



**RECONSTRUCTING THE LAW OF JILBAB IN THE QUR'AN:
A COMPARATIVE STUDY OF CLASSICAL AND CONTEMPORARY
INTERPRETATIONS**

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Abstract. This article examines and reconstructs the legal understanding of the jilbab through a comparative approach between the interpretations of classical and contemporary Islamic scholars. Debates on the jilbab are not limited to the normative aspects of religious texts, but also reflect the dynamic relationship between religion, culture, and social change. This study employs a qualitative method with a normative-comparative approach by analyzing Qur'anic verses related to the hijab, particularly Q. al-Nūr [24]: 31 and Q. al-Aḥzāb [33]: 59, as well as the interpretations of classical exegetes such as al-Ṭabarī, Ibn Kathīr, al-Qurṭubī, and al-Suyūṭī. These interpretations are then compared with the views of contemporary Muslim thinkers, including Sa'īd al-ʿAshmāwī, Muhammad Syahrūr, Amina Wadud, Yusuf al-Qaraḍāwī, and M. Quraish Shihab. The findings indicate a paradigmatic shift in interpretation from a textual-normative approach that emphasizes the formal obligation of the hijab toward a contextual and teleological approach oriented to the objectives of Islamic law (maqāṣid al-sharīʿah), such as the protection of dignity, modesty, and social justice. The reconstruction of hijab law proposed in this article underscores the importance of distinguishing between universal normative Islamic values and the practical forms of the jilbab, which are historical and contextual in nature. This distinction has particular relevance in a Muslim-majority country such as Indonesia, where debates over religious dress intersect with questions of religious diversity and legal formalization. This study is expected to contribute to the development of contemporary Islamic legal discourse that is more adaptive, humanistic, and responsive to social realities.

Keyword: Jilbab Law; Qur'anic Interpretation; Classical and Contemporary Ulama; Islamic Legal Reconstruction

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A. Introduction

In Indonesia, the term *jilbab* is the most commonly used expression to refer to the head covering worn by Muslim women. However, from a terminological and conceptual perspective, this term has not been employed uniformly within the broader Islamic scholarly tradition. Classical Islamic literature more frequently uses the terms *khimār*, *jilbāb*, and *hijāb*, each of which carries distinct contextual meanings and functions (Yulikhah, 2016). The reduction of these diverse concepts into a single, homogenized notion of *jilbab* in contemporary Muslim social practice often results in a simplification of meaning and, in some cases, leads to a narrowing of the normative understanding of women's dress obligations in Islam. Nevertheless, this article deliberately employs the term *jilbab* to avoid terminological confusion, given that it has become deeply rooted and widely accepted in public discourse in Indonesia (Robikah, 2020).

In general, at least three major perspectives can be identified in responding to the obligation of *jilbab*. First, there is a view that strictly and normatively mandates the *jilbab*, emphasizing a literal interpretation of Qur'anic verses and the Prophet's traditions, and linking them to an absolute conception of women's 'awrah. Within this perspective, the *jilbab* is positioned as a definitive sharī'a obligation that is considered final and not open to contextual reinterpretation. Second, there is a moderate and contextual view that maintains the obligation to cover the 'awrah while allowing interpretive flexibility regarding the form, style, and standards of dress, taking into account prevailing social and cultural contexts. Third, there is a perspective that does not normatively mandate the *jilbab*, interpreting the relevant Qur'anic verses as socio-historical responses to the conditions of Arab society at the time of revelation; accordingly, the primary emphasis is placed on ethical values such as modesty, protection, and women's dignity, rather than on adherence to a specific form of clothing (Islamy & Rahman Akbar, 2024).

The diversity of scholarly views on *jilbab* constitutes a compelling subject for further examination, as it reveals both stagnation and dynamism within Islamic legal thought. On the one hand, there is a strong tendency to preserve classical interpretations that are regarded as established and authoritative; on the other hand, contemporary scholars and thinkers have undertaken efforts of rereading and reinterpretation in response to changing historical and social conditions (Wijayanti, 2017). This intellectual development demonstrates that the discourse on *jilbab* does not exist in a vacuum, but is continuously engaged in a dialectical relationship with social realities, gender relations, and the demands of justice and human dignity in the modern era (Mohamed Sulthan Ismiya Begum, 2025).

One important aspect of the *jilbab* debate is that all of these perspectives ultimately refer to the same textual sources, namely Qur'anic verses such as Q. an-Nūr [24]:31 and Q. al-Aḥzāb [33]:59, as well as a number of Prophetic traditions. This fact indicates that religious texts are, by their nature, open to multiple interpretive possibilities. The Qur'anic text, as *naṣṣ*, does not speak for itself; rather, it requires the engagement of human reason and interpretive methodology. As articulated by Ibn 'Arabī, no text is free from the possibility of interpretation; therefore, differing understandings of the *jilbab* verses represent an unavoidable intellectual inevitability (Taufik, 2019).

These interpretive differences arise not only from divergent exegetical methodologies, but also from variations in spatial and temporal contexts (historicity), socio-cultural backgrounds, and the ideological concerns of the interpreters (Robikah, 2020). Classical scholars generally operated within patriarchal social structures with particular constructions of womanhood, whereas contemporary scholars confront

modern realities characterized by discourses on gender equality, human rights, and individual freedom. Accordingly, each interpretive product can be understood as a dialectical reflection of the interaction between text, context, and the interpreting subject (Maisurah et al., 2024).

