

Challenges in the Implementation of *Maqashid al-Shari'ah* in Contemporary Islamic Family Law

Wasthanul Karim

Ministry of Religious Affairs, East Lampung District. Place of Duty KUA Kec. Mataram Baru East Lampung.

Article Info

Article history:

Received: 17-06-2024

Revised: 20-09-2024

Accepted: 14-11-2024

Keywords:

contemporary,
culture,
equality,
gender,
mutaqoddimin,
shari'ah,
social change

ABSTRACT

This paper discusses the challenges of the implementation of *Maqashid al-Shari'ah* in Islamic family law in the contemporary era. *Maqashid al-Shari'ah* in general is the purpose of sharia which includes the protection of religion, soul, intellect, descendants, and property. This foundation has an important role in the development of Islamic law, especially family law. Contemporaneously, the implementation of *Maqashid al-Shari'ah* is still very difficult to achieve, Islamic Family Law not only faces various social dynamics, transformation of existing cultural values and political dynamics, but also faced with a wave of modernization and a significant level of economic growth in society. A number of main challenges faced in the implementation of *Maqashid al-Shari'ah* in Islamic family law are the problem of shifting the role of the traditional family, the clash of National Law with the practice of Islamic Family Law in Indonesia. In line with this, conflicting concepts are also found due to differences in the interpretation of Islamic family law between *mutaqoddimin* scholars and contemporary scholars, so that efforts to find the right solution for *maqashid* are also increasingly difficult. Meanwhile, on the other hand, there is an urgent need to provide answers to the needs of modern society that continues to change dynamically today by developing *ijtihad* methods that are more contextual and responsive to the changing times. This means that the principles of *Maqashid al-Shari'ah* can be preserved without having to sacrifice the essence of the sharia principles. Through the study of Islamic Family Law literature, the author seeks to identify the right *Maqashid al-Shari'ah* solution for contemporary Islamic family law. Through the analysis of this approach, the author concludes that the success of *Maqashid al-Shari'ah* in Islamic family law requires collaboration between a deep understanding of *mutaqoddimin* texts and an understanding of ongoing social change.

This is an open access article under the [CC BY-SA](#) license.



Corresponding Author:

Wasthanul Karim

Ministry of Religious Affairs, East Lampung District. Place of Duty KUA, Mataram Baru East Lampung.
Jl. Ir. Soekarno-Hatta No.08 Lebung Mataram Baru Kecamatan Mataram Baru Kode Post 34199

Email: wasthaan22@gmail.com

1. INTRODUCTION

Maqashid al-Shari'ah, or the purposes of *Shari'ah*, is a basic concept in Islamic law aimed at realizing the benefits of the ummah.¹ The concept of *Maqashid al-Shari'ah*, developed by *mutaqoddimin* scholars such as Al-Ghazali and Al-Shatibi, has become an important foundation in the development and application of Islamic law.² However, in the context of modern society that continues to change, the implementation of *Maqashid al-Shari'ah* in Islamic family law faces various significant challenges, especially in Indonesia as a country with the largest Muslim population in the world.³

¹ Jasser Auda, *Grounding Islamic Law Through Maqasid Syariah*, terj. Rosidin and 'Ali 'Abd el-Mun'im (Bandung: Mizan Pustaka, 2015), pp. 31-33

² Kamali, M. H. (2008). *Maqasid al-Shariah Made Simple*. London: The International Institute of Islamic Thought, h. 1-2.

³ Masdar F. Mas'udi, "Maqashid Syariah as an Approach in Social Fiqh in Indonesia", *Al-Ahkam Journal*, Vol. 25, No. 2 (2015), p. 275-287.

Maqashid al-Shari'ah is the main goal in Islamic sharia which is formulated to achieve the welfare of mankind. In the context of contemporary Islamic family law, the application of *maqashid* faces various challenges that require attention and solutions.

In *mutaqoddimin Islam*, the concept of *maqashid shari'ah* is implemented and understood based on emergency considerations. In the study of Islamic law, *mutaqoddimin Maqasid shari'ah* is divided into three: namely *ad-daruriyat*, *alhajiyat* and *at-tahsiniyat*. *Daruriya* is divided into *hifz ad-din* (religious protection), *hifz an-nafs* (protection of the soul), *hifz al-mal* (protection of property), *hifz al-aql* (protection of spirits), *hifz an-nashl* (protection of children and grandchildren) and *hifz al-'ird* (protection of honor).⁴

Hajiyya (secondary purpose) is interpreted as something that is needed by humans to facilitate the achievement of benefits that fall into the category of *daruriyyat*, while *tahsiniyyah* (tertiary purpose) is interpreted as something whose presence is unnecessary and not essential.

In the next development, the emergence of *maqashid shari'ah* studies using a contemporary approach born from the spirit of modernism seeks to destroy the understandings of *mutaqoddimin* because it is considered to close the door to *ijtihad*. This spirit of modernism seeks to answer the challenges faced by Muslims in contemporary affairs. *Maqashid shari'ah mutaqoddimin* which tends to be more individual or individual, has implications for the protection and maintenance of soul and property only. So this must be immediately changed in a more universal direction for the benefit of the public or social, social and humanitarian. Such as focusing on human rights and freedom.

For example, in the understanding of *mutaqoddimin* which focuses on *Hifzh nafs*, *Hifzh al-din* (protection of soul and religion) ideally the interpretation is extended to maintaining peace, respect for religious freedom, moderation, *trust* and tolerance. *Hifzh al-'irdhi* is a concept that was originally devoted to maintaining and protecting honor, a concept that has always been considered important in order to respond to immoral acts in the development of its exploration on the protection of human dignity and dignity and safeguarding and protecting human rights.

This research will explore these challenges, with a particular focus on contemporary Islamic family law areas in Indonesia. The purpose of this study is to identify the main obstacles, analyze their implications, and propose a more holistic and contextual approach in implementing *Maqashid al-Shari'ah* in the modern era.

2. Reviw Literature

The implementation of *Maqashid al-Shariah* in Islamic family law has been a concern for many academics in order to understand how sharia principles can be adapted in the context of modern society. *Maqashid al-Shariah* itself refers to the purposes of sharia that aim to protect the five main elements of human life: religion (*ad-din*), soul (*an-nafs*), intellect (*al-'aql*), heredity (*an-nasl*), and property (*al-mal*). However, when applied in contemporary family law, a number of challenges arise, especially in the face of social realities, positive law, and the demands of modernity.

According to Jasser Auda, one of the main issues is the lack of a comprehensive understanding of the principles of *Maqashid al-Shariah* among legal practitioners and judges in sharia courts. Auda emphasized that the principles of *maqashid* are not only limited to the text of *mutaqoddimin's* law, but must be understood in a broader context, including justice and community welfare.⁵ He also emphasized the importance of contemporary *ijtihad* in applying family law to remain relevant to the changing times.⁶

Basically, the biggest challenge is to integrate the demands of Islamic legal traditions with the dynamics of modern law which tends to be secular. This is especially true in countries with dual legal systems, such as Indonesia. For example, although Islamic family law is formally recognized in the Marriage Law, its application often faces obstacles when it intersects with internationally recognized human rights principles, such as gender equality and freedom to choose a partner.⁷

According to Abdullahi An-Naim, one of the problems in the implementation of *Maqashid al-Shariah* is the difference in interpretation among scholars regarding the priority of sharia goals. Some scholars emphasize the aspect of religious protection (*hifz ad-din*) above other elements, while others emphasize more on the aspect of protecting the soul or intellect.⁸ These differences in interpretation often affect decisions in family cases, such as divorce, child custody, and the division of inheritance.

