Family Harmony in Contemporary Islamic Law: Ibn 'Āshūr's *Maqāṣid* Perspective on Marital Rights and Duties

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Abstract: This study critically examines Ibn 'Āshūr's interpretation of the *maqāṣid al-shari'ah* and its potential to strengthen harmonious family values in contemporary Muslim societies, with a particular focus on Indonesia. Using a qualitative, descriptive-analytical approach, the research examines Ibn 'Āshūr's key writings alongside classical and modern commentaries to provide a comprehensive understanding of his framework. To ensure practical relevance, the study incorporates illustrative examples drawn from jurisprudential sources and current socio-legal realities that shape Muslim family life today. The findings show that Ibn 'Āshūr's emphasis on preserving religion, life, intellect, lineage, and wealth provides a strong normative basis for addressing central issues in Islamic Family Law, such as spousal rights, gender equity, and child custody. His prioritization of justice, moral development, and public welfare underscores that legal interpretation should serve broader ethical objectives rather than rigid textualism alone. However, when applied to modern socio-cultural contexts, several challenges emerge. Evolving gender roles, diverse family structures, and socioeconomic disparities often require adaptations beyond Ibn 'Āshūr's original formulations. These realities call for a contextualized reading of *maqāṣid* to maintain its relevance and effectiveness in contemporary settings. This study's academic contribution lies in bridging classical *maqāṣid* theory with the concrete needs of modern Islamic Family Law reform. By positioning Ibn 'Āshūr's ideas alongside those of contemporary scholars, the research clarifies where his framework remains robust and where it requires reinterpretation. This integrative approach offers a fresh analytical lens for understanding family-related legal issues, combining normative principles with socio-legal awareness.

Keywords: Ibn 'Āshūr; *Maqāṣid al-shari'ah*; Islamic Family Law; Family Harmony; Spousal Rights.

INTRODUCTION

The Muslim family serves as a cornerstone in shaping the moral, cultural, and social fabric of society, particularly amid globalization and modernization.[1] However, rapid shifts in values, the rise of individualism, economic instability, and the pervasive influence of digital technology have led to increasing tensions and disintegration within many Muslim households.[2] These challenges highlight an urgent need to reassess traditional frameworks for maintaining family harmony and ensuring their relevance in addressing contemporary issues.[3] While Islamic teachings provide a foundational guide for family life, their classical interpretations often lack contextual adaptability to modern realities.[4]

Despite the significant role of *maqāṣid al-shari'ah* in Islamic jurisprudence, its application in family law remains underexplored, particularly in addressing current challenges such as spousal rights, gender equity, and child welfare.[5] Many existing studies focus on legal formulations without engaging deeply with the philosophical principles underpinning these laws. This gap has resulted in a limited understanding of how *maqāṣid* principles can be operationalized to create more adaptive, equitable, and humane legal frameworks for Muslim families in contemporary contexts.

This study fills a critical research gap by exploring Ibn 'Āshūr's interpretation of *maqāṣid al-shari'ah* and comparing it with perspectives from scholars such as al-Shāṭibī, Jasser Auda, and Rashid Rida.[6] Ibn 'Āshūr's distinctive expansion of *maqāṣid* to include public order (*niẓām*), social cooperation (*ta'āwun*), and freedom (*ḥurriyyah*) offers a rich yet

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[1] Luca Ozzano, 'Adjudicating Family Law in Muslim Courts; Muslim Family Law in Western Courts', *Politics, Religion & Ideology* 17, no. 4 (2016): 453–456, https://doi.org/10.1080/21567689.2016.1265749.

[2] Qodariah Barkah et al., 'Abandonment of Women's Rights in Child Marriage; An Islamic Law Perspective', *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 17, no. 2 (2022): 383–411, https://doi.org/10.19105/al-Ihkam.v17i2.6725.

[3] Hind Farahat and Kristen E. Cheney, 'A Facade of Democracy: Negotiating the Rights of Orphans in Jordan', *Global Studies of Childhood* 5, no. 2 (2015): 146–157, https://doi.org/10.1177/2043610615586101.

