

## From 'Traditional Urf to Digital Urf: Accommodating Young Generation's Values on Husband-Wife Relations in the Framework of Ushūl al-Fiqh'

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### Abstract

This study examines how digital interpretations of marital roles among Muslim youth transform the classical concept of 'urf and challenge traditional gendered norms in Islamic family law. Existing research has extensively discussed 'urf and marital hierarchy, yet little attention has been paid to how digital-native perceptions, circulating through platforms such as TikTok and Instagram, reshape normative expectations of spousal relations within the framework of ushul fiqh. This study addresses this gap by analyzing the emergence of "digital 'urf" as a new sociocultural reference for young Muslims. Using qualitative documentary analysis combined with thematic content analysis, the study examines 120 short-form digital contents produced by Indonesian Muslim youth between 2023–2024, selected through purposive sampling. The dataset is triangulated with classical fiqh texts, contemporary fatwas, and statutory family law materials to evaluate the extent to which digital 'urf aligns with or diverges from established ushul fiqh principles. The findings reveal three major shifts: (1) digital 'urf reframes marital roles from hierarchical–patriarchal to partnership-based, (2) normative authority moves from textual and communal scholars to digital micro-influencers, and (3) the concept of qiwāmah undergoes functional reinterpretation driven by economic and technological equality. These shifts indicate the

emergence of a hybrid normativity that merges experiential digital ethics with fiqh-based reasoning. This study contributes a conceptual reformulation of 'urf in the digital era and offers a framework for integrating digital socio-cultural patterns into ushul fiqh analysis.

**Keywords:** *'digital urf*, equality, husband and wife, ushul fiqh, maqāṣid al-syariah

## Introduction

The development of digital technology, especially social media such as TikTok and Instagram, has significantly changed the way the younger generation interprets husband-wife relationships. The values of equality, flexible division of roles, and the redefinition of the concept of leadership in the household are becoming popular discourses in the digital space.<sup>1</sup> This phenomenon forms what can be termed as a *'digital urf*, a new habit or norm that is born from virtual interaction and then internalized into real-life practice. From the perspective of Islamic law, *'urf* has an important position as one of the sources of ijihad that can be considered as long as it meets the criteria of *'urf mu'tabar*<sup>2</sup>. However, the rapid change in value due to the flow of digital information raises academic anxiety: the extent to which *this digital 'urf* can be accommodated within the framework of ushul fiqh without violating the principles of *maqāṣid al-syari'ah*.

A lot of studies have been done on *the relationship between 'urf* and Islamic family law. For example, Alzuhaili (2015) comprehensively reviews the principle of customary acceptance in Islamic law. A local study by Rohman (2017) discusses the role of *'urf* in the division of domestic roles in Javanese society, while Anwar and Rahman (2020) examine the influence of globalization on the shift in the value of gender roles in Muslim households. On the other hand, Ismail et al. (2021) examined the narrative of marriage equality on social media from the perspective of digital communication, while Syafiqah (2022) highlighted the impact of TikTok on the perception of the younger generation of Muslims about

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<sup>1</sup> Guðbjörg Linda Rafnsdóttir and Ólöf Júlíusdóttir, "Reproducing Gender Roles through Virtual Work: The Case of Senior Management," *International Journal of Media and Cultural Politics* 14, no. 1 (March 1, 2018): 77–94, [https://doi.org/10.1386/MACP.14.1.77\\_1/CITE/REFWORKS](https://doi.org/10.1386/MACP.14.1.77_1/CITE/REFWORKS).

<sup>2</sup> Darnela Putri, "The Concept of 'Urf as a Source of Law in Islam," *El-Maslahah* 10, no. 2 (2020): 14–25, <https://doi.org/10.23971/maslahah.v10i2.1911>.

marriage.<sup>3</sup> However, studies that specifically link the *phenomenon of digital 'urf* to the methodology of ushul fiqh, especially through the analysis of *maqāṣid al-syarī'ah*, are still rare. Most previous research has stopped at sociological analysis or positive law, and has not made full use of the ushul fiqh analysis tool.

This gap is the starting point of this research. This research offers novelty by combining the concepts of *'urf mu'tabar* and *maqāṣid al-syarī'ah* to assess the values of equality internalized by the younger generation from social media. In addition, this study systematically compares *traditional 'urf* and *digital 'urf* to see the shift in value and its implications for Islamic family law, as well as position social media as a new *source of 'urf* which is analyzed by *content analysis* and literature study methods.<sup>4</sup> The hypothesis put forward is that *the digital 'urf* that develops on social media is partially acceptable as *'urf mu'tabar* because it is in line with the purpose of *maqāṣid al-syarī'ah*, although there are elements that have the potential to become *'urf fāsid* if they are contrary to the basic principles of sharia.

This study uses a socio-digital qualitative design that combines documentary analysis with thematic content analysis to explore how the younger generation of Muslims build a new meaning of the relationship between husband and wife through digital media, as well as assess how these patterns interact with the framework of ushul fiqh, especially the concept of *'urf*, *maqāṣid al-syarī'ah*, and functional *qiwāmah*. The research data includes three main groups: first, a set of digital content in the form of 120 short videos from TikTok and Instagram Reels produced by Indonesian Muslim youth in the period from January 2023 to September 2024 and obtained through purposive sampling techniques based on a number of criteria, namely the relevance of the theme of the role of husband and wife, the involvement of creators aged 18–35 years, and the level of public visibility of at least 5,000 impressions. Second, classical and contemporary fiqh sources, including the works of *turāth* (al-Qarāfi, Ibn 'Ābidīn, al-Syāṭibī), modern fatwas (MUI, Dar al-Ifta', JAKIM), as well as family fiqh literature and digital ethics. Third, Indonesia's positive legal documents include the Marriage Law, the Compilation of Islamic Law, and pre-marital guidance guidelines. All digital content is manually transcribed and cataloged along with metadata (upload date,

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<sup>3</sup> Rizki Zil Ikram Rambe and Iwan, "Implications of the 'Marriage Is Scary' Trend on Tiktok on Muslim Teenagers' Views on Marriage," *A Long Law Review* 7, no. 2 (2025): 392–401, <https://doi.org/10.56301/awl.v7i2.1552>.

