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Reinterpreting Kafa'ah through Maqasid al-Shari'ah: Marriage Compatibility in an Era of Social Disruption

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Abstrak

Perubahan sosial dan pola pembentukan keluarga menimbulkan pertanyaan mengenai kedudukan kafa'ah (kesepadanan calon pasangan) dalam fikih perkawinan. Penelitian hukum normatif berbasis kepustakaan ini membandingkan pertimbangan kesepadanan dalam tradisi fikih dan merumuskan kerangka evaluasi berdasarkan maqasid al-syari'ah. Kajian membedakan syarat keabsahan perkawinan dan persetujuan para pihak dari pertimbangan sosial seperti nasab, pekerjaan, dan kekayaan yang kedudukan hukumnya tidak seragam di antara mazhab. Hasil analisis mengusulkan pengujian fungsional yang mencakup persetujuan bebas, tanggung jawab keagamaan dan etis, pencegahan bahaya, kesalingan dalam pengambilan keputusan, serta kemampuan memenuhi kewajiban ekonomi. Kriteria ini ditautkan dengan perlindungan agama, jiwa, akal, keturunan, dan harta, tetapi bukan syarat sah perkawinan baru. Pasal 61 Kompilasi Hukum Islam telah membatasi keberatan karena ketidaksepadanan, dengan pengecualian terkait perbedaan agama. Karena itu, usulan lebih tepat diterapkan sebagai pedoman penafsiran dan konseling pranikah; dampaknya terhadap kesejahteraan keluarga masih memerlukan pengujian empiris.

Kata Kunci: kafa'ah; maqasid al-syari'ah; kesepadanan perkawinan; hukum keluarga Islam; persetujuan.

Abstract

Contemporary changes in family formation raise questions about the role of kafa'ah (marital compatibility) in Islamic jurisprudence. This normative literature study compares historical compatibility considerations across juristic traditions and proposes a maqasid-based evaluative framework for present-day decisions. Its approach is conceptual rather than an empirical assessment of divorce or family outcomes. The analysis distinguishes religious eligibility and free consent from social criteria such as lineage, occupation and wealth, whose legal treatment differs among schools. It proposes a functional test centred on informed consent, ethical and religious commitments, the prevention of harm, shared decision-making, and demonstrable economic responsibility. These criteria are related to the protection of religion, life, intellect, lineage and property without presenting them as statutory marriage-validity requirements. The Indonesian Compilation of Islamic Law already limits objections based solely on a perceived mismatch, subject to religious difference. The proposed model therefore primarily informs legal interpretation and premarital counselling;

any wider legislative reform or claim of improved family outcomes requires separate evidence.

Keywords: *kafa'ah; maqasid al-shari'ah; marital compatibility; Islamic family law; consent.*

INTRODUCTION

dignity.In Islamic legal thought, marriage is both a binding legal relationship and a social institution associated with tranquillity (sakinah), affection (mawaddah) and compassion (rahmah). The juristic doctrine of kafa'ah concerns the compatibility of prospective spouses.[1]Classical discussions consider religion, personal conduct, lineage, occupation, freedom and wealth, but they do not unanimously regard all these considerations as conditions of marital validity. A maqasid-oriented inquiry instead asks whether a particular compatibility judgment protects the legitimate interests of the spouses and future family without displacing their consent or[2]

Rapid technological, economic and cultural changes have diversified encounters between prospective spouses. Interregional mobility and digitally mediated relationships can bring together people with different educational, economic and family backgrounds.[3]Such variation presents practical questions about expectations, household roles, communication and welfare. Nevertheless, the present library study has[4]no longitudinal evidence linking these trends to an increase in divorce. Any causal assertion about social disruption and marital breakdown would require independent demographic or empirical research.

Compatibility may matter because persistent disagreements over core commitments, financial obligations or methods of resolving conflict[5]can create pressures within a household. That possibility does not mean that marriages across class, occupation or ethnicity are inherently unstable. Conversely, treating inherited status as an inflexible barrier may impair individual choice. The relevant doctrinal question is therefore how legal rights, consensual marriage and prevention of harm can be reconciled with a historically diverse juristic vocabulary.

Earlier scholarship provides several points of comparison.[6]Adila and colleagues read Qur'anic discussions of compatibility through shared values and the principle of mubadalah;[7]Barkah and Andriyani studied age-disparate marriage in a

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[1] Abu Muhammad Rafif Triharyanto, *Syariat Cinta Menuju Surga: Rahasia Menikmati Pernikahan Bahagia* (Kreatifa Prima, 2020).

