

THE METHOD OF MAQĀSĪD AL-SYARĪ'AH AS A NEW METHOD OF INTERPRETATION IN THE ISSUE OF CONTEMPORARY MARRIAGE GUARDIANS IN INDONESIA

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Abstract

This study examines the problems of contemporary wali nikah in Indonesia, where rigid interpretations of classical fiqh clash with modern social realities such as the phenomenon of wali adhal and the increasing independence of women. Using Maqāṣid al-Syarī'ah as a new method of interpretation, this qualitative literature research deconstructs traditional views to reconstruct the role of guardians. The results of the analysis show that the meaning of wali as absolute authority can be contrary to the essential purpose of the shari'a (ḍarūriyyāt). Therefore, ijtihad maqāṣidī was formulated which transforms the role of guardians into protectors and consultants in order to realize benefits.

Keywords: Maqāṣid al-Syarī'ah Method, Guardian of Marriage, Contemporary, Islamic Family Law

INTRODUCTION

The institution of marriage guardianship is one of the fundamental pillars in Islamic family law that has historically aimed to protect the interests of the bride-to-be. In the treasures of classical fiqh, especially the dominant Shafi'i school in Indonesia, the existence of wali is seen as a pillar that determines the validity of a marriage. However, significant social transformation, marked by increased education, economic independence, and awareness of women's rights, has given rise to a variety of contemporary problems. Phenomena such as wali adhal, conversion marriage without guardian nasab, and the dilemma of independent women challenge the relevance of rigid textual interpretations and demand a more adaptive legal response. Responding to this challenge, the approach of Maqāṣid al-Syarī'ah offers a methodological framework for progressive reinterpretation. This method allows for legal analysis that goes beyond formal legalism towards a substantive understanding of the noble goals of sharia, such as the realization of justice, protection of rights, and benefits. By focusing on the spirit of Islamic law, Maqāṣid al-Syarī'ah serves as a critical analysis knife to evaluate whether the existing practice of guardianship is still in line with its essential purpose or has instead turned into an instrument that causes harm, thus opening up space for contemporary ijtihad.

Therefore, this essay aims to analyze in depth the issues of contemporary marriage guardians in Indonesia by using Maqāṣid al-Syarī'ah as a new method of interpretation. This research will deconstruct the classical fiqh view of guardianship, identify its tension with modern social realities, and then reconstruct a more contextual and benefit-oriented role of guardian. Through this analysis, a guardianship idea will be formulated that places the guardian as a protector and consultant, not a holder of absolute authority, to ensure that the institution of marriage truly embodies justice and happiness for women.

Theoretical Framework

The main theoretical framework of this research is the theory of Maqāṣid al-Syarī'ah, which fundamentally examines the noble purposes behind the establishment of Islamic law. This theory is based on the principle that every sharia decree aims to realize benefits (maslahah) and reject harm (mafsadah) for mankind. In the context of the contemporary issue of guardianship, the maqāṣid approach allows for an analysis that goes beyond mere textual understanding. It is the basis for reinterpreting the role and requirements of guardians for the achievement of justice, protection of rights, and happiness in the institution of marriage according to the spirit of the times. The Maqāṣid

al-Syarī'ah theory classifies legal goals into three levels of priority: *darūriyyāt* (primary needs), *ḥājiyyāt* (secondary needs), and *taḥsīniyyāt* (tertiary needs). At the *darūriyyāt* level, there are five universal values that must be protected (*al-kulliyāt al-khams*), namely the maintenance of religion (*hiḥf al-dīn*), the soul (*hiḥf al-naḥf*), reason (*hiḥf al-'aql*), heredity (*hiḥf al-naḥl*), and property (*hiḥf al-māl*). This hierarchy is an important instrument to weigh and prioritize various aspects of the issue of marriage guardians, especially those related to the protection of the rights of the bride-to-be.

In this study, *Maqāḥsid al-Syarī'ah* is not only positioned as a philosophical concept, but also as an operational methodology of interpretation (*manḥaj*). This approach directs an analysis from the literal meaning of the texts on guardianship to a substantive understanding of the wisdom behind them. The focus is on the essential purpose of the existence of a guardian, such as ensuring the benefit of the bride-to-be, maintaining the honor of the family, and ensuring the continuity of a valid marriage. Thus, the validity of a trust condition is measured by its contribution to the achievement of the noble goals of the marriage.