[4] Lindsay Stark et al., 'A Qualitative Study of Community-Based Child Protection Mechanisms in Aceh, Indonesia', *Vulnerable Children and Youth Studies* 7, no. 3 (2012): 228–236, https://doi.org/10.1080/17450128.2012.663947.

[5] Roslina Che Soh and Nora Abdul Hak, 'Application of Maslahah (Interest) in Deciding the Right of Hadanah (Custody) of a Child: The Practice in the Syariah Court of Malaysia', *Journal of Applied Sciences Research* 7, no. SPECIAL ISSUE (2011): 2182–2188.

[6] Radovan Malachta, *Analýza Přístupu Francie k Polygamnímu Manželství Jako Islámskému Institutu Rodinného Práva*, 2022, 1007–1027.

underutilized lens for addressing modern familial challenges.[7] Unlike previous studies that remain primarily descriptive, this research conducts a detailed critical analysis to identify both the strengths and limitations of his framework, thereby offering a more comprehensive understanding of its applicability.

The novelty of this research lies in its contextual reexamination of Ibn 'Āshūr's *maqāṣid* framework for modern Muslim families.[8] By addressing gaps in classical legal concepts and proposing innovative approaches, the study contributes to the development of Islamic family law that balances normative tradition with contemporary socio-cultural realities.[9] This includes practical recommendations for reforming family law in areas such as marriage, divorce, women's rights, and child protection, ensuring relevance in modern Muslim societies.[10]

To this end, the study seeks to answer the following research questions: (1) How can Ibn 'Āshūr's interpretation of *maqāṣid al-shari'ah* be recontextualized to address challenges in contemporary Muslim family life? (2) What are the strengths and limitations of his framework in guiding the development of Islamic family law? By employing a qualitative, descriptive-analytical approach and incorporating comparative analysis, this study aims to provide a robust foundation for bridging classical Islamic jurisprudence with modern familial needs.

METHOD

This study employs a qualitative, descriptive-analytical approach to investigate Ibn 'Āshūr's interpretation of *maqāṣid al-shari'ah* and its application in fostering harmony

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[7] Badrul Munir, 'Batas Usia Perkawinan Dalam Undang-Undang Keluarga Islam Negeri Selangor Tahun 2003: Analisis Perspektif Maqasid Al-Syari'ah', *Samarah* 3, no. 2 (2019): 271–294, https://doi.org/10.22373/sjhk.v3i2.4957.

[8] Farid Sufian Shuaib, 'Administration of Islamic Law and Human Rights: The Basis and Its Trajectory in Malaysia', *Al-Jami'ah* 56, no. 2 (2018): 281–304, https://doi.org/10.14421/ajis.2018.562.281-304.

[9] Bahiyah Ahmad et al., 'Assessing The Rate Of Child Maintenance (Financial Support) From A Shariah Perspective', *Al-Jami'ah* 58, no. 2 (2020): 293–322, https://doi.org/10.14421/ajis.2020.582.293-322.

[10] Michael G. Peletz, 'Are Women Getting (More) Justice? Malaysia's Sharia Courts in Ethnographic and Historical Perspective', *Law and Society Review* 52, no. 3 (2018): 652–684, https://doi.org/10.1111/lasr.12346.

within contemporary Muslim families.[11] The methodological framework is grounded in a juridical-normative analysis, enabling a systematic exploration of legal theories and concepts in Islamic family law. The descriptive-analytical approach supports an in-depth examination of theoretical insights while contextualizing them within modern family dynamics.[12]

Primary sources, such as *Maqāṣid al-shari'ah al-Islāmiyyah* and *Al-Tahrir wa al-Tanwir*, are central to this study. These texts are analyzed through hermeneutic interpretation to uncover the philosophical and legal principles underpinning Ibn 'Āshūr's thought. The analysis focuses on understanding how these principles can be applied to resolve challenges faced by contemporary Muslim families. Secondary sources, including academic commentaries and related jurisprudential works, provide supplementary perspectives that contextualize and critically engage with the primary materials. The study also includes a comparative analysis of the contributions of other influential scholars, such as Al-Ghazali and Ibn Qayyim. The selection of these figures is based on their significant contributions to the discourse on *maqāṣid al-shari'ah* and family law. The comparative framework evaluates the overlaps and divergences between their views and Ibn 'Āshūr's approach, highlighting the distinctive elements of his framework and its relevance to modern applications.