[2] Diyah Ayu Putri, Wahyu Saputra, Dan Mhli Shi, "Larangan Menikah Bagi Wanita Tni Dalam Permenhan Pasal 6 Nomor 31 Tahun 2017 Dalam Perspektif Maṣlaḥah Mursalah: Studi Terhadap Pendapat Anggota Tni," 2025.

[3] Wahyu Wahyu, Moh Adib Sya'bani, Dan Syahrul Permana Permana, "Hak Waris Dan Keadilan: Menggagas Reformasi Hukum Keluarga Dengan Prinsip Maqasid Syariah," *Jurnal Studi Inovasi* 4, No. 2 (2024).

[4] Rahmiyati Suksin, "Dampak Tradisi Belis Dalam Perkawinan Adat Perspektif'urf Dan Teori Utilitarian: Studi Perkawinan Adat Di Kota Kupang," 2025.

[5] MA Riadi Jannah Siregar, *Pernikahan Sakinah Mencegah Perceraian* (Penerbit P4I, 2022).

[6] Queen Adila, Muhammad Nurravi Alamsyah, Dan Muhammad Khusaini, "Kontekstualisasi Kafa'ah Dalam QS Al-Nur Ayat 26 Perspektif Māqaṣid Al-Syari'ah Cum Mubādalah," *Mahakim: Journal Of Islamic Family Law* 8, No. 2 (2024): 191–206.

[7] Qodariyah Barkah Dan Andriyani Andriyani, "Maqashid Al-Syari'ah Concept Of Kafa'ah In Marriage," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 20, No. 1 (2020): 107–16.

particular village; Raudho challenged absolute lineage-based equivalence;[8]and Mujenni and colleagues considered compatibility together with welfare. Muzakki and Hafshawati compared criteria across the principal[9]schools of jurisprudence, whereas a study of the views of Shaykh Nuruzzahri Yahya examined the rights of women and guardians.[10]These studies differ in sources and method, and their findings[11]cannot be combined into a universal rule about the legal status of kafa'ah.

The remaining gap is not the mere suggestion that modern compatibility should be ethical rather than hierarchical. It is the absence, in the studies examined here, of a stepwise distinction among juristic compatibility criteria, formal statutory requirements and concrete maqasid-based indicators that a decision-maker may actually examine. This article therefore develops a limited legal test rather than claiming that all classical jurists endorsed one rigid and discriminatory model.

The analytical framework links five objectives—protection of religion, life, intellect, lineage and property—to questions that can be evaluated without reliance on inherited social rank. It asks whether an objection protects a legally relevant interest or merely reproduces prejudice, whether both parties freely consent, and whether a claimed welfare risk can be supported by facts rather than by assumption.

The original contribution is a two-stage compatibility analysis. First, the assessor identifies the legally binding rules of marriage formation and the specific juristic view relied upon. Second, the assessor evaluates consent, ethical commitments, non-coercion, communication, the capacity to fulfil obligations and any demonstrable welfare risk. This method remains a scholarly proposal, not a new condition of marriage under Indonesian law.

Accordingly, the article examines the scope of kafa'ah in juristic scholarship, explains how maqasid can inform its reinterpretation, and identifies the legitimate limits of using compatibility concerns in Indonesian Islamic family-law practice. A claim that such an approach reduces divorce or measurably expands access to justice remains a hypothesis requiring case-law and field-based evaluation.

RESEARCH METHOD

This is normative, qualitative library research using conceptual and comparative approaches. It examines legal and juristic arguments rather than collecting survey responses or observing married couples. The source base contains studies of classical legal schools, contemporary scholarship on maqasid and mubadalah, and relevant Indonesian marriage-law provisions. Where the manuscript lacks a traceable edition or page reference to a classical juristic treatise, a school-specific proposition is stated cautiously pending primary-text verification.

Primary doctrinal materials are juristic texts and authoritative discussions of their positions; secondary materials consist of journal scholarship and modern

[8] M Raudho, "Kafa'ah Nasab Dalam Pernikahan Syarifah Dan Relevansinya Di Era Modern," *Jurnal Penelitian Ilmiah Multidisipliner* 1, No. 02 (2025): 138–45.

[9] Mujenni Mujenni Dan Husni Idris, "Kafa'ah Dalam Membina Keluarga Harmonis: Suatu Tinjauan Konseptual Dalam Pernikahan Perspektif Maslahah," *Jurnal Kolaboratif Sains* 7, No. 6 (2024): 1963–75.

