



RENEWAL OF ISLAMIC FAMILY LAW BASED ON MAQĀṢID AL-SYARĪ'AH: A MODEL OF FAMILY PROTECTION IN THE DIGITAL ERA

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ABSTRACT

Digital transformation has changed family interaction patterns and given rise to various new legal issues, such as digital-based violence, privacy violations, child exploitation, online infidelity, and cybercrime, which have not been fully accommodated in Islamic family law. This study aims to analyze the relevance of the maqāṣid al-syarī'ah as a basis for reforming Islamic family law and to formulate a model of family protection that is responsive to the challenges of the digital era. The study uses a normative legal research method with a conceptual approach, a statutory approach, and a maqāṣid al-syarī'ah approach. Data sources were obtained through a literature review of the Qur'an, hadith, laws and regulations, and contemporary Islamic legal literature. The results of the study indicate that maqāṣid al-syarī'ah has strong relevance as a paradigm for reforming Islamic family law because it is oriented towards protecting the public interest through the principles of ḥifẓ al-dīn, ḥifẓ al-nafs, ḥifẓ al-'aql, ḥifẓ al-nasl, and ḥifẓ al-māl. The findings propose a five-pillar maqāṣid al-syarī'ah-based reform model: protecting digital rights, strengthening Islamic digital literacy, safeguarding children, regulating spousal digital rights, and securing family finances through safe, Sharia-compliant transactions.

A. INTRODUCTION

The family is a fundamental institution in Islamic teachings, serving as the primary foundation for the formation of society, the nation, and civilization. The success of a nation's development is determined not only by economic, political, or technological progress, but also by the quality of the family as the

primary environment in which human character, morality, and personality are formed.¹ From an Islamic perspective, the family is not understood solely as a biological bond between a man and a woman through a marriage contract, but rather as an institution with noble goals (*maqāṣid al-usrah*), namely to realize peace (*sakinah*), compassion (*mawaddah wa rahmah*), protection of the rights of each family member, and to produce a generation that is faithful, moral, and competitive.² Therefore, Islamic family law not only regulates the legal relations between family members, but also contains the dimension of welfare that is the core of Islamic law.³

The increasingly complex development of society in the digital era has brought significant changes to family relationship patterns.⁴ The digital revolution, marked by the rapid development of the internet, social media, Artificial Intelligence (AI), big data, the Internet of Things (IoT), and various online communication platforms, has transformed the way people interact, work, obtain information, and even conduct their household lives. Digitalization offers numerous benefits, such as easier access to information, increased family economic productivity, and efficient communication between family members separated by distance. However, on the other hand, digital transformation also presents new challenges previously unknown in classical Islamic family law.⁵

Various contemporary issues have emerged as a consequence of the development of digital technology. The increasing number of infidelity cases through social media, online gender-based violence, the spread of pornographic content, online gambling, illegal online loans, child exploitation through digital spaces, misuse of family members' personal data, cyberbullying, and the phenomenon of gadget addiction that reduces the quality of communication within families are just a few of the emerging family law issues today.⁶ Furthermore, the practice of electronic marriage contracts, digital-based marriage consultations, divorce mediation through online

¹ Tim ADHKI, *Progres Hukum Keluarga Islam Di Indonesia Pasca Reformasi (Dimensi Hukum Nasional - Fikih Islam - Kearifan Lokal)*, ed. by Ahmad Rajafi (Jakarta: CV Istana Agency, 2020), 32.

² Asep Fu'ad, Oyo Sunaryo Mukhlas, Beni Ahmad Saebani, and Husain Husain, "Pertahanan keluarga sakinah mawaddah warrohman pada era digitalisasi dan kontribusinya terhadap pembaruan hukum nasional," *Dialog Legal: Jurnal Syariah, Jurisprudensi dan Tata Negara* 2, no. 1 (2026): 17.

³ A. Kumedi Ja'far, *Hukum Keluarga Islam Di Indonesia*, ed. by Ulil (Lampung: Arjasa Pratama, 2020), 23.

⁴ Suaidin Naim, "Hukum Keluarga Islam Di Era Digital: Tantangan Dan Adaptasi Regulasi," *JIFala: Journal of Islamic Family Law* 1, no. 1 (2025): 18.

⁵ Lili Dasa Putri, *Keluarga Tangguh Di Era Digital Strategi Parenting DAN Literasi Teknologi* (Solok: PT. Mafy Media Literasi Indonesia, 2026), 98.

⁶ Aaj Darajatun, and Achmad Kholiq, "Rekonstruksi Hukum Keluarga Islam Berbasis Maqasid Al-Syari'ah Di Era Digital," *Maqasid: Jurnal Studi Hukum Islam* 15, no. 2 (2026): 242.

platforms, and the use of artificial intelligence technology in family law services demonstrate that technological developments have penetrated almost every aspect of modern family life.⁷

This reality demonstrates that various provisions of Islamic family law, which have historically focused on conventional issues, require reform to remain responsive to evolving social dynamics. Reforming Islamic family law is not intended to alter fixed sharia principles (*tsawābiṭ*), but rather to develop dynamic aspects of the law (*mutaghayyirāt*) through a process of *ijtihād* that remains grounded in the *Qur'an*, *Sunnah*, *ijma'* (consensus), *qiyas* (reasoning), and takes into account the public interest. Therefore, reforming Islamic family law is an unavoidable necessity to ensure the law remains relevant, responsive, and adaptive to changing times.⁸

