



The Role of Islamic Family Law in Realizing Gender Justice Through Law Number 13 of 2003 Concerning Employment in Indonesia

Dewi Afriani Faradilah

STAI Syekh Manshur Pandeglang

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ABSTRACT

The issue of gender equality remains a relevant academic and social issue in legal development in Indonesia. The unequal roles between men and women in family life and the workplace demonstrate the need to integrate Islamic legal values into the national legal system. This study aims to analyze the role of Islamic family law in realizing gender justice and examine the application of Islamic family law principles to Law Number 13 of 2003 concerning Manpower. This study uses a literature study method with a juridical-normative approach to analyze legal norms in Islamic family law and Law Number 13 of 2003 concerning Manpower. This study found that Islamic family law plays a significant role in realizing gender justice through the principles of justice, balance, and responsibility between men and women. Islamic values affirm women as legal subjects with the right to education, employment, and self-protection proportionally according to their capacity. The relevance of Islamic family law to Law Number 13 of 2003 concerning Manpower is evident in the shared goal of ensuring the protection and welfare of women in the workplace. Ibn Taymiyyah's thoughts on wage justice align with legal provisions affirming the right to a living wage. Integrating Islamic legal values into the national employment system can strengthen equitable policies, address gender issues, and support women's participation in social and economic development.

Corresponding Author:

Dewi Afriani Faradilah

STAI Syekh Manshur Pandeglang

dewiafrianifaradilah@gmail.com

INTRODUCTION

The colonial era left a strong imprint that persists despite various transformations. This explanation is relevant to the Republic of Indonesia since its independence on August 17, 1945, to the present day, whether recognized or not by the state. Legal traditions that retain elements of the old legal system persist in Indonesia (Sarumpaet et al., 2024). This situation occurs due to the adaptation and evolution of foreign legal systems that have become integrated into social life and the current legal structure. Legal development in Indonesia aims not only to create social order but also to uphold values of justice rooted in morality, culture, and religion (Candra et al., 2024).

Law is a crucial instrument for regulating relationships between individuals and groups in society, including within the family and employment spheres. In the modern social context, the relationship between family and employment law is becoming increasingly significant, particularly when addressing gender equity issues (Hikmat, 2021). Social realities demonstrate that gender inequality persists across various sectors of life, including the workplace. Indonesia's Gender Inequality Index (GII) was recorded at 0.48 points, higher than the ASEAN average of 0.436 points. This data indicates Indonesia's position as the country with the highest level of gender inequality in the region, followed by Myanmar with 0.478 points and Cambodia with 0.474 points. Singapore ranks lowest with a gender inequality level of 0.065 points, followed by Malaysia in second place with 0.253 points (Rengga Viano Deris et al., 2022).

Table 1. Gender Inequality Index of ASEAN countries

No	Country	Information	Percentage
1	Indonesia	Gender inequality	0.48%
2	Myanmar	Gender inequality	0.47%
3	Cambodia	Gender inequality	0.47%
4	Malaysia	Gender inequality	0.25%
5	Singapore	Gender inequality	0.06%

Source: United Nations Development Program 2020

Gender justice is a concept that emphasizes equal rights, responsibilities, and opportunities between men and women in all aspects of life. This principle is not only rooted in modern discourse but also has a strong foundation in Islamic teachings. Islam views men and women as equal before God, despite having different social roles and functions (Hidayat et al., 2025). The value of justice in Islamic law is a fundamental principle that regulates the division of rights and obligations between husband and wife. This concept aligns with the objectives of Islamic law (maqasid al-syariah) which emphasizes the protection of human dignity, honor and welfare, including women.

Indonesia's national legal framework also addresses the principle of gender equality through various regulations, one of which is Law Number 13 of 2003 concerning Manpower. This regulation serves as the legal basis for ensuring the protection of workers regardless of gender. Its articles regulate women's rights, such as maternity leave, protection for pregnant workers, and guarantees of equal employment opportunities (Hidayat et al., 2025). The existence of this regulation reflects the state's commitment to the principle of social justice as enshrined in the constitution. In its implementation, the implementation of this Law requires synchronization with Islamic legal norms, particularly family law, to create harmony between religious values and legislation.

Islamic family law plays a significant role in building a gender justice paradigm in Indonesia. Principles such as deliberation, shared responsibility, and fairness in the division of domestic roles provide a moral foundation that can be applied in the workplace. When applied contextually, Islamic family law can inspire employment policies (Riadi, 2024). Gender equality, from an Islamic perspective, does not mean eliminating the biological differences between men and women, but rather respecting both equally according to their respective potential and responsibilities. Implementing these principles will create a just balance between rights and obligations.

The development of labor law in Indonesia demonstrates an integrative effort between religious values, morals, and universal human rights principles. Gender equity is a crucial aspect in assessing the success of these laws in protecting all citizens. Empirical reality shows that women still face challenges in the workplace, such as wage discrimination, limited promotion opportunities, and unequal treatment in the workplace (Nola, 2020). This situation demonstrates the need to reconstruct the values of gender equity by strengthening the normative foundations of Islamic law. Integrating Islamic family law and labor law can be a normative and practical solution to achieving balance between women's domestic and public roles.

