciary, the principles of justice (*'adl*) and public interest (*maslahah*) are key considerations. If a woman has the competence, integrity, and capacity to carry out judicial duties, then prohibiting her solely because of her gender is contrary to the principle of justice and can cause mafsadah in the form of the loss of potential quality human resources (Auda, 2016; Kamali, 2018).

Rusli et al. (2022), in their study of women's careers from the perspective of maslahah mursalah, explain that public interest can be categorized into three levels: *dharuriyyat* (primary), *hajiyyat* (secondary), and *tahsiniyyat* (tertiary). The presence of female judges in religious courts can be categorized as hajiyyat or even dharuriyyat in certain contexts, especially in cases involving women and children where gender sensitivity is essential. Research shows that female judges tend to be more empathetic and responsive to the specific needs of women seeking justice, especially in cases of domestic violence and child custody (Aprinda et al., 2022).

The fiqhiiyah rules of "*al-'ādatu muhakkamah*" (custom/tradition can become law) and "*taghayyur al-ahkām bi taghayyur al-azminah wa al-amkinah*" (changes in law follow changes in time and place) provide a methodological basis for contextual ijtihad. In the context of 21st-century Indonesia, where women have equal access to higher education as men, including in Islamic law education, prohibiting them from becoming judges is not in line with social realities and the needs of the times (Kurniati, 2013). Furthermore, Indonesia, as a country that has ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), has an obligation to eliminate gender discrimination in all sectors, including the judicial system.

The Views of Classical and Contemporary Scholars

In classical fiqh, there are differences of opinion among scholars of the madhhab regarding the permissibility of women becoming *qādhī* (judges). The Hanafi school of thought, as explained by Ibn Abidin in Raddul Muhtar, allows women to become qadhi in civil and muamalah cases, with the argument that women's testimony is accepted in such cases, so logically they can also become judges. Imam Abu Hanifah argued that reason and the ability to derive legal rulings, not gender, are the primary requirements for becoming a judge. Meanwhile, the Shafi'i, Maliki, and Hanbali schools of thought tend not to allow women to become qadhi, referring to the hadith of Abu Bakrah and the understanding that judicial

leadership falls under the category of *'āmmah* (general leadership) which is required for men (Al-Mawardi, 2018; Zuhaili, 2015).

Contemporary scholars show a more diverse spectrum of views with a more accommodating tendency towards women's leadership in the judiciary. Yusuf al-Qaradhawi in *Fiqh ad-Daulah fi al-Islam* argues that the prohibition of women's leadership in the hadith of Abu Bakrah is contextual and does not apply absolutely to all forms of leadership. Muhammad Sa'id Ramadhan al-Buti distinguishes between the *kubra* (highest state leadership) and *shughra* (sectoral leadership) domains and allows women to hold the latter. Meanwhile, Muslim feminist thinkers such as Amina Wadud, Asma Barlas, and Fatima Mernissi firmly reject patriarchal interpretations and advocate for full equality for women in all domains of life, including judicial leadership (Engineer, 2015; Syamsuddin, 2020).

In Indonesia, the largest religious organizations, such as Nahdlatul Ulama (NU) and Muhammadiyah, have issued decisions supporting women's leadership in various sectors, including the judiciary. The 1992 NU Congress decision in Bandar Lampung stated that women could become judges, referring to the opinion of Imam Abu Hanifah. Muhammadiyah, through a fatwa issued by the Tarjih Council, stated that there are no sharia obstacles for women to become leaders as long as they have the necessary competence and capacity. These views indicate a transformation in Islamic legal thinking in Indonesia, which is becoming more responsive to demands for gender justice and equality (Jannah et al., 2025; Kurniati, 2018)

Perceptions of the Legitimacy of Female Judges in the Religious Court of South Sulawesi

Ambivalence in Recognition of Legitimacy

Based on a review of research literature conducted in South Sulawesi, perceptions of the legitimacy of female judges' leadership in the Religious Court show ambivalent characteristics. On the one hand, there is formal-legal recognition of the authority of female judges based on professional certification, academic qualifications, and official appointment by the Supreme Court. National regulations do not differentiate between the requirements for male and female judge candidates, so *de jure* female judges have equal legitimacy. However, on the other hand, their substantive or *de facto* legitimacy in daily judicial practice is still constantly questioned and must be negotiated in interactions with various parties (Lira et al., 2024; Sanusi et al., 2023).