Finally, the demand for the elimination of all forms of understanding and legal products in which there are elements of discrimination against women also raises new problems in the application of *Maqashid al-Shariah* in the context of family law.⁹ In this case, the Indonesian state tries to balance between commitment to shari'a and compliance with national legal standards, although this often creates dilemmas and conflicts of interest.

⁴ Sumarni, Maryani, and ..., "Material Analysis of the Concept of Sybhu Iddah in Men According to Wahbah Zuhaili," p. 343.

⁵ Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: International Institute of Islamic Thought, 2008), h. 45-46.

⁶ Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law...*, h. 78

⁷ Zainul Arifin, "Challenges in the Implementation of Islamic Family Law in Indonesia in the Perspective of Maqashid al-Shariah," *Journal of Islamic Law and Society* 12, no. 2 (2020), pp. 95-96

⁸ Abdullahi An-Naim, *Islam and the Secular State: Negotiating the Future of Sharia* (Cambridge: Harvard University Press, 2008), h. 142.

⁹ Ann Elizabeth Mayer, "CEDAW and the Quest for Gender Justice in the Muslim World," *Yale Journal of Law & Feminism* 13, no. 2 (2001), h. 99-101.

In addition, the development of women's rights in family law also poses new challenges to the implementation of *maqashid*. Efforts to improve gender equality in family law are often considered contrary to traditional shari'a principles.¹⁰ However, some scholars such as Amina Wadud argue that a *maqashid-based* approach could open up opportunities for more progressive interpretations of family law, especially in issues such as marriage and divorce.¹¹

Thus, although *Maqashid al-Shariah* offers a holistic and flexible approach to the application of Islamic family law, the challenges of implementation in the contemporary context cannot be ignored. A deep understanding, continuous legal reform, and the involvement of scholars and policy makers are needed in drafting rules that are in line with the principles of *maqashid* and the demands of modern times.

3. Novelty

From the study of the Challenges of the Implementation of *Maqashid al-Shari'ah* in Contemporary Islamic Family Law, the following was found: Zainul Arifin, "Challenges of the Implementation of Islamic Family Law in Indonesia in the Perspective of Maqashid al-Shariah," *Journal of Islamic Law and Society* 12, no. 2 (2020). Abdullahi An-Naim, *Islam and the Secular State: Negotiating the Future of Sharia* (Cambridge: Harvard University Press, 2008). Ann Elizabeth Mayer, "CEDAW and the Quest for Gender Justice in the Muslim World," *Yale Journal of Law & Feminism* 13, no. 2 (2001). Asifa Quraishi, "Gender Equality and Islamic Law: From Traditional Jurisprudence to Modern Reforms," *Islamic Law and Society* 17, no. 3 (2010). Amina Wadud, *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective* (New York: Oxford University Press, 1999).

After being investigated, previous research focused more on the theory of *maqashid* in general. The author did not find any research that directly linked *Maqashid al-Shari'ah* to the Challenges of its Implementation in contemporary Islamic family law.

In this paper, the author offers a solution on how *Maqashid al-Shari'ah* is interpreted more adaptively in the context of socio-cultural changes, economic changes, and changes in family structure and function in modern society. Such as the increase in divorce cases, as well as the rampant issue of gender equality challenges.

With a focus on the approach to contemporary challenges and relevant solutions in the implementation of *Maqashid al-Shari'ah* in Islamic family law in the modern era, this paper can offer new contributions to the existing literature, can also provide novelty in understanding the dynamics of the application of *maqashid* in various social and legal contexts, or provide a new perspective on Islamic family law that is relevant to current conditions.

4. Problem Formulation:

Based on the background that has been described above, the formulation of the problem that will be discussed in this paper is as follows: What is the meaning and purpose of the concept of *Maqashid al-Shari'ah and its classification*? How are the basic principles of *Maqashid al-Shari'ah* applied in Islamic family law? What are the developments and issues surrounding Contemporary Islamic Family Law? What are the challenges faced in implementing *Maqashid al-Shari'ah* in Islamic family law in the contemporary era? Is there a conflict between *Maqashid al-Shari'ah* and applicable national laws related to family law in Indonesia? What are the solutions or strategies that can be taken to overcome the challenges in implementing *Maqashid al-Shari'ah* in the field of contemporary Islamic family law?

The formulation of this problem is designed of course to direct the focus of the paper on the understanding, conceptuality and application of the *Maqashid al-Shari'ah* method and make it easier to express the challenges faced in the application of *Maqashid al-Shari'ah* in the context of Contemporary Islamic Family Law.

5. DISCUSSION

5.1. The Concept of *Maqashid al-Shari'ah*

5.1.1. Definition of *Maqashid al-Shari'ah*

As the main source of Islam, *the Qur'an* contains various teachings. Ulama divide the content of the Qur'an into three major parts, namely *aqidah*, *morals* and *sharia*. *Aqidah* is related to the basic basis of faith, *akhlaq* is related to ethics and *shari'ah* is related to the legal aspects that arise from *aqwal* (words) and *af'al* (deeds). The last group (*shari'ah*), in the systematics of Islamic law, is divided into two things, namely *ibadah* (*habl min Allah*) and *muamalah* (*habl min al-nas*).¹²

The Qur'an does not contain detailed rules about worship and *muamalah*. It contains only the basic basis or principles for various legal problems in Islam. Starting from the basis of this principle, the Prophet Muhammad (peace be upon him) explained through his various hadiths. These two sources (*the Qur'an* and the Prophet's Hadith) were

¹⁰ Asifa Quraishi, "Gender Equality and Islamic Law: From Traditional Jurisprudence to Modern Reforms," *Islamic Law and Society* 17, no. 3 (2010)h, h. 320-322

¹¹ Amina Wadud, *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective* (New York: Oxford University Press, 1999), h. 114

¹² 'Abd al-Wahhab Khala, *Ilm usul fiqh*, (Cairo: Dar al-Kuwaitia, 1968), h. 32

then used as a foothold for scholars in developing Islamic law in the field of *jinayah* (Criminal), *siyasa* (Politics), *muamalah* (economics), and more specifically in the field of *ahwal al-syaksiah* (family law).