Studies on *jilbab/hijab* within the context of the Qur'an and its social practice have attracted the attention of scholars across disciplines, ranging from Qur'anic exegesis to sociocultural studies and contemporary phenomena. In textual exegetical and terminological analyses, several studies highlight the differentiated meanings of the terms *khimār*, *jilbāb*, and *ḥijāb* in the Qur'an. Salman and Novianda explain that *khimār* in Q. an-Nūr [24]:31 refers to a covering of the head and chest, while *jilbāb* in Q. al-Aḥzāb [33]:59 denotes an outer garment that covers a woman's body more comprehensively; thus, both function as distinct yet complementary forms of covering within the Islamic framework of modesty (Muthalib & Novianda, 2020). While hermeneutical research by M. Badruz Zaman, employing Gadamer's hermeneutics, demonstrates that the deeper meaning of *jilbāb* and *khimār* lies in their protective function and the preservation of women's dignity, emphasizing that the physical form of clothing is significantly shaped by cultural influences (M. Badruz Zaman, 2024). Another hermeneutical approach using the Double Movement Theory underscores the importance of historical and social contexts in interpreting Qur'anic verses on *hijab* and *jilbāb*, seeking universal values applicable to contemporary realities (Islamy & Rahman Akbar, 2024).

Within the realm of legal exegesis and practical implementation, a comparative study on the implementation of the *jilbab* in Q.S. al-Aḥzāb [33]:59 reveals differences in interpretation between classical exegetical works such as *Fī Zilāl al-Qur'ān* and *Tafsīr al-Miṣbāḥ*. Contemporary interpretations, particularly *Tafsīr al-Miṣbāḥ*, tend to allow more contextual readings regarding the obligation of the *jilbab*, whereas classical tafsir generally affirms this obligation within a normative legal framework (Wirastho & An-Nabilah, 2021). Research on Quraish Shihab's interpretation further supports this finding, showing that in *Tafsīr al-Miṣbāḥ* the command of the *jilbab* is not necessarily understood as an absolute obligation uniformly applicable across all times and places, but rather as an ethical injunction that can be adapted to specific social realities without diminishing its religious value (Rezki Syafaat et al., 2023).

Other studies link the phenomenon of the veil (*jilbab*) to the values of *maqāṣid al-syarī'ah*, viewing the *jilbab* as an expression of *hifẓ al-karāmah* (the preservation of honor) and *hifẓ al-'ird* (the protection of dignity). From this perspective, the emphasis is placed not merely on the form of dress, but on its broader objective of social protection (Zulfa & Fahim, 2024). In addition, thematic Qur'anic exegesis examining verses on the *jilbab*, *niqab*, and *burqa* suggests that discussions of Muslim women's dress should be situated within modern contexts and approached through *tafsīr maudhu'ī* in order to understand the relationship between the scriptural texts and emerging phenomena such as contemporary *hijab* fashion (Muhammad Syihab Al Faruqi et al., 2023).

Literature that situates the *jilbab* within a socio-cultural context illustrates how its use has evolved from being merely a religious obligation into a phenomenon of everyday life. For instance, Safitri Yulikhah's research argues that the wearing of the *jilbab* in society reflects not only piety but also social life and lifestyle, in which the *jilbab* becomes part of social identity expression and a religious symbol in public interaction (Yulikhah, 2016). Meanwhile, studies that examine the *jilbab* as a fashion accessory in the modern era offer critical perspectives on trends that detach dress practices from religious education and *sharī'ah* norms, highlighting the need for strong religious education amid the currents of

contemporary fashion (Firmansyah, 2022). Research in the context of Islamic education further adds that the concept of the jilbab in the Qur'an does not merely regulate clothing, but is also closely related to morality, *tabarruj*, and broader ethics of social interaction, making it relevant to character formation among students (Hanafy, 2018).

Overall, the existing scholarly literature reveals several major clusters in the study of the jilbab. First, terminological interpretations and Qur'anic exegesis emphasize the distinctions between the terms hijab, khimār, and jilbab, along with their relevance to modern contexts. Second, studies on the legal implementation of the jilbab highlight differences between classical and contemporary interpretations. Third, analyses grounded in maqāṣid al-syarī'ah position the jilbab as a means of protecting women's dignity. Fourth, socio-cultural studies view the jilbab phenomenon as an integral part of social identity and the lived experiences of contemporary Muslim women.

While several existing studies have already engaged in comparative readings of the jilbab such as Wirastho and An-Nabilah's (2021) comparison between *Fī Zilāl al-Qur'ān* and *Tafsīr al-Miṣbāḥ*, Rezki Syafaat et al.'s (2023) focused analysis of Quraish Shihab's interpretation, and Islamy and Akbar's (2024) application of the Double Movement Theory these works are generally limited to a single pair of exegetical works, a single contemporary thinker, or a single hermeneutical framework. This article distinguishes itself by constructing a broader and more systematic comparative framework, one that juxtaposes multiple classical exegetes representing different exegetical traditions (al-Ṭabarī, Ibn Kathīr, al-Qurṭubī, and al-Suyūṭī) against contemporary thinkers representing divergent reformist trajectories legal-textual (al-Qaraḍāwī), historicist-rationalist (al-ʿAshmāwī and Syahrūr), feminist-hermeneutical (Wadud), and maqāṣidī-contextual (M. Quraish Shihab). Rather than merely documenting a shift from textual to contextual readings, this study employs a comparative-coding method to systematically trace how the underlying legal reasoning (ʿillah) shifts across these interpretive positions, and proposes a reconstructive framework that explicitly distinguishes universal normative values from the historically contingent forms of jilbab. It is this combination breadth of comparative scope, methodological explicitness, and a reconstructive rather than purely descriptive aim that constitutes the distinct contribution of this article to the existing body of literature.

Building on this body of literature, this article seeks to examine and reconstruct the legal understanding of the jilbab through a comparative approach between the interpretations of classical and contemporary scholars. This approach is employed to assess the extent to which shifts in interpretive paradigms have occurred, while also identifying normative and contextual dimensions within the discourse on the jilbab. Accordingly, this study is expected to contribute academically to enriching the discourse of Islamic law in a manner that is more just, contextual, and responsive to the social realities of Muslim women today.

