

Rethinking *Maqāṣid al-Sharī'a* in Marital Relations: A Systems Approach to Female Migrant Worker Families

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Abstract: Classical discussions of marital relations in Islamic law generally assume physical co-residence and a stable domestic structure in which rights and obligations between husband and wife are clearly defined. This assumption becomes increasingly problematic in the context of female migrant worker families, where geographical separation and economic restructuring transform conventional marital roles. This article examines the theoretical tension between normative interpretations of *maqāṣid al-sharī'a* and the lived realities of Female Migrant Worker Families. Using the *maqāṣid*-based systems approach developed by Jasser Auda, this study employs a qualitative conceptual-normative method through descriptive-interpretative analysis of Qur'anic verses (Q. 2:228; 4:19; 4:34; 30:21), relevant *hadiths*, and classical as well as contemporary Islamic legal scholarship. The analysis explores how justice, authority, and marital responsibility are renegotiated under conditions of long-distance marriage and female labor migration. The findings demonstrate that classical role-based interpretations of marital obligations are insufficient to address the complex realities of female migrant worker families. A systems-oriented *maqāṣid* framework instead conceptualizes marital relations as dynamic, relational, and purpose-driven, prioritizing justice (*'adl*), mutual care, and human dignity over fixed hierarchical roles. This study contributes conceptually by repositioning *maqāṣid al-sharī'a* from a normative doctrine into an adaptive ethical framework capable of responding to contemporary socio-economic transformations in Muslim family life.

Keywords: *Islamic family law, maqāṣid al-sharī'a, female migrant workers, marital roles.*

Abstrak: Pembahasan klasik mengenai relasi perkawinan dalam hukum Islam pada umumnya berasumsi adanya ko-residensi fisik dan struktur domestik yang stabil, di mana hak dan kewajiban antara suami dan istri didefinisikan secara jelas. Asumsi ini menjadi semakin problematis dalam konteks keluarga pekerja migran perempuan, di mana keterpisahan geografis dan restrukturisasi ekonomi mengubah peran-peran perkawinan yang konvensional. Artikel ini mengkaji ketegangan teoretis antara interpretasi normatif terhadap *maqāṣid al-sharī'a* dan realitas kehidupan Keluarga pekerja migran perempuan. Dengan menggunakan pendekatan sistem berbasis *maqāṣid* yang dikembangkan oleh Jasser Auda, penelitian ini menerapkan metode kualitatif konseptual-normatif melalui analisis deskriptif-interpretatif terhadap ayat-ayat Al-Qur'an (Q.S. 2:228; 4:19; 4:34; 30:21), hadis-hadis yang relevan, serta literatur hukum Islam klasik dan kontemporer. Analisis ini mengeksplorasi bagaimana keadilan, otoritas, dan tanggung jawab perkawinan dinegosiasikan kembali dalam kondisi perkawinan jarak jauh dan migrasi tenaga kerja perempuan. Temuan penelitian menunjukkan bahwa interpretasi klasik yang berbasis pada pembagian peran yang kaku tidak memadai untuk menjelaskan kompleksitas realitas keluarga pekerja migran perempuan. Sebaliknya, kerangka *maqāṣid* yang berorientasi sistem memandang relasi perkawinan sebagai hubungan yang dinamis, relasional, dan berorientasi pada tujuan, dengan menekankan nilai keadilan (*'adl*), kepedulian timbal balik, dan martabat manusia di atas pembagian peran yang hierarkis. Penelitian ini memberikan kontribusi konseptual dengan mereposisi *maqāṣid al-sharī'a* dari sekadar doktrin normatif menjadi kerangka etis yang adaptif dalam merespons transformasi sosial-ekonomi kontemporer dalam kehidupan keluarga Muslim.

Kata kunci: *hukum keluarga Islam, maqāṣid al-sharī'a, pekerja migran perempuan, peran perkawinan.*

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Introduction

Marriage in Islam is commonly understood as a sacred institution aimed at realizing a family life characterized by tranquility, affection, and compassion (*sakinah, mawaddah, wa rahmah*).¹

Classical Islamic legal discourses on marriage emphasize a complementary relationship between husband and wife, structured through a relatively stable division of rights and obligations grounded in Qur'anic guidance and prophetic tradition.² These discussions generally presume physical co-residence, continuous interaction, and a clear domestic hierarchy, with the husband positioned as the primary provider and head of the household and the wife as the central manager of domestic life.³

However, such normative assumptions become increasingly problematic in contemporary socio-economic contexts marked by labor migration, particularly in the case of female migrant workers.⁴ In many Muslim societies, women migrate abroad for extended periods to support their families economically, resulting in prolonged marital separation and the reconfiguration of everyday marital roles.⁵ This condition raises

critical questions about how classical formulations of marital authority, responsibility, and obedience can be meaningfully applied when wives become the primary breadwinners while husbands remain at home, often assuming domestic roles traditionally assigned to women.⁶

Existing studies on Islamic family law tend to approach marital relations through doctrinal analysis of rights and obligations or through normative interpretations of Qur'anic verses such as Q. 2:228, Q. 4:19, Q. 4:34, and Q. 30:21.⁷ While these studies provide valuable ethical and legal foundations, they often treat marital roles as fixed and universal, with limited engagement with the lived realities of transnational Muslim families.⁸ Similarly, research on female migrant workers frequently focuses on economic contribution, family resilience, or social vulnerability, but rarely engages Islamic legal and maqāsid-based frameworks as dynamic interpretive tools.⁹

This article argues that the core problem

Taiwan." *JURIS (Jurnal Ilmiah Syariah)* 24, no. 2 (2025): 369–380. <https://doi.org/10.31958/juris.v24i2.16348>

⁶ Chanifah, Nur, Fahd bin Mohana bin Salim al-Ahmadi al-Ahmadi, Abu Samsudin, Nurul Islami, dan Muhammad Najih Vargholy. "Digital Transformation of Fiqh Education: A Transnational Perspective on Indonesian Migrant Workers' Rights in the United Arab Emirates." *Justicia Islamica: Jurnal Kajian Hukum dan Sosial* 23, no. 1 (2026). <https://doi.org/10.21154/justicia.v23i1.12454>

⁷ Rustamaji, Muhammad, Shalih Mangara Sitompul, Aldi Rizki Khoiruddin, dan Alarico Mendonca Tilman. "The Indonesian Migrant Workers in the Shackles of Agamben's Biopolitics Point of View." *Jurnal Hukum* 41, no. 3 (2025). <https://doi.org/10.26532/jh.v41i3.44016>

⁸ Dawoud Sudqi El Alami, *The Marriage Contract in Islamic Law in the Shari'ah and Personal Status Laws of Egypt and Morocco*, vol. 6 (Brill, 2023).