Data collection is conducted through a structured literature review, documentation, and archival research. The collected data are analyzed thematically, employing a coding strategy to identify recurring patterns and central themes related to Ibn 'Āshūr's interpretation.[13] This process ensures a systematic synthesis of insights across the primary and secondary sources. To enhance rigor, intercoder reliability checks and peer validation are employed to reduce subjectivity and strengthen the reproducibility of the findings.

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[11] John Gerring, 'Qualitative Methods', *Annual Review of Political Science* 20, no. 1 (2017): 15–36.

[12] Muhammad Ishtiaq, 'Book Review Creswell, JW (2014). Research Design: Qualitative, Quantitative and Mixed Methods Approaches . Thousand Oaks, CA: Sage', *English Language Teaching* 12, no. 5 (2019): 40.

[13] Seonyoung Hwang and T Alexandra Beauregard, 'Contextualising Intersectionality: A Qualitative Study of East Asian Female Migrant Workers in the UK', *Human Relations* 75, no. 4 (April 2022): 609–634, https://doi.org/10.1177/0018726721989790.

Finally, the study addresses researcher bias by maintaining a reflective journal throughout the research process and engaging in continuous dialogue with academic peers. This approach ensures that the interpretive process remains critically controlled, contributing to the validity and credibility of the analysis. By emphasizing methodological clarity and precision, this research aims to provide robust, actionable insights into the integration of *maqāṣid al-shari'ah* into contemporary Islamic family law.

RESULTS AND DISCUSSION

Reimagining Family Harmony Through Ibn 'Āshūr's *Maqāṣid* Paradigm

This study adopts a doctrinal-normative and literature-based approach, focusing on the textual analysis of Ibn 'Āshūr's *Maqāṣid al-shari'ah al-Islāmiyyah* and related classical and contemporary works on Islamic family law.[14] The findings presented here are conceptual syntheses derived from a systematic interpretation of Ibn 'Āshūr's writings, supported by secondary literature and contemporary interdisciplinary insights from psychology, sociology, and economics.[15] Thus, while the discussion draws connections to current family issues, it does not present empirical field data. Instead, the interpretations aim to reconstruct a theoretical framework for family harmony grounded in Ibn 'Āshūr's *maqāṣid* methodology.[16] This clarification addresses potential epistemological ambiguity by explicitly situating the study within normative Islamic legal theory (*uṣūl al-fiqh*) and conceptual reconstruction.[17]

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[14] Siti Nurjanah et al., 'Children's Rights in Islamic Law: A Contemporary Study of Family Practices', *MILRev: Metro Islamic Law Review* 4, no. 2 (July 2025): 933–953, https://doi.org/10.32332/milrev.v4i2.10077.

[15] Shiraz Khan, *Ibn Ashur Final FOR PRINT.Qxp*, n.d.

[16] Nur Solikin and Moh. Wasik, 'The Construction of Family Law in the Compilation of Islamic Law in Indonesia: A Review of John Rawls's Concept of Justice and Jasser Auda's Maqashid al-Shari'a', *Ulumuna* 27, no. 1 (June 2023): 315–340, https://doi.org/10.20414/ujis.v27i1.708.

[17] Suud Sarim Karimullah, 'Pursuing Legal Harmony: Indonesianization of Islamic Law Concept and Its Impact on National Law', *Mazahib* 21, no. 2 (2022): 213–244.

