

## THE *MAQASID AL-SHARI'AH* IN MULTICULTURAL FAMILY CASES: A PERSPECTIVE ON INTERFAITH MARRIAGE

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### Abstract

#### Keywords:

*Maqasid al-Shari'ah, Multicultural Family, Interfaith Marriage,*

*This study examines the application of Maqasid al-Shari'ah in the context of interfaith marriage within multicultural families. Employing a descriptive-analytical qualitative method, this research explores how the principles of Maqasid al-Shari'ah provide an ethical and legal framework for addressing the complexities of interfaith marriages. The findings indicate that Maqasid al-Shari'ah offers a holistic approach through three primary aspects of protection: *hifz al-din* (protection of religion), *hifz al-nafs* (protection of life), and *hifz al-'ird* (protection of dignity). In its implementation, this approach considers three levels of needs: *dharuriyyat* (essentials), *hajiyyat* (complementary needs), and *tahsiniyyat* (embellishments). The main challenges identified include divergent interpretations of Islamic law, social pressures, and regulatory limitations. To address these challenges, solutions based on Maqasid al-Shari'ah—such as enhancing religious literacy, promoting multicultural education, and enforcing fair and flexible legal practices—are proposed. The study concludes that Maqasid al-Shari'ah can serve as a bridge between religious norms and social needs in fostering harmony within multicultural families while upholding the core principles of Islamic law*

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### INTRODUCTION

*Maqasid al-Shari'ah* represents a fundamental concept in Islamic law aimed at safeguarding five essential aspects of human life: religion (*al-din*), life (*al-nafs*), intellect (*al-'aql*), lineage (*al-nasl*), and property (*al-mal*). This principle provides an ethical and legal foundation for addressing various dynamics of life, including the context of interfaith marriage within multicultural societies. In an increasingly pluralistic social

environment, multicultural families often face complex challenges across legal, social, and spiritual dimensions. Interfaith marriage, as one phenomenon within multicultural families, has sparked extensive debate among scholars and academics regarding its legitimacy and its implications for the objectives of *maqasid al-Shari'ah*.

The phenomenon of interfaith marriage in multicultural societies cannot be separated from the social realities involving diverse beliefs and value systems. From the perspective of *shari'ah*, marriage is ideally a means to establish a harmonious family life that upholds the protection of religion and lineage. However, in the case of interfaith marriage, challenges arise when two differing beliefs must find common ground to build a stable household aligned with the values of *maqasid al-Shari'ah*. Certain scholars tend to permit interfaith marriage under specific conditions, such as ensuring the protection of the Muslim party's religion within the family (Yusuf Qardhawi, 2003, pp. 235–242).

In Indonesia, the issue of interfaith marriage has gained significant attention due to the country's high cultural and religious diversity. Indonesian law, through Law No. 1 of 1974 on Marriage, stipulates that a marriage is valid only if conducted in accordance with the religious laws of each party. In cases of interfaith marriage, legal polemics often arise involving administrative procedures, leading many couples to seek legalization abroad to solemnize their marriage (Salim, 2018). In this context, *maqasid al-Shari'ah* plays a strategic role in providing a holistic perspective on the protection of religion, lineage, and human values.

In terms of protecting religion (*hifz al-din*), *maqasid al-Shari'ah* emphasizes the importance of safeguarding the faith of every individual within a multicultural family. Interfaith marriage often presents spiritual dilemmas, particularly concerning the religious upbringing of children and the observance of religious rituals. *Maqasid al-Shari'ah* can serve as a foundation for managing these differences through an inclusive approach that respects each individual's religious identity. A tangible example is the structured arrangement of children's religious education in interfaith families to ensure justice and respect for each party's beliefs (Hashim, 2015, pp. 123–150).

From the perspective of protecting lineage (*hifz al-nasl*), interfaith marriages are often criticized for potentially creating ambiguities regarding a child's religious identity. Nevertheless, a *maqasid al-Shari'ah* approach enables a more constructive discussion by emphasizing the child's right to proper religious and moral education. In multicultural families, it is essential to create an environment conducive to the child's spiritual development without compromising family unity (John L. Esposito, 2007, pp. 87–94).

Meanwhile, regarding the protection of life (*hifz al-nafs*), multicultural families often experience social pressures due to prevailing stigmas. In this regard, *maqasid al-Shari'ah* can be applied to uphold the rights of couples in interfaith marriages, including rights to security, affection, and household harmony. The principles of *maqasid al-Shari'ah* affirm the importance of fair treatment for all family members to prevent conflicts that may threaten family integrity (Kamali, 2008, pp. 45–52).

