



TAROGAU: Journal of Islamic Studies  
Volume : 1 – Number : 1 - April 2026;  
P-ISSN: xxxxxxxxxxxx  
DOI: xxxxxxxx  
<https://ejournals-glm.id/index.php/tarogau>  
This work is licensed under a Creative Commons Attribution 4.0 International License.

# REALITY-BASED JURISPRUDENCE (FIQH AL-WĀQI') OF UMAR IBN AL-KHATTAB AND ITS APPLICATION IN ISLAMIC FAMILY LAW

Wijayanti Eka Suryandari, M. Faisal  
Istitut Agama Islam Negeri Ternate  
Email : [ekawijayanti129@gmail.com](mailto:ekawijayanti129@gmail.com)

---

## Abstrak

*This research examines the concept of fiqh al-wāqī' (reality-based jurisprudence) within the ijtihad (independent legal reasoning) of 'Umar ibn al-Khaṭṭāb and its relevance to contemporary Islamic family law. The study is prompted by the widening gap between classical normative fiqh and modern social dynamics, which demand a contextual and responsive legal approach. This study functions as a methodological reconstruction, positioning Umar's ijtihad practices as a paradigm for reality-based jurisprudence. The primary research questions explore how the concept of fiqh al-wāqī' was formulated in Umar's practice and its subsequent application to family law issues, such as talaq (divorce), child custody, and inheritance. The discussion is conducted through a conceptual and comparative analysis of classical and contemporary literature, grounded in the framework of maqāṣid al-sharī'ah (the objectives of Islamic law). The findings demonstrate that fiqh al-wāqī' serves as an integrative approach that synthesizes text and context, providing a robust foundation for family law reforms that are more equitable, adaptive, and welfare-oriented (maslahah). Consequently, Umar's ijtihad is not only historically relevant but also significant as an epistemological framework for the development of modern Islamic law.*

**Keywords:** Fiqh al-Wāqī', The Ijtihad of Umar, Islamic Family Law , Maqāṣid al-Sharī'ah

## A. Introduction

*Fiqh al-wāqī'* (الواقع فقه) is a methodological approach in Islamic jurisprudence that emphasizes the importance of understanding socio-historical realities in deriving legal rulings. Within the treasury of classical Islamic law, this approach finds a highly significant praxis in the ijtiḥād of 'Umar ibn al-Khaṭṭāb (raḍiyallāhu 'anhu), who is widely recognized as a Companion of the Prophet with an acute sensitivity toward social change. His diverse policy interventions—such as the suspension of hudūd (prescribed punishments) during periods of crisis, the reinterpretation of zakat distribution, and the implementation of administrative policies concerning family and society—demonstrate that Islamic law is not a rigid or static construct. Instead, it proves to be inherently adaptive to reality (al-wāqī') while remaining fundamentally anchored in the maqāṣid al-sharī'ah (the higher objectives of Islamic law).

In contemporary developments, particularly within the realm of Islamic family law, the need for a contextual approach has become increasingly urgent. Modern social transformations—marked by rising divorce rates, the complexity of gender relations, and evolving child custody issues—demand legal formulations that are not merely textual but also responsive to social realities. Recent studies indicate that a framework based on maqāṣid al-sharī'ah has emerged as the dominant paradigm in reforming Islamic family law, as it effectively bridges the gap between classical norms and contemporary necessities (Fitriyani et al., 2025). Furthermore, recent scholarship asserts that Umar's ijtiḥād practices serve as a vital inspiration for constructing family law models oriented toward substantive justice and the protection of individual rights (Wandi et al., 2025).

Furthermore, the epistemological significance of 'Umar's ijtiḥād lies in its integrative nature, synthesizing text (naṣṣ) and context (wāqī'). This synthesis demonstrates that Islamic law possesses an internal capacity for transformation without compromising its normative authority. In modern literature, this approach is frequently associated with the theory of legal change and continuity within the Islamic legal tradition, which asserts that legal evolution is an inevitability as long as it remains within the framework of maqāṣid (Mousourakis, 2025).

