THE PROBLEM OF UNDERSTANDING ISLAMIC FAMILY LAW: BETWEEN NORMATIVE TEXTS, SOCIAL PRACTICES AND MODERN LEGAL DYNAMICS IN ISLAMIC FAMILY LAW UNDERGRADUATE STUDENTS IN MANDAILING NATAL

MASALAH PEMAHAMAN HUKUM KELUARGA ISLAM: ANTARA TEKS NORMATIF, PRAKTIK SOSIAL DAN DINAMIKA HUKUM MODERN PADA MAHASISWA S1 HUKUM KELUARGA ISLAM DI MANDAILING NATAL

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Abstract

Understanding Islamic family law is an important aspect in Islamic law education, especially for students of the Islamic Family Law Study Program. However, in practice, various problems are still found that originate from the dominance of the textual approach, the gap between classical fiqh and social reality, and the complex relationship between Islamic law and state law. This research aims to analyze the problems of understanding Islamic family law in S1 students of Islamic Family Law in Mandailing Natal by highlighting the tension between normative texts, social practices, and modern legal dynamics. This research uses a qualitative approach with a field study method (field study), through observation and analysis of empirical data associated with normative and sociological studies. The research results show that students' understanding of Islamic family law still tends to be normative-textual and not completely contextual. The maqaṣid al-syari'ah approach is offered as a methodological solution to bridge the gap, because it is able to integrate the purpose of Islamic law with the demands of social justice and protection for vulnerable groups. This research emphasizes the

importance of updating the Islamic family law education approach to be more responsive to social development and modern law.

Keywords : Islamic Family Law, Textual Approach, Maqasid Syariah, Islamic Law Education, Social Reality.

Abstrak

Pemahaman hukum keluarga Islam merupakan aspek penting dalam pendidikan hukum Islam, khususnya bagi mahasiswa Program Studi Hukum Keluarga Islam. Namun, dalam praktiknya masih ditemukan berbagai problematika yang bersumber dari dominasi pendekatan tekstual, kesenjangan antara fiqh klasik dan realitas sosial, serta relasi yang kompleks antara hukum Islam dan hukum negara. Penelitian ini bertujuan untuk menganalisis problematika pemahaman hukum keluarga Islam pada mahasiswa S1 Hukum Keluarga Islam di Mandailing Natal dengan menyoroti ketegangan antara teks normatif, praktik sosial, dan dinamika hukum modern. Penelitian ini menggunakan pendekatan kualitatif dengan metode studi lapangan (field study), melalui observasi dan analisis data empiris yang dikaitkan dengan kajian normatif dan sosiologis. Hasil penelitian menunjukkan bahwa pemahaman mahasiswa terhadap hukum keluarga Islam masih cenderung normatif-tekstual dan belum sepenuhnya kontekstual. Pendekatan maqāṣid al-syarī'ah ditawarkan sebagai solusi metodologis untuk menjembatani kesenjangan tersebut, karena mampu mengintegrasikan tujuan hukum Islam dengan tuntutan keadilan sosial dan perlindungan terhadap kelompok rentan. Penelitian ini menegaskan pentingnya pembaruan pendekatan pendidikan hukum keluarga Islam agar lebih responsif terhadap perkembangan sosial dan hukum modern.

Kata Kunci : Hukum Keluarga Islam, Pendekatan Tekstual, Maqasid al-Syari'ah, Pendidikan Hukum Islam, Realitas Sosial.

1. INTRODUCTION

Understanding of Islamic family law is a fundamental aspect of Islamic law education, especially for students of the Islamic Family Law S1 program. Islamic family law is not only a set of normative texts written in Al-Qur'an, Hadith, and classical fiqh, but also a legal system that lives and develops in the midst of the social context of contemporary Muslim society.(Samad, 2021)

In a normative framework, Islamic family law provides clear guidelines on various family institutions such as marriage, divorce, guardians, dowry, and the rights of family members.(Ismail dkk., 2024) However, in practice in the field, there is often a tension between the provisions of the text and the ever-changing social reality, such as underage marriage, gender roles, and the enforcement of women's and children's rights in modern society.(Najih dkk., 2025)