The various challenges faced by multicultural families, especially in interfaith marriages, highlight the need for a comprehensive and inclusive approach based on *maqasid al-Shari'ah*. This approach extends beyond mere formal legal aspects to reinforce humanitarian values capable of fostering harmony within families and society. In this context, *maqasid al-Shari'ah* serves as a bridge between religious norms and social needs, offering relevant solutions for multicultural families in the modern era (Jasser Auda, 2008, pp. 150–152).

Thus, this study aims to explore how *maqasid al-Shari'ah* can be applied in the cases of multicultural families, particularly regarding interfaith marriage. The primary focus is to analyze the mechanisms by which *maqasid al-Shari'ah* safeguards faith, lineage, and the rights of couples and children within such families. This study is expected to contribute both theoretically and practically to the understanding of interfaith marriage issues and to identify strategic approaches for building harmony within multicultural families.

## LITERATURE REVIEW

*Maqasid al-Shari'ah* is a compound (*idāfi*) term composed of two words: *maqasid* and *al-shari'ah*. Etymologically, *maqasid* is the plural form of *maqṣid* (Muhammad Idris al-Marbawiy, n.d., p. 136), derived from the root word *qaṣada* (قصد), meaning intention or objective (Louwis Ma'luf Al-yassu'i, n.d., p. 632). The word *maqasid* is used in various forms such as *al-qaṣd* (verbal noun from a transitive verb), *al-maqṣid* (verbal noun), *al-maqṣid* (noun of place), and *al-maqṣud* (passive participle), all referring to the purpose behind the establishment of Islamic law ((Abdullah bin Bayah, 2006, pp. 12–13). According to Ibn Manzur, *maqasid* is the plural of *maqṣid*, originating from the verb *qaṣada*, with meanings such as *istiḳāmat al-ṭarīq* (straightness of the path), *al-'adl* (justice), and *al-i'tiṣām wa-al-i'timād* (seeking protection and reliance) (Ibn Manzur, p. 3642). The term *qaṣd* also signifies caution or a measured journey.

In the technical usage, *maqasid* is often employed by jurists and scholars of *uṣūl al-fiqh* to denote the objectives intended by the Shari'ah in legislating laws, emphasizing that every Islamic legal ruling aims to achieve some form of benefit or justice (Abdullah bin Bayah, 2006, p. 14)

In Islamic legal terminology, the plural form *maqasid* is more frequently used than the singular *maqṣad* to refer to the aims of Islamic law—the purposes intended by the Divine Legislator (Allah) (Dahlan, 2019, p. 365; Yasir S. Ibrahim, 2006, p. 157). Several objectives of the Shari'ah are articulated generally in the scriptural texts, such as the objective of "justice" mentioned in the Qur'an, Surah *al-Nahl* (16:90):

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَائِ ذِي الْقُرْبَىٰ وَيَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ  
وَالْبَغْيِ يَعِظُكُمْ لَعَلَّكُمْ تَذَكَّرُونَ

“Indeed, Allah commands justice, benevolence, and giving to relatives, and forbids immorality, wrongdoing, and oppression. He instructs you that you may take heed.”

According to Yusuf Ahmad Muhammad al-Badwi, *maqasid* are:

الغايات المحمودة في مفعولاته ومأموراته سبحانه

*al-ghāyāt al-maḥmūdah fī maf'ūlātihi wa-ma'mūrātihi subḥānahu* (“The praiseworthy objectives found within Allah’s actions and commandments.”) (Yusuf Ahmad Muhammad Al-Badwi, n.d., p. 50)

Similarly, Abdul Aziz bin Abdurrahman bin Ali bin Rabi'ah defines:

المقاصد في الإصطلاح: هي المراد من تشريع الأحكام أو هي إرادة حصول  
المراد من تشريع الأحكام

*al-maqāsid fī al-iṣṭilāḥ: hiya al-murād min tashrī‘ al-aḥkām aw hiya irādat ḥuṣūl al-murād min tashrī‘ al-aḥkām* (“In terminology, *maqasid* are the intended outcomes behind the legislation of rulings, or the will to achieve the desired aims through the legislation of rulings.”) (Rabī‘ah, 2002, p. 20).

Thus, *maqasid* can be summarized as the divine objectives Allah seeks to realize through the legislation of Islamic laws for humanity.