In this context, the theory of *maqāṣid al-syarī'ah* has a very strategic position. Over the last few decades, the study of *maqāṣid al-syarī'ah* has developed not only as a theory of interpretation of Islamic law, but also as a paradigm in legal development oriented towards human benefit.⁹ Thinkers such as al-Ghazali, al-Syatibi, Ibn 'Āsyūr, Jasser Auda, and a number of contemporary scholars have developed the concept of *maqāṣid* into a more comprehensive, multidimensional, and responsive approach to social change.¹⁰ This approach does not stop at protecting the five basic needs (*al-ḍarūriyyāt al-khams*), namely religion (*ḥifẓ al-dīn*), soul (*ḥifẓ al-nafs*), reason (*ḥifẓ al-'aql*), descendants (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*), but also develops towards protecting human dignity, freedom, justice, human rights, family stability, and digital security.¹¹

The *maqāṣid al-syarī'ah* approach provides ample scope for the development of more contextual Islamic family law. For example, protecting a

⁷ Muhammad Eka Answari Ikhsan, "Ketahanan Keluarga Di Era Digital: Tantangan Privasi, Pola Asuh, Dan Ketergantungan Media Sosial," *Jurnal Psikologi Dan Bimbingan Konseling*, 13, no. 4, (2025), 11.

⁸ Haqqul Yaqin dan Iffah Suhermanto Ja'far, "Digital Fiqh and Maqāṣid Al-Sharī'ah in the Onlife Condition: A Digital Hermeneutic Critique of Algorithmic Power for Islamic Pistemic Sovereignty," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 10, no. 1 (2026), 550.

⁹ Andi Silva Quadsajul, Aura Lika Cahyani Andi Sufarid, Andi Maharani Erwin, and Kuniati Kuniati, "Reformasi Hukum Keluarga Islam Berbasis Maqasid Al-Syarī'ah: Upaya Perlindungan Terhadap Anak Di Bawah Umur," *Jurnal Hukum, Politik dan Ilmu Sosial* 4, no. 4 (2025): 109. See too, Ahmad Fauzi, Taufiq Taufiq Ikram Ash Syidiqi, Peni Alyanita, and Yogi Sopian Haris, "Rekonstruksi hukum keluarga islam dalam perspektif maqasid al-syarī'ah upaya preventif pernikahan dini di indonesia," *USRAH: Jurnal Hukum Keluarga Islam* 6, no. 4 (2025): 458.

¹⁰ Abdul Majid, "Islamic Legal Reform Based On Maqāṣid Syarī 'Ah: A Study Of Al-Ghazālī's Thoughts And Its Relevance In The Context Of Indonesian Family Law," *USRAH: Jurnal Hukum Keluarga Islam* 6, no. 4 (2025): 9.

¹¹ Wa Ode Zuliarti and others, "Between Tradition and Reform: Maqāṣid Al-Sharī'ah and the Transformation of Islamic Family Law in Indonesia," *Journal of Law, Social Science and Management*, 3, no. 1 (2026), 2. See too, Suaidin Naim, "Hukum Keluarga Islam Di Era Digital: Tantangan Dan Adaptasi Regulasi," *JIFala: Journal of Islamic Family Law* 1, no. 1 (2025): 19.

family's personal data can be positioned as part of protecting honor (*ḥifẓ al-ʿird*), protecting children from digital exploitation is a development of the concept of *ḥifẓ al-nasl*, while strengthening family digital literacy is an implementation of *ḥifẓ al-aql*. Similarly, protecting a family's digital assets, secure digital economic transactions, and preventing technology-based fraud can be understood as strengthening *ḥifẓ al-māl*. Thus, *maqāṣid al-syarīʿah* can bridge the gap between normative Islamic values and the needs of a growing digital society.¹²

In Indonesia, reforms to Islamic family law have actually taken place through various regulatory changes, such as the amendment of the marriage age limit in Law Number 16 of 2019, strengthening the protection of women and children, digitizing religious court services through the e-Court and e-Litigation systems, utilizing the Marriage Management Information System (*Sistem Informasi Manajemen Nikah/SIMKAH*) application, and regulations regarding personal data protection in the digital era. However, these reforms are generally still sectoral and administrative in nature, thus not fully establishing an integrated family protection model based on the *maqāṣid al-syarīʿah* paradigm.¹³ In fact, the challenges of the digital family require a systemic, preventative approach that is responsive to social change.¹⁴

This situation demonstrates a gap between the development of digital technology and the current structure of Islamic family law. Many issues in modern family law lack adequate normative formulation, including those concerning the protection of family members' digital rights, parental responsibility for supervising children's digital activities, technology-based family dispute resolution, and protection for victims of digital domestic violence. The absence of a comprehensive legal model has the potential to create legal uncertainty and reduce the effectiveness of protecting the family as a primary institution in society.¹⁵

Previous studies on Islamic family law have primarily examined the adaptation of family law to social change, the application of *maqāṣid al-syarīʿah*

¹² Abidin dan Helmi Kamal Rahmawati, *Relevansi Hukum Islam Menjawab Tantangan Zaman*, ed. by Khairuddin & Alfat Al Alim (Pekanbaru: Ocean Press Indonesia, 2025), 34.

¹³ Lina Nur Anisa, "The role of *maqashid syariah* interpretation in addressing the limitations of traditional Islamic family law for achieving gender-responsive and child-protective legal reforms," *Al-Mabsut: Jurnal Studi Islam Dan Sosial* 19, no. 2 (2025): 228. See too, Aaj Darojatun, and Achmad Kholiq, "Rekonstruksi Hukum Keluarga Islam Berbasis *Maqasid Al-Syari'ah* Di Era Digital," *Maqasid: Jurnal Studi Hukum Islam* 15, no. 2 (2026): 244.