As a discipline, Islamic family law cannot be understood only through a normative approach, but also needs to be studied through the lens of the sociology of Islamic law that bridges between sharia and social reality. Sociological studies allow us to see how sharia norms are accepted, rejected, or modified by society in a dynamic contemporary context. This is proven by a number of studies that show that the relationship between Islamic law and society

is not always linear, the norms of Islamic law in practice are often influenced by cultural, economic, and modern social changes.(Hikmatul & Ayu, 2024)

In the context of Islamic law education, especially at the undergraduate level, understanding these two realms between normative texts and social practices is often a serious challenge. A curriculum that puts too much emphasis on classical fiqh sometimes does not sufficiently bridge the gap between theory and empirical reality in the field. As a result, students can have difficulty translating classic norms into complex real-life scenarios. For example, the issue of the relevance of the mahram concept or the compatibility of marriage with modern social reality demands a more contextual understanding than just understanding the classic text alone.(Muwafika, 2025)

In addition, the dynamics of modern law such as globalization, human rights, and national law reform also affect the view of Islamic family law. Efforts to harmonize sharia and state law in practice bring up new challenges, especially when sharia norms must be contextualized to remain relevant to the principles of social justice in the modern era. This encourages the need for a legal education approach that not only teaches normative texts, but also develops the capacity of social analysis and contextual legal reasoning.(Alia dkk., 2024)

Thus, this research aims to explore the problems of understanding Islamic family law in S1 students of Islamic Family Law in Mandailing Natal, focusing on how the tension between normative texts, social practices, and modern legal dynamics shapes their perception and understanding of Islamic family law. This study is expected to not only make a theoretical contribution to the Islamic law literature, but also offer recommendations for the development of an Islamic law education curriculum that is more responsive to contemporary challenges.

2. RESEARCH METHOD

This research uses a qualitative approach with a type of field research. The qualitative approach was chosen because this research aims to deeply understand the problems of understanding Islamic family law in students, especially in looking at the relationship between normative texts, social practices, and modern legal dynamics.

3. RESULTS AND DISCUSSION
THE BASIC CONCEPT OF ISLAMIC FAMILY LAW
a. Understanding of Islamic Family Law

Islamic Family Law (*al-Ahwal al-Syakhsiyyah*) is a part of Islamic law that regulates the relationship between family members, especially those related to marriage, divorce, nasab, guardianship, rights and obligations of husband and wife, and inheritance. The main focus of this law is the development of a harmonious family based on the principles of Islamic sharia. According to Wahbah az-Zuhaili, Islamic family law includes all sharia provisions that regulate the relationship between husband and wife, parents and children, as well as the legal consequences arising from those relationships.(Az-Zuhaili, 2011) Meanwhile, Amir Syarifuddin explained that Islamic family law is a law that regulates the domestic life of

Muslims which is sourced from Islamic teachings and applied in the life of society and the state.(Syarifuddin, 2014)

In fiqh terminology, family law includes the law that regulates a person's personal condition from birth to death, which is related to the legal status in the family.(Khallaf, 1978) Thus, Islamic family law can be understood as a normative and practical legal system, which not only regulates the formal legal aspects of the family, but also emphasizes the value of justice, benefit, and protection of the rights of each family member.(Nasution, 2012)

b. The Scope of Islamic Family Law

Islamic Family Law (*al-Ahwal al-Syakhsiyyah*) includes all legal provisions that govern family relationships and the legal consequences arising from them. The scope of this law is directly related to a person's personal status in the family, from the formation of a marriage bond until the end of a family relationship due to divorce or death.(Zahrah, 1957) In general, the scope of Islamic Family Law includes several main areas as follows. The scope of Islamic family law includes several main aspects, namely:

1) Marriage

Marriage is the core of Islamic family law. The discussion in this field includes the meaning and purpose of marriage, terms and harmony of marriage, marriage guardian, dowry, witnesses, prohibition of marriage, and the rights and obligations of husband and wife. Marriage in Islam is seen as a strong covenant (*mitsaqan ghalizan*) to form a family that is *sakinah*, *mawaddah*, and *raḥmah*.

