

The Contestation of Maqasid al-Shari'ah Interpretation in Cassation Decision Number 386 K/AG/2024: Between the Istislahi Method and the Principle of Izalat al-Darar

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Abstract

Marriage in Islam aims to realize *sakinah, mawaddah, wa rahmah*, but reality often shows the occurrence of domestic conflicts that lead to divorce. Religious Courts in Indonesia have the authority to resolve divorce cases based on positive law as well as the principle of *maqasid al-shari'ah*. This article aims to analyze comparatively the application of *maqasid* in three levels of divorce decisions, namely the Bukittinggi Religious Court (No. 509/Pdt.G/2023/PA. Bkt), Padang High Court of Religion (No. 71/Pdt.G/2023/PTA. Pdg), and the Supreme Court (No. 386 K/Ag/2024). This research uses a normative juridical method with a literature approach, sourced from court decisions, books, journals, and previous research, and analyzed through comparative methods. The results of the study show that the Religious Court and the High Court of Religion emphasize the principle of *izālat al-dharar* (removing harm) to protect the wife from repeated domestic quarrels, based on the principle of *lā ḍarar wa lā ḍirār*. On the contrary, the Supreme Court emphasized the *istislah* (public good) approach by rejecting divorce because the conflict is considered not to meet the requirements for broken marriage according to SEMA guidelines, as well as to maintain sharia goals in the form of *hifz al-nasl* and *hifz al-usrah*. This study concludes that there is a dialectic of *maqasid* interpretation in the practice of religious justice, which shows the methodological tension between the protection of the individual and the preservation of family institutions.

Keywords: Maqasid al-Sharia, Divorce, Religious Courts, *Izālat al-Dharar*, *Istislah*

Introduction

The bonds that form the family are the bonds that govern society and the state, and are governed by law. Marriage is one of these bonds. Allah SWT has chosen only the path of legal marriage as a means of preserving life for humans. *Mawaddah warohmah*, or marriage as a means to bring together a man and woman from different backgrounds to build a household ark towards a *sakinah* family (Marzuki et al., 2024). However, a marriage is not easy because marriage does not only connect a man and a woman but is a form of union of two families, namely the family of the man and the

family of the woman. It is not an easy thing in the union of two families because they have their own family principles that must be obeyed by their family members (Waspada & Kharisma, 2020).

Marriage can be a helper for God's religion, it can also be an enemy that can oppose God's religion. Through marriage a person can multiply children and can be the pride of the Prophet PBUH. Allah praises and glorifies a person who begs and prays for goodness for his wife and children. Among the benefits of marriage are maintaining the lineage, guarding oneself from moral deterioration, guarding oneself from disease, realizing peace of mind, and marriage is a worship that is worth a reward in the sight of Allah (Aziz et al., 2024).

However, in the course of marriage life is not always harmonious, sometimes obstacles and problems result in married couples fighting and not wanting to give in. Not infrequently, the wife sues for divorce or the husband divorces his wife (Kushidayati, 2014). The purpose of marriage is not only limited to biological matters that legalize sexual relations between the two parties, but more broadly, covering all aspects of domestic life, both external and bathinian. The breakup of a marriage due to the will of the husband or wife or the will of both, due to disharmony is called the term "divorce" (Risa, 2018).

The Supreme Court issued a Circular Letter of the Supreme Court (SEMA) regarding guidelines for the implementation of duties for the Religious Court in maintaining a marriage and fulfilling the principle of making it difficult for divorce, for people who want to file for divorce within the Religious Court on the grounds that the husband/wife does not carry out the obligations of birth and/or mental maintenance, it can only be granted if it is proven that the husband/wife does not carry out his obligations after at least 12 (twelve) months; or a divorce case on the grounds of continuous disputes and quarrels can be granted if it is proven that the husband/wife is in dispute and quarrel continuously or has been separated from their place of residence for at least 6 (six) months (Marzuki et al., 2024).

Based on a decision sourced from the Cassation Level, there was a marriage between a woman from Sungai Pua (the plaintiff) and a man from Payakumbuh (the defendant) initially went well after their marriage in 2020. They were blessed with a child in March 2023. However, since 2021 the relationship has begun to crack. The dispute was mainly triggered by the issue of residence: the husband wanted to stay at his parents' house in Payakumbuh, while the wife refused due to an unharmonious relationship with the in-laws. The quarrels became more frequent, until they finally separated in August 2023.