⁹ Jafar, Wahyu Abdul, Alamsyah, Maimun, Muhammad Zaki, dan Siti Mahmudah. "Gender Justice in the Concept of Iddah: A Contextual Reading of Al-Kasani's Thought for Working Women in Indonesia." *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi dan Keagamaan* 12, no. 2 (2025): 406–419. <https://doi.org/10.29300/mzn.v12i2.7683>

¹ Qodariah Barkah et al., "Abandonment of Women's Rights in Child Marriage; An Islamic Law Perspective," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (2022): 383–411.

² Marzieh Mashalpoore Fard, "The Relationship between Family Communication Patterns and Adjustment with Resiliency in Children," *Journal of Research and Health* 10, no. 4 (2020): 267–74.

³ Mursyid Djawas et al., "Creating Family Resilience in Indonesia: A Study of 'Marriage Guidance' Program in Aceh and South Sumatera," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 1 (2022): 299–324.

⁴ Kementerian Agama RI, *Al-Qur'an Dan Tafsirnya: Edisi Yang Disempurnakan* (Widya Cahaya, 2011).

⁵ Guspita, Devika Rosa, Muflih Ma'mun, Ahmad Hilmi, Mohamad Ghozali, dan Hastowohadi. "Moral Agency under Legal Precarity: Islamic Ethical Resilience among Indonesian Muslim Women Migrant Workers in

lies not in the Qur'anic texts themselves, but in the limitations of classical, role-based interpretations of marital relations when confronted with structurally transformed family arrangements. From a maqāṣid al-sharī'a perspective, this situation generates a theoretical tension: how can the higher objectives of Islamic law such as justice (*'adl*), welfare (*maṣlahah*), human dignity, and family stability be realized in family structures that no longer conform to traditional assumptions of co-residence and gendered division of labor?

To address this tension, this study employs Jasser Auda's maqāṣid-based systems approach, which conceptualizes Islamic law as open, multidimensional, and context-sensitive rather than rigidly rule-centered. By applying this framework, the article rethinks marital relations in female migrant worker families not as deviations from an ideal norm, but as complex systems requiring ethical recalibration.¹⁰ The central research question guiding this study is: how can marital rights and obligations be reconceptualized through a systems-oriented maqāṣid framework to respond to the realities of female migrant worker families without undermining the ethical foundations of Islamic family law?

By positioning female labor migration as a legal-philosophical challenge rather than a peripheral social issue, this article contributes to international debates on Islamic family law, gender, and maqāṣid by offering a conceptual shift from static role-based norms toward a

relational, purpose-driven understanding of marriage.¹¹ This approach allows maqāṣid al-sharī'a to function not merely as a moral justification of existing norms, but as an adaptive ethical framework capable of engaging contemporary transformations in Muslim family life.

The verse above explains that a woman must obey her husband as long as her husband does not invite her to do things that are forbidden by Allah SWT. Or do sinful things that make the wife fall into the wrong path. In addition, there are several hadiths that discuss the obligations carried out by husbands and wives and the rights obtained by husbands and wives. including:

"Has told us Al Hasan bin Ali Al Khallal, has told Al Husain bin Ali Al Ju'fi from Za'idah from Syabib bin Gharqadah from Sulaiman bin Amr bin Al Ahwash said; My father told me that he performed the hajj wada' with the Prophet sallallaahu 'alaihi wasallam. He prayed and praised Allah, he gave reminders and advice. He narrated the story in his hadith, then said: "Know, be kind to women, because they are your prisoners. You have no right over them more than that, unless they commit truly heinous acts. If they do, stay away from them in bed and hit them with blows that don't hurt. If they obey you, then don't look for ways to trouble them. Know that you have rights over your wives and your wives have rights over you You are not allowed to put someone you hate into your bed. You are not allowed to let someone you hate into your house know; them." Abu Isa said; "This is an

¹⁰ Rozikin, Opik, Oyo Sunaryo Mukhlas, Aden Rosadi, Ine Fauzia, Muharir, Hisam Ahyani, dan Nurul Ilyana Muhd Adnan. "Contextualizing Maqāṣid al-Sharī'ah in Indigenous Legal Practices: A Comparative Study of Family Resilience in Kasepuhan Ciptagelar and Kampung Naga." *Nurani: Jurnal Kajian Syariah dan Masyarakat* 25, no. 2 (2025): 344–362. <https://doi.org/10.19109/nurani.v25i2.27760>

¹¹ Muttaqin, Muhamad Zaenal, Ahmad Ibrizul Izzi, Reza Fauzi Nazar, Shohibul Wafa Tadzul Arifin, dan Muhamad Yogi Sandra. "Ibn 'Ashūr's Maqāṣid al-Sharī'ah and Its Potential to Strengthen Harmonious Family Values in Contemporary Muslim Societies." *MilRev: Metro Islamic Law Review* 5, no. 1 (2026). <https://doi.org/10.32332/milrev.v5i1.10480>

authentic Hasan hadith. The meaning of 'Awaanun' is; they are your prisoners.”