The relevance of this theory in the Indonesian context is very significant considering the complexity of the issue of marriage guardians that arise. Phenomena such as *wali adhal*, the marriage of converts who do not have Muslim guardians, and the increase in women's independence demand adaptive legal responses. *Maqāḥsid al-Syarī'ah* offers a framework for formulating a benefit-oriented solution, prioritizing the main goals of marriage such as the realization of *sakinah*, *mawaddah*, and *rahmah*. This approach ensures that the interpretation of Islamic law remains in line with the principles of social justice and the protection of individual rights.

The application of *Maqāḥsid al-Syarī'ah* in the issue of *wali nikah* is a manifestation of contemporary *ijtihād* that is progressive and responsive. This theory provides legitimacy to conduct a critical evaluation of classical *fiqh* views that may no longer be fully relevant to modern social conditions in Indonesia. By adhering to the universal purposes of the *Shari'a*, new interpretations can be formulated to ensure that the institution of guardianship serves to protect and empower women, not to be a barrier. This method bridges the authenticity of the Islamic legal tradition with the demands of today's reality.

METHOD

Types and Approaches to Research

This research uses a type of qualitative research with a library research method, the nature of this research is descriptive-analytical, which aims to systematically describe the concept of *wali nikah* in the treasures of classical *fiqh* and its regulations in positive law in Indonesia. After the descriptive presentation, the research will conduct an in-depth analysis of these concepts using the theoretical framework of *Maqāḥsid al-Syarī'ah*. This approach was chosen because the main focus of the research is on the analysis of texts, interpretations, and construction of Islamic legal ideas that are relevant to contemporary issues. Thus, this study does not collect empirical data in the field, but rather digs into data from primary and secondary literature sources. The main approach used in this study is a juridical-normative and philosophical approach. A juridical-normative approach is applied to study the postulates of *naqli* (*Qur'an* and *Hadith*) as well as the views of scholars in classical *fiqh* books on guardianship. Meanwhile, a philosophical approach is used through the application of *Maqāḥsid al-Syarī'ah* theory to explore the wisdom and noble purpose behind the narration of the marriage guardian. This approach allows for an analysis that does not only stop at formal legality, but also touches on the substance of justice and benefit that is the spirit of Islamic law, thus being able to formulate a more contextual and relevant interpretation.

In addition, this study also adopts a socio-historical approach to understand the evolution of the concept of guardianship from the classical period to the modern social context in Indonesia. This approach is important to identify the social, cultural, and historical factors that influence the formation of *fiqh* views on marital guardianship. By understanding the historical context, the analysis becomes more critical and non-ahistorical. This combination of approaches allows research to see how changing social realities in Indonesia, such as improving women's education and independence, demand a reconceptualization of the role of guardians in line with the spirit of *Maqāḥsid al-Syarī'ah* to realize benefits.

Research Data Sources

The primary data source in this study is authoritative texts in Islamic law which are the main references. It includes verses of the *Qur'an* that relate directly to marriage (*nikah*), guardianship (*wilāyah*), and family. In addition, the relevant *hadiths* of the Prophet Muhammad PBUH, especially those contained in standard *hadith* books (*Al-Sittah Pole*[4]), will be the main focus, especially the *hadith* that states that "marriage is not valid except with a *wali*". Classical *fiqh* books from the *mu'tabar* schools, such as Imam *Shafī'i's* *Al-Umm* and Ibn *Rushd's* *Bidayat al-Mujtahid*,

are also categorized as primary sources for tracing the genealogy of guardianship legal thought. Secondary data sources consist of literature that analyzes, interprets, and comments on primary sources. This data includes books, dissertations, theses, and scholarly journal articles that specifically address Maqāṣid al-Syarī'ah, Islamic family law, and contemporary guardianship issues. The works of modern Islamic thinkers such as Jasser Auda, Abdullah Saeed, and Islamic legal scholars in Indonesia are important references. In addition, national laws and regulations such as the Compilation of Islamic Law (KHI)[3] and jurisprudence from the Religious Court's decisions related to the wali adhal case are also crucial secondary sources to look at the Indonesian context.