At the Bukittinggi Religious Court (PA), the wife sued for divorce on the grounds that she was often scolded, abusive words, and excessive intervention from her in-laws. He also demanded custody of the infant child. The husband rejected the lawsuit, reversing the accusation by stating that his wife had left home and abandoned

the child. After the trial process, the PA judge considered that the household was difficult to maintain, and issued a divorce decree and handed over child custody to the wife (Directory of Decisions of the Supreme Court of the Republic of Indonesia, 2023). Feeling objectionable, the husband appealed to the Padang Religious High Court (PTA). However, the PTA actually corroborated the PA's decision. The appellate judge still argued that the domestic rift had been proven, so the reason for the divorce was quite strong. The PTA also did not cancel the determination of child custody for the mother, despite objections from the father's side (Directory of Supreme Decisions of the Republic of Indonesia Padang High Court of Religion, 2023).

The case then proceeded to the Supreme Court (MA) through cassation efforts. This time the verdict is drastically different. The supreme court judge considered that the existing dispute was still within reasonable limits and had not shown the existence of a permanent broken marriage. Referring to SEMA regarding divorce guidelines, the Supreme Court rejected the divorce lawsuit and overturned the decisions of the PA and PTA. Thus, the marriage is declared to remain valid and not dissolved (Directory of Decisions of the Supreme Court of the Republic of Indonesia, 2024). Thus, this case illustrates the unique journey of a case with different outcomes at each level of justice: the PA and PTA side with the wife with a protection from harm approach, while the Supreme Court emphasizes the importance of maintaining the integrity of the household.

Studies on the application of maqasid al-shari'ah in divorce decisions have been conducted by a number of researchers with diverse perspectives. Asni (2014), for example, highlights the consideration of benefits in divorce decisions due to Domestic Violence (KDRT) at the Kendari Religious Court. He found that the judge, in addition to basing his decision on the formal-material law and the facts of the trial, also considered the aspect of the benefit. However, the consideration of the benefits is generally still formulated in general and has not been analyzed in depth through the framework of maqasid al-shari'ah (Asni, 2014).

The dimension of maqasid in divorce has also received attention from Mustofa and Wibawa (2024) who examined the phenomenon of divorce due to economic factors. Using Jasser Auda's frame of mind, they consider that this kind of divorce has implications for damage to the maintenance of property (hifz al-mal) which then spreads to other aspects of maqasid. Therefore, the solution must be placed within a more comprehensive framework of maqasid, not only limited to breaking the marital relationship but also encouraging family empowerment (Mustofa & Wibawa, 2024).

Meanwhile, Bahiyah (2024) through his article on the *istislahiah* method emphasizes the importance of making benefits a basis in the determination of Islamic law, especially in dealing with contemporary social problems. According to him, *istislah* is not only a classic *ijtihad* tool, but also a bridge between sharia principles and modern reality. Thus, the application of *istislahiah* can provide more adaptive legal

solutions, including in divorce cases that often require protection of women's rights and family justice. Furthermore, Nur Asiah (2016) emphasized that the concept of *istishlah* or *maslahah mursalah* can be used as an argument in determining the law as long as the *maslahat* in question is essential, general, and does not contradict the *nash*. This shows that the space for judges to prioritize the benefits is very open, especially in divorce cases that are not explicitly regulated in the sharia text (Silsilu, 2024).

Finally, research that examines the rules of *la dharar wa la dhirar* emphasizes that the principle of "one should not harm oneself or others" is one of the most fundamental rules of *fiqhiyyah*. In the realm of divorce, this rule strengthens the argument that judges' decisions must always be directed at preventing *mudharat*, both for individuals and the wider community (Asiah, 2016). Studies on the application of *maqasid* in divorce decisions as previously stated have been carried out by a number of researchers, both by emphasizing the aspect of benefit and the aspect of elimination of harm. However, these studies are generally partial, highlighting only one of the principles of *maqasid* or standing alone without bringing together different interpretations in the same case.

The novelty of this research lies in the effort to read the differences in the interpretation of *maqasid al-shari'ah* directly in the same case at three levels of justice (PA, PTA, and MA). Using cassation case No. 386 K/Ag/2024, this study offers a comparative analysis: how the PA and PTA tend to apply the principle of *izālat al-dharar* to protect wives from domestic harm, while the Supreme Court emphasizes *istishlah* to maintain the integrity of the family institution. Based on this, this study seeks to fill the study gap by reading the dialectic of *tafsir maqasid al-shari'ah* directly in a divorce case decided at three levels of religious courts. With a comparative approach, this article aims to examine how *izālat al-dharar* and *istishlah* are practiced differently by judges, as well as what their implications are for the consistency of religious justice in Indonesia.