Research findings show that the perceptions of justice seekers towards female judges vary greatly depending on their level of education, age, and exposure to the discourse on gender equality. Some members of the public, especially those who are highly educated and live in urban areas, do not question the gender of judges and place greater importance on competence and professionalism. In fact, some even trust female judges more because they are considered to be more empathetic, patient in listening, and thorough in considering evidence, especially in cases involving women and children (Aprinda et al., 2022). However, other segments of society, particularly those from rural areas with conservative religious orientations, still question the capacity of female judges to decide cases that are considered complex or theologically sensitive, such as inheritance, divorce, and joint property disputes.

The perceptions of male fellow judges also show a similar pattern of ambivalence. Although they formally recognize the competence and professionalism of female judges,

informal interactions often reveal assumptions and comments that cast doubt on women's leadership capacity, particularly in relation to their ability to make firm decisions, manage complex conflicts, and preside over trials with strong authority. This reflects what is known in sociology as "status belief," which is a collective belief that men are more competent in leadership roles than women, even though there is no objective evidence to support this belief (Fatmawati et al., 2024; Ridgeway, 2011).

Legitimacy Analysis in Weber's Theoretical Framework

This phenomenon of ambivalent legitimacy can be understood through Max Weber's theory of legitimacy, which distinguishes three types of legitimacy: legal-rational, traditional, and charismatic. Legal-rational legitimacy derives from formal rules and procedures that are believed to be rational and fair. Traditional legitimacy derives from customs, traditions, and traditions that have been around for a long time and are considered sacred. Meanwhile, charismatic legitimacy stems from the extraordinary personal qualities possessed by individual leaders. In the context of female judges in the Religious Court, they have strong legal-rational legitimacy based on formal regulations, professional certification, and transparent recruitment procedures (Kurniati, 2018; Weber, 1978).

However, this legal-rational legitimacy does not automatically result in traditional or charismatic legitimacy, especially when faced with traditional gender norms that are still deeply rooted in society. Traditional structures that place men as leaders in the public sphere, legitimized by conservative interpretations of religious texts, create cultural resistance to female leadership. Although there are no formal legal barriers, culturally and psychologically there are still doubts and resistance (Kurniati, 2013). This shows that legitimacy is not merely a legal-formal issue, but also a socio-cultural issue that is constantly negotiated in social practice.

The Context of South Sulawesi: Local Traditions and Modernization

South Sulawesi has a unique dynamic regarding gender perceptions that is influenced by the interaction between local Bugis-Makassar cultural values and the development of Islamic interpretations. In Bugis-Makassar culture, the concept of *siri'* (self-respect, honor) is central and encompasses respect for human dignity without distinction based on gender. The philosophies of *sipakatau* (mutual humanization) and *sipakalebbi'* (mutual respect) theoretically provide space for gender equality. However, in practice, these values are often interpreted within a patriarchal framework in which respect for women means placing them in domestic roles that are "protected" from the public sphere (Fatmawati et al., 2024)

The process of modernization and increased access to education has gradually changed this landscape. More and more women in South Sulawesi are pursuing higher education, including in the fields of Islamic law and sharia, and entering public professions, including as judges. However, this structural modernization has not been fully accompanied by a cultural transformation that changes deep-seated perceptions of gender roles. As a result, women who occupy positions of public leadership must constantly negotiate their identities between the demands of professionalism and cultural expectations of "proper" femininity (Resti et al., 2024; Rimbawan et al., 2024).

Challenges Faced by Female Judges Related to Gender Issues

Ideological-Theological Challenges

The fundamental challenge faced by female judges is in the ideological-theological dimension, namely resistance stemming from conservative interpretations of religious texts. Conservative religious groups still consistently use the hadith of Abu Bakrah about the prohibition of female leadership as an argument to question the theological legitimacy of female judges. They argue that even though the government allows it legally and formally, it is contrary to the sharia law. This argument creates a moral dilemma for some female judges who have strong religious commitments, between carrying out their professional duties and concerns about violating religious provisions (Kurniati, 2015; Rahantan et al., 2024).

Furthermore, this theological resistance comes not only from external groups but also sometimes from within the judicial institution itself. Some conservative officials or senior judges tend to doubt the capacity of female judges to understand and apply Islamic law correctly, assuming that women have limitations in their mastery of Sharia sciences. This assumption is certainly unfounded, given that many female judges have excellent academic qualifications from leading Islamic universities and have passed the same rigorous selection process as male judges. However, this stereotype persists and influences perceptions of their legitimacy (Jannah et al., 2025).