The meaning of *Maqashid al-Shari'ah* linguistically consists of two words, namely *maqashid* and *al-Shari'ah*. *Maqashid* means intention or purpose, while *al-Shari'ah* means the path to the source of water, which can also be said to be the path to the main source of life. Meanwhile, according to the term, Al-Syatibi stated, "Indeed, *shari'ah* aims to realize the benefits of human beings in this world and in the hereafter".¹³

Maqashid al-Shari'ah in general can also be understood as a goal or something main that is behind Islamic law.¹⁴ The Hujjatul Islam Al-Imam Abu Hamid Al-Ghazali, a Ulama born in Thus in 450 AH, died on 14 Jumadil Akhir 505 AH, was a Muslim philosopher and theologian. He classified *maqashid* into five main categories: Religious protection, Soul preservation, intellect, descendants, and property.¹⁵ It is in this framework that Al-Shatibi further put forward the concept of *Maqashid al-Shari'ah* and developed this theory and made it the main foundation in understanding and applying Islamic law.¹⁶

From this understanding, it can be said that the purpose of *shari'ah* is the benefit of mankind. In fact, there is no law of Allah SWT. which has no main purpose, because a law that does not have a clear purpose is the same as imposing something that cannot be implemented.

Benefit in this case is defined as everything that concerns human effort and sustenance, the fulfillment of human livelihood needs, and the acquisition of what is demanded based on the emotional and intellectual qualities that it has. The obligations in *the Shari'ah* regarding the protection of *Maqashid al-Shari'ah* which in turn are aimed at protecting the benefit of human beings. Furthermore, Al-Syatibi explained that *shari'ah* deals with the protection of *mashalih* in a positive way. In order to maintain the existence of *mashalih*, *shari'ah* takes various actions to support the foundations of *mashalih*, albeit in a preventive way. Just like the *Shari'ah*, it takes various actions to eliminate any element that actually or potentially damages *the mashalih*. For example, in the determination of the law regarding the custody of children under five victims of divorce who are considered to still need breast milk and the mother's affectionate approach where it is known that the father is an acute drunk.

Maqashid al-Shari'ah also contains the meaning of the purpose or intention that Islamic law wants to achieve in each of its legal provisions. In general, *Maqashid al-Shari'ah* aims to maintain and maintain five things that are essential for human life, namely: religion (*al-din*), soul (*al-nafs*), intellect (*al-'aql*), heredity (*al-nasl*), and property (*al-mal*). In this regard, *Maqashid al-Shari'ah* serves as a guideline in understanding, applying, and developing Islamic law in accordance with the goals formulated by Allah in His Shari'a, namely to create benefits and reject damage (*jalb al-mashalih wa dar' al-mafasid*) in the lives of individuals and society.

Imam Al-Ghazali is one of the *mutaqoddimin scholars* who formulated the five main objectives of *this maqashid*, in his book *al-Mustasfa min 'Ilm al-Ushul*, which was later adopted and developed by many subsequent scholars. Al-Ghazali emphasized that all rules in the sharia aim to protect the basic aspects of human life, so any attempt to undermine or ignore these goals is contrary to Islamic law.¹⁷

In addition to Imam Al-Ghazali, contemporary scholars such as Yusuf al-Qardawi also emphasized the importance of understanding *Maqashid al-Shari'ah* in a modern context to answer the various challenges of the times. Al-Qardawi emphasized that *the maqashid* approach must be used to interpret Islamic law dynamically, in order to remain relevant in facing new problems that arise in the midst of modern society.¹⁸

Thus, the author can say that *Maqashid al-Shari'ah* is an important instrument in directing Islamic law towards a broader goal, namely universal benefit and justice as expressed and the spirit of the Qur'an, that in the end every legal product produced can be a blessing for life in the universe.

In subsequent developments, problems related to the application and application of *mutaqoddimin* and contemporary law have become an interesting topic to discuss, especially when faced with *the purpose of the law*. Diverse and tending to differ opinions also arise along with different interpretations regarding the relationship between law and its purpose.

Some opinions state that the law and its purpose go together, so that in the future, the application of law becomes a matter of cause and effect without the need to consider the context of the original purpose of making the law. Law is considered a fixed entity, although the place and time of occurrence of such legal causes and effects may differ.¹⁹ On the other hand, there is an opinion that the purpose of law should be the main basic principle in the application of a law, because laws are made to achieve certain goals. Law is considered a dynamic and flowing entity according to the development of social conditions.

In this context, a debate arises as to whether law should be interpreted as a causality without taking into account the context of the original purpose or whether the purpose of law should remain the main guide in its

¹³ Al-Shatibi, I. (1997). *Al-Muwafaqat is the Usul al-Shariah*. Beirut: Dar al-Ma'rifah, Vol. 2, h. 17-25

¹⁴ Al-Ghazali, *Ihya' Ulum al-Din*, terj. Ismail Yakub (Jakarta: Faizan, 1985), Jilid 2, h. 14-15

¹⁵ Al-Ghazali, A. H. (1997). *Al-Mustasfa min 'Ilm al-Ushul*. Beirut: Dar al-Kutub al-Ilmiyya, Vol. 1, h. 417

¹⁶ Muhammad Khalid Masud, *Philosophy of Islamic Law: A Study of the Life and Thought of Abu Ishaq al-Syatibi*, ed. Ahsin Muhammad (Bandung: Pustaka, 1996), pp. 235-245

¹⁷ Al-Ghazali, *al-Mustasfa min 'Ilm al-Ushul*, translation, al-Haramain Publishers, 1997, p. 258

¹⁸ Yusuf al-Qaradawi, *Fiqh Maqashid al-Shariah lil Muslim al-Mu'ashir*, Penerbit Dar al-Shuruq, 2006, p. 55

¹⁹ Munir, "The Concept of Family in Islam A Survey of Maqasid Syariah", p. 128.

application. As such, this debate reflects the complexity of the relationship between law, purpose, and the dynamics of development that occurs in society.

The idea of the need to apply the understanding of *the Qur'an* and hadith by considering the text, context and contextualization is so widely campaigned by contemporary Muslim scholars. For example, Fazlur Rahman. He is a figure who always voices the idea of understanding *the Qur'an* and hadith with a legal model that is considered a dynamic entity that in its application must be harmonized with the dynamics of developments that occur in society.

Fazlur Rahman is of the view that maintaining *the Qur'an* as the basis of faith, understanding and moral behavior is essential. However, *the Qur'an* must also function as a guide for all mankind, by understanding the moral ideals contained in it and taking from them the teachings that are suitable for then applying in the appropriate time and place. As for the eternal and sacred of the *Qur'an*, it is the divine law in the form of its moral ideal, it is related to the text of *the Qur'an* according to which all the words of *the Qur'an* are derived from Allah, and at the same time *the Qur'an* is literally the response of Allah through the Prophet Muhammad to the historical and relative situation that existed at that time.²⁰

5.1.2. Classification of *Maqosid Al-Shari'ah*

Maqashid al-Shari'ah can generally be classified into several levels and categories based on their urgency and scope. *Mutaqoddimin* and contemporary scholars agree that the purpose of *shari'ah* is divided into three main categories: *daruriyyat* (primary needs), *hajiyyat* (secondary needs), and *tahsiniyyat* (tertiary needs). This classification aims to distinguish between urgent needs, those that are necessary, and those that beautify life, so that sharia can be applied appropriately in different contexts.

a. *Daruriyyat* (Primary Needs)

Daruriyyat is a basic necessity that is absolutely necessary to maintain human existence. If this need is not met, then human life will be threatened and suffer great damage. The five things that are at the core of this category are safeguarding religion (*hifz al-din*), soul (*hifz al-nafs*), intellect (*hifz al-'aql*), heredity (*hifz al-nasl*), and property (*hifz al-mal*). All laws relating to the protection of these five things are considered primary needs.²¹