<sup>4</sup> Dr. Syed Ameer Hassan and Dr. Masooma Batool, "Concept of 'urf (Custom) in Islamic Law and Its Application in Social Affairs: An Analytical Study," *Mobi Ud Din Journal of Islamic Studies* 2, no. I (2024): 1–30, <https://miu.edu.pk/mjis/index.php/mjis/article/view/57>.

number of impressions, thematic message, and relationship framing). Data collection was done through searches based on keywords such as "marital role," "alimony," "working wife," "qiwāmah," and "Islamic household."

The analysis process is carried out through two layers. The first layer is thematic content analysis following Braun and Clarke's model which includes data familiarization, initial coding, theme construction, theme review, and more mature analytical categorization. The second layer is the normative analysis of ushul fiqh which assesses each empirical finding based on the parameters of the validity of 'urf, the consideration of *maqāsid al-syarī'ah* (*ḥifẓ al-nasl*, *ḥifẓ al-māl*, *ḥifẓ al-nafs*), rules such as *taḥqīq al-manāṭ* and *taghyīr al-fatwā* due to shifts in social context, as well as functionally reviewed concepts of *qiwāmah*. The validity of the research was maintained through source triangulation, peer debriefing with two independent reviewers who reached code agreement above 85%, as well as the preparation of a trail audit to ensure the transparency of the analytical process. In addition, the researcher conducted reflexive memoing to minimize interpretive bias. The ethical aspects of digital research are fulfilled by using only public content, obscuring the identity of creators, not taking private data, and prioritizing a nonjudgmental approach in accordance with media research ethics and Islamic norms. This layered methodological approach allows the research to capture the dynamics of the "digital 'urf" while assessing its normative validity in the construction of contemporary Islamic family law.

This study identifies the forms and values of *digital 'urf* of the younger generation related to husband-wife relationships, analyzes the suitability of these values with the principles of *'urf mu'tabar* and *maqāsid al-syarī'ah*, and presents a model of *digital 'urf accommodation* that is in harmony with Islamic law. The expected result is to contribute to the development of Islamic family law studies that are responsive to the dynamics of social media, as well as enriching the discourse of integrating *digital 'urf* into contemporary *ijtihād*.

## Discussion

### The Shift from the 'Traditional 'Urf to the Digital 'Urf in the Husband-Wife Relationship

In the tradition of Islamic law and Indonesian Muslim culture, the pattern of husband-wife relations has long been framed in a normative framework that strengthens the role of the husband as the breadwinner and head of the

household, while the wife is more dominant in domestic affairs.<sup>5</sup> This view, although it has a textual basis from Q.S. An-Nisā' (4):34 on the status of *qanwām*, is also reinforced by local cultural practices that are rooted in a *traditional form of 'urf*. Most people interpret these values as a common norm whose identity is inherent in family life.<sup>6</sup> Studies on the division of roles in childcare by Javanese families show that although these roles are distributed, husbands remain focused on earning a living, while parenting is more lean towards wives or extended family members (grandmothers, grandfathers) collaboratively portraying traditional *gotong royong* as part of the local 'urf.

However, in the last decade, the presence of social media such as TikTok and Instagram has become a phenomenon that shifts, even redefinitions, those norms. The phenomenon of *digital 'urf* emerges through visual content that shows husbands helping to take care of children, cooking, or getting involved in household chores; and wives actively working outside the home or pursuing a career in a more balanced and egalitarian husband-wife relationship. Trends such as "Marriage is Scary", which is widely discussed on TikTok, show the strengthening of Generation Z's perception of marriage as an entity full of uncertainty and risk, thus creating a critical narrative against the image of the traditional ideal marriage. The study of TikTok user comments found five main themes: fear of a partner, future uncertainty, domestic conflicts, finances, and the influence of social media expectations.<sup>7</sup>

Quickly, this kind of content went viral, forming a kind of "digital normative consensus" about what young people consider ideal equality, flexible role-sharing, and trust in partnership. If traditional 'urf emphasizes inherited roles, digital 'urf is actually forming new roles based on "emerging habits" through global media penetration. This transformation raises academic anxiety regarding its normative legitimacy. Can this *digital 'urf* be categorized as *'urf mu'tabar* in the perspective of ushul fiqh or is it just a trendy narrative? The principle of uṣūl requires that an 'urf be accepted if it is general, consistent, does not contradict the text of the Qur'an and hadith, and carries *maslahah*. As for if he does not meet

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<sup>5</sup> Yuyun Sriwahyuni, "Indonesian Muslim Women's Lives in the Era of Neoliberalism and Islam (Neo)Conservatism: A Case Study in Indonesia," *State University of New York at Buffalo*, 2023.

<sup>6</sup> Alamsyah, "Reconstruction of the Concepts of Nusyûz in the Feminist Perspectives," *Al-Adalah* 15 (2018): 293–306, <http://dx.doi.org/10.24042/adalah.v%25vi%25i.3841>.

<sup>7</sup> Delia Atika Sari and Nur Lailatul Musyafaah, "'Marriage Is Scary' on TikTok: Maqāṣid Al-Shari'ah's Analysis of the Fear of Marriage in the Digital Era," *Ma'mal: Journal of Sharia and Law Laboratory* 7, no. 2 (2025): 132–64, <https://doi.org/10.15642/mal.v7i2.466>.

these conditions, then he becomes '*urf fāsīd*' and is not used as a legal reference. In the case of the formation of digital 'urf, the reduction to the role of 'qiwāmah' or the waiver of shari'a responsibilities is an example of the potential of 'urf fāsīd that is worth reviewing.

This change really challenges the fiqh of the family to evaluate itself: is it possible to embrace new values without neglecting the foundations of the sharia? The role of social media in the production of this new 'urf provides an opportunity to import egalitarian values that advance the welfare of the family, such as role balance and healthy emotional communication. However, without being critically sorted, there is a risk of eroding the marriage structure that has been standardized by nash. This phenomenon is not just theoretical, actual social media has shown a concrete impact. Not only about trending content, but also interactions and comments that reflect the internalization of the new norm by the audience. A series of videos and digital dialogues have created social pressure for couples to display equality, even without accompanying an adequate understanding of sharia.

