

Localizing Norms in Indonesia: The Role of Islamic Family Law in Achieving SDG 5 and 16

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ABSTRACT

This article examines how Sustainable Development Goal (SDG) 5 (gender equality) and SDG 16 (access to justice and effective institutions) are localized within Indonesia's Islamic family law through the architecture of norms and the adjudicative practices of the Religious Courts. Using doctrinal legal research, it combines statute and conceptual approaches with a case law analysis of selected Religious Court decisions on marriage dispensation, divorce and post-divorce maintenance (iddah and mut'ah), child custody, and polygamy. The analysis maps the normative chain from constitutional guarantees of equality and due process to family legislation, the Compilation of Islamic Law, and Supreme Court procedural instruments that shape access, proof, and remedies. Findings show that localization occurs primarily at the level of adjudication through three recurring reasoning patterns: formalist legalistic decisions that treat SDG relevant harms as administratively manageable; purposive protective decisions that mobilize maqāṣid al-sharī'a and constitutional rights to prioritize protection of women and children; and procedural pragmatic decisions that privilege efficiency and settlement, sometimes at the expense of safety and equality. Across case types, the decisive indicator of substantive rule of law is the quality of remedies and protective orders when economic relief, custody arrangements, and procedural safeguards are reasoned, proportionate, and enforceable, courts contribute simultaneously to SDG 5 and SDG 16. The article contributes a doctrinal framework that operationalizes the SDGs as justiciable evaluative parameters, identifies points of normative disharmony and discretion driven gaps, and proposes standards for violence screening, evidence assessment, and remedial consistency to strengthen gender equal access to justice in Indonesia's plural order.

Keywords: Islamic Family Law Reform, Localization of Global Justice, Sustainable Development Goals (SDGs), Legal Pluralism, Maqāṣid al-sharī'a.

1. INTRODUCTION

Agenda 2030 places SDG 5 (gender equality) and SDG 16 (peace, justice, and strong institutions) as two conceptually interrelated goals: gender inequality not only creates vulnerability within families, but also reduces access to justice, weakens the legitimacy of institutions, and normalizes unequal power relations in law and practice. In the context of constitutional states, the issue is not only whether global norms on equality and access to justice are integrated into national law, but also how these norms are localized through configurations of authority, institutional design, and law enforcement practices. Indonesia provides an important example: it combines electoral democracy, legal pluralism (state-religion-custom), and a layered judicial architecture including the Religious Courts as part of the state judicial system that handles Muslim family disputes. Given that the SDGs operate through a framework of indicators and measurement-based governance, an important question arises: how can Islamic family law as part of state law serve as a medium for translating the global norms of SDGs 5 and 16 into measurable, accountable, and fair institutional practices

Normatively, Islamic family law in Indonesia lies at the intersection of constitutionalism and pluralism. This law encompasses private norms (such as marriage, divorce, alimony, and custody) that directly affect the socio economic position of women, as well as public norms produced through state processes, which generate decisions and establish administrative precedents. In constitutional law theory, courts not only perform judicial functions in the narrow sense, but also act as factories of legitimacy: they articulate constitutional values (such as equality, due process, and protection) into everyday legal practice. Therefore, the localization of global norms in the Indonesian context needs to be understood as a

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constitutional-institutional process: how SDG values (gender equality and access to justice) are transformed into standards of proof, standards of judicial discretion, procedural mechanisms, and judicial service design, rather than mere policy rhetoric. In this context, the relationship between SDGs 5 and 16 becomes clear: any procedural bias or access barriers in the Religious Courts can lock in gender inequality, while gender sensitive procedural reforms can strengthen institutional legitimacy and substantially improve the quality of the rule of law.

The urgency of this research is evident from the striking indicators of the problem in Indonesia. Data from UNICEF shows that child marriage is still a structural phenomenon that affects women's health, education, and bargaining position within the household. Compilative cross-country data from UNICEF also shows that the prevalence of marriage before the age of 18 among women aged 20–24 in Indonesia is still quite significant, indicating that changing the legal age limit does not necessarily eliminate this social practice and the path to legalization through dispensation. At the same time, violence against women remains an institutional issue: Komnas Perempuan, in its Annual Report press release, reported hundreds of thousands of cases of violence against women in 2023, emphasizing the "iceberg" nature of the reported cases. This phenomenon shows that family law and judicial institutions are key arenas for achieving SDGs 5 and 16 simultaneously.

If SDG 16 calls for effective and accountable institutions, then the quality of the rule of law cannot be understood solely as a formal index. The World Justice Project, for example, reports Indonesia's position in global rankings and changes in scores that reflect the dynamics of the rule of law's performance from year to year; such findings are important not only as numbers but as a warning that legal reform must touch the experiences of citizens at the point of access to justice. This is where the Religious Courts become very important: they serve as a channel of access to justice for millions of Muslim citizens, especially women in cases of divorce, alimony, and custody. In other words, examining Islamic family law as a pathway to achieving the SDGs means investigating how the state administers justice in the private sphere, a domain that is often overlooked in institutional reform agendas that generally focus on issues of corruption or economic governance.

Theoretically, the localization of norms approach requires a more in-depth analysis than simply comparing legal texts. In the context of international law and global governance, the SDGs are seen as indicator-based management tools that can change the normative space of law when not bound by legal logic and institutional accountability. Ellis and Edmonds emphasize the tension and potential complementarity between the SDGs as metrics and law as a normative system, including the challenges in conceptualizing the rule of law in SDG 16 and the difficulties in measuring it. From a constitutional law perspective, the consequences are clear: the localization of SDG norms needs to be tested through the constitutional machinery (separation of powers, judicial independence, fair procedures, standards of proof, and access) so that it does not merely become an administrative project. On the other hand, the gender equality agenda in law must not stop at the recognition of values it requires articulation through court decisions and institutional culture. Research in the field of constitutionalism shows that courts can serve as an arena for the formation of more nuanced standards of equality including how judges understand experiences of vulnerability and inequality as legal issues, not just moral or customary issues.