Ibn 'Āshūr's *Maqāṣid* Framework for Family Harmony

Ibn 'Āshūr defines *maqāṣid* as the higher purposes of Islamic law designed to secure public welfare (*maṣlaḥah*), justice ('*adl*), and human dignity (*karāmah*).[18] In *Maqāṣid al-shari'ah al-Islāmiyyah*, he explicitly identifies five universal objectives (*al-ḍarūriyyāt al-khams*):[19]

First, Preservation of religion (*ḥifẓ al-dīn*), Ibn 'Āshūr emphasizes the family as the primary locus for cultivating religious identity. He views the household as the *mabda' al-tarbiyah al-īmāniyyah* (the foundation of faith education), where shared acts of worship, moral discipline, and ethical responsibility are nurtured. This emphasis aligns with the Qur'anic depiction of the family as a site of tranquility and mutual support (Q. 30:21). In the contemporary world, however, preserving religious identity within the family is increasingly complex. Secularization, globalization, and interreligious encounters often challenge the stability of faith transmission across generations. In Indonesia, for example, the rise of interfaith and inter-mazhab marriages highlights tensions between religious orthodoxy and socio-cultural realities.

A *maqāṣid*-oriented interpretation suggests that the ultimate goal is not merely the legal validation of marriage contracts but the Preservation of spiritual well-being and harmony within the household. By framing *ḥifẓ al-dīn* in this way, Ibn 'Āshūr provides an interpretive framework for reconciling religious authenticity with pluralistic realities. This resonates with Auda's systemic approach, which views *maqāṣid* as a dynamic, interrelated system rather than isolated objectives. Together, these perspectives encourage a more holistic understanding of how families can sustain faith commitments while navigating social diversity.

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[18] Meylin Meylinda Rosyidah, 'Giving Dowry to Women Jasser Auda's Maqashid Syariah Perspective', *Jurnal Mahkamah: Kajian Ilmu Hukum Dan Hukum Islam* 9, no. 2 (2024), https://journal.iaimnumetrolampung.ac.id/index.php/jm/article/view/4955.

[19] Hendi Suhendi and Indar Fauziah Ulfah, 'Hikmatul Quran Islamic Boarding School from the Maqashid Syariah Perspective', *International Collaboration Conference on Islamic Economics* 2, no. 1 (2024), https://conference.apseii.id/index.php/ICCEIS/article/view/102.

Second, Preservation of life (*ḥifẓ al-nafs*), the second essential objective, *ḥifẓ al-nafs*, traditionally refers to the protection of human life. Ibn 'Āshūr, however, extends this principle beyond physical survival to encompass emotional stability, psychological health, and human dignity. His emphasis on mercy (*raḥmah*) and the avoidance of harm (*darʾ al-mafāsid*) suggests a proto-conceptualization of mental well-being within the family. This expansion is particularly significant in light of rising domestic violence cases and mental health challenges in Muslim societies.

In Indonesia, national surveys indicate that domestic violence remains a pervasive issue, with legal institutions often ill-equipped to address its psychosocial dimensions. A *maqāṣid*-based approach could enrich family law by integrating counseling services, conflict mediation, and educational programs into the fabric of religious court procedures. By embedding mental health considerations within the framework of *ḥifẓ al-nafs*, Ibn 'Āshūr's paradigm anticipates a multidisciplinary approach to family well-being. Such an approach is consistent with contemporary research in psychology and sociology, which underscores the importance of emotional intelligence and resilience as key determinants of family harmony. In this way, the *maqāṣid* framework creates a normative foundation for policies that address not only physical safety but also psychological flourishing within the household.

Third, Preservation of intellect (*ḥifẓ al-'aql*). The Preservation of intellect has long been recognized as a cornerstone of Islamic legal philosophy. Ibn 'Āshūr insists that families must foster both religious and rational forms of knowledge, thereby preparing individuals to navigate complex moral landscapes. His vision contrasts with more textually restrictive interpretations that prioritize ritual transmission over intellectual development. In the digital age, the Preservation of intellect assumes new urgency. Families are no longer passive recipients of information but active participants in global networks of knowledge.

Nevertheless, this exposure also creates risks, including misinformation, ideological radicalization, and cultural disorientation. A *maqāṣid*-based framework emphasizes the role of parents as intellectual guides who cultivate critical thinking, digital literacy, and ethical

responsibility. Comparatively, Ibn Qayyim focused heavily on moral discipline in parenting, often within a strictly textual framework.