As an independent discipline, *maqasid al-shari'ah* lacked a definitive and comprehensive definition among classical scholars (Ahmad al-Raisuni, 2005, p. XXII). This led to various definitional versions, although they share similar underlying principles. Consequently, most contemporary definitions of *maqasid al-shari'ah* were developed by modern scholars. Among them, Tahir ibn Ashur classified *maqasid* into two categories: *maqasid al-shari'ah al-‘āmmah* (general objectives) and *maqasid al-shari'ah al-khāṣṣah* (specific objectives). The former refers to the wisdoms and purposes underpinning the entire body of Islamic law, while the latter addresses specific aims within particular domains such as economics or family law (Asyur, 2009, pp. 50, 154).

According to ‘Allal al-Fasi, *maqasid al-shari'ah* are methodologies for understanding the aims behind legislation to promote welfare and prevent harm for human benefit (Al-Fasi, 1993, p. 193). Wahbah al-Zuhaili defines *maqasid al-shari'ah* as the values and goals underlying most legal rulings, viewed as the wisdom and hidden secrets embedded by the Lawgiver (Wahbah al-Zuhaili, 1986, p. 225).

From the perspective of intention and purpose, *maqasid al-shari'ah* is divided into two types: *maqasid al-shāri‘* (objectives of the Lawgiver) and *maqasid al-mukallaḥ* (objectives of the legally responsible individual) (Abu Ishaq al-Shatibi, 2004, p. 3). *Maqasid al-shāri‘* concern Allah’s purposes in establishing laws: to ensure human welfare in this world and the Hereafter, to facilitate understanding of the law, to mandate compliance, and to guarantee that laws lead people toward divine benefit (Abdul Halim, n.d., p. 20). Conversely, *maqasid al-mukallaḥ* pertain to human intentions in their faith, speech, and actions, which must align with the aims of the Shari’ah for balanced and beneficial living (Nur al-Din Mukhtar al-Khadimi, 1998, p. 53).

Regarding their epistemological certainty, *maqasid* are categorized into three levels: *al-maqasid al-qaṭ‘iyyah* (definitive objectives), *al-maqasid al-zanniyyah* (speculative objectives), and *al-maqasid al-wahmiyyah* (illusory objectives). *Al-maqasid al-qaṭ‘iyyah* are firmly established goals such as ease, removal of hardship, security, preservation of honor, property rights, and access to justice. *Al-maqasid al-zanniyyah* rely on scholarly reasoning and admit diversity of interpretation, such as mutual consent in marriage contracts (‘Abd al-Majid al-Najjar, 2008, pp. 38–40).

Shari’ah rulings aim to protect life’s essential needs categorized into three levels: *dharuriyyat* (essentials), *hajiyyat* (complementary needs), and *tahsīniyyat* (embellishments) (Abu Ishaq al-Shatibi, 2004, p. 3). The *dharuriyyat* include the protection of religion, life, intellect, lineage, and property (Hirzillah, 2005, p. 115; Yusuf Ahmad Muhammad Badawi, 2000, p. 63). Imam al-Qarafi added *hifz al-‘ird* (protection of honor) to these categories, though its inclusion remains debated among scholars (Ramza Fatria Maulana, 2024, pp. 18–21).

The thought of Al-Shatibi has undergone significant development in the contemporary era. Jasser Auda emphasizes the systematic approach in *maqasid al-shari'ah*, highlighting the interconnectedness of human dimensions and critiquing the

traditional linear-hierarchical understanding. He advocates for a dynamic view that integrates spirituality, intellect, society, and material aspects in a balanced way to face modern challenges such as globalization, technological advancement, and rapid social change (Jasser Auda, 2008, pp. 45–50).

Similarly, Mohammad Hashim Kamali suggests that the traditional classification of *maqasid al-shari'ah* must evolve to address modern complexities. In the context of *dharuriyyat*, he proposes the inclusion of environmental protection as a sixth essential need, alongside religion, life, intellect, lineage, and property. At the level of *hajiyyat*, he underscores the importance of technological development, while for *tahsīniyyat*, he integrates socio-economic justice, equitable wealth distribution, access to education, and protection of marginalized groups (Kamali, 2009, pp. 123–128)

## RESEARCH METHODOLOGY

This study employs a qualitative method with a descriptive-analytical approach to explore in depth how *maqasid al-shari'ah* is applied in multicultural family cases, particularly in interfaith marriages. Data were collected through a literature review by examining various sources, including classical exegesis texts, academic journals, and books related to Islamic law and *maqasid al-shari'ah*. Data analysis was conducted thematically to identify the relevance of *maqasid al-shari'ah* principles to issues concerning the protection of religion, life, and lineage within interfaith marriages. This approach aims to provide a comprehensive understanding and to offer contextually appropriate solutions for multicultural societies.