In another hadith it is stated as follows:¹² “Has told us Muhammad bin 'Amr Ar Razi, has told us Jarir, from Al A'masy, from Abu Hazim, from Abu Hurairah from the Prophet sallallahu 'alaihi wasallam, he said: "When a man calls his wife to his bed (asking to have sexual intercourse), then the wife refuses and does not come to him so that her husband spends the night (sleeping) in a state of anger, then the angel will curse him until morning.”

According to the four imams of the school of thought, the husband has rights that are obligations for the wife. The wife has an obligation to obey her husband.¹³ According to the school of thought, Imam Syafi'i explains that the wife is not obliged to cook, wash and other forms of activity. Because a wife is obliged to fulfill sexual needs, while other services are not obligatory.¹⁴ According to the Maliki school of thought, a husband is obliged to serve his wife. Although a wife has an obligation to serve her husband, a husband can also help his wife by providing a maid to complete housework.¹⁵ According to the Hanbali school of thought, a wife is not obliged to serve her husband other than sexual services, other than that it is not a wife's obligation.

According to the Hanafi school of thought, if a husband brings food ingredients to be processed, but the wife cannot cook

them, then the husband is not allowed to force his wife to cook them. In the sense that the wife cannot be forced to take care of household needs by her husband.¹⁶ The rights and obligations of husband and wife in domestic life can be seen in Law no. 1 of 1974 which is regulated in Articles 30 to 34 as follows:¹⁷

1. Article 30 reads: Husband and wife bear the noble obligation to uphold the household which is the basis of the social order.
2. Article 31 reads: 1) The rights and position of the wife are balanced with the rights and position of the husband in the household and in social life together in society. 2) Each party has the right to carry out legal acts. 3) The husband is the head of the family and the wife is the housewife.
3. Article 32 reads: 1) The husband must have a permanent residence. 2) The residence referred to in paragraph (1) of this article is determined by the husband and wife together.
4. Article 33 reads: 1) Husband and wife must love each other, respect each other, be faithful, and provide physical and spiritual assistance to each other.
5. Article 34 reads: 1) The husband must protect his wife and provide all the necessities of household life according to his ability. 2) The wife must manage household affairs as well as possible. 3) If

¹² Hadits Sunan Abu Daud:1829, n.d.

¹³ Hammad, Hamza Abed Al-Karim. “Revisiting the Concept of Nusyūz: A Recontextualised Understanding in Contemporary Marital Life.” *Nusantara: Journal of Law Studies* 4, no. 2 (2025): 143–156. <https://doi.org/10.5281/zenodo.17345680>

¹⁴ Eka Rahmi Yanti and Rita Zahara, “Hak Dan Kewajiban Suami Istri Dan Kaitan Dengan Nusyuz Dan Dayyuz Dalam Nash,” *Jurnal Takammul* 9, no. 1 (2020).

¹⁵ Oussama Arabi, *Studies in Modern Islamic Law and Jurisprudence*, vol. 21 (Brill, 2021).

¹⁶ Atun Wardatun and Bianca J. Smith, “Woman-Initiated Divorce and Feminist Fiqh in Indonesia: Narrating Male Acts of Nushūz in Marriage,” *Ulumuna* 24, no. 2 (2020): 266–95, <https://doi.org/10.20414/ujs.v24i2.416>.

¹⁷ Mufrod Teguh Mulyo et al., “The Power of Husband-Wife Communication in Building Family Resilience and Preventing Divorce: A Study of Maşlahah Mursalah,” *Al-Manahij: Jurnal Kajian Hukum Islam*, August 23, 2023, 125–36, <https://doi.org/10.24090/mnh.v17i2.7651>.

the husband or wife neglects their respective obligations, they can file a lawsuit with the court.

Law Number 1 of 1974 requires the husband to guide, protect, and fulfill all household needs as best as possible, the husband is also obliged to carry out religious lessons, is obliged to provide a living, *kiswah*, housing, medical expenses and care for his wife, and education to care for children.¹⁸ While in the Compilation of Islamic Law which explains the issue of husband and wife rights and obligations is contained in Articles 77 to 84, namely:

1. Article 77 reads: 1) Husband and wife bear the obligation to uphold a household that is *sakinah*, *mawaddah* and *rahmah* which is the basic foundation and structure of society¹⁹. 2) Husband and wife are obliged to love each other, respect each other, be faithful and provide physical and spiritual assistance to each other. 3) Husband and wife are obliged to bear the obligation to care for and maintain their children, both regarding their physical, spiritual and intellectual growth and religious education. 4) Husband and wife are obliged to maintain their honor. 5) If the husband or wife is negligent in carrying out their respective obligations, they can file a lawsuit with the Religious Court.
2. Article 78 reads: 1) Husband and wife must have a permanent residence.²⁰ 2) The

residence in question is determined by the husband and wife together.

3. Article 79 reads: 1) The husband is the head of the family and the wife is the housewife.²¹ 2) The rights and position of the wife are balanced with the rights and position of the husband in household life and social life together in society. 3) Each party has the right to carry out legal acts.
4. Article 80 reads: 1) The husband is the guide for his wife and household, regarding important household matters decided by the husband and wife together.²² 2) The husband is obliged to protect his wife and provide all the necessities of household life according to his ability. 3) Husbands are obliged to provide religious education to their wives and provide opportunities to learn knowledge that is useful and beneficial to the religion of the country and the nation. 4) According to his income, the husband bears: a) Support, *kiswah* and residence for the wife b) Household costs, maintenance and medical costs for the wife and children c) Education costs for the children. 5) The husband's obligations towards his wife begin to take effect after his wife has perfect maturity. 6) The wife can free her husband from his obligations towards her. 7) The husband's obligations will fail if the wife is naughty.
5. Article 81 reads: 1) The husband is obliged to provide a residence for his wife and

¹⁸ Suud Sarim Karimullah, "Pursuing Legal Harmony: Indonesianization of Islamic Law Concept and Its Impact on National Law," *Mazahib* 21, no. 2 (2022): 213–44.

