

FROM MEDIATION TO ADVOCACY: POST-DIVORCE WOMEN'S EMPOWERMENT THROUGH RELIGIOUS COURT PRACTICES IN SOUTH SULAWESI, INDONESIA

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ABSTRACT

This study investigates the transformation of court-based mediation from a dispute resolution mechanism into an advocacy-oriented legal strategy for women's empowerment after divorce in South Sulawesi, Indonesia. Using a qualitative field research design, the study examines how mediators within the Religious Court system facilitate women's access to post-divorce rights, address power imbalances during mediation, and link legal procedures with psychosocial and economic support networks. Data were generated through in-depth interviews, participant observation, and document analysis involving mediators, divorced women, judges, legal practitioners, government officials, and civil society organizations. The findings demonstrate that mediators increasingly operate as legal-humanist advocates who translate complex legal norms into accessible knowledge, create safer and more equitable negotiation spaces, and mitigate structural vulnerabilities stemming from low legal literacy, economic dependency, and persistent social stigma. Three key contributions of court-based mediation are identified: legal empowerment through rights clarification, gender-sensitive mediation that rebalances unequal power relations, and cross-sector referrals that enhance women's resilience and post-divorce autonomy. Nevertheless, the effectiveness of these practices remains limited by systemic constraints, including fragmented institutional authority, procedural rigidity, and weak post-judgment enforcement, which often produce legal alienation and undermine women's advocacy capacity. The study argues that sustainable post-divorce empowerment requires the institutionalization of integrated advocacy models within the court system and concludes by highlighting the importance of cross-sector collaboration through a "closing the loop" framework connecting mediators, legal aid institutions, and women's protection agencies, alongside reforms in mediator training to incorporate post-judgment advocacy as a core competency.

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INTRODUCTION

Divorce has increasingly been recognized as a significant social phenomenon that extends beyond the formal termination of marital ties.¹ Rather than functioning solely as a legal event, divorce often generates profound social, economic, and relational transformations that reshape individuals' lives.² In many societies, the dissolution of marriage alters family structures, redistributes caregiving and financial responsibilities, and reconfigures social networks. These changes tend to have disproportionate consequences for women, who frequently experience greater vulnerability in the post-divorce period.³ Empirical studies across diverse socio-cultural contexts indicate that divorced women are more likely to face economic insecurity, social marginalization, and limited access to social protection mechanisms compared to men.⁴ Such conditions reflect broader patterns of gender inequality embedded within social structures. Consequently, divorce should be understood not merely as a private or legal matter but as a social process with far-reaching implications. This perspective underscores that women's post-divorce experiences are shaped by structural constraints rather than individual circumstances alone, highlighting the need for a more comprehensive socio-legal understanding of women's rights and wellbeing after marital dissolution.⁵

Despite the existence of legal frameworks regulating divorce, significant debates persist regarding their capacity to ensure substantive justice for women after divorce.⁶ Previous research demonstrates that post-divorce challenges often extend beyond the determination of marital status and legal entitlements.⁷ Women frequently encounter intersecting economic, social, and psychological difficulties that complicate their ability to claim and exercise their rights. Economic instability, persistent social stigma, and prolonged emotional stress are commonly reported, suggesting that divorce may exacerbate pre-existing gender inequalities.⁸ Moreover, access to legal rights and formal protection mechanisms is often constrained by unequal power relations, particularly in cases involving prior domestic violence, coercive control, or asymmetric bargaining positions. In such contexts, women may struggle to negotiate effectively or to enforce court decisions related to alimony, child support, or property division. These

¹ Fajri M. Kasim et al., "The Protection of Women and Children Post-Divorce in Sharia Courts in Aceh: A Sociological Perspective," *Ahkam: Jurnal Ilmu Syariah* 22, no. 2 (2022): 411-32, <https://doi.org/10.15408/ajis.v22i2.28747>.

² Fitriyani Fitriyani et al., "The Judges' Legal Consideration on Divorce of Nushūz Cases at the Kupang High Religious Court: Gender Perspective," *Samarah* 7, no. 3 (2023): 1971-89, <https://doi.org/10.22373/SJHK.V7I3.14425>.

³ Atun Wardatun and Bianca J Smith, "Woman-Initiated Divorce and Feminist Fiqh in Indonesia: Narrating Male Acts of Nushūz in Marriage," *Ulumuna* 24, no. 2 (2020): 266-95, <https://doi.org/10.20414/ujis.v24i2.416>.

⁴ Ramdani Wahyu Sururie et al., "Co-Parenting Model in Resolving Child Custody Disputes in Urban Muslim Families," *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 9, no. 1 (2024): 250-68, <https://doi.org/10.22373/petita.v9i1.277>.

⁵ Wardatun and Smith, "Woman-Initiated Divorce and Feminist Fiqh in Indonesia: Narrating Male Acts of Nushūz in Marriage."

⁶ Susi Susilawati et al., "Manifestations of Gender Injustice in Divorced Marriages: The Kabalutan Tradition," *Jambura Law Review* 5, no. 1 (2023): 136-55, <https://doi.org/10.33756/jlr.v5i1.17722>.