Research on Religious Courts in Indonesia has provided an important foundation, but there are still gaps when explicitly linked to SDGs 5 and 16. For example, a study by Jones and Aftab clearly highlights the risks of mandatory mediation in cases of domestic violence and divorce in Religious Courts, which places procedural design as a factor that can strengthen or even eliminate protection for victims. Wirastri and van Huis show how the interaction between legal norms and social practices, such as in the issue of marriage guardians shapes the negotiation of legal pluralism that affects women's agency. Nurlaelawati from the University of Indonesia explains how judges' interpretations of polygamy can evolve and produce different consequences for power relations within the family. Even in the context of empirical policy, recent research on marriage dispensations during the pandemic shows a relationship between socioeconomic factors and an increase in applications, indicating that the agenda of preventing child marriage cannot rely solely on changing age limits. However, much of this research is still understood within the framework of family law reform or access to justice without operationalizing the relationship between the two as a strategy for achieving SDGs 5 and 16: how procedural standards, judicial considerations, and the design of judicial services can be mapped onto SDG targets.

This is where the research gap and novelty of this study lie: it asks not only whether Islamic family law is in line with the SDGs, but also how the process of localizing SDG norms takes place through : normative structures, adjudication practices and constitutional institutional accountability. With this framework, Islamic family law is not seen as a barrier to modernity, but rather as an arena where global norms are debated, translated, and instituted through state instruments, so that its contribution to SDGs 5 and 16 can be measured. Conceptually, this study proposes an understanding of the Religious Court as a

locus of everyday constitutionalism: a place where the values of equality and procedural justice are tested in real cases, and from which the credibility of the institution is built.

Thus, this study formulates the following research questions: how do the mechanisms of localizing SDG 5 and 16 norms take place in the context of Islamic family law in Indonesia through the Religious Court: what factors explain the variations in judges' considerations and procedural designs that influence the protection of women and children and to what extent judicial decision-making practices and procedures can be mapped onto SDG targets (gender equality, elimination of harmful practices, protection from violence, access to justice, and effective institutions). The objective of this research is to construct an analytical model that links constitutional law theory (institutional design, legitimacy, substantive rule of law) with Islamic family law studies (interpretation, pluralism, and social dynamics), while also producing operational reform recommendations. For example, on mediation standards, domestic violence evidence, marriage dispensation governance, and gender-sensitive service design, so that the contribution of the Religious Court to SDGs 5 and 16 can be improved in a measurable and accountable manner.

2. METHOD

This study applies a doctrinal legal method with a prescriptive-analytical approach to evaluate how the global norms of SDG 5 (gender equality) and SDG 16 (access to justice and effective institutions) are adapted in the context of Islamic family law in Indonesia and the practice of legal reasoning in Religious Court decisions. The choice of the doctrinal method is based on the need to map positive law and test its coherence, consistency, and normative adequacy against constitutional principles, such as the rule of law, equality before the law, protection of rights, and fair legal process, so that the localization of norms is understood as a process of internalization and harmonization within the legal system, not merely the adoption of policies. Within this framework, the approach used is comprehensive: a legislative approach to analyze the structure and hierarchy of norms; a conceptual approach to apply the concepts of localization of norms, substantive rule of law, and access to justice; a case approach to examine the ratio decidendi and patterns of judicial argumentation; and a limited comparative approach to assess alternative interpretations or designs of relevant norms without shifting the main focus of the research, which remains normative.

Legal materials were collected through literature studies and document studies focused on primary and secondary legal materials, with official documents and verdicts as the main sources for the formation of arguments. Primary legal materials include the constitution and constitutional principles relating to equality and the protection of rights, laws and regulations governing family law and the judiciary, technical judicial regulations (such as Supreme Court regulations, circulars, and administrative/procedural guidelines that affect access to justice and protection for vulnerable parties), as well as a collection of Religious Court decisions directly related to SDGs 5 and 16 particularly those related to marriage dispensations, divorce and post-divorce economic remedies, hadhanah, polygamy, and cases involving power relations and vulnerability. Meanwhile, secondary legal materials were collected from reputable scientific literature (international journal articles and academic monographs) discussing Islamic family law, legal pluralism, constitutionalism, the rule of law, gender justice, and access to justice, in order to build a state of the art, formulate research gaps, and develop an analytical framework that allows for in-depth normative testing. All materials are managed in a research database to ensure traceability, source consistency, and reproducibility in the analysis process.

The research procedure is systematically arranged from the planning stage, implementation, to analysis to maintain accuracy in accordance. The planning stage includes the formulation of legal issues, scope limitations, objectives, and selection criteria for the corpus of decisions and regulations to be analyzed, followed by the development of a conceptual framework that links SDG indicators with constitutional principles and family law norms. The implementation stage was carried out by inventorying and systematizing primary and secondary legal materials, compiling decisions based on temporal and thematic criteria, and classifying documents into analytical categories that represent the path of norm localization from the policy level to the adjudication practice. The analysis stage was carried out through legal interpretation to examine the meaning and purpose of norms, accompanied by an analysis of the reasoning behind decisions to assess the structure of arguments, standards of proof, the rationality of remedies, and the consistency of rulings with the principles of equality and access to justice. followed by a test of coherence and harmonization between norms and prescriptive synthesis in the form of a formulation of a model for the localization of norms and recommendations for normative reform directly linked to findings of disharmony, normative gaps, or patterns of reasoning that have the potential to hinder the achievement of SDGs 5 and 16.