2) Divorce and Legal Consequences

The scope of Islamic family law also includes divorce, whether through *ṭalaq*, *fasakh*, *khulu'*, or *li'an*. The discussion of divorce includes procedures, legal conditions, and legal consequences after divorce, such as the iddah period, rujuk, livelihood rights, and child care. Divorce is strictly regulated so that it is not done arbitrarily.

3) Nasab and Child's Position

Nasab is a hereditary relationship that has important legal implications in Islam. This scope includes the determination of the child's destiny, the rights and obligations of parents towards the child, the recognition of the child, and the protection of the rights of the child, both legitimate children and children born out of wedlock.

4) Guardianship and Child Care (*Hadanah*)

Guardianship includes the authority of a person to act legally against other parties, especially children who are not yet capable of the law. In Islamic family law, guardianship includes a marriage guardian and a guardian for children's property. In addition, *ḥaḍanah* or child care after divorce is also an important part of the scope of family law.

5) Livelihood and Family Responsibility

Islamic family law regulates the obligation to provide a livelihood by a husband to his wife and children. Alimony includes basic needs such as food, clothing, housing,

and education. The arrangement of livelihood aims to ensure prosperity and justice in family life.

6) Inheritance (*Mawaris*)

Inheritance is the last part of the scope of Islamic family law. The discussion of inheritance includes the reasons for inheritance, harmony and conditions of inheritance, groups of heirs, and the distribution of inheritance based on sharia provisions. Islamic inheritance law aims to maintain justice and legal certainty in the distribution of family property.(Nasution, 2012)

c. The Basics of Islamic Family Law

Islamic Family Law has a strong and comprehensive legal basis, both sourced from nash sharia and from the results of ijtihad scholars and laws and regulations in Muslim countries, including Indonesia. The legal basis becomes a normative foothold in the management of the family life of Muslims.

1) Al-Qur'an

Al-Qur'an is the main source of Islamic family law. Many verses of the Qur'an explicitly regulate family issues, such as marriage, divorce, livelihood, and inheritance. For example, provisions about the purpose of marriage are contained in QS. ar-Rum verse 21, while the rules about inheritance are regulated in detail in QS. an-Nisa' verses 11–12. These verses show that family building is an important part of Islamic teachings.

2) Sunnah of Prophet Muhammad SAW

Sunnah Nabi SAW became the second source of law after Al-Qur'an. Sunnah functions to explain, detail, and confirm the provisions of the Al-Qur'an related to family law. The Prophet's practice in domestic life, such as the division of rights and obligations of husband and wife as well as the treatment of children, became a normative example for Muslims.

3) Ijma'

Ijma' is the agreement of the mujtahid scholars towards a law after the death of the Prophet SAW. In the context of Islamic family law, ijma' is used to establish provisions that are not explained in detail in the Al-Qur'an and Sunnah, such as the validity of several forms of guardianship and the agreement of scholars on the obligation of livelihood.

4) Qiyas

Qiyas is a method of establishing the law by analogizing an event that does not have a law with another event that has a legal provision in nash. In Islamic family law, qiyas is used to answer new problems due to the development of the times, as long as it is still in line with the principles of sharia.

5) Maqasid al-Syariah

The basis of Islamic family law is also based on maqasid al-syari'ah, especially in preserving offspring (*ḥifẓ al-nasl*). This principle emphasizes that all provisions of

family law aim to realize the benefit, justice, and protection of family members.(Khallaf, 1978)

6) Laws and Regulations in Indonesia

In the context of Indonesia, Islamic family law is also based on laws and regulations, including Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019, as well as the Compilation of Islamic Law (KHI). This regulation is a form of codification of Islamic family law that is adapted to the national legal system.(Kompilasi Hukum Islam, 2020)

d. The Purpose of Islamic Family Law

Islamic Family Law (*al-Ahwal al-Syakhsiyyah*) has a purpose that is imbued with the values of Islamic sharia (*maqasid al-shari'ah*) to realize the benefits (*maslahah*) of individuals, families, and society as a whole. The purpose of this law is not only normative, but also practical in forming a strong and harmonious family structure according to the guidance of Al-Qur'an and Sunnah. The following are the purposes of Islamic family law:

