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## Women Judging Women: Gender Sensitivity in the Decisions of Divorce Cases of Indonesian Religious Courts

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### **Abstract:**

This article examines patterns of gender sensitivity in divorce rulings issued by female judges in Indonesian Religious Courts and analyzes the factors shaping their judicial reasoning. Using an empirical legal research design, the study combines document analysis of selected divorce decisions with in-depth interviews of female judges in several Religious Courts across Sulawesi. Guided by Alimatul Qibtiyah's framework of gender sensitivity, the findings identify two dominant patterns: moderate and progressive. The moderate pattern is reflected in judicial reasoning that balances religious norms with social realities, emphasizing *maṣlahah*, harm prevention, and the psychological welfare of women and children within existing legal frameworks. The progressive pattern is evident in decisions that explicitly recognize domestic violence, economic neglect, and psychological abuse, and actively enforce women's post-divorce rights, including *nafkah 'iddah*, *mut'ah*, past maintenance, and child support, even in wife-initiated divorce cases. These patterns are influenced by factors such as gender-based empathy, professional experience, judicial training, and the implementation of Supreme Court regulations on gender-sensitive adjudication. This study highlights the role of female

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judges in advancing substantive justice in Islamic family law and underscores the importance of strengthening institutional support to ensure consistent protection of women's rights in Religious Courts.

**Keywords:**

Female judges; Gender sensitivity; Religious Courts;  
Moderate; Progressive

**Introduction**

In the judiciary institution, strategic positions such as judges, has long been dominated by men. In Indonesia, as of 2024, there were only 2,230 female judges out of a total of 7,689 judges nationwide.<sup>1</sup> This implies a lack of sensitivity, enabling courts to handle cases such as domestic violence, divorce, and discrimination with empathy and awareness of women's unique vulnerabilities, ensuring equal access to justice for all parties. Specifically in the context of Religious Courts, gender sensitivity is needed, for example, in resolving divorce cases, especially if the divorce is caused by violence, either in the form of physical, sexual, or economic violence. The presence of female judges is expected to enable to more deeply explore and assess the problems faced by women in their households from the perspective and experience of a woman.

The discourse on the relationship between female judges and gender issues has attracted the attention of a large scholarship. Research on female judges highlights both their existence and their decisions. Regarding the existence of female judges, in India,<sup>2</sup> female judges are considered to have low representation compared to male judges. Meanwhile, Means shows that black female judges often receive disrespectful treatment from both litigants and lawyers, and

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<sup>1</sup> Dwi Florence, "Perempuan di Balik Palu: Perjuangan Hakim Perempuan dalam Dunia Patriarki," *Dandapala*, June 25, 2025, <https://dandapala.com/article/detail/perempuan-di-balik-palu-perjuangan-hakim-perempuan-dalam-dunia-patriarki>.

<sup>2</sup> Gita Mittal and Dipika Jain, "Women's Equal Representation in the Higher Judiciary: A Case for Judicial Diversity in India," *International Journal of Comparative and Applied Criminal Justice* 47, no. 2 (2023): 185-99, <https://doi.org/10.1080/01924036.2022.2164317>.

their ability to provide fair decisions is still questionable.<sup>3</sup> Meanwhile, in Türkiye, 47% of the total number of judges, female judges, still face gender segregation and strong limitations when trying to advance their careers.<sup>4</sup> Livia Holden's research demonstrates that women's representation in Pakistan's judiciary remains substantially below international guideline standards and is nearly absent at the higher levels of the judicial system.<sup>5</sup>

Many studies have examined female judges from a decision-making perspective. Schultz questions whether gender differences affect judicial outcomes, while Johnson's study of the Supreme Court of Canada identifies behavioral distinctions between male and female judges, with women showing greater liberalism in civil rights, equality, and economic cases, but more conservatism in criminal matters. Rackley argues that female judges and judicial diversity enrich rather than undermine judicial decision-making. Other research similarly indicates that female judges have contributed innovative rulings in addressing discrimination.<sup>6</sup> More specifically, the topic of female judges has also been discussed by other researchers in various parts of the world, such as research conducted by Kalem,<sup>7</sup> Means,<sup>8</sup> Wei,<sup>9</sup>

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<sup>3</sup> Taneisha N Means, "Her Honor: Black Women Judges' Experiences with Disrespect and Recusal Requests in the American Judiciary," *Journal of Women, Politics and Policy* 43, no. 3 (2022): 310-27, <https://doi.org/10.1080/1554477X.2022.2068120>.

<sup>4</sup> Seda Kalem, "Being a Woman Judge in Turkish Judicial Culture," *International Journal of the Legal Profession* 27, no. 2 (2020): 119-44, <https://doi.org/10.1080/09695958.2019.1667807>.

<sup>5</sup> Livia Holden, "Women Judges in Pakistan," *International Journal of the Legal Profession* 26, no. 1 (2019): 89-104, <https://doi.org/10.1080/09695958.2018.1490296>.

<sup>6</sup> Mittal and Jain, "Women's Equal Representation in the Higher Judiciary: A Case for Judicial Diversity in India."

<sup>7</sup> Kalem, "Being a Woman Judge in Turkish Judicial Culture."

<sup>8</sup> Taneisha N. Means, "Her Honor: Black Women Judges' Experiences with Disrespect and Recusal Requests in the American Judiciary," *Journal of Women, Politics and Policy* 43, no. 3 (2022): 310-27, <https://doi.org/10.1080/1554477X.2022.2068120>.

<sup>9</sup> Shuai Wei and Xin Xin, "Does Gender Play a Role in Divorce Mediation?: Working Pattern of Women Judges in China," *Asian Journal of Women's Studies* 19, no. 3 (2013): 149-71, <https://doi.org/10.1080/12259276.2013.11666160>.

McLoughlin,<sup>10</sup> Voeten.<sup>11</sup> If clustered, there are three tendencies in the study of female judges in the world's judicial system. *First*, the study of the obstacles experienced by female judges in the judicial system.<sup>12</sup> Gitta Mittal and Dipika Jain conclude that the structural barriers faced by female judges are due to the lack of diversity in the Indian justice system. Hence, institutional reforms are needed to facilitate gender diversity in the justice system.<sup>13</sup> Meanwhile, Kalem concluded that female judges in Türkiye face major challenges in balancing work and family responsibilities, with heavy caseloads and a demanding professional environment.<sup>14</sup>

*Second*, a study on the bias of female judges in adjudication. Erik Voeten finds that female judges tend to be more responsive in discrimination cases, particularly those filed by women. Previous studies similarly indicate that female judges bring gender-based experiences into adjudication, enabling them to recognize women's issues more readily. However, research also suggests that female judges are generally more likely to identify rights violations regardless of the claimant's gender.<sup>15</sup> *Third*, a study on the importance of gender sensitivity in criminal law cases. Ulrike Schultz highlights the diverse evidence of gender differences in criminal law cases and emphasizes the importance of gender sensitivity in the legal profession.<sup>16</sup>

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<sup>10</sup> Kcasey McLoughlin, "'Collegiality Is Not Compromise': Farewell Justice Crennan, The Consensus Woman," *Australian Feminist Law Journal* 42, no. 2 (2016): 241-71, <https://doi.org/10.1080/13200968.2016.1254590>.

