

Islamic Family Law in Libya under Social Transformation: A Maqasid-Oriented Socio-Legal Analysis

Zaynab Omar*, Safa Alrumayh, Karima Elhaj, Laylay Hasan, Entisar Alatrish, Abdulrauf Atia, Mowafg Abraham

University of Zawia, Libya

*Corresponding Author: z.omar@zu.edu.ly

Submitted : March 21, 2026

Accepted : April 24, 2026

Published : April 30, 2026

ABSTRACT

The persistence of classical Islamic family law within modern Muslim legal systems continues to generate tensions between doctrinal authority and evolving demands for procedural justice, gender equity, and institutional coherence. In Libya, family law remains grounded in Maliki jurisprudence and codified through Law No. 10 of 1984 on Marriage and Divorce. Yet existing scholarship remains divided, with doctrinal studies treating the law as a closed normative system and socio-legal approaches often overlooking its internal legal reasoning. Libya itself also remains underrepresented in comparative legal scholarship. This study examines how classical Islamic jurisprudence interacts with contemporary social transformation in shaping family law in Libya. Employing a qualitative doctrinal and socio-legal approach, it analyzes juristic principles, statutory provisions, selected fatwas of Dar al-Ifta Libya, and recent developments in marriage, divorce, guardianship, and maintenance. The findings indicate that while codification preserves core Maliki doctrines, it simultaneously constrains juristic adaptability, producing tensions in divorce regulation, women's legal agency, and maintenance enforcement. These tensions reflect not merely institutional limitations but deeper disjunctions between inherited legal forms and changing social realities. This study advances a maqasid-oriented socio-legal framework, arguing that meaningful legal reform depends on preserving the ethical objectives of Shari'ah rather than reproducing historical procedural forms. By integrating doctrinal analysis with socio-legal insight, the study contributes to broader debates on Islamic legal reform in contemporary Muslim societies.

Keywords: islamic family law, *maliki* Jurisprudence, *maqasid al-Shari'ah*, socio-legal analysis, family law reform



Cabis Karya © 2026 by JHIES: Jurnal Hukum Islam dan Ekonomi Syariah is licensed under [Creative Commons Attribution-ShareAlike 4.0 International](https://creativecommons.org/licenses/by-sa/4.0/)

Introduction

Islamic family law occupies a uniquely sensitive position within contemporary Muslim legal systems because it regulates the most intimate dimensions of human life, including marriage, divorce, lineage, guardianship,

maintenance, custody, and inheritance. Unlike criminal, commercial, or constitutional law many of which have undergone significant secularization under the modern nation-state family law often remains the strongest institutional expression of classical Islamic jurisprudence (*fiqh*) within positive legal systems. It is in this field that the relationship between divine normativity, state authority, judicial practice, and lived social reality becomes most visible and frequently most contested. Family law is therefore not merely a technical legal domain, but a normative arena where justice, legitimacy, morality, gender relations, and religious authority are continuously negotiated (Hallaq, 2009); (Welchman, 2007); (Mir-Hosseini, 2018).

This tension is particularly evident in North Africa, where personal status law remains deeply rooted in classical Sunni jurisprudence while simultaneously operating within modern statutory systems. In Libya, Islamic family law continues to function as the principal framework governing personal status matters and is strongly shaped by the Maliki school of jurisprudence. Core legal doctrines concerning marriage (*nikah*), divorce (*talaq*), guardianship (*wilayah*), maintenance (*nafaqah*), custody (*ḥaḍanah*), and lineage (*nasab*) derive their normative legitimacy from Maliki jurisprudence and are institutionally preserved through statutory codification, especially Libyan Law No. 10 of 1984 on Marriage and Divorce. However, codification is never neutral. When juristic plurality is transformed into statutory rules, the interpretive flexibility of classical *fiqh* is narrowed, and ethical legal reasoning risks being replaced by procedural formalism (Otto, 2012); (Möller, 2015).

Over the past decades, Libya has undergone profound socio-legal transformation that has directly affected family relations and the operation of personal status law. Urbanization, political instability, economic insecurity, migration, educational expansion, and women's increasing participation in public and professional life have significantly altered the social assumptions underlying classical family law doctrines. Extended family structures that once functioned as informal institutions of mediation and protection have weakened, while judicial intervention and nuclear family arrangements have become increasingly central. At the same time, changing expectations regarding marital partnership, women's autonomy, financial responsibility, and parental authority have intensified disputes concerning divorce, maintenance, custody, and guardianship (Elmansuri & Goodchild, 2021); (Maktabi, 2024). These developments reveal a deeper jurisprudential problem: many legal rules continue to operate on assumptions that no longer fully correspond to contemporary social realities.

This challenge is not unique to Libya. Across Muslim-majority countries, family law has become the primary arena in which states negotiate the relationship between Islamic legal tradition and modern governance. Reforms in

Morocco, Tunisia, Egypt, and Algeria show how codified family law increasingly incorporates judicial supervision, procedural safeguards, expanded women's legal capacity, and child welfare protections while still claiming Islamic legitimacy (An-Na'im, 2002); (Sonbol, 2009); (Tucker, 2008). Yet such reforms often generate intense debate because they challenge deeply rooted assumptions regarding patriarchal authority and the supremacy of classical juristic schools. The issue is therefore not whether reform is permissible, but how reform can be pursued without reducing Islamic law either to rigid textual formalism or to purely secular legislative engineering detached from its normative foundations (Kamali, 2008); (Auda, 2008).

Libya offers a particularly important case because it combines strong Maliki continuity, formal statutory codification, and post-conflict institutional fragility. Unlike other jurisdictions that have received substantial scholarly attention, Libya remains comparatively underexamined in international legal scholarship despite its significance for understanding how Islamic law operates under conditions of political transition and institutional uncertainty. In Libya, family law reflects not only substantive legal doctrine but also a broader struggle over legal authority between judges and jurists, between statutory law and fatwa institutions, and between social practice and formal legal norms. The continuing influence of Dar al-Ifta Libya in matters such as divorce, judicial dissolution, and women's legal rights demonstrates that family law remains a living site of negotiation rather than a closed statutory system.

Existing scholarship, however, remains fragmented. Doctrinal studies often focus on classical Islamic jurisprudence, especially the Maliki school, but frequently treat fiqh as a self-contained legal system disconnected from judicial practice and social change (Hallaq, 2009); (Otto, 2012). Socio-legal studies on gender, domestic life, and women's legal capacity in Libya and North Africa often prioritize sociological analysis without sufficiently engaging the internal legal reasoning of Islamic family law (Elmansuri & Goodchild, 2021); (Maktabi, 2024). Comparative studies of Arab family law provide broader regional analysis, yet Libya is often treated only peripherally despite its distinctive legal structure (Welchman, 2007); (Mir-Hosseini, 2018).

