

REINTERPRETATION OF MARITAL COVENANT AS A FAMILY RESILIENCE IN THE MAQASID SHARIA PERSPECTIVE

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Article Info

Keyword:

Family Resilience,
Reinterpretation,
Maqasid Sharia,
Marital Covenant.

Abstract

This study examines the reinterpretation of the marital covenant, or *mitsaqan ghalizan*, as a system of family resilience through the perspective of the *maqasid al-sharia* in contemporary Muslim society. Marriage is not merely a formal legal contract but entails spiritual, moral, and social responsibilities within family life. These factors contribute to increased family resilience, well-being, and happiness. The values of the marital covenant can be reconceptualised to enhance the resilience of contemporary Muslim families. This study conducts a qualitative and interpretative textual analysis of Qur'anic verses and hadiths referring to the marital covenant, as well as the positions of classical *fiqh* and contemporary fatwas on the marital covenant. These sources are interpreted through the lens of *maqasid al-sharia*. The research findings reveal that the marital covenant is indeed designed as a sacred marriage contract; this design negates the values of spirituality, justice, well-being, collective responsibility, and happiness in life, both as individuals and as family members. Through the *maqasid al-sharia* approach, the marital covenant is intended to demonstrate the ability of family members to adapt, maintain harmony, resolve conflicts, and improve the quality of life. This research contributes to the debate on Islamic law whilst offering practical recommendations aimed at strengthening the resilience of Muslim families—making them adaptive, humanistic, and resilient within modern society.

Page: 60-71

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Article history:

Received: May 21, 2025; Received in revised form: August 15, 2025; Available online: November 3, 2025.

Introduction

The reduction of the meaning of marriage from the sacredness of the marital covenant to domestic harmony, to a mere administrative formality, has led to a decline in the ethical and

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spiritual values inherent in the marriage contract (Picchi, 2021; Zakaria et al., 2023). Marriage is intended as a means of achieving harmony and happiness, as well as a means of reproduction to ensure the continued existence of humanity on this earth. Islamic family law institutionalises marriage as a legal and moral framework governing intimate and social relationships (O'Sullivan & Jackson, 2017). This understanding is also reflected in Indonesian Islamic family law, which recognises marriage as a sacred and binding covenant. In Islamic legal philosophy, marriage operates as a multidimensional institution integrating legal, ethical, spiritual, and social dimensions (Laluddin et al., 2013). It is held in high regard as a sacred bond demanding mutual respect, ethical behaviour, and adherence to spiritual and legal principles (Arifuddin, 2024). The concept of the marital covenant encapsulates the weight of this commitment, emphasising its role in fostering stability and harmony within the family and society (Benhalim, 2023).

The urgency of this concept lies in its position, which emphasizes that the marriage contract is not merely a social contract, but also has a divine dimension that contains moral, spiritual, and social responsibilities (Othman et al., 2025). In addition to having great benefits, marriage in Islamic law has a very noble purpose; besides fulfilling human physical and spiritual needs, it is also to form a family and nurture and continue offspring in living life in this world, also prevent adultery, to create peace and tranquility of soul for the concerned, peace, family, and society (Binti Ali et al., 2020). However, in the context of modern society, there is often a shift in the meaning of the marriage contract. Many people view marriage only from the perspective of legal formality or administrative needs, so that the essence of the sacredness and responsibility contained therein is often overlooked (Kartal, 2025; Saeed Osman & Nagasi, 2022).