In terms of urgency, this research is vital for two primary reasons. First, there is a perceptible gap between classical normative fiqh and the complexities of modern family law, which continue to evolve. Numerous contemporary issues—such as gender equality in inheritance, the legal validity of talaq, and child protection—cannot be adequately addressed without a reality-based approach. Second, while a significant body of scholarship has examined maqāṣid al-sharī‘ah and family law reform, studies specifically integrating the Umarian model of fiqh al-wāqi‘ within the context of family law remain relatively limited and lack systematic analysis (Nurtaba et al., 2025).

Regarding the state of the art, previous scholarship has tended to be partial and thematic in nature. For instance, studies on gender equality in inheritance emphasize the importance of a maqāṣid approach in responding to social inequalities (Noor & Hasanah, 2025). Meanwhile, other research examines the transformation of ijtihad within modern Islamic courts as a response to contemporary legal complexities (Siddiq & Asmuni, 2023). On the other hand, studies on family law indicate that many legal reforms across the Muslim world have de facto adopted contextual approaches, even if they have not yet explicitly cited Umar’s paradigm of "reality-based jurisprudence" (fiqh al-wāqi‘) as their methodological foundation (Kasim & Sumanto, 2025).

Accordingly, this research endeavors to fill this scholarly lacuna by offering an integrative approach that bridges the legacy of Umar’s ijtihad with the contemporary requirements of Islamic family law. This study seeks to contribute to the field by reconstructing a contextual fiqh framework grounded in Umarian methodology and applying it to modern family law issues, thereby providing a robust theoretical and practical foundation for legal reform.

To conclude this introductory section, the article is structured as follows: it commences with a conceptual analysis of *fiqh al-wāqī'* from the perspective of 'Umar ibn al-Khaṭṭāb, followed by an exploration of the underlying principles of *maqāsid al-sharī'ah*. Subsequently, these concepts are elaborated within an applied context regarding various issues in modern Islamic family law. Through this systematic progression, the study aims to provide both theoretical and practical contributions to the development of an Islamic legal framework that is more responsive, adaptive, and equitable.

## **B. Method**

This study is categorized as Islamic legal research, employing a qualitative methodology with a focus on library research. This approach is designed to systematically examine various written sources pertaining to the concept of *fiqh al-wāqī'* (reality-based jurisprudence) within the *ijtihād* of 'Umar ibn al-Khaṭṭāb, as well as its practical applications in contemporary Islamic family law (Rajawali Press, 2015). This methodology was selected because the primary focus of the study lies in the conceptual and normative analysis of Islamic legal texts, encompassing both classical and modern scholarly works.

The study utilizes several analytical frameworks to ensure a comprehensive evaluation. Within the conceptual approach, the research involves an in-depth examination of the concepts of *fiqh al-wāqī'*, *ijtihād*, and *maqāsid al-sharī'ah* within the theoretical framework of *uṣūl al-fiqh* (London, 2016). Simultaneously, a historical approach is employed to contextualize the *ijtihād* practices of 'Umar ibn al-Khaṭṭāb within the social, political, and economic milieu of his caliphate (Litera Antarnusa, 2014). Furthermore, a philosophical approach is applied to extract the fundamental values underpinning the objectives of Islamic law, with a primary focus on the principles of substantive justice and public interest. Finally, a comparative approach serves to contrast classical *fiqh* doctrines with contemporary Islamic family law practices, specifically addressing the evolution of legal norms regarding divorce, child custody, and inheritance (Dar al-Fikr, 2006).

### **C. Result and Discussion**

#### **Conceptual Framework and Praxis of Fiqh al-Wāqī' in the Ijtihad of 'Umar ibn al-Khaṭṭāb**

The concept of fiqh al-wāqī' is not merely theoretical but finds its most concrete manifestation in the legal practices of 'Umar ibn al-Khaṭṭāb (raḍiyallāhu 'anhu). In the history of Islamic law, Umar is recognized as a pivotal figure capable of maintaining a sophisticated equilibrium between normative texts (naṣṣ) and empirical realities (wāqī'). This integrative capacity is distinctly evident in several of his legal policies, which are often perceived as "non-literal" interpretations; however, these decisions actually reflect a profound understanding of maqāṣid al-sharī'ah.