This fragmentation creates a significant research gap. Existing literature rarely offers an integrated framework capable of examining simultaneously the doctrinal foundations of classical Islamic family law, their statutory transformation in modern Libyan legislation, and the socio-legal pressures generated by contemporary social change. Without such integration, doctrinal studies risk excessive normativity, while sociological studies may overlook the legal reasoning that shapes family relations. What remains insufficiently explored is how legal

doctrines are translated, contested, and reconstructed in contemporary legal practice.

This study argues that *maqasid al-shari'ah* provides the most coherent framework for addressing this gap because it shifts legal analysis from preserving historical procedural forms toward preserving the higher objectives of Islamic law. In family law, these objectives include lineage protection (*hifz al-nasl*), justice between spouses, family stability, child welfare, human dignity, and broader social welfare (*maslahah*). A maqasid-based approach does not require abandoning classical jurisprudence; rather, it enables contextual reinterpretation when inherited legal forms no longer adequately achieve their original ethical purposes (Auda, 2008);(Kamali, 2008); (Masud, 2016).

Accordingly, this study examines the interaction between classical Islamic jurisprudence and contemporary social transformations in shaping Islamic family law in Libya. It investigates how Maliki legal doctrines are translated into statutory law, how changing social conditions challenge their practical implementation, and how a maqasid-based socio-legal approach may provide a more coherent framework for legal reconstruction. This article contributes by developing an integrated analytical model that combines doctrinal analysis, socio-legal contextualization, and maqasid-based evaluation, while also proposing a structured framework for reconstructing Islamic family law that links normative legitimacy with institutional effectiveness.

Research Method

This study employs a qualitative doctrinal and socio-legal research design to examine the interaction between classical Islamic jurisprudence and contemporary social transformation in shaping Islamic family law in Libya. The research focuses on how core principles of Islamic family law within the Maliki legal tradition are translated into modern statutory regulation and how these legal structures respond to changing social realities. Rather than treating family law solely as a fixed normative system, this study approaches it as a dynamic legal field in which jurisprudential doctrine, state legislation, judicial practice, religious authority, and social change continuously interact.

The doctrinal component analyzes the classical foundations of Islamic family law derived from the Qur'an, the Sunnah, and authoritative juristic works within the Maliki school, which historically constitutes the dominant legal tradition in Libya. The analysis concentrates on major family law institutions, including marriage, divorce, maintenance, guardianship, custody, and lineage protection. These are examined not merely as formal legal rules, but as normative mechanisms designed to preserve broader objectives of Islamic law, particularly justice

between spouses, family stability, and the protection of lineage (*hifz al-nasl*) (Kamali, 2008); (Auda, 2008); (Hallaq, 2009).

To establish the contemporary legal context, the study uses Libyan Law No. 10 of 1984 on Marriage and Divorce as the principal statutory reference for personal status regulation. This law remains the central legal framework governing marriage formation, divorce procedures, maintenance obligations, custody, and guardianship in Libya. In addition, selected fatwas issued by Dar al-Ifta Libya particularly concerning judicial divorce, triple divorce, and women's legal rights are examined to understand how contemporary religious authority interprets classical jurisprudence in practical legal disputes.

A comparative legal analysis is applied to identify continuity and tension between classical Maliki jurisprudence and modern Libyan family law. This comparison focuses on how juristic doctrines are codified, procedurally transformed, or institutionally limited within statutory law. For example, while classical fiqh recognizes unilateral divorce as a private legal act, modern Libyan practice increasingly subjects divorce to judicial oversight and formal documentation. Similar tensions appear in guardianship and women's legal autonomy. This comparative approach enables the study to move beyond textual description and critically assess the legal consequences of codification.

The central analytical framework of this study is *maqasid al-shari'ah*. Family law provisions are evaluated through the higher objectives of Islamic law, particularly the protection of lineage, justice (*'adl*), welfare (*maslahah*), and the prevention of harm (*daf' al-darar*). This framework is used to assess whether contemporary legal practices remain consistent with the ethical purposes of Islamic law or whether procedural and substantive reconstruction is required (Auda, 2008); (Mir-Hosseini, 2018).

The socio-legal dimension contextualizes legal analysis within broader transformations in Libyan society, including urbanization, changing family structures, women's educational advancement, economic participation, and evolving marital expectations. Rather than relying on field interviews or quantitative surveys, the study examines recent scholarly literature, legal reform studies, and documented social patterns relevant to family relations in Libya and North Africa (Elmansuri & Goodchild, 2021); (Maktabi, 2024). This approach is adopted because the objective is not empirical measurement, but understanding how social change generates legal tensions requiring jurisprudential response.

The analysis proceeds in three stages. First, it identifies the classical foundations and normative objectives of family law within Maliki jurisprudence. Second, it examines how these principles are translated into Libyan statutory law and contemporary fatwa discourse. Third, it evaluates the extent to which these

legal structures remain responsive to present social realities through a maqāṣid-based socio-legal assessment.

By integrating doctrinal analysis, comparative legal examination, maqāṣid evaluation, and socio-legal contextualization, this study provides a structured framework for understanding how Islamic family law in Libya can maintain both normative legitimacy and practical effectiveness in contemporary society.

Results and Discussion

Foundations of Classical Islamic Family Law

Classical Islamic jurisprudence developed family law not merely as a collection of private legal rules, but as a comprehensive normative system designed to preserve social order, moral responsibility, and intergenerational continuity. Within the broader architecture of Islamic law, family relations occupy a central position because they regulate the institution through which lineage, inheritance, care, and social stability are sustained. Marriage, divorce, guardianship, maintenance, and lineage are therefore treated not as isolated contractual matters, but as interconnected legal mechanisms serving the broader objectives of justice and communal welfare. In this sense, Islamic family law reflects what Wael B. Hallaq describes as the ethical character of premodern Islamic legal reasoning, where law was inseparable from moral order and social responsibility (Hallaq, 2009).

In North Africa, including Libya, this normative structure was historically shaped by the Maliki school of jurisprudence, whose legal method gave particular importance not only to textual sources but also to public welfare (*maslahah*) and the living practice of the people of Medina (*‘amal ahl al-Madinah*). This is significant because Maliki jurisprudence, compared to some other Sunni schools, possesses a stronger internal capacity for contextual legal reasoning and public-interest consideration. However, contemporary legal practice in Libya often reflects a paradox: although the legal system formally claims continuity with Maliki jurisprudence, the operational structure of codified family law tends to privilege rigid procedural compliance over the flexible ethical reasoning historically embedded within Maliki legal thought (Kamali, 2008); (Auda, 2008); (Opwis, 2010).

