

Intergenerational Resilience and Family Law from the Maqasid al-Shariah Perspective

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Abstract

*Islamic family law faces new challenges as early marriage, economic vulnerability of families, and weak child protection post-divorce are viewed as interconnected chains of vulnerability affecting the sustainability of generations. Contemporary literature discusses family law within the framework of legislative reform, protection of women's and children's rights, and judicial implementation. At the same time, its role as a foundation for intergenerational resilience remains relatively limited. This article aims to analyse and construct the argument that Islamic family law serves as a vital foundation for intergenerational resilience from the perspective of maqasid al-shariah. This study is normative-doctrinal legal research with a philosophical-conceptual approach, utilising relevant literature on marriage age reform, inheritance, child protection, and family resilience. The findings indicate that regulations on marriage age support generative readiness, while inheritance and testament laws maintain economic continuity, and that child custody and maintenance shape the quality of care. These three dimensions emphasise the need to reinterpret *hifdz al-nasl* from merely preserving lineage to protecting the quality of sustainable generations. The article concludes that Islamic family law is a normative instrument oriented towards long-term resilience and recommends strengthening family policies that are more substantive, anticipatory, and perspective-oriented towards intergenerational resilience.*

Keywords: *Islamic family law; intergenerational resilience; maqasid al-shariah; hifdz al-nasl; child protection*

Abstrak

Hukum keluarga Islam menghadapi tantangan baru ketika perkawinan usia dini, kerentanan ekonomi keluarga, dan lemahnya perlindungan anak pasca perceraian dipahami sebagai mata rantai kerentanan yang memengaruhi keberlanjutan generasi. Dalam literatur kontemporer, hukum keluarga dibahas dalam kerangka reformasi legislasi, perlindungan hak perempuan dan anak, serta implementasi peradilan, sementara pembacaannya sebagai fondasi ketahanan antargenerasi masih relatif terbatas. Artikel ini bertujuan menganalisis dan mengonstruksi argumentasi bahwa hukum keluarga Islam berkedudukan sebagai fondasi penting bagi ketahanan antargenerasi dalam perspektif *maqasid al-shariah*. Studi ini merupakan penelitian hukum normatif-doktrinal dengan pendekatan filosofis-konseptual, menggunakan literatur yang relevan dengan reformasi usia perkawinan, kewarisan, perlindungan anak, dan ketahanan keluarga. Hasil penelitian menunjukkan bahwa regulasi usia perkawinan menopang kesiapan generatif, hukum kewarisan dan wasiat menjaga kesinambungan ekonomi, sedangkan *hadanah* dan nafkah anak membentuk kualitas pengasuhan. Ketiga dimensi tersebut menegaskan perlunya penafsiran ulang *hifdz al-nasl* dari pemeliharaan garis keturunan menuju perlindungan kualitas keberlanjutan generasi. Artikel ini menyimpulkan bahwa hukum keluarga Islam merupakan perangkat normatif yang berorientasi jangka panjang dan merekomendasikan penguatan kebijakan keluarga yang lebih substantif, antisipatif, dan berperspektif ketahanan antargenerasi.

Kata Kunci: *hukum keluarga Islam; ketahanan antargenerasi; maqasid al-shariah; hifdz al-nasl; perlindungan anak*

A. Pendahuluan

A key role in building social resilience is played by family law. The family serves as a private place for domestic connections and works as a vital institution underpinning the sustainability of societal life. In a larger sense, family law supports societal stability and national resilience in addition to serving as a crucial basis for family resilience.¹ It has been demonstrated that family resilience in times of crisis and parenting quality are correlated with the awareness and internalization of legal standards, especially Islamic law.² Therefore, family law cannot be regarded solely as a set of regulations governing domestic relations; rather, it is a normative framework that helps form the biological quality, economic balance, and character of generations in the long run.

When dealing with societal concerns that directly affect the future of the younger generation, it becomes even more crucial to comprehend family law as a normative framework. Studies on post-reform policies in Indonesia reveal that the practice of early marriage remains due to structural, social, and cultural factors. Consequently, legal reforms have not fully translated into substantive protection for children and the family institution.³ However, there are still concerns with gender prejudice, socioeconomic disparity, and the effectiveness of protecting children's rights in family law practice, especially when it comes to child custody (hadanah) conflicts and the aftermath of divorce.⁴ Divorce and child custody cases show how contextual socioeconomic variables have a significant impact on how family law is applied in local contexts. This emphasizes how formal-normative analysis is insufficient to assess the dangers of vulnerability endangering children and families. The current understanding of family law as only a reactive tool for resolving disputes is no longer sufficient; it requires a new interpretation to function as a normative basis, one that will decide whether future generations inherit structural fragility or resilience.