B. Method

This study adopts a qualitative, text-based research design with a comparative approach to reconstruct the legal understanding of jilbab through classical and contemporary Qur'anic interpretations. The research was conducted through systematic library research, focusing on primary and secondary textual sources relevant to the discourse on jilbab in Islamic law and Qur'anic exegesis (Yusuf, 2014). The primary data consist of Qur'anic verses that are central to the discussion of women's dress, particularly

Q. an-Nūr [24]:31 and Q. al-Aḥzāb [33]:59. These verses were analyzed alongside classical tafsīr works—such as those of al-Ṭabarī, Ibn Kathīr, al-Qurṭubī, and al-Suyūṭī and contemporary interpretations, including works by Quraish Shihab, Yusuf al-Qaraḍāwī, Muhammad Syahrur, Saʿid al-ʿAshmawī, and Amina Wadud. These sources were selected because they represent diverse interpretive paradigms, ranging from normative-textual to contextual and critical approaches. Secondary data were obtained from peer-reviewed journal articles, academic books, and reputable online journal repositories that discuss jilbab from legal, hermeneutical, maqāṣid al-sharīʿah, and sociocultural perspectives, particularly within Muslim-majority contexts such as Indonesia. The selection of secondary literature was carried out through keyword-based searches (e.g., jilbab, hijab, khimar, Qurʾanic interpretation, Islamic law, gender) in academic databases and national journal portals.

Data analysis was conducted in several stages. First, relevant texts were identified and coded based on key analytical categories, including: (1) legal status of jilbab (obligatory, recommended, or non-obligatory), (2) interpretive methodology (literal-textual, contextual, hermeneutical), (3) underlying normative objectives (aurat, modesty, protection, dignity), and (4) socio-historical considerations. Second, a comparative analysis was performed to identify similarities and differences between classical and contemporary interpretations, with particular attention to shifts in legal reasoning and underlying assumptions about gender and social context. Third, the findings were synthesized through a reconstructive analysis that integrates normative Islamic legal principles with contextual realities, especially those relevant to contemporary Indonesian society (Arfa & Marpaung, 2018).

The choice of a comparative qualitative approach is grounded in the aim of this study to move beyond merely describing divergent opinions toward reconstructing a more contextual and responsive understanding of jilbab law. By systematically comparing interpretive traditions and situating them within their respective historical and social contexts, this method allows for a nuanced analysis of paradigm shifts in Islamic legal thought and provides a grounded basis for proposing a reconstructed framework of jilbab that is normatively rooted yet socially relevant.

C. Result and Discussion

1. Terminology and Historicity of the Jilbab

Etymologically, the term *jilbab* derives from the Arabic root *jalaba–yajlibu–jalban*, which conveys the meanings of bringing, drawing over, or covering. Linguistically, *jilbab* refers to a loose and wide outer garment, similar to a long tunic, worn to cover the body. In the common understanding of Muslim societies, the *jilbab* is often perceived as a distinctive form of women's clothing that represents Islamic identity (Munawwir, 1997). Louis Maʿruf defines the *jilbab* as a broad and loose garment or cloth. Meanwhile, Ibn ʿAbbas and Qatadah interpret the *jilbab* as clothing that covers the temples and the nose, while leaving the eyes visible, and extends to cover the chest and part of the face. This definition indicates that from its earliest usage, the concept of *jilbab* was not singular or uniform, but rather encompassed diverse meanings.

In modern exegetical discourse, M. Quraish Shihab understands the *jilbab* as a loose outer garment accompanied by a head covering. This interpretation emphasizes modesty and looseness of dress rather than adherence to a fixed symbolic form (M. Q. Shihab, 2000). Ibn ʿAshur provides a more detailed explanation by describing the *jilbab* as a garment smaller than a cloak but larger than a headscarf or face veil. It is worn over a

woman's head, with both sides draping along the cheeks to cover the shoulders and back. Notably, Ibn 'Ashur stresses that the form of the *jilbab* may vary according to women's preferences and local customs, as long as its primary objective is achieved namely, that women are recognized as respectable and are not subjected to harassment. This emphasis on purpose (*maqāṣid*) demonstrates that a contextual dimension in understanding the *jilbab* has existed since the classical period (M. Q. Shihab, 2000).

In the *Kamus Besar Bahasa Indonesia* (Great Dictionary of the Indonesian Language), *jilbab* is defined as a wide headscarf worn by Muslim women to cover the head and neck down to the chest (Pusat Bahasa (Indonesia), 2001). This definition reflects a narrowing of meaning in the Indonesian context, where *jilbab* is commonly equated with a headscarf. In English, *jilbab* is often translated as *veil*, a term derived from the Latin *velum* (plural: *vela*), which lexically means a cover, concealment, or something that obstructs view. The term *veil* itself may refer to three types of covering: head covering, face covering, and body covering, indicating that its meaning is likewise not singular (El Guindi, 2003).

In addition to *jilbab*, other terms frequently conflated in popular discourse are *khimār* and *ḥijāb*. In Arabic, *khimār* means a covering and specifically refers to a cloth that covers a woman's head and neck, usually extending to the shoulders or chest (Muthalib & Novianda, 2020). Meanwhile, *ḥijāb* carries a broader meaning. It does not merely denote a head covering but encompasses the entire concept of modest dress that covers the *ʿawrah*, while also reflecting attitudes, behavior, and ethical conduct consistent with Islamic values. Thus, *khimār* represents a specific type of head covering, whereas *ḥijāb* reflects a more comprehensive normative concept of modesty and women's dignity in Islam. Both share the same underlying objective: safeguarding women's honor and dignity, although they operate at different conceptual levels (El Guindi, 2003).