¹⁴ Andi Silva Quadsajul, Aura Lika Cahyani Andi Sufarid, Andi Maharani Erwin, and Kuniati Kuniati, "Reformasi Hukum Keluarga Islam Berbasis *Maqasid Al-Syari'ah*: Upaya Perlindungan Terhadap Anak Di Bawah Umur," *Jurnal Hukum, Politik dan Ilmu Sosial* 4, no. 4 (2025): 112. See too, Sriono, *Hukum Perkawinan Dan Kompilasi Hukum Islam Di Indonesia*, (Malang: PT. Literasi Nusantara Abadi Group, 2023), 77.

¹⁵ Zaenudin Amrulloh, *Pengembangan Masyarakat Islam Di Indonesia: Kontribusi Religius Dan Etnis*, ed. by Erwin Padli (Mataram: Sanabil, 2022), 343.

in legal reform, and specific challenges arising from digitalization.¹⁶ However, these studies generally address digital family issues in a fragmented manner, focusing on particular concerns such as digital literacy, privacy, online family interaction, or specific aspects of Islamic legal reform. Limited attention has been given to developing an integrated maqāṣid al-syarī'ah-based framework that connects these emerging digital challenges with comprehensive family protection within the Indonesian Islamic family law system. Moreover, existing discussions have not sufficiently translated the five essential objectives of maqāṣid al-syarī'ah into concrete legal protection for digital rights, children, spousal relations, family finances, and digital literacy.¹⁷ This study addresses this gap by developing a comprehensive reform model that applies maqāṣid al-syarī'ah as an integrated normative foundation for strengthening Islamic family protection in the digital era.¹⁸

Therefore, a model for reforming Islamic family law is needed that is not only oriented toward positive normative change but also built on the philosophy of benefit, the primary objective of Islamic law. The maqāṣid al-syarī'ah approach allows for a more flexible, adaptive reconstruction of family law that is oriented toward protecting family rights in the digital age without neglecting the basic principles of sharia. This model is expected to integrate the values of justice, protection, equality, benefit, and sustainability in facing the transformation of digital society.

This research is significant because it offers a new perspective in the study of Islamic family law reform by making maqāṣid al-syarī'ah the primary paradigm for developing a model of family protection in the digital age.¹⁹ Unlike previous studies that tended to address family law issues in a fragmented manner, this study seeks to develop a comprehensive conceptual framework for reforming Islamic family law that can holistically address the challenges of digitalization. Thus, the results of this study are expected to not only contribute to the development of Islamic legal theory, but also serve as

¹⁶ Andi Silva Quadsajul, Aura Lika Cahyani Andi Sufarid, Andi Maharani Erwin, and Kuniati Kuniati, "Reformasi Hukum Keluarga Islam Berbasis Maqasid Al-Syarī'ah: Upaya Perlindungan Terhadap Anak Di Bawah Umur," *Jurnal Hukum, Politik dan Ilmu Sosial* 4, no. 4 (2025): 112.

¹⁷ Lina Nur Anisa, "The role of maqashid syariah interpretation in addressing the limitations of traditional Islamic family law for achieving gender-responsive and child-protective legal reforms," *Al-Mabsut: Jurnal Studi Islam Dan Sosial* 19, no. 2 (2025): 229. See too, Abdul Majid, "Islamic Legal Reform Based On Maqāṣid Syarī 'Ah: A Study Of Al-Ghazālī's Thoughts And Its Relevance In The Context Of Indonesian Family Law," *USRAH: Jurnal Hukum Keluarga Islam* 6, no. 4 (2025): 10; Taufiqurohman, and Nelli Fauziah, "The Evaluation of Maqāṣid Asy-Syarī'ah on Discourses of the Islamic Family Law," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 1 (2023): 82.

¹⁸ Ahmad Fauzi, Taufiq Taufiq Ikram Ash Syidiqi, Peni Alyanita, and Yogi Sopian Haris, "Rekonstruksi hukum keluarga islam dalam perspektif maqasid al-syarī'ah upaya preventif pernikahan dini di indonesia," *USRAH: Jurnal Hukum Keluarga Islam* 6, no. 4 (2025): 459.

¹⁹ Harun Harasyid, and Khalilah Ramadhani, "Maqasid al-Syariah dalam Menjawab Tantangan Keluarga Modern di Indonesia," *Hukumah: Jurnal Hukum Islam* 1, no. 1 (2024): 89.

academic and policy recommendations for those formulating legislation, religious courts, and various institutions that have a role in strengthening the family protection system in Indonesia in the digital era.

Based on the research gap and the objectives outlined above, this study addresses the following research questions:

1. How does digitalization challenge the current framework of Islamic family law in Indonesia?
2. What model of Islamic family law reform can strengthen family protection in the digital era?

B. RESEARCH METHODS

This study employs a normative legal research method to examine the reform of Islamic family law in responding to the challenges of digitalization in Indonesia. Normative legal research is appropriate because the study focuses on legal norms, principles, concepts, and regulatory frameworks rather than empirical behavior or field-based data. The analysis is directed toward identifying the extent to which existing Islamic family law can accommodate emerging digital-related family issues and developing a normative model of family protection based on *maqāṣid al-syarī'ah*.