Some previous studies on marital covenant show some of the findings as follows: Imam Shafi'i et al. found that Quraish Shihab considered the position of marital covenant as a form of responsibility for husband and wife to maintain and maintain a balance between the rights and obligations of husband and wife (Syafi'i et al., 2023). Taufiqurohman and Fauziah mention that marital covenant contributes to the protection of religion, life, intellect, descent, and property, which is the essence of *maqasid sharia*. For example, marriage helps maintain offspring and family stability, which is part of the protection of the *nasl* (offspring) (Taufiqurohman & Fauziah, 2023). Akli Ahmad and Rohani bin Desa stated that marriage, as *Miṣāqan Ghalīẓan* gives rise to several rights that must be fulfilled by married couples, both physical, psychological, sexual, and economic. This article answers questions about property in general, because of a legal marital bond, or simply through a spousal partnership in a property joint venture. The article is an illustration of how to resolve problems related to the case of claiming the right of husband and wife to joint property legally and in accordance with *sharia* (Ahmad & Desa, 2021). Hussein et al., examining the practice of surrogacy from the perspective of *maqasid sharia*, found that the protection of the *nasab* and the certainty of family law are the main elements in maintaining the sanctity of the institution of marriage. Meanwhile, the *maqasid sharia* has relevance in building family harmony through the principles of justice, the balance of rights and obligations of husband and wife, and the protection of the welfare of the modern Muslim family (Hussein et al., 2025). Mochlasin and Budiharjo show that religious values and local wisdom contribute to the formation of social resilience through the strengthening of family networks and the ethos of collective life (Mochlasin & Budiharjo, 2024). Ghazali et al., through the system approach, Jasser Auda explains that *maqasid sharia* not only functions normatively, but also as a multidimensional framework in building social justice and family protection (Ghozali et al., 2025a). Permana also highlighted the importance of marriage contracts and agreements in determining family rights and responsibilities from the perspective of Islamic law and civil law (Permana, 2016). Mubarak Shiyana & Mohamed Mohamed Mazahir emphasized that the concept of love in marriage according to the Qur'an is not only emotionally oriented, but also builds spiritual and psychological commitment to maintain the sustainability of the household

(Mubarak Shiyana & Mohamed Mohamed Mazahir, 2025). Acha explains that Marital covenant is a sacred and strong marriage bond in maintaining domestic harmony and is a solution to contemporary family problems such as divorce, domestic violence, polygamy, and early marriage (Acha, 2024).

This study examines the reinterpretation of the marital covenant, or *mitsaqan ghalizan*, as a system of family resilience through the lens of the *maqasid al-sharia* in contemporary Muslim society. Through the lens of the *maqasid al-sharia*, the marriage contract is understood not only as a normative and sacred contract but also as a foundation for building a harmonious, stable, and resilient family. Therefore, this study positions the marital covenant as a systemic ethical paradigm capable of reconstructing the resilience of contemporary Muslim families. This research offers a novel approach by integrating the concept of the marital covenant as a spiritual, moral, and social foundation for building Islamic family resilience based on the protection of religion, life, intellect, lineage, and property within the lens of *maqasid al-sharia*. The weakening of marriage as an ethical-spiritual covenant is reflected in the increasing instability of contemporary family structures, including rising divorce rates in Indonesia, which reached 394.608 recorded cases in 2024 (Badan Pusat Statistik, 2025).

Research Method

This article uses a type of normative legal research (Van Hoecke, 2013) focusing on the study of the concept of marital covenant through the analysis of norms, values, and constructions of contemporary Islamic legal thought. The approaches used include a conceptual approach, a philosophical approach, and a *maqasid sharia* approach to understand the relationship between Islamic marriage values and family resilience. This research is descriptive-analytical because it aims to comprehensively explain the meaning of marital covenant in building a benefit-based resilient family paradigm. The data source comes from Qur'anic verses and hadiths referring to the marital covenant, as well as the positions of classical *fiqh* and contemporary fatwas on the marital covenant using content analysis (Krippendorff, 2013) and *maqasid sharia* analysis (Auda, 2025).

Results and discussions

Family Resilience from the Perspective of Maqasid Sharia

In Islamic legal discourse, marital covenant refers to a sacred and binding marital covenant that transcends the notion of marriage as a merely contractual relationship. The concept emphasizes ethical responsibility, spiritual commitment, and social accountability within family relations (Auda, 2020). This is found in the Qur'an an-Nisā' [4]: 21 when Allah mentions the marital covenant.

Terminologically, marital covenant refers to the sacred bond established by Allah in the Qur'an. It is used to describe the fundamental covenant between man and God, as well as between man and each other, especially in the context of marriage (Auda, 2022). This term indicates that the marriage contract is not just an ordinary social contract, but a sacred contract that includes spiritual, moral, and legal dimensions, thus requiring full responsibility and fidelity to divine principles. Marriage is likened to a marital covenant, emphasizing that marriage is sacred because when *ijab qabul* is pronounced, a bond is formed not only between a man and a woman but also between God and them (Dahlia & Wahab, n.d.).

