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The Personal Status Law (PSL) and Patriarchy in Saudi Arabia: A Critical Examination

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Abstract

Keywords: *Personal Status Law, patriarchy, Saudi Arabia, feminist legal theory*

In 2022, Saudi Arabia introduced the Personal Status Law (PSL) as part of its Vision 2030 reforms, promoting it as a milestone for women's rights, particularly in marriage, divorce, and custody. However, critical analysis suggests that the PSL maintains deeply entrenched patriarchal norms legitimized through conservative interpretations of Islamic jurisprudence. Despite claims of progress, the law's ambiguous language and retention of male guardianship structures raise concerns about its substantive impact on gender equality. This study aims to critically examine the PSL not merely as a legal document but as a political and cultural instrument reinforcing hierarchical gender relations. Employing a qualitative approach grounded in feminist legal theory and socio-legal analysis, this research applies documentary analysis to the PSL text, ministerial decrees, human rights reports, and academic literature. Thematic content analysis is used to uncover discursive patterns that normalize gender bias. Findings reveal that the PSL functions as a strategic, symbolic reform rather than a transformative legal change. While it introduces limited rights—such as minimum marriage age and partial custody protections—it perpetuates male authority through legal ambiguity and judicial discretion. This

study contributes to scholarly discourse by situating the PSL within broader frameworks of authoritarian governance and cultural patriarchy. It highlights the limits of legal empowerment when reforms are disconnected from societal transformation and grassroots engagement, offering insights into how state-led modernization can simultaneously promote and constrain women's rights.

Abstrak

Kata Kunci: *Pada tahun 2022, Arab Saudi memperkenalkan Undang-Undang Status Undang-Undang Pribadi (Personal Status Law / PSL) sebagai bagian dari reformasi Visi Status Pribadi, Patriarki, Arab Saudi, Teori Hukum Feminis* 2030, yang diklaim sebagai tonggak sejarah bagi hak-hak perempuan, khususnya terkait perkawinan, perceraian, dan hak asuh anak. Namun, analisis kritis menunjukkan bahwa PSL tetap mempertahankan norma patriarkal yang mengakar, dilegitimasi melalui interpretasi konservatif terhadap hukum Islam. Meskipun narasi resmi menekankan kemajuan, bahasa hukum yang ambigu dan keberlanjutan sistem perwalian laki-laki menimbulkan pertanyaan tentang dampak substansialnya terhadap kesetaraan gender. Penelitian ini bertujuan untuk mengkaji PSL tidak hanya sebagai dokumen hukum, tetapi juga sebagai instrumen politik dan kultural yang mereproduksi relasi gender hierarkis. Penelitian ini menggunakan pendekatan kualitatif berbasis teori hukum feminis dan analisis sosio-legal, dengan metode analisis dokumen terhadap teks PSL, dekret kementerian, laporan hak asasi manusia, serta literatur akademik. Analisis isi tematik digunakan untuk mengungkap pola-pola diskursif yang menormalisasi bias gender. Hasil penelitian menunjukkan bahwa PSL berfungsi lebih sebagai reformasi simbolik strategis daripada perubahan hukum yang transformatif. Meskipun menghadirkan beberapa hak terbatas – seperti penetapan usia minimum menikah dan perlindungan sebagian hak asuh – hukum ini tetap mempertahankan otoritas laki-laki melalui ambiguitas hukum dan diskresi yudisial. Studi ini memberikan kontribusi pada diskursus akademik dengan menempatkan PSL dalam kerangka tata kelola otoritarian dan patriarki budaya. Penelitian ini menyoroti keterbatasan pemberdayaan hukum ketika reformasi terputus dari transformasi sosial dan partisipasi akar rumput, serta memberikan wawasan tentang bagaimana modernisasi negara dapat sekaligus mempromosikan dan membatasi hak perempuan.