Examples of *daruriyyat* are the obligation to pray, the prohibition of murder, the prohibition of adultery, the prohibition of marriage with siblings, children or mothers, and the prohibition of liquor.

b. *Hajiyyat* (Secondary Needs)

Hajiyyat is a need that, although not as urgent as *daruriyyat*, is still important to facilitate and facilitate human life. Failure to fulfill *hajiyyat* will not directly threaten human existence, but can cause significant difficulties.²²

Examples of these needs are laws that provide convenience in worship and muamalah, such as prayer relief for people who are sick or on the way (traveler), relief for breaking the fast for sick people or travelers, relief or spiritual relief for people who perform ablution for prayer but in conditions of water scarcity, or ease in buying and selling transactions.

c. *Tahsiniyyat* (Tertiary Needs)

Tahsiniyyat is a need that aims to beautify, improve, or improve the quality of human life, although it is not urgent. This need is related to the aspects of moral perfection, politeness, and manners in daily life.²³

Examples are the recommendation to use appropriate clothes in prayer, the recommendation to wear fragrance, the recommendation to maintain cleanliness, both in weighing merchandise, and to be honest in business transactions. *Tahsiniyyat* still looks very important, even though its existence is additional, this is of course to support the achievement of a harmonious climate or atmosphere of life.

5.1.3. Scope and Urgency of *Maqosid Al-Shari'ah*

In addition to the classification of *Maqashid al-Shari'ah* based on the level of urgency, *Maqashid al-Shari'ah* can also be distinguished according to its scope, including: *Maqashid Ammah* (general): The general purpose of sharia that applies to all laws, such as realizing justice, benefit, and welfare of the ummah. *Maqashid Khassah* (special): Objectives related to certain aspects or areas of *sharia law*, such as family law, business transactions, and worship. *Maqashid Juz'iyah* (partial): A specific purpose related to a specific law or rule, e.g. a law on zakat that aims to reduce social inequality.²⁴

The classification of *maqashid* is very important in understanding and applying *shari'ah* appropriately according to the context and conditions faced by society, both on an individual and community scale.

²⁰ M. Samsul Ma'arif, *Epistemology of Fazlur Rahman in Understanding the Quran and Hadith*, Mantihq Vol.1 No, 1 May 2016, p. 3-50

²¹ Al-Ghazali, *al-Mustasfa min 'Ilm al-Ushul*, terj. 1997, h. 259.

²² Al-Syatibi, *al-Muwafaqat fi Usul al-Shariah*, translation, Dar al-Fikr Publishers, 2002, pp. 89-92

²³ Al-Syatibi, *al-Muwafaqat, usul al-Shariah*, terj. 2002, h. 92

²⁴ Yusuf al-Qaradawi, *Fiqh Maqashid al-Shariah lil Muslim al-Mu'ashir*, 2006, p. 65.

5.2. Contemporary Islamic Family Law in Indonesia

5.2.1. The Development of Islamic Family Law in Indonesia

Islamic family law in Indonesia covers various aspects such as marriage, divorce, child custody, inheritance, and maintenance. In the contemporary context, Islamic family law in Indonesia has undergone various reforms, trying to strike a balance between *sharia principles* and the demands of modernity.²⁵ Islamic family law has undergone changes to adapt to dynamic social and cultural contexts.²⁶

Islamic Family Law in Indonesia has undergone significant development, especially in its application in the context of a modern and multicultural country. The family legal system in Indonesia is regulated through Law No. 1 of 1974 concerning Marriage and Compilation of Islamic Law (KHI), which acts as a legal instrument that regulates issues of marriage, divorce, maintenance, joint property, and child custody. Although based on *shari'a principles*, the application of Islamic family law in Indonesia still pays attention to the social and cultural context of the local community as well as the principles of benefit (*Maqashid Al-Syari'ah*).

a. Marriage and Divorce

In Islamic family law in Indonesia, marriage is considered a strong bond between husband and wife that must be based on the principles of mutual responsibility and mutual respect. Marriage Law No. 1 of 1974 stipulates that marriage is valid if it is carried out according to the laws of their respective religions. For Muslims, marriage must follow Islamic law which includes provisions on dowry, guardians, and witnesses. Divorce is allowed in Islamic law in Indonesia, but it must be filed through a religious court to avoid arbitrary divorce practices.²⁷

b. Compilation of Islamic Law (KHI)

The KHI, which was passed through Presidential Instruction No. 1 of 1991, provides a more specific basis regarding Islamic family law. The KHI regulates in more detail regarding divorce, wife's rights, division of joint property, and child custody after divorce. One of the important aspects of the KHI is the affirmation of women's rights in marriage and divorce, including the right to alimony and protection from their husbands.²⁸

c. Rights and Obligations in the Family

In Islamic family law in Indonesia, the husband has an obligation to provide maintenance to his wife and children. This maintenance includes basic necessities such as clothing, food, and shelter. On the other hand, wives are entitled to protection from their husbands and have rights to part of the joint property in the event of divorce. The KHI also provides space for gender equality in several legal aspects, such as the division of assets and the role in childcare.²⁹

d. Polygamy and Monogamy

Islamic family law in Indonesia allows polygamy with strict conditions, which are regulated in the Marriage Law and the KHI. Husbands who wish to practice polygamy must obtain permission from the religious court and meet the requirements, such as the consent of the first wife and proof of financial ability and fairness towards the wives. However, the practice of monogamy is prioritized as a form of protection for women's rights and to maintain justice in the family.³⁰

5.2.2. Principles of Islamic Family Law

Contemporary Islamic family law in Indonesia is based on *sharia principles* adapted in the national legal system. These principles provide a framework for resolving family issues such as marriage, divorce, alimony, polygamy, and women's rights, while paying attention to the social and cultural context of Indonesian society. The Compilation of Islamic Law (KHI) and Law No. 1 of 1974 on Marriage became the basis of the adopted law, and both sought to maintain a balance between Islamic law and modern values in family life. Here are some of the main principles that underlie Islamic family law in Indonesia:

a. The Principle of Monogamy as the Basis of Marriage

Islamic family law in Indonesia emphasizes monogamy as the preferred form of marriage. Polygamy is allowed, but only under certain conditions and with strict conditions, such as the consent of the first wife and permission from the religious court. The Marriage Law No. 1 of 1974 emphasizes that marriage is a bond between one man and one woman, and polygamy can only be carried out if very strict conditions are met.³¹

²⁵ Musdah Mulia, "Reform of Islamic Family Law in Indonesia", in Komaruddin Hidayat and Ahmad Gaus AF (eds.), *Islam Negara and Civil Society: Contemporary Islamic Movement and Thought* (Jakarta: Paramadina, 2005), pp. 303-322.

²⁶ Muhammad, Ali. "Implementation of Maqashid al-Shariah in Family Law." *Journal of Contemporary Islamic Law* 10, no. 2 (Years), pp. 123-145

²⁷ Rohman, A., "The Application of Islamic Family Law in Indonesia: Between Sharia and Legislation," *Journal of Contemporary Islamic Law*, Vol. 3, No. 2, 2018, pp. 142-144.