3. RESULTS AND DISCUSSION

a. Map of SDG 5 and SDG 16 Norm Localization in the Architecture of Indonesian Islamic Family Law

The localization of SDG 5 (gender equality) and SDG 16 (access to justice, due process, effective institutions) norms within the framework of Islamic family law in Indonesia must be understood as a process of infiltrating global standards into a diverse and layered hierarchy of national norms, not merely the adoption of policy rhetoric. At the constitutional level, the principles of equality before the law, protection of rights, and due process serve as the constitutional basis that limits and simultaneously directs the formation and application of family norms, including when family norms are rooted in fiqh and manifested through legislation and religious court practices. In this context, the SDGs serve as normative evaluation parameters: SDG 5 tests whether the design of norms can prevent gender based discrimination and ensure protection for vulnerable parties; SDG 16 tests whether procedures, evidence, and access to judicial services enable the effective restoration of rights. Recent literature shows that conflicts do not always occur in the content of material norms, but rather in the governance of norms: how the state manages marriage, divorce, and post-divorce rights through registration, evidence, mediation, and judicial administrative tools that form barriers or bridges to access to justice (van Huis & Nurlaelawati, 2020; Saraswati, 2021; Jones & Aftab, 2023).

At the legislative level, localization is most clearly seen in the intersection between the Marriage Law, the child protection regime, and the normative instruments that Islamize family management through the Compilation of Islamic Law and the authority of the Religious Courts. The normative map of SDG 5 can be traced in the norms regarding the minimum age for marriage, conditions for dispensation, the rights and obligations of husbands and wives, and the economic consequences of divorce; while SDG 16 is reflected in the design of absolute authority, evidence, legal aid, mediation, and the execution of decisions. Research findings on marriage dispensation show that socio-economic factors and community norms can encourage child marriage practices, especially during economic shocks/crises; this puts pressure on the dispensation regime, which doctrinally functions as an emergency door to become a routine mechanism that can undermine the objectives of SDG 5 if not balanced with strict reasoning standards and strong child protection (Liem et al., 2024). Thus, material compliance can be eroded by weak procedural compliance, shifting the SDG agenda from the realm of legislation to that of judicial discretion and administrative practice.

At the level of technical judicial regulation procedural guidelines, evidence management, and mediation schemes, the localization of SDG 16 norms emerges as an institutional design issue: whether procedures make it easier for vulnerable parties to articulate claims and obtain protection quickly, or whether they create formalities that create obstacles. The obligation of mediation in family cases, for example, can be seen as an effort to expedite dispute resolution and reduce the caseload, but it can also become a space of power asymmetry when relationships of violence/economic dependence are not properly detected. Contemporary studies on access to justice in the context of Muslim countries emphasize that the quality of institutions is determined not only by the availability of forums, but also by the path to enforceable decisions and remedies a core element of SDG 16 that is often overlooked when studies focus solely on describing institutional authority (Ellis & Edmonds, 2023; Jones & Aftab, 2023). At this point, the SDG parameters shift the focus of analysis from what the rules are to what the consequences of procedural design are for the protection of rights.

Coherence and harmonization can also be tested through the issue of registration and proof of marriage/divorce, which are the gateways to access to women's and children's rights. Studies on legal pluralism show that when the legality of family status depends on registration, the state strengthens its capacity to control family ties while reducing the ambiguity that previously allowed for certain social strategies; but the side effect is increased vulnerability for those whose access to registration is hampered, so that SDG 16 (access to justice) and SDG 5 (protection against discrimination) are confronted with administrative exclusion. In the Indonesian context, similar problems arise in cases of marriage validation, status verification, and post divorce economic implications: without a clear legal status, claims for alimony/inheritance/child protection become difficult, so that the SDG goal becomes conditional depending on administrative capacity, not just substantive rights.

In the context of Islamic family law doctrine, alignment with SDGs 5-16 should be understood through the lens of normative plurality the interaction between fiqh, state norms, and social practices, which results in multiple compliance pathways. Hawwa's literature emphasizes that marriage in Islam is not the only option: actors can choose to use legal pathways, socio religious pathways, or a combination of both to increase legitimacy and benefits (Akhtar, Al-Sharmani, & Moors, 2022; McBrien, 2022). In Indonesia, it is important to identify points of disharmony when state norms require registration and certain procedures, while socio-religious legitimacy continues to operate through non-state mechanisms these

differences can create a space of uncertainty that is detrimental to women and children. On the other hand, plurality can also provide space for women to access more favorable forums, but this agency is not always equal, it depends on legal understanding, resources, and institutional support which are core issues of SDG 16.

Another point of disharmony arises when material norms appear equal, but procedures and remedies are inadequate. Research on determining the best interests of children in the family system in Indonesia shows that standards for the best interests of children require integration between doctrine, evidence, and institutional capacity without this integration, these standards can become an inapplicable slogan, once again leaving the outcome to the preferences of the judge's reasoning (Saraswati, 2021). Doctrinally, this is important for the SDG map: SDG 5 calls for the prevention of practices that harm girls (including child marriage) and SDG 16 calls for testable and accountable risk assessment mechanisms. Empirical findings on factors influencing child marriage during the pandemic, such as economic pressure and community norms, underscore the need for stricter procedural standards and more layered protections in the dispensation mechanism, including the obligation to conduct psychosocial assessments, examine the risk of school dropout, and evaluate power relations (Liem et al., 2024).

Thus, a localization map that addresses research gaps can be developed as a coherence matrix: (i) constitutional principles as the basis for non-discrimination and fair processes; (ii) family legislation and derivative norms (including the KHI) as a structure of rights and obligations; and (iii) technical judicial regulations as a system for delivering rights. Areas of harmony can be identified when both substantive and procedural norms protect vulnerable parties for example, when children's rights and best interests standards are operationalized in evidence and decisions (Saraswati, 2021). Areas of disharmony can be mapped when procedural formalities increase power asymmetries or create administrative exclusion (Fioole, 2022; Wirastri & van Huis, 2021). Areas of normative vacuums emerge when the achievement of SDGs depends on judicial discretion, for example, in assessing risks in dispensations, balancing mediation with the safety of vulnerable parties, or executing economic recovery decisions. This type of mapping model shifts SDGs from policy narratives to doctrinal parameters that can be traced in law in the books as well as procedural standards that determine whether Islamic family law in Indonesia truly functions as an instrument for achieving SDGs 5 and 16.