A survey of recent family law literature identifies a pattern in three major speech currents. The first focuses on changing family law laws, specifically with regard to the minimum marriage age and the underlying *maslahah* (public interest) justification.⁵ The second stream focuses on efforts to address gender bias in *hadanah* cases using the *maqasid al-shariah* method, as well as child safety and the best interests of the child principle.⁶ The third stream focuses on how family law is applied in court practice as well as

¹ Omar Aghbalou, "Family Law, Maqasid al-Shariah, and State Resilience: A Comparative Study of Legislative Reform in Muslim Jurisdictions," *Mazahibuna: Jurnal Perbandingan Mazhab*, 1 April 2026, 39–56, <https://doi.org/10.24252/mazahibuna.vi.64188>.

² Asrorun Niam Sholeh dkk., "The Awareness of Islamic Law as a Spiritual Factor in Family Resilience and Parenting Quality During the Covid-19 Era," *Journal of Indonesian Islam* 15, no. 2 (2021): 329–58, <https://doi.org/10.15642/JIIS.2021.15.2.329-358>.

³ Asep Saepullah dkk., "A Contemporary Socio-Legal Evaluation of Indonesia's Post-Reformation Child Marriage Policies," *MILRev: Metro Islamic Law Review* 4, no. 2 (2025): 1393–426, <https://doi.org/10.32332/milrev.v4i2.10322>.

⁴ Amer Hadi Abdullah dkk., "Effectiveness of Islamic Law in Protecting the Rights of the Child," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (2025): 330–54, <https://doi.org/10.29240/jhi.v10i1.12586>.

⁵ Abdul Rahim dkk., "Minimum Marriage Age in the Compilation of Islamic Law: A Progressive Ijtihad Based on *Maslahah Fardiyyah* and *A'liyyah*," *Jurnal Hukum Islam* 23, no. 2 (2025): 381–410, <https://doi.org/10.28918/jhi.v23i2.02>; Abdul Gaffar dkk., "Kedewasaan Usia Perkawinan Perspektif Hadis Nabi Muhammad Dengan Pendekatan Interkoneksi Maslahah," *Al-Manahij: Jurnal Kajian Hukum Islam* 15, no. 1 (2021): 83–98, <https://doi.org/10.24090/mnh.v15i1.3731>.

⁶ Achmad Kadarisman dkk., "Best Interest of the Child in Islamic Family Law: Integrating Maqasid Al-Shari'ah and Double Movement Theory in *Hadanah* Cases," *Jurnal Al-Dustur* 8, no. 2 (2025): 155–74, <https://doi.org/10.30863/aldustur.v8i2.10459>; Farida Nurun Nazah dkk., "Gender Justice in Child Custody Disputes: The Maqasid al-Shari'ah Approach in Contemporary Judicial Practice," *MILRev: Metro Islamic Law Review* 4, no. 2 (2025): 1328–58, <https://doi.org/10.32332/milrev.v4i2.10790>.

the larger social context, which includes custody dynamics and the interaction between sociocultural reality and legal standards.⁷ The main focus tends to be on modifying family law ties to match modern needs, notwithstanding the expanding discussions. As a result, family law has not yet been methodically framed in the literature as a normative framework that promotes intergenerational resilience.

Maqasid al-shariah has recently been used to reexamine family law discussions and issues. This strategy includes managing the relationship between Islamic normativity and state law, protecting the institution of the family, and reforming legislation. For example, the preservation of family interests within the framework of contemporary legislation is now included in the reinterpretation of the protection of lineage (hifdz al-nasl), which goes beyond a simple emphasis on maintaining the purity of lineage.⁸ Accordingly, the development of family law from the perspectives of sustainability and resilience is starting to show that family laws have a social purpose that goes well beyond simply settling marital disputes.⁹ The use of maqasid al-shariah in current literature is still dispersed among particular concerns, despite the importance of this change. It has not yet been combined into a comprehensive framework for applying intergenerational resilience to the interpretation of family law.