⁷ Mursyid Djawas et al., "The Government's Role in Decreasing Divorce Rates in Indonesia: The Case of Aceh and South Sulawesi," *Ahkam: Jurnal Ilmu Syariah* 21, no. 1 (2021): 163-88, <https://doi.org/10.15408/ajis.v21i1.20870>.

⁸ Alfitri, "Protecting Women from Domestic Violence: Islam, Family Law, and the State in Indonesia," *Studia Islamika* 27, no. 2 (2020), <https://doi.org/10.36712/sdi.v27i2.9408>.

realities raise critical questions about the effectiveness of legal institutions and dispute resolution mechanisms in addressing structural gender disparities.⁹ As a result, divorce emerges as a contested site where formal legal norms and lived social realities frequently diverge, creating persistent gaps in post-divorce justice for women.

Existing literature on women's rights after divorce reflects a range of disciplinary perspectives, yet remains fragmented in its analytical focus. Legal and normative studies often emphasize the role of statutes, court decisions, and enforcement mechanisms in guaranteeing women's rights, conceptualizing law as the primary instrument of justice and legal certainty.¹⁰ However, socio-legal scholarship challenges this assumption by demonstrating a persistent gap between written law and its implementation in practice. In parallel, psychosocial studies focus on women's emotional recovery, resilience, coping strategies, and the role of social support networks, framing post-divorce adjustment largely as an individual or relational process.¹¹ While these studies provide valuable insights into women's lived experiences, they often understate the influence of legal structures and institutional outcomes. Research on family mediation further complicates the picture by presenting mediation as a flexible and participatory alternative to litigation,¹² yet critical studies highlight how mediation processes are shaped by power imbalances related to gender, class, and prior violence.¹³ Collectively, these strands of literature offer important but partial explanations, leaving unresolved questions about how legal,¹⁴ psychosocial, and mediation dynamics interact in shaping women's post-divorce experiences.

Despite the growing body of scholarship on divorce, women's legal protection, and Islamic family law in Indonesia, existing studies have largely focused on normative legal analysis and judicial decision-making, while paying limited attention to women's lived experiences after court judgments are issued. Previous research also tends to overlook the practical challenges of enforcing post-divorce rights, particularly regarding maintenance payments, child support, and compliance with court rulings.¹⁵ This gap is significant considering that the Indonesian Religious Courts (Peradilan Agama) function as the primary judicial institutions responsible for resolving Muslim family disputes, including divorce, child custody, and post-divorce financial obligations.

⁹ Fitriyani et al., "The Judges' Legal Consideration on Divorce of Nushūz Cases at the Kupang High Religious Court: Gender Perspective."

¹⁰ Fathul Djannah and Muhammad Rizal, "Law Enforcement Against Perpetrators of Domestic Violence in Terms of Legislation and Islamic Law," *Britain International of Humanities and Social Sciences (BIOHS) Journal* 2, no. 1 (2020): 109-19, <https://doi.org/10.33258/biohs.v2i1.155>.

¹¹ Wardatun and Smith, "Woman-Initiated Divorce and Feminist Fiqh in Indonesia: Narrating Male Acts of Nushūz in Marriage."

¹² Bani Syarif Maula, "The Concept of Ṣulḥ and Mediation in Marriage Conflict Resolution in Religious Courts: A Comparative Study between Contemporary Indonesian Family Law and Classical Islamic Law," *El-Aqwal: Journal of Sharia and Comparative Law* 2, no. 1 (2023): 73-86, <https://doi.org/10.24090/el-aqwal.v2i1.7777>.

¹³ Muhammad Salahuddin et al., "Between Adat Law and National Law: The Resistance of Sasak Women to Their Inheritance Rights in Lombok Indonesia," *Lex Localis* 21, no. 4 (2023): 923-36, [https://doi.org/10.4335/21.4.923-936\(2023\)](https://doi.org/10.4335/21.4.923-936(2023)).

¹⁴ Harwis Alimuddin et al., "Reconstruction of the Concept of Nusyūz in Islamic Law: Perspectives of Religious Figures in Ternate, Indonesia," *El-Ussrah: Jurnal Hukum Keluarga* 8, no. 1 (2002): 26-49, <https://doi.org/10.22373/07a9hd02>.

¹⁵ Muchammad Hammad, "Hak-Hak Perempuan Pasca Perceraian: Nafkah Iddah Talak Dalam Hukum Keluarga Muslim Indonesia, Malaysia, Dan Yordania," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 7, no. 1 (2016): 17-28, <https://ejournal.uin-suka.ac.id/syariah/Ahwal/article/view/1073>.