The Qur'anic usage of marital covenant reflects the gravity of covenantal responsibility, particularly in relation to prophetic missions and marital relations. These verses deal with marriage contracts. Allah calls marriage a marital covenant, that is, a sacred, solid, and great bond that should not be ridiculed. A marriage contract is not only a social contract, but a spiritual agreement between husband, wife, and Allah. Wahbah al-Zuhayli emphasized that marriage

(munakahat) is a strong and sacred contract, in line with the concept of marital covenant - that is, a big deal that should not be taken lightly. He discusses various aspects of fiqh of marriage, including the terms of the contract (*in'iqād, sahib, nafīḥ, liẓum*) and the concept of *kafa'ah*, which is the equality of the bride-to-be, which Imam Mālik says has the strongest opinion: based on religion and circumstances, not lineage or wealth (An Nisa' (4): 154 Qur'an, n.d.-a). This verse mentions God's covenant with the Children of Israel when they received the Torah. This covenant is called the marital covenant because it carries significant consequences: the obligation to obey God's law and the prohibition against breaking it.

The Qur'anic usage of marital covenant reflects the gravity of covenantal responsibility, particularly in relation to prophetic missions and marital relations. In Islamic legal discourse, the concept signifies that marriage transcends a merely contractual arrangement and functions as an ethical-spiritual commitment grounded in responsibility, justice, and social accountability (QS. Al-Aḥzāb [33]:7) Qur'an, n.d.).

Based on the above discussion, it can be concluded that marital covenant is a fundamental concept in Islamic family law that places marriage not only as a legal-formal contract, but also as a strong and responsible sacred bond. This concept contains the value of commitment, justice, affection, and the fulfillment of rights and obligations between husband and wife. Thus, marital covenant becomes the normative and spiritual foundation in building a harmonious, stable, and well-oriented family.

Maqasid sharia is present as a criticism of the approach to Islamic law that tends to be textual, partial, and rigid in understanding contemporary social reality. Auda offers a system approach that views Islamic law in a dynamic, open, and oriented manner to the substantive goals of sharia, namely justice, benefit, and human welfare (Auda, 2008). In this perspective, maqāṣid not only function as an instrument of protection, but also as a means of developing the quality of human life holistically (Ghozali et al., 2025b). This approach makes maqasid sharia able to adapt to modern social, economic, cultural, and technological developments without losing the essence of sharia values (Solikin & Wasik, 2023). In the context of Islamic family law, the maqasid sharia approach places the family as an interconnected social system that cannot be understood atomistically. Family relations must be built on the principles of justice, welfare, compassion, and respect for human dignity.

The Maqasid sharia approach offers a critical departure from atomistic and text-centered readings of Islamic family law by positioning the family as an interconnected moral and social system. Through the principles of wholeness and multidimensionality, domestic instability can no longer be reduced to individual moral failure alone, but must be understood within broader emotional, economic, spiritual, and social relations. Jasser Auda divides the six stages into cognitive characteristics, wholeness, openness, interrelated hierarchy, multidimensionality, and purpose (Auda, 2008). Through this approach, Islamic law is understood comprehensively and is not confined to a literal reading alone. The Islamic legal system must take into account social realities, human relations, and broader welfare goals (Huda et al., 2025). The concept of wholeness in Auda's theory emphasizes the importance of looking at problems comprehensively and interconnectedly. In the context of the family, domestic problems cannot be separated into economic, psychological, spiritual, and social aspects (Auda, 2020). Therefore, family resilience requires the integration of religious values, communication, responsibility, and solidarity between family members (Bukido, 2025). In addition, openness shows that Islamic law must be open to social changes and the development of the times. Auda rejects an exclusive and rigid legal approach because it has the potential to ignore human benefits. In modern family life, this openness can be seen from the flexibility of the division of roles between husband and wife, adaptation to social changes, and the importance of deliberation in building harmonious family relationships (Nurliana et al., 2025).