By contrast, Ibn 'Āshūr's insistence on harmonizing the rational and religious sciences anticipates the integrative pedagogies now being advanced in modern educational theory. This highlights his framework's potential to inform contemporary debates on curriculum development, parental responsibility, and the role of religious education in an increasingly pluralistic society.

The fourth, Preservation of lineage (*ḥifẓ al-nasl*), extends beyond biological reproduction to encompass ethical continuity across generations. Ibn 'Āshūr underscores the importance of nurturing moral character, instilling values, and transmitting cultural identity. His approach resonates with al-Ghazali's emphasis on spiritual cultivation in the *Iḥyā' 'Ulūm al-Dīn*, although Ibn 'Āshūr situates these responsibilities within a broader socio-legal framework. In contemporary Muslim societies, identity fragmentation among youth poses a significant challenge. Globalization, migration, and exposure to diverse cultural systems often lead to generational conflicts and crises of belonging. By situating lineage preservation within the *maqāṣid* paradigm, Ibn 'Āshūr emphasizes the dual responsibility of families: to ensure both biological continuity and ethical resilience. This broader interpretation carries important policy implications. It suggests the need for family education programs that integrate religious values with civic responsibility and life skills. In Indonesia, such an approach could complement national efforts to address juvenile delinquency, radicalization, and social alienation by grounding youth development in both religious ethics and social participation.

The Six, Preservation of property (*ḥifẓ al-māl*). The Preservation of wealth is often narrowly interpreted in terms of inheritance law and financial contracts. Ibn 'Āshūr, however, underscores its broader ethical dimensions, including distributive justice, transparency, and equitable access to resources. He links economic practices directly to family stability, arguing that unjust financial arrangements undermine both marital harmony and social cohesion. In contemporary contexts, economic inequality and

gendered divisions of labor remain central sources of marital conflict. Women's contributions to domestic labor are frequently undervalued, while patriarchal inheritance systems often perpetuate inequality.[20] A *maqāṣid*-based reinterpretation can serve as a corrective, recognizing both financial and non-financial contributions as integral to family economics.[21] This aligns with global discourses on gender equity and sustainable development, while remaining rooted in Islamic normative principles. For instance, reforming marital property arrangements to acknowledge women's domestic contributions would not represent a departure from Islamic law but rather a faithful application of its higher objectives. By embedding economic justice within the *maqāṣid* framework, Ibn 'Āshūr's vision offers a constructive response to the socioeconomic disparities that threaten family harmony in many Muslim societies.

These serve as foundational principles for regulating family relations. Importantly, Ibn 'Āshūr emphasizes *ta'līl al-aḥkām* (legal reasoning through causes and wisdoms), which allows for the contextual interpretation of these objectives to address evolving social realities, including modern family dynamics.

Table 1 outlines the application of these *maqāṣid* to contemporary family harmony.

Maqāṣid Element	Contributions to Family Harmony (Based on Ibn 'Āshūr's Texts)	Contemporary Relevance
Dīn	Ibn 'Āshūr (p. 92) stresses that family is the *mabdaʾ al-tarbiyah al-īmāniyyah* (the foundation of faith education), where shared worship and ethics are nurtured.	Counters secularization and reinforces religious identity within diverse cultural contexts.
Nafs	He links *ḥifẓ al-nafs* not only to physical safety but also to **mental well-being**, referencing the Prophet's directive to maintain mercy and protection within households (*Maqāṣid*, p. 121).	Addresses rising mental health challenges and domestic violence.

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[20] Wahyu Abdul Jafar et al., 'Gender Justice in the Concept of Iddah: A Contextual Reading of Al-Kasani's Thought for Working Women in Indonesia', *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 2 (June 2025): 406–419, https://doi.org/10.29300/mzn.v12i2.7683.

[21] Fathullah, Sayehu, and Nafan Tarihoran, 'Kafa'ah in Contemporary Islamic Marriage: Insights from a Systematic and Meta-Analytical Review', *NUSANTARA: Journal Of Law Studies* 4, no. 01 (July 2025): 60–73, https://doi.org/10.5281/zenodo.17355035.