[10] Ahmad Muzakki dan Himami Hafshawati, "Kedudukan dan Standarisasi Kafaah dalam Pernikahan Perspektif Ulama Madzhab Empat," *Asy-Syari'ah: Jurnal Hukum Islam* 7, no. 1 (2021): 19 –38.

[11] Abdullah M Nur, "Kafa'ah Dalam Pernikahan Dalam Perspektif Syekh H. Nuruzzahri Yahya," *Jurnal Al-Mizan* 10, no. 2 (2023): 169–93.

commentaries. Indonesian positive-law materials—including the Marriage Law and the Compilation of Islamic Law—are distinguished from juristic authority. The selected corpus is assessed for subject relevance, identifiable authorship and the ability to support the doctrinal proposition cited. It is not represented as an exhaustive survey of every school or edition.

The analytical process identifies how each source defines compatibility, what legal consequences the source attributes to a mismatch, and whether the criterion concerns religious eligibility, the interests of a spouse or guardian, or a social convention. These findings are compared with the five maqasid objectives, informed consent and the risk of measurable harm. Conflicting juristic positions are recorded as differences rather than smoothed into consensus. The resulting functional model is an authorial interpretation, not a direct quotation from classical doctrine.

RESULTS AND DISCUSSION

Kafa'ah in the Light of Maqasid al-Shari'ah

The term kafa'ah denotes forms of suitability or comparability that Islamic jurists have considered when discussing marriage.[12]The relevant characteristics, their holders and their legal consequences vary among schools: religious commitment may have a different role from[13]occupation, lineage or wealth, and a recognised right to object is not automatically a condition of contractual validity. Any general account must therefore identify whose legal view is being presented and what consequence that view actually attaches to a mismatch.

Maqasid al-shari'ah provides a framework of reasons for assessing these opinions. Protection of religion concerns shared freedom to practise and respect religious duties;[14]protection of life includes dignity and safety; protection of intellect supports informed choice and constructive communication; protection of lineage concerns the welfare and legal identity of children; and protection of property relates to enforceable financial duties and prudent household arrangements. These connections are evaluative hypotheses, not predictions that compatible spouses will necessarily avoid conflict.

Table 1. Proposed Maqasid-Based Dimensions of Marital Compatibility

Maqasid Objective	Proposed Meaning for Kafa'ah
Protection of religion (hifz al-din)	Respect for religious commitments and applicable marriage eligibility, without assuming uniform social status.
Protection of life (hifz al-nafs)	Mutual dignity, non-coercion, personal safety and capacity to respond to demonstrated welfare risks.
Protection of intellect (hifz al-	Informed consent, deliberation, constructive

[12] Irma Khoirotun Nisa, "Pandangan Tokoh Masyarakat Terhadap Kafa'ah Dalam Perkawinan Sebagai Pembentukan Keluarga Sakinah Perspektif Hukum Islam (Studi Kasus Desa Gelang Lor Kecamatan Sukorejo Kabupaten Ponorogo)," 2023.

[13] Nuzuluia Febri Hidayati, "Hirfah (Profesi) Sebagai Kriteria Kafa'ah Dalam Pernikahan," *Semarang: UIN Walisongo. Skripsi tidak diterbitkan*, 2016.

[14] MHI Abid Rohmanu, *Teorisasi Etis Maqasid: Dialektika Hukum Islam dan Etika Global* (Q Media, 2021).

Maqasid Objective	Proposed Meaning for Kafa'ah
aql)	communication and freedom to express views.
Protection of lineage (hifz al-nasl)	Attention to children's welfare, parental responsibility and lawful family status, not inherited rank.
Protection of property (hifz al-mal)	Realistic capacity and willingness to discharge financial duties; neither high income nor lineage is a legal proxy.

Table 1 maps each objective to a practical question that may be relevant to the prospective spouses. It should not be interpreted as proof that the five objectives mechanically produce a uniform legal threshold of compatibility. In particular, a person's income or social background cannot stand in for evidence of unwillingness to discharge financial obligations. The strongest normative use of the framework is to expose unreasoned or discriminatory objections.

A contextual approach asks which human interests a compatibility rule genuinely protects and whether the chosen measure intrudes upon autonomy more than is justified. Legal validity, ethical desirability and social expectations must remain analytically separate. The model is therefore concerned with the quality of justification rather than expanding the list of formal marriage conditions.