## RESULTS AND DISCUSSION

### Legal and Legitimacy Issues Related to Interfaith Marriage

Legal and legitimacy issues surrounding interfaith marriage often present complex challenges, particularly in societies characterized by religious diversity, such as Indonesia. In Islam, interfaith marriages are categorized into three types: (1) marriages between Muslim women and non-Muslim men, whether from the *Ahl al-Kitab* or otherwise; (2) marriages between Muslim men and women from the *Ahl al-Kitab*; and (3) marriages between Muslim men and polytheist (*mushrik*) women. The majority of scholars agree that all three types of marriage are prohibited, based on Surah *al-Baqarah* (2:221) and *al-Mumtahanah* (60:10).

An absolute prohibition applies to marriages between Muslim women and non-Muslim men, whether from the *Ahl al-Kitab* or *mushrik*, due to concerns regarding the influence of the husband within the household. As the head of the family, the husband is perceived to hold a dominant position; thus, if he does not recognize his wife's religion, it is feared that religious coercion might occur (Quraish Shihab, 2003, p. 199).

Marriages between Muslim men and women from the *Ahl al-Kitab* have been the subject of considerable debate, underpinned by two main considerations. First, during the time of the Prophet and the subsequent generations of Companions (*ṣaḥābah*) and Followers (*tābi'īn*), Muslim communities often engaged in *jihad* and the spread of Islam in territories inhabited by the *Ahl al-Kitab*. Due to the vast distances, they were unable to return home, leading them to marry women from among the *Ahl al-Kitab*. Second, such marriages were seen as a form of *da'wah* (religious outreach), where the Muslim husband

could demonstrate the completeness of Islamic teachings through noble behavior, habits, and ethics in his relationship with a woman of the *Ahl al-Kitab*.

Nevertheless, scholars have raised concerns regarding the sustainability and impact of such marriages. Based on considerations of *maṣlahah* (public interest), some scholars tend to prohibit such marriages—not based directly on the Qur'anic text, but rather on the potential negative consequences that may arise (Quraish Shihab, 2003, p. 31). Meanwhile, marriage between a Muslim man and a *mushrik* woman is categorically prohibited. This prohibition is rooted in the belief that polytheists associate partners with Allah, lack a divinely recognized scripture (*kitāb mu'tabar*), and have no prophet to follow as a guide.

The term *Ahl al-Kitab* refers to those who received a divine scripture from Allah. In the Qur'an, the term consistently refers to the Jewish and Christian communities. While there are a few verses where the term is used more generally for those given scripture, such occurrences are rare and do not explicitly refer to groups outside of Judaism and Christianity (Sofiyatun Nurkhasanah, 2023, p. 5). According to Quraish Shihab, discussions concerning the *Ahl al-Kitab* remain confined to Jews and Christians, based on Qur'anic usage. Even when generalized, the verses ultimately refer specifically to these two groups. This view is supported by Allah's words in Surah *al-An'am* (6:156):

"(We sent down the Qur'an) so that you cannot say, 'The Book was only sent down to two groups before us, and we were unaware of their teachings.'"

In Indonesia, adherents of Christianity, categorized under *Ahl al-Kitab*, are commonly referred to as Christians. Consequently, the three other officially recognized religions—Hinduism, Buddhism, and Confucianism—are not classified as *Ahl al-Kitab*. Based on the view of al-Mawdudi, Hinduism, Buddhism, and Confucianism are more accurately categorized as *mushrik* religions according to Qur'anic classifications.

### **The Role of *Maqasid al-Shari'ah* in Multicultural Families**

Multicultural families frequently encounter challenges in reconciling the values and norms from different religious backgrounds. In this context, *maqasid al-shari'ah* offers a holistic approach that accommodates diversity without compromising the fundamental principles of Islamic law.

#### **a. *Hifz al-Din* (Protection of Religion)**

The protection of religion in *maqasid al-shari'ah* aims to preserve individual faith, particularly within interfaith marriages. Surah *al-Baqarah* (2:221) emphasizes the prohibition of marriage between Muslims and *mushrik* individuals to safeguard belief and religious stability. The Qur'an states:

"And do not marry polytheistic men [to your women] until they believe..."

However, Wahbah al-Zuhaili, in *Fiqh al-Islami wa Adillatuh*, discusses the permissibility of marriages between Muslim men and women from the *Ahl al-Kitab* (Jews or Christians). In multicultural families, respecting each partner's faith becomes essential for creating familial harmony. This perspective allows for the formation of families that maintain religious values without compromising individual religious identities.