The implementation of Law Number 13 of 2003 concerning Manpower requires an Islamic legal perspective so that the value of justice is not merely formal but also substantive. An Islamic family law approach provides an ethical and spiritual basis for understanding the meaning of gender justice. Law enforcement oriented toward Islamic values does not mean being conservative, but rather prioritizes a balance between rights and social responsibilities. The involvement of Islamic family law in the employment context in Indonesia demonstrates the synergy between religious values and state policy (Qolbiah & Taufiqurachman, 2023).

This effort aligns with the spirit of national legal development based on Pancasila and the 1945 Constitution. The integration of gender justice values through Islamic law and the Employment Law reflects the nation's commitment to realizing a just, civilized, and prosperous society. A study of the role of Islamic family law in realizing gender justice through Law Number 13 of 2003 is important to reaffirm the relevance of Islamic values in the dynamics of modern law and employment in Indonesia. Based on the above background, this study aims to analyze the role of Islamic family law in realizing gender justice and the application of Islamic family law to Law Number 13 of 2003 concerning Employment.

RESEARCH METHODS

This research uses a literature study method, namely reviewing primary legal materials in the form of legislation, the Qur'an, hadith, and related legal decisions. Secondary legal materials include books, scientific journals, articles, and previous research results relevant to the theme of gender justice and Islamic family law. This research approach is juridical-normative, namely analyzing legal norms contained in Islamic family law and Law Number 13 of 2003 concerning Employment. The study was conducted by examining the concept of gender justice based on the principles of Islamic law sourced from the Qur'an, hadith, and fiqh

literature, then linked to the provisions of positive law applicable in Indonesia. The data analysis technique uses descriptive analysis to describe, interpret, and link the concept of Islamic law with the implementation of the Employment Law in realizing gender justice in Indonesia.

RESULTS AND DISCUSSION

The Role of Islamic Family Law in Realizing Gender Justice

Islamic family law plays a crucial role in upholding the principle of gender justice in the social life of Indonesian Muslims. The primary principle of Islamic law is justice (*al-'adl*), which places men and women on equal footing before God. This justice does not mean absolute equality of biological or social functions, but rather the granting of rights and responsibilities proportionally according to each person's nature and capacity (Efendi, 2022). Islam positions women as legal subjects with rights to education, employment, property, and personal protection. This provision is reflected in Surah An-Nisa, verse 32 of the Quran, which affirms that men and women have rights to the fruits of their labor.

Islamic family law emphasizes the principle of shared responsibility in domestic life. The husband has the obligation as the leader of the family (*qawwam*), responsible for protecting and providing for the family, while the wife maintains harmony and has the right to respect and fair treatment. These values reflect the balance between domestic and public roles, which is the foundation of gender justice (Borotan, 2022). When this concept is implemented proportionally, women can actively participate in the public sphere without losing their maternal and familial values. A proper understanding of Islamic family law will avoid patriarchal biased interpretations and provide space for women to develop their full potential.

The concept of justice in Islamic family law applies not only to the domestic sphere but is also relevant to the broader social and legal system. Gender justice is an integral part of the *maqasid* (objectives of justice). *Al-Shariah*, namely the goal of Islamic law to protect religion, life, mind, descendants, and property. Achieving this *maqashid* requires protection for all humanity, including women who have equal rights to obtain welfare and legal protection (Ramadhan et al., 2025). When the values of Islamic family law are internalized in public policy, a more just, balanced social order is formed and respects the dignity of every individual regardless of gender. The command to obey Allah's law is conveyed to His faithful servants with full sincerity. Everyone who fears Allah in every aspect of life will be given a way out of various difficulties as His word in QS. At-Talaq 65: 2.

مَنْكُمْ وَأَقِيمُوا الشَّهَادَةَ لِلَّهِ ذَلِكُمْ يُوعِظُ بِهِ مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۖ وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا

Meaning: "When they are nearing the end of their prayer, reconcile with them well or let them go well and testify with two fair witnesses from you and establish your testimony for the sake of Allah. This is what is recommended to those among you who believe in Allah and the Last Day. Whoever fears Allah, surely He will open a way out for him." This verse shows that the principle of justice in Islamic family law is based on a balance between rights and obligations, respect for the dignity of women, and the prohibition of committing injustice in family relationships.

The application of Islamic family law in the context of gender justice also has an educational dimension. The public needs to be educated that Islam supports women's participation in social and economic development. Scholars and religious institutions play a crucial role in reinterpreting Islamic legal texts to suit the modern social context. This reinterpretation is not a change in teachings, but rather a refreshing of meaning so that Islamic values of justice can be applied relevantly. When Islamic family law is implemented in an inclusive manner, a balanced role between men and women is achieved in both the public and domestic spheres, reflecting true gender justice.