Rather than deviating from the divine intent, Umar's approach demonstrates that the efficacy of a legal ruling is contingent upon its alignment with the sociological context it seeks to govern, thereby ensuring that the law remains a vehicle for justice rather than a rigid set of formalistic rituals.

One of the most classic examples is Umar's decision to suspend the enforcement of amputation (ḥadd al-sariqah) during the period of extreme famine known as the "Year of Cinders" ('ām al-ramādah). Textually, this punishment is firmly established within the Qur'an; however, Umar assessed that the prevailing socio-economic conditions—characterized by mass starvation—negated the element of criminal intent (mens rea) necessary for the punishment's application. In modern legal analysis, this policy is understood as a form of contextual ijtihad oriented toward the preservation of life (ḥifz al-nafs) and substantive justice (Gouda, 2016). Consequently, Umar did not reject the sacred text but rather deferred its implementation to safeguard the higher objectives of the law.

The article title is restated here as written in the main text of the article

*First Author, Second Author, Third Author*

A similar approach is evident in Umar's policy regarding the distribution of zakat, specifically toward the mu'allaf (those whose hearts are to be reconciled). Although the Qur'an explicitly lists them as eligible recipients of zakat, Umar ceased these payments once Islam had achieved socio-political stability and strength. This landmark decision demonstrates that legal categories can evolve in accordance with shifts in the social context. From a contemporary perspective, this serves as a fundamental basis for the flexibility of Islamic law in responding to societal dynamics, suggesting that certain legal applications are contingent upon the presence of the underlying justification ('illah) for the ruling (Mousourakis et al., 2025).

Upon further analysis, the practice of Umar's ijtiḥād encapsulates several core principles. First is the prioritization of maqāṣid over literalism, which privileges the teleological objectives of the law over rigid, literalist interpretations. Second is the principle of legal adaptability, referring to the inherent capacity of the law to evolve in response to shifting social conditions without compromising its normative legitimacy. Third is the principle of public welfare (maṣlaḥah) as the primary orientation in every legal decision (Kamali, 2017). These principles collectively form a cohesive methodological framework that ensures Islamic jurisprudence remains relevant and just across different temporal and spatial contexts.

Within recent academic literature, this approach is extensively examined as the foundation for modern Islamic legal reform. For instance, a study by Sahidin et al. (2025) posits that Umar's ijtiḥād represents an early iteration of legal reform through contextual reasoning, wherein the law is conceptualized not as a static set of rules, but as a living and evolving system (Sahidin & Lahuri, 2025). Furthermore, recent research published in the *Leiden Journal of International Law* (Badar et al., 2026) asserts that Umar's practice of suspending ḥudūd serves as historical evidence that Islamic law possesses internal mechanisms to align itself with universal humanitarian principles and global standards of justice (Badar & Amin, 2026).

The article title is restated here as written in the main text of the article

*First Author, Second Author, Third Author*

Furthermore, when applied to Islamic family law, these principles carry extensive implications for contemporary reform. For instance, in cases of divorce (ṭalāq), a fiqh al-wāqī' approach facilitates a reinterpretation of practices that disproportionately disadvantage women, ensuring that the legal process reflects modern standards of equity. Similarly, regarding child custody (ḥaḍānah), this methodology shifts the focus toward the "best interests of the child" as a core manifestation of maqāṣid al-sharī'ah. In essence, 'Umar's ijtihad provides the necessary methodological legitimacy for a comprehensive reform of family law—one that is inherently more just, responsive, and contextually grounded in the lived realities of modern society.

Nevertheless, it must be noted that this approach is not universally accepted among Islamic legal scholars. Certain circles continue to emphasize the paramount importance of maintaining textual literalism as a form of "interpretive caution" (iḥtiyāt) in the process of ijtihad. This ongoing debate underscores the persistent tension between textualist and contextualist orientations within Islamic jurisprudence. However, recent scholarly trends indicate that an integrative approach—exemplified by the Umarian model—is increasingly regarded as more relevant for addressing the multifaceted complexities of modern legal systems (Setyawan & Busni, 2024).

