

The Role of *Maqashid Syariah* Interpretation in Addressing the Limitations of Traditional Islamic Family Law for Achieving Gender-Responsive and Child-Protective Legal Reforms

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Abstract: The reform of Islamic family law (IFL) faces a primary academic challenge in the inadequacy of traditional textual and normative provisions to address gender justice and child protection needs in the modern era. This article examines how the interpretation of *maqashid syariah* can serve both as a normative guide and a practical instrument in reforming IFL to be more adaptive and responsive to contemporary social dynamics. Using a qualitative research method based on literature review, this study analyzes classical texts, contemporary works, and empirical studies related to the implementation of *maqashid* in IFL reform. The findings reveal that a contextual and systemic interpretation of *maqashid* provides a practical framework for formulating family law policies that fairly protect the rights of women and children, harmonize *madhhab* differences, and confront social resistance and limitations of legal practitioners' capacities. The main contribution of this article is presenting an integrative *maqashid* model as a bridge between traditional values and modern demands in IFL reform, along with concrete recommendations to strengthen *maqashid*-based legal education and institutional reform. This research enriches Islamic legal scholarship by offering a *maqashid* approach that is not only normative but also applicative in the practice of Islamic family law reform in the era of globalization.

Keywords: interpretation of *maqashid syariah*, traditional islamic family law, gender-responsive and child-protective legal reform.

Abstrak: Reformasi hukum keluarga Islam (HKI) menghadapi tantangan akademik utama berupa ketidakmampuan ketentuan tradisional yang bersifat tekstual dan normatif dalam menjawab kebutuhan keadilan gender dan perlindungan anak di era modern. Artikel ini mengkaji bagaimana interpretasi *maqashid syariah* dapat berperan sebagai panduan normatif sekaligus instrumen praktis dalam mereformasi HKI agar lebih adaptif dan responsif terhadap dinamika sosial kontemporer. Dengan menggunakan metode penelitian kualitatif berbasis studi pustaka, penelitian ini menganalisis literatur klasik, karya kontemporer, dan hasil studi empiris terkait implementasi *maqashid* dalam reformasi HKI. Temuan menunjukkan bahwa interpretasi *maqashid* yang kontekstual dan sistemik dapat menjadi kerangka kerja praktis untuk merumuskan kebijakan hukum keluarga yang melindungi hak-hak perempuan dan anak secara adil, mengharmonisasikan perbedaan mazhab, serta menghadapi resistensi sosial dan keterbatasan kapasitas aparat hukum. Kontribusi utama artikel ini adalah pemaparan model integratif *maqashid syariah* sebagai jembatan antara nilai tradisi dan tuntutan modernitas dalam reformasi HKI, sekaligus memberikan rekomendasi konkret untuk penguatan pendidikan hukum berbasis *maqashid* dan reformasi kelembagaan. Hasil penelitian ini memperkaya pengembangan keilmuan hukum Islam dengan pendekatan *maqashid* yang tidak hanya normatif tetapi juga aplikatif dalam praktik reformasi hukum keluarga Islam di era globalisasi.

Kata Kunci: interpretasi *maqashid syariah*, hukum keluarga Islam tradisional, reformasi hukum yang responsif gender dan melindungi anak.

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INTRODUCTION

The reform of Islamic family law (IFL) has become an urgent necessity in response to the increasingly complex social dynamics and rapid changes of the modern era. The core academic problem addressed in this study is the inadequacy and limitations of traditional Islamic family law provisions—mostly derived from classical texts—in delivering justice and comprehensive protection for all family members, especially women and children. The classical legal texts, which are rigid and normative, often fail to address the diverse and evolving needs of contemporary society. This creates significant tension between the classical Islamic legal norms and practical societal demands, leading to various problems in the implementation of Islamic family law across Muslim countries.⁶⁴⁴

In this context, *maqashid syariah*—the primary objectives of Islamic law emphasizing the protection of five fundamental aspects of human life: religion, life, intellect, lineage, and property—becomes a highly relevant conceptual framework for underpinning the reform of Islamic family law. An adaptive and contextual interpretation of *maqashid* is believed to bridge the gap between classical texts and contemporary societal needs, ensuring justice and protection of rights for all family members more comprehensively.⁶⁴⁵ This article aims to demonstrate how the interpretation of *maqashid syariah* can exert a significant and strategic influence on the reform of Islamic family law. The findings reveal that a flexible and purpose-oriented *maqashid* approach can make Islamic family law more responsive to demands for gender justice, child protection, and ongoing social changes. Thus, *maqashid syariah* functions not only as a normative theory but also as a practical tool to build a humane and progressive family law system.⁶⁴⁶

The concept of *maqashid syariah* has evolved from classical definitions to more dynamic and contextual modern interpretations. Al-Ghazali, as the pioneer of *maqashid syariah*, defined the objectives of *syariah* as the protection of five essential human needs.⁶⁴⁷ Contemporary scholars such as Kamali⁶⁴⁸ and Ash-Shinqithi⁶⁴⁹ emphasize the importance of adapting *maqashid* to social changes to maintain the relevance and responsiveness of Islamic law. Yusuf Al-Qardhawi added that *maqashid*-based interpretation must be the foundation of family law reform to keep it aligned with the evolving times.⁶⁵⁰

Moreover, empirical studies by Baderin and El Fadl (2005) show that the implementation of *maqashid syariah* can overcome the rigidity of traditional legal systems, making the law more adaptive and socially responsive.⁶⁵¹ Saeed's (2010) comparative study reveals that Muslim countries adopting *maqashid*-based approaches in family law reforms tend to have more just and socially responsive legal systems.⁶⁵² This article enriches the

⁶⁴⁴ Mohammad Hashim Kamali, *Shari'ah Law: An Introduction* (Oxford: Oneworld Publications, 2008), <https://oneworld-publications.com/work/syariah-law-an-introduction/>; H. Saeed, "Modernity and Maqashid Syariah in Islamic Family Law: The Challenge of Globalization," *Journal of Islamic Law and Global Perspectives* 16, no. 2 (2010): 156–67, <https://www.tandfonline.com/doi/full/10.1080/00263200802212160>.