Tertiary and supporting data sources are used to provide broader context and enrich the analysis. This data includes Islamic encyclopedias, dictionaries of legal terms, as well as research reports from relevant institutions. Articles from the mass media that reflect the public discourse on the issue of marriage guardians will also be used to understand the growing social perception. This supporting data serves to complement the understanding of the socio-historical background and social dynamics that affect guardianship practices in Indonesia, so that the resulting analysis becomes more comprehensive and in-depth, and relevant to today's reality.

Data Collection Techniques

The data collection technique used in this study is the documentation method, which focuses on collecting textual data from literature sources. This process begins with the systematic identification and inventory of the naqli postulates from primary sources, namely the Qur'an and Hadith, which are directly related to the institution of guardianship. Furthermore, an in-depth search of classical fiqh books was carried out to collect the views of the jurists from various schools. Each argument, opinion, and legal basis is carefully recorded and classified by theme to form a comprehensive normative database as the main foundation of analysis in this study. The next step is the collection of data from secondary and tertiary sources through extensive literature studies. The researcher will search and collect scientific journal articles, books, theses, dissertations, and national laws and regulations such as the Compilation of Islamic Law (KHI) and the jurisprudence of the Religious Courts. The focus of the search is on literature that discusses Maqāṣid al-Syarī'ah, contemporary Islamic legal thought, and analysis of issues of marriage guardianship in Indonesia. This data collection aims to map the evolving academic discourse, understand the socio-legal context in Indonesia, and identify actual problems that require new interpretation.

All data collected is then processed through critical reading techniques and structured recording. Researchers not only collect text, but also annotate, create analytical summaries, and identify key arguments from each source. This method involves a comparison (muqāranah) between classical fiqh views and modern interpretations, as well as between normative texts and the reality of their implementation in Indonesia. This technique ensures that the data collected is not only descriptive, but has also gone through a relevant initial selection and sorting process to be further analyzed using the framework of Maqāṣid al-Syarī'ah.

Data Analysis Method

The data analysis in this study uses an interpretive qualitative content analysis method. The initial stage of analysis involves the reduction and categorization of data that has been collected from primary and secondary sources. The postulates of naqli, the views of classical fuqaha, and laws and regulations are classified into key themes such as the terms and pillars of guardianship, the philosophy of guardianship, and problematic cases such as wali adhal. This codification process aims to systematically map the normative framework of trust law, so that an organized data structure is formed to identify patterns and differences of opinion that are the basis for analysis.

The next stage is substantive analysis by applying the theory of Maqāṣid al-Syarī'ah as the main analytical knife. Each fiqh view on guardianship will be analyzed for its relevance to the achievement of sharia goals, especially at the level of ḍarūriyyāt such as the maintenance of offspring (hifẓ al-nasl) and the protection of women's souls and honor (hifẓ al-nafs). This analysis is critical-dialectic, where normative texts are met with contemporary social realities in Indonesia. For example, the practice of wali adhal will be evaluated whether it actually causes harm that is contrary to the maqāṣid of the protection of individual rights, thus going beyond mere formal legalism.

The final stage of analysis is the synthesis and construction of the argument through the ijtihad maqāṣidī approach. After deconstructing the classical view and analyzing it from the perspective of benefit, this study will formulate a new contextual interpretation. This process involves drawing inductive conclusions from various case analyses to build a complete idea of the role of the marriage guardian that is in line with the spirit of justice and equality in Islam. The result of this synthesis is not intended to deny the classical view, but rather to offer a reconceptualization that places the benefit of the bride-to-be as the main goal, in accordance with the spirit of Maqāṣid al-Syarī'ah.