As family law is incorporated into larger discussions about sustainability, family resilience, and the long-term orientation of legal norms, the need for this integrative theoretical concept grows more pressing. Research on contextual family law practices shows how local reality, culture, and the living law in society are always interacting with legal norms.¹⁰ On the other hand, conceptual analysis of maqasid al-shariah is also beginning to affirm its potential as a goal-framing framework for sustainability-oriented behavior and policy.¹¹ Nevertheless, a systematic junction between three discursive domains—family law, the extended meaning of hifdz al-nasl (maintenance of lineage), and intergenerational resilience—has not yet been established in the literature. This creates an epistemic gap in the explanation of how rules pertaining to marriage, family economic balance, and holistic childrearing function as a normative basis for long-term, intergenerational protection.

This article uses a philosophical-conceptual method to give a normative-doctrinal legal analysis. The research material focuses on works that are pertinent to the protection of children's rights, inheritance legislation, marriage minimum age reform, and family resilience. The ratio legis and the goals of Sharia (maqasid al-Sharia) that underlie three key areas of focus—marriage age regulations, inheritance and testamentary laws, and child custody (hadanah) and maintenance (nafkah)—are revealed through normative analysis of

⁷ Norita Nasir dkk., "Environmental Sustainability and Contemporary Islamic Society: A Shariah Perspective," *Asian Academy of Management Journal* 27, no. 2 (2022): 211–31, <https://doi.org/10.21315/aamj2022.27.2.10>; Abdullah dkk., "Effectiveness of Islamic Law in Protecting the Rights of the Child"; Siti Ropiah dan Syafi'i Syafi'i, "Contextualized Islamic Family Law in Practice: Divorce and Child Custody Disputes in Cikarang, Indonesia," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 13, no. 1 (2026): 42–61, <https://doi.org/10.29300/mzn.v13i1.9058>.

⁸ Mustamam dkk., "Reinterpreting Hifz Al-Nasl in Contemporary Marriage Contracts: Navigating Islamic Normativity and State Law," *MILRev: Metro Islamic Law Review* 4, no. 2 (2025): 1258–80, <https://doi.org/10.32332/milrev.v4i2.11158>.

⁹ Aghbalou, "Family Law, Maqasid al-Shariah, and State Resilience."

¹⁰ Opik Rozikin dkk., "Contextualizing Maqasid Al-Shari'ah in Indigenous Legal Practices: A Comparative Study of Family Resilience in Kasepuhan Ciptagelar and Kampung Naga," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 25, no. 2 (2025): 344–62, <https://doi.org/10.19109/nurani.v25i2.27760>.

¹¹ Ali Mehellou dkk., "Maqasid Al-Shariah'ah as Goal Framing for Sustainable Behaviours: A Conceptual Framework," *Intellectual Discourse* 31, no. 1 (2023), <https://doi.org/10.31436/id.v31i1.1805>.

these materials. An argumentation framework for intergenerational resilience is then created by combining these three topics.

Based on this methodological approach, this essay tries to evaluate and create the thesis that Islamic family law serves as a crucial foundation for intergenerational resilience within the framework of maqasid al-shariah. It starts with the idea that family law should be revitalized as a protective tool that upholds the biological quality, economic continuity, and quality of childrearing for future generations rather than being normatively reduced to merely regulating modern domestic relations. The fundamental contribution of the article is to broaden the meaning of hifdz al-nasl (maintenance of lineage) from the conventional notion of upholding bloodlines to a more significant and forward-thinking normative framework for intergenerational resilience.

B. Regulations on Marriage Age and Generative Readiness

Family law treats marriage as more than just a formal legal occurrence when it comes to rules limiting the minimum age for marriage. As a significant institution, marriage requires a certain amount of maturity from both partners. The Compilation of Islamic Law's minimum marriage age, for example, is an example of progressive ijtihad based on the welfare of the individual (masalahah fardhiyyah) and the family (masalahah 'ailiyyah); as a result, its orientation goes beyond the legality of the marriage contract to include the protection of both the individual and the family.¹² Similarly, when examined from the standpoint of interrelated well-being, a mature age at marriage is highly correlated with psychological stability, physical maturity, and an understanding of the necessity of fulfilling societal obligations.¹³ On the other hand, structural poverty, the dominance of societal norms, and the poor execution of policies all contribute to the problem of marriage in Indonesia, especially underage marriage. As a result, laws governing marriage age effectively act as a preventive measure to reduce risks that jeopardize the quality of family formation from the start.¹⁴