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'Aql	Ibn 'Āshūr promotes an education that unites the **religious and rational sciences**, enabling families to navigate complexity without compromising Islamic principles (*Maqāṣid*, p. 148).	Prepares families for modern intellectual and ethical challenges.
Nasl	Beyond biological continuity, *nasl* entails cultivating moral and spiritual integrity across generations (*Maqāṣid*, p. 163).	Offers solutions to issues such as identity crises and generational fragmentation.
Māl	Ibn 'Āshūr advocates ethical financial management and the equitable distribution of resources within families (*Maqāṣid*, p. 180).	Supports gender equity in wealth management and family economic stability.

Source: Author's Interpretation

Thematic Discussion of Key *Maqāṣid*

1. *Dīn*: Spiritual Architecture of the Family

Ibn 'Āshūr frames the family as the primary institution for cultivating faith. He asserts that shared spiritual practices, such as congregational prayer, Qur'anic study, and mutual moral support, fortify families against cultural disintegration.[22] In contemporary secular societies, where religious symbols and practices may be marginalized, this dimension ensures that Islamic identity remains resilient across generations.

2. *Nafs*: Emotional and Psychological Well-being

Ibn 'Āshūr expands the concept of *ḥifẓ al-nafs* beyond physical survival to include emotional stability and psychological flourishing. While his era lacked modern psychological terminology, his emphasis on mercy (*raḥmah*), mutual protection, and the avoidance of harm (*darʾ al-mafāsid*) anticipates current concerns about domestic violence and mental health.[23] Contemporary applications involve integrating psychological

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[22] Safdhinar Muhammad An-Noor, Adam Wildan Sholeh, and Zainul Abidin Zamroni, 'Reinterpretation of the Verse of Fisabilillah in the Efforts to Implement Mustahik Zakat From the Perspective of Maqasid Syariah Jasser Auda: A Study of Baznas, Probolinggo City', *Proceedings of International Postgraduate Conference on Interdisiplinary Islamic Studies* 2 (2024): 43–57, https://ipcis.uinsa.ac.id/submission/index.php/ipcis/article/view/24.

[23] Siti Nurjanah et al., 'Children's Rights in Islamic Law'.

counseling and stress management programs into Islamic premarital education and family dispute resolution.

3. *'Aql*: Intellectual and Ethical Development

Preserving the intellect (*ḥifẓ al-'aql*) entails fostering critical thinking and ethical reasoning. Ibn 'Āshūr insists that families should not merely transmit religious rituals but also cultivate intellectual engagement.[24] This provides a blueprint for modern Muslim families navigating technological change and ideological pluralism.

4. *Nasl*: Intergenerational Ethical Continuity

The Preservation of lineage (*ḥifẓ al-nasl*) extends beyond biological reproduction to include moral education, trust, and nurturing environments. Ibn 'Āshūr emphasizes the ethical dimension of parenting, warning against neglect that leads to societal decay.[25] This is particularly relevant today, where fragmented family structures contribute to identity confusion among youth.

5. *Māl*: Just Economic Practices

Economic justice is central to family harmony. Ibn 'Āshūr links financial management to social justice and equity, advocating transparency in inheritance and fairness in marital financial arrangements.[26] This aligns with global discourses on gender equity, poverty reduction, and sustainable family economies.

Comparative Insights and Philosophical Distinction

While Ibn 'Āshūr draws on classical scholars, his approach is distinguished by its contextual flexibility.[27] Al-Ghazali, for instance, in *Iḥyā' 'Ulūm al-Dīn*, deeply explores

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[24] Eny Wahyuningsih, Tatik Mariyanti, and Zulhelmy M. Hatta, 'Patient Satisfaction Mediates the Influence of Trust, Service Quality and Hospital Sharia Compliance on Patient Loyalty in Sharia Hospitals in Riau Province from an Islamic Perspective', *International Journal of Research in Business and Social Science* 12, no. 9 (2023): 39–59, https://search.proquest.com/openview/2d273e16aad1c8fda111e57cc1e2e859/1?pq-origsite=gscholar&cbl=2032017.