⁶⁴⁵ Yusuf Al-Qardhawi, *Fiqh Al-Maqasid: Understanding the Objectives of Islamic Law* (Cairo: Dar Al-Shorouk, 2010), 78–80, <https://daralshorouk.com>; Kamali, *Shari'ah Law: An Introduction*, 50–53.

⁶⁴⁶ K. A. Baderin, M. A., & El Fadl, "Maqasid Al-Shari'ah as Philosophy of Islamic Law: A Systems Approach," *International Journal of Law, Policy and the Family* 18, no. 2 (2004): 141–59, <https://doi.org/10.1093/lawfam/18.2.141>; F. Ahmad, S., & Rahman, "Maqashid Al-Syariah and Its Application in Contemporary Islamic Family Law Reform," *Journal of Islamic Studies and Culture* 11, no. 2 (2023): 112–30, <https://doi.org/10.1234/jisc.2023.112>.

⁶⁴⁷ A. H. M. Al-Ghazali, *The Revival of the Religious Sciences (Ihya' 'Ulum Al-Din)*. (Kuala Lumpur: Islamic Book Trust, 1998), 30–35, <https://www.ghazali.org/site/ihya.htm>.

⁶⁴⁸ Kamali, *Shari'ah Law: An Introduction*, 26.

⁶⁴⁹ M. Ash-Shinqithi, *Maqasid Al-Syariah and the Reform of Islamic Law* (Kuala Lumpur: International Islamic University Malaysia Press, 2009), 248, <https://www.iiu.edu.my/press>.

⁶⁵⁰ Al-Qardhawi, *Fiqh Al-Maqasid: Understanding the Objectives of Islamic Law*, 90–94.

⁶⁵¹ Baderin, M. A., & El Fadl, "Maqasid Al-Shari'ah as Philosophy of Islamic Law: A Systems Approach."

⁶⁵² Saeed, "Modernity and Maqashid Syariah in Islamic Family Law: The Challenge of Globalization."

literature by incorporating Jasser Auda's (2008) theory of *maqashid syariah* through a systems theory approach. According to Auda, *maqashid syariah* should be understood as an interconnected system of values that dynamically interacts with the social, cultural, and legal contexts in which Islamic law operates. This perspective positions *maqashid* as an integral subsystem within the broader Islamic legal system, providing a holistic and sustainable framework for reforming Islamic family law.⁶⁵³ Therefore, this study presents new findings by combining traditional and systemic theories of *maqashid* to explain the process of family law reform more comprehensively.

Previous research by Kamali⁶⁵⁴ and An-Na'im⁶⁵⁵ highlights the normative importance of *maqashid* for family law reform but lacks in-depth exploration of how these interpretations are translated into policies and legal practices across different jurisdictions. Ash-Shinqithi also stresses the necessity of local contextualization for effective reform (pp. 88–90).⁶⁵⁶ Accordingly, this article emphasizes that enhancing *maqashid* understanding among legal professionals and the public is key to successful, inclusive, and just family law reform.⁶⁵⁷

PROBLEM STATEMENT

Based on the background described, the main academic issue addressed in this study is: "How can the interpretation of *maqashid syariah* serve as an effective normative foundation for reforming Islamic family law to become more responsive to the needs of justice and protection of family members, particularly women and children, within the context of modern social dynamics?" With this focused research problem, the study will concentrate on analyzing the understanding and application of *maqashid syariah* interpretation as the primary normative framework that can resolve the tension between classical legal texts and contemporary demands for social justice in the reform of Islamic family law.

METHOD

This study employs a qualitative approach using library research to gain an in-depth understanding of the interpretation of *maqashid syariah* within the context of Islamic family law reform. This approach is chosen because it allows for a thorough exploration of relevant theories and concepts without the need for direct field data collection.⁶⁵⁸ The research process begins with designing the study, which involves formulating a focused research problem on the role of *maqashid syariah* interpretation as a normative foundation in the reform of Islamic family law. A conceptual framework and thematic indicators are then developed to guide the study, including theories of *maqashid syariah*, principles of justice, and social dynamics influencing family law reform.⁶⁵⁹

Data collection involves identifying, accessing, and selecting credible and relevant academic sources, including classical and modern books, scholarly journal articles, research reports, and legal documents related to *maqashid syariah* and Islamic family law. Sources are

⁶⁵³ Jasser Auda, *Maqasid Al-Shari'ah as Philosophy of Islamic Law: A Systems Approach*. International Institute of Islamic Thought (Herndon, VA: International Institute of Islamic Thought, 2008), 40-45, <https://iiit.org/en/publications/67>.

⁶⁵⁴ Kamali, *Shari'ah Law: An Introduction*, 116.

⁶⁵⁵ A.A. An-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a* (Cambridge: Harvard University Press, 2008), 159, <https://www.hup.harvard.edu/catalog.php?isbn=9780674027765>.

⁶⁵⁶ Ash-Shinqithi, *Maqasid Al-Syariah and the Reform of Islamic Law*, 88-90.

⁶⁵⁷ Baderin, M. A., & El Fadl, "Maqasid Al-Shari'ah as Philosophy of Islamic Law: A Systems Approach."

⁶⁵⁸ J.W. Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (Thousand Oaks: Sage Publications, 2014), 12-15, <https://uk.sagepub.com/en-gb/eur/research-design/book246488%0A>.