Regulations pertaining to marriage age must be understood in a way that goes beyond simple administrative restrictions on when an individual may get married. These rules act as a normative screening mechanism to ensure generative preparedness, preventing the formation of families before potential partners have the functional ability to carry out reproductive and child-rearing duties and take on their obligations.¹⁵ It is confirmed that chronological age represents the minimal level of preparedness to create a strong family when the minimum age for marriage is based on the well-being of the person and the family—and connected to the idea of substantive maturity.¹⁶ As a result, the question of marriage age cannot be sufficiently addressed from the standpoint of the marriage contract's legality alone. In light of obstacles like marriage dispensations, sociocultural disparities, and the pressures of tradition, which frequently undercut the law's

¹² Rahim dkk., "Minimum Marriage Age in the Compilation of Islamic Law."

¹³ Gaffar dkk., "Kedewasaan Usia Perkawinan Perspektif Hadis Nabi Muhammad Dengan Pendekatan Interkoneksi Masalah."

¹⁴ Saepullah dkk., "A Contemporary Socio-Legal Evaluation of Indonesia's Post-Reformation Child Marriage Policies."

¹⁵ Bayu Dwi Prasetyawan dkk., "Maturity as a Parameter of Readiness and Prevention of Early Marriage Risks: Medical and Sociological Review of Family Law," *Indonesian Journal of Islamic Law* 7, no. 1 (2024): 89–104, <https://doi.org/10.35719/a4vc7d53>.

¹⁶ Iwan dkk., "Reconceptualizing the Marriage Age Limit in Indonesia: Efforts to Strengthen Family Resilience in North Sumatra," *Al-Manahij: Jurnal Kajian Hukum Islam*, 28 Juni 2024, 161–78, <https://doi.org/10.24090/mnh.v18i1.11090>; Rahim dkk., "Minimum Marriage Age in the Compilation of Islamic Law."

substantive protective objectives, it must be viewed as a part of a methodical effort to prevent the formation of vulnerable families from the outset.¹⁷

From the standpoint of maqasid al-shariah, this explanation and comprehension confirm that laws pertaining to marriage age cover at least three crucial aspects of protection. The first is biological and psychological protection (hifdz al-nafs wa al-aql), which prevents legal subjects from getting married before their mental and physical states are sufficiently developed.¹⁸ Second, the enhancement of institutional responsibility (al-masuliyah al-‘ailiyyah), which guarantees that the establishment of a household is focused on building a durable and adaptable social unit rather than merely fulfilling legal requirements.¹⁹ Third, preventive prevention against intergenerational vulnerability, since unprepared marriages increase the likelihood that fragility would be inherited by subsequent generations.²⁰ According to this viewpoint, the first pillar of the intergenerational resilience vision is marriage age laws. They make sure that the realization of hifdz al-nasl (maintenance of lineage) involves the quality of the generation's sustainability as well as the quantity of offspring.

C. Testament, Inheritance, and Economic Sustainability Across Generations

From an Islamic point of view, family law does not only govern the transfer of property rights upon death, as demonstrated by an examination of inheritance law, principles of wealth distribution, testamentary dispositions, and the ratio legis underlying the injunction against leaving heirs in a vulnerable state. Instead, it organizes the transfer of resources between generations to guarantee the family's financial stability and sustainability. Islamic inheritance law continuously engages in a dialectic with the many social institutions and living law in society to influence how the distribution of assets is understood and applied fairly in socio-legal practice.²¹ More broadly, societal stability and the preservation of the family institution play a crucial role in the legislative reform agenda. This emphasizes that the family's financial situation is an important factor that is inextricably linked to the endeavor to guarantee the sustainability of households and society as a whole.²² Therefore, the law of inheritance and wills is a manifestation of plans to guarantee the surviving heirs' continuous well-being rather than just a quantitative transfer of assets.

This interpretation affirms that the laws pertaining to wills and inheritance go well beyond the intricate, mathematical processes of wealth allocation. In order to keep family members from becoming economically vulnerable, which could endanger the survival of future generations, both act as normative frameworks controlling resource management.