In conclusion, the practice of fiqh al-wāqī' within the jurisprudence of 'Umar ibn al-Khaṭṭāb is not merely a historical phenomenon; rather, it constitutes a methodological paradigm with profound relevance for the contemporary development of Islamic law, particularly within the domain of family law. This approach facilitates a space for legal reinterpretation that remains highly responsive to empirical realities without necessitating a departure from the fundamental principles of the Sharī'ah. By positioning the Umarian model as a bridge between normative tradition and modern necessity, this research reaffirms that Islamic jurisprudence possesses the inherent dynamism required to achieve substantive justice in a rapidly evolving global landscape.

## **The Second Aspect: The Application of *Fiqh al-Wāqī'* in Contemporary Islamic Family Law**

The application of *fiqh al-wāqī'* in contemporary Islamic family law demonstrates how classical legal principles can be reinterpreted to address modern social challenges. Within this context, the *ijtihād* of 'Umar ibn al-Khaṭṭāb serves not merely as a historical inspiration but as a robust methodological framework capable of direct application across various family law issues, including divorce (*ṭalāq*), child custody (*ḥaḍānah*), and inheritance (*farā'id*). This framework allows for a dynamic interplay between immutable legal objectives and the fluid realities of contemporary family structures, ensuring that the law remains both religiously authentic and socially functional.

First, in the realm of divorce, the application of *fiqh al-wāqī'* is evident in efforts to restrict arbitrary and unilateral *ṭalāq*. Classically, *ṭalāq* was regarded as a husband's absolute prerogative; however, in modern reality, this practice frequently results in significant injustices against women. Recent research indicates that many Muslim-majority nations have implemented legal reforms by restricting *ṭalāq* through state regulations and mandatory judicial procedures (Fadhilah & Musonnif, 2025). This approach aligns with 'Umar's methodology, as he did not hesitate to limit practices that were textually permissible yet carried the potential to harm society. Consequently, a reinterpretation of divorce based on *maqāṣid al-sharī'ah* aims to preserve family stability (*ḥifẓ al-nasl*) and ensure substantive gender justice.

Second, regarding the issue of child custody (*ḥaḍānah*), a reality-based approach prioritizes the "best interests of the child" as the paramount consideration. While classical *fiqh* often determined custody based on a specific familial hierarchy, contemporary studies indicate a significant shift toward a more contextualized "best interest" principle (Busriyanti & Pujiono, 2025). For instance, research by Mustafid et al. (2025) asserts that the preservation of the child's life (*ḥifẓ al-nafs*) and intellect (*ḥifẓ al-'aql*) serves as the primary basis for custody determinations, even when such decisions transcend classical provisions (Mustafid & Arisman, 2025). This welfare-centric approach is highly consistent with 'Umar's *ijtihād*, which invariably weighed the social consequences and human impact of every legal ruling.

The article title is restated here as written in the main text of the article

*First Author, Second Author, Third Author*

Third, in the field of inheritance, modern social dynamics—such as the increased economic agency of women and changing family structures—necessitate a reinterpretation of the distribution of estates. Several studies suggest that a maqāsid-based approach allows for flexibility in the implementation of inheritance law to achieve substantive justice (Noor & Hasanah, 2025). For instance, in the contexts of Indonesia and Malaysia, religious courts have begun to accommodate principles of equity through judicial mechanisms such as waṣiyyah wājibah (obligatory bequests) or family-based consensual settlements (Setyawan & Busni, 2024). This reflects the spirit of ‘Umar’s ijtihad, which dynamically adjusted legal policies to align with evolving social conditions.

Fourth, the fiqh al-wāqī’ approach plays a critical role in addressing the issue of unregistered marriage. Recent research indicates that this practice frequently disadvantages women and children, particularly regarding rights to maintenance (nafaqah), inheritance, and broader legal protection (Maruan & Yusof, 2025). Consequently, a maqāsid-based approach compels the state to implement stricter regulations to safeguard these fundamental rights. From this perspective, ‘Umar’s administrative policies serve as a historical precedent, affirming that the state possesses the legitimate authority to regulate social affairs to ensure public welfare (maṣlaḥah ‘āmmah).