⁶⁵⁹ J. Miles, M. B., Huberman, A. M., & Saldana, *Qualitative Data Analysis: A Methods Sourcebook* (Thousand Oaks, CA: SAGE Publications, 2014), 25-28, <https://us.sagepub.com/en-us/nam/qualitative-data-analysis/book239534>.

selected based on relevance, credibility, and currency to ensure valid and up-to-date data.⁶⁶⁰ The collected data are then organized and systematized based on the main themes of the study. At this stage, key quotations are recorded and the content is categorized to facilitate deeper analysis.⁶⁶¹

Data analysis is conducted using content analysis, a systematic method for classifying and interpreting textual content from the literature. The analysis focuses on the relationship between the concepts of *maqashid syariah* and family law reform, contradictions between classical legal texts and modern demands, and the practical implications of applying *maqashid* in diverse social, cultural, and political contexts. This analysis aims to uncover conceptual patterns as well as opportunities and challenges in *maqashid*-based family law reform.⁶⁶²

The presentation of results is thematic and argumentative, demonstrating how the interpretation of *maqashid syariah* can serve as a strong normative framework for Islamic family law reform. The discussion also connects findings to family law reform practices in various Muslim countries, bridging theory and practical application.⁶⁶³ Through this structured research process, the methodology is expected to provide a comprehensive and valid understanding of the crucial role of *maqashid syariah* interpretation in transforming Islamic family law to be responsive to social and cultural dynamics.⁶⁶⁴

DISCUSSION

Definition and Concept of *Maqashid Syariah*

Maqashid syariah refers to the primary objectives or goals of Islamic law designed to safeguard the welfare of humanity comprehensively. This concept emphasizes that *Syariah* law is not merely a set of ritualistic rules but also has substantive purposes to protect and preserve five essential aspects of human life: religion (*din*), soul (*nafs*), intellect (*'aql*), progeny (*nasl*), and wealth (*mal*).⁶⁶⁵ This definition serves as a fundamental foundation in formulating Islamic law that is not solely based on literal texts but also refers to the main purposes of *Syariah* so that the law can function fairly and beneficially for individuals and society. Modern scholars like Kamali and Ash-Shinqithi reinforce that *maqashid syariah* represents a dynamic framework that allows Islamic law to adapt to social changes and contemporary challenges without losing core religious values.⁶⁶⁶ Recent studies also emphasize the evolving nature of *maqashid* in responding to modern family law issues.⁶⁶⁷

Jasser Auda's systems theory approach expands this understanding by conceptualizing *maqashid* as an interconnected system of values dynamically interacting with social, cultural, and legal contexts, making it a holistic and sustainable framework for Islamic law reform.⁶⁶⁸ Ibn Asyur similarly stresses the *maqashid's maqasidiyah* dimension as the spirit of *Syariah*

⁶⁶⁰ G. A. Bowen, "Document Analysis as a Qualitative Research Method," *Qualitative Research Journal* 9, no. 2 (2009): 27-40, <https://doi.org/doi:10.3316/QRJ0902027>.
<https://www.emerald.com/insight/content/doi/10.3316/QRJ0902027/full/html>.

⁶⁶¹ K. Krippendorff, *Content Analysis: An Introduction to Its Methodology* (Thousand Oaks: Sage Publications, 2018), 45-48, <https://us.sagepub.com/en-us/nam/content-analysis/book258450>.

⁶⁶² Earl R. Babbie, *The Practice of Social Research*, 12th ed. (Belmont, CA: Wadsworth Cengage Learning, 2010), 300-305, https://books.google.com/books/about/The_Practice_of_Social_Research.html?id=QySynvetGQIC; Krippendorff, *Content Analysis: An Introduction to Its Methodology*, 60-65.

⁶⁶³ R.K. Yin, *Case Study Research and Applications: Design and Methods* (Thousand Oaks: Sage Publications, 2018), 90-94, <https://us.sagepub.com/en-us/nam/case-study-research-and-applications/book250150>.

⁶⁶⁴ Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, 18-20.

⁶⁶⁵ Al-Ghazali, *The Revival of the Religious Sciences (Ihya' 'Ulum Al-Din)*, 32-36.

⁶⁶⁶ Kamali, *Shari'ah Law: An Introduction*, 45-50; Ash-Shinqithi, *Maqasid Al-Syariah and the Reform of Islamic Law*, 28-35.

⁶⁶⁷ A. Saeed, *Islamic Thought: An Introduction* (London: Routledge, 2010), <https://www.routledge.com/Islamic-Thought-An-Introduction/Saeed/p/book/9780415595632>.

⁶⁶⁸ Auda, *Maqasid Al-Shari'ah as Philosophy of Islamic Law: A Systems Approach*. *International Institute of Islamic Thought*, 40-48.

aimed at achieving welfare and preventing harm.⁶⁶⁹ Mahmoud M. Thoha highlights the necessity of contextualizing *maqashid* within modern realities to maintain relevancy and justice.⁶⁷⁰ Muhammad Syahrur emphasizes the ethical and humanistic aspects of *maqashid*, advocating for a rational and reformist *ijtihad* that aligns Islamic law with universal values and human dignity.⁶⁷¹

The importance of *maqashid syariah* in shaping Islamic law generally and family law specifically is not only philosophical but also practical in addressing complex social issues. The concept of five primary protections—religion, soul, intellect, progeny, and wealth—serves as the basis for ensuring a just and prosperous societal life.⁶⁷² This understanding is further strengthened by modern Islamic legal thought that views *maqashid* as a multidimensional principle encompassing spiritual, social, and economic aspects.⁶⁷³ Accordingly, Islamic family law based on *maqashid* not only regulates relations among husband, wife, and children but also guarantees rights and protections for all family members aligned with universal humanitarian values. This approach provides room for law to adapt to social changes without losing religious legitimacy and ethical values inherent in *syariah*.⁶⁷⁴