Research Methods

The method used in this study is a juridical-normative research method (Aminah & Rafsanjani, 2023). Normative legal research (*normative legal research*) is a research carried out by analyzing a positive legal product as an object of study related to certain legal problems. Normative legal research seeks to dissect the law from the internal side, namely the legal norms themselves (Saraswati & Susrama, 2023). The data sources in this study are primary and secondary sources. Primary data sources are the main and important data sources that allow obtaining the information needed related to research (Wijaya et al., 2025).

The primary data source used is the decision of the Religious Court Number 509/Pdt.G/2023/PA. Bkt, Padang High Court of Religion No. 71/Pdt.G/2023/PTS.Pdg, and Supreme Court Number 386 K/Ag/2024. From some of these decisions, research will be carried out on the dynamics of the judge in making

the decision, what considerations the judge uses, whether to use *izalat ad-Dharar* or looking at the benefits of family resilience (istislah).

The secondary data sources used are relevant websites, books, journals, and theses. The approach used to collect data is literature research, which involves collecting information from published works (Aziz et al., 2024). This research is a literature study type research (*library research*) by using the method of comparative analysis, which is research that is carried out by comparing one theory with another (Wahid et al., 2021). The author uses this method to clearly describe two theories contained in one scientific discipline.

Discussion/results

A. Analysis of the Bukittinggi PA Decision

In the first instance, the Bukittinggi Religious Court through Decision Number 509/Pdt.G/2023/PA. Bkt granted the divorce lawsuit filed by his wife, Syahra Nisfu. The judge considered the existence of repeated disputes and the husband's rude attitude, as well as the intervention of the extended family that muddled the household. In its deliberations, the panel of judges emphasized that "the household of the parties has been difficult to maintain", so as to fulfill the grounds for divorce as stated in Article 19 letter (f) of Government Regulation No. 9 of 1975 jo. Article 116 letter (f) of the KHI.

If read from the perspective of maqasid al-shari'ah, the Bukittinggi PA judge clearly emphasizes more on the principle of *izālat al-dharar* (removing harm). This argument departs from the assumption that maintaining a household that is already full of quarrels will actually bring greater harm, especially to the wife. Thus, ending a marriage is seen as more beneficial than continuing it.

B. Analysis of PTA Padang Decision (Appeal)

The appeal filed by the husband ended with the affirmation of the PA's decision by the Padang Religious High Court in Decision Number 71/Pdt.G/2023/PTA.Pdg. In its decision, the PTA considered that the reason for the appeal from the husband was not legally justified, and on the contrary, the PA's consideration was in accordance with the applicable legal provisions. The PTA stated that the evidence of domestic disputes and separation of residence was sufficient to show domestic disharmony, so the divorce decree was worth defending.

Although it does not add many new considerations, this attitude of the PTA shows consistency with the orientation of *izālat al-dharar*. The PTA considers that the rift in the household is real, so divorce is considered the least harmful way out. In other words, PTA emphasizes the orientation of individual protection (wives) within the framework of maqasid.

C. Analysis of the Supreme Court Decision (Cassation)

It is different from the Supreme Court in Decision Number 386 K/Ag/2024, which actually canceled the two previous decisions. The supreme court judge emphasized that the domestic dispute that was used as the reason for the lawsuit was not severe enough to declare the existence of a broken marriage. The Supreme Court said that "the separation of a new house for about one month cannot be used as a sufficient reason to declare the household untenable", and therefore the divorce application was rejected.

The Supreme Court's consideration is in line with the guidelines in SEMA No. 4 of 2014 and SEMA No. 1 of 2022, which affirm that divorce can only be decided if it is really proven that there has been a deep rift that cannot be reconciled. From the point of view of maqasid al-shari'ah, the Supreme Court tends to apply an *istislah* (public good) approach, namely maintaining the sustainability of family institutions and protecting generations (*hifz al-nasl*), arguing that a brief divorce without serious efforts to *islah* has the potential to cause wider social damage.

D. The Battle of Tafsir Maqasid Sayri'ah

The sharp difference between the decision of the PA/PTA and the Supreme Court shows the existence of a dialectic of maqasid interpretation. On the one hand, the PA and PTA emphasize *izālat al-dharar*, preferring to dissolve the marriage in order to avoid the harm experienced by the wife. On the other hand, the Supreme Court is more inclined to *istislah*, maintaining the integrity of the family because long-term benefits are seen as greater than momentary losses. Furthermore, it will be discussed regarding the coherence between these approaches from the perspective of the judges of each stage.