Based on these various definitions, it can be concluded that all understandings of the *jilbab* refer to a form of clothing intended to cover a woman's body. The diversity of these definitions indicates that there is no single, fully equivalent term to translate *jilbab* into Indonesian. Nevertheless, in social practice in Indonesia, the term *jilbab* is generally understood as a headscarf, even though conceptually this meaning is closer to *khimār*. This simplification of meaning subsequently influences how society perceives and interprets the obligation of *jilbab* within Islamic teachings.

Historically, the *jilbab* was a long outer garment resembling a loose robe that covered most of the body, including the head and chest, and in some practices even the face. This style of clothing was similar to the *burdah*, a loose cloak or toga made of wool or simple fabric. Such garments were already known among Arab societies long before the advent of Islam. Both women and men wore loose outer clothing to protect themselves from heat, dust, and the harsh environmental conditions of the desert (Wijayanti, 2017).

In pre-Islamic Arab society, the use of the *jilbab* carried specific social meanings. Women who wore the *jilbab* were regarded as respectable, even though at that time the garment often covered only the head while leaving the hair partially visible. Conversely, women who did not wear the *jilbab* were frequently perceived as having lower social status. The *burdah*, as a form of outer garment worn by men, functioned primarily as attire denoting dignity or as protection against environmental conditions. This indicates that from its earliest usage, the *jilbab* served not only a practical function but also embodied social symbolism (Muhammad Syihab Al Faruqi et al., 2023).

Several scholars argue that the *jilbab* was not purely an indigenous Arab cultural product, but rather a tradition adopted from external cultures. The *jilbab* is often traced to Mesopotamian and Persian traditions, while practices of gender segregation are linked

to Hellenistic-Byzantine culture (Husein, 2007). These traditions later spread to northern and eastern regions of the Arabian Peninsula, such as Damascus and Baghdad, which subsequently became major political and civilizational centers during the Umayyad and Abbasid dynasties. As Islam expanded and consolidated its political authority, the use of the jilbab and the practice of female seclusion underwent a process of institutionalization. What was initially an optional form of dress (*occasional costume*) gradually came to be positioned as a normative obligation for Muslim women (Muhammad, 2019).

In terms of material, the jilbab was produced using fabrics adapted to climatic conditions, social status, and the economic capacity of the wearer. Common materials included wool, cotton, and silk. Some jilbabs were thick and fully covered the body, while others were thin and even transparent. However, with the advent of Islamic teachings on modesty and the covering of the *aurat*, women's jilbab was directed to be made from non-transparent materials that could appropriately cover the body in accordance with Islamic principles (Firmansyah, 2022).

In Indonesia, Islam has been present since approximately the thirteenth century, yet the widespread practice of wearing the jilbab as a prominent social phenomenon only emerged in the early 2000s. During the New Order era, the wearing of the jilbab was restricted and, in certain public spaces, even prohibited. Following the Reformasi period, however, the jilbab gained broad acceptance across social classes and status groups. What was once viewed primarily as a symbol of personal piety has since developed into part of the fashion and lifestyle industry. This phenomenon reflects a shift in the meaning of the jilbab from a predominantly religious discourse to the realm of popular culture and fashion (Wijayanti, 2017).

In subsequent developments, the jilbab has not only functioned as a marker of religious identity but also as a symbol of *hijrah*, particularly among public figures and celebrities. The decision of artists to wear the jilbab often attracts significant media attention and is framed within inspirational narratives, which simultaneously strengthen their social image and even their professional careers. Additionally, various hijab communities have emerged with the aim of reconstructing the image of veiled women so that they are no longer associated with being outdated, exclusive, or overly conservative. As a result, the jilbab appears in diverse models and styles, such as pashmina, square hijabs, and other variations, indicating the rapid development of veiling practices in Indonesia (Firmansyah, 2022).

Thus, the jilbab can be understood as a phenomenon rich in meaning and multidimensional in nature. Initially functioning as a marker of religious identity and moral protection, the jilbab now also operates as a social and cultural language that conveys messages about identity, class, ideology, and even economic interests. This shift in meaning demonstrates that the jilbab cannot be read solely as a normative religious symbol, but also as a historical product and a social construction that continues to evolve in response to changing times.

2. Legal Basis of the Jilbab in the Qur'an: A Discourse on Q. an-Nūr and Q. al-Aḥzāb

As the primary sources of Islamic law, the Qur'an and the Hadith are expected to continually respond to the evolving problems of human life. The universal principle of the Qur'an, often expressed in the maxim *ṣāliḥ li kulli zamān wa makān* (valid for all times and places), affirms that Islamic teachings are not static but constantly engage in dialogue with changing contexts of time and space (Saeed, 2015). In the history of revelation, legal

verses were frequently revealed in response to specific social realities; therefore, their understanding cannot be separated from the socio-historical contexts that shaped them. The Prophetic Hadith subsequently functions as an explanatory (*bayān*) and reinforcing source for the normative content of the Qur'an (Ilyas, 1997).

In discussions of the jilbab as part of Islamic law, the Qur'an and Hadith occupy a central position as normative foundations. The term jilbab in its plural form *jalābīb* is explicitly mentioned in Q. al-Aḥzāb [33]: 59. This verse instructs the Prophet Muhammad (peace be upon him) to convey to his wives, daughters, and believing women that they should draw their jilbabs over their bodies. The normative objective of this command is clearly stated in the same verse: that they may be recognized and not harassed (Ali Engineer, 2022).

In Tafsīr al-Jalālayn, the term *jalābīb* is explained as the plural of jilbab, referring to an outer garment that covers a woman's entire body. The command to "draw the jilbab" is understood as an exhortation for Muslim women to wear loose, flowing outer garments, extending even to the face, when appearing in public spaces or interacting with non-maḥram men. This interpretation reflects a literal approach to the text, emphasizing bodily coverage as a form of moral and social protection.