Operationalization Framework of Maqāsid al-Syarī'ah

The operationalization of Maqāsid al-Syarī'ah in this study begins with the stage of identification and mapping of the crucial issues of contemporary guardianship into five universal values (al-kulliyāt al-khams). Every problem, such as wali adhal, conversion marriage without a guardian, and the right of independent women in choosing a partner, will be analyzed for its relation to the maintenance of religion (hifz al-dīn), soul (hifz al-nafs), intellect (hifz al-'aql), heredity (hifz al-nasl), and property (hifz al-māl). This method transforms the philosophical principles of the Maqāsid into concrete analytical categories, allowing for an objective assessment of the impact of a trust law on the essential purposes of the Shari'a.

The next step is to apply the Maqāsid hierarchy—*darūriyyāt*, *hājiyyāt*, and *taḥsīniyyāt*—as an instrument for weighing the benefits and harms. The analysis will focus on how rigid interpretations of guardianship law have the potential to sacrifice primary (*darūriyyāt*) purposes in favor of preserving secondary (*hājiyyāt*) or tertiary (*taḥsīniyyāt*) aspects. For example, the fulfillment of the formal requirements of the guardian that are textual in nature will be opposed by the potential for great mafsadah such as the obstruction of a valid marriage, which threatens hifz al-nasl and hifz al-nafs. This priority method is the basis for conducting a critical justification of the view of classical fiqh in the modern context.

The final stage of this operational framework is the synthesis and formulation of new goal-oriented interpretations. Based on Maqāsid's mapping and priority analysis, this study will reconstruct the meaning and function of marriage guardians in the contemporary Indonesian social context. This method involves shifting the focus from fulfilling formal-procedural requirements to achieving the substance of marriage, namely the realization of *sakinah*, *mawaddah*, and *rahmah*. The result is an *ijtihad maqāsidī* that recommends the role of the guardian as a protector and consultant, rather than a holder of absolute authority, in order to ensure that the institution of marriage truly realizes the highest benefit for the bride-to-be.

RESULTS AND DISCUSSION

1. Deconstruction of the Concept of Marriage Guardian in Classical Fiqh and Its Relevance to Contemporary Indonesian Reality

An analysis of classical jurisprudence literature shows that the position of the wali as the pillar of marriage, especially in the Shafi'i school, is based on the textual interpretation of the hadith "*lā nikāḥa illā bi waliyyin*". This legal construction was born from a socio-historical context in which women are positioned as parties who need to be protected by their honors and interests by male relatives. Its basic philosophy was protection (*ḥimāyah*) and maintenance (*ri'āyah*), which aimed to ensure equality (*kafā'ah*) and the benefits of the bride-to-be in the patriarchal structure of society at the time. However, a deconstruction of this concept reveals that its relevance has undergone a significant shift in Indonesia's contemporary reality. Increasing levels of education, economic independence, and awareness of rights in modern women make the role of guardians as absolute protectors problematic. The results show that when this protective function turns into an obstructive authority (*adhal*), it is contrary to the essential purpose of marriage, which is to realize benefits (*jalb al-maṣāliḥ*) and to reject harm (*dar' al-mafāsīd*) for the bride-to-be herself.

Socio-historical studies show that the concept of classical guardianship is inseparable from the agrarian and communal social structures of the past. In the context of modern Indonesia, which is more individualistic and urban, where women have full agency over their lives, the rigid application of guardianship requirements often raises legal and social dilemmas. The phenomenon of independent women who have difficulty getting married due to the absence of a guardian or irrational rejection of guardians is clear evidence of the incompatibility between the classical fiqh framework and the changing social dynamics. Further, the analysis found that the essence of guardianship in classical jurisprudence is to ensure the attainment of the higher goals of marriage, such as the protection of offspring (*hifz al-nasl*) and the soul (*hifz al-nafs*). When the formal requirements for the existence of the guardian actually become an obstacle to the achievement of these primary objectives, then their absolute validity needs to be reviewed. The reality in Indonesia shows that the imposition of the will of the guardian can lead to unhappy marriages or even hinder a valid marriage, which substantially ignores the spirit of the sharia.

A crucial finding of this deconstruction is the identification of the shift in the meaning of the guardian from protector to facilitator. In Indonesia's contemporary reality, the most relevant role of the guardian is not as a veto holder, but as an advisor and companion who ensures that the decision of the bride is made based on careful consideration. The failure of classical jurisprudence to accommodate this change in women's social roles shows the urgent need for a more contextual and benefit-oriented reinterpretation through the Maqāsid al-Syarī'ah approach.

