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FROM *FIQH* TO NATIONAL LAW: TRANSFORMATION OF LEGAL MAXIMS IN INDONESIAN MARRIAGE LAW

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Abstract

This study aims to explain the nature and legal status of *qawā'id fiqhiyyah* according to Islamic legal scholars and to analyze their relevance and functional transformation in Indonesian marriage regulations, particularly the Compilation of Islamic Law. This library−based study employs a qualitative approach, drawing on classical and contemporary books, legal texts, and scholarly works concerning *fiqh* legal maxims, Islamic legal theory, jurisprudence, and marriage law. Data were collected through systematic literature study and analyzed using content analysis and descriptive analysis. The findings indicate that *fiqh* legal maxims constitute generalized principles formulated through jurists' extensive reasoning concerning recurring *fiqh* issues and generally possess a *ẓannī* status. Their evidentiary position encompasses complementary and, according to some scholarly views, independent functions; nevertheless, the majority of scholars recognize them primarily as complementary evidence in legal determination. The study further identifies substantial relevance between *fiqh* legal maxims and Indonesian marriage regulations, particularly the Compilation of Islamic Law, across ten areas, including marriage registration, *mahr*, marriage agreements, *ta'līq al−ṭalāq*, marital rights and obligations, marriage prohibitions, and *'iddah*. The study concludes that the movement from *fiqh* to national law reflects a functional transformation whereby legal maxims provide interpretive and complementary principles within a codified marriage−law framework. Academically, this study contributes to understanding how classical Islamic legal reasoning is adapted and incorporated into contemporary Indonesian marriage law.

Abstrak

Penelitian ini bertujuan untuk menjelaskan hakikat dan kedudukan hukum kaidah fikih menurut para ulama hukum Islam serta menganalisis relevansi dan transformasi fungsionalnya dalam regulasi perkawinan di Indonesia, khususnya Kompilasi Hukum Islam. Penelitian ini merupakan penelitian kepustakaan dengan pendekatan kualitatif yang menggunakan kitab−kitab klasik dan kontemporer, teks hukum, serta karya ilmiah mengenai kaidah fikih, usul fikih, fikih, dan hukum perkawinan. Data dikumpulkan melalui studi literatur secara sistematis dan dianalisis menggunakan analisis isi serta analisis deskriptif. Hasil penelitian menunjukkan bahwa kaidah fikih merupakan prinsip−prinsip umum yang dirumuskan melalui pemikiran mendalam para fuqaha terhadap berbagai persoalan fikih yang berulang dan pada umumnya memiliki status ẓannī. Kedudukannya sebagai dalil mencakup fungsi sebagai dalil pelengkap dan, menurut sebagian ulama, sebagai dalil mandiri; namun, mayoritas ulama menempatkannya terutama sebagai dalil pelengkap dalam penetapan hukum. Penelitian ini juga menemukan relevansi yang kuat antara kaidah fikih dan regulasi perkawinan di Indonesia, khususnya Kompilasi Hukum Islam, dalam sepuluh bidang, antara lain pencatatan perkawinan, mahr, perjanjian perkawinan, ta'līq al−ṭalāq, hak dan kewajiban suami istri, larangan perkawinan, dan 'iddah. Penelitian ini menyimpulkan bahwa peralihan dari fikih menuju hukum nasional menunjukkan transformasi fungsional,

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yaitu kaidah fikih berperan sebagai prinsip interpretatif dan pelengkap dalam kerangka hukum perkawinan yang terkodifikasi. Secara akademik, penelitian ini berkontribusi dalam menjelaskan bagaimana penalaran hukum Islam klasik diadaptasi dan diintegrasikan ke dalam hukum perkawinan Indonesia kontemporer..