From the perspective of norm adaptation, this presents an interesting opportunity: ushul fiqh can expand *the argument* by including media elements as the space of '*urf mu'tabar*' that is relevant to the times, as long as it is indeed in harmony with maqāṣid, especially in maintaining harmony (*hiḥz al-nasl*) and family dignity (*hiḥz al-'irdl*).<sup>8</sup> If the practice of 'urf digital' is able to strengthen communication, justice, and the quality of household life, then it can be accommodated. But if it tends to promote the image of a "perfect couple" without substance, plus the presence of content that reduces spiritual responsibility, this should be rejected as '*urf fāsīd*'.

As an empirical example, an analysis of social media trends shows that young couples' accounts often get high engagement when showing joint household activities to be a model not only for personal but also for the norms of digital society. However, there has been no long quantitative data that systematically measures the correlation between the consumption of such content and the relational reality of Muslim couples in the field. This opens up further research space. Thus, the shift from *traditional 'urf* to *digital 'urf* is not just a change in style, but an epistemological representation of how the younger generation

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<sup>8</sup> Muhamad Jazil Rifqi et al., "Children's Legal Identity at Stake: Reconstructing Maqāṣid Al-Syarī'ah through Marriage Isbat Applications by the Second Generation in Pasuruan," *El-Mashlahab* 15, no. 1 (2025): 125–48, <https://doi.org/10.23971/el-mashlahab.v15i1.9068>.

redefines the husband-wife relationship. Ushul fiqh must consider the reasonableness of the new values that bring *maslahah*, while rejecting those that violate the principles of the Shari'a.<sup>9</sup> This shift opens the door to contemporary re-ijtihad that is relevant to digital social dynamics, without losing its roots in Islamic law.

The transformation of values that emerge on social media, such as the demand for equal roles between husband and wife, flexible division of domestic labor, and the redefinition of household leadership, demand reading through the lens of ushul fiqh. At this point, the question is not simply "agree" or "disagree" with digital content, but whether the value in circulation qualifies as an '*urf mu'tabar*' and how it stands in relation to *maqāṣid al-syar'ab*. Normative-theological analysis helps to separate the thread between values that are worthy of being accommodated and those that need to be rejected or restricted. The ultimate goal is to present a consistent and fair evaluation framework so that Islamic family law remains responsive without losing principle.

In ushul fiqh, '*urf*' means a social custom that has been widely known and practiced by the community. It can be a consideration in the istinbāt of the law as long as it fulfills the signs. The basic classification is important for us to hold:

1. 'Urf Ṣaḥīḥ (Mu'tabar) vs 'Urf Fasid

*Urf mu'tabar* is a habit that does not contradict nash (the Qur'an and Hadith) and brings benefits (*maslahah*).<sup>10</sup> On the other hand, '*urf fāsīd*' is a habit that is contrary to the evidence or produces real harm; it cannot be an argument.

2. Urf 'Āmm vs 'Urf Khāṣṣ

'Urf 'āmm is common across communities; '*urf khāṣṣ*' is limited to a specific group/region.<sup>11</sup> Both can be considered according to the context, as long as they do not violate the principles of sharia.

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<sup>9</sup> Moh Mukri et al., "The Implementation of the Maslahah Principle in Cultivating Religious Moderation in the State Islamic Universities," *Al-'Is* 21, no. 2 (2024): 371–400, <https://doi.org/10.24042/adalah.v21i2.23953>.

<sup>10</sup> Fauzi, "Urf and Its Role in The Development of Fiqh: Comparative Study of Family Law Between Egypt and Indonesia," *El-Ussrah* 7, no. 1 (2024): 346–71, <https://doi.org/10.22373/ujhk.v7i1.23968>.

<sup>11</sup> Sumeyra Yakar, "THE DIACHRONIC ANALYSIS OF INTERACTIVE RELATION BETWEEN 'URF AND SĪRA 'UQALĀIYYA IN THE JA'FARĪ SCHOOL OF LAW," *Kilis 7 Aralık Üniversitesi İlahiyat Fakültesi Dergisi* 7, no. 2 (December 31, 2020): 719–44, <https://doi.org/10.46353/K7AUIFD.793977>.

## 3. 'Urf Qawli (verbal, spoken) vs 'Urf 'Amali (verbal)

Digital 'urf is usually '*amalī*: a pattern of behavior that is standardized through repetitive practice, such as "co-parenting" displayed by couples, although it is also supported by *qawli* in the form of a motivational narrative.<sup>12</sup>

The criteria for blasphemy of '*urf* in ushul can be summarized:<sup>13</sup> (a) not violating nash qathī; (b) consistent and repetitive in the majority of actors; (c) bring maslahah or at least cover mafsadah; (d) be *muttarid* (ajek, not sporadic); and (e) be known and recognized by interested parties (e.g. being a common assumption in transactions/contracts or social relations). In *digital 'urf*, the question is: has the viral narrative of equality been established and consistent enough to be called a habit? Is it compatible with the principles of sharia? And what is the maslahah that it presents?

*Urf* never stands alone; it is hedged by maqāsid the general purpose of the Shari'ah which is usually summarized in five points of protection: religion (dīn), soul (nafs), intellect ('aql), offspring (nasl), property (māl); some scholars add honor ('ird) as an important goal. The relationship between husband and wife is a direct meeting point between *hifz al-nasl* (preservation of the family of descendants), *hifz al-'ird* (dignity/honor), and *hifz al-dīn* (stability of religious values in the household).<sup>14</sup> Therefore, a *new 'urf* in the family realm is considered feasible if it clearly strengthens these goals: improving harmony, reducing violent conflicts, improving the welfare of children, maintaining worship commitments, and maintaining the dignity of the spouse.

In the digital field, the demands of "equality" need to be sorted out: absolute equality (removing any role that sharia distinguishes) is different from relational/complementary equality (seeking justice and partnership while acknowledging the existence of different but technically negotiable

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<sup>12</sup> Sanuri et al., "Epistemological Transformation of 'Urf in the DSN-MUI Fatwa on E-Commerce: A Maqāsid Al-Shari'ah Based Analysis," *Al-Manabij: Jurnal Kajian Hukum Islam* 19, no. 2 (July 10, 2025): 167–90, <https://doi.org/10.24090/MNH.V19I2.13145>.

<sup>13</sup> Mahmoud Masud, "Coventry University DOCTOR OF PHILOSOPHY Conceptual and Legal Harmonisation of Offensive Anti-Religious Speech Reconciling the Jurisprudence of the European Court of Human Rights with the Approach of Muslim States for the Protection of Islamic Beliefs, A..." 2023.