<sup>11</sup> Erik Voeten, "Gender and Judging: Evidence from the European Court of Human Right," *Journal of European Public Policy* 28, no. 9 (2020): 1453-73, <https://doi.org/10.1080/13501763.2020.1786146>.

<sup>12</sup> Rosalind Wright, "Sybil Campbell, First Woman Judge and Supporter of Higher Education for Women," *Women's History Review* 29, no. 4 (2020): 636-49, <https://doi.org/10.1080/09612025.2019.1702785>.

<sup>13</sup> Mittal and Jain, "Women's Equal Representation in the Higher Judiciary: A Case for Judicial Diversity in India."

<sup>14</sup> Kalem, "Being a Woman Judge in Turkish Judicial Culture."

<sup>15</sup> Voeten, "Gender and Judging: Evidence from the European Court of Human Right."

<sup>16</sup> Ulrike Schultz, "Gender and Potential Impacts on Decision-Making in Arbitration: Experiences from Germany in an International Field," *International Journal of the Legal Profession* 29, no. 1 (2022): 53-74, <https://doi.org/10.1080/09695958.2021.1953502>; Defel Fakhyadi et al., "Reconstructing Gender Relations for Family Resilience in Minangkabau: Integrating Islamic Law and Customary Law," *Al-Ahkam* 35, no. 1 (2025): 1-30, <https://doi.org/10.21580/ahkam.2025.35.1.22906>; Viktoriia Kobko-Odarii et al.,

Although extensive research has examined female judges globally, studies on their presence and decision-making in Indonesia's Religious Courts remain limited. Nurlaelawati's findings indicate that while female judges possess legal interpretive skills comparable to their male counterparts and demonstrate stronger gender sensitivity, these capacities have not yet been fully optimized to advance women's interests in litigation.<sup>17</sup> However, it seems that there has been no research that elaborates on the gender sensitivity patterns of female judges and what factors encourage this to emerge.

To address this gap, this study examines gender sensitivity in divorce rulings by female judges in Indonesia's Religious Courts. It challenges assumptions questioning women's judicial capacity and explores the factors shaping gender-sensitive reasoning. Conceptually and empirically, the study identifies patterns and determinants of gender-sensitive adjudication, offering insights to strengthen gender awareness in judicial practice.

Gender sensitivity refers to an awareness and deep understanding of gender differences and their social impact. In the legal context, it is essential to ensure fairness, objectivity, and the absence of gender bias in judicial processes. Conceptually, gender sensitivity in this study uses the concept of Alimatul Qibtiyah, which divides gender sensitivity into three indicators of thought patterns, namely, literalists, moderates, and progressives.<sup>18</sup> Literalist approaches assume that female judges prioritize normative-theological interpretations and reject gender or feminist perspectives as incompatible with Islamic teachings, emphasizing fixed gender roles and literal readings of religious texts. In contrast, moderate approaches avoid rigid literalism and attempt to adapt religious interpretation to social change, although they are often criticized for lacking a clear methodological framework. Progressive approaches differ by

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"Reconstructing Gender Equality in Family Law: A Normative and Comparative Analysis of European Family Law Systems in Religious Contexts," *Syariah: Jurnal Hukum dan Pemikiran* 25, no. 1 (2025): 195-214, <https://doi.org/10.18592/sjhp.v25i1.17694>.

<sup>17</sup> Euis Nurlaelawati and Arskal Salim, "Gendering the Islamic Judiciary: Female Judges in the Religious Courts of Indonesia," *Al-Jami'ah: Journal of Islamic Studies* 51, no. 2 (2014): 247-78, <https://doi.org/10.14421/ajis.2013.512.247-278>.

<sup>18</sup> Alimatul Qibtiyah, "Intersections: The Conceptualisation of Gender Issues Among Gender Activists and Scholars in Indonesian Universities," *Intersections: Gender and Sexuality in Asia and the Pacific*, 2012, <https://doi.org/10.25911/Y7RR-NZ10>.

employing contextual and hermeneutic interpretations of religious texts, seeking to address issues left unresolved by moderate positions and offering more responsive solutions to contemporary social realities.

The grouping of these three categories is inspired by the writings of Jajat Burhanuddin and Oman Fathurrahman, who classify gender and feminist thought into three categories, conservative, moderate, and liberal, based on interpretive approaches to religious texts and attitudes toward Western feminism. In this framework, conservatives adopt literal interpretations, liberals emphasize contextual and hermeneutic readings, while moderates occupy an intermediate position, alternating between literal and contextual approaches.<sup>19</sup>

To facilitate the presentation of research findings, we formulated two research questions for this study: (1) What are the patterns/forms of gender sensitivity of female judges in trying divorce cases in religious courts in Indonesia? (2) What factors encourage the emergence of gender sensitivity of female judges in deciding divorce in religious courts in Indonesia?

## **Methods**

This study employed an empirical legal research design. The research was conducted on a sample of decisions produced by female judges. The decisions of female judges in this study are pinned on decisions made by a panel of judges consisting entirely of female judges, or a panel of judges dominated by female judges, and at least a panel of judges whose chairperson is a woman. The decisions of female judges used as samples in this study are decisions in divorce cases in 6 (six) Religious Courts on the island of Sulawesi, including Religious Courts in the areas of South Sulawesi, Central Sulawesi, and Southeast Sulawesi, namely in the Watampone Religious Court, Pare-pare Religious Court, Sungguminasa Religious Court, Pangkajene Religious Court, Luwuk Religious Court, and Unaaha Religious Court. Interview participants consisted of 5 female judges, the majority of whom had positions as leaders of the Religious Court.

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<sup>19</sup> Qibtiyah; Achmad Hariri, "The Dialectics Feminism Paradigm of the Legal Marriage As a Form of Legal Protection in Women," *Syariah: Jurnal Hukum dan Pemikiran* 21, no. 2 (2021): 125–36, <https://doi.org/10.18592/sjhp.v21i2.3992>.