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Introduction

In recent decades, Saudi Arabia has undergone significant legal and social transformations, particularly in relation to women's rights. One of the most notable developments is the introduction of the Personal Status Law (PSL) in 2022, positioned as a landmark legal reform under the Vision 2030 agenda championed by Crown Prince Mohammed bin Salman. The PSL is framed by the government as a progressive stride toward enhancing Saudi women's civil rights, including their rights to divorce, child custody, and the choice of a marital partner (Human Rights Watch 2022).

Despite these official narratives of progress, critical observers have questioned the actual extent to which the PSL dismantles the deeply embedded patriarchal structures within Saudi legal and social systems. Saudi patriarchy is not only rooted in traditional values or social customs, but is also legitimized through conservative interpretations of Islamic jurisprudence. The male guardianship system (*wilayah*)

remains a key example of how patriarchy has been institutionally codified (Doumato 1999).

Although the PSL introduces reforms, critics argue that it largely upholds the existing gender hierarchy. Provisions within the law continue to reflect male dominance, particularly in family matters. For instance, the law retains vague language that grants men greater authority in marriage decisions, while subtly reinforcing expectations of female obedience (Al-Munajjed 2009). These ambiguities have sparked concern among feminist scholars and women's rights activists who see the reforms as more symbolic than substantive.

The state's tight control over feminist activism and discourse further complicates the implementation of the PSL. Legal reform, in this sense, appears to be driven more by international image management than by a genuine commitment to gender justice. Scholars have described this approach as "authoritarian modernization," where top-down

reforms serve to consolidate state power while offering limited space for grassroots engagement or feminist critique (Al-Rasheed 2013).

Previous research on gender and law in Saudi Arabia has predominantly focused on either documenting legal restrictions on women or analyzing reform initiatives as isolated policy shifts. While valuable, these studies often stop short of critically examining how legal reforms like the PSL operate within—and potentially reinforce—the broader ideological framework of patriarchy. Moreover, they rarely address how state-led reforms interact with authoritarian control over public discourse and civil society (Hamdan 2005).

This article seeks to fill that analytical gap by offering a critical reading of the Personal Status Law through the lens of feminist legal theory and critiques of state authoritarianism. Unlike purely doctrinal legal analysis, this study approaches the PSL as a site of contested power where gender, law, and state ideology intersect. It

interrogates not just the content of the law, but also the political and sociocultural context in which it was crafted and is being implemented.

A key concern of this study is how patriarchal norms are preserved—even within frameworks ostensibly aimed at reform. The PSL, in many ways, illustrates the limits of legal reform in societies where the law itself is a tool for sustaining established hierarchies. The law may change on paper, but the lived experiences of women often remain shaped by conservative interpretations and institutional control (Abu-Lughod 2013).

The novelty of this research lies in its synthesis of feminist legal critique with an analysis of authoritarian governance. Rather than viewing the PSL as an isolated advancement, this study situates it within a larger discourse of state power, gender regulation, and symbolic compliance with international human rights norms. In doing so, it highlights how the legal empowerment of women may coexist

with—and even mask—the persistence of patriarchal authority.

This examination also pays particular attention to the language of the law. By analyzing the discourse embedded in the PSL's articles, this study reveals how gender bias is subtly embedded in legal texts through vague terminology and culturally loaded expectations. These linguistic patterns contribute to what has been termed "soft patriarchy," where control is maintained through moral and cultural pressure rather than overt legal prohibition (Joseph 1996)

In conclusion, the aim of this article is to critically assess the Personal Status Law in Saudi Arabia not only as a legal document, but as a political and cultural artifact. By unveiling the complexities behind the law's formulation, interpretation, and impact, this research contributes to broader debates on the role of law in perpetuating or challenging patriarchy in contemporary Islamic societies.