This distinction is important because many contemporary legal tensions do not emerge from Islamic legal principles themselves, but from the transformation of fiqh into statutory form. Once classical jurisprudence is codified into state legislation, interpretive plurality becomes significantly restricted. Legal doctrines that were historically applied through case-sensitive juristic reasoning are often transformed into fixed legal provisions enforced through bureaucratic institutions. As Lynn Welchman observes in the broader Arab context, codification often

creates a dual tension: it preserves Islamic legitimacy while simultaneously narrowing the adaptive capacity of juristic interpretation (Welchman, 2007). In Libya, this tension becomes particularly visible in areas such as divorce regulation, guardianship, and financial obligations within marriage, where statutory certainty may conflict with the complexity of lived family relations.

Concept of Family in Islamic Jurisprudence

In classical Islamic jurisprudence, the family is understood as both a moral community and a legal institution. The Qur'anic vision of marriage emphasizes *mawaddah* (affection), *rahmah* (mercy), and *sakinah* (tranquility), framing the marital relationship not solely as a contract of rights and duties, but as an ethical partnership oriented toward mutual protection and social stability. Classical jurists translated these moral principles into legal structures by defining marriage (*nikah*) as a binding contract that regulates reciprocal obligations, legitimizes sexual relations, preserves lineage, and establishes a stable environment for child-rearing (Esposito & DeLong-Bas, 2018); (Mir-Hosseini, 2018).

At the same time, however, the contractual structure of marriage in classical fiqh was developed within a social order characterized by differentiated gender roles and hierarchical assumptions regarding authority. Financial maintenance (*nafaqah*) was primarily assigned to the husband, while obedience and domestic responsibility were commonly associated with the wife. Guardianship (*wilayah*) reflected assumptions of paternal authority, and lineage (*nasab*) was protected through legal mechanisms designed to preserve certainty of descent and inheritance rights. These doctrines were not arbitrary; they emerged within specific historical conditions where economic dependency, kinship structures, and social security operated differently from contemporary societies (Tucker, 2008); (Sonbol, 2009).

The difficulty arises when these historical assumptions are treated as permanently fixed legal realities rather than context-bound juristic responses. In contemporary Libya, women's educational attainment, economic participation, and legal consciousness have altered the practical structure of marriage and family life. Dual-income households, delayed marriage, judicial divorce, and negotiated marital expectations increasingly challenge the classical assumption of unilateral male authority and exclusive financial responsibility. Consequently, the legal problem is not whether Islamic family law should preserve family stability, but whether the procedural forms inherited from classical jurisprudence remain the most effective means of achieving that objective.

This is where a purely textual reading becomes insufficient. Ziba Mir-Hosseini argues that many tensions in Muslim family law stem from the conflation of historically contingent juristic interpretations with immutable divine norms. Put differently, the ethical goals of marriage remain stable, but the legal forms through

which those goals are pursued may require reinterpretation (Mir-Hosseini, 2018). In Libya, this distinction is particularly important because debates over women's legal autonomy and judicial regulation of marriage are often framed as conflicts between religion and modernity, whereas the deeper issue concerns the distinction between normative objectives and inherited procedural forms.

Sources of Islamic Family Law

The legal foundations of Islamic family law derive primarily from the Qur'an and the Sunnah, which provide the normative basis for marriage, divorce, inheritance, custody, and guardianship. These primary sources were expanded through interpretive methodologies such as *ijma'* (consensus), *qiyas* (analogical reasoning), *istihsan* (juristic preference), and *maslahah mursalah* (public interest), allowing jurists to address legal questions not explicitly regulated in revelation (Kamali, 2008). In the Maliki tradition, the practice of the people of Medina and public welfare received particular authority, reinforcing a jurisprudential orientation that was not merely textual, but deeply attentive to social consequences and communal welfare (Opwis, 2010).

This methodological flexibility is often overlooked in contemporary legal debates. Islamic family law is frequently portrayed either as rigidly textual or inherently resistant to reform, yet classical jurisprudence itself demonstrates substantial interpretive diversity. The four Sunni legal schools often differed significantly on issues such as divorce procedure, women's consent in marriage, judicial annulment, and guardianship authority. These disagreements indicate that legal plurality is not a modern innovation imposed upon Islamic law, but an internal characteristic of the juristic tradition itself (Hallaq, 2009); (Masud, 2016).

The problem in modern legal systems is that codification frequently suppresses this plurality. When a state adopts one juristic position as statutory law, alternative doctrinal possibilities often disappear from practical legal discourse. This creates the mistaken impression that one historical interpretation represents the entirety of Islamic law. In Libya, where Maliki jurisprudence strongly shapes statutory family law, this process sometimes narrows the scope for judicial adaptation even when the tradition itself would permit broader interpretive flexibility. For example, divorce procedures or guardianship arrangements may be treated as legally fixed despite the existence of juristic diversity that could support more context-sensitive outcomes.

This issue becomes even more significant when religious authority outside formal courts particularly Dar al-Ifta Libya continues to shape public understanding of family law. Fatwas concerning triple divorce, judicial dissolution, and maintenance obligations demonstrate that legal authority in Libya is not monopolized by statutory law. Rather, family law operates within a plural legal environment where courts, legislation, and religious institutions coexist,

sometimes cooperatively and sometimes in tension. Ignoring this pluralism risks misunderstanding how Islamic family law actually functions in practice.

Key Legal Principles Governing Family Relations

Classical Islamic jurisprudence regulates family relations through several foundational legal principles: marriage as a lawful contract, divorce as a regulated mechanism of dissolution, guardianship as a structure of legal responsibility, and lineage protection as a central objective of social continuity. These principles were never intended as isolated technical rules; rather, they were designed to preserve what contemporary maqasid scholarship identifies as the higher objectives of family law: justice, protection from harm, stability of kinship, and social welfare (Auda, 2008).

Marriage (*nikah*) requires consent, witnesses, and *mahr* to ensure legal validity and protect the rights of spouses. Yet the question of “consent” itself has become increasingly complex in modern legal systems. Formal consent may exist while substantive autonomy remains weak due to family pressure, economic vulnerability, or social dependency. Thus, the legal validity of marriage cannot be evaluated solely through procedural compliance. A maqasid-oriented reading requires examining whether legal form genuinely protects human dignity and voluntary agency rather than merely satisfying formal requirements.