Contemporary constructions of family resilience frequently prioritize economic survival and legal stability while neglecting the ethical-spiritual dimensions of marital relations emphasized in Islamic legal philosophy. This concept is closely related to the purpose of marriage in Islam, which is to form a family of *sakinah*, *mawaddah*, and *rahmah* built on compassion, responsibility, and spiritual peace (Auda, 2022). In the Islamic perspective, the family in Islamic legal thought functions as a multidimensional moral institution integrating biological continuity, ethical formation, spiritual development, and social responsibility. Therefore, the family has the function of protecting religion, soul, intellect, descendants, and property. Family resilience is not only determined by economic aspects, but also the family's ability to build communication, conflict control, and emotional and spiritual solidarity between family members. Research on families with disabilities shows that family resilience is born through the process of adaptation, communication, flexible division of roles, and internalization of Islamic values such as gratitude. This shows that family resilience is dynamic and built through the family's ability to face social and economic pressures collectively (Bukido, 2025).

Family resilience has a close relationship with the main goal of *maqasid sharia*, that is, the protection of religion, soul, *Akal*, descendants, and treasure. In the context of the family, such protection is the main foundation in creating a stable, safe, and harmonious home life (Ghozali et al., 2025b). The protection of the soul and honor of the family is very important in dealing with the problem of domestic violence and sexual violence. Auda emphasized that Islamic law must be on the side of human values, protection of dignity, and social justice in order to maintain a healthy and dignified family (Juliansyahzen & Ocktoberinsyah, 2022). In addition, the protection of descendants and property in the family is also an important part of family resilience, which is not only related to biological sustainability, but also concerns the quality of education, economic welfare, and moral sustainability of the family. Therefore, *maqasid sharia* serves as an ethical foundation in maintaining a balance of rights and obligations between family members (Solikin & Wasik, 2023).

Auda's thinking has strong relevance in answering contemporary family challenges, such as divorce, shifting gender roles, work migration, and technological disruption. Auda's systemic approach allows Islamic law to be understood contextually without losing sight of the main purpose of *sharia*, which is the benefit of human beings (Auda, 2008). In the context of modern society, husband and wife relationships have undergone significant changes due to economic, educational, and digital cultural factors. Therefore, the division of roles in the family can no longer be understood rigidly and patriarchally. The perspective of contemporary *fiqh* shows that the flexibility of the role of husband and wife can actually strengthen family harmony and resilience as long as it is oriented towards mutual benefit (Nurliana et al., 2025). Furthermore, Auda is also relevant in building a family that is adaptive to social and economic pressures. Research on the families of female migrant workers shows that family relationships based on justice, shared responsibility, and mutual concern are more able to maintain family stability than hierarchical and rigid relationship approaches (Nurliana et al., 2025).

Maqasid sharia serve as a normative and ethical foundation in building a resilient family. A resilient family is a family that is able to survive, adapt, and rise from various social, economic, and psychological pressures while maintaining Islamic spiritual and moral values (Bukido, 2025). A resilient family is not built on dominant relationships, but through cooperation, communication, deliberation, and shared responsibility between husband and wife. The concept is in line with the value of marital covenant, which places marriage as a moral-spiritual bond containing commitment, affection, and collective responsibility. Thus, *maqasid sharia* provides a new paradigm in understanding the resilience of the Islamic family. Family resilience is no longer understood simply as the ability to maintain the household structure, but also as the ability to build a balance between spirituality, justice, welfare, and humanity in the face of the dynamics of modern society (Solikin & Wasik, 2023).

Reinterpretation of Marital Covenant as a Family Resilience System

Internalization of marital covenant cannot be understood only as a textual reinforcement of marriage norms, but must be seen as a process of forming a family paradigm based on a system of values, relationships, and welfare goals. In the system approach, Jasser Auda views that Islamic law is not just a collection of legal-formal rules, but a system that is open, multidimensional, and interconnected with human social reality (Auda, 2008). Therefore, marital covenant does not stop at the meaning of the sacred contract in marriage, but is internalized as a moral-spiritual value that shapes the way of thinking, relationship patterns, and family mechanisms in dealing with the dynamics of modern life (Solikin & Wasik, 2023).