Recent human rights analyses by Amnesty International and

Human Rights Watch provide empirical evidence reinforcing earlier critical perspectives. Amnesty International (2023) highlights that, despite introducing a minimum marriage age, the Personal Status Law (PSL) "codifies discrimination" by perpetuating male guardianship, inadequately addressing domestic violence, and imposing conditional financial support based on female obedience

Similarly, Human Rights Watch (2023) emphasizes that the law's vague language grants judges undue discretion, allowing patriarchal interpretations to persist in marriage, divorce, and custody rulings

Moreover, a recent peer-reviewed study in *Gender, Work & Organization* (Aldossari et al. 2024) situates the PSL within broader socio-economic structures, demonstrating how Vision 2030's reforms often legitimize women's labor-force participation while failing to dismantle patriarchal cultural norms. The authors warn that legal changes "may be more about improving Saudi

Arabia's international image than genuinely enhancing women's rights.”

Another scholarly article on the LSE Religion & Global Society blog (2024) points out modest gains in custody rights—allowing mothers to retain parenting rights until age 15 and offering protections like DNA consent—but still notes that guardian consent and patriarchal expectations remain deeply embedded

These updated references illustrate gaps in existing critiques: while the PSL introduces legal reforms, evaluations frequently overlook how these shifts interact with entrenched authoritarian structures and cultural patriarchy. The novelty of this study lies in its multilayered critique: combining feminist legal analysis, authoritarian governance critique, and discourse analysis, it examines how the PSL functions less as emancipatory law and more as a strategic, symbolic reform. This approach unveils how gendered power is maintained through legislative ambiguity, judicial discretion, and state-

managed discourse—highlighting the limits of legal empowerment when divorced from societal transformation and civil participation.

Metode

This study adopts a qualitative critical approach grounded in feminist legal theory and socio-legal analysis. It aims to deconstruct the underlying patriarchal ideologies embedded within the Personal Status Law (PSL) in Saudi Arabia. The research employs documentary analysis as its primary method, focusing on official legal texts, including the full text of the 2022 PSL, related legal commentaries, and constitutional provisions. This approach is supplemented by the interpretive reading of secondary literature, including peer-reviewed journals, policy reports from international organizations, and blog articles authored by legal and gender scholars. By combining textual and contextual interpretation, the research critically examines how the language, structure, and application

of the PSL reflect or reinforce patriarchal norms within the broader framework of Saudi governance and Islamic legal discourse (Al-Rasheed 2013; Abu-Lughod 2013).

The data sources for this study are drawn from three main categories: (1) primary legal documents such as the PSL text and related ministerial decrees; (2) official and NGO reports, including those by Human Rights Watch and Amnesty International (2023); and (3) academic analyses and feminist critiques published in scholarly journals and public policy blogs (Aldossari et al. 2024; LSE Religion & Global Society 2024). Data were collected through literature and content review, with a focus on identifying key themes, recurring discursive patterns, and the legal-philosophical implications of the PSL. The data were then analyzed using thematic content analysis, allowing the researcher to trace how legal reform narratives are deployed by the state while patriarchal authority remains structurally intact (Joseph 1996; Doumato 1999).

Result and Discussion

How the PSL simultaneously embodies the language of progress while reinforcing patriarchal and authoritarian structures

The recent enactment of the 2022 Personal Status Law (PSL) in Saudi Arabia has been widely lauded as a milestone of gender reform under the Vision 2030 agenda. Officially, the PSL promises expanded rights for women in areas such as marriage, divorce, and child custody. However, a critical feminist legal perspective suggests that these reforms, while symbolically significant, may ultimately reinforce rather than dismantle entrenched patriarchal hierarchies. When analyzed through the lens of feminist jurisprudence, the legal text reveals persistent male guardianship structures, which continue to shape women's roles within both the family and the state (Joseph 1996; Abu-Lughod 2013).

At the core of the PSL's institutional framework lies a tension between reformist language and authoritarian legal culture. Reform

measures such as establishing a minimum marriage age and granting women formal divorce rights have garnered positive international attention. Yet, these are set within a centralized authoritarian system where judicial discretion remains a tool for maintaining traditional power relations. The real-world implementation of reforms thus becomes filtered through the priorities of male-dominated state institutions—often limiting them to surface-level compliance with global norms (Al-Rasheed 2013).