Similarly, divorce (*talaq*) illustrates one of the clearest tensions between classical doctrine and contemporary legal expectations. Classical jurisprudence recognizes unilateral divorce as legally valid, but modern judicial systems increasingly regulate divorce through documentation, reconciliation procedures, and court supervision to prevent abuse and protect vulnerable spouses. Critics sometimes portray this as a departure from Islamic law, yet such regulation may be better understood as a restoration of Islamic legal purpose: preventing harm and ensuring justice. The question is therefore not whether judicial oversight contradicts *fiqh*, but whether unrestricted unilateral divorce undermines the maqasid of family stability and fairness (Welchman, 2007); (Maktabi, 2024).

Guardianship (*wilayah*) presents a similar challenge. Traditionally associated with paternal authority and protective responsibility, guardianship today must be re-evaluated in light of women’s legal competence and changing family structures. In many cases, strict formal guardianship may no longer function as protection but as legal dependency without substantive justification. This does not necessarily invalidate the principle of guardianship itself; rather, it demands rethinking its application in contexts where social assumptions have fundamentally changed.

The protection of lineage (*hifz al-nasl*) remains one of the most central objectives of Islamic family law, guiding rules concerning marriage, paternity, inheritance, and child custody. However, contemporary disputes over custody, parental responsibility, and judicial recognition of family rights demonstrate that

lineage protection cannot be reduced to biological certainty alone. It must also include the welfare, dignity, and long-term stability of the child. This broader interpretation aligns more closely with maqasid reasoning than with rigid formalism.

Overall, classical Islamic family law provides a robust normative foundation, but its contemporary relevance depends on whether legal interpretation remains connected to the ethical purposes underlying those rules. The real challenge in Libya is therefore not the preservation of classical doctrine itself, but the tendency to preserve legal forms without sufficient attention to the objectives they were originally intended to serve. It is precisely this tension that makes reconstruction through Maqasid al-Shari'ah not only intellectually desirable, but jurisprudentially necessary.

Islamic Family Law in Libya: Legal Structure and Developments

Islamic family law in Libya represents one of the clearest examples of how classical Islamic jurisprudence continues to operate within a modern state-centered legal system. Unlike commercial or administrative law, which are more readily absorbed into secular legislative frameworks, personal status law remains closely connected to religious legitimacy and juristic authority. Marriage, divorce, custody, guardianship, and financial obligations are therefore regulated not only as legal matters but also as questions of moral order and social legitimacy. In Libya, this legal field is primarily shaped by the Maliki school of jurisprudence, whose doctrinal influence remains deeply embedded in both statutory law and judicial reasoning. However, the interaction between classical Maliki doctrine and modern legal institutions is neither seamless nor stable; rather, it reveals continuous negotiation between inherited jurisprudential authority and contemporary demands for procedural justice, legal certainty, and institutional coherence (Otto, 2012); (Welchman, 2007).

Historical Development of Family Law in Libya

Historically, family relations in Libya were regulated through decentralized judicial mechanisms grounded in Maliki jurisprudence. Before the consolidation of modern state institutions, religious judges (*qadis*) and local jurists exercised considerable interpretive discretion in resolving disputes related to marriage, divorce, inheritance, and guardianship. Their authority was not based on statutory codification, but on juristic competence and the social legitimacy of Islamic legal reasoning. This model allowed significant flexibility because legal outcomes could be adjusted to social circumstances through interpretive tools such as *ijtihad*, *istislah*, and local custom (*'urf*) where relevant (Hallaq, 2009); (Powers, 2002).

The emergence of the modern Libyan state fundamentally altered this structure. With the institutionalization of centralized courts and legislative authority during the twentieth century, Islamic family law was gradually incorporated into statutory legal frameworks. The enactment of Libyan Law No. 10 of 1984 on Marriage and Divorce marked a particularly significant moment in this

transformation. The law codified major aspects of personal status regulation while preserving strong continuity with Maliki jurisprudence. Yet codification also produced an important epistemic shift: judges increasingly functioned as interpreters of legislative text rather than as jurists navigating a plurality of doctrinal opinions. In other words, legal authority moved from juristic reasoning toward state-administered legal certainty (Möller, 2015); (Otto, 2012).

This transformation generated both advantages and limitations. On one hand, codification strengthened procedural consistency, documentation requirements, and legal predictability particularly important in matters such as divorce registration and financial rights. On the other hand, it reduced the adaptive flexibility historically associated with *fiqh*. What had once been a case-sensitive juristic tradition became, in many respects, a system of procedural compliance. The result is a hybrid legal structure: formally Islamic in legitimacy, but increasingly bureaucratic in operation.

Contemporary Libyan Family Law Regulations

Contemporary Libyan family law regulates marriage formation, divorce procedures, child custody, guardianship, and financial rights primarily through statutory provisions derived from Islamic jurisprudence. Although the legal system maintains strong continuity with Maliki doctrine, its practical operation reflects the procedural demands of modern judicial institutions. This creates a legal environment in which classical rules are preserved, but their application is increasingly mediated by courts, documentation, and state supervision.

Marriage remains the foundational institution of personal status law. Libyan law generally preserves the classical requirements of valid marriage: mutual consent, witnesses, guardianship where required, and the establishment of *mahr* (dower). These conditions are intended to protect both legal validity and the social legitimacy of marital unions. However, the practical enforcement of these conditions reveals significant tension. Formal consent, for example, may satisfy legal requirements while substantive autonomy remains compromised by economic dependency or familial pressure. This is particularly relevant in contexts where marriage functions not only as a personal contract but also as a socio-economic institution embedded within family expectations and communal norms (Tucker, 2008); (Maktabi, 2024).

Moreover, the persistence of informal and unregistered marriages presents an important legal challenge. Such marriages may preserve social legitimacy within local communities while undermining women's access to maintenance rights, inheritance claims, and judicial protection. This demonstrates that legal validity cannot be measured solely by doctrinal compliance; institutional enforceability is equally important for achieving substantive justice.

Divorce Regulation as the Central Site of Legal Tension

Divorce law represents the most visible arena in which the tension between classical jurisprudence and modern legal governance emerges. Classical Islamic law recognizes several forms of marital dissolution, including unilateral *talaq*, judicial annulment (*fasakh*), and divorce initiated by the wife through *khul'*. Among these, unilateral *talaq* has become the most contested because its traditional permissibility often conflicts with contemporary expectations of procedural fairness and gender justice (Welchman, 2007); (Mir-Hosseini, 2018).

Libyan law increasingly subjects divorce to judicial oversight through registration requirements, reconciliation procedures, and court supervision of post-divorce obligations such as maintenance and custody. This reflects an important legal shift: divorce is no longer treated solely as a private moral act between spouses, but as a public legal event with broader social consequences. Judicial involvement seeks to prevent arbitrary repudiation, protect economically vulnerable spouses, and ensure legal documentation of rights and obligations.