The selection of South Sulawesi, Central Sulawesi, and Southeast Sulawesi as the research locus was based on several key considerations. First, these regions record a relatively high incidence of divorce cases in Religious Courts, particularly wife-initiated divorces often linked to domestic violence, economic neglect, and marital abandonment, providing a strong empirical basis for examining gender-sensitive adjudication. Second, the significant presence of female judges, including in strategic positions, enables an analysis of judicial reasoning that reflects women's perspectives. Third, the diverse socio-cultural contexts of eastern Indonesia, where patriarchal norms coexist with evolving legal practices, offer a critical setting for exploring the interaction between religious norms, social realities, and gender sensitivity. Finally, the accessibility of court decisions and the willingness of female judges to participate in interviews further supported the selection of these regions as reliable research sites.

Data were collected through a review of judicial decisions issued by female judges selected as research samples. These decisions were systematically analyzed in accordance with the research questions. The documentary analysis was complemented by interviews with female judges conducted through face-to-face meetings, telephone calls, and WhatsApp communication. Data were analyzed using qualitative techniques, including data reduction, display, verification, and conclusion drawing. Alimatul Qibtiyah's gender sensitivity framework was employed to identify patterns of judicial reasoning and the factors underlying gender-sensitive adjudication. Conclusions and implications were then formulated accordingly.

## **Result and Discussion**

### **Gender Sensitivity Patterns of Female Judges' Decisions**

To identify the patterns and forms of gender sensitivity demonstrated by judges in resolving divorce cases in several Religious Courts across Sulawesi, this study examined the judicial decisions rendered by female judges who participated as informants. The analysis reveals that the reasoning of these judges reflects two predominant patterns of gender sensitivity, **moderate and progressive**, which serve as the legal and moral foundations in adjudicating wife-initiated divorce cases.

For the moderate one, this study indicates that a moderate pattern of judicial reasoning is evident in several case decisions, as presented in Table 1.

**Table 1.** Mapping of Moderate Pattern

No.	Decision Number	Religious Court	Essence of Judicial Reasoning	Indicators of Moderate Gender Sensitivity
1	505/Pdt.G/2023/PA.Pkj	Pangkajene	<i>Maṣlahah-maṣadah</i> -based reasoning beyond Marriage Law and KHI.	Avoidance of forced reconciliation; emphasis on preventing psychological harm
2	157/Pdt.G/2022/PA.Una	Unaaha	<i>Maṣlahah-maṣadah</i> -based reasoning beyond Quran.	Recognition of prolonged conflict as justification for divorce
3	350/Pdt.G/2023/PA.Pare	Parepare	<i>Maṣlahah-maṣadah</i> -based reasoning beyond Marriage Law and KHI.	Consideration of emotional suffering of spouses
4	116/Pdt.G/2023/PA.Wtp	Watampone	<i>Maṣlahah-maṣadah</i> -based	Child-centered reasoning

No.	Decision Number	Religious Court	Essence of Judicial Reasoning	Indicators of Moderate Gender Sensitivity
			reasoning beyond Marriage Law and KHI.	based on psychological welfare

As shown in Table 1, the moderate pattern of gender-sensitive adjudication is marked by judicial reasoning that extends beyond a strict reliance on the Marriage Law and the Compilation of Islamic Law (KHI). Most decisions in this category apply a *maṣlaḥah-maḥsadah* approach, integrating normative legal provisions with contextual considerations, particularly psychological harm and the futility of forced reconciliation. This demonstrates that female judges interpret statutory norms in light of lived marital realities, especially where prolonged conflict renders the continuation of marriage more harmful than beneficial. The prevalence of this approach also highlights the limitations of existing legal instruments in addressing complex emotional and relational harms, leading judges to invoke broader Islamic legal principles, such as harm prevention and public interest, to justify divorce as a means of protecting human dignity and welfare.

Decision No. 157/Pdt.G/2022/PA.Una differs slightly from the others in that the judicial reasoning explicitly extends beyond both statutory law and Qur’anic literalism. Rather than grounding the decision primarily in formal legal texts, the judges emphasize the substantive consequences of marital breakdown and prolonged hostility as sufficient grounds for divorce. This distinction demonstrates a deeper contextualization of religious norms, where textual ideals of marital preservation are subordinated to the prevention of sustained harm.

Each decision in Table 1 contributes distinct empirical evidence of moderate gender sensitivity. While all cases share a welfare-oriented orientation, they differ in their emphasis, ranging from psychological harm, child welfare, to the impossibility of reconciliation, thereby

illustrating how moderate reasoning operates flexibly across varying factual contexts rather than through a uniform legal formula.

As illustrated in Table 1, the moderate pattern of gender-sensitive reasoning is manifested through judicial considerations that emphasize the prevention of harm and the recognition of irreparable marital breakdown. One clear example can be found in Decision No. 505/Pdt.G/2023/PA.Pkj, in which the court explicitly acknowledges the impossibility of reconciliation and frames divorce as a necessary legal measure to prevent prolonged suffering for both parties.

"...there is an ongoing dispute and is an indication that the marriage that has been built has broken up (broken marriage) and is difficult to reconcile again, which does not rule out the possibility that such conditions will cause misery and suffering for both parties (the Plaintiff and Defendant) ..."

(as presented in Case No. 1 of Table 1, Decision No. 505/Pdt.G/2023/PA.Pkj).

Similarly, this pattern of reasoning is also evident in the judicial considerations of other decisions, as illustrated below:

"Considering that, although divorce is an act detested by Allah, maintaining a marriage in which the spouses no longer love each other and only harbor hostility and resentment, as experienced by the Plaintiff and the Defendant, would likely bring about greater harm (*mafsadah*) than benefit (*maṣlahah*). Such circumstances cause prolonged psychological suffering for both parties, whereas preventing harm should take precedence over pursuing benefit." (A similar line of judicial reasoning can be observed in Decision No. 157/Pdt.G/2022/PA.Una, in which the judges explicitly weighed the *mafsadah* of prolonged marital conflict against the *maṣlahah* of marital preservation).

Decision No. 350/Pdt.G/2023/PA.Pare further illustrates how moderate gender-sensitive reasoning operates in divorce adjudication. This excerpt illustrates a moderate judicial approach. The judge's

reasoning goes beyond a literal adherence to religious texts that idealize marital preservation, taking into account the real circumstances of the parties. By recognizing that ongoing conflict has irreparably damaged the marriage and that forcing reconciliation would only cause further suffering, the decision reflects an awareness of social realities and a concern for justice and welfare. This balanced reasoning, combining legal norms with compassion, positions the judgment within the moderate pattern of gender-sensitive adjudication.

Additionally, the judge's decision to grant child custody to the mother, based on the specific needs of a child who has not yet reached the age of discernment, also exemplifies a moderate pattern.