1) Creating a Family that is *Sakinah*, *Mawaddah*, and *Rahmah*

One of the goals of Islamic family law is to create a harmonious and loving family (*sakinah, mawaddah, wa rahmah*). Islam views the household as the basic unit of society that must be built with love, affection, and a sense of security, so as to create inner peace for every family member.(Mutaqim, 2022)

2) Protecting and Taking Care of Descendants (*hifz al-nasl*)

The main purpose of Islamic family law is to maintain the continuity of legitimate offspring through marriage arrangements, nasab, and the prevention of acts that damage the lineage. Thus family law serves to ensure that every child has a clear and protected legal status.(Afandi & Sugiyanto, 2025)

3) Ensuring Justice and Welfare of Family Members

Islamic family law regulates the rights and obligations of every family member including husband, wife, and children with the principle of justice. This includes the obligation to make a living, inheritance rights, child custody, and fair distribution of property according to the provisions of sharia. This division of rights and obligations aims to ensure the complete welfare of the family.(Iqbal, 2023)

4) Preventing and Resolving Family Conflicts

Family law provides guidelines and mechanisms to prevent family conflicts and resolve them fairly when disputes occur. For example, rules about divorce, iddah, and child custody are formulated to minimize the negative impact of family separation.

5) Improving the Moral and Spiritual Quality of Family Members

Islamic family law not only regulates the formal legal aspects, but also functions as a moral and spiritual education for family members. With an emphasis on religious values, this law guides the family to behave according to the teachings of Islam so that a family life with noble character and obeys Allah is created.(Mahmudah & Saepullah, 2022)

e. Islamic Family Law in Modern Context

In a modern context, Islamic family law has developed through legal codification, such as the Compilation of Islamic Law in Indonesia. This codification aims to adjust the principles of fiqh to the needs of modern society without eliminating sharia values.

In the classical tradition, Islamic family law is arranged within the framework of the fiqh school and is normative-theological. In the modern context, family law is codified into the positive law of the state (for example the Marriage Law in Indonesia, Mudawwanah in Morocco), no longer fully following one school, but is eclectic (*talfiq*) and contextual and influenced by modern legal systems such as civil law. This shows a shift from fiqh as a doctrine to fiqh as legislation.

Ijtihad contemporary modernity presents new issues such as: gender equality, children's rights, domestic violence, interstate marriage, Reproduction and medical technology. Responding to this, developing: Collective Ijtihad, the approach of *maqasid al-shari'ah* (justice, benefit, family protection), and contextual interpretation of family verses and hadiths. Example (restrictions on polygamy, minimum age requirement for marriage, divorce rights for women /*khulu'*, divorce lawsuit).(Huda, 2024)

In modern Islamic family law, the strengthening of women and children's rights is clear such as: recognition of the right to education, economy, and legal protection of women. Expansion of the concept of guardian, livelihood, and family leadership. Child protection through hadhanah rules (child custody) based on the best interest of the child (best interest of the child). This is not a rejection of sharia, but a reinterpretation to achieve substantive justice.

Modern Islamic family law also dialogues with the Influence of Human Rights and International Conventions such as: The Concept of Human Rights and international conventions such as CEDAW and CRC. Contemporary Challenges of Islamic Family Law include: Tension between religious norms and state law, resistance of textualist groups, fragmentation of religious authority and globalization and changes in family structure.

The direction of the development of Islamic family law tends to be towards: Maqasid-oriented approach, strengthening gender justice and protection of vulnerable groups, integration between fiqh, sociology, modern law, and contextual Ijtihad that is still rooted in Nash.(Amin, 2023)

THE PROBLEM OF UNDERSTANDING ISLAMIC FAMILY LAW

Islamic family law (*al-aḥwāl al-syakhṣiyyah*) is a field of Islamic law that is most often in direct contact with the social reality of the people. It regulates the most fundamental aspects of human life, such as family formation through marriage, husband-wife relationship, child rearing, divorce, to protection of vulnerable parties. In the Indonesian context, Islamic family law has a unique position because in addition to being sourced from Islamic teachings, it is also institutionalized in the national legal system through the Marriage Law and Islamic Law Compilation (KHI).(Tanjung dkk., 2025)