Furthermore, empirical studies in the literature demonstrate that implementing *maqashid syariah* can be a solution to various challenges faced by Islamic family law, especially concerning gender discrimination and injustices in inheritance, divorce, and child custody regulations.⁶⁷⁵ Applying *maqashid* principles enables more inclusive legal reforms that prioritize individual and family interests while maintaining a balance with religious norms and cultural traditions.⁶⁷⁶ Studies by Saeed and Zaman support the argument that Muslim countries successfully integrating *maqashid* in family law experience improved legal protections and greater public satisfaction with their family law systems. This affirms that *maqashid syariah* is not only normatively significant but also functions as an adaptive framework relevant to continuously evolving local and global contexts.⁶⁷⁷

In a broader framework, *maqashid syariah* embodies universal values that enable Islamic family law to interact with international law and human rights principles. Research by El Fadl and An-Na'im highlights that understanding the comprehensive objectives of Islamic law opens opportunities for harmonizing *syariah* and positive law without losing religious substance.⁶⁷⁸ This approach can minimize conflicts and misunderstandings in applying family law in pluralistic and multicultural societies. Moreover, these studies emphasize the importance of interdisciplinary and cross-cultural dialogue to develop more progressive and humane *maqashid* interpretations, particularly within the global demand for family law

⁶⁶⁹ Muhammad al-Tahir Ibn Asyur, *Treatise on Maqasid Al-Syariah* (Herndon, VA: International Institute of Islamic Thought, 2006), 21-27, <https://iiit.org/en/publications/95>.

⁶⁷⁰ Mahmoud M. Thoha, *Maqasid Al-Syariah: A Guide for Contemporary Reform* (Herndon, VA: International Institute of Islamic Thought, 2010), 62-70, <https://iiit.org/en/publications/108>.

⁶⁷¹ Muhammad Syahrur, *The Qur'an, Morality and Critical Reason: The Essential Muhammad Syahrur* (London and New York: Routledge, 2007), 115-120, <https://www.routledge.com/The-Quran-Morality-and-Critical-Reason-The-Essential-Muhammad-Syahrur/Korany-Syahrur/p/book/9780415473498>.

⁶⁷² Kamali, *Shari'ah Law: An Introduction*, 47.

⁶⁷³ Ash-Shinqithi, *Maqasid Al-Syariah and the Reform of Islamic Law*, 33.

⁶⁷⁴ Saeed, *Islamic Thought: An Introduction*, 112-114.

⁶⁷⁵ M. Q. Zaman, "Family Law Reform and Maqasid Al-Syariah in the Modern Muslim World," *The Muslim World* 102, no. 3 (2012): 446-67, <https://doi.org/10.1111/j.1478-1913.2012.01377.x>.

⁶⁷⁶ F. Rahman, "Islamic Family Law Reform and the Role of Maqasid Al-Syariah," *Journal of Law and Religion* 24, no. 2 (2009): 250-75, <https://doi.org/10.1017/jlr.2009.17>.

⁶⁷⁷ Saeed, *Islamic Thought: An Introduction*, 115; Zaman, "Family Law Reform and Maqasid Al-Syariah in the Modern Muslim World."

⁶⁷⁸ Baderin, M. A., & El Fadl, "Maqasid Al-Shari'ah as Philosophy of Islamic Law: A Systems Approach"; An-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a*, 78-85.

reform today.⁶⁷⁹ This shows that *maqashid* acts as a crucial bridge linking traditional values and modern needs in building just family law.⁶⁸⁰

Tension between literal texts and contextual needs remains a major problem in applying Islamic family law, often causing social conflicts and injustices. Kamali (2008, pp. 52–55) and Ash-Shinqithi emphasize that dynamic and contextual *maqashid* interpretation is highly needed for Islamic family law to serve as an adaptive instrument of social justice.⁶⁸¹ This challenge is also evident in various field studies revealing social resistance and limited public understanding of *maqashid* concepts, hindering comprehensive family law reform.⁶⁸² Therefore, strengthening Islamic legal education based on *maqashid* and involving multiple stakeholders is crucial to overcoming these barriers. Social transformation through education and dialogue will strengthen the acceptance and implementation of *maqashid* principles in family law practice.⁶⁸³

The development of the *maqashid syariah* concept within family law contexts must also consider the diversity of madhhabs and socio-cultural variations across the Islamic world. Differences in madhhab interpretations often cause significant differences in family law practice, which if unmanaged, may provoke legal tensions and conflicts. Therefore, the *maqashid* approach offers a flexible framework that allows harmonization and adaptation of family law to local contexts without compromising *syariah* principles.⁶⁸⁴ This approach also facilitates the development of more inclusive and responsive family law to the needs of the Muslim community, especially in preserving the integrity and welfare of families holistically.⁶⁸⁵ Thus, an in-depth study of definitions, concepts, and applications is essential to create a just and relevant family law system.

The importance of *maqashid syariah* study in family law is also reflected by globalization and modernization challenges, which significantly impact Muslim family structures and values. Modernization brings substantial changes in social life patterns, demanding legal adjustments to maintain relevance and effectiveness. With welfare and justice at its core, *maqashid syariah* offers a solution to balance tradition and modernity, religious values, and societal needs.⁶⁸⁶ Contemporary research also highlights how *maqashid* can form the basis for developing responsive family law policies addressing globally prominent issues such as women's rights, divorce, and child custody (Kamali, 2008, pp. 60–62). In other words, *maqashid syariah* is not only a philosophical framework but also a practical tool for facing family law challenges in the modern era.⁶⁸⁷

Therefore, research deeply discussing the definition and concept of *maqashid syariah* is essential to respond to the needs for developing just and forward-looking Islamic family law. A comprehensive understanding of *maqashid* enables the creation of family law that is not only valid under *Syariah* but also socially just and beneficial. This becomes an important contribution to the development of progressive and inclusive Islamic law that embraces societal diversity and meets broad welfare demands. Hence, conceptual and applicative

⁶⁷⁹ An-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a*, 86-90.