The *asbāb al-nuzūl* of Q. al-Aḥzāb [33]: 59 indicates that the verse was revealed in response to harassment experienced by Muslim women in Medina. At that time, women would often go out at night to attend to certain needs, and some were subjected to abuse by immoral men. The perpetrators claimed that they had assumed the women were slaves rather than free women. In the social context of Arabia at the time, there were clear symbolic distinctions between free women and female slaves, including differences in dress. This verse thus served as a means of social protection by distinguishing the identity of free, honorable Muslim women so that they would not be harassed (Ali Engineer, 2022).

Accordingly, the command to wear the jilbab in Q. al-Aḥzāb [33]: 59 contains not only a normative dimension but also a social and protective one. Its primary objective is the prevention of harm (*daʿʿ al-ḍarar*) and the protection of women's dignity. This underscores that the verse emerged from an interaction between revelation and the social realities of Medinan society during the Prophet's time (Engineer, 1994).

In addition to Q. al-Aḥzāb [33]: 59, the normative basis of the jilbab is also frequently linked to Q. an-Nūr [24]: 31, which instructs believing women to lower their gaze, guard their chastity, and not display their adornment except what ordinarily appears. The verse further commands women to draw their *khimār* over their bosoms (*juyūb*). The term *khimār* in this verse indicates that head coverings were already known and used by Arab women at the time, but their manner of wearing them still left the chest exposed. Thus, the verse functioned to correct an existing mode of dress rather than introduce an entirely new form of clothing (Husein, 2007).

The phrase *illā mā ḡahara minhā* in Q. an-Nūr [24]: 31 constitutes a crucial point of disagreement among scholars. The debate centers on which parts of the body may be lawfully exposed. Some classical scholars interpreted the phrase strictly, arguing that only the outer garments may be visible, thereby requiring the entire body including the face and hands to be covered. Other scholars permitted the exposure of the face and hands, reasoning that these parts are difficult to conceal in daily activities and have long been customary to display (Ali Engineer, 2022).

These divergent interpretations demonstrate that, from the outset, the limits of women's 'awrah were never understood in a singular or final manner. Interpretations of the jilbab verses are deeply influenced by exegetical methodologies, social contexts, and

cultural constructions prevailing during the lives of the exegetes. Normatively, the verses concerning women's dress in both Q. an-Nūr [24]: 31 and Q. al-Aḥzāb [33]: 59 emphasize values of modesty, protection, and dignity rather than prescribing a single, fixed form of clothing (Robikah, 2020). Within the development of Islamic legal discourse, several normative criteria regarding the jilbab have emerged and are often cited as references. These include requirements that the jilbab cover the body except for parts customarily visible; that it not be thin or transparent; that it not be tight so as to reveal bodily contours; that it avoid excessive *tabarruj* (ostentatious display); and that it not resemble clothing of the opposite sex. These criteria largely derive from Prophetic traditions emphasizing simplicity, dignity, and moral distinction (Muthalib & Novianda, 2020).

Nevertheless, when examined historically and contextually, it becomes evident that the jilbab verses cannot be separated from their social objectives. The command to wear the jilbab functioned as a solution to concrete problems at the time of revelation, particularly the protection of women from harassment and social injustice. Therefore, understanding the jilbab as a legal obligation should not rely solely on a literal reading of the text but must also take into account social context, the objectives of Islamic law (*maqāṣid al-sharī'ah*), and the humanitarian principles that constitute the ethical spirit of Islam itself.

3. The Interpretation of the Jilbab from the Perspective of Classical Scholars

In the corpus of classical Qur'anic exegesis, discussions of the jilbab cannot be separated from debates on *'awrah* (parts of the body that must be covered), the social structure of early Islamic society, and the relationship between free women and female slaves. The verses on the jilbab particularly Q. al-Aḥzāb [33]:59 and Q. an-Nūr [24]:31 were understood by classical exegetes as both normative and social instruments intended to safeguard women's dignity and maintain social order.

In *Tafsīr al-Kabīr*, the command to wear the jilbab is understood as a regulation addressed specifically to free women rather than female slaves. This interpretation is grounded in the social structure of Arab society at the time, where distinctions in social status were clearly reflected in modes of dress. The jilbab was positioned as a symbol of honor and social protection for free women and therefore did not apply to female slaves, who, in the prevailing social order, were not accorded bodily autonomy and honor equivalent to that of free women (لفخر الدين محمد بن عمر بن الحسين بن الحسن بن علي التميمي البكري (الرازي الشافعي et al., 2013). This view is reinforced by Ibn Taymiyyah, who emphasized that hijab constituted a code of propriety obligatory for free women, while female slaves were not subject to the same obligation and were permitted to expose certain parts of their bodies in accordance with the social customs of their time (Ali Engineer, 2022).

Al-Ṭabarī, one of the most authoritative figures in classical tafsir, interprets Q. an-Nūr [24]:31 by presenting various reports from the Companions and the Successors concerning the phrase *illā mā ẓahara minhā* ("except what ordinarily appears thereof"). He explains that scholarly disagreement centers on which parts of a woman's body may be visible. Some reports limit this to outer garments, while others permit the visibility of the face and hands. Al-Ṭabarī himself tends to favor the latter opinion, allowing the face and hands to remain uncovered, on the grounds of social necessity and common practice in women's daily activities (Ath-Thabari, 2008).

Ibn Kathīr, in his exegesis, understands the jilbab as an outer garment worn over the *khimār*, serving to cover a woman's body when she goes outside. He notes that the majority of scholars allow the face and hands to be visible, while emphasizing that the

primary objective of the jilbab is the preservation of dignity and the prevention of moral harm (fitnah). Ibn Kathīr consistently situates the discussion of the jilbab within the social context of Medina, where the verse was revealed to protect women from harassment by irresponsible men (Ishaq Al-Sheikh, 2003).