Within this system, court mediators play an important role in facilitating negotiation and reducing conflict between former spouses before and after litigation. However, little empirical research has examined how mediators navigate unequal power relations and socio-cultural pressures in practice, especially in local contexts such as South Sulawesi. National data also indicate the urgency of this issue, as divorce rates in Indonesia continue to rise, while many women still experience difficulties in obtaining compliance with court decisions concerning maintenance and economic support after divorce. In response to these limitations, this study offers a distinctive contribution by integrating legal, psychosocial, and mediation perspectives to examine women's post-divorce experiences beyond formal legal texts. The research explores how post-divorce mediation is implemented at the local level, the barriers women encounter in accessing and enforcing their rights, and the ways institutional practices, cultural norms, and socio-economic conditions shape post-divorce justice. By prioritizing women's lived experiences and the role of mediators as actors positioned between legal norms and everyday realities, this study contributes empirical insights into how post-divorce justice is negotiated, implemented, and contested within the Indonesian Religious Court system.

This study advances the argument that women's post-divorce experiences are produced through a complex interaction between legal systems, social support structures, and mediation practices. Legal mechanisms alone are insufficient to ensure substantive justice when they operate without a gender-sensitive perspective. Existing research on social support demonstrates that structured interventions can enhance women's coping capacities and self-confidence; however, these benefits are often contingent upon favorable legal outcomes and accessible enforcement mechanisms. At the same time, studies on power relations within legal and mediation settings reveal that, without explicit attention to gender justice, such mechanisms may unintentionally reproduce existing inequalities. Therefore, an integrated approach that connects legal processes with psychosocial realities is essential for understanding women's access to justice after divorce. By situating mediation within broader structural conditions, this study argues that mediators have the potential either to reinforce or to mitigate gender-based disadvantages. Ultimately, the research contends that meaningful post-divorce justice for women requires alignment between legal norms, institutional practices, and social support systems, rather than reliance on any single dimension in isolation.

METHODS

This study employs a qualitative descriptive field research design to examine institutional advocacy practices conducted by court-appointed mediators in supporting women after divorce within the Religious Court system in South Sulawesi, Indonesia. The research was conducted in two Religious Courts, namely the Religious Court of Makassar and the Religious Court of Sungguminasa, selected due to their high volume of divorce and post-divorce cases as well as their active mediation practices. The unit of analysis focuses on mediator-led advocacy during and after mediation processes, particularly mediator-client interactions, post-judgment facilitation mechanisms, and structural as well as cultural barriers affecting women's access to legal, social, and economic rights. A qualitative approach was chosen to capture experiences, meanings, and power relations that cannot be adequately explained through quantitative

methods.¹⁶ Fieldwork was conducted over a seven-month period from March to September 2025, enabling sustained engagement with mediation proceedings and post-divorce advocacy practices.

The study involved 15 purposively selected participants consisting of 5 Religious Court judges, 4 certified court mediators, 2 legal practitioners, 1 representative from a legal aid institution, 1 government official from the Office of Women's Empowerment and Child Protection, and 2 divorced women who had experienced post-divorce legal disputes. Participants were recruited through purposive and snowball sampling strategies based on their direct involvement in mediation, divorce adjudication, or post-divorce assistance. Inclusion criteria included participants who had at least two years of professional experience in family dispute resolution or women who had completed divorce proceedings within the last three years and had experience related to post-divorce rights enforcement. Exclusion criteria included individuals without direct involvement in mediation or post-divorce advocacy processes, as well as participants unwilling to provide informed consent.

To enhance analytical depth, the study incorporated a limited comparative element by comparing mediation and advocacy practices across the two Religious Courts and across different categories of post-divorce disputes. The comparative units included mediation procedures, mediator intervention strategies, patterns of compliance with court judgments, and women's access to post-divorce rights such as maintenance, child support, and economic assistance. The comparison was guided by indicators including effectiveness of mediation outcomes, post-judgment compliance mechanisms, institutional support availability, and the influence of socio-cultural factors on women's access to justice. This comparative approach enabled the identification of institutional variations and potential best practices in post-divorce mediation and advocacy.

Data were collected through participant observation, semi-structured interviews, and document analysis. Primary data consisted of in-depth interviews and observations involving mediators, judges, divorced women, legal practitioners, and institutional stakeholders, while secondary data included legal instruments, mediation reports, court decisions, divorce statistics, and relevant academic literature. Data credibility was ensured through source triangulation, method triangulation, and member checking. Data analysis followed an interactive qualitative model involving iterative processes of data reduction, thematic categorization, analytical display, and conclusion verification. Ethical considerations were explicitly prioritized throughout the research process. All participants provided informed consent prior to participation, and confidentiality was maintained through anonymization of personal identities and sensitive case information. Special attention was given to the protection of vulnerable participants, particularly divorced women, by ensuring voluntary participation, minimizing retraumatization during interviews, and allowing participants to withdraw from the study at any stage without consequence.

¹⁶ P. Ishwara Bhat, "Qualitative Legal Research: A Methodological Discourse," in *Idea and Methods of Legal Research* (Oxford: Oxford University Press, 2020), 359-382, <https://doi.org/https://doi.org/10.1093/oso/9780199493098.003.0012>.