b. Typology of Religious Court Judges' Reasoning in Key SDG Cases

The corpus of Religious Court decisions relating to marriage dispensation, divorce lawsuits, and economic remedies (nafkah iddah/mut'ah), hadhanah, and polygamy permits shows that the localization of norms from SDG 5 (gender equality) and SDG 16 (access to justice, accountability, due process) does not occur primarily through changes to the text of the law, but rather through the way judges construct legal reasoning when connecting state norms, fiqh, the Compilation of Islamic Law (KHI), and procedural guidelines for the judiciary. In contemporary Islamic family law studies, the tension between codification and plurality of practice is understood as an arena in which the state regulates the family while facing social realities that are not entirely bound by a single legal format; therefore, the localization of norms will be most visible at the adjudication level, when judges must make decisions under the constraints of evidence, time pressure, and the vulnerability of the parties involved. This framework is consistent with the idea that Muslim marriage is a space of contestation between national-international agendas, fiqh doctrines, and the lived experiences of Muslim families, making court decisions the most concrete place to test whether substantive protections especially for women and children are truly effective or merely policy jargon.

The first typology, which is most dominant in many jurisdictions and often appears in doctrinal readings of rulings in Indonesia, is a formalistic-legalistic pattern of reasoning: judges focus their justification on the fulfillment of minimum normative requirements, formal logic of evidence, and narrow procedural truth. In marriage dispensation cases, this pattern is often seen when considerations stop at testing administrative requirements, the legitimacy of guardians, or urgent reasons understood as social facts that are accepted as they are, without testing the proportionality of risks to the health, education, and future of the child. Literature on unregistered marriages and the hybridity of norms shows how states often promote a single model of registered marriage, while social practices continue to produce variations and legal authorities then patch up conflicts through specific legal mechanisms; formalistic reasoning tends to treat these variations as technical deviations rather than as signals of structural risks to women and children. Within the SDG framework, a formalistic-legalistic approach to the can produce procedural certainty, but often sacrifices the dimensions of equality and non discrimination (SDG 5) because the vulnerability of weaker parties is not positioned as a binding evaluation parameter.

In divorce cases, the formalistic legalistic approach often limits the analysis to the fulfillment of the grounds for divorce (syiqaq, nusyuz, or discord) and makes decisions on iddah/mut'ah alimony an accessory that is highly dependent on the narrative of evidence constructed by the parties often skewed

due to power relations and legal literacy. Here, the localization of SDG 16 norms should demand due process that is sensitive to vulnerability, for example standards of proof that do not punish victims of violence or parties who do not have access to documents but formalistic patterns tend to view the absence of evidence as a failure of the party, not a failure of the access system. As a result, post divorce economic protection which is substantively related to SDG 5 due to post divorce poverty among women, is often not maximized, or is left as a normative right without effective enforcement mechanisms. In the case of hadhanah, the formalistic pattern is evident when the best interests of the child are treated as a declarative phrase, while the assessment of parenting capacity, safety, and the potential for domestic violence is not detailed in the rationale for the decision.

The second typology is purposive-protective, which is reasoning that emphasizes the goals of protection (hifz al-nafs, hifz al-nasl, hifz al-'ird) and substantive equality, and interprets positive norms and fiqh as means to achieve maslahah. In the context of contemporary Islamic family law, many studies show that judges or the legal system can utilize the flexibility of doctrine to produce fairer solutions when faced with problematic situations. For example, recognizing certain forms of marriage in order to protect vulnerable parties, or emphasizing child protection even if it is not in line with dominant formalities. In marriage dispensation cases, the purposive protective pattern shifts the focus from whether administrative requirements are met to whether the dispensation prevents greater harm or legitimizes structural harm, forcing judges to justify the relationship between facts, risks, and protection goals. In divorce cases, this pattern is seen when iddah/mut'ah alimony is treated as a corrective device for inequality rather than a moral reward, and when judges use the principle of protection to assess domestic economic contributions, reproductive burdens, and women's bargaining power during marriage. In the case of hadhanah, purposive-protective requires concrete testing: who is the primary caregiver, how is psychological security, how is access to education and health, and how to prevent revictimization.

The purposive-protective typology is also relevant in polygamy permits, as this issue is a direct intersection between SDG 5 and SDG 16: licensing procedures may appear orderly but the substance of equality and non-violence can be eroded if judges only examine formal requirements (spousal consent/financial capacity) without assessing the impact of injustice and economic/psychological risks. Studies on marriage and state governance show that administrative formalities often become instruments of the state to regulate families, but do not automatically result in gender justice if the assessment of the impact of inequality is not attached to the standards of the decision. In this framework, the purposive protective pattern treats SDGs as external normative parameters that can be combined with maqāsid and protection principles, so that the localization of norms occurs not by replacing the source of law, but by shifting the way legal reasons are read and weighed.

The third typology is procedural-pragmatic, which is reasoning driven by procedural efficiency, case management, and the urge to resolve disputes, sometimes at the expense of fact finding and substantive protection. This pattern can be seen when decisions prioritize simplification. For example, the ratification of agreements without testing for bargaining power imbalances, or the use of consideration templates that minimize the individualization of vulnerability. Literature on family practices and legal social relations shows that legal actors often navigate family law on the margins of the formal state framework, and courts then become spaces for quick compromises, the problem is that quick compromises can lock in injustice if they are not accompanied by minimum protection standards. In divorce cases, procedural pragmatic s can arise when mediation is understood as an administrative target, rather than a process that must be safe for victims of violence or vulnerable parties, in the case of hadhanah, it can arise when visitation or custody arrangements are settled practically without monitoring and protection mechanisms. In marriage dispensations, procedural pragmatic can take the form of a tendency to accept family narratives in order to expedite decisions, so that the court functions as a door to legalization without adequate risk assessment.