The consideration of the Bukittinggi PA judge who granted the divorce lawsuit due to repeated quarrels, the husband's rude attitude, and the intervention of the in-laws can be understood through the principle of *izālat al-dharar* (eliminating harm). This principle emphasizes that a conflicted marriage is no longer a means to achieve the goal of marriage, namely *sakinah, mawaddah, wa rahmah* but has the potential to cause damage (*mafsadah*).

In the context of *maqasid al-shari'ah*, this attitude of the judge is in line with the protection of the soul (*hifz al-nafs*) and honor (*hifz al-'ird*). A wife who is constantly in a household environment full of psychological stress will experience vulnerability, even the potential for violence. Therefore, divorce is seen as a way out to close the door of harm.

This approach is supported by the principles of fiqh *date darar wa lā dIris* (there must be no danger and must not harm others). The study of Ichwan Ahnaz Alamudi et al. confirms that the prohibition of all forms of *dPlough* absolute, both in material and psychological form, both for individuals and society (Alamudi et al., 2025). In this

case, the PA judge considered that maintaining the marriage would actually plunge the wife into a state of *dPlough* larger.

Furthermore, Ahmad Syahrus Sikti in his research on *Fiqih al-Darar* It also explains that religious judges often make the principle of harm prevention an important consideration in divorce cases. According to him, the application of this rule shows that religious justice in Indonesia is not only oriented to normative texts, but also to the protection of practical benefits for the parties (Sikti, 2009). Thus, the Bukittinggi PA decision can be understood as a concrete form of the application of sharia maqasid with an orientation *Al-Dharar in Ijal*. This is in line with the view of Mustofa & Wibawa who emphasized that divorce within the framework of maqasid can be justified if the condition of the household actually gives birth to multidimensional damage, both psychological, social, and economic. (Mustofa & Wibawa, 2024)

In the appeal case, the Padang High Court of Religion upheld the decision of the Bukittinggi PA. The PTA considered that the husband's reason for appeal was not legally valid because the evidence of the dispute and separation of residence was enough to show the fracture of the household. The PTA then stated that "*the marriage of the parties is difficult to maintain*", so the divorce decree is still maintained. If viewed from the maqasid al-shari'ah, PTA remains consistent in using *the izālat al-dhar approach*. In this case, the household rift is not only a small difference, but has a serious impact on the peace of mind of the wife and the sustainability of the child's life. The principle of *lā darar wa lā dirār* becomes relevant, because maintaining a household in a state of conflict will actually increase the harm rather than the benefit.

Research by Mustofa & Wibawa (2024) emphasizes that in the context of divorce, the application of maqasid must look at the dimension of harm experienced by one of the parties. If the psychological and social losses are greater than the benefits of maintaining the marriage, then divorce can be seen as a shari'a solution to eliminate harm. PTA is in line with this view, because it prioritizes the protection of individuals (wife and children) rather than symbols of family integrity.

This is also in line with the contemporary concept of maqasid according to Jasser Auda, which emphasizes that the law must be contextual and flexible. When the institution of marriage is no longer a means *Sakinah*, shari'ah makes room for divorce in order to preserve the soul (*ḥifz al-nafs*) and dignity (*ḥifz Al-'Ird*). Furthermore, Asni (2020) emphasized that in religious court decisions, judges often use *Al-Dharar in Ijal* as a basis for consideration so that women do not continue to be in oppressed situations. This perspective shows the partiality of Islamic law in efforts to protect the weak, especially in domestic relations. PTA Padang represents this pattern in its considerations. (Asni, 2014)

The consistency of legal considerations between the Bukittinggi Religious Court and the Padang Religious High Court shows the same tendency, namely prioritizing

the principle of *izālat al-dharar* to protect vulnerable parties from domestic harm. However, the direction of the consideration actually underwent a significant change when this case was examined at the cassation level. The Supreme Court no longer emphasizes the elimination of individual harm, but shifts its orientation to efforts to maintain the integrity of the institution of marriage through *the istislah* approach.