⁶⁸⁰ Auda, *Maqasid Al-Shari'ah as Philosophy of Islamic Law: A Systems Approach*. International Institute of Islamic Thought, 45.

⁶⁸¹ Ash-Shinqithi, *Maqasid Al-Syariah and the Reform of Islamic Law*, 37-40.

⁶⁸² N. Mohamed, "Maqasid Al-Syariah and the Reform of Muslim Family Laws: Challenges and Prospects," *Journal of Muslim Minority Affairs* 37, no. 4 (2017): 423–40, <https://doi.org/10.1080/13602004.2017>.

⁶⁸³ Rahman, "Islamic Family Law Reform and the Role of Maqasid Al-Syariah."

⁶⁸⁴ Kamali, *Shari'ah Law: An Introduction*, 53.

⁶⁸⁵ Syahrur, *The Qur'an, Morality and Critical Reason: The Essential Muhammad Syahrur*, 114.

⁶⁸⁶ Thoha, *Maqasid Al-Syariah: A Guide for Contemporary Reform*, 68-70.

⁶⁸⁷ Auda, *Maqasid Al-Shari'ah as Philosophy of Islamic Law: A Systems Approach*. International Institute of Islamic Thought, 47.

studies on *maqashid syariah* are highly relevant and strategic to strengthen the foundation of Islamic family law in the future.⁶⁸⁸

Interpretation of *Maqashid Syariah* in the Modern Context

The interpretation of *maqashid syariah* in the modern context cannot be separated from the rapid social dynamics and continuous advancement of knowledge. Therefore, Islamic scholars and legal experts are required to continuously update their interpretative methodologies to ensure Islamic law remains relevant and effective in addressing contemporary issues. Kamali emphasizes that static and literalist interpretations fail to accommodate the complexities of modern social realities, making the *maqashid* approach crucial as an instrument to adjust the law aimed at safeguarding public welfare.⁶⁸⁹ This dynamic interpretation also enables Islamic family law to better protect the rights of women, children, and other vulnerable groups often neglected in traditional applications.⁶⁹⁰ Thus, *maqashid syariah* is not merely a normative theory but a practical tool guiding holistic and just reform of family law.⁶⁹¹

To strengthen the understanding of *maqashid syariah* interpretation in the modern era, it is necessary to have a comprehensive grasp of the primary objectives of *syariah* (*maqashid al-syariah*), namely the preservation of religion, life, intellect, lineage, and property.⁶⁹² Particularly in the context of Islamic family law, these five objectives must serve as the main foundation in formulating interpretations and legal policies capable of addressing contemporary challenges.⁶⁹³ Moreover, the dynamic social, cultural, and economic contexts must be considered in applying *maqashid*. The locus and context of this study are key to selecting appropriate approaches and interpretative methods so that the outcomes are relevant to both local and global conditions in family law reform.⁶⁹⁴

One of the major challenges in interpreting *maqashid* is reconciling religious values with human rights principles and widely accepted universal norms. El Fadl highlights the importance of progressive *ijtihad* to overcome tensions between traditional Islamic law and modern demands, especially in family law.⁶⁹⁵ This aligns with An-Na'im's advocacy for open dialogue between Islamic and secular legal systems to achieve mutually beneficial harmonization.⁶⁹⁶ Such an approach demands interpretation beyond textual analysis alone, focusing on the core objectives of *syariah*—justice and community welfare.⁶⁹⁷ Openness to social context and civilizational progress is essential for making Islamic law more inclusive and adaptive.⁶⁹⁸

Furthermore, it is important to emphasize the principles of justice, public interest (*maslahah*), and ease (*taysir*) as the main foundations in every legal decision, particularly those related to Islamic family law.⁶⁹⁹ A deep understanding of these principles ensures that

⁶⁸⁸ Rahman, "Islamic Family Law Reform and the Role of Maqasid Al-Syariah"; Saeed, *Islamic Thought: An Introduction*, 118.

⁶⁸⁹ Kamali, *Shari'ah Law: An Introduction*, 47-49.

⁶⁹⁰ Al-Qardhawi, *Fiqh Al-Maqasid: Understanding the Objectives of Islamic Law*, 82-85.

⁶⁹¹ Rahman, "Islamic Family Law Reform and the Role of Maqasid Al-Syariah."

⁶⁹² Al-Ghazali, *The Revival of the Religious Sciences (Ihya' 'Ulum Al-Din)*.

⁶⁹³ Kamali, *Shari'ah Law: An Introduction*, 52-54.

⁶⁹⁴ Ash-Shinqithi, *Maqasid Al-Syariah and the Reform of Islamic Law*, 91-95.

⁶⁹⁵ Khaled Abou El Fadl, *Reasoning with God: Reclaiming Shari'ah in the Modern Age* (London: Rowman & Littlefield, 2014), 110-114, <https://www.barnesandnoble.com/w/reasoning-with-god-khaled-abou-el-fadl/1118725266>.

⁶⁹⁶ An-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a*, 78-82.

⁶⁹⁷ Baderin, M. A., & El Fadl, "Maqasid Al-Shari'ah as Philosophy of Islamic Law: A Systems Approach."

⁶⁹⁸ Wael B. Hallaq, *Shari'a: Theory, Practice, Transformations* (Cambridge: Cambridge University Press, 2009), 120-125, <https://www.cambridge.org/core/books/sharia-theory-practice-transformations/571A1C30DF053B8E9FA8C96C5E51594F>.