These three typologies simultaneously reveal the mechanism of SDG norm localization at the adjudication level SDG 5/16 is not present as an explicit citation, but as a logic of weighing that is (or is not) internalized into the structure of legal reasoning. This is where the research gap to mentioned becomes acute: criticism of substance (e.g., marriage dispensation, polygamy, or post-divorce alimony) often stops at what rules are lacking when the key issue is how judges construct reasoning when rules open up discretion. Typology allows for a more precise doctrinal evaluation: decisions that equally cite KHI or fiqh can produce very different SDG consequences due to different ways of converting norms into standards of proof, risk parameters, and remedies. Thus, the scientific contribution of this subsection is not only to map normative compatibility, but also to identify institutional bottlenecks of SDG in the Religious Courts: the shift from formalistic or pragmatic to purposive protective requires standardization of the reasons for decisions, evidence guidelines that are sensitive to vulnerability, and the design of procedures that do not lock injustice into agreements.

c. Remedy and Protection Standards for Vulnerable Parties as Indicators of "Substantive Rule of Law"

Remedy and protection standards for vulnerable groups in Islamic family law in Indonesia can be seen as the toughest test for the implementation of substantive rule of law: it is not only a matter of the availability of procedures, but also whether the decision results in real, enforceable recovery and does not reinforce unequal power relations, especially against women and children. The framework of SDG 5 (gender equality) and SDG 16 (effective, accountable institutions, access to justice) demands that justice in the family context does not stop at formal legality, but also at the quality of the remedies and the ability of the system to ensure the fulfillment of rights after the decision. In the Indonesian context, this urgency is driven by the magnitude of the vulnerability problem: Komnas Perempuan recorded hundreds of thousands of cases of violence against women (289,111 cases recorded in 2023), with recognition of the iceberg phenomenon in reporting, meaning that many family cases operate under the shadow of violence, economic dependence, and social control.

If the rule of law is understood substantively, then the indicators are not only procedural access, but also whether the judicial institutions produce decisions that effectively and consistently protect vulnerable parties and are normatively accountable. In this regard, the literature on the interaction between state law and Muslim norms in the realm of ADR or family courts highlights that seemingly neutral procedural designs can be unfair if they ignore power asymmetries and domestic violence, especially when mediation is mandatory without violence screening or safe exceptions for victims. This argument is relevant to Indonesia because the architecture of family dispute resolution in the Religious Courts goes hand in hand with court annexed formal mediation and expectations of community/customary mediation, in cases of violence, this pattern risks encouraging amicable settlements that put pressure on victims, thereby weakening economic remedies and protection.

At the doctrinal level, the quality of economic remedies like iddah maintenance, mut'ah, child support, post divorce economic responsibility sharing is the most concrete conceptual bridge between SDG 5 and SDG 16. These remedies correct bargaining power imbalances and prevent the feminization of post marital poverty, while the consistency and implementation of remedies reflect effective and accountable institutions. However, the main challenges in Islamic-based family law both in Indonesia and in cross jurisdictional comparisons often arise from two sources: (i) the elasticity of doctrinal reasoning that allows *tarjih*/selection of arguments or certain normative readings to become dominant, and (ii) social pressure that encourages community acceptable settlements even at the expense of rights protection. The idea of doctrinal adaptation through *tarjih* suggests that change does not always have to take the form of new legislation; change can occur at the level of interpretation, but this also opens up a high degree of variability in remedies if protection standards are not clearly defined.

The vulnerability of children illustrates the most obvious paradox, child protection policies can be translated into justifications for legitimizing risky practices, when judges assess marriage dispensations as a way to protect children from the social stigma of pregnancy or sexual relations outside of marriage. Horii shows how normative pluralism provides space for Religious Court judges to accommodate local norms and religious concerns, shifting protection standards from a principle of prevention to a logic of consequence management, which ultimately results in remedies that contradict the objectives of SDG 5. On the other hand, UNICEF emphasizes that the decline in child marriage practices in Indonesia is slow and that national targets for example, 8.74% by 2024 and 6.94% by 2030, require systemic intervention, this places consistency in judicial standards as an important aspect.

In cases of *hadhanah* and the best interests of the child, SDG 16 access to justice and effective institutions relates to the quality of arguments regarding the needs of the child, evidence, and post-decision recovery. Saraswati points out that the Indonesian family system does not always provide strong explicit guidelines on the form of care and parameters of best interests, so decisions can depend on the judge's construction which can be protective, but can also be trapped in gender stereotypes or certain normative assumptions. From a substantive rule of law perspective, this uncertainty in standards is problematic because it makes child protection contingent: vulnerable parties cannot predict reasonable remedies, and inconsistency makes institutional oversight of decision quality difficult.

The institutional dimension of SDG 16 is also evident in the relationship between procedural design and the protection of victims of violence. Studies on Indonesian Religious Courts emphasize the importance of violence screening and exemption from mandatory mediation so that the process does not become an instrument of revictimization in the context of remedies, this screening determines whether victims can access divorce decisions without pressure for reconciliation and whether alimony/compensation claims can be filed safely. Literature on the same issue affirms that religion based ADR forums are often an important space for women to obtain religious closure, but can also become an arena of control if there are

no protection standards that are responsive to violence and power relations therefore, substantive remedies require explicit procedural protections, not just the good intentions of mediators/judges.

The quality of remedies is also greatly influenced by who interprets and how judicial organizations frame gender issues. Studies on Islamic courts in Indonesia show that increased participation of female judges does not automatically result in gender justice if judicial organizations maintain gender blindness and structural barriers. However, other research on the practice of feminist judging in Indonesian Islamic courts indicates that the way of reading facts, assessing credibility, and interpreting vulnerability can change the outcome of remedies. For example, being more sensitive to evidence of violence, economic dependence, and the needs of children so that SDG 5 and SDG 16 meet at one point: the quality of reasoning that produces measurable protection and recovery. In doctrinal research design, such findings justify the need for remedy indicators when alimony/compensation is granted or denied, what standards of proof are used, how economic capacity is understood, and how special protections are triggered when there are indications of violence.