Considering, that the Panel of Judges considers that a mother is considered to understand the needs of her children better and is better able to show her affection, and likewise a child of that age is in great need of living close to her mother."

(This approach is further illustrated in Decision No. 1116/Pdt.G/2023/PA.Wtp, where the Panel of Judges granted child custody to the mother based on the psychological and emotional needs of a child who has not yet reached the age of discernment).

This decision reflects a moderate approach to gender sensitivity, as the judge moves beyond rigid textualism to consider the child's psychological and emotional needs, particularly the importance of maternal care in early development. This reasoning aligns legal norms with social realities and prioritizes the child's welfare. These judicial considerations are consistent with interview findings from Judges FM and RD, who view divorce as a necessary measure to prevent prolonged physical and emotional suffering and support granting child custody to the mother in the best interests of the child. Judge FM argued that...

...In our practice at the religious court, custody of children who have not yet reached the age of discernment, typically those under twelve years old, is generally awarded to the mother. This decision is guided not only by statutory

provisions and established jurisprudence, but also by careful consideration of the child's psychological well-being and emotional needs...  
(Interview, Judge FM).

Meanwhile, Judge RD explains that child custody determinations are guided by the principle of the best interests of the child rather than rigid legal formalism. Custody is generally awarded to the mother as a measure to protect the child's psychological well-being. Custody may be reconsidered only if the mother obstructs the father's ability to provide affection, while mediation remains a priority to achieve resolutions oriented toward the child's best interests.

Interviews with Judges reveal a moderate orientation in child custody adjudication, where decisions extend beyond formal legal norms to consider the child's emotional and psychological well-being, emphasizing the mother's central role in early development. This approach reflects growing judicial empathy toward social realities and the protection of women's dignity, prioritizing fairness and practical justice over rigid formalism while ensuring that rulings remain consistent with both legal principles and lived human experience.

Meanwhile, the progressive pattern, as can be seen in Table 2, is frequently observed in the decision documents, as well as supported by interview data.

**Table 2.** Mapping of Progressive Pattern

No	Decision Number	Religious Court	Essence of Judicial Reasoning	Progressive Judicial Characteristics
1	459/Pdt.G/2021/PA. Unaaha	Unaaha	Recognition of domestic violence as a violation of Law No. 23/2004 on the Elimination of Domestic Violence.	Explicit recognition of domestic violence and psychological abuse; proactive enforcement of wife's post-divorce rights

No	Decision Number	Religious Court	Essence of Judicial Reasoning	Progressive Judicial Characteristics
2	1250/Pdt.G/2023/PA. Wtp	Watampone	Application of a victim-protection and gender-equality perspective in judicial reasoning.	( <i>'iddah</i> maintenance, <i>mut'ah</i> , and child support) despite wife-initiated divorce Judicial acknowledgment of economic neglect as a form of marital violation; ordering payment of past maintenance ( <i>nafkah māḍiyah</i> ) without explicit claim from the wife
3	872/Pdt.G/2023/PA.S gm	Sungguminasa	Fulfillment of past maintenance, <i>mut'ah</i> compensation, and child support in wife-initiated	Application of Supreme Court Regulation on gender-sensitive adjudication to ensure substantive justice beyond

No.	Decision Number	Religious Court	Essence of Judicial Reasoning	Progressive Judicial Characteristics
4	169/Pdt.G/2025/PA.B r	Barru	divorce cases.  Fulfillment of <i>'iddah</i> maintenance, past maintenance, and <i>mut'ah</i> entitlements in wife-initiated divorce cases.	formal marital fault  Child-centered reasoning emphasizing psychological welfare and emotional security as primary legal considerations

As reflected in the progressive pattern mapped in Table 2, female judges demonstrate a willingness to explicitly recognize domestic violence as a legal violation rather than merely a private marital issue. This approach is clearly illustrated in Decision No. 459/Pdt.G/2021/PA Una, where the Panel of Judges identified both physical and psychological abuse as forms of domestic violence and directly applied Law Number 23 of 2004 on the Elimination of Domestic Violence. The Panel of Judges stated:

"Considering that, in addition to that, the Defendant has also been proven to have wasted the household that had been built together with the Plaintiff, even though they had been blessed with children, this has instead made the Defendant even more irresponsible by physically and psychologically hurting the Plaintiff, so that the Panel of Judges concludes that The defendant has violated Article 5 letters a and b of Law Number 23 of 2004 concerning the Elimination of Domestic Violence"

This ruling exemplifies a progressive approach to gender-sensitive adjudication. The judges firmly recognized both physical and psychological violence, grounding their decision in Article 5(a-b) of Law No. 23 of 2004 on the Elimination of Domestic Violence. By prioritizing legal protection for victims and affirming women's rights within Islamic judicial reasoning, the judgment transforms the law from a mere normative tool into an instrument of substantive justice against gender-based violence.

This approach is consistent with the interview findings from Judge NS, who argued that...

"As female judges, we sometimes feel anger when witnessing husbands who severely mistreat their wives, neglecting them, committing violence, indulging in alcohol, gambling, or infidelity. We can understand when wives decide to seek divorce out of exhaustion from such circumstances. Some even face husbands with sexual deviance, which causes profound physical and psychological suffering. Continuing such marriages would clearly bring greater harm."

This excerpt reflects a progressive judicial pattern, as the judge frames divorce as a legitimate right and a necessary means to protect women from ongoing physical, psychological, and economic harm. By emphasizing that harm outweighs benefit, the ruling rejects the normalization of abusive marriages and affirms the protection of victims as a core element of justice. Likewise, decisions invoking Supreme Court Regulations (PERMA) and Circulars (SEMA) to enforce women's post-divorce rights, such as *nafkah 'iddah*, *mut'ah*, and *nafkah māḍiyah*, and to recognize forced marital continuation as a form of abuse further exemplify progressive gender-sensitive adjudication.

As shown in Table 2, the progressive pattern is marked by judicial reasoning that actively enforces women's post-divorce rights and explicitly recognizes psychological harm as a form of domestic violence. This pattern is evident in Decisions No. 169/Pdt.G/2025/PA.Br and No. 1250/Pdt.G/2023/PA.Wtp. In Decision No. 169/Pdt.G/2025/PA.Br, the court applied Supreme Court Regulation (PERMA) No. 3 of 2017 in conjunction with Supreme Court

Circular (SEMA) No. 2 of 2019, requiring the fulfillment of *nafkah 'iddah* as a prerequisite for issuing the divorce certificate. This approach reflects a commitment to substantive legal protection rather than mere formal dissolution.