2. The Application of Maqāṣid al-Syarī'ah in Identifying the Benefits and Harms of the Issue of Wali Adhal and Wali Mualaf

The application of Maqāṣid al-Syarī'ah in the case of wali adhal clearly identifies a contradiction between the fulfillment of formal requirements and the substantial purpose of the sharia. The rejection of the wali without a justified shari'i reason causes real harm that threatens the preservation of the offspring (hifẓ al-nasl) and soul (hifẓ al-nafs) of the bride-to-be. The analysis of the maqāṣidī shows that the act of adhal directly thwarts the noble purpose of marriage, which is to form a legitimate family and avoid forbidden acts. Thus, the authority of the guardian that is abused becomes a mafsadah that must be eliminated. The harm arising from the actions of the wali adhal is not only procedural, but also touches on the psychological and social aspects of the prospective bride. The results of the analysis found that refusal to marry can lead to depression, hinder the fundamental right to form a family, and open the door to slander and adultery. From the perspective of Maqāṣid al-Syarī'ah, this harm is at the level of ḍarūriyyāt that must be prevented. Therefore, the intervention of the guardian judge is a greater benefit to protect the fundamental rights of women than to maintain the absolute authority of the guardian.

On the issue of guardians for converts, Maqāṣid al-Syarī'ah offers a solution to overcome the legal vacuum due to the absence of Muslim guardians. Analysis shows that obstructing the marriage of a convert simply because there is no guardian of the nasab will lead to greater mafsadah, namely the obstruction of the maintenance of religion (hifẓ al-dīn) and heredity (hifẓ al-nasl). The main benefit in this case is to facilitate a valid marriage to protect the honor and faith of the convert, which is in line with the main purpose of Islamic law. The weighing between maslahah and mafsadah in the case of converts shows that the benefits of facilitating the marriage are much superior. Marriage provides social, spiritual, and psychological protection for a convert who is often estranged from his or her family of origin. Obstructing it on the basis of the absence of wali nasab is contrary to the principles of Islam as a religion that facilitates and brings grace. Thus, the role of the guardian judge is a manifestation of the achievement of the highest benefit (maṣlaḥah 'ulyā) to protect the individual and the Muslim community as a whole. Overall, the application of Maqāṣid al-Syarī'ah to the issue of wali adhal and wali mualaf shifts the focus from formal-procedural legality to the substance of justice and benefit. The main findings show that when the guardian institution fails to carry out its protection function and instead becomes a source of harm, then legal intervention through the guardian judge becomes valid and mandatory. This method proves that the purpose of the sharia is to protect the rights of the individual and realize happiness, not to maintain rigid and counterproductive formal structures.

3. The Hierarchy of Maqāṣid al-Syarī'ah as an Instrument for Weighing the Rights and Obligations of Guardians in the Modern Context

The Maqāṣid al-Syarī'ah hierarchy serves as an analytical instrument for weighing the rights and obligations of the guardians. Analysis shows that the fulfillment of the formal requirements of the guardian is often at the level of ḥājīyyāt (secondary need) or taḥsīniyyāt (refiner). However, women's right to marry and form a legitimate family is part of ḍarūriyyāt (primary needs), especially in relation to the maintenance of offspring (hifẓ al-nasl) and the soul (hifẓ al-nafs). This hierarchical instrument emphasizes that primary goals should not be sacrificed in order to fulfill secondary aspects, providing a basis to prioritize the benefits of the prospective bride.

At the ḍarūriyyāt level, the results of the analysis found that the abuse of the rights of guardians directly threatens the essential objectives of the Shari'ah. When a guardian obstructs an equal marriage (kufu') without a valid reason, he creates conditions that can plunge the bride-to-be into forbidden acts, which are contrary to hifẓ al-dīn and hifẓ al-nasl. Thus, maintaining the authority of the guardian in these conditions becomes a mafsadah. The Maqāṣid priority necessitated the protection of these primary values, which legitimized the transfer of guardianship to the guardian of the judge as a solution.