Finally, testing remedies as indicators of substantive rule of law also means linking them to institutional capacity to ensure compliance and accountability. The WJP Rule of Law Index places Indonesia in a global ranking that points to challenges in governance and justice (e.g., 68th out of 142 in the 2024 edition of the country profiles), providing the context that good on paper decisions remain vulnerable to failing to translate into real justice if enforcement, compliance, and supporting services are weak. Within the framework of localizing norms, this reinforces the analytical novelty of this subsection SDGs 5–16 are not treated as policy slogans, but as doctrinal parameters for assessing whether Islamic family law through economic remedies, custody standards, and procedural protections in cases involving vulnerability truly implements substantive rule of law protecting, restoring, and restraining power including relational power within the family through standards whose consistency can be tested.

4. CONCLUSION

The localization of SDG 5 (gender equality) and SDG 16 (access to justice, effective and accountable institutions) through Islamic family law in Indonesia is not primarily a matter of adopting the global agenda into legal texts, but rather a constitutional-institutional process that operates through three channels simultaneously: normative structures (laws, the Compilation of Islamic Law (KHI), technical regulations), adjudication practices (standards of proof, discretion, and rationality of decisions), and the design of judicial procedures and services that determine whether rights can be truly restored. This framework aligns with the key finding that localization is most effective when reforms are framed through the *maqāṣid al-sharīʿa* and constitutional rights, then translated into enforceable procedural guarantees and institutionalized through participatory governance. Thus, the SDGs can function as measurable normative evaluation parameters in law on the books and procedural standards, not simply policy narratives.

The primary scientific contribution of this study is to fill a research gap that has often focused solely on substantive or procedural criticism. This study operationalizes the link between SDGs 5–16 as a doctrinal measure that can be tested through norm maps, reasoning typologies, and remedial quality. Based on these findings, recommendations for future research include expanding the testing of the substantive rule of law indicator through a mixed design that remains grounded in doctrinal foundations: building a larger corpus of decisions across regions and time to test the consistency of remedial and protection standards, while linking them to institutional variables: access to legal aid, mediation patterns, and execution mechanisms. Methodologically, further research could develop instruments for coding ratio decidendi and remedial to increase replicability and auditability, without shifting the primary focus of normative research.

On the policy application side, relevant practical recommendations include the development of more precise technical guidelines for screening for violence and exceptions to mandatory mediation, strengthening vulnerability-sensitive evidentiary standards (particularly for marriage dispensations, post-divorce maintenance, and *hadhanah*), and refining remedial standards so they do not rely solely on individual judges' discretion. At the governance level, institutional support is needed to ensure that localized global justice becomes an operational reference, namely transforming SDG commitments into measurable, accountable, and consistently implemented standards through regulatory instruments, training, and monitoring the quality of decisions and their implementation.

5. REFERENCES

- Akhtar, A. (2020). Contemporary Issues for Qatar's Marriage Laws: The Interaction of Custom and Rigid Codification. *Hawwa*, 20(1-2). <https://doi.org/10.1163/15692086-12341389>
- Akhtar, R. C. (2022). Contemporary issues in marriage law and practice in Qatar. *Hawwa*, 20(1-2), 124-158. <https://doi.org/10.1163/15692086-12341389>
- Akhtar, R. C. (2022). Contemporary Issues in Marriage Law and Practice in Qatar. *Hawwa*, 20(1-2), 124-158. <https://doi.org/10.1163/15692086-12341389>
- Akhtar, R. C., Al-Sharmani, M., & Moors, A. (2022). Introduction. *Hawwa*, 20(1-2), 1-9. <https://doi.org/10.1163/15692086-12341383>
- Akhtar, R. C., Al-Sharmani, M., & Moors, A. (2022). Introduction: Muslim marriages – plurality of norms and practices. *Hawwa*, 20(1-2), 1-33. <https://doi.org/10.1163/15692086-12341383>
- Azzouz, F. (2023). Islamic ADR in Britain: Diversity, Hybridity, and Women's Experiences of Community Justice. *Oxford Journal of Law and Religion*, 12(2). <https://doi.org/10.1093/ojlr/rwad019>
- Azzouz, N. (2023). Religious ADR and Gender Equality: Institutional Designs and Lived Consequences. *Oxford Journal of Law and Religion*, 12(2), 199-216. <https://doi.org/10.1093/ojlr/rwad019>
- Bano, S., & Ghauri, A. (2023). Introduction: Religious Alternative Dispute Resolution, Gender Justice and the Limits of Liberal Equality. *Oxford Journal of Law and Religion*, 12(2), 157-161. <https://doi.org/10.1093/ojlr/rwae005>
- Bano, S., & Ghauri, N. (2023). Editorial Introduction: Interaction of Muslim and State Law – Muslim Women, Domestic Abuse, and Religious ADR. *Oxford Journal of Law and Religion*, 12(2). <https://doi.org/10.1093/ojlr/rwae005>
- Bano, S., & Webley, L. (2023). Family Mediators and Family Mediation: When Norms Collide. *Oxford Journal of Law and Religion*, 12(2). <https://doi.org/10.1093/ojlr/rwae003>
- Bano, S., & Webley, L. (2023). Religious Alternative Dispute Resolution, Women's Rights and the "Truth". *Oxford Journal of Law and Religion*, 12(2), 162-177. <https://doi.org/10.1093/ojlr/rwae003>
- Chowdhury, E. (2023). Women's Rights, Religious ADR, and the "Post-secular" Turn. *Oxford Journal of Law and Religion*, 12(2), 178-198. <https://doi.org/10.1093/ojlr/rwad008>
- Chowdhury, R. (2023). The Role of Religion in Domestic Violence and Abuse in UK Muslim Communities. *Oxford Journal of Law and Religion*, 12(2). <https://doi.org/10.1093/ojlr/rwad008>
- Ellis, J., & Edmonds, A. (2023). Coming to terms with the Sustainable Development Goals: A perspective from legal scholarship. *Leiden Journal of International Law*, 36(2), 251-271. <https://doi.org/10.1017/S0922156522000838>
- Ellis, J., & Edmonds, D. (2023). *Coming to terms with the SDGs: A perspective from legal scholarship*. *Leiden Journal of International Law*, 36(2), 251-271. <https://doi.org/10.1017/S0922156522000838>
- Fioole, A. (2020). Evidently Married: Redefining Marriage in Dutch Law. *Hawwa*, 20(1-2). <https://doi.org/10.1163/15692086-12341385>
- Fioole, A. (2022). Evidently married: Changing ambiguities in creating family ties in Morocco. *Hawwa*, 20(1-2), 34-54. (DOI tercantum pada laman penerbit via doi.org).
- Fioole, A. (2022). Evidently Married: Changing Ambiguities in Creating Family Ties in Morocco. *Hawwa*, 20(1-2), 34-54. <https://doi.org/10.1163/15692086-12341385>
- Fortuna, A. (2020). Undoing Patrilineality: Motherhood and Family Law in the Making of Modern Jordan. *Hawwa*, 20(1-2). <https://doi.org/10.1163/15692086-12341391>
- Halimatusa'diyah, I., & Triana, W. (2024). Sexism and women's access to justice: Feminist judging in Indonesian Islamic judiciary. *Women's Studies International Forum*, 103(Suppl C). <https://doi.org/10.1016/j.wsif.2024.102883>
- Hanna, D. (2020). Foreign to Palestinian Society: The Fātiḥa Marriage in the Israeli Sharia Court. *Hawwa*, 20(1-2). <https://doi.org/10.1163/15692086-12341390>
- Horii, H. (2020). Legal Reasoning for Legitimation of Child Marriage in West Java. *Journal of Human Rights Practice*, 12(3), 493-512. <https://doi.org/10.1093/jhuman/huaa041>
- Horii, H. (2020). Legal Reasoning for Legitimation of Child Marriage in West Java: Accommodation of Local Norms at Islamic Courts and the Paradox of Child Protection. *Journal of Human Rights Practice*, 12(3). <https://doi.org/10.1093/jhuman/huaa041>
- Johnson, P., & Moors, A. (2022). Foreign to Palestinian Society? 'Urfi Marriage, Moral Dangers, and the Colonial Present. *Hawwa*, 20(1-2), 159-181. <https://doi.org/10.1163/15692086-12341390>