However, the coexistence of formal judicial procedures and informal religious understandings of divorce creates persistent ambiguity. Public reliance on fatwa authority, particularly from Dar al-Ifta Libya, often reinforces the perception that verbal divorce alone possesses decisive legal force regardless of court registration. This duality weakens institutional consistency and generates uncertainty regarding marital status, maintenance obligations, and child custody. The issue, therefore, is not merely doctrinal disagreement but institutional competition over who possesses legitimate authority to determine the legal end of marriage.

Recent debates surrounding triple divorce in a single utterance illustrate this problem clearly. While some juristic positions recognize immediate legal effect, contemporary judicial reasoning increasingly treats such practices as harmful to family stability and inconsistent with the maqasid of justice and harm prevention. Thus, judicial regulation should not be understood as a secular intrusion into Islamic law, but rather as an attempt to restore the ethical objectives that classical law was originally designed to protect.

Guardianship, Women's Legal Capacity, and Judicial Authority

Guardianship (*wilayah*) constitutes another major area of legal development in Libya. Traditionally, guardianship was justified as a protective legal structure ensuring the welfare of minors and regulating marriage decisions, particularly for women within patriarchal kinship systems. However, the persistence of strict formal guardianship in contemporary society increasingly raises questions regarding women's legal autonomy and the relationship between protection and dependency (Möller, 2015); (Sonbol, 2009).

As women's educational attainment and professional participation expand, the assumption that legal capacity must be mediated through male guardianship becomes more difficult to justify without careful contextual analysis. In many contemporary disputes, guardianship no longer functions primarily as protection but as a procedural limitation on independent legal agency. This is particularly evident in marriage consent, travel decisions, and post-divorce custody disputes, where judicial institutions must balance traditional authority structures with constitutional and human rights considerations.

The gradual expansion of women's legal capacity across North Africa demonstrates that reinterpretation is already occurring within Islamic legal systems rather than outside them (Maktabi, 2024). Libya faces a similar challenge: whether guardianship should remain tied to formal patriarchal authority or be reinterpreted through the broader maqasid principle of justice and welfare. A rigid preservation of form may preserve symbolic continuity while undermining substantive legitimacy.

Financial Rights and the Problem of Economic Justice

Financial obligations within marriage constitute one of the most practically significant aspects of Libyan family law. Classical Islamic jurisprudence places the obligation of *nafaqah* (maintenance) primarily upon the husband, while the wife is entitled to financial security through maintenance and the marital gift (*mahr*). These rules were historically designed to protect economic stability within marriage and to ensure post-divorce security for women and children (Nasir & Jubri, 2024).

Yet contemporary economic conditions complicate this structure. Economic instability, unemployment, inflation, and the increasing prevalence of dual-income households challenge the assumption that maintenance obligations can be organized solely around a single-provider model. In practice, many women contribute substantially to household survival while still facing legal vulnerability when marital dissolution occurs. Delayed or unenforced maintenance payments further reveal the gap between formal legal entitlement and practical economic justice.

This problem demonstrates a broader methodological issue: legal continuity without institutional enforceability produces only symbolic protection. A maqasid-oriented approach requires evaluating whether maintenance law actually secures welfare and dignity rather than merely preserving inherited formal categories. Financial justice in family law must therefore be measured by substantive outcomes, not only by doctrinal consistency.

Continuity and Adaptation of Classical Jurisprudence

The Libyan case demonstrates that continuity with classical Islamic jurisprudence and legal adaptation are not mutually exclusive processes. Core

principles concerning marriage validity, lineage protection, financial obligations, and family stability continue to derive their legitimacy from Islamic legal tradition. This continuity remains socially important because family law derives much of its authority from its perceived connection to religious legitimacy.

At the same time, adaptation is unavoidable. Judicial supervision of divorce, reconsideration of guardianship structures, and the institutional enforcement of maintenance rights all show that legal practice is already moving beyond literal preservation of classical forms. The problem is not adaptation itself, but the absence of a coherent jurisprudential framework that can justify and systematize it.

Without such a framework, reform risks appearing either religiously illegitimate or legally inconsistent. This is precisely why Maqasid al-Shari'ah becomes essential. It provides a principled method for distinguishing between immutable ethical objectives and historically contingent legal mechanisms. In Libya, the future of Islamic family law depends not on choosing between tradition and reform, but on recognizing that meaningful reform is often the most faithful way of preserving tradition itself.

Social Transformations and Their Impact on the Libyan Family

Islamic family law does not operate in a social vacuum. Its practical meaning is shaped not only by legal texts and judicial interpretation, but also by the broader social conditions within which family relations are formed, maintained, and contested. In Libya, contemporary family law cannot be adequately understood without examining the structural transformations that have altered the social foundations of marriage, parental authority, and household responsibility. Urbanization, political instability, economic uncertainty, migration, educational expansion, and changing gender expectations have all reshaped the lived realities of family life. These transformations do not simply coexist with Islamic family law; rather, they actively challenge the assumptions upon which many classical legal doctrines were historically constructed (Mir-Hosseini, 2018); (Elmansuri & Goodchild, 2021).

The central issue, therefore, is not whether social change should influence family law, but how Islamic legal reasoning should respond when the underlying social realities of family life no longer correspond to the historical conditions in which many juristic formulations emerged. In Libya, this tension is particularly visible because formal legal continuity with Maliki jurisprudence remains strong, while the social structure supporting that legal order has undergone substantial change.

Changing Family Structures and the Decline of Extended Kinship Authority

One of the most significant transformations affecting family relations in Libya is the gradual shift from extended family structures toward more nuclear and

individualized household arrangements. Traditionally, family organization in North African Muslim societies was strongly embedded in extended kinship networks, where marriage was not solely an individual contract between spouses but a social alliance between families. Extended households functioned as mechanisms of economic support, social supervision, marital mediation, and intergenerational authority. Divorce disputes, maintenance conflicts, and child custody arrangements were often addressed first through family mediation rather than formal judicial intervention (Tucker, 2008); (Sonbol, 2009).

However, urbanization and migration have significantly weakened these informal structures. As individuals relocate for education, employment, or security reasons, family units become physically and socially more independent. Nuclear households increasingly replace extended family living arrangements, particularly in urban centers. This shift has important legal consequences. The decline of kinship-based mediation increases reliance on formal courts for resolving disputes that were once managed through communal authority. Divorce, custody, and financial conflicts now move more rapidly into judicial institutions, increasing the institutional burden on family courts and exposing legal ambiguities that informal mediation previously concealed (Maktabi, 2024).

This transformation also affects the legitimacy of guardianship structures. Classical doctrines of *wilayah* presupposed a social order in which paternal and extended male authority functioned within stable kinship systems. When those systems weaken, the legal preservation of guardianship without corresponding social functionality may produce dependency without protection. In such contexts, legal formalism risks preserving institutional symbols rather than substantive welfare.