¹⁹ Filda Rahma Saidah and Muhammad Zaki Fahmi, "Management of Long Distance Marriage for Overseas Female Worker Profession on Family Resilience in Kendal Regency," *El-Mashlahah* 13, no. 1 (2023), <https://doi.org/10.23971/el-mashlahah.v13i1.6095>.

²⁰ Andi Zainuri et al., "Problems of Sirri Marriage and Prisoners: A Case Study in Sukadana, East Lampung,

Indonesia," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (2023): 335, <https://doi.org/10.22373/ujhk.v6i2.17487>.

²¹ Jasser Auda, *Maqasid Al-Shari'ah as Philosophy of Islamic Law* (International Institute of Islamic Thought (IIIT), 2022).

²² Anke Iman Bouzenita, "The Division of the Seas in International and Islamic Law and the Concept of *Ḥarīm Al-Baḥr*: A Comparative Fiqh Study," *Ilahiyat Studies* 12, no. 2 (2021): 143–84, <https://dergipark.org.tr/en/pub/is/article/1073756>.

children or former wives who are still in iddah.²³ 2) Residence is a suitable residence for the wife during marriage or during the iddah of divorce or iddah of death. 3) A residence is provided to protect the wife and children from disturbances from other parties, so that they feel safe and secure, the residence also functions as a place to store wealth, as a place to organize and organize household equipment. 4) The husband is obliged to equip the residence according to his ability and adjust it to the conditions of the environment where he lives, both in the form of household equipment and other supporting facilities.

6. Article 83 reads: 1) The main obligation for a wife is to be devoted physically and mentally to her husband in what is permitted by Islamic law.²⁴ 2) The wife organizes and organizes daily household needs as well as possible.

From here it can be concluded that a family has a shared duty, namely first, it is obliged to create a home atmosphere that is *sakinah, mawadah, warrahmah*.²⁵ Second,

husband and wife are obliged to love each other, respect, trust each other and offer physical or spiritual help. Third, they are responsible for caring for and educating children. Fourth, they have a shared responsibility to uphold honor. Fifth, if the husband and wife do not fulfill their obligations, they can file a lawsuit in court.²⁶

Along with the development of the times, the needs of life are increasing. This has resulted in some people in Indramayu deciding to work abroad as Female Migrant Workers (PMP).²⁷ such as in Malaysia, Taiwan, Hong Kong, Brunei Darussalam, Korea, Japan, etc. As recorded in BP2MI data Based on Gender, placement data for July 2023 shows that the number of placements of female Indonesian Migrant Workers in July was 16,323 (64% of the total placements), while the placement of male Indonesian Migrant Workers reached 9,157 (36% of the total placements). Based on the marital status of Indonesian Migrant Workers in July 2023, the majority of Indonesian Migrant Workers are married, with a total of 12,018 placements.²⁸ Meanwhile, unmarried Indonesian Migrant Workers have a total of 9,811 placements, and divorced Indonesian Migrant Workers have a total of 3,649 placements.

Based on the Regency/City of Origin of Indonesian Migrant Workers in July 2023, Indramayu remains the Regency of Origin of the Most Indonesian Migrant Workers with a

²³ Anke Iman Bouzenita, "The Division of the Seas in International and Islamic Law and The Concept of? Arim Al-Bahr: A Comparative Fiqh Study.," *Ilahiyat Studies* 12, no. 2 (2021), <https://search.ebscohost.com/login.aspx?direct=true&profile=ehost&scope=site&authtype=crawler&jrnl=13091786&AN=155387199&h=nV7Ya289homSjuviKBQkt5NTV3V7Bv%2BGXn8LwDV3bMsRtHJvA4rjKP63xV5Ft5wj603tzZhVHFf1E2ALQOt58A%3D%3D&crl=c>.

²⁴ Nurunnisa Nurunnisa et al., "Implications of Annulment of Marriage on the Distribution of Joint Assets According to the Compilation of Islamic Law and National Law," *Syariah: Jurnal Hukum Dan Pemikiran* 23, no. 1 (2023): 1-23, <https://doi.org/10.18592/sjhp.v23i1.9523>.

²⁵ Whindari, Yayuk, Sudirman, Siti Zulaichah, Irma Nur Hayati, Park Ji Hyun, dan Muchammad Zidan Taufiqi. "Negotiating Islamic Law and Religious Tolerance in Mixed-Marriage Families in South Korea." *De Jure: Jurnal Hukum dan Syar'iah* 17, no. 2 (2025). <https://doi.org/10.18860/j-fsh.v17i2.31313>

²⁶ Syaiful Anwar, "Hak Dan Kewajiban Suami Istri Menurut Undang-Undang Nomor 1 Tahun 1974," *Jurnal Kajian Islam Al-Kamal* 1, no. 1 (2021).

²⁷ Khoiril Anam Anam and Amir Mu'allim, "Reasons for Divorce Claims of Female Migrant Workers at the Religious Courts of Ex-Kediri Residency," *Indonesian Journal of Interdisciplinary Islamic Studies (IJIS)*, 2023, 71-84.

²⁸ Nilamsari Damayanti Fajrin et al., *Family and Social Pressure on the Migration of Female Indonesian Overseas Migrant Workers*, 2022.

total of 1,811 in July. Cirebon (Kab) is in second place with a total of 1,029 placements. Cilacap maintains its position in third place with a total of 1,001 placements in July.²⁹ To help the family economy, many wives prefer to work as migrant workers rather than working in their own country because it is easier and faster to make money.³⁰ Husbands who work as casual laborers have small salaries that are not enough to meet all the family's needs, plus the increasingly expensive school fees for children. So it is often found that families whose wives are not at home because they have gone abroad.