- Jones, B., & Aftab, A. (2023). Inside Indonesia's Religious Courts: An argument for domestic and family violence exception to compulsory mediation. *Oxford Journal of Law and Religion*. <https://doi.org/10.1093/ojlr/rwad015> OUP Academic
- Jones, B., & Aftab, A. (2023). Inside Indonesia's Religious Courts: An Argument for Domestic and Family Violence Screening and Exemption from Compulsory Mediation. *Oxford Journal of Law and Religion*, 12(2). <https://doi.org/10.1093/ojlr/rwad015>
- Jones, E. A., & Aftab, N. (2023). Mandatory mediation in family disputes and access to justice: An Indonesian case study. *Oxford Journal of Law and Religion*, 12(2). <https://doi.org/10.1093/ojlr/rwad015>
- Jones, L., & Aftab, S. (2023). Mediation and Divorce: Women's Experiences in Indonesian Religious Courts. *Oxford Journal of Law and Religion*, 12(2), 217-231. <https://doi.org/10.1093/ojlr/rwad015>
- Karwa, A. (2023). Review essay – Mullally, *Gender, Culture, and Human Rights: Reclaiming Universalism*. *International Journal of Constitutional Law*, 21(2), 707-712. <https://doi.org/10.1093/icon/moad039>
- Kholiq, A., & Halimatusa'diyah, I. (2023). Does Gender Blindness Improve Gender Equality? Female Judges and the Glass Ceiling Effect in the Islamic Judicial System in Indonesia. *Social & Legal Studies*, 32(1). <https://doi.org/10.1177/09646639221094153>
- Krayem, G., & Funston, L. (2023). Listening to Muslim Women's Lived Expertise Concerning Surviving Family Violence and Seeking Islamic Community Divorce in the Australian Context. *Oxford Journal of Law and Religion*, 12(2). <https://doi.org/10.1093/ojlr/rwad016>
- Krayem, G., & Funston, L. (2023). Religious ADR and Family Disputes: Gendered Risks and Institutional Responses. *Oxford Journal of Law and Religion*, 12(2), 232-252. <https://doi.org/10.1093/ojlr/rwad016>
- Liem, A., Pohan, L. D., Jang, Y., & other authors. (2024). Factors associated with child marriage during the COVID-19 pandemic in Indonesia. *Contemporary Islam*. <https://doi.org/10.1007/s11562-023-00556-w>
- Makhlouf, A. G. (2023). Continuity and Change of Traditional Islamic Law in Modern Times: tarjih as a Method of Adaptation and Development of Legal Doctrines. *Oxford Journal of Law and Religion*, 12(1). <https://doi.org/10.1093/ojlr/rwad010>
- McBrien, J. (2020). Regulating, Recognizing, and Religionizing Nike: A Danish Case of Muslim Marriages. *Hawwa*, 20(1-2). <https://doi.org/10.1163/15692086-12341386>
- McBrien, J. (2022). Regulating, recognizing, and religionizing nike in Kyrgyzstan. *Hawwa*, 20(1-2), 55-75. <https://doi.org/10.1163/15692086-12341386>
- McBrien, J. (2022). Regulating, Recognizing, and Religionizing Nike in Kyrgyzstan. *Hawwa*, 20(1-2), 55-75. <https://doi.org/10.1163/15692086-12341386>
- Moors, A., & McBrien, J. (2020). Introduction. *Hawwa*, 20(1-2). <https://doi.org/10.1163/15692086-12341383>
- Nisa, E. F. (2020). Battling Marriage Laws: Early Marriage and Online Youth Piety in Indonesia. *Hawwa*, 20(1-2). <https://doi.org/10.1163/15692086-12341387>
- Nisa, E. F. (2022). Battling Marriage Laws: Early Marriage and Online Youth Piety in Indonesia. *Hawwa*, 20(1-2), 76-102. <https://doi.org/10.1163/15692086-12341387>
- Nurlaelawati, E. (2020). Expansive legal interpretation and Muslim judges' approach to polygamy in Indonesia. *Hawwa*, 18(2-3), 295-324. <https://doi.org/10.1163/15692086-12341380>
- Nurlaelawati, E. (2020). Expansive legal interpretation: Muslim judges' approach to polygamy in Indonesia. *Hawwa*, 18(2-3), 295-324. <https://doi.org/10.1163/15692086-12341380>
- Nurlaelawati, E. (2020). Muslim Women in Indonesian Religious Courts: Reform, Strategies, and Pronouncements. *Hawwa*, 18(2-3), 295-324. <https://doi.org/10.1163/15692086-12341380>
- Nurlaelawati, E., & van Huis, S. (2020). The Status of Children Born out of Wedlock and Adopted Children in Indonesia: Interactions between Islamic, Adat, and Human Rights Norms. *Journal of Law and Religion*, 34(2). <https://doi.org/10.1017/jlr.2020.12>
- Rahbari, L. (2020). Temporary Marriages, Mahramiyat, and the Rights of the Child in Shi'i Adoption. *Hawwa*, 20(1-2). <https://doi.org/10.1163/15692086-12341388>
- Rahbari, L. (2022). Temporary Marriages, Mahramiyat, and the Rights of the Child in Shi'i Adoption: The Legal and Juristic Dilemmas. *Hawwa*, 20(1-2), 103-123. <https://doi.org/10.1163/15692086-12341388>