The study applies three complementary approaches: the statutory approach, the conceptual approach, and the *maqāṣid al-syarī'ah* approach. The statutory approach is used to examine Indonesian legislation and regulations relevant to marriage, family protection, digital services, and personal data. The principal legal materials include Law Number 1 of 1974 on Marriage, as amended by Law Number 16 of 2019, particularly regarding marriage and the protection of children and family rights.

The conceptual approach is used to analyze the concepts of Islamic family law reform, family protection, digital family rights, digital literacy, and legal adaptation to technological change. Meanwhile, the *maqāṣid al-syarī'ah* approach serves as the principal analytical framework for assessing whether existing and proposed legal norms are consistent with the objectives of Islamic law. The analysis particularly considers the protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-naḥs*), intellect (*ḥifẓ al-'aql*), lineage and family (*ḥifẓ al-naṣl*), property (*ḥifẓ al-māl*), and dignity (*ḥifẓ al-'ird*) in addressing digital-era family challenges.

The legal materials consist of primary, secondary, and tertiary legal sources. Primary sources include the Qur'an, hadith, legislation, and relevant regulations. Secondary sources comprise books, scholarly articles, contemporary Islamic legal literature, and academic studies on *maqāṣid al-syarī'ah* and Islamic family law. Tertiary sources are used to clarify relevant legal terminology and concepts. Data are collected through a structured

literature review and analyzed qualitatively through legal interpretation, comparative analysis, and conceptual synthesis. The findings are then formulated into a normative model of Islamic family law reform oriented toward comprehensive family protection in the digital era.

C. DISCUSSION

1. Relevance of Maqāṣid al-Syarī'ah The basis for renewing Islamic Family law in Protecting the family in the Digital Era

The idea of reforming Islamic family law in Indonesia has sparked debate among legal intellectuals in Indonesia. Some believe that Islamic family law legislation in Indonesia does not require change. Ahmad Rofiq, for example, stated that the Compilation of Islamic Law (*Kompilasi Hukum Islam/KHI*), as the Islamic family law legislation in Indonesia, does not need to be revised.²⁰ He argued that the KHI reflects Islamic legal views that are appropriate to the Indonesian context and also represents the consensus (*ijma*) of Indonesian ulama. However, many others hold the opposite view. Euis Nurlaelawati, for example, believes that reforms to the KHI are necessary as a representation of Islamic family law in Indonesia. These reforms are deemed necessary to align the KHI with the context, particularly regarding the rights of children and women.²¹

The development of digital technology has brought about profound changes in family life. Digitalization has not only impacted the way people communicate, work, and obtain information, but has also transformed patterns of family relationships. The presence of social media, artificial intelligence, chat applications, digital services, and various online platforms has created both new opportunities and challenges for family resilience. Phenomena such as digital infidelity, online gender-based violence, misuse of family personal data, exposure of children to negative content, online gambling, pornography, and neglect of family responsibilities due to technology addiction are issues that have not been fully addressed by classical Islamic family law. Therefore, reforming Islamic family law is necessary to remain able to respond to the dynamics of modern society without abandoning the principles of sharia.²²

In this context, maqāṣid al-syarī'ah becomes a very relevant methodological basis. Maqāṣid al-syarī'ah are the main goals to be realized by

²⁰ Ahmad Rofiq, *Pembaharuan Hukum Islam Di Indonesia* (Yogyakarta: Gama Media, 2001), 55.

²¹ Euis Nurlaelawati, *Modernization, Tradition and Identity: The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Courts*, ICAS Publications Series 4 (Amsterdam: Amsterdam University Press, 2010), 23.

²² Sabarite Banurea, "Child Protection In The Perspective Of Islamic Family Law By Era Digital," *Teunuleh Scientific Journal The International Journal of Social Sciences*, 6, no.2, (2025), 171.

Islamic law through all its legal provisions.²³ The essence of Islamic law is not just the literal application of the text, but also providing benefits (*jalb al-maṣāliḥ*) and preventing damage (*dar' al-mafāsid*). Thus, reform of Islamic family law must be directed at efforts to maintain the continuity of family life, provide protection for each member, and create family relationships that are just, harmonious and dignified in accordance with current developments.²⁴

The digital era presents forms of harm unknown during the development of classical Islamic jurisprudence. Husband-wife relationships are no longer solely influenced by face-to-face interactions, but also by virtual communication, which can trigger domestic conflict. Infidelity via social media, the unauthorized dissemination of personal information, child exploitation in digital spaces, and the rise in cases of psychological violence through electronic media demonstrate that family protection cannot be achieved solely by relying on conventional normative approaches. Therefore, the maqāṣid al-syarī'ah (the principles of Islamic law) provides a more adaptive framework by prioritizing the welfare of the family as the primary focus in legal formation.²⁵

The relevance of maqāṣid al-syarī'ah can be understood through five main objectives (al-kulliyāt al-khams), namely safeguarding religion (ḥifẓ al-dīn), safeguarding the soul (ḥifẓ al-nafs), safeguarding reason (ḥifẓ al-'aql), safeguarding offspring (ḥifẓ al-nasl), and safeguarding property (ḥifẓ al-māl). These five objectives are directly related to the challenges of family protection in the digital era.²⁶

First, the doctrine of religion demands that digital technology be utilized to strengthen religious values within the family. While easy access to religious information opens up opportunities for increased Islamic literacy, it also raises the risk of spreading extremist ideologies, religious disinformation, and content that contradicts Islamic values. Therefore, reforms to Islamic family law need to encourage the strengthening of digital literacy-based religious education so that families can critically filter information and continue to use Islamic values as a guideline in their use of technology.²⁷

²³ Taufiqurohman, and Nelli Fauziah, "The Evaluation of Maqāṣid Asy-Syarī'ah on Discourses of the Islamic Family Law," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 1 (2023): 84.