Method *Istislah* or reasoning *Istislahi* is an approach in Islamic law that emphasizes the search for law based on consideration of benefits (*Maslahah Mursalah*) which is not explicitly described in *Nash*. As explained in the study of Islamic law reform, this method is used when no direct evidence is found, but there is an urgent need to maintain the main objectives of the Shari'a (*Maqasid al-Syari'ah*). (Aibak, 2013) In the practice of jurisprudence, *istislah* plays a role as a way out so that Islamic law remains relevant to modern social problems.

Law-making through a technical approach is carried out by considering the extent to which a provision can bring benefits or prevent damage to society. In other words, the law does not stop at formal texts, but also touches on the context of real life. The judge's consideration in this way is in line with what Asni found in the research at the Kendari Religious Court, that the judge often adds the consideration of benefits in addition to the formal and material legal basis, even though the formulation of the benefits is still general and not in-depth. (Asni, 2014)

The Supreme Court in its consideration emphasized that the fact of separation of the house for one month could not be used as a sufficient reason to prove the existence of *broken marriage*. The judge said that "the disputes and quarrels are still in the category of disputes and quarrels that usually occur in households in general". (Directory of Decisions of the Supreme Court of the Republic of Indonesia, 2024) This view clearly shows the use of the *Istislah*, because judges not only assess the individual's condition, but also consider the benefits of the family as an institution that should not be terminated because of conflicts that are still considered minor.

Furthermore, the Supreme Court referred to SEMA No. 4 of 2014 and SEMA No. 1 of 2022 which contain indicators of *broken marriage*, such as the separation of the house for at least six months, failure of peace efforts, and loss of communication between husband and wife. On that basis, the judge argued that the *a quo* case had not met the indicators of a valid divorce. In the framework of *maqasid*, this can be understood as an effort to protect offspring (*hifz al-nasl*) and family institutions (*hifz al-usrah*), which is one of the important goals of sharia.

This approach is in line with what is presented in the literature on *Istislahi Reasoning*, that Islamic law needs to be directed at the achievement of broader benefits, even if this sometimes comes at the expense of individual benefits. (Aibak, 2013) Thus, the Supreme Court prioritizes long-term benefits in the form of marital sustainability, rather than granting divorce that has the potential to open up new social harms.

However, the Supreme Court's consideration also raises a dilemma. As criticized in research related to the consideration of benefits in domestic violence divorce decisions, the application of *Istislah* that overemphasizes family institutions can potentially neglect the protection of vulnerable parties, especially women (Asni, 2014). That is, the approach *Istislah* In this case, it can be seen as less attention to another maqasid that is also important, namely the protection of the soul (*hifz al-nafs*) and honour (*hifz al-'ird*).

In the end, the Supreme Court judge's consideration in this case shows a dialectic between maintaining the benefits of the family institution while still being aware of the potential harm to the individual. The Supreme Court chose *the istislah* line by emphasizing strict standards of divorce, although this differed from the approach of the PA and PTA which emphasized more on *izālat al-dharar*.

Conclusion

The study of the three levels of judicial decisions in divorce cases shows that there is a difference in orientation in the application of *maqasid al-shari'ah*. The Bukittinggi Religious Court and the Padang Religious High Court emphasized the principle of *izālat al-dharar*, which is to remove harm for the protection of individuals, especially wives who are the most vulnerable. On the contrary, the Supreme Court through Decision Number 386 K/Ag/2024 shifted the approach towards *istislah*, by emphasizing the protection of marriage institutions and broader social benefits, while referring to the SEMA guidelines and the 2022 Religious Chamber Legal Formulation. This difference shows that the interpretation of maqasid is not a single doctrine, but a dialectical space that is open for judges to emphasize different benefits according to the perspective and authority of the judiciary. An important implication of these findings is that there is a methodological tension between individual protection and institutional protection, which ultimately confirms the urgency of the consistency of the maqasid paradigm in the practice of religious justice in Indonesia.

Bibliography

- Direktori Putusan Mahkamah Agung Republik Indonesia, Pub. L. No. 386 K/Ag/2024, 3348 1 (2024).
- Aibak, K. (2013). Penalaran Istislahi sebagai Metode Pembaharuan Hukum Islam. In *Al-Manahij: Jurnal Kajian Hukum Islam* (Vol. 7, Issue 2, pp. 169–182). <https://doi.org/10.24090/mnh.v7i2.562>
- Alamudi, I. A., Suriyadi, S., Utami, M. A., & Ramadhani, S. R. (2025). Studi Qawaid Fiqhiyyah: Aspek Ibadat dan Muamalat dalam Kaidah La Dharara Wa La Dhirar. *Qonun Iqtishad EL Madani Journal*, 4(1), 21–28. <https://doi.org/10.55438/jqim.v4i1.140>