Ultimately, the "Umariyan paradigm" of fiqh al-wāqī’ serves as a critical bridge between the foundational sources of Islam and the fluid exigencies of modern family life. By moving beyond a reductionist, literalist framework, this approach ensures that the law functions as a corrective instrument for justice rather than a static administrative burden. The ongoing shift toward an integrative methodology—validated by contemporary legal scholarship—reaffirms that the resilience of Islamic family law lies in its ability to internalize social reality without compromising its ethical core. In this light, the reform of ṭalāq, ḥaḍānah, and farā’id is not an act of secularization, but a profound exercise in maqāsid-oriented jurisprudence that restores the compassionate intent of the Sharī’ah in a modern globalized context.

Consequently, it can be asserted that the application of ‘Umar ibn al-Khaṭṭāb’s *fiqh al-wāqī’* within contemporary Islamic family law is not merely relevant but fundamentally essential (*ḍarūrī*) for addressing the challenges of the modern era. This approach enables Islamic law to maintain its normative authority while simultaneously ensuring social adaptability. In this sense, *fiqh al-wāqī’* serves as a bridge between tradition and modernity, ensuring that Islamic family law remains just, humane, and contextually grounded (Azmi, 2025). This methodological synthesis guarantees that the legal system does not become an archaeological relic of the past, but rather a dynamic force for justice in the present.

### **The Third Aspect: Theoretical Reconstruction and Normative Implications of *Fiqh al-Wāqī’* in Islamic Family Law**

#### ***1. Theoretical Reconstruction of the Umarian *Fiqh al-Wāqī’* Framework***

The theoretical reconstruction of *fiqh al-wāqī’* requires a systematic formulation that bridges classical jurisprudence and contemporary realities. In this context, the *ijtihad* of ‘Umar ibn al-Khaṭṭāb can be understood as a methodological foundation comprising three primary elements: the integration of text (*naṣṣ*) and context (*wāqī’*), an orientation toward *maqāṣid al-sharī’ah*, and flexibility in legal implementation.

Conceptually, this approach asserts that Islamic law is not confined to literalist meanings; rather, it must account for broader normative objectives. In contemporary literature, this methodology is often characterized as purpose-oriented legal reasoning, which positions public interest (*maṣlaḥah*) as the paramount parameter in the *ijtihad* process (Auda, 2016). Consequently, the reconstruction of the Umarian *fiqh al-wāqī’* model does not merely revive a historical practice but constructs an epistemological model applicable to the complexities of modern family law.

Furthermore, this approach facilitates a reinterpretation of family law norms without necessitating a departure from the *Sharī’ah* framework. This aligns with the perspective of Kamali (2017), who asserts that the actualization of *maqāṣid* is the fundamental key to maintaining the relevance of Islamic law amidst rapid social transformation (Kamali, 2017). Implikasi Normatif terhadap Reformasi Hukum Keluarga

The normative implications of *fiqh al-wāqī'* are particularly evident in the reform of Islamic family law. In practice, this approach provides the necessary legitimacy for various legal reforms aimed at achieving substantive justice. For instance, in the case of restricting *ṭalāq*, state regulations that mandate judicial oversight can be characterized as a form of "the restriction of permissible acts" (*taqyīd al-mubāḥ*) for the sake of public welfare (*maṣlaḥah*) (Fadhilah & Musonnif, 2025).

Furthermore, regarding inheritance, this approach creates an avenue for reinterpretation based on social justice, particularly in response to the evolving economic agency of women. Recent studies indicate that numerous religious court rulings have begun to account for economic contribution during the distribution of estates—a shift that implicitly reflects a *maqāṣid*-based methodology (Noor & Hasanah, 2025). This progression demonstrates that *fiqh al-wāqī'* transcends mere theoretical discourse; it has been effectively operationalized within contemporary judicial practice.

Within the context of child custody, this approach further reinforces the "best interests of the child" as an inherent manifestation of *maqāṣid*. Consequently, judicial determinations are no longer strictly tethered to traditional familial hierarchies; instead, they are predicated upon a comprehensive assessment of the child's holistic welfare (Musafid, 2025). This normative shift signifies that the protection of the vulnerable—a core Umairian value—serves as the ultimate arbiter in legal disputes, effectively prioritizing human wellbeing over formalistic adherence to classical genealogical priority.