²⁴ M. Noor Harisudin, *Islam, Maqashidus Syariah & Dinamika Hukum Positif Di Indonesia*, ed. by Andiono Putra (Depok: Pena Salsabila Depok, 2021), 89.

²⁵ Rachman Iqbal, Muhammad Alfi Syahrin, and Hidayatullah Ismail, 'Maqashid Syariah Dalam Mediasi Keluarga : Telaah Al- Qur ' an Terhadap Prinsip Kesenjangan Dan Kemaslahatan', *Al-Zayn: Jurnal Ilmu Sosial & Hukum Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 3, no.3 (2027), 207. See too, Azhar, "Islamic Law Reform in Indonesia from the Perspective of Maqāṣid Al-Sharī'ah: Kerinci's Intellectual Views," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (2024): 753.

²⁶ Ahmad Junaidi, *Maqāṣid Al-Sharī'ah Dalam Kajian Hukum Islam* (Depok: Pena Salsabila, 2021), 22.

²⁷ Refki Saputra, *Maqashid Syariah Dan Interpretasi Teks Syariah: Aktualisasi Konsep Maqashid Syariah Dalam Interpretasi Dan Analisis Al-Qur'an Dan Sunnah* (Yogyakarta: Deepublish Publisher, 2026), 43.

Second, the principle of self-determination emphasizes the importance of protecting the physical and psychological safety of family members. Domestic violence now occurs not only in person but also through digital media in the form of intimidation, threats, harassment, and excessive surveillance of partners (digital surveillance). Children are also vulnerable to cyberbullying, which can have serious mental health consequences. Therefore, reform of Islamic family law needs to recognize forms of digital violence as acts contrary to the objectives of sharia and provide more effective protection mechanisms for victims.²⁸

Third, the principle of reason relates to protecting the thinking abilities and intellectual development of family members. The digital era provides unlimited access to information, but also presents threats in the form of hoaxes, hate speech, digital radicalism, and addiction to social media and online games. Reforms to Islamic family law must encourage the creation of norms that strengthen parental responsibility in supervising children's use of technology while simultaneously fostering a healthy digital literacy culture within the family environment.²⁹

Fourth, *ḥifẓ al-naṣl* (law of inheritance) is strongly relevant to family protection in the digital age. The goal of safeguarding offspring is not only interpreted as maintaining the continuity of lineage, but also as safeguarding the quality of education, morals, and child development. Challenges such as digital pornography, online child sexual exploitation, internet-based human trafficking, and child identity theft demonstrate that protecting offspring requires more comprehensive legal instruments. Therefore, reforming Islamic family law must broaden the meaning of child protection to include digital security as an integral part of parental and state responsibilities.

Fifth, *ḥifẓ al-māl* (law of inheritance) is becoming increasingly important in the face of increasing digital-based economic crime. Online fraud, identity theft, illegal investments, illegal online loans, and the misuse of family assets through electronic transactions pose a real threat to family well-being. Reformed Islamic family law needs to develop norms that protect family asset management, digital transaction security, and shared responsibility for maintaining household economic stability.³⁰

In addition to these five main objectives, the development of contemporary *maqāṣid al-syarī'ah* theory provides greater scope for the

²⁸ Ahmad Sarwat, *Maqashid Syariah* (Jakarta: Rumah Fiqih Publishing, 2019), 66.

²⁹ Muhammad Nur Khaliq and others, "Teori Maqasid Syari' Ah Klasik (Asy -Syatibi)," *Risalah: Jurnal Pendidikan Dan Studi Islam*, 11.1 (2025), 149.

³⁰ Tgk. Safriadi, *Maqāshid Al-Syarī'ah & Mashlahah Kajian Terhadap Pemikiran Ibnu 'Asyur Dan Sa'Id Ramadhan Al- Buti* (Lhokseumawe: Safs Bumi Persada, 2021), 43.

protection of human rights, social justice, equality, and human dignity.³¹ This perspective enables Islamic family law to respond to various contemporary issues such as the protection of family personal data, the right to privacy in digital communications, the use of artificial intelligence in family services, and the resolution of family disputes through digital mechanisms. Thus, legal reform does not stop at changing formal norms but also builds a family protection system that is adaptive to technological developments.³²

From the perspective of Islamic legal reform, the use of the *maqāṣid al-syarī'ah* (the principles of Islamic law) demonstrates a shift in approach from a textual to a substantive orientation. Legal provisions are understood not only based on the literal text but also on the intended benefit. This approach allows Islamic family law to maintain the fundamental values of sharia while addressing new issues not explicitly addressed in classical fiqh literature.