Judging from the level of ḥājīyyāt, the function of the wali is to eliminate difficulties and ensure the smooth process of marriage. However, the phenomenon of wali adhal actually creates difficulties (masyaqqah) that should be eliminated by the sharia. This analysis shows that when the role of the guardian turns from a facilitator to a barrier, he has lost his ḥājīyyāt function. The Maqāṣid framework asserts that eliminating harm and hardship for the bride-to-be is more important than maintaining guardianship rights that are no longer in line with her goal of providing convenience.

The role of the wali at the level of taḥsīniyyāt is as a perfectionist and symbol of family honor in the marriage contract. This aspect embellishes the procession and strengthens social ties. However, this study found that when this symbolic aspect collides with a woman's fundamental right to marry—a ḍarūriyyāt need—then the taḥsīniyyāt aspect should be overlooked. The Maqāṣid hierarchy prevents the exaltation of formality over the substance of justice. Thus, the pseudo-honor that is maintained at the expense of women's happiness and rights becomes

irrelevant in the scales of *maslahah*. Overall, the application of the *Maqāsid* hierarchy provides a systematic framework for balancing the authority of the guardian with the rights of the bride-to-be. This finding affirms that the authority of the guardian is functional and tied to its purpose to realize the benefits. When this function fails or is abused, the legitimacy of its rights is lost in the face of the higher goals of the *Shari'ah*. This hierarchical analysis proves that modern interpretations that prioritize the protection of women's rights over the absolute power of guardians are in line with the spirit of justice in Islam.

4. Formulation of a New Interpretation of the Role of Marriage Guardians Based on *Maqāsid al-Syarī'ah* for the Protection of Women's Rights

The new formulation resulting from the analysis of *maqāsidī* transforms the role of the guardian from the holder of absolute authority to the protector of the essential rights of the bride-to-be. This interpretation emphasizes that the legitimacy of a guardianship depends on its ability to realize benefits and resist harm. When this protection function fails, as in the case of the guardian *adhal*, then the guardianship rights are substantively lost. Priority is given to the protection of the soul (*hifz al-nafs*) and offspring (*hifz al-nasl*) over formal adherence to a rigid guardianship structure. The concept of "permission" of the guardian in this new interpretation has been shifted from the right of veto to a process of deliberation and providing constructive advice. The role of the guardian is to ensure that the bride-to-be makes a decision based on complete information and careful consideration, not imposing her will. This formulation values the agency and suffrage (*ikhtiyār*) of women as adult individuals responsible for their lives. This is in line with the principle of *hifz al-'aql*, which is to protect the intellect and independence in making important decisions.

Maqāsid-based interpretation redefines the function of the guardian in ensuring the equality (*kafā'ah*) of the prospective husband. The focus is no longer limited to social status or heredity, but on substantial aspects such as religious commitment, morals, and the ability to build a *sakinah* family. The guardian acts as an objective verifier to protect women from potential losses in the future. Thus, the *wali* prevents *mafsadah* that may arise from a marriage that is not worth it, in line with the purpose of religious maintenance (*hifz al-dīn*). This formulation significantly strengthens the legitimacy of the guardian judge as an instrument for the protection of women's rights. When the guardian of the *nasab* abuses his authority and becomes an obstacle (*adhal*), state intervention through the courts becomes a *shari'i* obligation. This is not just a diversion of procedures, but a manifestation of the state's responsibility to uphold justice and eliminate harm from its citizens. The position of the guardian judge is a *maqāsidī* solution that ensures that the primary purpose of marriage (*ḍarūriyyāt*) is still achieved even if the guardian fails to carry out his functions.

The synthesis of this new interpretation results in a fair, contextual, and protection-oriented model of guardianship. This model balances respect for family institutions with the enforcement of women's individual rights. *Wali* is no longer seen as an authoritarian figure, but as a strategic partner in realizing the noble goal of marriage. This formulation bridges classical texts with the social realities of modern Indonesia, ensuring that Islamic law remains relevant and serves as a blessing for all humanity, especially for women.