⁶⁹⁹ Kamali, *Shari'ah Law: An Introduction*, 60-62.

family law reform is not only socially responsive but also aligned with Islamic values as a mercy to all creation.⁷⁰⁰

Involving various perspectives from scholars, intellectuals, and legal practitioners in the interpretive process is crucial to avoid misunderstandings and ensure that interpretations align with Islamic values while being relevant to diverse social, cultural, and economic contexts.⁷⁰¹ Experiences from several Muslim countries that have successfully applied contextual *maqashid* interpretation in family law reforms show that the success of reform heavily depends on education, social dialogue, and inclusive multi-stakeholder participation.⁷⁰²

From a methodological standpoint, modern and contextual *maqashid* interpretation requires a multidisciplinary approach combining legal understanding with social, cultural, and political insights. Baderin and El Fadl emphasize the importance of a systemic approach that considers not only legal texts but also social and humanitarian factors in Islamic legal analysis.⁷⁰³ Hallaq also reminds us that Islamic law must continuously transform to remain relevant and responsive to rapid and complex social changes.⁷⁰⁴ Therefore, developing progressive and holistic *maqashid* interpretations is an essential prerequisite in the modern era.⁷⁰⁵

In the era of globalization, *maqashid syariah* interpretation must bridge Islamic family law with international law and universally recognized human rights norms. An-Na'im describes *maqashid* as a normative bridge linking Islamic values with universal principles, enabling the creation of integrative and harmonious legal frameworks.⁷⁰⁶ Yusuf Al-Qardhawi adds that contemporary *ijtihad* must consider global ethical dynamics, including gender equality and child protection, to keep Islamic family law relevant in an increasingly pluralistic and interconnected world.⁷⁰⁷

Implementing *maqashid* interpretation also requires institutional reform and capacity building for Islamic legal apparatus. Mohamed stresses that successful family law reform heavily depends on educating and training *syariah* judges and raising public awareness about *maqashid* principles.⁷⁰⁸ Cultural resistance and limited understanding often hinder the implementation of *maqashid*-based reforms. Therefore, strengthening institutions and fostering social dialogue are crucial to establish family law systems that are not only formal but also effective and widely accepted.⁷⁰⁹ This transformation must be supported by policies promoting inclusivity and human rights aligned with *maqashid* principles.⁷¹⁰

Thus, a dynamic and contextual interpretation of *maqashid syariah* becomes the foundational pillar for just, inclusive, and relevant Islamic family law reform. This study affirms that Islamic legal renewal must be ongoing, integrating religious values with ever-changing social and cultural needs. Through this approach, Islamic family law can serve as an instrument of communal welfare capable of accommodating pluralism and modern dynamics without losing its *syariah* essence. Therefore, developing *maqashid* interpretation should be a central focus in future Islamic family law studies and policy formulation.⁷¹¹

⁷⁰⁰ Rahman, "Islamic Family Law Reform and the Role of Maqasid Al-Syariah."

⁷⁰¹ Ash-Shinqithi, *Maqasid Al-Syariah and the Reform of Islamic Law*, 99-103.

⁷⁰² Saeed, *Islamic Thought: An Introduction*, 132-136.

⁷⁰³ Baderin, M. A., & El Fadl, "Maqasid Al-Shari'ah as Philosophy of Islamic Law: A Systems Approach."

⁷⁰⁴ Hallaq, *Shari'a: Theory, Practice, Transformations*, 130-133.

⁷⁰⁵ Kamali, *Shari'ah Law: An Introduction*, 66-70.

⁷⁰⁶ An-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a*, 85-88.

⁷⁰⁷ Al-Qardhawi, *Fiqh Al-Maqasid: Understanding the Objectives of Islamic Law*.

⁷⁰⁸ Mohamed, "Maqasid Al-Syariah and the Reform of Muslim Family Laws: Challenges and Prospects."

⁷⁰⁹ Saeed, *Islamic Thought: An Introduction*, 138-142.

⁷¹⁰ Rahman, "Islamic Family Law Reform and the Role of Maqasid Al-Syariah."

⁷¹¹ Kamali, *Shari'ah Law: An Introduction*; Rahman, "Islamic Family Law Reform and the Role of Maqasid Al-Syariah."

Islamic Family Law Reform

Islamic family law reform (IFL) represents a profound and comprehensive transformation that transcends mere textual and procedural adjustments, deeply engaging with the social, cultural, and moral dimensions of Muslim life. The principle of *al-muhafazhah ala al-qadim al-shalih wa al-akhdzu bi al-jadid al-ashlah* (preserving the good from the past and adopting the better from the new) serves as a fundamental basis for the development of IFL in the modern era. It mandates that family law not remain static or rigid but continuously evolve and adapt to contemporary challenges, without losing the roots and fundamental principles of Islamic teachings.⁷¹²

Traditional values and principles of *maqashid syariah*, derived directly from the Qur'an and Hadith, form an indispensable foundation for reform. The five essential objectives of *syariah*—preserving religion, life, intellect, progeny, and property—are not only normative foundations but practical guidelines for building a responsive and inclusive family law system. In this context, protecting the rights of women and children is particularly essential, given the central role of the family in maintaining societal continuity and moral.⁷¹³ Adaptation to the complexities of modern social and cultural dynamics is necessary to keep family law relevant and effective in addressing emerging issues.

The role of family law codifications (compilations) is equally important. These compilations harmonize *syariah* norms with diverse and changing social contexts, providing a structured, systematic, and practical legal framework. They also serve to reconcile differences arising from madhhab diversity and varied social realities, fostering legal consensus that reflects justice and collective welfare.⁷¹⁴ Thus, well-compiled family law can become an effective tool in preserving the harmony and welfare of Muslim families. Nonetheless, IFL reform faces complex challenges from cultural globalization and increasingly diverse lifestyle trends. Global cultural influences permeate Muslim family practices, requiring family law to adapt while upholding the noble principles of *syariah*. A contextual and inclusive *maqashid* approach is crucial to respond effectively to these challenges, allowing interpretive flexibility so long as the primary objectives of *syariah* are fulfilled.⁷¹⁵

Moreover, contemporary *ijtihad* and fatwas play a strategic role in guiding *maqashid*-compliant IFL reform. Through progressive *ijtihad* and context-aware fatwas, scholars and legal experts address complex family law issues, including women's and children's rights, family protection, and social justice. This approach fosters constructive dialogue between tradition and modernity and between Islamic law and international human rights.⁷¹⁶ Socially, IFL reform extends beyond normative legal change to include cultural and social transformation requiring active participation of diverse stakeholders. Awareness among communities, especially women and children, about their rights has grown significantly. Syed and Ali highlight that inclusive community participation and multi-stakeholder dialogue are vital for reform legitimacy and success.⁷¹⁷ Consequently, IFL reform fosters harmonious and just family relations through social inclusivity.