INTRODUCTION

Marriage law in Indonesia occupies a distinctive position at the intersection of Islamic jurisprudence and national legal regulation (Rasyid, Lubis, & Saleh, 2024). The Compilation of Islamic Law (KHI) provides a normative framework for Muslim family matters, including marriage (Shesa, Dzar, & Utami, 2024), divorce, marital rights, registration, and waiting periods (Widiartana, Setyawan, & Anditya, 2025). Although KHI operates within the national legal system, many of its substantive principles have intellectual connections with classical *fiqh*. This intersection raises an important legal and scholarly issue concerning how juristic principles are adapted when they enter a codified state—law framework (Widiartana et al., 2025). Among these principles (Hayat, 2022), *qawāʿid fiqhiyyah* are particularly significant because they condense broad patterns of juristic reasoning into concise legal formulations applicable to diverse cases (Maloko, Chotban, & Fuady, 2024). In contemporary Islamic legal practice (Budiman, Saifullah, & Ulum, 2024), these maxims may also appear as supporting considerations in legal reasoning and institutional decision—making. Their presence in discussions of Indonesian marriage law demonstrates that the relationship between *fiqh* and national law is not necessarily characterized by separation. Instead, it may involve processes of adaptation through which principles developed in classical jurisprudence acquire new forms (Taufiqurrohman, Muhtar, Kasim, & Imran, 2024), functions, and institutional consequences within modern legal regulation (Rachmadhani, Sahid, & Ichsan, 2024). Understanding this process is important for explaining the continuing interaction between Islamic legal traditions and Indonesian national marriage law.

Previous studies have examined *qawāʿid fiqhiyyah* from various perspectives, including their historical development, classification, methodological characteristics, legal authority, and application in substantive *fiqh*. Other studies have explored the position of KHI within Indonesian family law, particularly its relationship with classical *fiqh*, legal codification, and the institutionalization of Islamic family norms within the national legal system (Darussamin & Zikri, 2023). These studies have established important foundations for understanding both legal maxims and KHI as separate areas of inquiry (Siregar, 2021). Nevertheless, a gap remains in explaining the relationship between the two at the level of legal transformation (Marwinata, Jannah, & Siroj, 2024). Existing discussions of *qawāʿid fiqhiyyah* generally emphasize their function within juristic reasoning, while studies of KHI tend to focus on its legal status, substantive provisions, or relationship with Indonesian legislation (Fikri, Bedong, Salim, Muthalib, & Abubakar, 2023). Consequently, limited attention has been given to how generalized principles formulated by *fuqahāʾ* are adapted into concrete marriage—law norms within a state—administered legal framework. The literature therefore provides substantial knowledge about the origins and functions of legal maxims and about the development of KHI, but offers less systematic explanation of the functional transformation connecting these two domains.

An evaluation of previous studies indicates that the existing literature tends to approach *qawāʿid fiqhiyyah* and Indonesian marriage law through different analytical frameworks. Studies of legal maxims predominantly investigate their epistemological foundations, evidentiary status, classifications, and role as instruments of juristic

reasoning. Meanwhile, studies concerning KHI commonly examine codification, legal reform, judicial application, or the compatibility of its provisions with Islamic jurisprudence (Syaikhu, Al Amruzi, Mujiburrahman, & Norwili, 2023). These approaches have contributed significantly to understanding the respective development of *fiqh* and national family law, but they do not fully explain how a juristic principle changes when it moves from the conceptual domain of *fiqh* into an institutionalized legal system. The present study is therefore positioned between these two bodies of literature (Nurlaelawati, 2020). Rather than merely identifying similarities between classical maxims and KHI provisions, it examines the functional process through which selected *fiqh* principles are reformulated, institutionalized, and expressed through national marriage—law norms. This positioning treats transformation as a process of legal adaptation rather than direct textual transplantation. It also allows the study to distinguish between the original juristic status of a maxim and its subsequent normative function within Indonesian national law.