<sup>14</sup> Krismiarsi Krismiarsi and Rayno Dwi Adityo, "The Urgency of Community Service Imposed as Punishment on Juvenile Delinquents: A Study of Al-Shatibi's Maqhasid Al-Syariah Concept," *De Jure: Journal of Law and Sharia* 17, no. 1 (2025): 132–48, <https://doi.org/10.18860/j-fsh.v17i1.31246>.

responsibilities). In the eyes of *maqāṣid*, relational equality often presents *maslahah*: lowering the mental burden of one party, improving the quality of parenting, and strengthening communication.<sup>15</sup> In contrast, absolute equality that negates the texts and obligations of the *shari'i* tends to be contrary to *maqāṣid* because it creates a chaos of roles and responsibilities that in turn can threaten *ḥijz al-nasl* and *ḥijz al-'ird*.

Some key rules provide *a bridge* between the text and social change:

1. *Al-'ādah muḥakkamah* (custom can be the basis of law): This rule opens the door to digital 'urf, on the condition of *mu'tabar*.
2. *Taghayyur al-aḥkām bi Taghayyur al-Azminah wa al-amkinah* (Some social conditions change with the change of times and places): The socio-cultural content of relations can adapt in areas that are indeed *ijtihādī*.
3. *Al-Mashaqqah Tajlibu al-Taisir* (Difficulties of Bringing Convenience): If the real domestic/economic burden is heavy on the one hand, the flexibility of the division of duties is *a maqāṣid-oriented* form of *taysir*.
4. *Dar'u al-Mafāsīd muqaddam 'alā jalb al-maṣāliḥ* (rejecting harm takes precedence over attracting benefits): Digital content that encourages abuse, degrades partners, or normalizes destructive conflict should be rejected even if it claims to be "enlightened".
5. *Sadd al-Dharā'i'* (Closing the Way to Mafsadah): Viral standards that trigger *showing off* the household, expose disgrace, or provoke social envy can be restricted/criticized.
6. *Istiḥsān* and *Maṣlaḥah Mursalah*: Giving room for strong *maslahat* based legal preferences even without specific *nash*, as long as they do not contradict the general principles of *Shari'a*.

These rules are not rigid checks, but frames *of mind* to weigh each digital phenomenon. They help prevent two extremes: frozen *text-isms* that ignore context, and *relativism* that destroys *nash* signs. To avoid floating analysis, here is

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<sup>15</sup> Mawloud Mohadi, "Normative Islamic Conceptualizations of Families and Kinship through Maqasid Perspectives: A Comprehensive Literature Study," *Malaysian Journal of Syariah and Law* 11 (2023), <https://heinonline.org/HOL/Page?handle=hein.journals/mlsnjl11&id=298&div=&collection=>

a *practical test framework* (like a decision tree) that can be used to assess a *digital 'urf narrative*:

### A Practical Framework For Digital Urf' Based On Ushul Fiqh And Maqasid Syariah



It should be promoted as *'urf qawli* that sustains a *healthy 'urf 'amali*. If a narrative passes steps A–E, then it is likely that it can be categorized as *'urf mu'tabar* in the *ijtihādī* corridor.

Many debates in the timeline center on the terms *qiwāmah* (Q.S. 4:34) and *alimony*. It is important to distinguish between normative principles and technical governance. The normative principle that the husband bears the leadership and primary responsibility is a sign of *sharia*.<sup>16</sup> However, *the technicalities* of fulfillment can be flexible: *delegation of domestic tasks*, *temporary economic collaboration*, or *redistribution of burdens* as conditions change (e.g. an earner wife, a husband cares for a temporary child). This technical flexibility is in the realm of *'urf* and *maslahat*, not a deconstruction of principles.

With these glasses, content showing a husband cooking, changing diapers, or picking up a schoolchild does not negate *qiwāmah*; it can instead be a form of *ihsān* (extra kindness), *ta'awun* (helping), and *ta'dib* (exemplary education). What is problematic is the narrative that states that "*qiwāmah* does not exist", "*alimony* is

<sup>16</sup> Edy Sutrisno, Ahmad Fanani, and Marsidi, "A Female Leaders in the Perspective of Islamic Law and Legal Regulations," *MIL.Rev: Metro Islamic Law Review* 2, no. 1 (June 30, 2023): 27–51, <https://doi.org/10.32332/MILREV.V2I1.6879>.

not anyone's responsibility", or "the contract is not necessary".<sup>17</sup> Here the normative line is crossed and *'urf* turns *fāsīd*.

One of the most concrete spaces for *'urf* is the contract requirement. As long as the terms do not conflict with the sharia, the couple can agree on household governance: for example, a schedule of sharing tasks, an adaptive portion of economic contributions, or a commitment to communication.<sup>18</sup> The values circulating on social media can be transformed into *shurṭ* (conditions) that are *muṭābaqah* with maqāṣid, so that their legitimacy increases. For example: a paternity leave agreement, a *no public shaming* agreement on social media, or a transparent financial agreement. Thus, a good *digital 'urf* is not just a "trend", but an "agreed value" in the framework of sharia.

Many aspects of digital households (e.g. *Work from Home, Mental Load, Parenting Apps*) are not specifically mentioned in NASH. This is where *maslahah mursalah* works: if rational and empirical evidence suggests that a particular policy reduces conflict, improves welfare, and maintains dignity, then it can be accommodated as a domestic policy that is in line with maqāṣid.<sup>19</sup> For example, the division of *mental load* (invisible planning: immunization schedules, daily menus, school agendas) is recognized to be a real burden on one party; so explicit and gradual role design is a *blessing* that should be encouraged, not hindered.

The dark side of *digital 'urf* is the showcase culture of couples building household "brands". This triggers the risk of exposing disgrace, comparing partners, and normalizing unrealistic expectations. From the point of view of *sadd al-dhara'i'*, this practice should be restricted, digital literacy education (what is kept private), the prohibition of demonizing spouses in public spaces, and *tabayyun ethics* before concluding the law from the video footage. This limit does not hinder creativity, but rather prevents *mafsadat* that damages *ḥifẓ al-'ird*.