Social Change and the Limits of Classical Compatibility Categories

Contemporary Conditions

Classical legal writing addresses compatibility partly in the language of the social arrangements known to its authors.[15]Contemporary Indonesia is characterised by occupational mobility, broader educational access, diverse family practices and digital communication. These developments can change how spouses evaluate the practical relevance of particular criteria. They do not, without supporting empirical data, establish that any one social category is always obsolete or harmful.

A. Changing Family and Social Expectations

Social transformation may involve changing roles, norms and expectations. Globalisation, urbanisation and technological exchange can diversify prospective spouses' social backgrounds. A doctrinal study can identify the conceptual implications of this change, but should not treat it as measured evidence of instability in particular households.

stigma.In a changing society, educational attainment, professional skill and economic independence may be more salient in some partner-selection decisions than inherited family status. However, these characteristics are not uniform indicators of marital suitability. The legal analysis should focus on voluntary agreement, duties and rights, demonstrated risks of harm, and whether an objection can be justified independently of[16]

B. Problems in Applying Compatibility Criteria

[15] Dwi Yulianingtyas, "Pandangan Tokoh Agama Terhadap Kafa'ah Dalam Pernikahan Di Desa Joho Kecamatan Wates Kabupaten Kediri," 2024.

[16] Aldira Oktarina, "Implementasi Konsep Kafā'ah Bagi Pasangan Menikah Pada Era Milenial (Studi Dalam Masyarakat Kabupaten Pidie)," 2024.

The following conceptual issues deserve special attention: treating a contested juristic preference as a universal legal condition; confusing family expectations with the spouses' rights; applying criteria unevenly by gender; or using socioeconomic labels without examining the real duties involved. These are risks of interpretation rather than findings from interviews.

C. Why Reinterpretation Requires a Legal Method

A contextual interpretation should compare the precise legal consequence attached to each criterion before deciding whether the criterion remains persuasive. A guardian's concern about a demonstrable risk to a prospective spouse cannot be equated with an[17]objection based solely on lineage or occupation. At the same time, personal freedom does not displace applicable legal restrictions on marriage or the requirement of informed consent.

Maqasid reasoning can help distinguish a credible welfare concern from a bare assumption.[18]In this sense, responsiveness means retaining the capacity for principled disagreement while requiring a transparent explanation of the legal basis and likely harm. No general causal claim about contemporary marital stability follows from this normative position alone.

A Functional Kafa'ah Framework for Family-Law Interpretation

From Social Classification to Rights-Based Evaluation

Historical discussions of kafa'ah could reflect expectations about lineage, work, wealth and social standing.[19]Those categories continue to appear in scholarship, but their weight must be located within particular schools and historical contexts. A functional approach examines the interests of the persons affected, including the protection of consent, financial duties and freedom from coercion.

A. The Legal Scope of Reform

A proposal to modernise Islamic family law must first identify existing law. Article 61 of the Compilation of Islamic Law restricts objections based on lack of equivalence, subject to religious difference. This reduces the basis for assuming that social rank already operates as a general statutory bar to marriage. A practical priority is therefore interpretive guidance and premarital counselling that help distinguish[20]binding rules from optional social expectations, before proposing legislative amendment.

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[17] Abdul Mukti Ali, "Urgensi Kafa'ah Dalam Jenjang Pendidikan Di Era Modern (Perspektif Maqashid Syariah)," *Sakinah: Jurnal Hukum Keluarga Islam* 2, No. 1 (2024): 1–14.

[18] Amin Jakfar, "Modernisasi Konsep Kafa'ah Dalam Pernikahan: Temuan Studi Kasus Di Keluarga Kiai Desa Prajjan," *At-Tafakur: Jurnal Ilmu Syari'ah Dan Hukum* 1, No. 1 (2024): 128–44.

[19] Fathullah Fathullah, Syamsuri Syamsuri, Dan Sayehu Sayehu, "Hadits-Hadits Tentang Kafa'ah Dan Mahar Pendekatan Sosiologis Dan Teologis Normatif," *At-Tadris: Journal Of Islamic Education* 3, No. 2 (2024): 87–100.

[20] Mas Erwin Candra Amisena, Dhody Ananta Rivandi Widjadjasatmadja, Dan Felicitas Sri Marniati, "Perlindungan Hukum Bagi Istri Warga Negara Indonesia (Wni) Terhadap Status Harta Bersama Dalam Perkawinan Campuran Terkait Pembagiannya Karena Perceraian.," *Sentri: Jurnal Riset Ilmiah* 2, No. 9 (2023): 3510–18.