²⁸ Rahardjo, M., "Compilation of Islamic Law: The Legal Basis of Islamic Family in Indonesia," *Journal of Sharia Sciences*, Vol. 5, No. 1, 2017, p. 77.

²⁹ Rifqi, A., "Gender Equality in Islamic Family Law in Indonesia," *Journal of Gender and Islamic Law*, Vol. 8, No. 3, 2020, p. 189.

³⁰ Rohman, A., "The Application of Islamic Family Law in Indonesia, 2018, p. 144.

³¹ Rohman, A., "Principles of Islamic Family Law in Indonesia: A Study of Marriage and Divorce," *Journal of Contemporary Islamic Law*, Vol. 3, No. 2, 2018, pp. 145-148.

b. Protection of Women's Rights and Gender Justice

In Islamic family law in Indonesia, the protection of women's rights is one of the top priorities. KHI provides space for women to obtain fair rights in marriage and divorce, including the right to alimony, protection from domestic violence, and the right to part of common property in divorce. The law also ensures that women should not be treated unfairly in polygamy, divorce, or inheritance division.³²

c. The Role of Religious Courts in Marriage and Divorce

The Religious Court has an important role in overseeing the implementation of Islamic family law in Indonesia, especially in cases of divorce, polygamy, and family disputes. Any divorce must be legalized by the Religious Court to ensure that the divorce process is carried out in accordance with the principles of Islamic law and safeguards the rights of husbands, wives, and children. This aims to prevent arbitrary actions and protect both parties legally.³³

d. The Principle of Justice in Maintenance and Distribution of Property

Islamic family law in Indonesia stipulates that husbands are obliged to provide maintenance to their wives and children, both in marital circumstances and after divorce. The KHI also stipulates that in the event of a divorce, the joint property is divided fairly between the husband and wife, which reflects the principle of justice in family law. This division is carried out based on the contribution of each party during the marriage, both in the form of economy and domestic roles.³⁴

e. Child Protection and Custody Principles

Child protection is one of the main focuses in Islamic family law in Indonesia. Child custody after divorce is usually given to the mother, with the consideration that the mother is better able to provide the care and attention required by the child. However, in some cases, the court may decide that custody is given to the father, if it is judged to be better in the interests of the child (Rohman, 2018: 148). This principle reflects the importance of child welfare as a top priority in family law.

f. Compilation of Islamic Law (KHI) as a Flexible Legal Instrument

The KHI was compiled to harmonize the principles of *sharia* with the social and legal context in Indonesia. This allows flexibility in the application of Islamic law to be more relevant to the conditions of modern society. KHI acts as a guideline that accommodates the interests of various parties in the family by considering the benefits and justice that are the goals of *Maqashid al-Shari'ah*.

Overall, contemporary Islamic family law in Indonesia emphasizes the balance between *shari'a* principles and modern values such as gender justice, child protection, and individual rights in the family. These principles aim to realize benefits and justice in family life in accordance with the demands of the times.

5.2.3. Issues Surrounding Contemporary Islamic Family Law

Islamic family law in Indonesia continues to evolve by taking into account contemporary issues such as women's rights, child protection, and the use of technology in the marriage and divorce process (such as the use of online marriage contracts). In recent decades, debates have also arisen around the interpretation of inheritance law and women's rights in inheritance law, which is often considered unfair if applied textually without regard to the modern socio-economic context.³⁵

Overall, Islamic family law in Indonesia tries to accommodate *shari'a* principles within a pluralistic national legal framework. This is done to ensure justice, benefit, and protection of individual rights in the family, while still paying attention to local religious and cultural values.

5.3. Contemporary Islamic Family Law as a Subject of Interpretation of *Maqashid al-Shari'ah*

Contemporary Islamic family law in Indonesia is often the subject of diverse interpretations, especially regarding the relationship between law (*fiqh*) and purpose (*Maqashid al-Shari'ah*). This diversity of views arises because Islamic law is adapted in the context of a pluralistic modern state, as well as interacting with evolving social values. Legal experts and scholars have different views on how Islamic family law should be applied, especially in issues such as polygamy, divorce, women's rights, and child custody.

a. Different Interpretations of Polygamy

One of the most prominent issues in Islamic family law is polygamy. Some scholars view polygamy as part of the rights of men recognized in *the Shari'ah*, provided that they are able to act fairly. However, on the other hand, there is a more critical view that polygamy should be restricted or even abandoned, as the practice is often difficult to practice fairly in the modern era. The interpretation of *maqosid al-shari'ah*, which focuses on

³² Rahardjo, M., "Compilation of Islamic Law: Flexible Instruments of Family Law in Indonesia," *Journal of Sharia Sciences*, Vol. 5, No. 1, 2017, pp. 82-85.

³³ Rifqi, A., "Gender Justice in Islamic Family Law in Indonesia," *Journal of Gender and Islamic Law*, Vol. 8, No. 3, 2020, p. 192.

³⁴ Saebani, B.A., "The Distribution of Property and Maintenance in Islamic Family Law in Indonesia," *Journal of Maqashid al-Shariah*, Vol. 2, No. 1, 2021, p. 52.

³⁵ Saebani, B.A., "Contemporary Issues in Islamic Family Law in Indonesia," *Journal of Maqashid al-Shari'ah*, Vol. 2, No. 1, 2021, p. 45.

justice and benefit, is used by this second group to reject the practice of polygamy that is considered irrelevant to contemporary social realities.³⁶

b. Differences in the Application of Divorce

Divorce is another issue where differences in interpretation often arise. In Islamic law, divorce is allowed, but it must be a last resort after all attempts at reconciliation have failed. Some legal scholars emphasize the importance of keeping the family intact unless there is a very urgent reason, such as domestic violence or the husband's inability to provide for his wife. Meanwhile, there is another more flexible opinion, which allows divorce in cases where the marriage is considered no longer beneficial, in accordance with the principle of *maqashid* which aims to create happiness and justice for both parties.³⁷

c. Women's Rights in the Family

Women's rights in the family are also a point of debate. There are two main views on this issue. The first group interprets Islamic law textually, which puts women in a more subordinate position, for example regarding inheritance rights or the right to choose divorce. Meanwhile, more progressive groups interpret *maqashid al-shari'ah* to support gender equality, emphasizing that Islamic law aims to protect women's rights and promote justice in the family. This view bases the interpretation on the principles of benefit and justice, and rejects the interpretation of the law that is considered detrimental to women.³⁸

d. Post-Divorce Child Custody

Regarding child custody, there are differences of opinion regarding who has the most rights to the child after divorce. The traditional view states that mothers are usually more entitled to child custody, especially if the child is still young. However, in some cases, the court may grant custody to the father if it is judged to be better in the interests of the child. A more modern view emphasizes that decisions on custody must be based on the principle of *maqashid al-shari'ah*, namely the benefit of the child, without automatically taking sides with one party.³⁹

e. Differences in Interpretation between Textualists and Contextualists

In general, there are two major groups in contemporary Islamic interpretation of family law: textualists and contextualists. Textualist groups tend to follow the rules of *fiqh* literally without paying much attention to the social changes that occur in society. In contrast, the contextualist group focuses more on the goals of the law (*maqashid*) and tries to adapt the rule of law to contemporary conditions. These different approaches result in different interpretations of many aspects of Islamic family law, including women's rights, alimony, and conjugal roles.⁴⁰

This difference in interpretation confirms that the application of contemporary Islamic family law in Indonesia is not rigid, but is very dynamic and open to different interpretations according to the context and needs of the times. Scholars and jurists continue to look for ways to harmonize between the principles of *shari'ah* and modern reality in order to achieve the justice and benefits desired in *maqashid al-shari'ah*.