¹⁷ Gaffar dkk., “Kedewasaan Usia Perkawinan Perspektif Hadis Nabi Muhammad Dengan Pendekatan Interkoneksi Masalah.”

¹⁸ Saepullah dkk., “A Contemporary Socio-Legal Evaluation of Indonesia’s Post-Reformation Child Marriage Policies.”

¹⁹ Nicolette V. Roman dkk., “Strengthening Family Bonds: A Systematic Review of Factors and Interventions That Enhance Family Cohesion,” *Social Sciences* 14, no. 6 (2025): 371, <https://doi.org/10.3390/socsci14060371>.

²⁰ Adéla Souralová dan Michaela Žáková, “‘Making vulnerability’ while negotiating family care practices: evidence from multigenerational living,” *Journal of Family Studies* 32, no. 1 (2026): 49–68, <https://doi.org/10.1080/13229400.2024.2415905>.

²¹ Arbanur Rasyid dkk., “Contestation of Customary Law and Islamic Law in Inheritance Distribution: A Sociology of Islamic Law Perspective,” *Al-Ahkam* 34, no. 2 (2024): 419–48, <https://doi.org/10.21580/ahkam.2024.34.2.20843>; Inna Ngazizah dan Chaula Lutfia, “Inheritance Distribution in Indonesia: Dialectics of Islamic Law and Social Relations,” *Online Journal of Research in Islamic Studies* 12, no. 2 (2025): 19–34, <https://doi.org/10.22452/ris.vol12no2.2>.

²² Mustamam dkk., “Reinterpreting Hifz Al-Nasl in Contemporary Marriage Contracts.”

The transfer of an estate upon death must be considered as a kind of protection guaranteeing the continuation of the family's essential duties when family law is viewed through the lens of family resilience. The availability of material assistance for the surviving generation is closely tied to family resilience, which also depends on healthy interpersonal relationships.²³ Sociologically speaking, inheritance practices—which often go through processes of mutual social negotiation—reinforce the idea that social dynamics, communal harmony, and the continuation of life over generations are intrinsically linked to the economic aspect of law.²⁴

According to the discursive structure described above, family law's economic component serves at least three crucial purposes. First, by making sure that the transfer of asset ownership does not leave successors in a situation of material vulnerability, it helps to prevent the perpetuation of structural poverty. Second, by portraying resource distribution as an intergenerational duty rather than just a logical legal consequence of death, it strikes a balance in family welfare. Third, it increases integrative economic resilience; a family with a well-established distribution and material protection system has a much higher ability to adaptively maintain the ecology of future generations. Inheritance and bequests are elevated from technical-legal aspects of family law to a second pillar that promotes intergenerational resilience through this philosophical interpretation. They make sure that the idea of *hifdz al-nasl* (preservation of lineage) grows significantly to protect the continuation of the lineage's material basis and social life rather than stagnating at the level of biological reproduction alone.²⁵

D. Hadanah, Livelihood of Children, and the Development of Generational Quality

A paradigm shift is shown by a critical examination of the notion of *hadanah* (child custody), the duty to pay child support, the requirements for a custodian, and the idea of the child's wellbeing. Family law sees custody as a protective mechanism for the kid, a legal subject with fundamental rights to proper care, upbringing, and growth, rather than only as a parental prerogative. The concept of the "best interests of the child" is used to interpret *hadanah* in Islamic family law. This shift suggests that judicial decisions are now focused on the child's substantive interests rather than the formal legal rights of the parents.²⁶ According to this discourse, even though the actual application of Islamic law frequently conflicts with empirical reality, the protection of children's rights is acknowledged as a critical foundation for the efficacy of Islamic law.²⁷ A socio-legal analysis of Sharia court decisions in Malaysia further supports the importance of this principle by showing that, rather than being determined exclusively by biological ties or the authority of the mother or father, the enforcement of judgments in *hadanah* (child custody) disputes is influenced by evaluations of the caregiver's suitability and calculations regarding the child's best interests.²⁸

²³ Yusmita dkk., "Legal Pluralism and the Transformation of Islamic Inheritance Law: A Study of Sasak Customary Practices in Indonesia," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (2025): 831–52, <https://doi.org/10.29240/jhi.v10i2.12500>.