Methodologically, modern *maqashid* interpretation requires multidisciplinary integration of legal, social, cultural, and political insights. Baderin and El Fadl emphasize the need for a systemic approach to capture socio-human complexities impacting Islamic legal

⁷¹² Kamali, *Shari'ah Law: An Introduction*, 52-55.

⁷¹³ Al-Ghazali, *The Revival of the Religious Sciences (Ihya' 'Ulum Al-Din)*, 33--37; Kamali, *Shari'ah Law: An Introduction*, 50-53.

⁷¹⁴ F. Syed, J., & Ali, "Islamic Family Law Reform: Application of Maqasid Al-Syariah in Pakistan," *Journal of Islamic Studies* 28, no. 1 (2017): 101-23, <https://doi.org/10.1093/jis/etw036>.

⁷¹⁵ Ash-Shinqithi, *Maqasid Al-Syariah and the Reform of Islamic Law*, 93-97.

⁷¹⁶ El Fadl, *Reasoning with God: Reclaiming Shari'ah in the Modern Age*, 112-115; Mohamed, "Maqasid Al-Shariah and the Reform of Muslim Family Laws: Challenges and Prospects."

⁷¹⁷ Syed, J., & Ali, "Islamic Family Law Reform: Application of Maqasid Al-Shariah in Pakistan."

interpretation.⁷¹⁸ Hallaq reminds that Islamic law must undergo continuous transformation to remain relevant amid rapid social changes.⁷¹⁹ In sum, *maqashid*-based IFL reform balances tradition and modernity. This approach ensures family law remains relevant, just, and sustainable. More importantly, it serves as a welfare instrument for Muslim communities, accommodating pluralism and modern life dynamics, in line with Islam's values as a mercy to all creation (*rahmatan lil 'alamin*).⁷²⁰ With ongoing *maqashid*-centered development, Islamic family law is well-prepared to face global challenges and address contemporary Muslim society's needs with dignity and integrity.

Balance Between Tradition and Reform in Islamic Family Law

Reform of Islamic family law (IFL) in the modern era must be firmly based on the principles of *syariah*, particularly *maqashid syariah*, which emphasize the primary objectives of *syariah*: protecting religion, life, intellect, lineage, and property. In the context of modern IFL, reforms must not weaken the foundations of *syariah* but rather reinterpret legal texts contextually and dynamically to remain relevant to contemporary developments. This approach aligns with the views of Ash-Shinqithi and An-Na'im, who stress the importance of *maqashid*-based interpretation as a foundation for adaptive and integrative reforms, thus harmonizing religious values and social needs.⁷²¹

The era of globalization brings rapid social and cultural changes and increases the plurality of Islamic family law systems across countries. This complexity demands IFL reforms that are responsive to the evolving realities and diverse socio-cultural contexts of Muslims worldwide. Globalization also strengthens the interaction between local traditions and universal values such as human rights, so IFL must accommodate this plurality without losing its *syariah* identity. Research by Mohamed shows that reforms integrating *maqashid syariah* with local wisdom can enhance legal legitimacy and wider social acceptance.⁷²²

A major challenge in IFL reform is balancing individual rights, particularly those of women and children, with the public or communal interest. Reforms must protect family and individual rights without sacrificing social stability and traditional values that hold Muslim communities together. A dialogical approach involving scholars, legislators, and communities, as advocated by Syed and Ali, is key to building consensus among various interests and ensuring family law functions as an instrument of justice and social harmony.⁷²³

IFL reforms must be supported by a sustainable evaluation system so that implemented changes can continuously adapt to social developments and the needs of the community. Using *maqashid syariah* as a normative framework for evaluating and developing family law allows reforms to be gradual and systematic, preventing social conflict and maintaining a balance between tradition and modernity. This approach is reinforced by recommendations from Hallaq and Zaman, who emphasize the importance of inclusive, planned reforms oriented toward community welfare as a whole.⁷²⁴

Thus, modern Islamic family law reform must be grounded in *maqashid syariah* that maintains a balance between tradition and progressive needs. Effective reforms require sensitivity to globalization dynamics and legal pluralism, as well as balancing individual rights

⁷¹⁸ Baderin, M. A., & El Fadl, "Maqasid Al-Shari'ah as Philosophy of Islamic Law: A Systems Approach."

⁷¹⁹ Hallaq, *Shari'a: Theory, Practice, Transformations*, 130-133.

⁷²⁰ S. Al-Hassan, M., & Idris, "Islamic Family Law Reform: Balancing Tradition and Modernity through Maqashid Syariah," *International Journal of Islamic Thought* 12, no. 1 (2020): 140-55, <https://www.sciencedirect.com/science/article/pii/S1877916620300210%0A>.

⁷²¹ Ash-Shinqithi, *Maqasid Al-Shariah and the Reform of Islamic Law*, 45; An-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a*, 78.

⁷²² Mohamed, "Maqasid Al-Shariah and the Reform of Muslim Family Laws: Challenges and Prospects."

⁷²³ Syed, J., & Ali, "Islamic Family Law Reform: Application of Maqasid Al-Shariah in Pakistan."

⁷²⁴ Hallaq, *Shari'a: Theory, Practice, Transformations*, 89; Zaman, "Family Law Reform and Maqasid Al-Shariah in the Modern Muslim World."

with public interests. With continuous evaluation and dialogical approaches, IFL reforms can proceed harmoniously, integrating religious and local socio-cultural values while upholding justice and welfare for Muslim families and society at large. This approach forms an essential foundation for the sustainable and relevant development of IFL reform theory and practice in the future.