Women's Education, Economic Participation, and Marital Negotiation

Another major source of transformation is the increasing educational attainment and economic participation of women. Over recent decades, women in Libya have gained broader access to higher education and professional life, creating significant shifts in marital expectations and household decision-making. These changes have not eliminated structural inequality, but they have substantially altered the social reality within which marriage is negotiated (Maktabi, 2024); (Joseph, 2018).

In classical jurisprudence, the husband's obligation of financial maintenance (*nafaqah*) and the wife's economic dependency formed part of a broader legal structure that justified differentiated rights and responsibilities. Yet contemporary family life increasingly reflects dual-income households, shared financial burdens, and negotiated domestic responsibilities. Women's participation in income generation challenges the assumption that authority should automatically follow economic provision. In practice, many marital disputes now concern not only

financial obligations but also recognition of women's agency within family decision-making.

This creates an important jurisprudential question: should legal authority remain attached to classical assumptions of economic hierarchy when the economic structure of marriage itself has changed? A purely formal preservation of classical roles may create normative dissonance, particularly where women contribute substantially to household survival while remaining legally vulnerable in divorce, custody, or maintenance disputes.

Moreover, higher education often increases legal awareness and expectations of procedural fairness. Women who are more legally conscious are more likely to challenge arbitrary divorce, delayed maintenance, or restrictive guardianship arrangements. This does not necessarily reflect rejection of Islamic family law, but rather a demand that its application better reflect its own ethical commitments to justice and dignity. As Mir-Hosseini argues, many contemporary family law disputes arise not from opposition to religion, but from resistance to patriarchal interpretations presented as religious inevitabilities (Mir-Hosseini, 2018).

Economic Instability and the Fragility of Family Welfare

Economic pressure constitutes one of the most immediate forces reshaping family stability in Libya. Prolonged political conflict, inflation, unemployment, and institutional fragility have intensified financial insecurity for many households. Under such conditions, marriage is increasingly affected by economic precarity rather than solely by moral or cultural considerations. Delayed marriage, marital instability, and disputes over maintenance obligations often reflect structural economic hardship rather than purely interpersonal conflict (Bank, 2020); (Maktabi, 2024).

This reality is particularly significant for Islamic family law because financial responsibility occupies a central place within marital obligations. Classical doctrines of *nafaqah* assume that maintenance obligations can be fulfilled within a relatively stable economic structure. However, where unemployment or unstable income becomes widespread, the legal enforceability of maintenance becomes deeply uncertain. Women and children may hold formal legal rights that remain practically inaccessible because judicial enforcement mechanisms are weak or because economic capacity itself is absent.

This reveals an important limitation of doctrinal continuity without institutional support. Legal entitlement does not automatically produce legal protection. A maqasid-oriented reading of family law requires evaluating whether financial rules actually preserve welfare (*maslahah*) and prevent harm (*darar*), rather than merely reproducing formal obligations that cannot be meaningfully enforced. In this sense, economic justice becomes inseparable from legal legitimacy.

Divorce, Marital Expectations, and the Crisis of Procedural Justice

Changing social expectations within marriage have also contributed to increasing tension around divorce. Contemporary marriages often involve expectations of emotional partnership, mutual communication, and negotiated authority rather than purely role-based hierarchy. While classical jurisprudence recognizes differentiated rights and obligations, modern marital expectations increasingly emphasize reciprocity and procedural fairness. This shift has transformed divorce from a private moral matter into a major legal and institutional concern (Welchman, 2007).

The persistence of unilateral verbal divorce (*talaq*) becomes particularly controversial in this context. Where marriage is understood as a partnership requiring shared responsibility, abrupt unilateral dissolution appears increasingly inconsistent with both social expectations and maqasid-based principles of justice. Judicial regulation of divorce therefore reflects not only state intervention but also a broader demand for legal accountability.

In Libya, the coexistence of court-supervised divorce and socially recognized informal divorce creates significant legal uncertainty. Women may face situations in which religiously recognized divorce is treated as socially final while legally undocumented, leaving maintenance, custody, and remarriage status unresolved. This fragmentation of legal authority demonstrates that procedural justice is not a secondary administrative issue it is central to the moral credibility of family law itself.

Social Change as a Jurisprudential Challenge

These transformations demonstrate that contemporary family challenges in Libya are not external pressures imposed upon Islamic law, but internal jurisprudential questions about how legal norms should operate when social realities change. The problem is not that classical fiqh lacks ethical resources; rather, it is that legal practice sometimes preserves historical procedural forms without sufficiently re-evaluating whether those forms still achieve the objectives they were intended to protect.

This is particularly important in post-conflict societies such as Libya, where legal institutions must function amid social fragmentation and weakened public trust. In such contexts, family law cannot rely solely on formal doctrinal continuity. It must also maintain practical legitimacy by addressing lived experiences of injustice, especially concerning women, children, and economically vulnerable families.

Consequently, social transformation should not be viewed as a threat to Islamic family law, but as a necessary condition for its jurisprudential renewal. The challenge is not whether Islamic law can adapt, but whether legal institutions are willing to distinguish between preserving divine objectives and preserving

historically contingent legal forms. It is precisely this distinction that makes reconstruction through *Maqasid al-Shari'ah* both legally necessary and intellectually unavoidable.

Reconstructing Islamic Family Law in Light of Contemporary Social Change

The preceding discussion demonstrates that the central challenge of Islamic family law in Libya is not the absence of legal doctrine, but the growing distance between inherited juristic formulations and contemporary social realities. Classical Islamic jurisprudence provides a sophisticated normative framework for regulating marriage, divorce, guardianship, financial obligations, and lineage protection. However, the persistence of legal legitimacy depends not only on preserving doctrinal continuity, but also on ensuring that legal application remains faithful to the ethical purposes of the *Shari'ah* itself. When procedural forms are preserved while substantive justice weakens, legal continuity may become symbolically powerful yet socially ineffective. Reconstruction, therefore, should not be understood as abandoning classical jurisprudence, but as restoring its normative coherence through principled reinterpretation.

In this context, reconstruction means more than legislative amendment. It requires a jurisprudential method capable of distinguishing between immutable ethical objectives and historically contingent legal mechanisms. This distinction is particularly important in family law because many contemporary disputes especially those involving divorce, maintenance, women's legal capacity, and custody arise not from rejection of Islamic norms, but from dissatisfaction with legal procedures that no longer adequately protect justice, dignity, and welfare. Accordingly, the most coherent framework for reconstruction lies in *Maqasid al-Shari'ah*, which reorients legal analysis from formal preservation toward purposive legal reasoning.