Therefore, the renewal of Islamic family law in the digital era is not intended to change sharia principles, but rather to strengthen their implementation according to the needs of contemporary society. The *maqāṣid al-syarī'ah* serves as a methodological instrument that bridges normative Islamic values with evolving social realities. Through this approach, Islamic family law can provide more comprehensive protection for husbands, wives, children, and all family members in facing the various risks arising from digital transformation.³³

Thus, the relevance of the *maqāṣid al-syarī'ah* as the basis for reforming Islamic family law lies in its ability to present responsive, adaptive, and welfare-oriented law.³⁴ These principles enable Islamic family law to maintain its normative authority while simultaneously addressing the challenges of family protection in the digital era by strengthening aspects of rights protection, digital security, family resilience, education, and the welfare of all family members. This approach positions *maqāṣid al-syarī'ah* not merely as a philosophical foundation but also as an operational framework for developing

³¹ Ahmad Fauzi, Taufiq Taufiq Ikram Ash Syidiqi, Peni Alyanita, and Yogi Sopian Haris, "Rekonstruksi hukum keluarga islam dalam perspektif maqasid al-syarī'ah upaya preventif pernikahan dini di indonesia," *USRAH: Jurnal Hukum Keluarga Islam* 6, no. 4 (2025): 461. See too, Doni Azhari, and Asmuni Asmuni, "Progressive Steps in Reforming Indonesian Islamic Family Law Through Gender Studies," *Syakshhiyyah Jurnal Hukum Keluarga Islam* 3, no. 2 (2023): 214.

³² Muhammad Rizal Qasim, *Maqashid Asy-Syariah Dan Isu-Isu Kontemporer* (Yogyakarta: Q-Media, 2021), 323. See too, Harun Harasyid, and Khalilah Ramadhani, "Keluarga Sakinah di Era Media Sosial: Tantangan dan Strategi Hukum Preventif," *HUKUMAH: Jurnal Hukum Islam* 1, no. 2 (2024): 10.

³³ Lilik Andaryuni Farida Syarifah, 'Rekonstruksi Aurat Dan Hifz An-Nafs Upaya Perlindungan Perempuan Di Ruang Digital Berbasis Etika Islam', *AL-AFKAR: Journal for Islamic Studies*, 9 no.1 (2026), 1182.

³⁴ Azhar, "Islamic Law Reform in Indonesia from the Perspective of Maqāṣid Al-Sharī'ah: Kerinci's Intellectual Views," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (2024): 755.

Islamic family law reforms that are contextual, equitable, and oriented toward fostering peaceful, secure, and resilient families in the digital era.³⁵

2. Islamic Family Law Reform Model Based on Maqāṣid Al-Syarī'ah to Strengthen Families in the Digital Era

Digital transformation has fundamentally changed the structure, interaction patterns, and dynamics of family life. Advances in information technology have brought various conveniences to communication, education, public services, and economic activities, but have also given rise to new challenges that directly impact family resilience. Phenomena such as digital infidelity, online gender-based violence, misuse of family personal data, child exploitation in cyberspace, online gambling, illegal online lending, the spread of pornographic content, and even social media addiction are issues that are evolving far faster than the development of current Islamic family law regulations. This situation demonstrates that reforming Islamic family law is no longer sufficient through a textual, normative approach, but must be directed toward establishing a legal system that is adaptive to social and technological change.³⁶

In this context, the maqāṣid al-syarī'ah (the principles of Islamic law) is the most relevant paradigm in formulating a model for reforming Islamic family law. Unlike the fiqh approach, which often focuses on partial legal provisions, the maqāṣid al-syarī'ah places the public interest as the primary objective of sharia. Therefore, reforming Islamic family law must be oriented toward protecting all family members through efforts to achieve justice, maintain human dignity, strengthen family relationships, and anticipate various forms of harm (*mafsadah*) arising from the development of digital technology.³⁷

A model for reforming Islamic family law based on the maqāṣid al-syarī'ah (objectives of sharia) can be developed through an integrative approach, connecting Islamic normative values with the needs of a digital society.³⁸ This model does not aim to replace Islamic legal principles, but

³⁵ Rosyada, "Membangun Ketangguhan Keluarga Dalam Menciptakan Masyarakat Yang Madani," *Al Huwiyah Journal of Woman and Children Studies*, 3, no. 2 (2023): 344. See too, Taufiqurohman, and Nelli Fauziah, "The Evaluation of Maqāṣid Asy-Syarī'ah on Discourses of the Islamic Family Law," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 1 (2023): 84; Muhammad Ridwan, "Transformasi Hukum Keluarga Islam Di Era Digital: Analisis Sosiologi Hukum Terhadap Regulasi Perkawinan dan Perceraian Di Indonesia," *Al-Istinbath: Jurnal Ilmu Hukum Dan Hukum Keluarga Islam* 1, no. 1 (2024): 11.

³⁶ Arri Handayani, *Melawat Keluarga Di Era Digital: E-Parenting Dan Mindful Parenting Dalam Setiap Tahap Kehidupan*, ed. by Zakiyatur Rosidah (Yogyakarta: Deepublish Publisher), 99.

³⁷ Agus Hermanto Siti Nurjanah, *Pembaruan Hukum Keluarga Di Dunia Islam*, ed. by Gesit Yudha, *Eureka Media Aksara* (Purbalingga: Eureka Media Aksara, 2023), 85.

³⁸ Lina Nur Anisa, "The role of maqashid syariah interpretation in addressing the limitations of traditional Islamic family law for achieving gender-responsive and child-protective legal reforms," *Al-Mabsut: Jurnal Studi Islam Dan Sosial* 19, no. 2 (2025): 231.

rather reinterprets family law norms to ensure they remain in line with the objectives of sharia (maqāṣid al-syarī'ah) and address contemporary issues.