RESULTS AND DISCUSSION

Mediators' Contributions to Post-Divorce Advocacy and Women's Empowerment

Field findings indicate that mediators' contributions to post-divorce advocacy extend well beyond the procedural function of in-court mediation. Rather than operating solely as neutral facilitators tasked with reconciling disputing parties or expediting case resolution, mediators—particularly mediator judges—have increasingly assumed a substantive and transformative role within the judicial process. Interview data obtained from key judicial actors at the Pinrang Religious Court, including mediator judges and court clerks, explicitly confirm this expanded mandate. In practice, mediators function as agents of legal literacy and social empowerment, especially for vulnerable litigants such as women who often occupy structurally disadvantaged positions in divorce proceedings. This shift reflects a contextual response to the asymmetries of knowledge, power, and access to justice that characterize many family law disputes brought before the Religious Courts.

One prominent empirical account illustrates how this transformation manifests in everyday judicial practice. Mediators reported that a significant number of women entering post-divorce processes lack a clear and comprehensive understanding of divorce rulings (*putusan cerai*) and the legal rights attached to them. These rights include, but are not limited to, child support (*nafkah anak*), iddah maintenance (*nafkah iddah*), *mut'ah*, and the administrative and procedural steps required after a judgment has been issued, such as obtaining an official copy of the decision or initiating enforcement mechanisms.¹⁷ In many cases, women assume that the court's decision automatically guarantees the fulfillment of these rights, without realizing that further legal action or formal requests may be necessary to secure their implementation.¹⁸

The absence of adequate explanation and guidance often places women in a legally precarious position.¹⁹ Without a proper understanding of their entitlements and the mechanisms available to enforce them, women may unknowingly waive certain rights, fail to file necessary applications, or accept informal arrangements that lack legal certainty. Mediators emphasized that such outcomes are not merely individual oversights but are structurally produced by limited legal awareness, emotional vulnerability following divorce, and unequal bargaining power vis-à-vis former spouses. Consequently, mediators at the Pinrang Religious Court frequently intervene by providing detailed explanations of the legal consequences of divorce decisions, clarifying women's rights and obligations, and outlining practical steps for post-judgment advocacy.

Through this proactive engagement, mediators move beyond a narrowly defined adjudicative role and contribute to a broader conception of access to justice. Their involvement helps bridge the gap between formal legal norms and the lived realities of litigants, ensuring that judicial decisions translate into meaningful social and economic protection. In this sense,

¹⁷ Khairatun Hisan, Dzulkifli Hadi Imawan, and Hannafa Haqqiya, "Analysis of Ibn Qudāmah's Comparative Fiqh Methodology in Al - Mugnī and Its Relevance for Contemporary Ijtihad The Study of Comparative Fiqh (Fiqh Al-Muq ā Ran) Is of Great Significance in The," *Mazahibuna: Jurnal Perbandingan Mazhab* 7, no. 1 (2025): 71–88, <https://doi.org/10.24252/mazahibuna.vi.54759>.

¹⁸ Bani Syarif Maula and Ilyya Muhsin, "Interfaith Marriage and the Religion-State Relationship: Debates between Human Rights Basis and Religious Precepts," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (2024): 791–820, <https://doi.org/10.22373/sjlk.v8i2.19479>.

¹⁹ Noercholis Rafid. A, Muhammad Fajri, and Khairun Nizam Mohd. Noor, "Masalah Evaluation of Judges' Sentences for Domestic Violence Crimes at the Majene District Court," *Mazahibuna: Jurnal Perbandingan Mazhab* 5, no. 1 (2023): 57–78, <https://doi.org/10.24252/mh.vi.37034>.

mediation becomes not only a procedural mechanism for dispute resolution but also a critical site for rights-based education and empowerment. The findings suggest that such an expanded role of mediators is essential for preventing secondary injustice in post-divorce contexts, where legal rights exist in theory but risk remaining unrealized in practice due to informational and structural barriers.

Table 1: Empirical Evidence of Mediators’ Roles in Post-Divorce Empowerment

Dimension of Mediators’ Contribution	Empirical Evidence from the Field	Impact on Divorced Women
Legal Empowerment	Explanation of divorce rulings; clarification of child support and <i>iddah</i> maintenance rights; guidance on post-judgment administrative procedures	Increased legal literacy; reduced risk of incorrect legal decisions; strengthened capacity to claim and enforce legal rights
Post-Judgment Mediation	Bridging communication between former spouses; facilitating negotiations on child custody, maintenance, and marital property; creating safe and non-intimidating mediation spaces	Reduced intimidation; rebalanced power relations; enhanced procedural fairness in post-divorce negotiations
Social and Psychosocial Empowerment	Referrals to counseling and psychological services; linkage to vocational training centers and women’s empowerment institutions	Improved psychological recovery; enhanced self-confidence; strengthened economic independence and resilience

Source: authors interpretation

The empirical evidence, demonstrates that mediators strengthen women’s post-divorce capacity through three interrelated pathways.²⁰ First, mediators enhance legal literacy by clarifying judicial decisions and execution procedures, thereby enabling women to claim their rights more effectively. Second, mediators facilitate post-judgment mediation by maintaining safe, non-intimidating communication between former spouses, particularly in negotiations over child custody, maintenance, and marital property. Third, mediators contribute to social empowerment by referring women to psychological counseling, vocational training, and women’s empowerment institutions. These practices reveal a consistent pattern of role transformation: mediators shift from being neutral “peace brokers” to legal empowerment agents, integrate legal-humanist approaches grounded in child welfare and local Bugis cultural values, and act as linkage agents connecting women to external support networks such as NGOs and state protection services.