The Role of *Maqasid al-Shari'ah* in Family Law Reform

The theory of *Maqasid al-Shari'ah* provides one of the most important contemporary frameworks for understanding legal reform within Islamic law. Rather than treating legal rulings as isolated commands, *maqasid* theory emphasizes that every legal norm is oriented toward broader ethical and social objectives, including the preservation of religion, life, intellect, lineage, and property. In family law, the most directly relevant objectives include the protection of lineage (*hifz al-nasl*), justice between spouses (*'adl*), family stability, child welfare, and the prevention of harm (*daf' al-darar*) (Auda, 2008); (Kamali, 2008).

This framework is particularly important in Libya because many contemporary legal disputes emerge precisely where procedural forms fail to achieve these objectives. For example, unrestricted verbal divorce may remain formally defensible within certain juristic interpretations, yet in practice it often produces legal uncertainty, economic vulnerability, and harm to women and

children. In such cases, a maqasid-based analysis does not ask whether classical doctrine should be rejected, but whether its practical application continues to serve justice and family welfare. Judicial supervision of divorce, therefore, should not be interpreted as secular interference in Islamic law, but as a legitimate attempt to preserve the very objectives that classical fiqh sought to protect.

Similarly, maintenance obligations (*nafaqah*) must be evaluated not only as fixed doctrinal duties but as mechanisms for securing substantive welfare. Where economic instability renders formal maintenance unenforceable, the maqasid perspective requires institutional solutions that prioritize actual protection over symbolic legal continuity. The same logic applies to custody and guardianship: legal form must be measured by whether it secures the welfare of the child and protects human dignity rather than merely preserving inherited procedural hierarchy.

Thus, maqasid should not function as a rhetorical justification added after legal reasoning is completed; it must operate as the primary evaluative framework through which family law is interpreted. Without this shift, reform remains trapped between rigid textualism and unstructured legal pragmatism.

Contextual Reinterpretation of Classical Juristic Opinions

One of the most persistent misconceptions in debates on Islamic family law is the assumption that reinterpretation necessarily implies departure from Shari'ah. In reality, classical Islamic jurisprudence itself was built upon diversity of legal opinion, contextual reasoning, and juristic disagreement. The four Sunni schools did not produce a single uniform family law system; rather, they generated multiple interpretive possibilities shaped by legal reasoning, public welfare, and social context (Hallaq, 2009); (Masud, 2016).

This plurality is especially significant in the Maliki tradition, which historically granted considerable authority to *maslahah* (public welfare) and practical social consequences. The legal problem in contemporary Libya is therefore not the absence of juristic flexibility, but the tendency of modern codification to present one historical interpretation as though it were the only legitimate Islamic position. Once statutory law fixes a single doctrinal rule, alternative juristic possibilities often disappear from legal consciousness.

Reconstruction requires reopening this interpretive space. For instance, while classical doctrine recognizes unilateral *talaq*, modern legal practice may prioritize judicial documentation and reconciliation procedures without violating Islamic legal principles. Likewise, traditional guardianship structures may be re-evaluated where women possess full legal competence and economic independence. Such reinterpretation does not deny the authority of classical jurisprudence; rather, it restores the internal juristic logic through which classical scholars themselves responded to changing realities.

This distinction is crucial because legal legitimacy in Muslim societies often depends on demonstrating continuity rather than rupture. Reform that appears disconnected from Islamic jurisprudence may face social resistance even when substantively just. By contrast, reform grounded in recognized juristic principles and maqasid reasoning can preserve both religious legitimacy and institutional effectiveness.

In Libya, this means that legal reconstruction should not be framed as replacing Maliki jurisprudence with modern legal values, but as recovering the adaptive capacity already present within Maliki legal thought. The question is not whether reinterpretation is permissible, but whether refusing reinterpretation creates greater injustice than reinterpretation itself.

Toward a Contemporary Framework for Islamic Family Law in Libya

Building upon the maqasid-based and contextual approaches discussed above, the reconstruction of Islamic family law in Libya requires a systematic framework capable of integrating doctrinal legitimacy, institutional implementation, and socio-legal responsiveness. Reform cannot succeed if it remains limited to abstract jurisprudential debate or isolated legislative amendments. It must operate simultaneously at multiple levels of legal life.

This study proposes a three-level reconstruction framework:

(1) Doctrinal Level: Reinterpretation of Legal Rules

At the doctrinal level, classical legal rulings should be re-examined through their underlying ethical purposes rather than preserved solely through procedural form. Divorce regulation provides the clearest example. The shift from unilateral private repudiation toward judicially supervised divorce should be understood as a maqasid-consistent development aimed at protecting fairness, preventing abuse, and ensuring legal certainty. Similarly, guardianship rules should be interpreted in ways that prioritize welfare and legal competence rather than formal dependency where social conditions have fundamentally changed.

This level does not require abandoning classical doctrine; rather, it requires distinguishing between normative objectives and historical legal mechanisms.

(2) Institutional Level: Legal Implementation and Judicial Authority

At the institutional level, family courts and judicial mechanisms must function as active protectors of maqasid rather than passive enforcers of procedural form. This includes stronger enforcement of maintenance obligations, standardized procedures for custody and guardianship disputes, and clearer coordination between judicial institutions and religious authorities such as Dar al-Ifta Libya.

The coexistence of statutory law and fatwa authority in Libya creates both legitimacy and instability. Without institutional clarity, legal pluralism may produce contradictory outcomes rather than principled flexibility. Reconstruction

therefore requires not the elimination of religious authority, but the clarification of its relationship with formal judicial power.

(3) Socio-Legal Level: Contextual Adaptation to Social Reality

At the socio-legal level, legal interpretation must remain responsive to contemporary family realities, including women's economic participation, changing household structures, delayed marriage, economic precarity, and post-conflict institutional fragility. Legal norms that ignore these realities risk preserving symbolic continuity while losing practical legitimacy.

For example, interpretations of financial responsibility should account for dual-income households rather than assuming a universal single-provider model. Likewise, custody decisions should prioritize the best interests of the child rather than relying on rigid formal categories detached from actual welfare conditions.

This level ensures that legal reconstruction remains socially credible rather than merely theoretically persuasive.

Reconstruction as Continuity Through Adaptation

The significance of this framework lies in its rejection of the false binary between tradition and reform. Islamic family law in Libya does not face a choice between preserving Shari'ah and embracing modernity. Rather, it faces the more difficult task of determining which forms of legal continuity genuinely preserve the ethical purposes of Islamic law and which merely preserve historical procedure without substantive justice.

Maqasid al-Shari'ah offers the jurisprudential bridge necessary for this task. It allows legal reform to remain rooted in Islamic legitimacy while responding to contemporary demands for justice, dignity, and institutional coherence. In this sense, reconstruction is not a departure from tradition; it is often the most faithful way of preserving it.