Similarly, Decision No. 1250/Pdt.G/2023/PA.Wtp demonstrates progressive reasoning by recognizing emotional suffering resulting from marital infidelity as a form of psychological violence. By linking extramarital conduct to the wife's emotional distress and loss of dignity, the court reframed infidelity from a purely moral issue into a legally relevant harm. Taken together, these decisions indicate that progressive adjudication in Religious Courts operates through both the enforcement of gender-sensitive procedural regulations and the substantive recognition of psychological harm within marital relationships.

These two excerpts highlight the judges' commitment to achieving substantive justice and safeguarding vulnerable parties in divorce cases adjudicated in religious courts. The first excerpt shows a progressive stance, as the judge mandates the payment of *nafkah 'iddah*, *mut'ah*, and *nafkah māḍiyah* before divorce pronouncement, ensuring women's economic rights beyond mere legal formalities. The second reflects empathy and justice by rejecting the continuation of broken marriages that only perpetuate suffering. Together, these rulings illustrate a progressive model of gender sensitivity, reinforced institutionally through judicial training, workshops, and policy advocacy aimed at strengthening protection for women and children.

The affirmation of women's post-divorce rights is also strongly reflected in interview data with female judges. Judge NRM highlighted that the protection of women's rights is not only a legal mandate but also a moral responsibility of the judiciary, particularly in cases involving abandonment and prolonged economic neglect by husbands. Judge NRM explained:

"We strive to protect women in line with directives from the Religious Judicial Authority and Supreme Court Regulation (PERMA) No. 3 of 2017. This is a fundamental judicial duty, ensuring women understand their rights and the state's protection. Many now come forward to report abandonment and lack of financial support. Yet, some husbands remain selfish, leaving their wives for years

without support while refusing to grant a divorce. Such attitudes must be questioned.”

These perspectives reflect a progressive judicial commitment to the protection of women’s rights within Religious Courts. Guided by PERMA, judges ensure the fulfillment of women’s post-divorce rights—such as *nafkah ‘iddah* and *mut’ah*—as a prerequisite for the issuance of divorce certificates, thereby translating formal legal protection into tangible post-divorce security for women. This commitment extends beyond procedural adjudication and is also manifested in the judges’ educational and advocacy roles, encouraging women to assert their rights. Such practices affirm that the protection of women constitutes a substantive moral and professional obligation within the judiciary, rather than mere rhetorical compliance.

According to Judge NRM, many divorce petitions are initiated by wives who have endured prolonged emotional and economic suffering. She noted:

“The majority of divorce petitions are filed by wives who feel aggrieved, such as those abandoned for years without financial support or subjected to infidelity. Many women choose not to pursue their legal rights in the divorce process due to deep emotional wounds, with their primary concern being immediate relief from prolonged suffering.”

This perspective is further reinforced by Judge FM, an experienced female judge, who observed that systemic patterns of injustice frequently arise from prolonged neglect and unequal marital practices, particularly in cases involving polygamous remarriage without fulfillment of prior obligations. As Judge FM explained:

“A significant number of women experience injustice, including being left without financial support for extended periods or being neglected after their husbands remarry without fulfilling their obligations toward their first wives.”

Judge NRM highlights women's emotional suffering from abandonment, infidelity, and prolonged conflict, noting that many seek peace rather than compensation, while continuing to encourage them to claim their rightful entitlements as a form of empowerment. Similarly, Judge FM acknowledges the widespread neglect faced by wives deprived of financial and emotional support. Together, these insights show that judges increasingly integrate empathy, child welfare considerations, and social awareness into their rulings, aligning legal norms with the lived realities of women in pursuit of substantive justice.

This study identifies two dominant patterns of gender sensitivity in divorce rulings by female judges in Sulawesi's Religious Courts, moderate and progressive, with the moderate pattern prevailing. These rulings reflect a shift toward balancing religious norms with social realities by prioritizing human welfare, avoiding forced reconciliation in irreparably broken marriages, and considering the well-being of women and children, as illustrated in Decision 505/PA.PKJ/2023. Custody decisions favoring mothers are likewise grounded in psychological considerations rather than formal legalism, paralleling family law developments such as the best interests of the child principle in England and Australia.<sup>20</sup>

The progressive pattern is most visible in cases of domestic violence and neglect. Judges actively apply the Domestic Violence Eradication Law and Supreme Court Regulation No. 3/2017 to guarantee women's post-divorce economic rights. Orders compelling husbands to pay *nafkah 'iddah*, *mut'ah*, and *nafkah mādiyah* before divorce reflect substantive gender justice, going beyond mere legal formalities. This approach is reinforced by judicial training, capacity-building for female judges, and Supreme Court policies that institutionalize the protection of women and children as a national priority.

Similar findings are reflected in the research of Erik Voeten, which indicates that female judges are generally more sensitive to violations of women's rights, particularly regarding physical and

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<sup>20</sup> Patrick Parkinson, *Family Law and the Indissolubility of Parenthood, Family Law and the Indissolubility of Parenthood* (Cambridge: Cambridge University Press, 2011); Mohamed Sulthan Ismiya Begum et al., "Gender Equity in Muslim Family Law: Modern and Contemporary 'Ulamā's View," *Al-Ahkam* 34, no. 2 (2024): 221-56, <https://doi.org/10.21580/ahkam.2024.34.2.20773>.

psychological violence.<sup>21</sup> Protosavitska also underscores the importance of gender-sensitive legislation as an effective means of implementing substantive justice for vulnerable groups.<sup>22</sup> The emergence of moderate and progressive patterns among female judges is closely linked to gender identity, empathy, and professional experience. While judges draw on their sensitivity as women, particularly in cases of domestic violence and neglect, they remain bound by legal facts and procedural constraints. The reluctance of many women to claim post-divorce rights due to trauma remains a challenge, prompting judges to emphasize the need for stronger legal advocacy to empower women to assert their rights.

These findings are also consistent with global trends showing that the presence of female judges increases gender sensitivity in judicial practice. Research by S. Wei in China, for example, shows that female judges tend to use mediation approaches and actively promote victims' rights in domestic violence cases, drawing on both legal rules and lived experience.<sup>23</sup> Similarly, Schultz & Shaw, in their cross-cultural study, found that life experiences as women, particularly among minorities and vulnerable groups, greatly influence how female judges approach and decide cases concerning women's interests.<sup>24</sup>

From a *maqāṣid asy-syarī'ah* perspective, these findings illustrate that gender sensitivity within religious courts represents a practical realization of Islamic legal objectives. Judicial decisions protecting victims of domestic violence, granting custody based on the child's best interests, and securing women's economic rights after divorce embody the principles of preserving life (*ḥifẓ an-nafs*), property (*ḥifẓ al-māl*), lineage (*ḥifẓ an-nasl*), and dignity (*ḥifẓ al-'ird*). By avoiding superficial

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<sup>21</sup> Voeten, "Gender and Judging: Evidence from the European Court of Human Right."