- Razif, N. H. M. (2020). Intimacy Under Surveillance: Illicit Sexuality, Moral Policing, and the State in Contemporary Malaysia. *Hawwa*, 18(4), (Advance pagination). <https://doi.org/10.1163/15692086-12341381>
- Razif, N. H. M. (2021). Nikah Express: Malay Polygyny and Marriage-making at the Malaysian–Thai Border. *Asian Studies Review*, 45(4), (pages). <https://doi.org/10.1080/10357823.2020.1870931>
- Saraswati, R. (2021). Accommodating the ‘Best Interests of the Child’ in Custody Disputes in the Indonesian System/s of Family Law. *International Journal of Law, Policy and the Family*, 35(1). <https://doi.org/10.1093/lawfam/ebab011>
- Saraswati, R. (2021). Accommodating the best interests of the child in custody disputes in the Indonesian system/s of family law. *International Journal of Law, Policy and the Family*, 35(1). <https://doi.org/10.1093/lawfam/ebab011>
- Saraswati, R. (2021). Marriage Registration and Legal Pluralism in Indonesia: The Gendered Costs of Non-registration. *International Journal of Law, Policy and the Family*, 35(1), ebab011. <https://doi.org/10.1093/lawfam/ebab011>
- Sezgin, Y. (2023). Muslim Family Law Reform: Understanding the Difference between Muslim-Majority and Muslim-Minority Countries. *Journal of Law, Religion and State*, 10(2–3). <https://doi.org/10.1163/22124810-20230004>
- Sezgin, Y. (2023). The Muslim Family Law Index and the Regulation of Marriage, Divorce, and Child Custody. *Law & Policy*, 45(3). <https://doi.org/10.1111/lapo.12210>
- Socher, J. (2023). Enhancing Access to Justice Through Donor-Led Legal Aid Interventions. *Law & Development Review*, 16(1). <https://doi.org/10.1515/ldr-2021-0144>
- Sona, F. (2023). Divorcing abroad, shari‘ah style: Legal reforms and Moroccan women. *Oxford Journal of Law and Religion*, 12(2). <https://doi.org/10.1093/ojlr/rwad017>
- Sona, S. (2023). From Procedure to Protection: Rethinking Religious ADR Through Gender Justice. *Oxford Journal of Law and Religion*, 12(2), 253–282. <https://doi.org/10.1093/ojlr/rwad017>
- Sundari, S. A., et al. (2024). Factors associated with child marriage during the COVID-19 pandemic in Indonesia. *Contemporary Islam*. <https://doi.org/10.1007/s11562-023-00545-6>
- Ünal, D. (2022). Undoing Patrilineality? Adopting the Son’s Child in Contemporary Turkish Islamic Discourse and Practice. *Hawwa*, 20(1–2), 182–207. <https://doi.org/10.1163/15692086-12341391>
- Ünal, R. A. (2022). Undoing patrilineality: New maternal families and the politics of naming in Turkey. *Hawwa*, 20(1–2), 182–205. <https://doi.org/10.1163/15692086-12341391>
- van Huis, S. C., & Nurlaelawati, E. (2020). Counter-legal drafts and the paradoxes of Indonesian Islamization. *Journal of Law and Religion*, 34(3), 356–382. <https://doi.org/10.1017/jlr.2019.41>
- Wirastri, T. F., & van Huis, S. C. (2021). Saying the “I do”: The role of the penghulu and the Islamic marriage registrar in West Java. *Journal of Legal Pluralism and Unofficial Law*. <https://doi.org/10.1080/07329113.2021.1912579>
- Wirastri, T., & van Huis, S. C. (2021). [Artikel tentang praktik/pergeseran norma keluarga dan forum dalam konteks pluralisme hukum Indonesia]. *The Journal of Legal Pluralism and Unofficial Law*. <https://doi.org/10.1080/07329113.2021.1912579>
- Yavuz, S. (2020). Fātiḥa Marriage in Morocco: Marriage, Law, and What Can Be Said. *Hawwa*, 20(1–2). <https://doi.org/10.1163/15692086-12341384>
- Yavuz-Altıntaş, M. (2022). Fātiḥa Marriage in Morocco: Between Legislation and Judicial Practice. *Hawwa*, 20(1–2), 10–33. <https://doi.org/10.1163/15692086-12341384>