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<sup>17</sup> Mohammed Ali Ismail, "A Comparative Study of Islamic Feminist and Traditional Shi'i Approaches to Qur'anic Exegesis," *Journal of Shi'a Islamic Studies* 9, no. 2 (March 1, 2016): 166–95, <https://doi.org/10.1353/ISL.2016.0014>.

<sup>18</sup> Syaflin Halim et al., "The Communication Patterns of Husband and Wife Couples in Resolving Household Conflicts: Islamic Family Law Perspectives," *KARSA Journal of Social and Islamic Culture* 32, no. 1 (June 19, 2024): 33–71, <https://doi.org/10.19105/KARSA.V32I1.13280>.

<sup>19</sup> Khalil Ahmad and Muneer Kuttiyani Muhammad, "Revisiting Medinah Charter: Towards the Realization of Maqasid Al-Shariah for Contemporary Plural Societies," *International Journal of Islamic Thought* 27: 2025, accessed November 20, 2025, <https://doi.org/10.24035/ijit.27.2025.321>.

To be concrete, here are some content patterns and their assessments from Applications to Common Cases on Social Media:

Yes	Content Type	Exposure	Valuation
1	A Letter to the Editor, Without Denying the Importance of Qiwāmah	Husbands and wives agree on a daily schedule: the husband drives the children and cooks breakfast on weekdays, the wife bears part of the cost of education due to higher income, the husband continues to bear the responsibility for core maintenance and the family's strategic decision-making is done by deliberation	According to ' <i>urf mu'tabar</i> . Not violating the nash, strengthening <i>the hijz al-nasl</i> and <i>hijz al-'ird</i> , based on <i>ta'awun</i> and <i>ihsan</i> .
2	Content B: Absolute Equality, Denying Alimony & Contract	The narrative states "marriage is an optional social contract; qiwāmah and nafkah are patriarchal constructions that must be removed; Couples do not need an official contract."	<i>Urf fasid</i> . Violating nash related to marriage and alimony; potentially damaging to maqāsid ( <i>hijz al-nasl</i> , <i>hijz al-din</i> ).
3	Content C: Economic Collaboration, Flexible Domestic Roles	The wife has a career and bears the portion of the house expenses according to the agreement; The husband rotates domestic duties and is actively present in the upbringing. The content emphasizes commitment to worship, manners, and communication.	' <i>Urf mu'tabar</i> with <i>maslahah mursalah</i> is strong; technical flexibility does not undermine principles.
4	Content D: Household Drama for Engagement	Spreading conflicts, vilifying couples in front of the camera, triggering <i>bate-watching</i> .	Rejected <i>sadd al-dhara'i'</i> ; although "honest", he corrupted <i>hijz al-'ird</i> and opened the door of mafsadah.

5	Content E: Ushul Education for Digital Literacy	The creator explained the difference between <i>'urf mu'tabar</i> vs <i>fāsid</i> , gave tips on drafting contract requirements, and reminded of privacy ethics.	It is worth promoting as a <i>'urf qanli</i> that sustains a healthy <i>'urf 'amali</i>
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The essence of normative-theological analysis is to maintain a balance. The sacred text provides a framework of values and the principal commandments; Ushul Fiqh provides interpretive tools, while digital reality provides up-to-date behavioral data. *'Digital urf* is not automatically valid or void, it is tested. If it passes the nash-maqāṣid test and presents tangible benefits, it can be adopted as part of the practice of today's Muslim family.<sup>20</sup> Otherwise, it is corrected, restricted, or rejected.

In practice, researchers and family educators can compile an assessment rubric that considers: (1) the substance of shari'i (contradiction or not), (2) the impact on family goals (*indicators of ḥifẓ al-nasl/'ird/dīn*), (3) the degree of consistency of habits (whether it is sufficiently established), and (4) the risk of digital mafsadah (privacy, show-off, disgrace). This kind of rubric makes the analysis not dependent on taste, but based on ushul.

The most strategic applications of normative analysis are premarital education and family contracts.<sup>21</sup> Premarital classes can include the "*'Urf Digital & Maqāṣid*" module: recognizing viral narratives, testing them with a decision tree, and then formulating shari'i and contextual household agreements. Marriage contracts can also contain *clauses of best effort sharing* domestic tasks, *no-humiliation policy* on social media, *commitment to transparent joint budgeting*, and *family worship plan*. That way, the good value of *the digital 'urf* is "tethered" to the shari'i structure, rather than left wild to become a fragile algorithmic standard.

The normative-theological conclusion is firm but accommodating: selective accommodation of *digital 'urf* that is in harmony with maqāṣid and does not violate nash is possible, even necessary, to maintain the relevance of Islamic

<sup>20</sup> Nahid Khan, "A Contemporary Islamic Hermeneutical Approach to Adoption: Challenging Its Prohibition," *University of Birmingham*, 2025.

<sup>21</sup> Denys Sydorenko et al., "REVIEW PREMIER JOURNAL OF SCIENCE Legal Framework and Practical Dimensions of Marital and Family Rights: A Doctrinal and Comparative Legal Review," accessed November 20, 2025, <https://doi.org/10.70389/PJS.100127>.

family law.<sup>22</sup> Content that invites partnerships, strengthens communication, encourages compassion, and reduces the burden of inequality, all of these are benefits that should be adopted. But standards that deny shari'i signs, expose disgrace, or normalize freedom without responsibility must be rejected as *'urffāsīd*. In this way, ushul fiqh becomes a compass, maqāṣid becomes a goal, and digital reality becomes a field of habits that can be directed towards goodness.<sup>23</sup>

### **Juridical and Socio-Religious Implications of 'Digital Urf in the Determination of Husbands' Rights and Obligations**

The *phenomenon of digital 'urf* that emerged in the era of social media has brought significant changes in the way the younger generation views the rights and obligations of husband and wife. In the context of Islamic family law, the division of roles between husband and wife has for centuries been governed on the basis of nash and ijma' ulama. The husband is positioned as *the qanwām*, the head of the family who bears the responsibility of maintenance, protection, and direction, while the wife has an obligation to obey as long as the commandments do not conflict with the sharia, maintain honor, and manage domestic affairs.<sup>24</sup> However, the reality shaped by social media today has shaped new perceptions that sometimes go hand in hand, but sometimes also opposite, with classical fiqh understanding.