In the concept of family resilience, namely the ability to face and manage problems in difficult situations so that family functions continue to run harmoniously, to achieve physical well-being and inner happiness of its members.³¹ In short, how strong the family is in facing the problems that life throws at them. There are 3 factors that influence family resilience, including: Belief System, Organizational Pattern, and Communication Process.³²

From here the author is interested in discussing how female migrant worker families build family resilience based on the

three factors mentioned above.³³ In addition, the Qur'an also explains that the husband's obligation to fulfill all the needs and necessities of life includes: food, clothing, shelter, and household and medical expenses for the wife according to circumstances including the cost of children's education. as the word of Allah SWT.³⁴

In the concept of *maqāṣid al-sharī'a* Jasser Auda, where he places *maqāṣid al-sharī'a* as a fundamental principle and fundamental methodology in the contemporary Islamic legal reform that he echoed. Given that the effectiveness of a system is measured based on the level of achievement of its goals, the effectiveness of the Islamic legal system is assessed based on the level of achievement of its *maqāṣid al-sharī'a*. In other words, to what extent is the level of problem solving for certain problems: is it more effective, more useful, and brings greater benefits to the people and humanity.

In this case, there are six system features that Jasser Auda optimizes as an analytical tool, namely the cognitive dimension of religious thought (cognition), wholeness, openness, interrelated hierarchy of thinking (interrelated hierarchy), religious thinking involving various dimensions (multidimensionality) and purposefulness (purposefulness).³⁵

From the explanation above, a thought

²⁹ Moh Faidol Juddi et al., "The Communication Flow in the Protection of Indonesian Female Migrant Workers through the Migrant Worker Family Community (KKBM)," *Journal of International Women's Studies* 22, no. 5 (2021): 19–37.

³⁰ Zulbaidah, Zulbaidah, Harry Yuniardi, Januri, Nandang Najmudin, dan Christoper Cason. "From Traditional 'Urf to Digital 'Urf: Accommodating the Values of the Young Generation on Husband-Wife Relations in the Framework of Uṣūl al-Fiqh." *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (2025): 784–808. <https://doi.org/10.29240/jhi.v10i2.14630>

³¹ Riny Handayani et al., "Resilience Level of Non Migrant and Migrant Families in Serang Village, Banten Province," *International Journal of Social Science Research and Review* 6, no. 7 (2023): 83–94.

³² Walsh F, *Strengthening Family Resilience 3rd Edition* (The Guilford Press, 2016).

³³ Seonyoung Hwang and T. Alexandra Beauregard, "Contextualising Intersectionality: A Qualitative Study of East Asian Female Migrant Workers in the UK," *Human Relations* 75, no. 4 (2022): 609–34, <https://doi.org/10.1177/0018726721989790>.

³⁴ Zumrotun, Siti, Ilyya Muhsin, Adang Kuswaya, dan Sukron Ma'mun. "Negotiating Marital Authority and Gender Relations: Indonesian Muslim Immigrant Families in Sydney." *Journal of Islamic Law* 7, no. 1 (2026): 193–221. <https://doi.org/10.24260/jil.v7i1.5687>

³⁵ Jaser Auda, *Membumikan Hukum Islam Melalui Maqasid Syariah* (PT. Mizan Pustaka, 2008).

arose from the researcher about the two concepts, namely the concept of family resilience and also the concept of maqashid sharia Jasser Auda if used as a perspective on the implementation of husband and wife responsibilities in the families of female migrant workers.

Method

This study adopts a qualitative, conceptual-normative research design that goes beyond descriptive textual interpretation by engaging in problem-driven reconstruction of marital relations within Islamic family law. Rather than merely restating doctrinal positions on rights and obligations, the research focuses on reconceptualizing marital authority, responsibility, and reciprocity in response to the structural conditions of female migrant worker families.

The primary sources of this study consist of Qur'anic verses and authenticated hadiths commonly used as normative foundations of marital relations (including Q. 2:228; Q. 4:19; Q. 4:34; and Q. 30:21). Secondary sources include classical and contemporary tafsīr, fiqh literature on family law, works on maqāshid al-sharī'a particularly Jasser Auda's systems theory and relevant Indonesian legal instruments such as Law No. 1 of 1974 and the Compilation of Islamic Law (KHI). These sources are not treated as static authorities, but as interpretive materials subject to conceptual re-examination.

Data collection was conducted through systematic documentary analysis, with particular attention to how classical interpretations presuppose co-residence, gendered division of labor, and stable domestic authority. The analytical process proceeds in three stages. First, the study maps dominant normative constructions of marital

rights and obligations within Islamic legal discourse. Second, it identifies points of tension between these constructions and the lived realities of female migrant worker families, especially in relation to economic provision, domestic authority, and caregiving responsibilities. Third, these tensions are addressed through a maqāshid-based reconstruction using Jasser Auda's six features of systems theory: openness, multidimensionality, purposefulness, interrelatedness, cognitive nature, and dynamism as analytical tools rather than abstract principles.

In this framework, *maqāshid al-sharī'a* functions not merely as a justificatory doctrine, but as a systems-oriented ethical methodology that enables a shift from rule-centered, role-based interpretations toward relational and purpose-driven understandings of marriage. This approach allows the study to assess how justice, welfare, and human dignity can be realized under conditions of marital separation without undermining the normative foundations of Islamic law. Methodologically, this distinguishes the present study from conventional maqāshid-family-law research by demonstrating how systems theory transforms legal reasoning, rather than simply invoking maqāshid as a moral addendum.

Result and Discussion

Reconfiguring Marital Rights and Obligations in Female Migrant Worker Families

Classical Islamic legal discourse conceptualizes marital relations through a relatively stable framework of reciprocal rights (*huqūq*) and obligations (*wājibāt*), commonly divided into material and

immaterial responsibilities.³⁶ Within this framework, the husband is normatively positioned as the primary economic provider and household authority, while the wife is associated with domestic management and obedience.³⁷ Such constructions presuppose physical co-residence, continuous interaction, and a clear gendered division of labor.³⁸

However, the findings of this study indicate that this normative configuration becomes increasingly inadequate in the context of female migrant worker families.³⁹ When wives migrate for work and become the primary breadwinners, the conventional alignment between economic provision, authority, and leadership is disrupted.⁴⁰ This condition generates a legal philosophical problem: how can justice and balance central objectives of Islamic family law be realized when classical role based assumptions no longer correspond to social realities?