#### **b. *Hifz al-Nafs* (Protection of Life)**

Interfaith marriages often generate emotional and psychological conflicts arising from differing beliefs, norms, and societal pressures. Within *maqasid al-shari'ah*, the protection of life encompasses safeguarding the emotional well-being of all family members. Ibn Ashur, in *Maqasid al-Shariah al-Islamiyyah*, emphasizes that *maqasid*

serve to minimize harm (*darar*) and maximize benefit (*maṣlahah*).

Interreligious dialogue, inclusive family education, and social support structures can help mitigate conflicts. In this regard, *maqasid al-shari'ah* is concerned not only with physical safety but also with the psychological and emotional welfare of multicultural families.

c. *Hifz al-'Ird* (Protection of Honor)

Multicultural families engaged in interfaith marriages often face social stigma that threatens the honor of spouses and their children. *Maqasid al-shari'ah* stresses the importance of protecting individual and familial dignity through justice and mutual respect. Al-Shatibi, in *al-Muwafaqat fi Usul al-Shari'ah*, asserts that protecting honor is a fundamental component of maintaining social order.

Social stigma and discrimination can be addressed through inclusive policies and cross-cultural education, promoting respect for religious and cultural diversity. The implementation of *maqasid al-shari'ah* thus supports the establishment of equitable social frameworks to reduce negative stereotypes against multicultural families.

### **Analytical Framework: *Dharuriyyat*, *Hajiyyat*, and *Tahsiniyyat***

The application of *maqasid al-shari'ah* to interfaith marriages can be analyzed through three main categories: *dharuriyyat* (essential needs), *hajiyyat* (complementary needs), and *tahsiniyyat* (embellishments).

- At the *dharuriyyat* level, the primary focus is on safeguarding religion, life, and honor. Every individual in an interfaith marriage must be guaranteed the right to practice their faith without coercion or discrimination. Children born from such marriages must be assured of their religious identity through inclusive religious education and respect for familial values.
- At the *hajiyyat* level, secondary needs include efforts to minimize conflict and promote family harmony through premarital counseling, interfaith mediation, and legal recognition of interfaith marriages to protect the rights of spouses and children.
- At the *tahsiniyyat* level, the emphasis is on enhancing quality of life through education, economic welfare, and access to social services. In this framework, *maqasid al-shari'ah* supports the cultivation of humanistic values that strengthen intercultural and interfaith relations, enabling multicultural families to thrive in a respectful and harmonious environment.

### **Challenges and Strategic Solutions**

The major challenges in implementing *maqasid al-shari'ah* in interfaith marriage cases include differences in the interpretation of Islamic law, social pressures on multicultural couples, and regulatory limitations that fail to adequately accommodate religious diversity. Divergent scholarly opinions on the validity of interfaith marriages often lead to confusion, while societal pressures result in discrimination against couples and their children. Inadequate regulation also leads to a lack of legal protection for the rights of multicultural families.

To address these challenges, *maqasid al-shari'ah*-based solutions can be applied, such as promoting religious and multicultural literacy through inclusive education that respects cultural diversity. This aims to reduce conflict and enhance family harmony. Moreover, the adoption of fair and flexible legal frameworks aligned with the principles

of *maqasid al-shari'ah* is essential to protect the rights of spouses and children. Interfaith dialogue is also a strategic initiative to foster mutual understanding among religious leaders, communities, and governments, ensuring that the values of *maqasid al-shari'ah* are constructively and harmoniously implemented in multicultural family life.

## CONCLUSION

Based on the discussion above, it can be concluded that *maqasid al-shari'ah* offers a comprehensive framework for addressing the complexities of interfaith marriage within multicultural societies through three main aspects of protection: *hifz al-din* (protection of religion), *hifz al-nafs* (protection of life), and *hifz al-'ird* (protection of honor). Although there are divergent scholarly opinions regarding interfaith marriage, particularly between Muslim men and women from the Ahl al-Kitab, the *maqasid al-shari'ah* approach provides practical solutions by considering the categories of *dharuriyyat* (essentials), *hajiyyat* (complementary needs), and *tahsiniyyat* (embellishments). Challenges such as differing interpretations of Islamic law, social pressures, and regulatory limitations can be addressed through the promotion of religious literacy, multicultural education, the implementation of fair legal frameworks, and the fostering of constructive interfaith dialogue. These efforts aim to create harmony within multicultural families while upholding the fundamental principles of Islamic law.

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