- Aminah, S., & Rafsanjani, O. (2023). Implementasi Restorative Justice Untuk Menanggulangi Kekerasan Dalam Rumah Tangga: Antara Konsep dan Praktik. *Restorative: Journal of Indonesian Probation and Parole System*, 1(1), 55-73. <https://doi.org/10.61682/restorative.v1i1.7>
- Asiah, N. (2016). Istishlah Dan Aplikasinya Dalam Penetapan Hukum Islam. *Jurnal Hukum Diktum*, 14(2), 147-160.
- Asni, A. (2014). Pertimbangan Maslahat Dalam Putusan Perceraian Akibat Kekerasan Dalam Rumah Tangga Di Pengadilan Agama. *AHKAM: Jurnal Ilmu Syariah*, 17(1), 105-114. <https://doi.org/10.15408/ajis.v17i1.1247>
- Aziz, M. A., Rahmawati, R., Salma, S., & Bakhtiar, B. (2024). Analisis Yurisprudensi Putusan Pengadilan Agama: Gugatan Perceraian Karena Tidak Memiliki Keturunan. *FiTUA: Jurnal Studi Islam*, 5(2), 133-151. <https://doi.org/10.47625/fitua.v5i2.592>
- Direktori Putusan Mahkamah Agung Republik Indonesia, Pub. L. No. 509/Pdt.G/2023/PA.Bkt (2023).
- Kushidayati, L. (2014). Legal Reasoning Perempuan dalam Perkara Gugat Cerai di Pengadilan Agama Kudus Tahun 2014. *Yudisia*, 6(1), 141-159.
- Marzuki, Basri, R., & Rahmawati. (2024). Analisis Putusan Hakim Terhadap Hak Isrti Dalam Perkata Cerai Gugat Nomor 333/Pdt.G/2023/PA.Mmj di Pengadilan Agama Mamuju. *JURNAL Hukamaa*, 3(1), 50-69.
- Mustofa, A., & Wibawa, I. (2024). Tinjauan Maqashid Asy-Syari'ah Terhadap Perceraian Karena Alasan Ekonomi. *Jurnal Studi Keislaman*, 10(2), 146-165.
- Direktori Putusan Agung Republik Indonesia Pengadilan Tinggi Agama Padang, Pub. L. No. 71/Pdt.G/2023/PTS.Pdg (2023).
- Risa, Y. (2018). Tinjauan Yuridis Faktor Penyebab Cerai Gugat Di Pengadilan Agama Kelas II Kota Solok Tahun 2017. *Lex Librum : Jurnal Ilmu Hukum*, 4(2), 701-713.
- Saraswati, P. S., & Susrama, I. N. (2023). Kekuatan Pembuktian Keterangan Saksi Korban Kekerasan Psikis Dalam Pengaturan Kekerasan Dalam Rumah Tangga. *Jurnal Analisis Hukum*, 6(1), 85-98. <https://doi.org/10.38043/jah.v6i1.4197>
- Sikti, A. S. (2009). *Fiqh al-Dharar dan Pemahaman Hakim Pengadilan Agama*.
- Silsilu, D. B. (2024). Assessing the Istislahiah Method in Islamic law: Study of The Utilization of Science in Ushul Fiqh in The Context of Indonesian Fiqh. *Indonesian Journal of Law and Islamic Law (IJLIL)*, 6(1), 1-13.

<https://doi.org/10.35719/ijlil.v6i1.314>

Wahid, Z. U., Rodafi, D., & Hasan, N. (2021). Konsep Maqashid Kontemporer Ibnu Asyur dan Al-Fasii. *Hikmatina: Jurnal Ilmiah Hukum Keluarga Islam*, 3(2), 99–108.

Waspada, R. J. S., & Kharisma, D. B. (2020). Kajian Yuridis Pengaturan Hak Asuh Anak Sebagai Akibat Perceraian Dari Perkawinan Campuran Ditinjau Dari Hukum Perdata Internasional. *Jurnal Privat Law*, 8(1), 124.
<https://doi.org/10.20961/privat.v8i1.40385>

Wijaya, M., Pratomo, B., Citta, A. B., & Efendi, S. (2025). *Buku Referensi Metodologi Penelitian Kombinasi Pendekatan Kuantitatif, Kualitatif, dan Mixed Methods*. PT. Media Penerbit Indonesia.