However, in the midst of the complexity of modern society, the understanding of Islamic family law still faces serious challenges. The challenge is not only in the substance of the law,

but more in the way of understanding and interpreting the Islamic family law itself. Three fundamental problems that continue to repeat in academic discourse and social practice are: (1) the dominance of the textual approach in the interpretation of Islamic family law, (2) the gap between the formulation of classical fiqh and contemporary social reality and (3) the relationship between Islamic law and state law. These three problems are interrelated and contribute to the emergence of family law practices that are not always in line with the principles of justice and benefit.(Angkupi & Taufiq, 2025)

1) Dominant Textual Approach

The textual approach in Islamic law is a method of understanding that is oriented towards the literal meaning of the text of Al-Qur'an, Hadith, and the opinions of scholars in classical fiqh books. This approach historically plays an important role in maintaining the purity of Islamic teachings and preventing deviations in the establishment of the law. However, when the textual approach is used dominantly and exclusively, without dialogue with social context and legal purposes, then Islamic family law has the potential to lose its adaptability.

In Islamic family law, the dominance of the textual approach often makes fiqih understood as a set of normative rules that are final and not open to reinterpretation. In fact, fiqih is basically a product of human ijtihad that is greatly influenced by social conditions, culture, and community structure at the time of its formation. When the social context changes significantly, while the understanding of the law remains stagnant, then what happens is the tension between legal norms and the reality of family life.(Darna, 2021)

The textual approach also tends to separate the law from the social and human dimensions. In many cases, legal texts are used as legitimacy to defend practices that are no longer socially relevant or even have the potential to harm certain parties, especially women and children. For example, in the matter of husband-wife relations, textual interpretation that emphasizes the husband's unilateral authority often ignores the principle of mutuality (*mubadalah*) and relational justice which is the spirit of Islamic teachings.

In addition, a narrow textual approach is often unable to answer new problems that arise due to technological developments and social changes, such as divorce through digital media, distance marriage, or livelihood problems in families with equal economic roles. This condition shows that the reading of Islamic family law requires an approach that is not only normative, but also contextual and progressive.

Therefore, many contemporary studies encourage the integration of the approach of *maqaṣid al-syari'ah* and social fiqh in understanding Islamic family law. This approach does not deny the text, but places the text within the framework of legal goals, namely maintaining the benefit of the family, relationship justice, and protection against the weak. With this approach, Islamic family law can be understood as a living and dynamic legal system, not just a collection of static norms.(Majid, 2025)

2) The Gap between Fiqh and Social Reality

The second problem that is no less important is the gap between the formulation of classical fiqh and the social reality of contemporary society. The fiqh of the classical Islamic

family was born in a society with a patriarchal social structure, communal family relationships, and a legal system that has not been formally institutionalized. Meanwhile, modern society including Indonesian society has experienced major changes in family structure, gender roles, as well as the legal system and state administration.

This gap is clearly seen in various family law practices in the community, such as the increasing divorce rate, the rise of child marriage, the practice of marriage, as well as conflicts of custody and livelihood after divorce. In many cases, the normatively understood classical fiqh formulation is not able to provide a comprehensive solution because it does not consider the psychological, social, and positive legal factors that accompany the problem.(Samad, 2021)

In Indonesia, the gap between fiqh and social reality also appears in the tension between religious norms and state regulations. For example, the obligation to register marriages and settle divorces through religious courts is often seen as an administrative aspect only, even though the regulation aims to protect the legal rights of women and children. The non-contextual understanding of fiqh can actually encourage practices that are normatively considered legal, but socially causing disadvantages and legal uncertainty.