5. Implications of *Maqāsidī Ijtihad* on the Reconceptualization of Marriage Guardians as Protectors and Consultants

The main implication of *ijtihad maqāsidī* is the fundamental shift in the paradigm of the guardian from the authority holder to the consultative partner. This reconceptualization places the guardian as a protector who ensures that the decision of the bride-to-be is based on careful consideration, not as an absolute determinant. This role is in line with the principle of willingness of both parties (*tarāḍin*) which is the spirit of the marriage contract. Thus, women's agency and suffrage as independent subjects of law are strengthened, in harmony with the purpose of protecting reason (*hifz al-'aql*) and soul (*hifz al-nafs*).

As a consultant, the guardian's function shifts to substantive verification of the prospective husband, beyond formal criteria such as social status. Its role is to provide objective advice and ensure equality (*kafā'ah*) in terms of morality, religious commitment, and the ability to build a *sakinah* family. This preventive function aims to resist future harm (*dar' al-mafāsīd*), which directly contributes to the preservation of religion (*hifz al-dīn*) and heredity (*hifz al-nasl*). *Wali* is at the forefront of ensuring long-term benefits for women. This reconceptualization has implications for the need for positive legal reformulation, especially the Compilation of Islamic Law. The criteria of *wali adhal* need to be interpreted more broadly, not only limited to rejection without *sharia* reasons, but also rejection that is contrary to the main benefit of the prospective bride. The role of the Religious Court became

increasingly central as an institution that ensured the function of the guardianship ran according to the corridor of maqāsid. Judge intervention is no longer seen as an anomaly, but as a mechanism for enforcing justice and protecting women's human rights.

The guardian model as a protector and consultant directly empowers women in marriage decision-making. This approach reduces the potential for family conflicts arising from the abuse of guardian authority, because the relationships built are dialogue and trust, not subordination. The social implication is the creation of a healthier and harmonious family dynamic from the beginning of the marriage process. This is in line with the main purpose of marriage in Islam, which is to realize tranquility (sakinah), love (mawaddah), and affection (rahmah) in the family. This *ijtihad maqāsidī* succeeded in bridging the authenticity of Islamic teachings with the demands of modern reality in Indonesia. The guardian institution is not abolished, but rather revitalized its function to remain relevant and functional. This reconceptualization proves the flexibility of Islamic law that is able to adapt to achieve its noble goals, namely justice and benefit. By placing the guardian as protector and consultant, Islamic family law affirms its commitment to protecting women's rights and ensuring that the institution of marriage is truly a source of happiness.

CONCLUSION

This study concludes that the concept of wali nikah in classical jurisprudence, which is rooted in textual interpretation and patriarchal social contexts, faces the challenge of relevance in contemporary Indonesian reality. The application of the Maqāsid al-Syarī'ah method fundamentally shows that the essence of guardianship is to realize benefits (jalb al-maṣāliḥ) and reject harm (dar' al-mafāsīd). When this protective function is abused to the point of becoming a barrier (adhal), it is directly contrary to the primary purposes of the Shari'ah, especially the preservation of the soul (hifz al-nafs) and offspring (hifz al-nasl), thus requiring a more substantive reinterpretation. As a solution, this study formulates a reconceptualization of the role of the guardian that shifts from the holder of absolute authority to the consultative partner and protector of the rights of the bride-to-be. Through the framework of Maqāsid, the meaning of "permission" of the guardian is transformed into a deliberation process that respects women's agency and independence in decision-making. This new formulation prioritizes the achievement of the substance of marriage, such as the realization of sakinah and the protection of mafsadah, over formal adherence to the guardianship structure which in some cases is counterproductive and not in line with the spirit of Islamic justice.

The implications of *ijtihad maqāsidī* are very significant, namely encouraging a paradigm shift in law and social practice in Indonesia. This research legitimizes the strengthening of the role of guardian judges as an instrument of state justice when guardians fail to carry out their protective functions. Furthermore, these findings recommend a positive legal reformulation, especially the Compilation of Islamic Law, to be more responsive to problematic guardianship cases. Ultimately, this approach ensures that guardianship institutions are revitalized to remain functional, relevant, and able to protect and empower women in accordance with the principles of rahmatan lil 'ālamīn.

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