<sup>22</sup> Liudmyla Protosavitska, "Legal Aspects of Gender Equality and Their Legislative Consolidation," *Law. Human. Environment* 14, no. 1 (2023): 88–106, <https://doi.org/10.31548/law/1.2023.88>.

<sup>23</sup> Shuai Wei, "Gendered Justice in China: Victim–Offender Mediation as the 'Different Voice' of Female Judges," *International Journal of Offender Therapy and Comparative Criminology* 65, no. 4 (2021): 346–72, <https://doi.org/10.1177/0306624X20936202>.

<sup>24</sup> Ulrike Schultz and Gisela Shaw, *Gender and Judging* (New York: Bloomsbury Publishing, 2013); Burhanuddin et al., "Reconstructing Gender Justice in Kampung Kuta Ciamis Customary Law: A Patriarchal Culture Review," *Petita: Jurnal Kajian Ilmu Hukum dan Syariah* 10, no. 1 (2025): 127–45, <https://doi.org/10.22373/petita.v10i1.373>.

reconciliation that endangers women's well-being, judges uphold not only positive law but also the public interest (*maṣlahah*), affirming justice and welfare as core elements of contemporary Islamic family law. Overall, this study advances gender justice grounded in *maqāṣid asy-syarī'ah*, demonstrating that substantive justice is achievable through progressive judicial reform and institutional commitment.

### **Factors Driving the Emergence of Gender Sensitivity in Female Judges**

The results of the study indicate that factors underlying the emergence of gender sensitivity from female judges in deciding divorce cases include factors of gender identity similarity (empathy), education, and life experience.

Gender identity similarity refers to the shared gender identity between female judges and the parties involved in divorce cases, particularly women such as wives or mothers. This similarity creates the potential for empathy, the capacity to understand, feel, and place oneself in the position of those experiencing gender-related challenges, such as victims of domestic violence, neglect, or injustice within the household. As expressed by FM:

“At times, I can't help but feel empathy, even though the judicial code of ethics prohibits it. As women, such instincts are natural and shared by many female judges. Nevertheless, decisions must be based on courtroom facts; there are cases where plaintiffs recount domestic violence in tears, yet without sufficient evidence, we must still rule according to the law.”

The statement shows that a sense of empathy as a fellow woman, especially in cases that corner women, cannot be avoided, although on the other hand, a judge is also required to be neutral or, as far as possible, always try to be professional in resolving every case she faces. The feeling of being able to understand and feel what a wife feels, especially in cases of divorce due to the husband's cruelty to his wife, was also acknowledged by another female judge, NS, as follows:

“As fellow women, judges often experience strong emotional reactions when confronting cases in which

husbands seriously mistreat their wives through neglect, violence, substance abuse, infidelity, or other harmful behavior. In such circumstances, it is understandable that wives choose divorce after prolonged suffering, as maintaining such marriages would only exacerbate physical and psychological harm.”

Additional empirical support for this pattern emerges from interviews with female judges, revealing consistent judicial concerns regarding women’s vulnerability and substantive justice. Further, Judges NRM stated:

“The fact is that many women (wives) are wronged, making them unable to cope with the situation. What is even more unfortunate is if it is unclear where the partner is for 9 years and there is no income. Sometimes there are also cases of husbands who cheat, marry other women and do not provide for their previous wives.”

This recognition further emphasizes that a female judge will have gender sensitivity because of empathy for the tragic fate experienced by a wife who decided to divorce her husband. However, they are required to remain professional so that they will still decide on the established corridor, for example, they will still be ordered to take peaceful measures or other procedures as regulated in the procedural law.

The second factor is life experience. It encompasses the personal experiences of female judges, whether as individuals, wives, mothers, or members of the broader community of women. These experiences include their social, cultural, and professional encounters throughout their lives.

As a case decider, a judge, including a female judge, of course, in addition to having to base it on the laws that regulate it, must also observe the facts in the trial and the experience in resolving the case or previous cases. Facts and experiences in the trial will trigger gender sensitivity. For example, this reasoning is clearly illustrated in Decision No. 505/Pdt.G/2023/PA.Pkj, in which the Panel of Judges emphasized the persistence of marital conflict despite repeated judicial efforts at reconciliation. The court noted that continuous advice and mediation

had failed to restore harmony between the spouses, thereby establishing the existence of an ongoing dispute and justifying the conclusion that the marriage had irretrievably broken down. The Panel of Judges stated:

“Considering that in every trial the Panel of Judges has tried their best to advise the Plaintiff so that her household with the Defendant remains harmonious and peaceful; however, the Plaintiff’s position has remained unchanged, and until this case was decided, the condition of the Plaintiff’s and Defendant’s household had not improved. This constitutes an indication of an ongoing dispute and demonstrates that the marriage that has been built has irretrievably broken down and is difficult to reconcile.”

The above verdict excerpt shows that the facts found by the judge in the trial, which already point to the strong determination of the wife to divorce her husband, are the reason for the judge to grant the wife's divorce suit. This is especially true in divorce cases that are quite sensitive, such as divorce due to infidelity and domestic violence, as in the case quoted above. A judge, especially a female judge, will be able to understand the mood of a wife who has been hurt and betrayed.

In this regard, Erik Voeten<sup>25</sup> in her research found that female judges were generally more likely to find violations, regardless of the applicant's gender. This was especially true in cases involving violations of the right to physical integrity, such as torture. However, M. Voorhoeve also revealed that women's experiences differ from men's because of their gender. The experiences of lower-class women are also different from those of middle- and upper-class women, as the experiences of minority women are different from those of the

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<sup>25</sup> Voeten, “Gender and Judging: Evidence from the European Court of Human Right”; Dian Latifiani et al., “Reconstruction of E-Court Legal Culture in Civil Law Enforcement,” *JILS (Journal of Indonesian Legal Studies)* 7, no. 2 (2022): 557–84, <https://doi.org/10.15294/jils.v7i2.59993>.

majority.<sup>26</sup> Meanwhile, S. Wei revealed that female judges are accustomed to using mediation as their preferred dispute resolution method to facilitate reconciliation between the two parties and seek civil compensation for victims. This kind of judicial behavior is the result of the Supreme Court's propaganda and is a reflection of the lives and work experiences of female judges.<sup>27</sup>

The third is the educational factor or feminist insight. Other factors that are quite influential are the feminist insights that female judges have through education and training, as expressed by judge FM:

“Judges regularly receive training aimed at strengthening the protection of women and children, often in collaboration with the Supreme Court and relevant institutions. These include workshops organized by bodies such as KPAI, capacity-building programs supported by KOMPAK, guidance from the plenary sessions of the Supreme Court’s Religious Chamber, and specialized modules in judicial candidate (Cakim) training, which now provide more comprehensive material on gender-sensitive adjudication.”