Furthermore, this gap is reinforced by the view that fiqih is a divine law that cannot be changed. Whereas, epistemologically, fiqih is the result of human reasoning towards the text of revelation, so it is relative and open to renewal. Therefore, bridging the gap between fiqh and social reality requires intellectual courage to do contextual ijtihad, involving a multidisciplinary approach that integrates law, sociology, and gender studies.(Harisi & Abdullah, 2024)

3) The relationship between Islamic Law and State Law

Islamic law is a set of norms sourced from Al-Qur'an, Sunnah, ijma', and ijtihad ulama, which regulates human relations with Allah and fellow human beings while state law is a positive law formed by state institutions that are authoritative and binding on all citizens in a certain area. The relationship between the two is an important issue in Muslim countries, especially in the fields of family law, marriage, inheritance, and religious justice.(Soge & Edy, 2025)

The relationship model of Islamic law and state law theoretically, can be classified into the following models:

1) Integralistic Model

Islamic law merges with state law and becomes the main source of national law formation. This model is generally found in countries that constitutionally declare themselves as an Islamic state, where sharia is the basis for legislation. The main characteristic is that Islamic law applies as the law of the state, and the state acts as an enforcer of sharia.(Rizwan dkk., 2023)

2) Symbiotic Model

Islamic law and state law affect each other and complement each other. The country is not completely based on sharia, but accommodates the values of Islamic law in laws and regulations. Examples of application: Codification of Islamic family

law in the form of laws, and Religious Courts as part of the national judicial system. This model is widely applied in countries such as Indonesia, Morocco, and Malaysia.(Medani, 2017)

3) Secularistic Model

Islamic law is positioned as a private or moral norm, not as a state law. The state strictly separates religion from the legal system. The impact is that Islamic law does not have a legally binding force and applies only as an ethical guideline or individual religious practice.(Ridwan, 2018)

The relationship in the context of the modern rule of law the relationship between Islamic law and state law is often Dialectical, not Confrontative. The state tries to maintain the sovereignty of national law, protect human rights, and adapt Islamic law to the constitution and the principle of social justice. As a result, not all classical fiqh provisions can be applied directly, but through the process of Adaptation, Codification, and Reinterpretation.(H. P. Ahmad, 2022a)

The relationship in the field of Islamic family law is the most real space for the meeting of Islamic law and state law because family law is directly related to the social life of the Muslim community, the state has an interest in orderly administration and protection of citizens. This is where instruments such as (Marriage Law, Compilation of Islamic Law, and Religious Justice) appear. State law functions as a Legal Framework, while Islamic law becomes a source of substantial values and norms.(Hendrianto dkk., 2025a)

The problem of this relationship cannot be separated from a number of problems, including: Differences in various fiqh interpretations with the needs of state laws that demand certainty, tensions between religious norms and human rights principles, especially related to gender and children's rights, limitations of contemporary ijtihad in answering modern social changes.

Contemporary Islamic law scholars offer approaches such as: Maqasid al-Shari'ah (shari'ah purpose), contextual Ijtihad, and Integration of the values of justice, benefit, and protection of rights. This approach allows Islamic law to remain relevant without losing legitimacy in the country's legal system.(Aslati dkk., 2024)

MAQASID SYARIA APPROACH AS A SOLUTION

The Maqaṣid al-Syari'ah approach offers a comprehensive conceptual framework in bridging the tension between the normative text of Islamic family law and the social dynamics of modern society. This approach sees Islamic law not only as a collection of formal rules that are static, but as a normative system that has a substantive purpose, which is to realize the benefit (*jalb al-maṣāliḥ*) and prevent harm (*dar' al-mafāsid*). With this framework, Islamic family law can be understood more contextually without having to give up its normative legitimacy.(Aslati dkk., 2024)

Maqaṣid al-Syari'ah provides a philosophical foundation in the development of Islamic family law that is adaptive to social changes. In the context of contemporary Muslim society, changes in family structure, gender relations, and demands for social justice demand a re-

reading of classical fiqh norms. The maqāṣid approach allows the reinterpretation of Islamic family law by emphasizing the purpose of justice, protection of human dignity, and family welfare as the core values of sharia.(Hendrianto dkk., 2025)