The first model places the protection of the rights and dignity of each family member as the main orientation of legal reform. In the maqāṣid al-syarī'ah perspective, every individual has rights that must be protected, whether as husband, wife, child or other family member. The digital era expands the space of human interaction so that threats to a person's dignity are no longer limited to physical space, but also occur in virtual space.³⁹ Reforms to Islamic family law need to expand the concept of honor protection (ḥifẓ al-'ird) to include forms of digital violations, such as the unauthorized distribution of private photos, defamation through social media, cyberbullying, doxing, and internet-based sexual harassment. Protecting family honor is part of efforts to maintain public welfare in line with the objectives of sharia.⁴⁰ Furthermore, Islamic family law needs to regulate the right to digital privacy in domestic life. For example, unjustified interception of a spouse's communications, misuse of a spouse's social media accounts, or the unauthorized distribution of family documents should be viewed as violations of family rights requiring legal protection.

The second model is aimed at strengthening family resilience through increasing digital literacy. From the perspective of maqāṣid al-syarī'ah, safeguarding reason (ḥifẓ al-'aql) is not only related to protecting the ability to think but also encompasses efforts to build a healthy information culture.⁴¹ Reforms to Islamic family law need to emphasize parents' responsibility in educating their children to use technology wisely, critically, and responsibly. Family education should no longer solely encompass religious and moral education, but also encompass digital ethics, digital safety, and information literacy. Family resilience will be strengthened if each family member understands the risks of digital media use, is able to select accurate information, and has the skills to protect themselves from various forms of cybercrime. Therefore, digital literacy education can be positioned as part of the parenting obligations (*hadhanah*) under Islamic family law.⁴²

³⁹ Yayang Suci Saqinah Indri, 'Pelestarian Rumah Tangga Perspektif Maqadis Al- Syari'ah Dalam Hukum Islam', *KNHI: Konferensi Nasional Hukum Islam*, 2, no. 1 (2025), 321.

⁴⁰ Ilham Tohari, "Berbasis Maqashid Syari ' Ah Sebagai Pijakan Konseptual Dalam Pembaruan Hukum Keluarga Islam Indonesia," *Jurnal Hukum & Pembangunan* 50, 50, no. 2 (2023), 462.

⁴¹ Eva Ardinal and Nadiah Ismail, "The Reconstruction Of Islamic Family Law From The Perspective Of Maqashid Al-Sharia", *Sharia Oikonomia Law Journal*, 4.2 (2026), 136. See too, Ahmad Fauzi, Taufiq Taufiq Ikram Ash Syidiqi, Peni Alyanita, and Yogi Sopian Haris, "Rekonstruksi hukum keluarga islam dalam perspektif maqasid al-syarī'ah upaya preventif pernikahan dini di indonesia," *USRAH: Jurnal Hukum Keluarga Islam* 6, no. 4 (2025): 462.

⁴² Ita Musarrofa, "The Problems of Islamic Family Law in the Digital Era and Its Relevance to Renewal of the Compilation of Islamic Law", *Jurnal Hukum Islam*, 22, no.1, (2024), 99. See too, Harun Harasyid, and Khalilah Ramadhani, "Keluarga Sakinah di Era Media Sosial: Tantangan dan Strategi Hukum Preventif," *HUKUMAH: Jurnal Hukum Islam* 1, no. 2 (2024): 11.

Children are the group most vulnerable to the negative impacts of technological developments. Therefore, reforms to Islamic family law must broaden the concept of child protection beyond physical aspects to include digital aspects as well. Within the framework of *ḥifẓ al-naṣl*, protection of offspring is not simply understood as preserving lineage, but also encompasses protection for children's growth and development, education, mental health, and digital security. Parents have a responsibility to supervise social media use, limit access to age-inappropriate content, and provide guidance on their children's digital activities.⁴³

This model also encourages the development of legal norms that protect against child exploitation via the internet, digital-based child trafficking, child pornography, online gambling involving children, and the misuse of children's digital identities. Thus, the concept of child protection becomes more comprehensive in line with technological developments. Husband-wife relationships have undergone significant changes due to advances in communication technology. The intense use of social media often gives rise to domestic conflicts previously unknown in classical family law.

A reform model for Islamic family law needs to broaden the meaning of husband and wife's rights and obligations by incorporating digital communication ethics as part of family responsibilities. Loyalty, openness, mutual respect, maintaining a partner's privacy, and avoiding behavior that could undermine trust through digital media are all implementations of the *maqāṣid al-syarī'ah* (obligatory principles of Islamic law) values in maintaining the integrity of the household.⁴⁴

The concepts of *nusyuz* and violations of family obligations should also be reconsidered contextually to encompass forms of misconduct occurring in digital spaces, including online infidelity, verbal abuse through electronic media, and the neglect of family responsibilities resulting from excessive engagement with online games or social media. The development of the digital economy offers significant opportunities for improving family welfare, but also presents new risks in the form of online fraud, illegal investments, illegal online loans, identity theft, and misuse of digital assets.⁴⁵

From the perspective of *ḥifẓ al-māl*, reform of Islamic family law requires expanding protection of family assets through regulations on secure

⁴³ Sabarite Banurea, "Child Protection In The Perspective Of Islamic Family Law By Era Digital," *Teunuleh Scientific Journal The International Journal of Social Sciences*, 6, no.2, (2025), 174.

⁴⁴ Abdul Majid, "Islamic Legal Reform Based On Maqāṣid Syarī 'Ah: A Study Of Al-Ghazālī's Thoughts And Its Relevance In The Context Of Indonesian Family Law," *USRAH: Jurnal Hukum Keluarga Islam* 6, no. 4 (2025): 11.