Table 2. Proposed Principles for Interpreting Kafa'ah

No.	Interpretive principle	Practical legal meaning
1	Justice and equality	Distinguish legal rights and duties from class-based assumptions; respect both prospective spouses.
2	Social responsiveness	Examine real marital responsibilities and different social contexts without changing mandatory legal rules by implication.
3	Prevention of discrimination	Reject objections founded only on stereotypes about lineage, social class or gender.
4	Proportional protection	Apply consent, safety and legal-eligibility safeguards to the actual case rather than prescribing a universal social profile.

The table summarises principles of non-discrimination, proportional legal protection and responsiveness to social realities. These principles support a restrained interpretation of kafa'ah:[21]a family or guardian must not convert a purely subjective social preference into an enforceable prohibition unless positive law supplies a legal basis.

B. A Context-Sensitive Understanding of Kafa'ah

A responsive understanding must address two separate dimensions: the fidelity of interpretation to identifiable juristic sources and the application of lawful rights in a contemporary social setting. The latter demands sensitivity to unequal bargaining power, coercion and the availability of a remedy.

1. Functional Rather than Structural Compatibility

The model gives priority to free consent, shared ethical commitments, effective communication, reciprocal decision-making, readiness for marriage and realistic plans for meeting financial obligations. These criteria are not proxies for lineage or affluence. Their purpose is to clarify actual risks and responsibilities rather than to authorise exclusion of lower-status spouses.

2. Respect for Diversity and Legal Limits

Local customs may inform a couple's expectations but cannot override legal eligibility, informed consent or equal human dignity. A proposed contextual model must reject an objection that relies solely on ethnic, occupational or hereditary stereotypes and must never excuse coercion merely because it is labelled customary.

C. An Implementable Form of Reform

The least intrusive reform is to develop guidance for marriage officers, counsellors and relevant judicial actors that explains the limited legal role of kafa'ah. The guidance should distinguish a voluntary discussion about compatibility from a challenge to legal eligibility, and provide a documented route for resolving coercion or consent disputes.

[21] Khoirotun Nisa, "Pandangan Tokoh Masyarakat Terhadap Kafa'ah Dalam Perkawinan Sebagai Pembentukan Keluarga Sakinah Perspektif Hukum Islam (Studi Kasus Desa Gelang Lor Kecamatan Sukorejo Kabupaten Ponorogo)."

A functional conception of compatibility may help parties deliberate about expectations while keeping the boundary between ethical advice and legal obligation visible. The present study cannot conclude that adopting such guidance would produce lower divorce rates; that proposition requires prospective field evaluation.

Relevance and Implications of Kafa'ah for Contemporary Islamic Family Law

Relevance and Legal Implications

A. Relevance to Contemporary Family-Law Practice

The classical vocabulary of kafa'ah covers religious practice, descent, social position, legal freedom, wealth and occupation, but it does not[22]provide one uncontested set of valid-marriage conditions. Contemporary analysis should focus instead on a legal order in which consent, welfare, dignity and judicially enforceable duties can be distinguished from nonbinding preferences.[23]Emotional readiness, shared plans and mutual respect are legitimate counselling topics, not independent grounds for invalidating a lawful marriage.

history. A contextual interpretation makes room for changes in social experience while retaining the requirement of doctrinal evidence. A claim that certain criteria are[24]irrelevant cannot rest only on the preferences of the researcher; it must explain the school-specific legal significance of each criterion and whether it is reconcilable with current positive law. The aim is principled adaptation, not dismissal of juristic[25]

Table 3. Legal Relevance of a Contextual Kafa'ah Model

No.	Dimension of relevance	Proposed interpretation
1	Social change	Consider contemporary expectations about values, responsibilities and communication, without assuming empirical effects.
2	Ethical guidance	Use compatibility as voluntary premarital deliberation rather than a blanket validity condition.
3	Family-law practice	Clarify the limited legal scope of non-equivalence and the procedures for objections.
4	Human dignity	Reject discriminatory uses of social-status criteria while respecting applicable positive law.

Table 3 presents possible applications of this framework. Its entries are prescriptive assessments, not empirical findings or new marriage-law rules. The

[22] Mujenni Mujenni dan Husni Idris, "Kafa'ah Dalam Membina Keluarga Harmonis: Suatu Tinjauan Konseptual Dalam Pernikahan Perspektif Maslahah," *Jurnal Kolaboratif Sains* 7, no. 6 (2024): 1963–75.