In the framework of *maqasid sharia*, internalization of the marital covenant is carried out through the formation of family collective awareness that the household is a system of relationships that affect each other in spiritual, emotional, social, and economic aspects. The wholeness perspective in Auda's theory places the family as a structure that cannot be partially understood, so that family problems are not only seen as personal conflicts, but are related to communication patterns, role distribution, economic resilience, and family psychological stability. In other words, the internalization of the marital covenant demands an integration of religious values, compassion, deliberation, and shared responsibility in building a resilient and adaptive family to social change (Bukido, 2025). In the context of family resilience, this approach places the internalization of marital values such as affection, relationship balance, and shared responsibility as the foundation for the formation of the family of *sakinah, mawaddah, wa rah̄m* so that marriage is not only legal-formal, but also a system of moral and social protection in domestic life (Wijaya, 1970b).

The concept of openness in *maqasid sharia* systemic id is also an important basis in the formation of the family resilience paradigm. The family is no longer understood through a rigid and hierarchical pattern of relationships, but as a system that is open to social change as long as it remains oriented towards the benefit. In this context, the flexibility of husband and wife roles, family deliberation patterns, and domestic cooperation are seen as forms of social adaptation necessary to maintain the stability of the modern family. Thus, the internalization of the marital covenant does not mean maintaining family traditions rigidly, but building humanistic, fair, and responsive relationships to the changing times without losing Islamic ethical values (Nurliana et al., 2025).

To make it easier for readers to understand the construction of this research's thinking, the author presents the following table as a conceptual mapping of the internalization of marital covenant. This table aims to clarify the relationship between the concepts of system approach, the values of resilience of the Islamic family, and its implications for the formation of a resilient, humanist, and adaptive family in facing the dynamics of contemporary society as follows:

Table Conceptual Construction of the Internalization of Marital Covenant from the Perspective of *Maqasid Sharia*

Focus of the Discussion	Key Concepts	Perspective of <i>Maqasid Sharia</i>	Implications for Family Resilience
Marital covenant	Sacred bonds and moral-spiritual covenants in marriage	Marriage is understood not only as a legal-formal contract, but as a value system that integrates spirituality, responsibility, and welfare	Forming a harmonious, stable, and responsibility-based family
System Approach	Islamic law as an open and	Using six main characters: cognitive nature, wholeness,	Family resilience is understood holistically in terms

Focus of the Discussion	Key Concepts	Perspective of Maqasid Sharia	Implications for Family Resilience
	multidimensional system	openness, interrelated hierarchy, multidimensionality, and purposefulness	of spiritual, emotional, social, economic, and cultural aspects
Wholeness	The family as an interconnected system	Family problems cannot be partially understood	Family resilience is built through the integration of communication, spirituality, solidarity, and relationship balance
Openness	Openness to social change	Family relationships must be adaptive to the dynamics of the times	Flexibility of husband and wife roles and family deliberation strengthen domestic harmony
Development and Rights	The shift of maqāṣid from protection to the development of the quality of life	Maqāṣid not only maintains the existence of the family, but also develops human welfare and dignity	Family resilience is oriented towards education, emotional health, justice, and social well-being
Internalization of the marital covenant	Establishment of a resilient family paradigm	The value of marriage is internalized through affection, responsibility, and communication	The family becomes a moral and social system that can adapt to modern crises
The Resilience of the Muslim Family	A family of friends, mothers, and families	Family resilience not only survives conflict, but also can internalize social transformation	Creating a humanist, adaptive, and community-oriented family

Maqasid sharia shifts the orientation of maqasid sharia from protection and preservation to development and rights. This shift shows that the ideal family is not only a family capable of maintaining the marital structure, but a family capable of developing the quality of life of all its members. In the context of internalization of marital covenant, this paradigm gives birth to the understanding that family resilience is built through strengthening the quality of education, emotional health, protection of human dignity, economic welfare, and the sustainability of family social relations. Thus, marital covenant serves as an ethical paradigm that integrates spirituality, humanity, and the development of the quality of life of contemporary Muslim families (Ghozali et al., 2025b).

The paradigm then forms a family resilience system that is not only oriented towards the ability to survive crises, but also the ability of families to carry out social transformation internally. From the perspective of maqasid sharia, a resilient family is a family that is able to build relationships based on affection, communication, justice, and collective solidarity so that the family becomes a space for moral and humanitarian development. In other words, the internalization of the marital covenant ultimately forms an Islamic family paradigm that is not

only normatively sacred, but also adaptive, humanistic, and progressive in facing the challenges of modern society.