Structural-Institutional Challenges

At the structural-institutional level, female judges face various obstacles stemming from a court system and organizational culture that remains gender-biased. First, in terms of case assignment, there is a tendency to assign female judges to certain cases that are considered "appropriate" for women, such as divorce, child custody, or domestic violence, while cases that are considered more complex or prestigious, such as complicated inheritance disputes or Islamic economics, are mostly handled by male judges. This segregation of cases based on gender reflects the essentialist assumption that women are more suited to cases that require empathy and nurturing, while men are more suited to cases that require logical and decisive analysis (Aprinda et al., 2022).

Second, in terms of promotion and career development, female judges face the phenomenon of the "glass ceiling," which is an invisible barrier that limits their access to top positions in the court hierarchy. Although there are no regulatory restrictions, in practice very few women reach the position of Chief Judge of a Religious Court or other structural positions. This is due to various factors, including the assumption that women lack strong leadership qualities, concerns that women will prioritize family over career and therefore be less committed, and informal networks (old boys networks) that tend to support the promotion of fellow men. Furthermore, the assignment system, which requires high geographical mobility, is often an obstacle for female judges who have family responsibilities (Hasan et al., 2024; Kartono et al., 2023).

Third, in terms of participation in strategic decision-making and court policy, female judges often experience marginalization. They are rarely involved in important forums or committees that formulate policy, for various reasons ranging from inflexible meeting schedules to assumptions that they lack strategic perspective. Exclusion from this decision-making process not only harms female judges individually, but also harms the court

institution by losing a gender perspective that is important for policies that are more inclusive and responsive to the needs of female justice seekers (Jannah et al., 2025).

Socio-Cultural Challenges: Double Burden and Gender Expectations

The most personal and perhaps most difficult challenge for female judges is the double burden they must bear between the demands of a professional career and domestic responsibilities as wives and mothers. In a still-dominant patriarchal culture, even though women work in the public sphere, the primary responsibility for taking care of the household and children still falls on them. Social expectations for women to be "good" mothers and wives often conflict with the demands of the judicial profession, which requires a high level of dedication in terms of time and energy. Female judges must be adept at managing their time, negotiating the division of roles with their husbands, and sometimes sacrificing certain aspects of their personal lives or careers in order to maintain balance (Rusli et al., 2022; Safriani et al., 2016).

This double burden is even heavier when faced with a court system that is not yet fully responsive to women's needs. Long working hours, frequent meetings outside regular working hours, and assignments to areas that require long-distance travel and overnight stays are significant obstacles for female judges who have young children or parents who need care. The lack of support facilities such as childcare centers in the court environment or flexible leave policies for family matters forces many female judges to choose between prioritizing their careers or their families. The choice to prioritize family is often interpreted as a lack of professional commitment and becomes a reason for not promoting them to higher positions (Rimbawan et al., 2024).

Furthermore, female judges also face social expectations related to gender performativity, namely how they must present themselves and behave in order to be accepted as "good women" as well as "effective leaders." They must navigate the paradox between showing assertiveness and authority (which are considered masculine qualities) while maintaining femininity, which is considered appropriate. If they are too assertive, they are considered unfeminine or "like men." If they are too gentle, they are considered weak and unfit to lead. This navigation requires high emotional and social intelligence as well as the ability to read the context carefully (Fatmawati et al., 2024; Resti et al., 2024).

The multidimensional challenges faced by female judges show that the issue of women's leadership in the judiciary is not just an individual matter of competence or personal choice, but a structural and cultural issue that requires systemic intervention. Without transformation at the ideological, organizational structure, and social culture levels, female judges will continue to face barriers that limit the full realization of their potential and their optimal contribution to a more just and inclusive judicial system.

CONCLUSION

This study reveals the complexity of the issue of women's leadership in Islamic judicial institutions in Indonesia, particularly in the South Sulawesi Religious Court, from three interrelated dimensions: the normative perspective of Islamic law, the reality of perceptions of legitimacy, and the practical challenges faced. Based on an in-depth analysis of Islamic legal sources and academic literature, it can be concluded that:

First, Islamic law does not absolutely prohibit women's leadership in religious courts. Analysis of the Qur'an shows that there are no verses that explicitly prohibit women from becoming judges, while the general principles of the Qur'an emphasize fundamental equality between men and women in spiritual, moral, and intellectual capacities. The hadith that is often used as evidence for the prohibition, namely the account of Abu Bakrah, is contextual and cannot be applied universally without considering the historical context and its 'illat. The maqashid sharia and maslahah approaches provide a methodological basis for contextual ijihad that allows women's leadership in the judiciary as long as they meet the requirements of competence and capacity. The differences of opinion among classical scholars indicate that this issue is subject to ijihad, not qath'i, leaving room for more progressive interpretations in line with the context of the times. Contemporary scholars and religious organizations in Indonesia, such as NU and Muhammadiyah, have provided theological legitimacy for women's leadership in the judiciary.