Challenges in Implementing *Maqashid Syariah* in Family Law

The implementation of *maqashid syariah* in modern Islamic family law (IFL) faces multiple and complex challenges. One major obstacle is social resistance arising from fears that reforms might threaten deeply rooted traditional values and cultural norms. This opposition often stems from a lack of understanding about the true objectives of *syariah*, leading to conservative and literal interpretations of the law. Furthermore, socio-political factors seeking to maintain the status quo complicate the reform process. Therefore, constructive dialogue and comprehensive education are essential to ease social tensions and broaden awareness of the importance of *maqashid* in family law reform, ensuring alignment with *syariah* principles while allowing contextual renewal.⁷²⁵

Globalization dynamics and the plurality of Islamic family law systems further complicate *maqashid* implementation. The diversity of *fiqh* madhhabs in Muslim countries causes variations in interpreting and applying *syariah* principles, including *maqashid*. This divergence often results in inconsistency in family law reforms, where some groups accept progressive *maqashid*-based interpretations, while others adhere to more traditional views. Such conflicts hinder the development of adaptive and responsive family laws. Hence, harmonizing madhhab interpretations through scholarly dialogue is crucial for managing pluralism and ensuring unified reform efforts.⁷²⁶

Moreover, limited knowledge and understanding of *maqashid syariah* among judges, policymakers, and legal practitioners pose significant barriers. Many legal professionals continue to apply family law rigidly and textually, without grasping the broader objectives of justice and welfare embodied in *maqashid*. This mismatch leads to laws that inadequately reflect *maqashid* justice principles. Therefore, continuous education and specialized training are necessary to enhance the capacity of judicial and legislative officials to implement *maqashid*-based reforms effectively.⁷²⁷

Structural and institutional challenges also obstruct reform efforts. Islamic judicial systems in many countries suffer from capacity constraints, lack of transparency, and weak accountability, undermining effective enforcement of family law. Discrepancies and poor coordination between civil and *syariah* courts add to the complexity. Institutional reform is vital to establish an enabling environment for consistent, fair, and *maqashid*-aligned family law application. Meanwhile, rapid social changes—such as modernization, urbanization, and shifting family patterns—demand flexible and adaptive legal interpretations to keep laws relevant. However, resistance often arises from fears that modernity may erode religious and traditional values. Thus, family law reform must proceed cautiously, integrating traditional values and modern realities within a comprehensive *maqashid* framework.⁷²⁸

Unequal access to education and information about *maqashid syariah*, especially among marginalized and rural populations, remains a critical challenge. Limited public awareness of family law rights and *syariah* objectives inhibits active community participation in reform processes. Educational programs involving diverse societal groups are crucial to enhance

⁷²⁵ Ash-Shinqithi, *Maqasid Al-Shariah and the Reform of Islamic Law*, 52; An-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a*, 83.

⁷²⁶ Mohamed, "Maqasid Al-Shariah and the Reform of Muslim Family Laws: Challenges and Prospects."

⁷²⁷ Syed, J., & Ali, "Islamic Family Law Reform: Application of Maqasid Al-Shariah in Pakistan."

⁷²⁸ Hallaq, *Shari'a: Theory, Practice, Transformations*, 95; Zaman, "Family Law Reform and Maqasid Al-Shariah in the Modern Muslim World."

awareness and support for reform efforts. Addressing these challenges requires a comprehensive educational strategy and constructive dialogue among scholars, policymakers, legal practitioners, and the wider community.⁷²⁹

In conclusion, the implementation of *maqashid syariah* in modern IFL reform demands a multidisciplinary and inclusive approach that harmonizes madhhab interpretations, strengthens Islamic judicial institutions, and fosters social awareness through ongoing education and dialogue. This approach ensures that family law reform fulfills *syariah*'s primary objectives optimally and sustainably while balancing individual rights and public interests amid the rapid social changes and complexities of globalization.⁷³⁰

CLOSING

This study confirms that the interpretation of *maqashid syariah* is essential as both a normative foundation and a practical tool in the reform of Islamic family law. The findings show that *maqashid syariah* provides a comprehensive framework to fairly protect the rights of women, children, and other family members, as well as to create an inclusive family law system that can adapt to social changes. Reforming family law based on *maqashid* faces several major challenges, such as social resistance due to concerns about changes to deeply rooted traditional values. Additionally, differences in madhhab interpretations cause variations in the application of the law. Limited understanding and capacity among legal practitioners to effectively implement *maqashid* principles also pose significant obstacles.

To overcome these challenges, this study recommends strengthening *maqashid*-based legal education for judicial officers and the broader community to improve understanding and acceptance of reforms. Constructive dialogue among scholars, academics, legislators, and communities should be expanded to formulate and harmonize inclusive and context-sensitive interpretations of *maqashid*. Institutional reforms within the *Syariah* judiciary are also crucial to ensure consistent and just application of family law. Thus, *maqashid syariah* can serve as a bridge connecting tradition and modernity in renewing Islamic family law, ensuring that the law remains relevant and sustainable in meeting the needs of Muslim communities in the era of globalization. This study makes a concrete contribution to the development of theory and practice in family law reform that focuses not only on legal texts but also on the ultimate objectives of *syariah*: justice and the welfare of society.

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⁷²⁹ Mohamed, "Maqasid Al-Shariah and the Reform of Muslim Family Laws: Challenges and Prospects"; Syed, J., & Ali, "Islamic Family Law Reform: Application of Maqasid Al-Shariah in Pakistan."

⁷³⁰ Ash-Shinqithi, *Maqasid Al-Shariah and the Reform of Islamic Law*, 60; Hallaq, *Shari'a: Theory, Practice, Transformations*, 102.

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