⁴⁵ Akhmad Husein Abdillah, Nadia Putri, and Muhammad Alfian Naja Rahmatulloh, "Rekonstruksi Konsep Takhibib Di Era Digital: Upaya Perlindungan Ketahanan Keluarga Dalam Perspektif Hukum Keluarga Islam," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 4, no. 2 (2026): 2499.

digital transactions, transparency in family financial management, and shared responsibility for maintaining household economic stability. This model also encourages the use of digital technology to improve family welfare through digital-based businesses, digital Islamic finance, and professional management of family assets in accordance with Sharia principles.⁴⁶

Reforms in Islamic family law also need to address dispute resolution. Digitizing judicial services allows for faster, simpler, and more efficient resolution of family cases. From the perspective of the *maqāṣid al-syarī'ah* (obligatory principles of Islamic law), dispute resolution must prioritize the welfare of the parties, peace (*ṣulḥ*), and protection of the rights of the parties. Therefore, technology-based family mediation (online mediation), digital family consultations, and online psychological and religious support services can be part of the reform system for Islamic family law.⁴⁷ This approach not only accelerates access to justice, but also reduces protracted conflicts that can damage family unity.

Conceptually, a model for reforming Islamic family law in the digital era can be built through the integration of the five main objectives of *maqāṣid al-syarī'ah* as follows:⁴⁸

Table 1. *Maqāṣid al-Syarī'ah* Principles and Directions for Islamic Family Law Reform in the Digital Era

Principle <i>Maqāṣid al-Syarī'ah</i>	Directions for Family Law Reform
Ḥifẓ al-Dīn	Strengthening religious education and digital ethics within the family.
Ḥifẓ al-Nafs	Protection from digital violence, online harassment, and threats to family mental health.
Ḥifẓ al-'Aql	Strengthening digital literacy, media education, and preventing technology addiction.
Ḥifẓ al-Nasl	Protecting children from digital exploitation, pornography, and cybercrime.
Ḥifẓ al-Māl	Protecting the family economy through secure digital transactions and Sharia-compliant asset management.

The Table 1 illustrates how the principles of *maqāṣid al-syarī'ah* can guide the reform of Islamic family law in responding to challenges arising from digitalization. Each principle is translated into a specific direction of family

⁴⁶ Wa Ode Zuliarti and others, "Between Tradition and Reform: *Maqāṣid Al-Sharī'ah* and the Transformation of Islamic Family Law in Indonesia," *Journal of Law, Social Science and Management*, 3, no. 1 (2026), 2.

⁴⁷ Nor Ipansyah, and Anwar Hafidzi, "Reform of Islamic family law in Indonesia: Integrating *maqāṣid al-sharī'ah* and the principles of justice in the digital era," *AL-SYAKHSHIYYAH Jurnal Hukum Keluarga Islam Dan Kemanusiaan* 7, no. 2 (2025): 288.

⁴⁸ Arisman, *Dimensi Maqashid Al-Syarī'ah Dalam Pernikahan*, ed. by Yofie AF (Yogyakarta: Kalimedia, 2019), 33.

protection, ranging from religious and digital ethics to protection from digital violence, strengthening digital literacy, safeguarding children, and securing family economic interests. This framework demonstrates that Islamic family law reform should be adaptive while remaining oriented toward the protection of family rights, dignity, and welfare in the digital era.⁴⁹

These five goals do not stand alone, but complement each other in forming a comprehensive family protection system. This model places the family as the main subject of legal development as well as a social institution that must be protected from various risks of digital transformation.

The Islamic family law reform model based on *maqāṣid al-syarī'ah* offers a more progressive paradigm than the normative-conventional approach. The focus of reform is no longer only on changing legal norms, but also on strengthening the preventive, educative and protective functions of law in facing the challenges of the digital era. This approach allows Islamic family law to remain rooted in sharia values while being responsive to social and technological changes.⁵⁰

Thus, the renewal of Islamic family law is not simply an adaptation to current developments, but rather a building of a family protection system oriented toward the welfare, justice, and sustainability. Based on the *maqāṣid al-syarī'ah* (the principles of Islamic law), this model integrates rights protection, strengthening family resilience, digital security, child protection, family financial management, and adaptive dispute resolution in the digital era. Through this approach, Islamic family law remains relevant as an instrument capable of addressing the needs of contemporary society without abandoning the fundamental values of Islamic law.

D. Conclusion

Maqāṣid al-syarī'ah has very strong relevance as a normative foundation in the renewal of Islamic family law in the digital era. The principles of protection of religion (*ḥifẓ al-dīn*), soul (*ḥifẓ al-nafs*), reason (*ḥifẓ al-'aql*), descendants (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*) have proven to be able to provide a comprehensive framework in responding to new challenges faced by families, such as the misuse of digital media, cyber-based violence, privacy violations, disinformation, and changes in interaction patterns within the household. Thus, the renewal of Islamic family law is not enough to be oriented only to classical normative texts, but also needs to be developed

⁴⁹ Akhmad Husein Abdillah, Nadia Putri, and Muhammad Alfian Naja Rahmatulloh, "Rekonstruksi Konsep Takhtib Di Era Digital: Upaya Perlindungan Ketahanan Keluarga Dalam Perspektif Hukum Keluarga Islam," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 4, no. 2 (2026): 2500.

⁵⁰ Azzuhri Al Bajuri dan Apriadi, *Pemikiran Kontemporer Hukum Keluarga Islam*, ed. by Muhammad Rizal (Medan: CV Larispa, 2024), 433.

through a maqāsid approach that considers the benefit of the family contextually and adaptively to technological developments.

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