Application of Islamic Family Law to Law Number 13 of 2003 concerning Manpower

Law Number 13 of 2003 concerning Manpower is a national legal instrument that guarantees workers' rights without discrimination (Mario Lawendatu, Deasy Soewikromo, 2024). The principle of gender equality in this law aligns with the values of justice in Islamic law. Provisions regarding the protection of female workers, such as the right to maternity leave, paternity leave, and the prohibition on dismissal due to pregnancy, are manifestations of the principle of protection for women that is also taught in Islam. Islamic family law emphasizes the importance of maintaining the welfare of women, especially during pregnancy or childbirth, because this is directly related to the welfare of the family and descendants (Aini, 2024).

The integration of Islamic law and labor law can be seen in their shared goals of protecting human dignity and guaranteeing socio-economic rights fairly. Islam rejects all forms of exploitation of women, including in employment relationships. Labor laws strive to uphold these values by regulating working hours, leave entitlements, and fair wages. This aligns with research by Wani et al. (2025) emphasized that achieving fair and balanced gender equality requires a reinterpretation of the law based on values of justice and a systemic commitment to empowering women in all aspects of life. The alignment between Islamic legal norms and this law demonstrates that the principle of gender justice can be realized through the integration of religious values into the positive legal system.

The application of Islamic family law to Law Number 13 of 2003 can also strengthen the state's commitment to upholding the rights of women workers. Islam allows women to work, as long as such activities do not neglect family obligations and morality. This principle aligns with laws that guarantee freedom of work while still paying attention to family protection. The role of Islamic family law in this context is to provide an ethical framework that ensures women's involvement in the workforce remains aligned with moral values and family well-being. (Nailah & Qomaro, 2023) .

The application of Islamic family law can serve as a normative basis for improving employment policies to be more responsive to gender issues. Islamic legal provisions that affirm women's spiritual equality and economic rights can serve as inspiration for the development of derivative regulations or implementing policies for the law. The values of justice, balance, and responsibility embodied in Islamic family law can strengthen the implementation of employment laws, which often face challenges in the field, such as wage discrimination, workplace harassment, and limited opportunities for women to occupy strategic positions.

The relevance of Islamic family law to Law Number 13 of 2003 is also evident in the context of fostering harmonious industrial relations. Islam teaches a work ethic based on honesty, justice, and social responsibility. Ibn Taymiyyah's thoughts on wage equality are relevant to the provisions of Law Number 13 of 2003 concerning Manpower. According to him, justice must be the basis of every economic transaction, including wage determination. Every contract must be based on an agreement born of the ability and willingness of both parties. According to Ibn Taymiyyah, the concept of fair wages is reflected in the bargaining process between workers and employers until a mutual agreement is reached. Law Number 13 of 2003, specifically articles 88 and 89, explains that every worker has the right to receive a decent wage to meet their basic human needs (Al-Rasyid et al., 2021) .

A study of the relationship between Islamic family law and labor law demonstrates a strong synergy in realizing gender justice. Integrating these two legal systems is an effective strategy for creating a harmonious and just social order. Women have the right to work, earn an income, and participate in development without losing their domestic roles. Implementing Islamic family law in the Labor Law can strengthen the principle of equality, not only formally but also substantively. Gender justice is not only defined as equal rights but also as a recognition of the complementary differences in roles within social and family structures.

The synergy between Islamic family law and Law No. 13 of 2003 demonstrates that religious values can coexist with positive law in building a just society. This integration effort aligns with the spirit of national legal development based on Pancasila and the nation's moral values. The results of this study demonstrate that Islamic family law is not only relevant in the private sphere but also contributes significantly to organizing public life, including the workplace. The principles of justice, balance, and welfare contained therein can serve as a moral foundation for the implementation of employment law oriented toward welfare and gender equality in Indonesia.

CONCLUSION

Islamic family law has a major contribution in realizing gender justice in line with the values of maqashid. Sharia . The principles of justice, balance, and responsibility are the foundation for placing men and women proportionally according to their roles and nature. Gender justice, from an Islamic perspective, does not equate roles, but rather grants equal rights based on each person's capacity and responsibility. A proper understanding of Islamic family law can prevent patriarchal bias and open up space for women to play an active role in the social, economic, and family spheres without neglecting moral values and the common good.

The synergy between Islamic family law and Law No. 13 of 2003 concerning Manpower demonstrates the harmony between religious values and positive law in championing gender equality. Both share the same goal of protecting human dignity and guaranteeing women's rights in the workplace. Ibn Taymiyyah's thoughts on wage equity and the principle of deliberation reflect the spirit of equality also enshrined in the provisions of the labor law. The integration of these two legal systems strengthens a just, humanistic, and civilized social order, while also affirming the relevance of Islamic law as an ethical and moral foundation for the implementation of national law to achieve prosperity and gender justice in Indonesia.

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