5.4. Challenges in the Implementation of *Maqashid al-Shari'ah*

5.4.1. Differences in interpretation of religious texts

One of the main challenges in the implementation of *Maqashid al-Shari'ah* in Indonesia is the diversity of interpretations among Islamic scholars and jurists. Differences in methodologies and approaches in understanding *Maqashid* often result in different, even contradictory legal conclusions.⁴¹

In addition, the existence of different interpretations from various schools of thought in Islam also results in different interpretations of *maqashid*, which has an impact on the application of family law.⁴²

A concrete example of this challenge can be seen in the issue of polygamy in Indonesia. Some scholars view that the restriction of polygamy is contrary to *the Maqashid* of the protection of offspring, while others argue that the restriction is in line with *the Maqashid* of family protection and justice.⁴³

³⁶ Rahmawati, I., "Differences in the Interpretation of Islamic Family Law in Indonesia: A *Maqashid al-Shariah* Approach," *Journal of Contemporary Islamic Law*, Vol. 5, No. 2, 2019, p. 67.

³⁷ Syamsuddin, A., "The Application of *Maqashid al-Shariah* in Islamic Divorce Law in Indonesia," *Journal of Sharia Sciences*, Vol. 6, No. 3, 2020, p. 88.

³⁸ Nasution, S., "Gender Equality and Women's Rights in Contemporary Islamic Family Law," *Journal of Gender and Islamic Law*, Vol. 9, No. 1, 2021, p. 130.

³⁹ Rifqi, A., "Child Custody in Islamic Family Law in Indonesia: A *Maqashid al-Shariah* Approach," *Journal of Gender and Islamic Law*, Vol. 8, No. 3, 2020, p. 192.

⁴⁰ Rahmawati, I., *Differences in the Interpretation of Islamic Family Law in Indonesia*, 2019, p. 72.

⁴¹ Nasaruddin Umar, *Approaching God with Feminine Qualities*, Jurnal Ulumul Qur'an, Vol. 5, No. 4 (1994), pp. 46-56.

⁴² An-Naim, Abdullahi. "Islamic Family Law in a Changing World." *Journal of Law and Religion* 22, no. 1 (Tahun), h. 45-67

⁴³ Siti Musdah Mulia, *Reform of Islamic Family Law in Indonesia*, 2005, pp. 303-322

5.4.2. Clash with National Law

In Indonesia, there is a potential conflict between the interpretation of *Maqashid al-Shari'ah* and applicable national law. This is especially the case considering that Indonesia adopts a mixed legal system involving customary law, Islamic law, and civil law.⁴⁴

The limitations of Positive Law that apply in society are often not in line with the principles of *maqashid*, causing conflicts in the application of family law.⁴⁵

For example, in the case of marriage registration, although *fiqh mutaqqoddimin* is not mandatory, Indonesian national law requires marriage registration for the sake of administrative order and legal protection. This raises a debate about how to harmonize between *Maqashid al-Shari'ah* and the interests of the modern state.⁴⁶

a. Changes in Social, Economic and Cultural Dynamics

Dynamics Rapid social and economic changes are also a challenge in implementing *maqashid*, especially in the context of marriage and divorce.⁴⁷ Modern Indonesian society faces a social and cultural reality that is very different from the Islamic *mutaqqoddimin*. Changes in gender roles, family structures, and social values demand a more contextual reinterpretation of *maqashid*.⁴⁸

Cultural Influences and Traditions Local cultural values and traditions often conflict with *maqashid* principles, thus influencing legal decisions.⁴⁹

One example is the issue of gender equality in inheritance. The traditional interpretation of *Maqashid al-Shari'ah* tends to maintain a 2:1 division of inheritance between men and women, while modern socioeconomic realities in Indonesia demand a more egalitarian approach.⁵⁰

b. Contemporary Issues of Islamic Family Law

The emergence of new issues that have no precedent in *fiqh mutaqqoddimin* is a challenge in itself. Reproductive technologies such as IVF or sperm banks raise complex ethical and legal questions within the framework of *Maqashid al-Shari'ah*.⁵¹

Similarly, issues such as remote marriage through electronic media or the rights of LGBT couples demand a rethinking of how *Maqashid al-Shari'ah* can be applied in this entirely new context in Indonesia.⁵²

c. Gender Equality

Balancing the traditional interpretation of *Maqashid al-Shari'ah* with modern demands for gender equality is a significant challenge in Islamic family law in Indonesia. Issues such as the right to unilateral talaq by husbands, polygamy, and the division of roles in the family need to be reviewed within a more inclusive and gender-equitable *Maqashid* framework.⁵³

5.5. CONCLUSION AND CLOSING

5.5.1. Conclusion

Maqashid al-Shari'ah is generally understood as a goal or something main that is behind Islamic law. *Maqashid al-Shari'ah*, or the purposes of *Shari'ah*, is a basic concept in Islamic law aimed at realizing the benefits of the ummah. *Maqashid al-Shari'ah* based on its urgency and scope is classified into three levels: *daruriyyat* (primary needs), *hajiyyat* (secondary needs), and *tahsiniyyat* (tertiary needs). This classification aims to distinguish between urgent needs, those that are necessary, and those that beautify life. The basic principles of *Maqashid al-Shari'ah* are applied in Islamic family law, especially in providing a framework for resolving family problems such as marriage, divorce, alimony, polygamy, and women's rights, while still paying attention to the social and cultural context of Indonesian society. The development of new issues has emerged around Contemporary Islamic Family Law because there is no precedent in the *fiqh mutaqqoddimin*. In addition, contemporary Islamic family law in Indonesia is often the subject of various interpretations, especially regarding the relationship between law (*fiqh*) and purpose (*Maqashid al-Shari'ah*). This diversity of views arises because Islamic law is adapted in the context of a pluralistic modern state, as well as interacting with evolving social values. The main challenges in the implementation of *Maqashid al-Shari'ah*

⁴⁴ Ratno Lukito, *Sacred Law and Secular Law: A Study of Conflict and Resolution in the Indonesian Legal System* (Jakarta: Pustaka Alvabet, 2008), pp. 187-210.

⁴⁵ Rahman, Fazlur. *Islam and Modernity: Transformation of an Intellectual Tradition*.

⁴⁶ Khoiruddin Nasution, "Marriage Registration and Validity of Marriage in the Perspective of *Maqashid al-Shari'ah*", *Jurnal Musawa*, Vol. 12, No. 2 (2013), pp. 215-232.

⁴⁷ Ministry of Religion of the Republic of Indonesia. *Islamic Family Law in Indonesia: Analysis and Development*.