Rather than treating this situation as a deviation from Islamic norms, a *maqāṣid*-based perspective allows it to be understood

as a structural transformation requiring ethical recalibration.⁴¹ Qur'anic principles such as reciprocity (Q. 2:228) and ethical coexistence (*mu'āsharah bi al-ma'rūf*, Q. 4:19) do not prescribe rigid role assignments but articulate moral objectives justice, dignity, and mutual responsibility.⁴² From this perspective, the oft-cited notion of male "superiority" (*darajah*) cannot be read as a fixed hierarchy, but as a context-dependent responsibility linked to specific social functions, particularly economic provision.⁴³

***Maqāṣid al-Sharī'a* as a Problem-Solving Framework**

Applying Jasser Auda's *maqāṣid*-based systems approach shifts the analysis from rule-centered compliance to purpose-oriented reasoning. The results demonstrate that marital rights and obligations should be understood as interrelated components of a dynamic system, rather than as isolated legal entitlements. Auda's emphasis on interconnectedness and multidimensionality reveals that economic contribution, caregiving, authority, and emotional support are mutually constitutive elements of marital life, especially under conditions of migration.

In female migrant worker families, the *maqāṣid* of justice (*'adl*), welfare (*maṣlaḥah*), and protection of human dignity (*karāmah insāniyyah*) cannot be achieved through rigid

³⁶ Karin Caroline Kelly et al., "Hegemony of Saudi Arabia's Kafala System in the Relationship between Employer and Indonesian Female Domestic Migrant Workers 2018-2020," *International Journal of Social Sciences Review* 3, no. 1 (2022): 18–33.

³⁷ Wahbah Zuhaili, *Al-Fiqh Al-Islamu Wa Adilatuhu* (Daar Fikr, 1989).

³⁸ Brian J. Hall et al., "Structural Validation of The Patient Health Questionnaire-9 (PHQ-9) among Filipina and Indonesian Female Migrant Domestic Workers in Macao: STRUCTURAL VALIDATION OF PHQ-9," *Psychiatry Research* 295 (2021): 113575, <https://www.sciencedirect.com/science/article/pii/S0165178120332364>.

³⁹ Irawan Kodir, "Migration as Women Resilience: An Analysis of Indonesia Migrant Worker," in *Research for Social Justice* (Routledge, 2019).

⁴⁰ Nur Solikin and Moh. Wasik, "The Construction of Family Law in the Compilation of Islamic Law in Indonesia: A Review of John Rawls's Concept of Justice and Jasser Auda's *Maqashid al-Shari'a*," *Ulumuna* 27, no. 1 (2023): 315–40, <https://doi.org/10.20414/ujis.v27i1.708>.

⁴¹ Bukido, Rosdalina, Nurul Azizah, Sudirman L., Nur Paikah, dan Anisa Putri Lestari Mokoginta. "Divorce among Female Muslim Civil Servants: Legal Perspectives in Indonesia." *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 25, no. 1 (2025): 85–116. <https://doi.org/10.18326/ijtihad.v25i1.85-116>

⁴² Ahmad Shofiyuddin Ichsan and Fitria Fathurrahman, "Reviewing Islamic Education Curriculum in the Perspective of the Khilafah State System," *AL-FURQAN VIII* 1 (2019): 1–14.

⁴³ Solikin and Wasik, "The Construction of Family Law in the Compilation of Islamic Law in Indonesia."

adherence to classical role divisions. Instead, these objectives require a relational interpretation of marital responsibility, where authority is linked to accountability, and obligation follows capacity rather than gender alone.⁴⁴ This finding directly addresses the central theoretical tension identified in this study: the gap between normative fiqh assumptions and contemporary family structures.

Toward a Maqāshid-Based Reconfiguration of Marital Roles

Based on the systems-oriented maqāshid analysis, this study proposes a conceptual reconfiguration of marital relations under migration conditions. In this model, marital roles are not abolished but reoriented around shared objectives rather than fixed functions.⁴⁵ Economic provision, for instance, is understood as a means to achieve family welfare, not as the sole determinant of authority.⁴⁶ Similarly, leadership within the household is reframed as ethical stewardship aimed at maintaining harmony (*sakinah*), affection (*mawaddah*), and compassion

(*rahmah*), as emphasized in Q. 30:21.

This reconfiguration aligns with Auda's principle of openness, which allows Islamic law to engage socio-economic transformations without compromising its moral foundations. It also reflects the dynamism of maqāshid, enabling Islamic family law to respond to contemporary challenges such as labor migration while remaining faithful to its higher objectives. In this sense, maqāshid al-sharī'a functions not merely as a justificatory discourse, but as a methodological tool for ethical adaptation.

Implications for Islamic Family Law and Gender Discourse

In order to operationalize the maqāshid-based interpretation of marital relations in migrant worker families, the findings of this study can be synthesized into an evaluative framework that links contemporary family practices with the higher objectives of Islamic law. Rather than assessing marital roles solely through classical gendered obligations, the maqāshid perspective evaluates whether family arrangements contribute to the protection of essential human interests, including religion, life, intellect, lineage, and wealth. Within the context of female migrant worker households, economic provision by wives, domestic caregiving by husbands, and shared decision-making between spouses may all contribute positively to these objectives when they promote family stability, welfare, and dignity. This evaluative perspective highlights that the ethical success of Islamic family life should be measured not by rigid adherence to historical role distributions, but by the extent to which marital practices fulfill the broader maqāshid-oriented values of justice, well-being, and human dignity.