Second, perceptions of the legitimacy of female judges in the South Sulawesi Religious Court are ambivalent and still influenced by patriarchal gender constructs. Although female judges have strong legal-rational legitimacy based on formal regulations and professional qualifications, their substantive legitimacy in social practice is still constantly questioned and must be negotiated. The perceptions of people seeking justice vary depending on their level of education and religious orientation, with some accepting and even trusting female judges more, while others still doubt their capacity, especially in cases that are considered complex. The perceptions of male fellow judges also show similar ambivalence, where formal recognition of competence is not always followed by substantive recognition of leadership authority. The context of South Sulawesi, which has a local tradition of respect for women but also a conservative interpretation of Islam, creates a special dynamic in this perception of legitimacy.

Third, the challenges faced by female judges in exercising leadership authority are multidimensional, including ideological-theological, structural-institutional, and socio-cultural challenges. Ideological-theological challenges take the form of resistance from conservative religious groups who still consistently use textual interpretations of hadith prohibiting women's leadership, creating moral dilemmas and psychological pressure for religious female judges. Structural-institutional challenges include gender bias in case assignments, barriers to career advancement (glass ceiling), and marginalization in strategic court decision-making processes. Socio-cultural challenges include the double burden of domestic and public responsibilities, which require complex time management and role negotiation, coupled with gender performativity expectations that require female judges to navigate the paradox between assertive leadership and appropriate femininity.

The implication of this research is the need for simultaneous transformation at three levels. At the ideological-theological level, broader socialization is needed regarding progressive interpretations of Islamic law that support gender equality, involving scholars, academics, and Islamic educational institutions. At the structural-institutional level, there is a need for reform of religious court policies that eliminate gender bias in the recruitment, assignment, promotion, and human resource development systems, including the provision of supporting facilities such as flexible leave and childcare facilities. At the socio-cultural level, comprehensive gender awareness programs are needed not only for the general public

but also for internal judicial institutions, as well as public campaigns that change perceptions about women's leadership in Islam.

This study has limitations, particularly in terms of data sources, which are limited to literature analysis without direct observation or interviews with female judges at the South Sulawesi Religious Court. Further research is recommended to conduct empirical studies with qualitative or quantitative approaches that can capture life experiences and perceptions in greater depth and breadth. In addition, comparative studies with other Muslim countries that have Islamic judicial systems can provide a richer perspective on best practices in promoting gender equality in judicial institutions.