²⁴ Aghbalou, "Family Law, Maqasid al-Shariah, and State Resilience."

²⁵ Devika Rosa Guspita dkk., "The Principle of Family Resilience in Islamic Law and Its Relevance to Cilegon's Regional Regulation Number 1/2019," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 25, no. 1 (2025): 20–32, <https://doi.org/10.30631/alrisalah.v25i1.1821>.

²⁶ Kadarisman dkk., "Best Interest of the Child in Islamic Family Law."

²⁷ Abdullah dkk., "Effectiveness of Islamic Law in Protecting the Rights of the Child."

²⁸ Nasir dkk., "Environmental Sustainability and Contemporary Islamic Society."

Thus, child custody (hadanah) and the obligation of child maintenance must be conceptualized as normative safeguards ensuring that a child's developmental trajectory is not left adrift amidst the hegemony and power dynamics of parental relationships. Instead, the process is precisely guided by the principle of the child's best interests, aiming to create an ecosystem for growth and development that is safer, more equitable, and dignified. Islamic family law obviously moves toward a more progressive paradigm of child protection and well-being when the best interests of the child form the basis of legal reasoning²⁹ and the *maqasid al-shariah* method is used to dismantle gender prejudice in custody disputes.³⁰ In reality, divorce and custody issues are more than just interpersonal conflicts; rather, they represent a crucial setting where the child's resilience and future care are actively shaped.³¹

This discursive aspect confirms that Islamic family law's protective mechanisms function across a minimum of three functional locations. First, by using the child's best interests as the standard for deciding custody and care, it places the kid at the center of protection (child-centered protection).³² Second, rebuilding criteria for the quality of caregiving. The realization of children's fundamental rights is directly impacted by caregiver capacity, gender equity awareness, and socioeconomic support networks.³³ Third, maintaining child care is a crucial starting point for developing human capacity. A child's biological and mental health could be compromised by inadequate care and material assistance, putting them at risk for structural vulnerabilities that could endanger their long-term development.³⁴ In summary, the third pillar of the idea of intergenerational resilience consists of child custody and the legal payment of child support. When taken as a whole, they guarantee that the preservation of progeny (hifdz al-nasl) serves as a mechanism for protecting the quality of growth and development of the generations that will inherit society's future.

E. Reinterpretation of Hifdz al-Nasl and Its Implications for Intergenerational Resilience

Family law, especially from an Islamic perspective, offers a multifaceted framework for protection, as demonstrated by an examination of rules pertaining to marriage age, inheritance, and wills, as well as child custody and maintenance. By preventing the first family formation from taking place in the lack of biological, psychological, or social maturity, marriage age laws promote generative preparedness.³⁵ However, by controlling the transfer of resources between generations, rules pertaining to inheritance and wills

²⁹ Kadarisman dkk., "Best Interest of the Child in Islamic Family Law."

³⁰ Nazah dkk., "Gender Justice in Child Custody Disputes."

³¹ Ropiah dan Syafi'i, "Contextualized Islamic Family Law in Practice."

³² Kadarisman dkk., "Best Interest of the Child in Islamic Family Law"; Mujaddid Abdullah, "Maqasid Sharia and Social Development: An Inquiry into Jamaluddin Athiyah's Renewal Paradigm," *UMRAN - Journal of Islamic and Civilizational Studies* 12, no. 2 (2025): 67–78, <https://doi.org/10.11113/umran2025.12n2.757>.

³³ Nazah dkk., "Gender Justice in Child Custody Disputes"; Nasir dkk., "Environmental Sustainability and Contemporary Islamic Society."

³⁴ Abdullah, "Maqasid Sharia and Social Development"; Ropiah dan Syafi'i, "Contextualized Islamic Family Law in Practice."

³⁵ Rahim dkk., "Minimum Marriage Age in the Compilation of Islamic Law"; Gaffar dkk., "Kedewasaan Usia Perkawinan Perspektif Hadis Nabi Muhammad Dengan Pendekatan Interkoneksi Masalah"; Saepullah dkk., "A Contemporary Socio-Legal Evaluation of Indonesia's Post-Reformation Child Marriage Policies."

protect the family's financial stability and keep heirs from becoming financially vulnerable.³⁶ In the meantime, child custody (*hadanah*) and maintenance requirements concentrate on providing high-quality care—by respecting the child's best interests and the caregiver's qualifications—as a crucial basis for the development of the following generation.³⁷ As a result, the application of Islamic family law principles does not take place in a vacuum; rather, it takes the form of three interconnected levels of integrative protection that strengthen intergenerational resilience.