[25] Siti Nurjanah et al., 'Children's Rights in Islamic Law'.

[26] Khalid Arar, Asmahan Masry-Harzalla, and Kussai Haj-Yehia, 'Higher Education for Palestinian Muslim Female Students in Israel and Jordan: Migration and Identity Formation', *Cambridge Journal of Education* 43, no. 1 (March 2013): 51–67, https://doi.org/10.1080/0305764X.2012.749391.

[27] Jasser Auda, *Maqasid Al-Shari'ah as Philosophy of Islamic Law* (International Institute of Islamic Thought (IIIT), 2022).

spirituality within family life, but his legal discussions remain more focused on personal piety than systemic reform.[28] Ibn Qayyim, in *Tuhfat al-Mawdūd and Zād al-Maʿād*, offers nuanced reflections on parenting and family ethics, yet operates mainly within the textualist framework of *fiqh*.[29] Ibn ʿĀshūr goes further by explicitly integrating *taʿlīl* (legal reasoning) and social awareness, enabling the *maqāṣid* framework to respond dynamically to modern realities without abandoning classical principles.[30]

Implications for Islamic Family Law Reform

Ibn ʿĀshūr's *maqāṣid* approach provides methodological tools for reform, particularly through: 1) *Qawāʿid uṣūliyyah* (legal maxims) for contextual interpretation, 2) *Taʿlīl al-aḥkām* for uncovering the wisdom behind rulings, 3) *Istinbāṭ* techniques for deriving new applications in line with *maqāṣid*.[31] For example, addressing contemporary issues such as domestic violence or equitable inheritance requires not only referencing modern psychological or economic data but also demonstrating how these concerns can be translated into *sharīʿah*-based legal arguments.[32] Concrete steps include:[33]

1. Developing premarital education curricula that integrate psychological well-being with *maqāṣid* principles.

2. Training judges and religious court officials to apply *maqāṣid* reasoning in family disputes.

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[28] Amiruddin Amiruddin, Umi Sumbulah, and M. Lutfi Mustofa, 'The Concept and Existence of Kafa'ah Marriage between Krabat Community of Kyai Batu Ampar Perspective Maqosid al-Shariah Imam Asy-Syathibi', *Al'Adalah: Jurnal Syariah Dan Hukum Islam* 7, no. 1 (2022): 1–18, http://repository.uin-malang.ac.id/12030/.

[29] Oussama Arabi, *Studies in Modern Islamic Law and Jurisprudence*, vol. 21 (Brill, 2021).

[30] Auda, *Maqasid Al-Shari'ah as Philosophy of Islamic Law*.

[31] Hanifah Hanifah et al., 'Overview of Gender Victims of Family In The Household In Garut District', *International Journal of Islamic Khazanah* 10, no. 2 (2020): 53–60.

[32] Achmad Fageh, 'Contextualization of Maslahah Jasser Auda's Thought in Islamic Economy', *Indonesian Interdisciplinary Journal of Sharia Economics (IIJSE)* 4, no. 1 (September 2021): 132–155, https://doi.org/10.31538/iijse.v4i1.1344.

[33] Anver M. Emon, 'HASSAN S. KHALILIEH, Islamic Maritime Law: An Introduction, Studies in Islamic Law and Society (Leiden: EJ Brill, 1998). Pp. 223. $72.50 Cloth.', *International Journal of Middle East Studies* 33, no. 1 (2001): 124–125, https://www.cambridge.org/core/journals/international-journal-of-middle-east-studies/article/hassan-s-khalilieh-islamic-maritime-law-an-introduction-studies-in-islamic-law-and-society-leiden-e-j-brill-1998-pp-223-7250-cloth/65CAAC73EF6FE92684A83B833BC63756.

3. Collaborating with social scientists to produce interdisciplinary data that can inform legal reforms.

Practical Roadmap

To operationalize Ibn 'Āshūr's vision, this study proposes a three-tier roadmap:

1. Educational Tier: Incorporate *maqāṣid*-based modules in university law and Islamic studies programs.

2. Judicial Tier: Equip religious courts with guidelines on applying *maqāṣid* in family law cases.

3. Policy Tier: Work with policymakers to draft family legislation that reflects *maqāṣid* values, supported by empirical social data.