The views of the majority of jurists (jumhūr al-‘ulamā’) across the four Sunni schools of law reflect a normative consensus that covering the ‘awrah is obligatory for Muslim women. Disagreement arises, however, regarding the precise limits of that ‘awrah. The Shāfi‘ī school, as articulated by Imām al-Shāfi‘ī in al-Umm, holds that a woman’s entire body constitutes ‘awrah except for the face and hands (az-Zuhaili, 2012). This position has become a principal reference for the practice of veiling in many Muslim societies. The Ḥanafī school, represented by Abū Bakr al-Jaṣṣāṣ, similarly maintains that the face and hands are not ‘awrah. Al-Jaṣṣāṣ links his interpretation of Q. an-Nūr [24]:31 to the concept of adornment (zīnah), such as kohl, henna, and rings. He argues that if these adornments may be displayed, then the body parts on which they are worn namely the face and hands may also be visible, provided that no sexual temptation is involved (Salim, 2010).

The Mālikī school exhibits greater internal diversity. The dominant view holds that a woman’s entire body is ‘awrah, including the face and hands. Nevertheless, other opinions within the school assert that covering the face and hands is not obligatory, while men remain obligated to lower their gaze. Al-Qurṭubī emphasizes that the face and hands are practically exposed in everyday activities and acts of worship, such as prayer and pilgrimage. He also records Mālikī opinions that distinguish between women based on perceived attractiveness, suggesting that women feared to cause temptation should be encouraged or required to cover their faces (Salim, 2010).

Within the Ḥanbalī school, Ibn Qudāmah, in al-Mughnī, states that a woman’s entire body is ‘awrah except for the face. Regarding the hands, he documents two differing opinions, both supported by legal reasoning (Jawad Mughniyah, 2011). This further illustrates that the boundaries of women’s ‘awrah in classical jurisprudence were never singular or absolute. Meanwhile, al-Suyūṭī, employing a compilatory approach, stresses that the jilbab verses must be understood with close attention to their circumstances of revelation and the social practices of early Muslim society. He gathers numerous reports demonstrating that the command to wear the jilbab was closely tied to protecting women from harassment and abuse, rather than merely imposing symbolic restrictions on women’s bodies (Jawad Mughniyah, 2011).

Based on the collective views of classical exegetes, it can be concluded that despite differences in defining the limits of ‘awrah and the specific form of the jilbab, the majority of scholars regarded the jilbab as a normative obligation for Muslim women. This obligation, however, was understood contextually, closely linked to social structures, women’s status, and the overarching aim of moral protection. The diversity of classical opinions demonstrates that discourse on the jilbab has been dynamic and interpretive from its inception, thereby leaving room for the continued development of Islamic legal thought in subsequent periods.

4. Interpretation of the Jilbab from the Perspective of Contemporary Thinkers

The development of society, changes in social structures, and the transformation of gender relations have given rise to contemporary interpretations of the Qur’anic verses on the jilbab that no longer rely solely on a textual–normative approach, but also take into account historical context, the objectives of the law (maqāṣid), and modern social realities. In this context, contemporary Muslim thinkers present a wide spectrum of views

ranging from deconstructive approaches to normative contextual ones regarding the obligation of the jilbab for Muslim women.

Sa'īd al-Asymawī, a liberal Islamic legal thinker from Egypt, interprets Q. al-Aḥzāb [33]:59 through a contextual–historical lens. According to him, the command to draw the jilbab in this verse was intended to distinguish free women from female slaves and women considered socially dishonorable in early Arab society. This distinction functioned as a form of social protection so that free women would not be harassed or abused. However, al-Asymawī argues that this legal rationale ('illah) has disappeared in modern society, since slavery has been abolished and the social structures that once underpinned the ruling no longer exist. Consequently, the jilbab provision in Q. al-Aḥzāb [33]:59 is no longer legally binding, because Islamic law, in his view, is contingent upon the presence of its effective cause ('illah) and lapses when that cause ceases to exist. This perspective positions the jilbab not as a permanent shar'ī obligation, but as a contextual and temporal regulation.

In contrast to al-Asymawī, Quraish Shihab develops a moderate–contextual approach to understanding awrah and the jilbab. He affirms that awrah refers to parts of the body that must be covered according to Islamic teachings, yet covering the awrah is not merely a physical matter but also encompasses moral, ethical, and behavioral dimensions (al-'Ashmāwī, t.t.). For Shihab, the primary purpose of the command to cover the awrah is to safeguard human dignity and to cultivate a civilized social order (Rezki Syafaat et al., 2023). He emphasizes the importance of dialogue between religious texts and socio-cultural contexts, so that the application of Islamic teachings remains connected to the diverse realities of human life. Furthermore, Shihab maintains that the practice of covering the awrah, including wearing the jilbab, should stem from personal faith and spiritual sincerity rather than social or legal coercion. Therefore, he advocates a persuasive and educational approach, asserting that choices of dress constitute a space for personal ijtihād that should be respected as long as they do not negate the fundamental values of Islam (Q. Shihab, 2000).

Meanwhile, Muhammad Syahrur offers a more radical interpretation through his theory of ḥudūd (the theory of limits) (Syahrur, 1990). He argues that the primary obligation for Muslim women is simply to cover the awrah, not to wear the jilbab as a specific attribute. Syahrur interprets Q. al-Nūr [24]:31 as establishing the minimum limit of a woman's awrah, namely the juyūb, which he understands as body parts that are concealed and have “two layers,” such as the chest and the genital area. As for Q. al-Aḥzāb [33]:59, Syahrur considers it not a normative legal verse (ḥudūd), but rather an informative and contextual one (nubuwwah) (Syahrur, 2000). Accordingly, its application is optional and highly dependent on social circumstances. Within this framework, Syahrur concludes that the jilbab is not a universally binding shar'ī obligation (Nurul Fithriyah Awaliatul Laili & Akbar Nur Aziz, 2023).