²⁰ Kasim et al., “The Protection of Women and Children Post-Divorce in Sharia Courts in Aceh: A Sociological Perspective.”

These findings reinforce existing literature showing that divorced women face heightened vulnerability in accessing rights and maintaining socio-economic stability.²¹ In the local context of South Sulawesi, women's limited understanding of judicial decisions and administrative procedures creates a critical gap not adequately addressed by the formal legal system. Mediators fill this gap by translating legal norms into accessible knowledge and facilitating gender-sensitive communication that reduces intimidation and power asymmetry. Their role further expands into social empowerment through referrals to psychological services and economic empowerment programs, including institutions such as P2TP2A. Accordingly, mediation operates not only as a procedural mechanism but also as a bridge linking legal processes, psychosocial recovery, and women's multidimensional post-divorce needs.

Moreover, the study reveals that women's post-divorce barriers—legal illiteracy, economic dependency, and socio-cultural stigma—emerge as recurring structural patterns rather than isolated individual experiences. This finding argues that divorce produces long-term social and psychological consequences beyond legal dissolution.²² Legal illiteracy limits women's comprehension of formal procedures, economic constraints compel prioritization of immediate child support over broader legal claims, and widowhood stigma generates psychological pressure that discourages active rights-claiming.²³ In response, mediators play a crucial role in restoring women's confidence and providing safe spaces for rights awareness without fear or coercion.

Viewed through the lens of structural inequality, the relationship between mediators' roles and women's legal agency becomes more apparent. Prior studies demonstrate that women frequently encounter unequal power relations in family law processes, particularly in contexts marked by prior violence or control.²⁴ This condition is evident in South Sulawesi, where women's legal uncertainty is compounded by fear of economic repercussions. Financial dependency remains a central indicator of post-divorce vulnerability. By clarifying economic rights and facilitating informed decision-making, mediators function as power-balancing mechanisms that disrupt structural injustice. Consequently, mediators contribute to transforming formal legal rights (*de jure*) into substantive justice through integrated legal and social empowerment strategies.

Barriers to Women's Access to Post-Divorce Rights

Interview findings indicate that women's access to post-divorce rights in South Sulawesi is consistently constrained by recurring structural barriers rather than isolated individual difficulties. Across cases, three interrelated obstacles emerge as dominant patterns: limited legal literacy, economic dependency, and socio-cultural stigma. Informants commonly reported that many women do not fully understand basic legal procedures or the substantive content of divorce rulings, resulting in uncertainty about how to execute legally guaranteed rights. Economic

²¹ Ananda Citra Apriliانا Sari, "Analisa Hukum Haji Bagi Wanita Yang Dalam Masa Iddah Menurut Imam Hanafi," *MAQASHID: Jurnal Hukum Islam* 3, no. 2 (2020): 66-73, <https://doi.org/10.35897/MAQASHID.V3I2.426>.

²² Hammad, "Hak-Hak Perempuan Pasca Perceraian: Nafkah Iddah Talak Dalam Hukum Keluarga Muslim Indonesia, Malaysia, Dan Yordania."

²³ Darmiko Suhendra, "Khulu' Dalam Perspektif Hukum Islam," *Asy Syar'iyah: Jurnal Ilmu Syari'ah Dan Perbankan Islam* 1, no. 1 (June 2016): 219-33.

²⁴ Alimatul Qibtiyah, "Indonesian Muslim Women and the Gender Equality Movement," *Journal of Indonesian Islam* 3, no. 1 (2009): 168-96, <https://doi.org/10.15642/JIIS.2009.3.1.168-196>.

dependency further discourages women from asserting claims, as fears of retaliation—particularly reductions or termination of child support—shape their decision-making. In addition, strong social stigma attached to divorced women who actively pursue their rights generates psychological pressure and social restraint. Together, these findings suggest a systemic problem in access to justice, where formal legal guarantees remain disconnected from women’s lived realities.

Legal literacy barriers operate through the inaccessibility of legal language and the opacity of procedural requirements, effectively excluding women from meaningful engagement with the justice system.²⁵ Economic barriers function through a risk-calculation mechanism in which women prioritize short-term survival—especially the continuity of child support—over broader legal entitlements.²⁶ Socio-cultural barriers manifest through moral judgment and social surveillance, which discourage women from appearing assertive in legal processes.²⁷ Consequently, access to justice becomes emotionally costly, as women must navigate not only procedural hurdles but also psychological and social sanctions. These dynamics reveal a persistent gap between *de jure* rights and *de facto* justice.