REFERENCES

- Al-Mawardi, A. al-H. A. ibn M. (2018). *Al-Ahkam as-Sultaniyyah wa al-Wilayat ad-Diniyyah*. Dar al-Fikr.
- Aprinda, R., Kurniati, K., & Syamsuddin, R. (2022). Analisis Hukum Islam Terhadap Bimbingan Perkawinan dalam Mencegah Perceraian di Kementerian Agama Kabupaten Soppeng. *Jurnal Al-Qadau: Peradilan dan Hukum Keluarga Islam*, 9(1), 78–98.
- Auda, J. (2016). *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach*. International Institute of Islamic Thought.
- Barlas, A. (2002). *Believing Women in Islam: Unreading Patriarchal Interpretations of the Qur'an*. University of Texas Press.
- Barlas, A. (2019). *Unreading Patriarchal Interpretations of the Qur'an*. University of Texas Press.
- Engineer, A. A. (2015). *The Rights of Women in Islam*. Sterling Publishers.
- Fatmawati, F., Amir, R., Alamsyah, A., & Ilham, M. (2024). Transformation of Women's Leadership in Pesantren from Fiqh Siyasah Perspective. *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 8(3), 1–24. <https://doi.org/10.22373/sjhc.v8i3.18647>
- Hasan, A. Z. A., Husairi, H., & Kurniati, K. (2024). Moralitas Seorang Pemimpin dalam Bernegara Perspektif Etika Politik Islam. *Birokrasi: Jurnal Ilmu Hukum dan Tata Negara*, 2(3), 178–195.
- Jannah, M., Kurniati, K., & Ilyas, M. (2025). Dialektika Receptio In Complexu dan Receptio A Contrario: Implementasi Hukum Islam Dalam Sistem Hukum Indonesia. *Tasamuh: Jurnal Studi Islam*, 17(2), 269–289. <https://doi.org/10.47945/tasamuh.v17i2.1948>
- Kamali, M. H. (2018). *Maqasid al-Shariah Made Simple*. International Institute of Advanced Islamic Studies.
- Kartono, R., Kurniati, K., & Sultan, L. (2023). Collaboration Between Revelation and Thought As A Method For Understanding Islamic Law. *Al-Mashlahah: Jurnal Hukum Islam dan Pranata Sosial*, 11(1), 89–108.
- Kurniati, K. (2013). Perkembangan Sosial Politik dalam Tatanan Pembentukan Hukum Islam. *Al-Fikr: Jurnal Pemikiran Islam*, 17(1), 176–189.
- Kurniati, K. (2015). Nepotisme dalam Perspektif Hadis (Kritik Sanad dan Matan Hadis). *Al-Daulah: Jurnal Hukum Pidana dan Ketatanegaraan*, 4(1), 112–135.
- Kurniati, K. (2018). Sistem Politik Demokrasi Dalam Bias Hegemoni Negara: Telaah Gagasan Politik Antonio Gramsci. *Al-Daulah: Jurnal Hukum Pidana dan Ketatanegaraan*, 7(2), 201–225.
- Lira, S. E., Permana, E., Suatang, S., & Kurniati, K. (2024). Membangun Politik Yang Berakhlak: Integrasi Nilai-Nilai Islam dalam Sistem Demokrasi. *Birokrasi: Jurnal Ilmu Hukum dan Tata Negara*, 2(3), 209–220. <https://doi.org/10.55606/birokrasi.v2i3.1324>
- Mernissi, F. (2017). *The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam*. Perseus Books.
- Nurlaelawati, E. (2015). *Modernization, Tradition and Identity in Indonesian Islamic Judiciary*. Amsterdam University Press.

- Rahantan, A., Kurniati, K., & Marilang, M. (2024). Efektivitas Hukum Positif di Indonesia Dan Peran Ormas Islam Dalam Mencegah Perzinaan. *Al-Qawānīn: Jurnal Ilmu Hukum, Syariah, dan Pengkajian Islam*, 1(2), 115–135. <https://doi.org/10.70193/alqawanin.v1i2.08>
- Resti, R., Wati, R. A., Ma'Arif, S., & Syarifuddin, S. (2024). Pemanfaatan Media Pembelajaran Berbasis Teknologi sebagai Alat Untuk Meningkatkan Kemampuan Literasi Digital Siswa Sekolah Dasar. *Al Madrasah Jurnal Pendidikan Madrasah Ibtidaiya*, 8(3), 1145. <https://doi.org/10.35931/am.v8i3.3563>
- Ridgeway, C. L. (2011). *Framed by Gender: How Gender Inequality Persists in the Modern World*. Oxford University Press.
- Rimbawan, I. D., Sanallah, M., Ardiwansa, A., & Kurniati, K. (2024). Kesetaraan Gender dalam Hukum Islam: Implikasi Wanita Karir di Era Digital. *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial*, 1(2), 89–105. <https://doi.org/10.5281/zenodo.14040258>
- Rusli, M., Kara, A., Kurniati, K., Hasan, H., Zakirah, Z., & Arsyam, M. (2022). Career Women in Masalah Mursalah Perspective. *Jurnal Adabiyah*, 22(2), 167–189.
- Safriani, L., Kara, A., & Kurniati, K. (2016). Peran Dosen Wanita UIN Alauddin Dalam Mewujudkan Keluarga Sakinah Perspektif Hukum Islam. *Jurnal Diskursus Islam*, 4(2), 271–284. <https://doi.org/10.24252/jdi.v4i2.7383>
- Sanusi, N. T., Fauzan, A., Syatar, A., Kurniati, K., & Hasim, H. (2023). Political Configuration of Islamic Law in Legal Development in Indonesia. *Jurnal Adabiyah*, 23(1), 45–67.
- Syamsuddin, S. (2020). *Hermeneutika al-Qur'an Mazhab Yogya: Pengantar dan Aplikasi*. Islamika.
- Wadud, A. (2006). *Inside the Gender Jihad: Women's Reform in Islam*. Oneworld Publications.
- Wadud, A. (2015). *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective*. Oxford University Press.
- Weber, M. (1978). *Economy and Society: An Outline of Interpretive Sociology*. University of California Press.
- Zuhaili, W. al-. (2015). *Al-Fiqh al-Islami wa Adillatuhu*. Dar al-Fikr.