Amina Wadud, a Muslim female scholar and a leading figure in feminist Qur'anic interpretation, views the jilbab as a particular practice that has undergone excessive symbolization in Muslim societies. She argues that the jilbab is often positioned as a standard of moral correctness and Islamic identity for women, thereby becoming a kind of “social uniform” that restricts women's self-expression and identity formation. Wadud criticizes the tendency to equate modesty with the jilbab, as if modesty can only be realized through covering the head (Wadud, 2006). She emphasizes that the essence of Islamic teachings on hijab lies in the value of modesty itself, not in a specific form of dress. Consequently, the jilbab should be understood as a personal choice that can empower

women when it emerges from individual consciousness, rather than as an obligation imposed by social structures or patriarchal interpretations (Zulfikar & Mustaqim, 2024).

By contrast, Yusuf al-Qaraḍāwī represents the mainstream current of contemporary Islamic thought that continues to affirm the obligation of the jilbab, albeit through a moderate approach. He maintains that the jilbab is a shar'ī obligation for Muslim women as an expression of obedience to God and a means of preserving personal dignity. Al-Qaraḍāwī distinguishes between jilbab and hijab, understanding the jilbab as an outer garment that generally covers the body, while hijab refers more specifically to the head covering. According to him, the parts of a woman's body that may remain visible are the face and the hands in certain contexts. Nevertheless, al-Qaraḍāwī stresses the importance of considering social and cultural contexts in the application of the jilbab and criticizes rigid attitudes that judge or condemn women who do not wear it. He promotes an educational and persuasive approach as a da'wah strategy that is more consistent with the spirit of Islam as raḥmatan li al-'ālamīn (al-Qaraḍāwī, 1994).

5. Reconstruction of the Legal Understanding of the Jilbab

Before proceeding to reconstruction, it is necessary to engage the strongest objections raised by the jumhūr against the historicizing arguments presented above, since a reconstruction that does not survive its own counter-arguments risks becoming an assertion rather than a demonstration.

First, regarding al-'Ashmāwī's 'illah-lapse argument. The jumhūr's standard reply distinguishes between an 'illah manṣūṣah ('illah explicitly stated in the text itself) and an 'illah mustanbaṭah ('illah inferred by the jurist through analogy) (Zahrah, 2017). Where a ruling's 'illah is only inferred as in the case of linking Q. al-Aḥzāb [33]:59 to the historical distinction between free women and slaves jumhūr jurists argue that the ruling itself (the command to wear the jilbab) remains textually grounded and legally binding regardless of whether the inferred social rationale still obtains, since the command was revealed in the form of a direct address (khiṭāb) to believing women in general, not conditioned explicitly on slavery's existence. From this perspective, al-'Ashmāwī's argument conflates a plausible historical context (sabab or ḥikmah) with a binding legal cause ('illah shar'iyyah), and thus does not, by itself, dissolve the textual obligation (al-'Ashmāwī, t.t.).

Second, regarding the status of the khimār/juyūb command in Q. an-Nūr [24]:31. Unlike Q. al-Aḥzāb [33]:59 whose wording and asbāb al-nuzūl are more clearly tied to the specific social problem of harassment the command in Q. an-Nūr [24]:31 to "draw their khimār over their bosoms (juyūb)" is textually more direct and less obviously conditioned on a lapsing social circumstance (al-Suyūṭī, t.t.). This verse functioned to correct an already-existing practice (women wearing the khimār but leaving the chest exposed) rather than to introduce protection against a historically specific threat. This distinction matters for the reconstruction proposed here, it suggests that Q. 24:31 and Q. 33:59, though often treated together in the literature, may not carry the same relationship between text and historical context, and a reconstruction that treats them as equivalent risks flattening a meaningful legal distinction.

Taken together, these counter-arguments do not refute the contextualist reading advanced by al-'Ashmāwī, Syahrūr, and Wadud, but they do establish that the contextualist position must answer the manṣūṣah/mustanbaṭah objection directly, and must treat Q. 24:31 and Q. 33:59 as distinct legal objects rather than a single undifferentiated "jilbab command." Several classical exegetes cited above including Ibn Kathīr and al-Suyūṭī invoke Prophetic traditions in support of specific rulings on 'awrah,

yet the hadith texts themselves are rarely examined for their wording, chain of transmission, or juristic weight. Two hadith traditions are frequently central to this debate and merit explicit analysis rather than passing reference.

The first is the tradition concerning Asmā' bint Abī Bakr, in which the Prophet is reported to have instructed that once a woman reaches maturity, nothing of her body should be seen except "this and this," gesturing to the face and hands (Abū Dāwūd, t.t., Hadiths No. 4104; al-Albānī in *Jilbāb al-Mar'ah al-Muslimah*, t.t.). This tradition is frequently cited by scholars such as al-Shāfi'ī and al-Jaṣṣāṣ as textual support for excluding the face and hands from 'awrah. If the chain is judged weak, as several hadith critics have argued, its evidentiary weight for establishing a legal ruling is correspondingly diminished, which has direct implications for how confidently the "face-and-hands exception" can be treated as normatively settled.

The second concerns traditions restricting the wearing of niqāb (face-covering) and gloves during the state of iḥrām for women, found in the ḥajj-related hadith literature (al-Bukhārī, t.t., Hadiths No. 1838). This tradition is significant because it implies that face-covering was a known and available practice among women at the time, which some jurists read as evidence that covering the face was customary and only prohibited in the specific ritual context of iḥrām while others read the same prohibition as evidence that face-covering was not obligatory outside iḥrām either, since a genuinely obligatory covering would not likely be suspended for ritual purposes.