The importance of such safety has grown more crucial in a social setting. The problems that the family institution is currently confronting are no longer limited to discrete legal instances; rather, they have the potential to create a series of structural weaknesses that are passed down through the generations. For example, early marriage, which is closely associated with poverty, social inequality, and the dominance of cultural norms, has not been adequately addressed by Indonesia's post-reform programs. As a result, the harmful effects of this behavior are not limited to the couple in question; they are also directly passed on to their offspring and the families that are subsequently created.³⁸ A child's future resilience is also greatly influenced by how legal instruments are applied in practice, as evidenced by divorce conflicts, which are characterized by gender prejudice, inadequate protections for children's rights, and an application of the law that is unduly accommodating to local settings.³⁹ It is therefore methodologically necessary to reframe family law within the framework of intergenerational resilience. Concerns about marriage, the economy, and the defense of children's rights must be examined as interrelated links in a web of social vulnerability rather than as discrete legal episodes.

By claiming that the notion of *hifdz al-nasl* is no longer sufficient if restricted just to the maintenance of lineage purity and the continuation of demographic reproduction, this paper theoretically undermines conventional understandings. In fact, a more inclusive discourse space on the preservation of the family institution has been made possible by a reinterpretation of *hifdz al-nasl* inside family law, especially at the nexus of Islamic normativity and the encroachment of state law.⁴⁰ By presenting *hifdz al-nasl* (preservation of lineage) as a comprehensive protective framework for the sustainable quality of future generations, this essay promotes expanding that idea even further. In order to create a cohesive normative vision, this construct incorporates guarantees of material-economic security, reproductive readiness, and practical parenting techniques. Through this paradigm, Islamic family law transforms from a simple protection of biological existence into a forward-thinking legal system that ensures future generations are born, develop, and flourish within a resilient and just ecosystem.

This discussion demonstrates that the idea of justice in Islamic family law is still applicable today and even goes beyond the present. The family is now acknowledged as a fundamental institution bearing a historical trust toward future generations, rather than being strictly considered as a unit requiring control to promote peaceful domestic relations among existing members. According to the Islamic legal paradigm of family resilience, a

³⁶ Yusmita dkk., "Legal Pluralism and the Transformation of Islamic Inheritance Law"; Guspita dkk., "The Principle of Family Resilience in Islamic Law and Its Relevance to Cilegon's Regional Regulation Number 1/2019."

³⁷ Abdullah, "Maqasid Sharia and Social Development"; Kadarisman dkk., "Best Interest of the Child in Islamic Family Law."

³⁸ Saepullah dkk., "A Contemporary Socio-Legal Evaluation of Indonesia's Post-Reformation Child Marriage Policies."

³⁹ Nazah dkk., "Gender Justice in Child Custody Disputes"; Ropiah dan Syafi'i, "Contextualized Islamic Family Law in Practice."

⁴⁰ Mustamam dkk., "Reinterpreting Hifz Al-Nasl in Contemporary Marriage Contracts."

family's quality is linked to the social order's sustainability and the ability of future generations to lessen disasters.⁴¹ Therefore, a single philosophical thread—the preventive mitigation of systemic vulnerabilities that could lead to the collapse of society continuity—fundamentally connects the minimum age for marriage, the distribution of wealth, and the ability to raise children. At this point, Islamic family law appears as a system based on intergenerational obligation principles.

This essay shows that family law actually acts as a strategic meeting point for the discourse on social resilience, maqasid al-shariah, and family law reform, in contrast to earlier research that tends to regard these topics as distinct entities.⁴² While studies on child custody (hadanah) have mostly focused on the discourse surrounding the "best interests of the child," the deconstruction of gender bias, or issues concerning the effective realization of children's rights, previous research on the reform of the legal age of marriage has generally focused on justifications based on public interest (maslaha) and legislative harmonization.⁴³ However, conceptual research on maqasid al-shariah and family resilience frequently ends at overly abstract macro-level societal resilience narratives.⁴⁴ This paper deviates from this trend by creatively organizing these three discursive domains into an integrated viewpoint that places family law as the main pillar influencing the caliber and resiliency of next generations.