## ***2. Epistemological Challenges and Prospects for Development***

Despite its relevance, the application of *fiqh al-wāqī'* faces several epistemological and practical challenges. A primary obstacle is the resistance from textualist perspectives that tend to reject legal reinterpretation. These groups argue that excessive flexibility could jeopardize the authority of the sacred text and create a vacuum for legal relativism.

However, in modern academic analysis, an integrative approach is increasingly viewed as the definitive solution to this tension. Mousourakis (2025) posits that Islamic law is characterized by a "dynamic equilibrium"—a state of balance between normative stability and social evolution (Mousourakis, 2025). From this perspective, the *fiqh al-wāqī'* approach does not contradict Sharia principles; rather, it fortifies their contemporary relevance.

Moving forward, the prospects for developing *fiqh al-wāqī'* within Islamic family law are vast, driven by a global demand for legal systems that are both just and inclusive. Current research indicates that the integration of *maqāṣid*, human rights, and social realities constitutes the new trajectory of contemporary Islamic legal studies (Azmi, 2025). Within this context, the legacy of 'Umar's *ijtihād* serves as an ideal model for developing an adaptive legal framework that remains deeply rooted in tradition.

#### **D. Conclusion**

In conclusion, the discourse on *fiqh al-wāqī'*, as reflected in the *ijtihād* of 'Umar ibn al-Khaṭṭāb, demonstrates that Islamic law possesses an inherent capacity for contextual adaptation without compromising its normative foundations. Based on the preceding analysis, it can be asserted that *fiqh al-wāqī'* is not merely a methodological approach but a dynamic paradigm that bridges the sacred text (*naṣṣ*), the objectives of the law (*maqāṣid al-sharī'ah*), and social reality (*wāqī'*).

The primary findings of this study indicate that 'Umar ibn al-Khaṭṭāb's *ijtihād* reflects a contextual legal reasoning model that is highly relevant to contemporary Islamic family law. His policies—such as the suspension of *hudūd* during famine, the reinterpretation of *zakaṭ* distribution, and the formalization of social administration—prove that Islamic law can adapt flexibly to changing conditions while maintaining its normative legitimacy. Within the sphere of family law, these principles have proven applicable to critical issues such as the restriction of *ṭalāq*, the determination of child custody based on the "best interests" principle, and a more equitable reinterpretation of inheritance laws.

Theoretically, this research affirms that the integration of *fiqh al-wāqī'* and *maqāṣid al-sharī'ah* represents the most viable approach for modern Islamic legal development. It reinforces the argument that legal change is not a deviation, but an inherent component of the Islamic legal tradition itself. Thus, the primary contribution of this study lies in the reconstruction of a conceptual framework that links classical *ijtihād* with contemporary legal exigencies.

The article title is restated here as written in the main text of the article

*First Author, Second Author, Third Author*

Practically, the implications of this research are significant for legal policy in Muslim-majority nations. The *fiqh al-wāqī'* approach can serve as a foundation for legislation that is more responsive to social realities, particularly regarding the protection of women, children, and other vulnerable groups. Furthermore, it provides a vital reference for religious judiciaries to produce rulings that transcend legal-formalism in favor of substantive justice.

Nevertheless, this study acknowledges persistent epistemological challenges, particularly from textualist perspectives. Consequently, sustained academic efforts are required to foster a dialogue between textual and contextual approaches, ensuring a balance between the authority of the text and the necessities of reality. Moving forward, future research should be directed toward developing systematic operational models for *fiqh al-wāqī'* in judicial contexts, conducting comparative studies across Muslim nations, and integrating interdisciplinary perspectives—such as human rights and gender studies—to further enrich the reform of Islamic law.

Ultimately, the Umairan *fiqh al-wāqī'* is not merely a historical legacy; it is a vital foundation for a future Islamic legal system that is more adaptive, inclusive, and profoundly just.