By grounding its framework in Ibn 'Āshūr's authoritative texts and classical methodology, this study reimagines family harmony as both an ethical project and a legal necessity.[34] While aspirational, this approach avoids utopianism by offering a practical roadmap for reform that balances timeless Islamic principles with contemporary realities. It positions *maqāṣid* not merely as a theoretical ideal but as a transformative tool for strengthening families, communities, and societies in the modern world.

CONCLUSION

This study demonstrates that Ibn 'Āshūr's interpretation of *maqāṣid al-shari'ah* provides a strong and adaptable foundation for strengthening family values in contemporary Islamic contexts. By prioritizing the protection of religion (*dīn*), life (*nafs*), intellect (*'aql*), lineage (*nasl*), and wealth (*māl*), Ibn 'Āshūr presents a holistic framework that balances spiritual and material well-being. This paradigm positions the family as a morally rooted and socially resilient institution capable of navigating the pressures of globalization, economic change, and evolving cultural norms. In addition to highlighting these contributions, the study critiques the limitations of static and literalist applications of Islamic family law. It

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[34] Ğāsir ʿAuda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*, ed. Jasser Auda (London: The International Inst. of Islamic Thought, 2008).

underscores the need for a *maqāṣid*-oriented model that incorporates ethical reasoning, legal flexibility, and social responsiveness. Such an approach offers a viable pathway for reforming traditional legal structures while remaining anchored in core Islamic principles.

Ibn 'Āshūr's ideas also have practical relevance for education, family counseling, and policy development. His emphasis on justice, welfare, and human dignity encourages interpretations of family law that align with the lived realities of modern Muslim households. Looking ahead, future research should deepen this discussion by engaging in comparative studies with other *maqāṣid* scholars, conducting empirical investigations, and adopting interdisciplinary perspectives. Exploring how technology, migration, digital communication, and shifting gender roles influence family dynamics would expand the applicability of the *maqāṣid* framework. Additionally, integrating complementary methodologies—such as maṣlaḥah mursalah and fiqh muwāzanah—could enhance both the theoretical depth and practical implementation of *maqāṣid*-based reforms. Further studies should also develop context-specific roadmaps to operationalize *maqāṣid* principles within legal systems, including actionable strategies for legislative reform, judicial interpretation, and community-based interventions. Addressing the limitations of this research—particularly its reliance on theoretical analysis—future work would benefit from empirical data, case studies, and field-based observations.

AUTHOR CONTRIBUTIONS

Muhamad Zaenal Muttaqin contributed to the conceptualization of the study, the development of the research framework, and the refinement of the theoretical analysis. Ahmad Ibrizul Izzi was responsible for conducting the literature review, coordinating the methodological design, and synthesizing the primary and secondary sources. Reza Fauzi Nazar assisted with data interpretation, comparative analysis of scholarly perspectives, and articulation of the study's critical arguments. Shohibul W. T. Arifin contributed to drafting and structuring the manuscript, ensuring coherence between the theoretical discussion and contemporary socio-legal contexts. Muhammad Yogi Sandra supported the validation of findings, provided editorial revisions, and contributed to shaping the implications and

recommendations for future research. All authors reviewed and approved the final version of the manuscript.

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CONFLICT OF INTEREST

The authors declare that there is no conflict of interest regarding the research, authorship, or publication of this article. All authors have contributed independently and objectively, without any financial, institutional, or personal interests that could influence the integrity and outcomes of the study.

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This article utilized artificial intelligence (AI) tools solely for language refinement, grammar improvement, and formatting assistance. All conceptual development, data interpretation, analytical arguments, and conclusions were generated entirely by the authors. The authors reviewed and verified all AI-assisted outputs to ensure accuracy, originality, and alignment with academic integrity standards. No AI tools were used to generate research ideas, conduct analyses, or draw conclusions.

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