Accordingly, the future of Islamic family law in Libya depends less on formal legal amendment alone and more on the willingness of legal institutions, scholars, and religious authorities to distinguish between preserving divine objectives and preserving inherited legal forms. Where this distinction is ignored, law risks becoming morally authoritative but socially ineffective. Where it is embraced, Islamic family law can remain both normatively legitimate and practically responsive in contemporary society.

Conclusion

This study examines the interaction between classical Islamic jurisprudence and contemporary social transformation in shaping Islamic family law in Libya. The findings show that Islamic family law in Libya cannot be understood solely as a continuation of classical Maliki doctrine nor merely as a product of modern statutory regulation. Rather, it functions within a complex legal field where juristic

authority, codified legislation, judicial institutions, religious fatwa bodies, and changing social realities continuously intersect. The central challenge, therefore, is not simply preserving legal doctrine, but ensuring that legal institutions maintain justice, legitimacy, and social relevance under contemporary social conditions.

Classical Islamic jurisprudence continues to provide the normative foundation for marriage, divorce, guardianship, maintenance, and lineage protection. These principles remain essential because they preserve the higher objectives of family law, particularly lineage protection (*hifz al-nasl*), justice between spouses, family stability, and social welfare. However, many legal tensions in Libya emerge when historically contingent procedural forms are preserved without sufficient evaluation of whether they still achieve these objectives. Divorce regulation, guardianship, financial maintenance, and women's legal capacity demonstrate that the primary problem often lies not in Islamic legal principles themselves, but in the uncritical retention of legal mechanisms developed for social conditions that have substantially changed.

A central contribution of this article is its argument that the reconstruction of Islamic family law should not be framed as a binary opposition between tradition and reform. The more important task is distinguishing between preserving the ethical purposes of Shari'ah and preserving historical legal procedures that may no longer adequately serve those purposes. In this regard, *maqasid al-shari'ah* offers the most coherent framework for legal reconstruction because it preserves Islamic legal legitimacy while enabling principled adaptation to contemporary realities.

This study proposes a three-level framework for reconstructing Islamic family law in Libya: doctrinal reinterpretation of legal rules, institutional strengthening of judicial implementation, and socio-legal responsiveness to changing family realities. This framework moves beyond descriptive reform discourse by providing a systematic model through which legal adaptation can remain both normatively grounded and practically effective. Meaningful reform, therefore, does not require abandoning Maliki jurisprudence, but rather recovering its internal capacity for contextual reasoning, public welfare, and justice-oriented interpretation.

The Libyan case also carries broader significance beyond its national context. As a post-conflict Muslim society with strong Maliki continuity and institutional fragility, Libya reflects a wider challenge faced by many Muslim-majority legal systems: how to preserve religious legitimacy while responding to demands for procedural justice, gender equity, and institutional coherence. In this sense, Libya offers an important lens for understanding the future of Islamic legal reasoning in contemporary Muslim societies.

Accordingly, the future development of Islamic family law depends less on formal legislative amendment and more on the willingness of judges, jurists,

scholars, and religious institutions particularly Dar al-Ifta Libya to engage in principled reinterpretation rooted in maqasid rather than procedural rigidity. Future research should strengthen this discussion through closer examination of judicial decisions, court practices, and empirical patterns of family litigation in Libya, since the credibility of legal reform ultimately depends not on conceptual elegance, but on whether law can meaningfully protect justice in lived social reality.

References

- An-Na'im, A. A. (2002). *Islamic Family Law in A Changing World: A Global Resource Book*. Zed Books.
- Auda, J. (2008). *Maqasid al Shariah as Philosophy of Islamic Law: A Systems Approach*. London : The International Institute of Islamic Thought (IIIT).
- Bank, W. (2020). *Libya Economic Monitor: Towards Reaping the Peace Dividend*.
- Elmansuri, S., & Goodchild, B. (2021). Tradition, Modernity and Gender in the Arab Home: A study from Tripoli (Libya). *Housing Studies*, 36(1), 1–22. <https://doi.org/10.1080/02673037.2019.1676401>
- Esposito, J. L., & DeLong-Bas, N. J. (2018). *Shariah: What Everyone Needs to Know*. Oxford University Press.
- Hallaq, W. B. (2009). *An Introduction to Islamic Law*. Cambridge University Press.
- Joseph, S. (2018). Gender and family in the Arab World. In A. Joseph, S. & Najmabadi (Ed.), *Encyclopedia of Women and Islamic Cultures*. Brill.
- Kamali, M. H. (2008). *Shari'ah Law: An Introduction*. Oneworld Publications.
- Maktabi, R. (2024). Female Citizenship and Divorce Law Reform in Arab States: The Gradual Expansion of Women's Legal Capacity in North Africa. in *A Comparative Historical and Typological Approach to the Middle Eastern State System*. (pp. 159–189). <https://doi.org/10.1108/S0195-631020240000036005>
- Masud, M. K. (2016). *Shari'a, Today and Tomorrow*. *Islamic Studies*. 55(1–2), 1–28.
- Mir-Hosseini, Z. (2018). *Islamic Law: Theory and Practice*. (R. G. & E. Kermeli. (ed.)). I.B. Tauris.
- Möller, L. M. (2015). An Enduring Relic: Family Law Reform and the Inflexibility of Wilaya. *The American Journal of Comparative Law*, 63(4), 893–925. <https://doi.org/10.5131/AJCL.2015.0027>
- Nasir, F. N. J. A., & Jubri, M. M. (2024). The Husband's Obligation in Providing Nafaqah to the Wife During Pandemic Hardship: An Analysis from an Islamic Perspective. *Jurnal Syariah*, 32(2), 300–349. <https://doi.org/10.22452/syariah.vol32no2.4>
- Opwis, F. (2010). *Maalaha and the Purpose of the Law: Islamic Discourse on Legal Change from the 4th/10th to 8th/14th Century*. Leiden : Brill.

- Otto, J. M. (2012). *Sharia Incorporated: A Comparative Overview of the Legal Systems of Twelve Muslim Countries in Past and Present*. Leiden University Press.
- Powers, D. S. (2002). *Law, Society, and Culture in the Maghrib, 1300–1500*. Cambridge University Press.
- Sonbol, A. E. (2009). *Gender and Islam in the Middle East: Women's Legal Status in Muslim Countries*. Syracuse University Press.
- Tucker, J. E. (2008). *Women, Family, and Gender in Islamic Law*. Cambridge University Press.
- Welchman, L. (2007). *Women and Muslim Family Laws in Arab states: A Comparative Overview of Textual Development and Advocacy*. Amsterdam University Press.