From a structural feminist perspective, three reinforcing mechanisms can be identified.²⁸ First, a “survival versus rights enforcement” dilemma emerges, compelling women to sacrifice legal claims for economic security. Second, low legal agency is produced by structural disinformation and limited access to accessible legal knowledge, resulting in legal inertia rather than informed choice. Third, social stigma operates as a form of non-physical coercion that effectively deters women from engaging with formal legal institutions. Collectively, these mechanisms generate legal alienation, financial entrapment, and cultural exclusion, strengthening former husbands’ bargaining positions in post-divorce negotiations and explaining why legally recognized rights often fail to materialize as substantive justice.

The interaction between socio-cultural norms and mediation effectiveness further clarifies the complexity of women’s empowerment after divorce. In Bugis–Makassar society, stigma toward divorced women functions as symbolic violence, reinforcing fear of moral transgression when women pursue their rights. This finding resonates demonstrate that psychological and social forms of violence frequently persist beyond marital dissolution.²⁹ In this context, mediators play a critical role as social facilitators by employing legal-humanist strategies rooted in local cultural values and child-centered narratives to create safer spaces for dialogue. This approach aligns emphasize the need to integrate psychosocial recovery with structural

²⁵ Susi Ernawati et al., “Islamic Education Management Strategy in the Digital Era: Governance Transformation to Increase Effectiveness and Accessibility,” *International Journal of Islamic Educational Research* 1, no. 3 (2024), <https://doi.org/10.61132/ijier.v1i3.67>.

²⁶ Ayelet Harel-Shalev and Rebecca Kook, “Ontological Security, Trauma and Violence, and the Protection of Women: Polygamy Among Minority Communities,” *Frontiers in Psychology* 12, no. October (2021), <https://doi.org/10.3389/fpsyg.2021.743478>.

²⁷ J. M. Muslimin et al., “Sextortion, Gender, and Digital Crime: A Socio-Legal Comparison between Positive and Islamic Law,” *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 19, no. 2 (2024): 53–77, <https://doi.org/10.19105/al-lhkam.v19i1.8731>.

²⁸ Ibrahim Olatunde Uthman, “The Sharī’ah and the Muslim Feminists’ Public Display of the Female Body,” *International Journal of Islamic Khazanah* 12, no. 2 (2022): 114–24, <https://doi.org/10.15575/ijik.v12i1.17510>.

²⁹ Istiqomah Sinaga, Nurhayati, and Hazrul Affendi Mohamad Razali, “Legal Pluralism in the Context of the Distribution of Women’s Inheritance,” *Mazahibuna: Jurnal Perbandingan Mazhab* 4, no. 1 (2022): 107–31, <https://doi.org/10.24252/mh.vi.29786>.

interventions.³⁰ Moreover, critiques of power asymmetry in family mediation underscore why mediators must adopt gender-equitable, rather than merely neutral, mediation practices.³¹

This study reinforces earlier critiques of legal protection frameworks that rely solely on formal regulation without adequate social and institutional support.³² While prior psychosocial research highlights the importance of social support for women's recovery,³³ it often remains disconnected from legal mechanisms. This research contributes novel insights by identifying mediators as key actors capable of bridging implementation gaps through integrated legal and psychosocial advocacy. Furthermore, by mapping a "closing the loop" model that connects mediators with legal aid institutions and women's protection agencies, the study advances existing work on family justice³⁴ and responds directly to critiques regarding the disconnect between law and practice.³⁵

At a broader level, the findings suggest that Religious Courts in South Sulawesi—operating within Islamic family law and Bugis–Makassar cultural norms centered on *siri'* (honor and shame)—are undergoing a gradual transformation toward more restorative and inclusive forms of justice. While *siri'* norms often reinforce patriarchal silence by discouraging women from asserting their rights, mediators' interventions function as deconstructive practices that challenge entrenched gender hierarchies. In this sense, mediators emerge not only as procedural actors but also as agents of social change, contributing to a shift from formalistic adjudication toward a more socially responsive and gender-sensitive model of justice.

Cross-Sectoral Support in Post-Divorce Women's Empowerment

The findings further demonstrate that the effectiveness of post-divorce women's empowerment is highly dependent on an integrated cross-sectoral approach. Field data confirm that judicial institutions cannot operate in isolation to address the multidimensional recovery needs of women, which encompass legal, psychological, social, and economic dimensions. As reflected in one interview statement:

“By activating women and children empowerment agencies (P2TP2A), women and children protection units within the police, and other counseling institutions, women can receive accompaniment and psychological recovery support to rebuild self-confidence, strengthen mental resilience in facing social stigma, and acquire skills or employment opportunities within their respective social environments.”

³⁰ Halimah Basri et al., “Inheritance Rights of Women in Makassar Society: A Study of Living Qur'an and Its Implications for Islamic Law,” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (2022): 24–42, <https://doi.org/10.22373/sjhk.v6i2.13882>.