These two examples illustrate that the hadith dimension of the jilbab discourse is not merely supplementary to the Qur'anic verses but carries its own interpretive and evidentiary complexity. A full reconstruction of jilbab law should therefore assess not only what these hadiths say, but their authenticity and how classical jurists weighed them relative to the more direct textual commands in Q. 24:31 and Q. 33:59.

The discourse on the interpretation of the jilbab developed within both classical and contemporary Islamic scholarship reveals significant paradigm differences in understanding its normative foundation, legal objectives, and social relevance. Classical scholars tended to position the jilbab as part of prescriptive sharī'a norms, albeit with variations regarding the limits of female aurat and modes of implementation. In contrast, contemporary scholars and thinkers emphasize the contextual, historical, and ethical dimensions of the injunction. This divergence in orientation necessitates a reconstruction of the legal understanding of the jilbab that remains faithful to the text while also being responsive to social change.

A comparative approach between classical and contemporary interpretations demonstrates a paradigm shift from a textual–normative approach toward a contextual–teleological one. In classical exegesis, the jilbab was understood as a legal instrument to safeguard women's dignity, prevent social harm (fitnah), and regulate social relations based on the structure of early Islamic society, including the distinction between free women and enslaved women (Zakiyah, 2020). However, the social context underpinning this legal construction is no longer fully relevant to modern societies, where slavery has been abolished and social relations have undergone fundamental transformations. Contemporary thinkers, by contrast, situate the jilbab within the framework of maqāṣid al-sharī'ah, viewing it as a means to realize values of modesty, dignity, and gender justice, rather than as an end in itself (Zulfa & Fahim, 2024).

Accordingly, the reconstruction of the law of the jilbab requires a clear distinction between its normative and contextual aspects. The normative aspect lies in the fundamental Islamic principles of modesty (ḥayā'), the preservation of dignity ('ird), and

the ethical regulation of social relations principles that are universal and transcendent across time and space. The contextual aspect, meanwhile, concerns specific forms and symbols of dress, including the jilbab as a particular mode of clothing, which are deeply shaped by social, cultural, and historical conditions. Within this framework, the jilbab is no longer positioned merely as a formalistic obligation, but rather as one ethical expression of modesty that may legitimately vary according to context (El Guindi, 2003).

In Muslim-majority countries such as Indonesia, reconstructing the understanding of the jilbab is particularly pertinent. Indonesia is not a religious state but a constitutional state that guarantees religious freedom and citizens' rights as enshrined in its constitution (Muhammad, 2019). The practice of wearing the jilbab in Indonesia functions not only as an expression of religiosity, but also as a cultural identity, a political symbol, and even a social commodity. These dynamics often generate tensions between religious norms, state policies, and individual freedoms, especially when the jilbab is enforced through formal regulations or social pressure (Maisurah et al., 2024).

A reconstructive approach demands that the law of the jilbab not be reduced to an instrument of moral control over women's bodies, but rather be understood as a domain of personal ethics rooted in religious consciousness (Budiati, 2011). The state, in this regard, should adopt a neutral stance and ensure the freedom of citizens to observe or not observe specific religious practices without discrimination. This position aligns with moderate contemporary Islamic scholarship that rejects the coercion of religious symbols and emphasizes educational and dialogical approaches in Islamic preaching (da'wah) (Hanafy, 2018).

Furthermore, reconstructing the legal understanding of the jilbab has implications for renewing the methodology of Islamic legal reasoning (istinbāt). Interpretation can no longer rely solely on classical authority, but must also incorporate historical, sociological, and gender analyses to ensure that Islamic law remains relevant and just (Muhammad, 2021). Through this approach, the jilbab is understood as a legitimate and honorable ethical-religious choice, rather than as a singular measure of Muslim women's piety. Such a perspective opens space for plural expressions of Islamic practice while remaining grounded in the core values of Islam (Yulikhah, 2016).

Thus, reconstructing the legal understanding of the jilbab through a comparative approach between classical and contemporary scholarship does not seek to negate the fiqh tradition, but to actualize it. This reconstruction affirms that Islamic law is dynamic and contextual, capable of addressing both academic concerns and the social challenges faced by modern Muslim societies, particularly in Indonesia. Within this framework, the jilbab is understood not merely as a rigid legal norm, but as a manifestation of modesty, dignity, and spiritual consciousness that emerges from free and responsible choice.

D. Conclusion

This study demonstrates that the discourse on the law of the jilbab in Islam is neither singular nor static, but rather the product of a dynamic process of interpretation shaped by the social, historical, and epistemological contexts of each period. A comparison between classical and contemporary interpretations reveals a paradigmatic shift from a textual-normative approach toward a contextual-teleological approach that places greater emphasis on the objectives of the law and the ethical values of Islam. Classical scholars generally viewed the jilbab as part of shari'a obligations, albeit with differing opinions regarding the limits of female aurat and the technical modes of its observance,

whereas contemporary thinkers tend to frame the jilbab as an expression of modesty and dignity that is highly dependent on social context and individual religious consciousness.

The reconstruction of the legal understanding of the jilbab proposed in this article underscores the importance of distinguishing between normative and contextual aspects within Islamic law. Fundamental principles such as modesty, the preservation of dignity, and the ethical regulation of social relations constitute universal values that remain relevant across time. Meanwhile, the symbolic form of the jilbab as a particular mode of dress represents a socio-cultural product that is open to change. Within this framework, the jilbab is not understood merely as a uniform and formal obligation, but rather as a legitimate ethical-religious choice grounded in Islamic values. Accordingly, this study affirms that Islamic law, including in the issue of the jilbab, possesses adaptive capacity to respond to changing times without losing its foundational values. A reconstruction of the law of the jilbab oriented toward *maqāṣid al-sharī'ah* and contemporary social realities is expected to enrich the field of Islamic legal studies, while simultaneously encouraging more humanistic, contextual, and justice-oriented religious practices within modern Muslim societies.

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