⁴⁸ Lies Marcoes-Natsir, "Seeking Justice in the Plurality of Family Law in Indonesia", *Women's Journal*, Vol. 24, No. 1 (2019), pp. 6-19

⁴⁹ Nasution, Ahmad. *Islamic Family Law: Theory and Practice* (ed. by DEF).

⁵⁰ Azra Azyumardi, "Dismantling Sharia Regulations: Legal Steps and Prospects for Reconstruction of Islamic Law in Indonesia", *Journal of Law and Development*, Vol. 48, No. 1 (2018), pp. 1-18

⁵¹ Mukhtar Alshodiq, "Contemporary Fiqh Issues in the Perspective of *Maqashid al-Shari'ah*", *Journal of Sharia and Legal Sciences*, Vol. 52, No. 1 (2018), pp. 85-103

⁵² Husein Muhammad, "Women's Fiqh: Kiai's Reflection on Religious and Gender Discourse", *Journal of Gender and Islamic Studies*, Vol. 3, No. 1 (2017), pp. 1-18

⁵³ Siti Musdah Mulia, "Reform of Islamic Family Law in Indonesia", 2005, pp. 303-322.

in Indonesia are: There are differences in interpretation among Islamic scholars and jurists on religious texts and the dynamics of rapid social and economic changes. In Indonesia, there is a clash and potential conflict between the interpretation of *Maqashid al-Shari'ah* and the applicable national law related to Islamic family law caused by Indonesia adopting a mixed legal system involving customary law, Islamic law, and civil law. Solutions or strategies that can be taken to overcome the challenges in implementing *Maqashid al-Shari'ah* in the field of contemporary Islamic family law that the author recommends include: Developing contemporary *ijtihad* methodologies that are more sensitive to Indonesia's modern socio-cultural context. Interdisciplinary Approach Involves various disciplines in formulating family law oriented to *Maqashid al-Shari'ah*. Encourage interdisciplinary dialogue between scholars, legal experts, sociologists, and other stakeholders to find comprehensive solutions. Education and Socialization Increasing public awareness about *maqashid* and its implications in family law Carry out progressive reform of Islamic family law but still rooted in the basic principles of *Maqashid al-Shari'ah*. Increasing legal literacy and understanding of *Maqashid al-Shari'ah* among the wider Indonesian community. Legal Adjustment to Social Reality. Modifying or revising existing laws to better suit the needs of modern society without ignoring the principles of *maqashid* Develop a more flexible approach to the application of Islamic family law, which allows adaptation to local and global contexts. The implementation of *Maqashid al-Shari'ah* in contemporary Islamic family law in Indonesia faces complex and multidimensional challenges. To overcome these challenges, a more holistic and contextual approach is needed in understanding and implementing *Maqashid al-Shari'ah*. By taking a more inclusive and contextual approach, it is hoped that the implementation of *Maqashid al-Shari'ah* in contemporary Islamic family law in Indonesia can be more effective in realizing the benefits of the people in accordance with the demands of the times.

5.5.2. Cover

The implementation of *Maqashid al-Shari'ah* in contemporary Islamic family law in Indonesia presents various complex challenges, both from legal and social aspects. *Maqashid al-Shari'ah*, which aims to protect the benefit and justice of mankind, must be able to be applied in the context of a dynamic modern society. These challenges include differences in interpretation between clerics and legal scholars, local cultural influences, and demands for gender equality and human rights. Efforts to consistently apply *Maqashid al-Shari'ah* in family law require a synergy between the interpretation of legal texts that are relevant to contemporary conditions and the application of *maqashid* principles in deciding family cases. A more contextual approach, which focuses not only on the form of law (*fiqh*) but also on the purpose of the law, is needed so that justice and benefits can be achieved. Thus, the successful implementation of *Maqashid al-Shari'ah* in Islamic family law in Indonesia is highly dependent on the ability of stakeholders, both in terms of scholars, legal practitioners, and the wider community to adopt a more progressive and flexible approach. The goal is for Islamic family law to continue to be relevant and answer the challenges of the times, while still adhering to the basic principles of sharia.

REFERENCES

- 'Abd al-Wahhab Khala, *Knowledge of Usul Fiqh*, (Kiro: Dar al-Kuwaitia, 1968).
- Abdullahi An-Naim, *Islam and the Secular State: Negotiating the Future of Sharia* (Cambridge: Harvard University Press, 2008).
- Al-Ghazali, A. H. (1997). *Al-Mustasfa min 'Ilm al-Usul*. Beirut: Dar al-Kutub al-Ilmiyya, Vol. 1.
- Al-Ghazali, *al-Mustasfa min 'Ilm al-Ushul*, translation, al-Haramain Publishers, 1997.
- Al-Ghazali, *Ihya' Ulum al-Din*, terj. Ismail Yakub (Jakarta: Faizan, 1985), Jilid 2.
- Al-Shatibi, I. (1997). *Al-Muwafaqat is the Usul al-Shariah*. Beirut: Dar al-Ma'rifah, Vol. 2.
- Al-Syatibi, *al-Muwafaqat fi Usul al-Shariah*, translation, Dar al-Fikr Publishers, 2002.
- Amina Wadud, *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective* (New York: Oxford University Press, 1999).
- Ann Elizabeth Mayer, "CEDAW and the Quest for Gender Justice in the Muslim World," *Yale Journal of Law & Feminism* 13, no. 2 (2001).
- An-Naim, Abdullahi. "Islamic Family Law in a Changing World." *Journal of Law and Religion* 22, no. 1.
- Asifa Quraishi, "Gender Equality and Islamic Law: From Traditional Jurisprudence to Modern Reforms," *Islamic Law and Society* 17, no. 3 (2010).
- Asser Auda, *Grounding Islamic Law Through Maqasid Sharia*, ed. Rosidin and 'Ali 'Abd el-Mun'im (Bandung: Mizan Pustaka, 2015).
- Azra Azyumardi, "Dismantling Sharia Regional Regulations: Legal Steps and Prospects for Islamic Law Reconstruction in Indonesia", *Journal of Law and Development*, Vol. 48, No. 1 (2018).
- Azyumardi Azra, "Islamic Education: Tradition and Modernization in the Midst of the Challenges of the Third Millennium", *Journal of Islamic Education UIN Sunan Gunung Djati*, Vol. 3, No. 2 (2017).
- Husein Muhammad, "Women's Fiqh: Kiai's Reflection on Religious and Gender Discourse", *Journal of Gender and Islamic Studies*, Vol. 3, No. 1 (2017).
- Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: International Institute of Islamic Thought, 2008).
- Kamali, M. H. *Maqasid al-Shariah Made Simple*. London: The International Institute of Islamic Thought. (2008)