³¹ Maula, “The Concept of *Ṣulḥ* and Mediation in Marriage Conflict Resolution in Religious Courts: A Comparative Study between Contemporary Indonesian Family Law and Classical Islamic Law.”

³² Kasim et al., “The Protection of Women and Children Post-Divorce in Sharia Courts in Aceh: A Sociological Perspective.”

³³ Widi Tri Pramesti Ningrum and Siti Mas'udah, “Family Conflicts and the Violence of Unemployed Husbands against Their Wives Acting as the Main Breadwinner,” *Jurnal Sosiologi Dialektika* 16, no. 1 (2021): 76, <https://doi.org/10.20473/jsd.v16i1.2021.76-85>.

³⁴ Abu Rokhmad and Sulistiyono Susilo, “Conceptualizing Authority of the Legalization of Indonesian Women's Rights in Islamic Family Law,” *Journal of Indonesian Islam* 11, no. 2 (2017): 489–508, <https://doi.org/10.15642/JIIS.2017.11.2.489-508>.

³⁵ Arif Sugitanata, “Product Renewal in the Field of Family Law in Indonesia,” *Law and Justice* 6, no. 1 (2021): 62–79, <https://doi.org/10.23917/laj.v6i1.10699>.

Interviews with judge-mediators underscore that inter-institutional coordination is required at least across two dimensions: the acceleration of legal enforcement and holistic recovery. In terms of legal enforcement, collaboration with legal aid organizations (LBH) is viewed as a prerequisite for continued assistance, particularly in executing complex and obstruction-prone child and spousal maintenance orders. Regarding holistic recovery, cooperation with P2TP2A, Women and Children Protection Units (PPA), counseling and psychological services, and vocational training institutions constitutes a support network that enables mental recovery, confidence-building, and the development of economic independence. Consequently, court rulings are understood as the starting point rather than the endpoint of women's post-divorce recovery.

The interview data further identify four interrelated patterns that underpin the effectiveness of cross-sectoral collaboration. First, cooperation with legal aid institutions bridges the gap between judicial decisions and their implementation, increasing the likelihood that adjudicated rights are realized. Second, support from P2TP2A and counseling services confirms that psychological recovery and the strengthening of self-esteem are prerequisites for women's effective legal advocacy. Third, integration with skills-training programs highlights that post-divorce empowerment is unsustainable without financial autonomy. Fourth, the involvement of Women and Children Protection Units within the police provides both leverage and a sense of security in cases involving potential violence or high levels of non-compliance. Interpretively, these findings reinforce the position of the mediator as a "referral hub" within an integrated support network: mediators not only manage disputes but also orchestrate service connectivity to ensure that interventions yield outcomes that are both procedurally just and transformative for women's lives.

Interpretively, these findings reinforce the position of the mediator as a "referral hub" within an integrated support network. In this expanded role, mediators are not only responsible for managing disputes and facilitating negotiations, but also for coordinating access to legal aid institutions, psychosocial services, economic assistance programs, and women's protection agencies. Such responsibilities require additional competencies beyond conventional mediation skills, including gender-sensitive communication, trauma-informed approaches, institutional coordination capacity, and an understanding of post-divorce socio-economic vulnerabilities. At the same time, this expanded function may generate institutional and ethical burdens for mediators, particularly when they are expected to balance neutrality with advocacy for vulnerable women, operate within limited institutional resources, or address complex social problems beyond their formal judicial mandate. Nevertheless, these findings indicate that service connectivity and inter-institutional coordination are essential to ensuring that mediation outcomes are not merely procedurally valid, but also substantively transformative for women's lives.

The finding that women's financial dependence constitutes a major barrier to accessing post-divorce rights also carries strong historical significance. Traditional gender role divisions within Bugis/Makassar society position men as breadwinners and women as domestic caregivers, leaving women without financial autonomy at the moment of divorce. This condition aligns

findings on women workers,³⁶ which demonstrate that low legal literacy and economic dependence constitute universal barriers for women across sectors. Accordingly, economic empowerment through skills training and employment referrals should not be viewed merely as a technical intervention but as part of a broader structural transformation toward more egalitarian gender relations. This intervention enriches Structural Feminist analysis by demonstrating that change must occur not only at the legal level but also within the economic foundations that sustain inequality.³⁷ In this context, the mediator's role becomes increasingly significant as a bridge connecting women to social resources that enable them to escape long-term economic dependence.

Theoretically, this study affirms Structural Feminism as an appropriate framework for understanding how legal illiteracy, financial dependence, and social stigma interact to perpetuate gender inequality after divorce.³⁸ These barriers operate simultaneously and reinforce one another, resulting in women's diminished capacity to effectively claim their rights. At the same time, psychosocial literature emphasizes the substantial impact of social support on women's recovery processes.³⁹ This study extends that literature by demonstrating that social support alone is insufficient without institutional interventions that provide legal grounding and structured service referrals. The findings also support critique that family mediation must incorporate a gender-sensitive perspective to avoid reproducing existing inequalities.⁴⁰ Practically, this implies that mediator training must move beyond technical dispute resolution and incorporate post-decision advocacy competencies, including legal rights literacy, psychosocial awareness, and cross-institutional coordination skills. Without such implementation-oriented reforms, the mediator's role will remain limited and unable to address the complex needs of post-divorce women.