## REFERENCE

- Auda, J. (2016). *Maqasid Al-Shariah As Philosophy Of Islamic Law: A Systems Approach*. London: liit.
- Azmi, N. F., Et Al. (2025). Islamic Family Law And The Future Of Human Rights: A Bibliometric Analysis. Available At: <https://www.researchgate.net/publication/402736499>
- Badar, M. E., Altuntas, U., & Amin, E. M. A. (2026). Human Dignity At Crossroads: Navigating Eurocentrism In Sharia Punishments. *Leiden Journal Of International Law*. DOI: <https://doi.org/10.1017/S0922156525000456>
- Busriyanti, B., & Pujiono, P. (2025). Marriage Law Reform In Indonesia: A Maqasid Al-Usrah Perspective. *Al-Istinbath Journal*. Available At: <https://journal.iaincurup.ac.id/index.php/alistinbath/article/view/12739> (Accessed 27 March 2026).
- Dogan, O. (2015). *Rethinking Islamic Jurisprudence For Muslim Minorities In The West* (Phd Dissertation). University Of Texas. AVAILABLE AT: <https://repositories.lib.utexas.edu/items/4973ef21-b9ec-41f7-be9a-297958f28787>
- Fadhilah, N., & Musonnif, A. (2025). Regulating Arbitrary Divorce In Islamic Family Law: A Maqāṣid Al-Sharī‘ah Approach. *Al-Hukuma Journal*. Available At: <https://jurnalsh.uinsa.ac.id/index.php/alhukuma/article/view/2755>
- Gouda, M. (2016). Stealing More Is Better? An Economic Analysis Of Islamic Law Of Theft. *European Journal Of Law And Economics*, 42(2). DOI: <https://doi.org/10.1007/s10657-015-9499-7>
- Jamaa, L. (2018). Fatwas Of The Indonesian Council Of Ulama And Its Contributions To Contemporary Islamic Law. *Indonesian Journal Of Islam And Muslim Societies*. Available At: <https://pdfs.semanticscholar.org/0bb3/63650178a455b25477f3ea3bf2b904ef9182.pdf>
- Kamali, M. H. (2017). Actualisation Of The Higher Purposes (Maqasid) Of Shari‘Ah. *Islam And Civilisational Renewal Journal*. Available At:

The article title is restated here as written in the main text of the article

*First Author, Second Author, Third Author*

<https://www.academia.edu/download/109166350/162.pdf>  
(ACCESSED 27 MARCH 2026).

Kurniawan, C. S. (2025). Reforming Islamic Family Law In Southeast Asia: A Comparative Study.

Available At:

<https://www.shariajournal.com/index.php/AJISC/article/view/1367>

Maruan, N. H., Fauzi, F. M., & Yusof, N. F. E. M. (2025). Addressing Unregistered Marriages In Malaysia: A Maqasid Al-Shariah Approach.

Available At: <https://www.researchgate.net/publication/393973841>

(ACCESSED 27 MARCH 2026).

Mousourakis, G. (2025). Continuity, Diversity, And Change In The Islamic Legal Tradition. Dalam *Comparative Law And Legal Traditions*. Springer.

DOI: [https://doi.org/10.1007/978-3-031-94669-1\\_9](https://doi.org/10.1007/978-3-031-94669-1_9)

Mustafid, M., Rajab, K., & Arisman, A. (2025). Child Custody Rights After Divorce In Indonesia From A Contemporary Islamic Family Law Perspective.

Available At:

<https://ejournal.uinbukittinggi.ac.id/index.php/alhurriyah/article/view/10096>

(ACCESSED 27 MARCH 2026).

Noor, W., & Hasanah, U. (2025). The Concept Of Gender Equality In Inheritance According To Islamic Family Law In Indonesia. *Ijtihad Journal*.

AVAILABLE AT:

<https://journals.fasya.uinib.org/index.php/ijtihad/article/view/711>

(ACCESSED 27 MARCH 2026).

Sahidin, A., Muslih, M., & Lahuri, S. (2025). The Contextual Ijtihad Of Umar Ibn Khattab: Between Legal Reform And Local Wisdom.

Available At: <https://www.researchgate.net/publication/xxxx> (ACCESSED 27 MARCH 2026).