Social media such as TikTok, Instagram, and YouTube have become a stage where the values of marital relationships are displayed, debated, and redefined. Short videos featuring husbands taking care of children, cleaning the house, or cooking often get millions of views. On the other hand, wives who play an active role in earning a living outside the home and managing domestic work at the same time are also a symbol of the "ideal marriage" in the eyes of some netizens. In a survey conducted by Kompas.com in 2023 on Generation Z in Indonesia, as many as 72% of respondents considered the ideal marriage to be a marriage that divides tasks equally, regardless of gender. This figure indicates a

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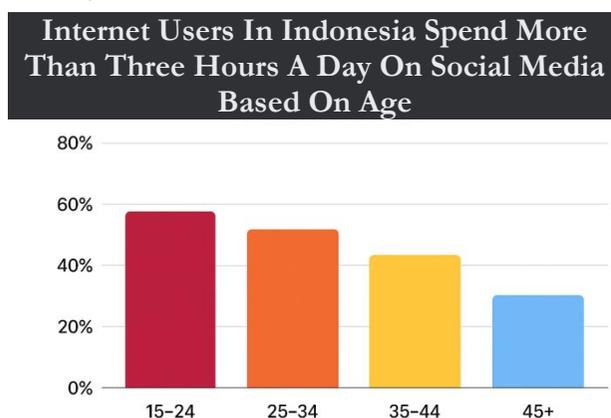
<sup>22</sup> Khaled Abou El Fadl, "Qur'anic Ethics and Islamic Law," *Journal of Islamic Ethics* 1, no. 1–2 (2017): 7–28, <https://doi.org/10.1163/24685542-12340002>.

<sup>23</sup> Vera Ayu Oktoviasari et al., "Qath' i Dan Zhanni Towards the Understanding of Al Qur'an and Al Sunnah," *Innovative: Journal Of Social Science Research* 4, no. 1 (2024): 9920–32.

<sup>24</sup> Khalilulillah and Kutsiyatur Rahmah, "Women's Leadership in the Islamic Family Environment from the Perspective of Sayyid Alawi Al-Maliki in the Book of Adab Al-Islam Fi Nidzom Al-Ushroh," *Al-Manhaj: Journal of Indonesian Islamic Family Law* 3, no. 1 (2021): 22–39, <https://doi.org/10.19105/al-manhaj.v3i1.4211>.

strong shift in views compared to previous generations who emphasized role differentiation based on gender.

From the perspective of *ushul fiqh*, *'urf* can be a legal consideration if it meets several conditions.<sup>25</sup> Among them are the widespread applicability in society (*'urf 'am*), consistency, not contradicting *nash qath'i*, and bringing benefits. If tested, some of the practices that emerge from *digital 'urf* can be categorized as *'urf mu'tabar*, such as the involvement of the husband in childcare or the shared division of household chores. These practices are not only in harmony with the principles of justice (*'adl*) but also strengthen the purpose of the shari'a in safeguarding offspring (*hifz al-nash*) and family harmony. However, not all digital trends can be accommodated. There are also *'urf fāsīd* corrupt habits such as the normalization of relationships outside the marriage contract under the pretext of equality or the total rejection of the concept of *qiwāmah* without changing the clear structure of responsibility.



Data from: [https://goodstats.id/article/orang-indonesia-paling-sering-habiskan-waktu-untuk-main-sosial-media-nETfh?utm\\_source](https://goodstats.id/article/orang-indonesia-paling-sering-habiskan-waktu-untuk-main-sosial-media-nETfh?utm_source)

Social media algorithms play a crucial role in the process of internalizing these values. The We Are Social & Hootsuite (2024) report shows that 65.4% of internet users in Indonesia spend more than three hours a day on social media, and TikTok is the fastest-growing platform among 18–24 year olds. Algorithms actively amplify content with high engagement rates, so certain views can quickly

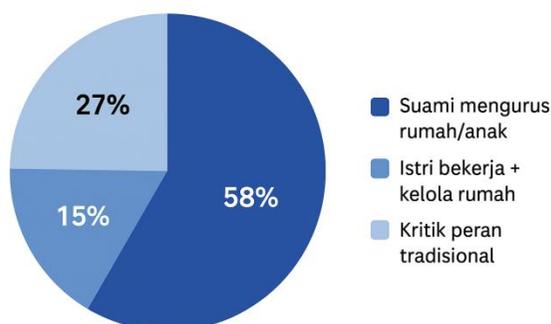
<sup>25</sup> Umar Muhaimin, "ISTIDLAL AND ISTISHAB METHOD (FORMULATION OF IJTIHAD METHODOLOGY)," *Judiciary: Journal of Islamic Legal and Legal Thought* 8, no. 2 (2017), <https://journal.iainkudus.ac.id/index.php/Yudisia/article/view/3243/2362>.

become trends, even if they are biased or unbalanced. In this context, the role of influencers becomes significant: they influence not only lifestyle, but also views on the institution of marriage. For some of his followers, influencer opinions can function as a kind of "social argument" even though they do not have adequate fiqh legitimacy.

The change in value brought about by *digital 'urf* has quite complex juridical implications. Law No. 1 of 1974 on Marriage, for example, still positions the husband as the head of the family, although it does not explicitly use the term *qiwamah*. This norm can clash with the idea of absolute equality embraced by some of the younger generation. In practice, this raises the need to accommodate flexibility in prenuptial agreements or marriage contracts. Some marriage mediators and family law consultants in big cities have started offering options to include a division of duties clause tailored to the couple's condition. This change, although seemingly small, marks a shift from passive acceptance of legal norms to active negotiation between spouses.

From a socio-religious point of view, this change can be seen in two ways. On the one hand, it has the potential to strengthen maqāṣid al-syarī'ah if it succeeds in maintaining domestic harmony, protecting honor, and realizing justice. For example, the involvement of the husband in domestic work can reduce the wife's workload, so that her physical and mental health is better maintained, which in turn supports family harmony. However, on the other hand, if this digital trend encourages the birth of unrealistic expectations or erodes the roles regulated by the sharia, then it can weaken the maqāṣid. For example, couples who over-idealize a relationship in the style of viral content can become frustrated when the reality of married life isn't as beautiful as they imagined.

Distribusi Konten "Marriage Role Equality" di TikTok (Agustus 2024)



Data analysis shows that exposure to role equity content is directly proportional to acceptance of the concept. TikTok's engagement data on *the keyword marriage role equality* shows that 58% of popular videos show husbands taking care of the house or children, 27% depict wives working full-time while managing the house, and the rest contain criticism of traditional role sharing. This correlation indicates the strong influence of visual representation on social constructions of marriage.