The analytical implications of this

⁴⁴ Nuroniyah, Wardah, Mohammad Azka Al Azkiya, Abdul Wahid, Fatimah Lubabiyah Labib Shodiq, dan Bani Syarif Maula. "Assessing Indonesia and Malaysia's Legal Responsiveness to Domestic Violence Victims within Islamic Law Framework." *Al-Manahij: Jurnal Kajian Hukum Islam* 19, no. 2 (2025): 247–270. <https://doi.org/10.24090/mnh.v19i2.13736>

⁴⁵ Setyawan, Rahmad, Doli Witro, Iffah Al Walidah, Iim Septiana, Muhamad Agus Soleh, Novia Nurfadila, dan Rismanuddin. "Reforming Islamic Family Law in Indonesia through Syibhul Iddah for Husbands: State Policy and Penghulu Perspectives." *El-Mashlahah: Jurnal Hukum Islam dan Pranata Sosial* 15, no. 2 (2025): 279–302. <https://doi.org/10.23971/el-mashlahah.v15i2.9253>

⁴⁶ Santoso, Dri, Zezen Zainul Ali, dan Siti Wahyuni. "Avoiding Covert Polygamy at the Office of Religious Affairs: Authority and Family Law Reform in the Prohibition of Marriage during a Wife's 'Iddah Period.'" *Al-'Adalah: Jurnal Hukum Islam* 22, no. 2 (2025): 347–380. <https://doi.org/10.24042/adalah.v22i2.27771>

maqāṣid-oriented reinterpretation can be summarized in the following evaluative framework, which illustrates how transformations in marital roles within migrant worker families may still fulfill the essential objectives of Islamic law.

Table 1. *Maqāṣid*-Based Evaluation of Marital Roles in Female Migrant Worker Families

<i>Maqasid</i> Dimension	Classical Orientation in Fiqh	Transformation in Migrant Worker Families	<i>Maqasid</i> -Oriented Evaluation
Protection of Religion (<i>Hifz al-Din</i>)	Husband as spiritual and household leader	Religious guidance and family values negotiated through communication despite distance	Religious commitment maintained through mutual responsibility
Protection of Life (<i>Hifz al-Nafs</i>)	Husband provides protection and livelihood	Economic security often provided by migrant wife	Family welfare preserved through alternative economic arrangements
Protection of Intellect (<i>Hifz al-Aql</i>)	Husband responsible for family decision-making	Decision-making increasingly shared between spouses	Encourages collaborative reasoning and mutual consultation
Protection of Lineage (<i>Hifz al-Nasl</i>)	Wife responsible for childcare and domestic care	Husband may assume caregiving roles when wife migrates	Childcare responsibility becomes flexible while maintaining family stability
Protection of Wealth (<i>Hifz al-Mal</i>)	Husband as primary breadwinner	Wife becomes main economic provider through migration	Economic protection of family remains achieved

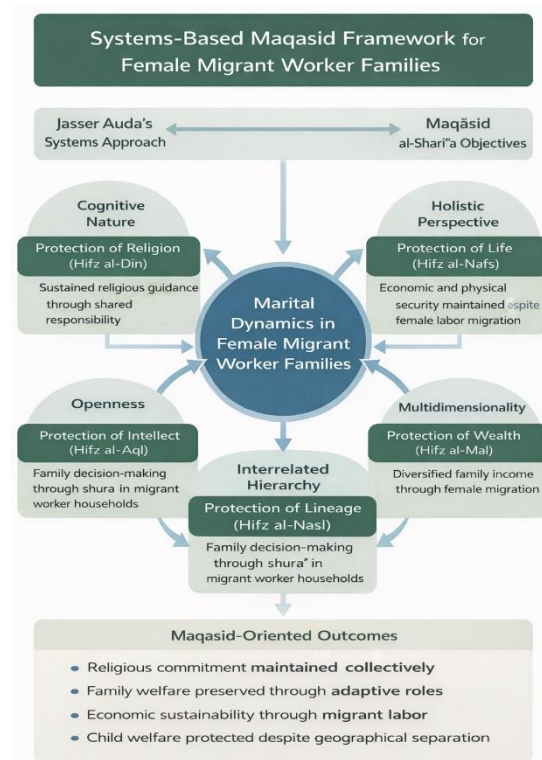
Theoretical Contribution of a Systems-Based *Maqāṣid* Approach

The key contribution of this study lies in demonstrating how Jasser Auda’s systems approach transforms the analysis of marital relations from a static legal doctrine into a flexible ethical framework. By positioning female migrant worker families as a central analytical problem, this research moves beyond descriptive accounts of Islamic norms and offers a *maqāṣid*-based model capable of addressing structural changes in Muslim family

life. This approach enriches international debates on Islamic family law and gender by showing that *maqāṣid* reasoning can serve as a constructive bridge between normative texts and lived realities.

In this framework, husband and wife must aim to create harmony and justice in the household, in accordance with universal *Maqāṣid*, such as protecting honor (*hifz al-nasl*), property (*hifz al-mal*), and soul (*hifz al-nafs*).⁴⁷ This principle emphasizes cooperation and mutual support, where the roles and responsibilities of partners may change due to the socio-economic context.⁴⁸

Figure 1. Systems-Based *Maqāṣid* Framework for Female Migrant Worker Families



⁴⁷ Juan C. Aceros et al., “Psychosocial Benefits and Costs of Activism among Female Migrant Domestic Workers in Southern Spain,” *Journal of Community Psychology* 49, no. 7 (2021): 2905–21, <https://doi.org/10.1002/jcop.22610>.

⁴⁸ Maria Elo et al., “Female Migrants and Brain Waste – A Conceptual Challenge with Societal Implications,” *International Migration* 63, no. 1 (2025): e12783, <https://doi.org/10.1111/imig.12783>.

Figure 1 illustrates the conceptual framework of this study, which integrates the systems approach proposed by Jasser Auda with the objectives of *maqāshid al-sharīʿa* in order to analyze transformations in marital roles within female migrant worker families. The framework highlights that Islamic legal interpretation should not rely solely on rigid legal doctrines but must also consider broader ethical purposes and evolving social realities.