Marriage provisions in the PSL serve as a telling example of this dynamic. While the law allows women to wed without explicit guardian consent once reaching legal adulthood, it simultaneously grants judges broad leeway to intervene, legitimize patriarchal mandates, and reinscribe the necessity of male guardianship in decisions concerning marital compatibility, inheritance, and guardianship. Such judicial discretion underscores how legal “reform” can serve as a veneer for continued control over women’s

autonomy (Amnesty International 2023).

The area of divorce similarly illustrates this subtle interplay between empowerment and control. The PSL formally widens women's access to divorce and legal recourse. Nonetheless, additional judicial requirements—such as mandatory counseling or proving genuine cause—effectively erect new hurdles. Women may be required to submit to patriarchal remediation efforts, thus prolonging state and male oversight over family dissolution, undermining genuine autonomy (Aldossari et al. 2024).

Child custody arrangements reflect yet another manifestation of this tension. The law grants mothers custody rights until a child reaches 15, yet it also enables courts to override those rights based on ambiguous moral or cultural criteria. As a result, custody decisions remain vulnerable to patriarchal and religious-legal interpretations that prioritize male guardianship, even in nominally reformist frameworks (LSE Religion & Global Society 2024).

Financial regulations included in the PSL, ostensibly designed to ensure child support and economic independence for women, are likewise shaped by gendered expectations of obedience and comportment. Access to financial support is often contingent on women being “well-behaved” or morally compliant—further transforming economic reform into a means of social control (Human Rights Watch 2023).

A recurring feature of the PSL is its discursive ambiguity. Terms like “best interest,” “decency,” and “public order” are intentionally broad, enabling judges to apply patriarchal readings under the guise of legal neutrality. This “soft patriarchy” maintains control more subtly than explicit legal restrictions, embedding authority within judicial interpretation rather than statutory text (Joseph 1996).

Beyond textual analysis, the social and political context in which the PSL was enacted is crucial. The state’s authoritarian grip over civil

society ensures that reformist initiatives occur top-down, often to bolster national image, rather than support organic civil engagement. The lack of meaningful public discourse or activist involvement in lawmaking processes indicates that the PSL is a controlled concession rather than a genuine emancipation vehicle (Al-Rasheed 2013).

When compared to reform efforts in other Gulf states—or even Western legal systems—the limited scope of Saudi reform becomes apparent. While neighboring countries may have implemented broader judicial independence and civil society engagement, Saudi Arabia’s PSL reveals a preference for superficial progress masked by authoritarian continuity (Aldossari et al. 2024).

Ultimately, the PSL exemplifies how legal reform can function simultaneously as a symbol of modernization and a mechanism of control. Empowerment gains remain fragile without institutional safeguards like judicial accountability, robust civil

participation, and open public debate. For genuine gender justice to materialize in Saudi Arabia, legal changes must be accompanied by structural transformations in governance and culture.

How Personal Status Law (PSL) and Patriarchy in Saudi Arabia happens?

In 2024, Saudi Arabia's female labor force participation rose to 35.8%, exceeding Vision 2030 targets. While this economic progress has been widely praised, it coexists with deeply entrenched patriarchal structures within domestic law, particularly the Personal Status Law (PSL). The PSL continues to condition women's financial entitlements on behavioral compliance within marriage, revealing a legal contradiction: women's autonomy may be expanding in the workforce, but it remains tightly controlled in the private sphere (Human Rights Watch 2023).

A recent analysis from Religion & Global Society shows that the PSL introduced key improvements in child custody

regulations. Mothers can retain custody of their children until the age of 15, and potentially until 18 if the child chooses to remain with the mother. However, this progress is mediated through vague legal language, such as "the best interest of the child," which grants judges broad interpretive power – often informed by conservative norms that favor paternal authority (LSE 2024).

One notable provision allows women to seek a change of guardian if the current guardian obstructs marriage without justification. Although this appears progressive, it merely shifts control from the male guardian to the judge, thereby reinforcing state patriarchy rather than dismantling it. The reform does not eliminate the underlying assumption that women require male or institutional oversight to make life decisions (Aldossari, Aziza, and Demirkaya 2024).