Conclusion

This study shows that marital covenant cannot be understood only as a legal-formal marriage contract, but is a value system that contains spiritual, moral, social, and humanitarian dimensions in building the resilience of the Islamic family. Through the perspective of *maqasid sharia*, the concept of marital covenant is internalized as a family paradigm based on benefit, justice, communication, and collective responsibility between couples. Jasser Auda's system approach places the family as a social system that is interconnected between emotional, spiritual, economic, and cultural aspects so that family resilience is not only measured by the ability to maintain the household structure, but also the family's ability to adapt, resolve conflicts, maintain balance in relationships, and develop the quality of life of all family members in the midst of modern social dynamics.

Theoretically, this research contributes to expanding the study of Islamic family law through the integration of the concept of marital covenant with *maqasid sharia*, which has been used more widely in the fields of economics, public law, and contemporary social issues. This research also offers a new paradigm that Islamic family resilience is no longer understood normatively and defensively, but as a humanistic, adaptive, and multidimensional family quality of life development system. The novelty of the research lies in the conceptual construction of the internalization of the marital covenant as a family resilience system based on the *maqasid sharia* system approach, especially through the concepts of openness, wholeness, and purposefulness in building resilient families in the modern era. Practically, this research can be the basis for strengthening Islamic family education, family resilience policies, and the development of *maqā*-based marriage guidance *ṣid al-sharī'ah*, in dealing with divorce problems, family moral crises, and contemporary social disruptions.

However, this study still has limitations because it focuses on a normative-conceptual approach based on literature studies, so it has not tested the implementation of internalization of marital covenant empirically in the lives of contemporary Muslim families. In addition, the scope of research focuses more on the perspective of *maqasid sharia* so that he has not compared in depth with the *maqasid sharia* of other figures such as Ibn Fenceshūr, al-Shāṭibī, or ṬāOn the other hand, Ibn Fenceshūr in the context of family resilience. Therefore, further research needs to develop an empirical study on the practice of internalization of marital covenant in the modern Muslim family, including in the context of digital families, migrant families, and families with certain socio-economic vulnerabilities. Thus, this study confirms that the internalization of marital covenant through the *maqasid sharia* approach is relevant in building an adaptive Islamic family resilience system that is adaptive, humanist, and oriented towards the benefit of contemporary society.

Declaration of AI and AI-Assisted Technologies in the Writing Process

During the preparation of this manuscript, the author employed Artificial Intelligence (AI)-assisted technology, specifically ChatGPT (OpenAI), solely to assist in the development of conceptual tables, the refinement of academic language, and the enhancement of conceptual visualization within the discussion section. After the use of this technology, the author carefully reviews, revises, and validates all the resulting content to ensure its accuracy, integrity, and scientific originality. The author is solely responsible for the final content, interpretation, and conclusions presented in this publication.

CRediT Authorship Contribution Statement

Muhammad Waliyuddin Yusuf: Conceptualization, Data Curation, Formal Analysis, Investigation, Methodology, Writing – Original Draft, Writing – Review & Editing, and Visualization.

Declaration of Competing Interest

The author declares that no financial, professional, or personal conflict of interest could affect the research process, interpretation of findings, or publication of this article.

Acknowledgments

The author would like to express his deepest gratitude and sincere appreciation to his beloved parents for their endless prayers, unconditional love, unwavering encouragement, and priceless sacrifice throughout his academic journey and completion of this research. The author also expresses deep appreciation to academic supervisors, scholars, colleagues, and all individuals who provided intellectual guidance, constructive insight, and meaningful support during the research and writing process. Special thanks go to the editors and reviewers of the journal, whose scientific criticism and recommendations greatly contributed to the refinement and improvement of this manuscript

Data Availability Statement

Data supporting the findings of this study are available from the relevant authors upon reasonable request via email at waliyuddinyusuf28@gmail.com. All materials and sources used in this study were obtained from relevant academic literature and library-based scientific resources.

Funding Statement

This research was conducted independently and does not receive any financial support, grants, or special funding from government agencies, private organizations, or other funding agencies.

Ethical Approval Statement

The author emphasized that this research was conducted in accordance with established academic and research ethics standards. As a library-based study, this study did not involve human participants, personal data, or identifiable respondent information. Therefore, formal ethical approval is not required for the implementation of this research.

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