This perspective resonates with the classical formulation of *maqāshid* articulated by Abu Ishaq al-Shatibi, who emphasized that the ultimate aim of the Shariʿa is the realization of human welfare (*maṣlahah*) in both worldly and spiritual dimensions

Auda conceptualizes *maqāshid* as a set of divine intentions and ethical values that form the foundation of Islamic law.⁴⁹ Through his systems theory, he introduces analytical principles such as cognitive nature, holism, openness, interrelated hierarchy, and multidimensionality. These principles encourage a contextual and dynamic interpretation of Islamic law, allowing it to respond to contemporary social transformations while maintaining its ethical objectives of justice, human dignity, and social welfare. This is in line with the statement of Imam al-Syatibi, that in fact the sharia aims to realize human welfare in the world and the hereafter.⁵⁰

To further synthesize the findings, this study proposes a systems-based *maqāshid* framework for analyzing marital relations in

transnational Muslim families. This framework illustrates how transformations in gender roles and family structures can still be evaluated within the broader objectives of Islamic law.

Table 2. Systems-Based *Maqāshid* Analysis of Female Migrant Worker Families

System Dimension (Auda)	Maqasid Objective	Classical Family Structure	Transformation in Female Migrant Worker Families	Maqasid-Oriented Interpretation
Cognitive Nature	Protection of Religion (<i>Hifz al-Din</i>)	Husband traditionally guides the religious life of the family	Religious guidance maintained through communication and shared responsibility	Religious commitment sustained through collective moral responsibility
Holistic Perspective	Protection of Life (<i>Hifz al-Nafs</i>)	Husband provides physical and economic protection	Economic security may be supported by migrant wives	Family welfare preserved through alternative livelihood arrangements
Openness	Protection of Intellect (<i>Hifz al-Aql</i>)	Husband dominates household decision-making	Family decisions increasingly negotiated between spouses	Encourages consultation (<i>shura</i>) and mutual reasoning
Interrelated Hierarchy	Protection of Lineage (<i>Hifz al-Nasl</i>)	Wife responsible for childcare and domestic roles	Husbands may assume caregiving responsibilities during the wife's migration	Flexible caregiving roles that maintain child welfare
Multidimensionality	Protection of Wealth (<i>Hifz al-Mal</i>)	Husband as primary breadwinner	Wives become major economic contributors through migration	Economic sustainability achieved through diversified family roles

The analytical framework presented in Table 2 demonstrates that transformations in marital roles within female migrant worker families do not necessarily contradict the

⁴⁹ Meylin Meylinda Rosyidah, "Giving Dowry to Women Jasser Auda's Maqashid Syariah Perspective," *Jurnal Mahkamah: Kajian Ilmu Hukum Dan Hukum Islam* 9, no. 2 (2024), <https://journal.iaimnumetrolampung.ac.id/index.php/jm/article/view/4955>.

⁵⁰ Imam Syatibi, *Al-Muwafaqat Fi Ushul al-Syariah* (Daar Al-Kutub Ilmiah, n.d.).

objectives of Islamic law. When interpreted through a systems-based maqāṣid perspective, such transformations may instead represent adaptive mechanisms that preserve family welfare, dignity, and social stability. By emphasizing interconnected ethical objectives rather than rigid gendered prescriptions, the maqāṣid framework offers a more context-sensitive approach for understanding contemporary Muslim family dynamics. This framework therefore demonstrates how maqāṣid reasoning can function not only as a normative doctrine but also as a methodological tool for analyzing contemporary transformations in Muslim family structures.

Conclusion

This study demonstrates that classical, role-based constructions of marital rights and obligations in Islamic family law are increasingly inadequate for addressing the structural realities of female migrant worker families. While Qur'anic principles emphasize reciprocity, justice, and ethical coexistence, their traditional interpretations often presuppose physical co-residence and a stable gendered division of labor that no longer reflects contemporary transnational family arrangements.

By applying Jasser Auda's maqāṣid-based systems approach, this article proposes a maqāṣid-oriented reconfiguration of marital relations, in which rights, obligations, and authority are understood as relational and purpose-driven rather than fixed by gender or formal role.

In this model, marital leadership is reconceptualized as ethical stewardship linked to responsibility and accountability, while economic provision is treated as a functional means to achieve family welfare rather than a

determinant of hierarchical superiority. This reconfiguration allows the higher objectives of Islamic law such as justice (*'adl*), welfare (*maṣlaḥah*), and human dignity to remain normatively intact while being contextually responsive.

The theoretical contribution of this study lies in demonstrating how maqāṣid al-sharī'a, when operationalized through a systems framework, can function as an analytical methodology rather than merely a moral or justificatory discourse. Unlike conventional maqāṣid-based family law studies that reiterate normative ideals, this research shows how systems thinking transforms legal reasoning by integrating social change, relational dynamics, and ethical objectives into the interpretation of marital norms.

Academically, this article contributes to international debates on Islamic family law, gender, and maqāṣid by positioning female labor migration as a legal-philosophical challenge rather than a peripheral social phenomenon. It advances the understanding of Islamic law as an adaptive ethical system capable of engaging contemporary socio-economic transformations without abandoning its normative foundations. This framework offers a basis for further comparative and interdisciplinary research on Muslim family life in contexts of mobility, economic restructuring, and global labor migration.

Credit Authorship Contribution

Ummu Aemanah: Conceptualization, Literature review, Investigation, Writing – original draft. Usep Saepullah: Methodology, Formal analysis, Theoretical framework development, Writing – review & editing. Idzam Fautanu: Data interpretation, Validation, Academic supervision, Writing –

review & editing. Ending Solehuddin: Conceptual refinement, Literature validation, Writing – review & editing. Muhammad Yogi Sandra: Comparative analysis, International scholarly perspective, Writing – review & editing. All authors have read and approved the final version of the manuscript.

Declaration of Competing Interest

The authors declare that they have no known competing financial, institutional, or personal interests that could have appeared to influence the work reported in this paper.

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