Amnesty International (2023) reports that the PSL formally enshrines a husband's right to financial control based on a wife's obedience. A wife who is deemed

“disobedient” may be denied maintenance. Moreover, the law lacks clear language prohibiting marital rape or domestic violence, leaving women vulnerable under legal frameworks that prioritize male authority and “family unity” over individual protection (Amnesty International 2023).

Human Rights Watch (2023) similarly highlights how PSL articles penalize women who leave the marital home without a judge-approved justification. These women risk losing not only financial support but also custody of their children. This punitive logic positions obedience as a legal obligation, thereby transforming spousal relationships into vertical hierarchies upheld by the judiciary (Human Rights Watch 2023).

The Implementing Regulations of the PSL issued in early 2025 provide new procedures allowing courts to evaluate guardianship and custody claims based on psychological or physical harm. While these reforms introduce a framework for safeguarding

women’s well-being, they simultaneously expand the state’s role in managing intimate matters. Such medicalization of family disputes often reinforces patriarchal control under the guise of professional assessment (LSE Middle East Centre 2025).

According to a 2025 report from Equality Now, mothers are now allowed to maintain custody of their children even after remarrying—a significant shift from previous norms. The law also permits women to pursue *faskh* (judicial divorce) without returning the dowry if the husband is found at fault. However, the implementation of these reforms remains inconsistent, largely dependent on the discretion and ideology of individual judges (Equality Now 2025).

In summary, while the PSL introduces partial reforms in guardianship, custody, and divorce, these changes operate within an overarching authoritarian and patriarchal legal structure. Genuine gender justice in Saudi Arabia requires more than reformist

language—it demands a transformation of institutional attitudes, legal accountability, and active civil society participation, none of which the PSL currently provides (Aldossari, Aziza, and Demirkaya 2024).

Conclusion

Synthesizing the overall discussion and analysis regarding the Personal Status Law (PSL) and its intersection with patriarchy and authoritarianism in Saudi Arabia:

In conclusion, while the Personal Status Law (PSL) represents a significant shift in Saudi Arabia's legal landscape, particularly regarding codification and procedural clarity, it ultimately falls short of achieving substantive gender equality. The law continues to reflect and reinforce deeply rooted patriarchal structures by conditioning women's rights on moral and behavioral compliance, especially in the context of marriage, guardianship, and financial entitlements. Rather than dismantling male authority, the law

redistributes it through state institutions—chiefly the judiciary—thereby preserving the status quo.

Moreover, the PSL's vagueness in key provisions, such as the “best interest of the child” and the criteria for disobedience, grants broad discretion to judges who often operate within conservative ideological frameworks. This flexibility, instead of empowering women, tends to marginalize them further by placing their rights in the hands of institutional actors influenced by traditional norms. Though some progressive changes—like expanded custody rights and judicial divorce without dowry return—signal a willingness to modernize, these remain uneven in their implementation and largely symbolic without broader systemic reform.

Ultimately, true legal empowerment for women in Saudi Arabia requires a more transformative approach—one that addresses not only the legal text but also the institutional mechanisms that enforce and interpret it. This means

rethinking the role of male guardianship, ensuring judicial accountability, and creating space for civil society and women's voices in legislative processes. Without these structural shifts, the PSL may serve more as a tool of authoritarian image-building than a genuine pathway to gender justice.