[23] Imam Syafi'i, "Konsep Kafaah Dan Keluarga Sakinah (Studi Analisis Tentang Korelasi Hak Kafa'ah Terhadap Pembentukan Keluarga Sakinah)," *Asy-Syari'ah: Jurnal Hukum Islam* 6, no. 1 (2020): 31–48.

[24] Andi Darna, "Perkembangan Hukum Islam Di Indonesia: Konsep Fiqih Sosial dan Implementasinya dalam Hukum Keluarga," *El-Usrah: Jurnal Hukum Keluarga* 4, no. 1 (2021): 90–107.

[25] Abdul Halim, "Kafaah dalam perkawinan Jawa-Minang perspektif keluarga Maslahah: Studi di Kampung Pedurenan Kelurahan Jatiluhur Kecamatan Jatiasih Kota Bekasi," 2024.

model's utility depends on whether a competent institution adopts clear guidance and whether affected parties can challenge a discriminatory or coercive practice.

B. Practical Implications and Legal Remedies

A compatibility dispute may become legally significant where it affects informed consent, involves coercion or is used to obstruct a marriage without a valid legal ground.[26]Relevant actors should record the actual objection, identify the applicable rule, offer an opportunity to respond and refer a[27]genuine contested case to the competent institution. Women's access to justice may improve if those procedural safeguards are applied consistently; such an improvement remains a proposition to be tested.

Table 4. Possible Institutional Implications of a Contextual Kafa'ah Model

No.	Institutional implication	Proposed measure
1	Marriage counselling	Provide a consent-based checklist of values, communication, personal safety and financial duties.
2	Interpretive policy	Give marriage officials clear guidance on Article 61 KHI and the difference between legal barriers and social preferences.
3	Access to justice	Document disputed objections and give parties access to competent review where rights or consent are affected.
4	Research and assessment	Evaluate effects through documented case studies and interviews rather than assuming improved outcomes.

The broader effect of reform depends on legal authority, institutional practice and the willingness of parties to use available remedies.[28]Interpretive guidance, documented counselling and transparent treatment of guardian objections can be developed within existing[29]law, while any change to formal validity conditions would require a separate legal basis. Claims about social transformation or measurable benefits cannot be established by the documentary method employed[30]here.

CONCLUSION

The analysis demonstrates that kafa'ah has multiple juristic meanings and that marriage compatibility should not be equated automatically with lineage, social rank or wealth. Within a maqasid-based perspective, the relevance of a proposed criterion depends on the legally protected interest it serves and whether it respects

[26] MHI Lia Noviana, *Rekonstruksi Hukum Keluarga di Negara Muslim Modern: Kajian Feminist Legal Theory di Tunisia dan Indonesia* (Q Media, 2021).

[27] M Anwar Nawawi dkk., "Hegemoni Patriarkhisme: Hak Keadilan Perempuan Dalam Undang-Undang Perkawinan Di Indonesia," 2022.

[28] Putri Agustina, "Persepsi Tokoh Masyarakat Desa Purwokerto Kecamatan Brangsong Kabupaten Kendal Tentang Kafa'ah Dan Implementasinya Dalam Keluarga," 2021.

[29] Fitrotin Jamilah, "Nusyus Pada Khi Perspektif Gender Dan Maqosid Syariah Jasser Auda," *Salimiya: Jurnal Studi Ilmu Keagamaan Islam* 4, No. 2 (2023): 76–97.

[30] Ahmad Tholabi Kharlie Dan Mh Sh, *Kodifikasi Hukum Keluarga Islam Kontemporer: Pembaruan, Pendekatan, Dan Elastisitas Penerapan Hukum* (Prenada Media, 2020).

free consent and dignity. This is an interpretation of doctrine, not a finding about the actual causes of divorce.

A functional approach can examine ethical commitments, readiness to fulfil marital duties, communication, financial responsibility and any factually supported risk of harm. These considerations provide a structured vocabulary for premarital guidance and the assessment of disputed family objections. Their influence on family welfare remains to be evaluated empirically, and religious traditions should not be represented as unanimous where substantive juristic differences exist.

In Indonesian positive law, reform should begin with correct use of existing provisions, especially Article 61 of the Compilation of Islamic Law, and with accessible procedures that protect consent and allow objections to be examined by a competent body. The proposed framework offers a testable legal hypothesis for future research; it does not itself create new marriage validity conditions or establish that the proposed approach will reduce divorce.

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