It follows that the discussion of Islamic family law reform should no longer be focused on settling current household conflicts or reactive legal-administrative difficulties. The direction of change must be steered toward public policy formulation, the creation of judicial interpretations, and the establishment of regulatory tools that are more substantive, anticipatory, and oriented toward intergenerational resilience. Within this framework, the regulation of inheritance law must be positioned within a grand design for the long-term well-being of the family; child protection standards that are consistent and sensitive to substantive justice must guide matters of child custody (hadanah) and maintenance (nafkah); and changes to the age of marriage must be interpreted as a safeguard for reproductive readiness rather than a simple compromise on age limits. In theory, this method justifies the effectiveness of maqasid al-shariah as a "goal-framing framework"—a framework that guides family law toward the achievement of long-term civilizational values.⁴⁵ Thus, Islamic family law can be revitalized not merely as a reactive instrument for regulating domestic relations, but as a robust normative foundation for generational continuity and global social stability.

F. Penutup

When examined from the perspective of **maqāṣid al-sharīʿah**, or the goals of Islamic law, Islamic family law becomes more than just a collection of regulations governing modern household relationships. It is a normative framework that methodically

⁴¹ Guspita dkk., "The Principle of Family Resilience in Islamic Law and Its Relevance to Cilegon's Regional Regulation Number 1/2019"; Sholeh dkk., "The Awareness of Islamic Law as a Spiritual Factor in Family Resilience and Parenting Quality During the Covid-19 Era."

⁴² Rahim dkk., "Minimum Marriage Age in the Compilation of Islamic Law"; Gaffar dkk., "Kedewasaan Usia Perkawinan Perspektif Hadis Nabi Muhammad Dengan Pendekatan Interkoneksi Maslahah."

⁴³ Kadarisman dkk., "Best Interest of the Child in Islamic Family Law"; Nazah dkk., "Gender Justice in Child Custody Disputes."

⁴⁴ Rozikin dkk., "Contextualizing Maqasid Al-Shari'ah in Indigenous Legal Practices"; Guspita dkk., "The Principle of Family Resilience in Islamic Law and Its Relevance to Cilegon's Regional Regulation Number 1/2019."

⁴⁵ Mehellou dkk., "Maqasid Al-Shariah'ah as Goal Framing for Sustainable Behaviours."

promotes and protects intergenerational resilience. Family law guarantees reproductive readiness through marriage age regulations; it ensures economic continuity through inheritance and bequest instruments; and it shapes the quality of caregiving—a critical component of future generations' resilience—through concepts like **hadanah** (child custody) and the obligation of **nafkah** (financial maintenance). As a result, Islamic family law serves as a preventive measure against biological, material, and social weaknesses in future generations in addition to being a means of settling current conflicts.

The attempt to broaden the concept of *hifdz al-nasl* from a conventional paradigm centered on the maintenance of lineage to a framework for the comprehensive safeguarding of the quality of generational continuity is the article's innovation and theoretical contribution. In this view, *hifdz al-nasl* is expanded to include the preservation of the essential conditions for a generation to flourish in a respectable ecosystem—namely, reproductive maturity, economic stability, and appropriate parenting—rather than being limited to the protection of genealogical purity and biological continuity. This essay suggests a more cohesive epistemological connection between the structure of Islamic family law, the logic of *maqāṣid al-sharīʿah*, and an idea of intergenerational resilience based on this line of reasoning. Family law can now be recast as a normative framework with a long-term goal that goes beyond the simple settlement of domestic conflicts thanks to this integration.

Although a thorough theoretical framework has been developed, this study recognizes the inherent limits resulting from its normative-doctrinal approach; as a result, the suggested conceptual framework has not been experimentally tested. In order to assess the degree to which this discourse on intergenerational resilience appears in the procedures of Religious Courts, the creation of public policy, and the sociological reality of modern Muslim households, more research is strongly advised. Future research themes can concentrate on a socio-legal analysis of how well intergenerational wealth distribution, marriage age limitations, and the protection of children's rights enhance the family institution's resilience in a variety of social circumstances. The normative paradigm put out in this article can be regularly examined, improved, and used correctly through such empirical dialectics.

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