References

- Abu-Lughod, Lila. *Do Muslim Women Need Saving?* Harvard University Press, 2013.
- Aldossari, Sumayya, Sarah Aziza, and Neslihan Demirkaya. "The Vision 2030 of Reproductive Rights: Reforms in Saudi Arabia's Personal Status Law." *Gender, Work & Organization*, 2024.
- Aldossari, M., & Chaudhry, S. (2024). Gendered precarity in Saudi Arabia: Examining the state policies and patriarchal culture in the labor market. *Gender, Work & Organization*, 31(6), 2698–2716. <https://doi.org/10.1111/gwa.o.13119>
- Al-Rasheed, Madawi. *A Most Masculine State: Gender, Politics and Religion in Saudi Arabia*. Cambridge University Press, 2013.
- Alsafwani, B. (2024). The child's right in custody and foster care in Saudi Arabia. *Community: Jurnal Hasil Penelitian dan Pengabdian Masyarakat*, 3(2), 84–91. <https://doi.org/10.61166/community.v3i2.50>
- Amani Hamdan, "Women and Education in Saudi Arabia: Challenges and Achievements," *International Education Journal* 6, no.1 (2005): 42–64.
- Amnesty International, "Saudi Arabia: Personal Status Law Codifies Discrimination Against Women," March 2023.
- Doumato, Eleanor. *Getting God's Ear*. Columbia University Press, 1999.
- Eleanor Abdella Doumato, *Getting God's Ear: Women, Islam, and*

- Healing in Saudi Arabia and the Gulf (New York: Columbia University Press, 1999).
- Equality Now. Saudi Arabia's New Personal Status Law: A Step Forward for Women's Rights? May 2025.
- Human Rights Watch, "Saudi Arabia: New Personal Status Law Codifies Discrimination", March 2022.
- Joseph, Suad. Gender and Citizenship in the Middle East. Syracuse University Press, 1996
- Kamila, M. Z. (2024). Hukum keluarga di Saudi Arabia. *Al-Ahwal Al-Syakh-siyyah: Jurnal Hukum Keluarga dan Peradilan Islam*, 2(2). <https://doi.org/10.15575/as.v2i2.14328>
- Lila Abu-Lughod, *Do Muslim Women Need Saving?* (Cambridge, MA: Harvard University Press, 2013).
- LSE Middle East Centre. Expanding Women's Legal Autonomy: New PSL Regulations in Saudi Arabia. February 2025.
- LSE Religion & Global Society, "Women's Rights and the New Personal Status Law in Saudi Arabia" (blog post, May 2024). Syracuse University Press, 1996.
- Madawi Al-Rasheed, *A Most Masculine State: Gender, Politics and Religion in Saudi Arabia* (Cambridge: Cambridge University Press, 2013).
- Mona Al-Munajjed, *Women in Saudi Arabia Today* (London: Palgrave Macmillan, 2009).
- Nurhayati, A. (2022). Politik hukum (legislasi) hukum keluarga di Saudi Arabia. *Ijtimaiyya: Jurnal Pengembangan Masyarakat Islam*, 7(1). <https://doi.org/10.24042/ijp.mi.v7i1.918>
- Polok, B., & Abbasi, Z. (2024, November 7). Personal Status Law in Saudi Arabia: A Shift in Child Custody Rights of Mothers. Oxford Human Rights Hub.
- Rafsanjani, D. B. (2022, 30 Mei). Tinjauan Hukum Islam

terhadap pernikahan tanpa wali oleh tenaga kerja wanita (TKW) Indonesia di Mekkah Saudi Arabia [Tesis]. UIN Sultan Aji Muhammad Idris Samarinda

keluarga Islam di Arab Saudi.
Jurnal Cerdas Hukum.

Sofiana, N. E., & Meiningtias, D. (2023). Reaktualisasi perlindungan perempuan dalam hukum keluarga Islam di Arab Saudi dan Mesir. *Indonesian Journal of Shariah and Justice*, 3(1), 1-25. <https://doi.org/10.46339/ijjs.v3i1.46>

Suad Joseph, *Gender and Citizenship in the Middle East* (Syracuse, NY: Syracuse University Press, 1996).

Sumayya Aldossari, Sarah Aziza, and Neslihan Demirkaya, "The Vision 2030 of Reproductive Rights: Reforms in Saudi Arabia's Personal Status Law," *Gender, Work & Organization* (online publication February 2024).

Sunoto & Fariska, A. F. (2024). Analisis penerapan hukum