More specifically, in relation to legal education, another female judge revealed that the regulations in force in the court environment are also directed at protecting women and children. Judge RD emphasized that the enforcement of women’s rights following divorce is not merely discretionary but constitutes a mandatory judicial obligation under Supreme Court Regulation (PERMA) No. 3 of 2017. Judge RD said:

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<sup>26</sup> Maaïke Voorhoeve, “Gender and Judging in Tunisia and the Intersections of Penalty and Privilege,” *Onati Socio-Legal Series* 13, no. 3 (2023): 1118–40, <https://doi.org/10.35295/OSLS.IISL/0000-0000-0000-1204>; Aniek Rahmaniah et al., “The Movement of Muhammadiyah Women: Religious Values, Culture, and Gender Equality,” *Jurnal Ilmiah Peuradeun* 13, no. 1 (2025): 669–94, <https://doi.org/10.26811/peuradeun.v13i1.1089>; Rosdalina Bukido et al., “The Resilience of Blind Families in Building a Sakinah Family: Adaptive Strategies and the Role of Islamic Values,” *Nurani* 25, no. 2 (2025): 399–425, <https://doi.org/10.19109/nurani.v25i2.27276>.

<sup>27</sup> Wei, “Gendered Justice in China: Victim–Offender Mediation as the ‘Different Voice’ of Female Judges.”

“Which in Perma 3 of 2017 concerning Guidelines for Judging Women in Conflict with the Law, that we must pay attention to women's rights. For example, in a divorce case, if there is a burden for the husband, the husband's divorce certificate will be withheld until the person concerned pays the burden imposed on him.”

In addition, the structural emphasis factor from the Supreme Court is also quite influential, especially after the issuance of Perma No. 3 of 2017 concerning Guidelines for Adjudicating Cases of Women in Conflict with the Law. As expressed by Maria Mousmuti,<sup>28</sup> the legislative decision-making that takes gender issues into account is the only way to produce gender-sensitive laws that positively promote gender equality and can achieve their goals (effectively). This is also due to the support factor from the internal side of women themselves, who are sometimes apathetic and only focus on resolving divorce, not obsessed with demanding their rights that they should be able to get. Among these rights are *'iddah* maintenance, *mut'ah*, *māḍiyah* (past maintenance), and child maintenance costs. This is acknowledged by a Judge NRM:

Maybe because there is trauma, or maybe a self-esteem issue, or maybe because she is too lazy to communicate with her ex-husband anymore. There are also those who are already upset or angry, so they don't want to demand their rights or receive a single cent from their husband when the divorce occurs. For her, the most important thing is to be free from marriage.

In relation to this issue, female judges have a strategic position in socializing the rights of wives and children in divorce. Female judges are expected to provide understanding and encourage wives to dare to demand their rights, especially in divorce cases in religious courts.

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<sup>28</sup> Maria Mousmouti, “Gender-Sensitive Law-Making: Concept and Process,” *Theory and Practice of Legislation* 10, no. 3 (2022): 223–33, <https://doi.org/10.1080/20508840.2022.2125704>; Zia Thahira and Dwini Handayani, “The Impact of Mother’S Gender Preference on Children’S Cognitive Ability in Indonesia,” *Jurnal Ilmiah Peuradeun* 11, no. 3 (2023): 1027–52, <https://doi.org/10.26811/peuradeun.v11i3.1008>.

Moreover, in legal procedures, there are certain rights that sometimes cannot be decided by judges *ex officio* but must begin with a request from the wife. On the other hand, judges also tend to be careful not to issue *ultra petita* decisions or go beyond the plaintiff's claims.

### Conclusion

This study concludes that gender sensitivity among female judges in Religious Courts is expressed through two dominant patterns, namely moderate and progressive. These findings refine Alimatul Qibtiyah's gender sensitivity framework by evidencing that contemporary judicial practice has largely moved beyond literalist reasoning toward a balanced engagement between legal norms and social realities. The emergence of such sensitivity is influenced by shared gender experiences, judicial professionalism, accumulated case-handling experience, and the institutional support of gender-responsive regulations and judicial training. However, this gender sensitivity has not yet been fully effective in guaranteeing women's post-divorce economic rights, including *'iddah* maintenance, past maintenance (*nafkah māḍiyah*), and child support, particularly when these entitlements are not expressly pleaded in the wife's divorce claim. Accordingly, this study emphasizes the normative urgency of strengthening judicial roles and institutional mechanisms to ensure substantive protection of women's rights in accordance with the principles of *maqāṣid asy-syari'ah* and gender justice.

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### Bibliography

Begum, Mohamed Sulthan Ismiya, Indriaty Ismail, Zul'Azmi Yaakob, Ahamed Sarjoon Razick, and Mohamed Mahroof Ali Abdullah. "Gender Equity in Muslim Family Law: Modern and