The basic principles of maqāṣid include; the protection of religion (*ḥifẓ al-dīn*), soul (*ḥifẓ al-nafs*), reason (*ḥifẓ al-'aql*), offspring (*ḥifẓ al-nasl*), and wealth (*ḥifẓ al-mal*) can be used as normative parameters in assessing the relevance and validity of Islamic family law. In practice, the principles of *ḥifẓ al-nasl* and *ḥifẓ al-nafs* become an important basis in the protection of women and children, the prevention of adverse marriages, and the enforcement of justice in the relationship between husband and wife.(Krishnani dkk., 2025)

The *maqaṣid* approach also functions as a methodological bridge between classical fiqh and modern social reality. By being oriented towards legal goals, the study of Islamic family law is not stuck in textual legalism, but is able to read the law as a living social instrument. This is in line with the sociological approach of Islamic law which sees law as the result of dialectics between norms and social practices in society.(Ahmad, 2022)

In the dynamics of modern law, such as the influence of human rights and the renewal of national law, the *maqaṣid al-syari'ah* approach plays an important role in bridging the relationship between Islamic law and state law. By focusing on the goals of sharia, this approach allows the inclusion of universal values such as justice, equality, and protection of vulnerable groups into Islamic family law, without neglecting the basic principles of sharia. Therefore, Islamic family law can still be understood as a relevant legal system and can be applied in the context of modern law.

In the field of Islamic law education, especially for S1 students of Islamic Family Law, the *maqaṣid al-syari'ah* approach functions as an epistemological instrument that strengthens critical analysis skills. This approach encourages students not to stop at textual understanding, but to understand the substantive purpose of Islamic family law. With the perspective of *maqaṣid*, students are expected to be able to respond to social problems contextually, rationally, and fairly, as well as be ready to face the complexity of Islamic family law practices in the midst of ongoing social changes.(Busriyanti dkk., 2025)

IMPLICATIONS FOR FAMILY LAW EDUCATION AND PRACTICE

The development of modern society which is characterized by the advancement of information technology, changes in social structure, and increased awareness of human rights carries significant implications for the education and practice of Islamic family law. Family law is no longer understood solely as a normative-theological norm, but also as a social instrument that must be able to answer contemporary problems contextually and fairly.(Ahmad, 2022)

a. Implications on Family Law Education

In the field of education, Islamic family law is required to be taught with a multidisciplinary approach. It is not enough to just be based on the study of classical fiqh, but also need to be associated with maqāṣid al-syarī'ah, positive law, sociology of law, and the

development of digital technology. This is important so that Islamic law students are able to understand family law comprehensively and respond to social reality.(Hendrianto dkk., 2025)

The family law education curriculum also needs to accommodate contemporary issues such as interfaith marriage, online marriage, women's and children's rights, and family law problems in cyberspace. This approach is in line with the view that Islamic law is dynamic and can adapt to changing times without leaving its basic principles.(Aslati dkk., 2024)

In addition, learning methods must be directed to strengthening students' critical thinking. Students are not only invited to memorize the opinions of the school, but also to analyze the differences in opinion of scholars and their relevance to the context of family law in Indonesia, especially in relation to the Compilation of Islamic Law (KHI) and religious court decisions.(Huda, 2025)

b. Implications towards Family Law Practice

In the practice of family law, the development requires law enforcement officers, especially religious court judges, to have a deep and contextual understanding. Judges not only act as "the mouthpiece of the law", but also as a law interpreter who considers the value of justice, benefit, and protection for vulnerable parties.(Musarrofa dkk., 2024)

The approach of *maqaṣid al-syari'ah* becomes very relevant in the practice of family law. Through this approach, legal decisions are not only oriented towards formal legality, but also towards the protection of religion, soul, reason, descent, and property. For example, in divorce cases, judges need to consider the psychological and social impact on children and the future of women after divorce.(Odi, 2025)

On the other hand, the practice of family law also faces new challenges due to digitalization, such as divorce through electronic media or marriage facilitated by online technology. This condition demands a more progressive legal ijtihad and synergy between Islamic law and positive law so that there is no legal vacuum.(Muharir & Lousada, 2024)

c. Integration of Education and Family Law Practice

The further implication is the need for a strong integration between the world of education and the practice of family law. Islamic universities are expected to be able to produce graduates who not only understand legal texts, but also have social sensitivity and professional ethics. This is important so that the practice of family law really reflects the value of substantive justice as the main purpose of Islamic sharia.(A. F. Ahmad dkk., 2025)