- Ministry of Religion of the Republic of Indonesia. *Islamic Family Law in Indonesia: Analysis and Development*. Khoiruddin Nasution, "Marriage Registration and Validity of Marriage in the Perspective of Maqashid al-Shari'ah", *Jurnal Musawa*, Vol. 12, No. 2 (2013).
- Lies Marcoes-Natsir, "Seeking Justice in the Plurality of Family Law in Indonesia", *Women's Journal*, Vol. 24, No. 1 (2019).
- M. Amin Abdullah, "The New Building of Scientific Epistemology of Islamic Law Studies in Responding to Globalization", *Ash-Syir'ah: Journal of Sharia and Legal Sciences*, Vol. 46, No. 2 (2012).
- M. Samsul Ma'arif, Epistemology of Fazlur Rahman in Understanding the Quran and Hadith, *Mantihiq Vol.1*, 1 May 2016.
- Masdar F. Mas'udi, "Maqashid Syariah as an Approach in Social Fiqh in Indonesia", *Al-Ahkam Journal*, Vol. 25, No. 2 (2015).
- Muhammad Khalid Masud, *Philosophy of Islamic Law: A Study of the Life and Thought of Abu Ishaq al-Syatibi*, ed. Ahsin Muhammad (Bandung: Pustaka, 1996).
- Muhammad, Ali. "Implementation of Maqashid al-Shariah in Family Law." *Journal of Contemporary Islamic Law* 10, no. 2 (Years).
- Mukhtar Alshodiq, "Contemporary Fiqh Issues in the Perspective of Maqashid al-Shari'ah", *Journal of Sharia and Legal Sciences*, Vol. 52, No. 1 (2018).
- Munir, "The Concept of Family in Islam: A Survey of Maqasid Syariah,".
- Musdah Mulia, "Reform of Islamic Family Law in Indonesia", in Komaruddin Hidayat and Ahmad Gaus AF (eds.), *Islam Negara and Civil Society: Contemporary Islamic Movement and Thought* (Jakarta: Paramadina, 2005).
- Nasaruddin Umar, "Approaching God with Feminine Qualities", *Jurnal Ulumul Qur'an*, Vol. 5, No. 4 (1994).
- Nasution, Ahmad. *Islamic Family Law: Theory and Practice* (ed. by DEF).
- Nasution, S., "Gender Equality and Women's Rights in Contemporary Islamic Family Law," *Journal of Gender and Islamic Law*, Vol. 9, No. 1, 2021.
- Nur A. Fadhil Lubis, "Islamic Legal Literature and Substantive Law in Indonesia", *Asian Journal of Comparative Law*, Vol. 4, No. 1 (2009).
- Rahardjo, M., "Compilation of Islamic Law: The Legal Basis of Islamic Family in Indonesia," *Journal of Sharia Sciences*, Vol. 5, No. 1, 2017.
- Rahardjo, M., "Compilation of Islamic Law: Flexible Instruments of Family Law in Indonesia," *Journal of Sharia Sciences*, Vol. 5, No. 1, 2017.
- Rahman, Fazlur. *Islam and Modernity: Transformation of an Intellectual Tradition*.
- Rahmawati, I., "Differences in the Interpretation of Islamic Family Law in Indonesia: A Maqashid al-Shariah Approach," *Journal of Contemporary Islamic Law*, Vol. 5, No. 2, 2019.
- Ratno Lukito, *Sacred Law and Secular Law: A Study of Conflict and Resolution in the Indonesian Legal System* (Jakarta: Pustaka Alvabet, 2008).
- Rifqi, A., "Child Custody in Islamic Family Law in Indonesia: A Maqashid al-Shariah Approach," *Journal of Gender and Islamic Law*, Vol. 8, No. 3, 2020.
- Rifqi, A., "Gender Justice in Islamic Family Law in Indonesia," *Journal of Gender and Islamic Law*, Vol. 8, No. 3, 2020.
- Rifqi, A., "Gender Equality in Islamic Family Law in Indonesia," *Journal of Gender and Islamic Law*, Vol. 8, No. 3, 2020.
- Rohman, A., "The Application of Islamic Family Law in Indonesia: Between Shari'ah and Legislation," *Journal of Contemporary Islamic Law*, Vol. 3, No. 2, 2018.
- Rohman, A., "Principles of Islamic Family Law in Indonesia: A Study of Marriage and Divorce," *Journal of Contemporary Islamic Law*, Vol. 3, No. 2, 2018.
- Saebani, B.A., "Contemporary Issues in Islamic Family Law in Indonesia," *Journal of Maqashid al-Shari'ah*, Vol. 2, No. 1, 2021.
- Saebani, B.A., "The Distribution of Property and Maintenance in Islamic Family Law in Indonesia," *Journal of Maqashid al-Shari'ah*, Vol. 2, No. 1, 2021.
- Sakirman, Sakiman. "Contemporary Fiqh Methodology in the Theory of the Limitation of Dialectics Space and Time According to Muhammad Syahrur." *HUNAFa: Jurnal Studia Islamika* 14, no. 2 (2017): 301–26. <https://doi.org/10.24239/jsi.v14i2.484.301-326>.
- Sakirman, S. "Metodologi Qiyas Dalam Istibathhukum Islam." *YUDISIA: Jurnal Pemikiran Hukum dan Hukum ...*, no. Query date: 2023-08-24 21:33:18 (2018). <http://journal.iainkudus.ac.id/index.php/Yudisia/article/download/3672/2558>.
- Sakirman, Sakiman. "Contemporary Fiqh Methodology in the Theory of the Limitation of Dialectics Space and Time According to Muhammad Syahrur." *Hunafa: Jurnal Studia Islamika* 14, no. 2 (31 Desember 2017): 301–26. <https://doi.org/10.24239/jsi.v14i2.484.301-326>.

- Sakirman, Sakirman, Yulia Rizki Amanda, dan Le Thi Thao. "Effectiveness of Marriage Age Limit According to Law Number 16 of 2019 in East Lampung." *MILRev: Metro Islamic Law Review* 1, no. 2 (27 Desember 2022): 164–75. <https://doi.org/10.32332/milrev.v1i2.6206>.
- Siti Musdah Mulia, "Reform of Islamic Family Law in Indonesia", in Komaruddin Hidayat and Ahmad Gaus AF (eds.), *State Islam and Civil Society: Contemporary Islamic Movements and Thought* (Jakarta: Paramadina, 2005).
- Sumarni, Maryani, and ..., "Material Analysis of the Concept of Syibhul Iddah in Men According to Wahbah Zuhaili. Syamsuddin, A., "The Application of Maqashid al-Shariah in Islamic Divorce Law in Indonesia," *Journal of Sharia Sciences*, Vol. 6, No. 3, 2020.
- Yudian Wahyudi, *Ushul Fikih versus Hermeneutics: Reading Islam from Canada and America* (Yogyakarta: Nawesea Press, 2007).
- Yusuf al-Qaradawi, *Fiqh Maqashid al-Shariah lil Muslim al-Mu'ashir*, Penerbit Dar al-Shuruq, 2006.
- Zainul Arifin, "Challenges in the Implementation of Islamic Family Law in Indonesia in the Perspective of Maqashid al-Shariah," *Journal of Islamic Law and Society* 12, no. 2 (2020).

BIOGRAPHIES OF AUTHORS



Wasthanul Karim is an employee of the Ministry of Religious Affairs in Lampung Timur Regency, currently serving at the Office of Religious Affairs (KUA) in Mataram Baru District, Lampung Timur. He is pursuing a postgraduate degree at the State Islamic Institute (IAIN) Metro, specializing in Islamic Family Law. His commitment and dedication to the advancement of knowledge and community service are evident in his contributions to religious affairs and Islamic legal studies. He can be reached via email at: wasthaan22@gmail.com