- Contemporary 'Ulamā's View." *Al-Ahkam* 34, no. 2 (2024): 221–56. <https://doi.org/10.21580/ahkam.2024.34.2.20773>.
- Bukido, Rosdalina, L. Sudirman, Suprijati Sarib, Nur Paikah, Anisa Putri Lestari Mokoginta, Misbahul Munir Makka, and Zayed Nawaf Awad Al-Dwairi. "The Resilience of Blind Families in Building a Sakinah Family: Adaptive Strategies and the Role of Islamic Values." *Nurani* 25, no. 2 (2025): 399–425. <https://doi.org/10.19109/nurani.v25i2.27276>.
- Burhanuddin, Eneng Nuraeni, Abdy Yuhana, Oyo Sunaryo Mukhlas, and Opik Rozikin. "Reconstructing Gender Justice in Kampung Kuta Ciamis Customary Law: A Patriarchal Culture Review." *Petita: Jurnal Kajian Ilmu Hukum dan Syariah* 10, no. 1 (2025): 127–45. <https://doi.org/10.22373/petita.v10i1.373>.
- Fakhyadi, Defel, Muhammad Adib Samsudin, Vito Dasrianto, Muhammad Danil, and Ade Arga Wahyudi. "Reconstructing Gender Relations for Family Resilience in Minangkabau: Integrating Islamic Law and Customary Law." *Al-Ahkam* 35, no. 1 (2025): 1–30. <https://doi.org/10.21580/ahkam.2025.35.1.22906>.
- Florence, Dwi. "Perempuan di Balik Palu: Perjuangan Hakim Perempuan dalam Dunia Patriarki." *Dandapala*. June 25, 2025. <https://dandapala.com/article/detail/perempuan-di-balik-palu-perjuangan-hakim-perempuan-dalam-dunia-patriarki>.
- Hariri, Achmad. "The Dialectics Feminism Paradigm of the Legal Marriage As a Form of Legal Protection in Women." *Syariah: Jurnal Hukum dan Pemikiran* 21, no. 2 (2021): 125–36. <https://doi.org/10.18592/sjhp.v21i2.3992>.
- Holden, Livia. "Women Judges in Pakistan." *International Journal of the Legal Profession* 26, no. 1 (2019): 89–104. <https://doi.org/10.1080/09695958.2018.1490296>.
- Kalem, Seda. "Being a Woman Judge in Turkish Judicial Culture." *International Journal of the Legal Profession* 27, no. 2 (2020): 119–44. <https://doi.org/10.1080/09695958.2019.1667807>.
- Kobko-Odarii, Viktoriia, Yuliia Leheza, Konstantin Sokolovskiy, Halyna Tatarenko, and Oleksandra Nestertsova-Sobakar. "Reconstructing Gender Equality in Family Law: A Normative and Comparative Analysis of European Family Law Systems in Religious Contexts." *Syariah: Jurnal Hukum dan Pemikiran* 25, no. 1 (2025): 195–214. <https://doi.org/10.18592/sjhp.v25i1.17694>.
- Latifiani, Dian, Yusriadi Yusriadi, Agus Saroni, Habib Al Fikry, and

- Mohammad Nur Cholis. "Reconstruction of E-Court Legal Culture in Civil Law Enforcement." *JILS (Journal of Indonesian Legal Studies)* 7, no. 2 (2022): 557-84. <https://doi.org/10.15294/jils.v7i2.59993>.
- McLoughlin, Kcasey. "'Collegiality Is Not Compromise': Farewell Justice Crennan, The Consensus Woman." *Australian Feminist Law Journal* 42, no. 2 (2016): 241-71. <https://doi.org/10.1080/13200968.2016.1254590>.
- Means, Taneisha N. "Her Honor: Black Women Judges' Experiences with Disrespect and Recusal Requests in the American Judiciary." *Journal of Women, Politics and Policy* 43, no. 3 (2022): 310-27. <https://doi.org/10.1080/1554477X.2022.2068120>.
- Means, Taneisha N. "Her Honor: Black Women Judges' Experiences with Disrespect and Recusal Requests in the American Judiciary." *Journal of Women, Politics and Policy* 43, no. 3 (2022): 310-27. <https://doi.org/10.1080/1554477X.2022.2068120>.
- Mittal, Gita, and Dipika Jain. "Women's Equal Representation in the Higher Judiciary: A Case for Judicial Diversity in India." *International Journal of Comparative and Applied Criminal Justice* 47, no. 2 (2023): 185-99. <https://doi.org/10.1080/01924036.2022.2164317>.
- Mousmouti, Maria. "Gender-Sensitive Law-Making: Concept and Process." *Theory and Practice of Legislation* 10, no. 3 (2022): 223-33. <https://doi.org/10.1080/20508840.2022.2125704>.
- Nurlaelawati, Euis, and Arskal Salim. "Gendering the Islamic Judiciary: Female Judges in the Religious Courts of Indonesia." *Al-Jami'ah: Journal of Islamic Studies* 51, no. 2 (2014): 247-78. <https://doi.org/10.14421/ajis.2013.512.247-278>.
- Parkinson, Patrick. *Family Law and the Indissolubility of Parenthood*. Cambridge: Cambridge University Press, 2011.
- Protosavitska, Liudmyla. "Legal Aspects of Gender Equality and Their Legislative Consolidation." *Law. Human. Environment* 14, no. 1 (2023): 88-106. <https://doi.org/10.31548/law/1.2023.88>.
- Qibtiyah, Alimatul. "Intersections: The Conceptualisation of Gender Issues Among Gender Activists and Scholars in Indonesian Universities." *Intersections: Gender and Sexuality in Asia and the Pacific*, 2012. <https://doi.org/10.25911/Y7RR-NZ10>.
- Rahmaniah, Aniek, Emy Susanti, Dwi Windyastuti Budi Hendrarti,

- and Ulfi Andrian Sari. "The Movement of Muhammadiyah Women: Religious Values, Culture, and Gender Equality." *Jurnal Ilmiah Peuradeun* 13, no. 1 (2025): 669-94. <https://doi.org/10.26811/peuradeun.v13i1.1089>.
- Schultz, Ulrike. "Gender and Potential Impacts on Decision-Making in Arbitration: Experiences from Germany in an International Field." *International Journal of the Legal Profession* 29, no. 1 (2022): 53-74. <https://doi.org/10.1080/09695958.2021.1953502>.
- Schultz, Ulrike, and Gisela Shaw. *Gender and Judging*. New York: Bloomsbury Publishing, 2013.
- Thahira, Zia, and Dwini Handayani. "The Impact of Mother'S Gender Preference on Children'S Cognitive Ability in Indonesia." *Jurnal Ilmiah Peuradeun* 11, no. 3 (2023): 1027-52. <https://doi.org/10.26811/peuradeun.v11i3.1008>.
- Voeten, Erik. "Gender and Judging: Evidence from the European Court of Human Right." *Journal of European Public Policy* 28, no. 9 (2020): 1453-73. <https://doi.org/10.1080/13501763.2020.1786146>.
- Voorhoeve, Maaïke. "Gender and Judging in Tunisia and the Intersections of Penalty and Privilege." *Onati Socio-Legal Series* 13, no. 3 (2023): 1118-40. <https://doi.org/10.35295/OSLS.IISL/0000-0000-0000-1204>.
- Wei, Shuai. "Gendered Justice in China: Victim-Offender Mediation as the 'Different Voice' of Female Judges." *International Journal of Offender Therapy and Comparative Criminology* 65, no. 4 (2021): 346-72. <https://doi.org/10.1177/0306624X20936202>.
- Wei, Shuai, and Xin Xin. "Does Gender Play a Role in Divorce Mediation?: Working Pattern of Women Judges in China." *Asian Journal of Women's Studies* 19, no. 3 (2013): 149-71. <https://doi.org/10.1080/12259276.2013.11666160>.
- Wright, Rosalind. "Sybil Campbell, First Woman Judge and Supporter of Higher Education for Women." *Women's History Review* 29, no. 4 (2020): 636-49. <https://doi.org/10.1080/09612025.2019.1702785>.