Thus, education and family law practice must run synergistically. A responsive education will give birth to progressive legal practitioners, while a fair legal practice will enrich the development of Islamic family law science in the future.(Imansyah dkk., 2020)

The implementation of education and the practice of Islamic family law among students cannot be separated from various difficulties and obstacles, whether academic, structural, and cultural. This obstacle affects the ability of students to understand, internalize, and apply Islamic family law contextually and applicatively.

a. Limitations Of Methodological Understanding

One of the main obstacles faced by students is the limited understanding of the methodology of Islamic law. Many students still understand Islamic family law textually and normatively, without the ability to analyze the social context and legal purposes (*maqaṣid al-syari'ah*). As a result, family law is seen as a rigid rule and difficult to implement in the reality of modern society.(Mudzhar, 2011)

This condition is aggravated by the weak mastery of *ushul fiqh* and the rules of *fiqhiyyah*, which should be the main analysis tool in understanding the dynamics of Islamic family law.

b. Dichotomy between Theory and Practice

Another significant obstacle is the gap between the theory learned in college and the practice of family law in religious justice institutions. Students tend to obtain theoretical learning, while the understanding of judicial practices, judge's decisions, and the reality of family law cases is still very limited. As a result, students have difficulty when they have to associate the concept of *fiqh munakahat* with real cases such as divorce, child custody, and division of common property which is decided based on Indonesian positive law.(Huda, 2025)

c. Lack of Contemporary Family Law Literacy

The next obstacle is the low literacy of students towards contemporary Islamic family law issues. The development of digital technology, such as online marriage, divorce through electronic media, and family law issues in cyberspace, have not been fully integrated into teaching materials. This causes students to be less prepared to face the increasingly complex problems of modern family law.(Lubis, 2019)

The limitations of cutting-edge references and the dominance of classical literature without critical reading are also factors that weaken the analysis skills of students.

4) The Influence of Patriarchal Culture and Gender Bias

In a social context, patriarchal culture is still a serious obstacle to the implementation of Islamic family law among students. Some students still see Islamic family law as the legitimacy of male superiority over female, so the value of justice and gender equality is difficult to understand objectively.(Ramadhani & Ulya, 2025)

This kind of view hinders a progressive understanding of Islamic family law, especially in issues such as women's rights to marriage, divorce, and child protection. In fact, the main purpose of sharia is to create justice and benefit for all family members.

5) Weak Curriculum Integration and Practical Experience

Another obstacle is the lack of integration between the Islamic family law education curriculum with practical experience, such as an internship in a religious court, a legal clinic, or a case study based on a court ruling. Without practical experience, students have difficulty understanding how Islamic family law is applied in a real and dynamic way.(A. F. Ahmad dkk., 2025)

This condition has an impact on the low readiness of students as prospective practitioners of Islamic family law who are able to bridge the normative values of sharia with positive legal demands and social reality.

4. CONCLUSION

Based on the results of research and discussion, it can be concluded that the problem of understanding Islamic family law in Islamic Family Law students is still dominated by a textual approach that places classical fiqh as the main reference without adequate contextual analysis. This condition creates a gap between the legal norms studied and the social reality of modern society, especially in the issues of marriage, divorce, gender relations, and the protection of women and children.

In addition, the relationship between Islamic law and state law is also a challenge in the understanding of students, especially in understanding the functions of positive law such as the Marriage Law and the Compilation of Islamic Law as an instrument of legal protection and substantive justice. The lack of integration between theory and practice, the lack of contemporary family law literacy, and the influence of patriarchal culture also strengthen the problem.

The maqasid al-syari'ah approach proved to be relevant as a methodological framework to overcome the problem of understanding Islamic family law. This approach allows family law to be understood more substantively, oriented towards sharia goals, and responsive to social dynamics and the development of modern law. Therefore, strengthening the maqāṣid approach becomes an urgent need in education and the practice of Islamic family law.

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