In the face of this reality, the contemporary fiqh approach demands caution. The concept of *fiqh al-wāqī'* emphasizes the importance of understanding the actual conditions of society before establishing laws<sup>26</sup>. Scholars and academics need to weigh in a balanced way between the benefits and mafsadah of digital trends. Values that are proven to bring benefits can be accommodated within the framework of legal and religious guidance, while those that contain potential harm need to be directed or restricted. One of the strategic steps is to compile *a guide for 'urf digital mu'tabar* that can be a reference for the community. In addition, collaboration with Muslim influencers who have religious credibility can be an effective means to spread a harmonious understanding of the equality of roles and sharia principles.

In the end, the existence of *a digital 'urf* is inevitable. It is a natural product of the development of communication technology and global social dynamics. The challenge is to ensure that these changes do not erode the foundations of maqāṣid al-shari'ah, but rather strengthen them. With proper understanding, open

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<sup>26</sup> Labib Fahmi, "Hermeneutics of Emillio Betti and its Application in Interpreting the 2:1 System of Inheritance in Surah An-Nisa verse 11," *Ulul Albab: Journal of Islamic Law Studies and Research* 2, no. 1 (2018): 143, <https://doi.org/10.30659/jua.v2i1.3120>.

dialogue, and an adaptive legal approach, these new values can be integrated into the life of Muslim families without losing the substance of the religious teachings that serve as the guideline.

### **Development of Analysis: 'Digital Urf in the Horizon of Contemporary Ushul Fiqh**

The normative-theological analysis of the phenomenon of *digital 'urf* in the relationship between husband and wife serves not only as a tool of verification, but further as a dynamic framework that allows Islamic law to engage constructively with rapidly changing social realities. This study confirms that the transformation from *traditional 'urf* to *digital 'urf* is not just a surface shift, but an epistemological transformation in the way young generations of Muslims interpret authority, equality, and the purpose of marriage. Through the lens of Ushul Fiqh, we can see that *the digital 'urf* born from the womb of social media such as TikTok and Instagram challenges the conventional boundaries of what is considered to be "legitimate habits" (*'urf mu'tabar*). In-depth analysis shows that the values of equality and role sharing that go viral are often a response to the socio-economic inequality and mental burden experienced in modern households. Therefore, the judgment cannot be reduced to mere black-and-white "according to the Shari'a" or "not", but must be through a holistic reading of the context, intention (*maqāṣid*), and consequences (*mu'ālah*) produced.

First, in terms of Ushul Fiqh methodology, this research strengthens the thesis that *'urf* remains a vital source of *ijtihad*, but with a domain that has expanded into the digital space. Classical criteria such as generality (*'umūm*), consistency (*istimrār*), and the absence of contradiction with *nash qath'ī*, must be reinterpreted in this new context. A trend on social media can be considered a digital *'urf 'ām* (common habit) very quickly, thanks to the algorithmic mechanism that goes viral a pattern of behavior in a short period of time. However, "generality" in the digital space is fluid and fragmented, often limited to specific *filter bubbles*. Therefore, consistency and stability (*ittirād*) become more crucial parameters. An equality narrative that has only gone viral for a few weeks may not yet qualify as *'urf*, while patterns such as "co-parenting" or "husband helps with domestic chores" that are constantly represented and have a wide positive resonance over a period of years, have shown signs of being a *well-established new 'urf*.

Second, an analysis of the alignment with *maqāṣid al-syarī'ah* reveals an interesting complexity.<sup>27</sup> This study found that many values in *digital 'urf* actually have the potential to strengthen *maqāṣid*, especially in maintaining heredity (*ḥifẓ al-nasl*), intellect (*ḥifẓ al-'aql*), and honor (*ḥifẓ al-'ird*). For example, a fairer division of mental burdens and domestic duties can reduce domestic stress and conflict, which in turn creates a healthier environment for the child's growth (*ḥifẓ al-nasl*) and maintains the mental health of the parents (*ḥifẓ al-'aql*). Similarly, narratives that oppose domestic violence and encourage healthy communication directly contribute to the protection of honor and the soul (*ḥifẓ al-'ird wa an-nafs*). This is where the novelty of this analysis lies: it shows that *maslahah* is not always on the side that maintains the status quo, but can actually be present in the form of adaptation and change in values carried by the younger generation.

However, the analysis must also honestly identify the critical points where *the digital 'urf* has the potential to turn into *'urf fāsīd*. The biggest threat is not to the idea of equality itself, but to deconstruction without a responsible alternative. Narratives that reject the concepts of *qiwāmah* and *nafaqah* absolutely, without offering a clear and fair new responsibility structure, can create a dangerous normative vacuum. In the long run, this can actually weaken *ḥifẓ al-nasl* because the absence of clear leadership has the potential to trigger conflict and domestic instability. In addition, *showcase* cultures and *influencer marriages* that display ideal life often ignore the principle of *sadd al-dhārā'i'* (closing the path to destruction).<sup>28</sup> Content that exaggerates conflict or vice versa, shows off the luxury and perfection of relationships, can create unrealistic expectations, fuel social jealousy, and ultimately damage family honor (*ḥifẓ al-'ird*).

Third, the juridical implications of these findings are significant. Contemporary Islamic family law is required to be more responsive. The concept of *qiwāmah*, which is often misunderstood as absolute authority, needs to be reinterpreted as a leadership responsibility (*imāmah*) that is servant (*kehidmah*), not dominating.<sup>29</sup> In practice, this can be accommodated through a pre-nuptial

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<sup>27</sup> Muhammad Habibul Amin and Dhiauddin Tanjung, "Maqashid Syariah: Perbandingan Antara Pemikiran Al - Ghazali Dan Najmuddin At - Thufi," *El-Mujtama: Jurnal Pengabdian Masyarakat* 4, no. 5 (2024): 2417–29, <https://doi.org/10.47467/elmutjama.v4i5.3497>.

<sup>28</sup> Mohamad Faisal Aulia, "Analisis Perbandingan Penerapan Hukum Keluarga Di Mesir Dan Di Indonesia," *Al-Ahwal Al-Syakhsīyyah: Jurnal Hukum Keluarga Dan Peradilan Islam* 2, no. 2 (2022): 123–32, <https://doi.org/10.15575/as.v2i2.14327>.