Based on these findings, comprehensive policy measures are required to address the barriers preventing women from accessing post-divorce rights. First, the Supreme Court should revise mediator training curricula to include modules on post-decision rights advocacy, financial literacy, and referral competencies to external institutions. This recommendation aligns with calls for legal system designs that are responsive to the needs of vulnerable groups.⁴¹ Second, Religious Courts should provide on-site Legal Aid Posts (Posbakum) offering free assistance, particularly for the execution of maintenance orders and other rights that women often struggle to access.

³⁶ Ali Halidin, "Dual Role Is Adjusting The Conflict of Employees Women In Pinrang Regency Office," *Maret 2019 Journal of Research and Multidisciplinary* 2, no. 1 (2019): 84-93, <https://doi.org/https://doi.org/10.5281/jrm.v2i1.%25>.

³⁷ Abdul Syatar et al., "The Development of Fatwas Basen on Local Wisdom to the National Level: A Case Study of Panaik Money Fatwa," *El-Mashlahah* 13, no. 2 (2023): 133-50, <https://doi.org/10.23971/el-mashlahah.v13i2.7373>.

³⁸ Omar Aghbalou, "Family Law , Maqāsid Al- Sharī'ah, and State Resilience : A Comparative Study of Legislative Reform in Muslim Jurisdictions In the Discourse of Contemporary Islamic Family Law , the Family Is No Longer," *Mazahibuna: Jurnal Perbandingan Mazhab* 8, no. 1 (2026): 39-56, <https://doi.org/10.24252/mazahibuna.vi.64188>.

³⁹ Fitriyani et al., "The Judges' Legal Consideration on Divorce of Nushūz Cases at the Kupang High Religious Court: Gender Perspective."

⁴⁰ Fauna Alwy, "Reformulation of the Government Compilation of Islamic Law: Strengthening the Concept of Gender-Sensitive Regulations in Indonesia," *FIAT JUSTISIA: Jurnal Ilmu Hukum* 11, no. 4 (2018): 355, <https://doi.org/10.25041/fiatjustisia.v11no4.983>.

⁴¹ Yeni Salma Barlinti, "Inheritance Legal System in Indonesia: A Legal Justice for People," *INDONESIA Law Review* 1, no. 1 (2013): 23-41, <https://doi.org/10.15742/ilrev.v3n1.28>.

Third, local governments, in collaboration with P2TP2A and legal aid organizations, should establish Memoranda of Understanding (MoUs) to ensure that counseling services, economic support, and women's protection mechanisms become institutional responsibilities rather than ad hoc initiatives dependent on individual mediators. This approach responds to critique that cross-agency interventions must be structural rather than incidental. Through these policy measures, courts can transform into institutions that not only issue rulings but also ensure women's substantive recovery through integrated protection mechanisms, thereby strengthening women's position within both the legal and social systems of South Sulawesi.

CONCLUSION

This study demonstrates that the fulfillment of women's rights and empowerment after divorce cannot be reduced to a purely juridical outcome, but must instead be understood as a multidimensional social process requiring integrated legal, psychosocial, and structural interventions. Substantive justice does not automatically emerge from court rulings; rather, it depends on the institutional capacity to address legal illiteracy, economic dependency, unequal power relations, and socio-cultural stigma that continue to constrain women's agency after divorce. Within this context, court mediators function as important institutional actors who bridge the gap between normative legal provisions and women's lived realities through legal empowerment, balanced mediation practices, emotional support, and referral to socio-economic assistance networks. The study's principal contribution lies in articulating the "Closing the Loop" model, which conceptualizes mediators, legal aid institutions, women's protection agencies, and Religious Courts as an interconnected post-divorce advocacy ecosystem. In addition, the study advances Structural Feminist analysis by introducing the concept of legal alienation to explain how women may remain marginalized despite the existence of formal legal protections and favorable court judgments. The findings further underscore the need for stronger institutional coordination between Religious Courts, mediators, legal aid organizations, and social welfare agencies to ensure effective enforcement of post-divorce rights, particularly regarding maintenance, child support, and economic protection.

Although this research is limited by its regional focus on South Sulawesi and the absence of longitudinal observation of women's post-divorce experiences, it provides important empirical insights into how post-divorce justice is negotiated, implemented, and contested within the Indonesian Religious Court system. Future research should therefore develop longitudinal studies that examine women's legal, economic, and psychosocial conditions after divorce over extended periods of time. Comparative research across Indonesian provinces is also necessary to identify variations in mediation practices, institutional capacity, and enforcement effectiveness within different socio-cultural contexts. In addition, further studies should evaluate mediator training reforms, particularly those related to gender sensitivity, trauma-informed communication, and post-judgment advocacy, in order to assess the extent to which mediation institutions can contribute to substantive and sustainable justice for divorced women.

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