<sup>29</sup> Saheed Abdullahi Busari et al., "Maqasid Al-Shariah-Based Strategies for Enhancing Digital Adoption Among B40 Muslim Entrepreneurs," *Journal of Islamic Finance* 14, no. 2

agreement (*syurūṭ*) that contains specific clauses about the division of duties, financial management, and restrictions on social media. This kind of accommodation is not an aberration, but an actualization of the rule of *taṣarruful imām 'alā al-ra'īyah manūṭun bi al-maṣlahah* (the leader's policy should be oriented towards the benefit). In the context of the household, the "leaders" here are the husband and wife who do *ijtihād* together for the benefit of their families.<sup>30</sup>

Fourth, from a sociological perspective, *'urf digital* is a mirror of changes in the structure of society. The younger generation living in a digital economy and participatory culture tends to reject rigid hierarchies and prioritize the values of collaboration and negotiation. These values, when filtered through the lens of *maqāṣid*, are actually in line with the spirit of Islam which emphasizes deliberation (*shūrā*), helping (*ta'āwun*), and doing good (*iḥsān*). The challenge is to bridge the spirit of the age with the wisdom of the sacred texts, so as not to get caught up in the dichotomy between rigid puritanism and out-of-control liberalism. In closing, this analysis concludes that Ushul Fiqh provides a robust and flexible enough framework to navigate the digital *wave of 'urf*. This framework allows us not to be reactive to rejecting all changes, nor to naively accept all trends. Instead, it encourages a selective, critical, and benefit-oriented approach.

Therefore, the recommendations that can be put forward are:

1. Religious Digital Education and Literacy: Islamic scholars, dai, and educational institutions need to develop educational modules that teach the younger generation to critically assess social media content using a "decision tree" or test framework based on Ushul Fiqh and Maqāṣid.
2. Strengthening Premarital Counseling: Premarital counseling should be enriched with discussions on *digital 'urf*, helping prospective couples to formulate contextual and shari'i household agreements (*syurūṭ*), including in managing expectations and interactions on social media.
3. Further Research: Longitudinal research is needed that empirically measures the correlation between *consumption of certain digital 'urf* content and the quality

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(September 29, 2025): 160–69, <https://journals.iium.edu.my/iiibf-journal/index.php/jif/article/view/1036>.

<sup>30</sup> Associate Professor Head, Abdul Ghani, and Syed Ateequallah Agha, "Collective Ijtihad during the Era of the Prophet ﷺ: A Model of Intellectual Unity for the Ummah," *Journal of Quranic and Social Studies* 5, no. 1, Jan-April (January 1, 2025): 29–46, <https://doi.org/10.5281/ZENODO.14752365>.

of Muslim marital relationships and stability. This data will enrich and sharpen normative analysis in the future.

Thus, the integration of *digital 'urf* into the discourse of Islamic family law is not a threat, but an invitation to perform creative and responsible collective *ijtihad*. The goal is to maintain the relevance of the sharia as a guide to a *rahmatan lil 'alamin* life, which is able to answer the anxieties of the times without losing its identity and fundamental principles

## Conclusion

This study concludes that the emergence of digital 'urf represents a significant epistemological shift in the construction of spousal relations among young Muslims, necessitating a sophisticated application of *ushul al-fiqh* principles for its normative evaluation. The research demonstrates that social media platforms, particularly TikTok and Instagram, have become fertile grounds for the formation of new customary norms ('urf) concerning marital roles, characterized by an emphasis on egalitarianism, flexible division of labor, and a renegotiation of traditional leadership structures.

Through a rigorous normative-theological analysis grounded in *ushul al-fiqh*, the study establishes a critical dichotomy within this digital 'urf. A substantial portion of these emerging norms, such as collaborative domestic labor, shared parenting, and equitable financial partnerships, can be systematically classified as 'urf *sahih* (valid custom) or 'urf *mu'tabar* (recognized custom). This classification is justified by their demonstrable alignment with the higher objectives of Islamic law (*maqasid syariah*), primarily the preservation of progeny (*hifz al-nasl*), dignity (*hifz al-ird*), and well-being, by fostering household harmony, reducing relational conflict, and promoting mental health. These digital norms often operationalize classical legal maxims such as *al-'adah muhakkamah* (custom is a basis for judgment) and *al-mashaqqah tajlibu al-taisir* (hardship begets facilitation), providing them with a solid foundation within the Islamic legal tradition.

Conversely, the study also identifies the prevalence of *urf fasid* (corrupt custom) within the digital sphere. This encompasses narratives that advocate for an absolute equality which explicitly negates established textual principles like *qiwamah* (responsibility of maintenance) and the sanctity of the marriage contract ('*aqd*), as well as content that normalizes the public shaming of spouses or cultivates unrealistic expectations through performative showcases. Such trends are invalidated as they contravene definitive textual evidence (*nass qat'i*) and potentially undermine the very *maqasid* they claim to serve, thereby activating the

application of preventive legal principles like *sadd al-dhara'i'* (blocking the means to evil).

Theoretically, this research contributes to the field by successfully bridging the classical methodology of *ushul fiqh* with the dynamics of the digital age. It provides a robust, translatable framework incorporating both conceptual tools like *maqasid* analysis and practical instruments like the proposed decision-tree model for contemporary jurists and scholars to critically assess and filter evolving social norms. Practically, it underscores the urgent need for adaptive legal strategies, such as the innovative integration of *maslahah mursalah* (unrestricted public interest) and the formulation of specific stipulations (*syurut*) in marriage contracts that thoughtfully incorporate beneficial elements of the digital 'urf.

In essence, the study affirms that *ushul fiqh* possesses the inherent dynamism to engage constructively with socio-technological transformations. The answer to the challenge of digital 'urf is not a rigid rejection nor an uncritical embrace, but a disciplined and selective accommodation guided by the immutable compass of *maqāṣid al-syarī'ah*. Future research should focus on longitudinal studies to empirically measure the impact of these digital norms on marital stability and well-being, further enriching the evidence-based discourse in Islamic family law. This approach ensures the continued relevance and resilience of Islamic jurisprudence in navigating the complexities of modern Muslim life.

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