The purpose of this study is to examine the nature and legal position of *qawāʿid fiqhiyyah* within Islamic legal reasoning and to analyze their transformation into principles reflected in Indonesian marriage law, particularly within the Compilation of Islamic Law. The study argues that *qawāʿid fiqhiyyah* are primarily products of juristic reasoning derived from the examination and generalization of substantive legal rulings, rather than independent revealed sources equivalent to the Qur'an and *Sunnah*. Their subsequent incorporation into the context of national marriage law represents a functional transformation in which generalized juristic principles are selectively adapted to meet the requirements of codification, legal certainty, institutional administration, and family protection. The analysis focuses on twelve areas of KHI marriage regulation in which classical legal maxims demonstrate normative correspondence with contemporary legal provisions. Through this approach, the study seeks to demonstrate that the movement from *fiqh* to national law is neither a complete discontinuity nor a simple textual transfer. Instead, it constitutes a process of legal adaptation through which inherited juristic principles acquire new normative and institutional functions while remaining connected to the broader objectives of Islamic law and the requirements of the Indonesian legal system.

METHODS

This study employs a qualitative library research design to examine the nature, legal status, and functional transformation of *fiqh* legal maxims within Indonesian marriage law. The researcher serves as the primary instrument throughout source identification, selection, extraction, interpretation, comparison, and analysis. The research materials consist of purposively selected primary and secondary sources. Primary sources include classical and contemporary works on *qawāʿid fiqhiyyah*, *uṣūl al—fiqh*, and *fiqh*, together with Indonesian marriage—law instruments, particularly the Compilation of Islamic Law (KHI) and relevant statutory provisions. Secondary sources comprise scholarly books, journal articles, academic publications, and authoritative studies addressing Islamic legal reasoning, legal maxims, and marriage—law development. Sources are selected according to their relevance to the research questions, scholarly authority, substantive coverage, and availability of complete textual information. No human participants are involved because the study focuses exclusively on documentary and textual materials. The selected corpus is examined systematically to establish an adequate evidentiary basis for tracing the relationship between classical Islamic juristic reasoning and contemporary Indonesian

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marriage regulation, particularly the transformation of generalized *fiqh* principles into institutionalized national legal norms.

Data collection is conducted through systematic literature study and documentary analysis. The researcher identifies relevant materials through library collections, academic databases, and legal—document repositories, followed by screening according to thematic relevance, source authority, publication quality, and accessibility of the full text. The data—collection procedure consists of four stages: identification, selection, classification, and extraction. During identification, sources addressing the nature, development, and evidentiary position of *qawā'id fiqhiyyah* are compiled together with legal materials concerning Indonesian marriage regulation. The selected materials are then classified into three analytical categories: the conceptual foundations of legal maxims, scholarly debates concerning their legal status and evidentiary function, and their functional relationship with Indonesian marriage law. A structured literature—review matrix serves as the principal recording instrument for bibliographic information, scholarly arguments, legal principles, and relevant KHI provisions. Comparative reading is subsequently conducted across classical and contemporary sources to identify continuity, adaptation, and changes in the function of legal maxims when their underlying principles are reflected in national marriage regulations.

The collected data are analyzed using qualitative content analysis and descriptive—analytical methods. Content analysis is employed to identify recurring concepts, arguments, and patterns concerning the nature, legal status, and function of *fiqh* legal maxims, while descriptive—analytical analysis systematically examines their relationship with Indonesian marriage—law provisions. The analysis proceeds through four stages: data reduction, categorization, interpretation, and synthesis. First, irrelevant materials are excluded and relevant textual units are extracted. Second, the extracted information is categorized according to the research questions, particularly the nature of legal maxims, their evidentiary status, and their transformation within marriage regulation. Third, the categorized data are interpreted using an Islamic legal—theory framework, with attention to the distinction between legal maxims as complementary evidence and their possible use as independent juristic evidence. Finally, the findings are synthesized through a comparative analysis of classical legal—maxim principles and relevant KHI provisions across twelve identified areas of marriage regulation. Methodological rigor is maintained through source triangulation, comparison among scholarly authorities, repeated textual verification, and consistency checks among research questions, source selection, analytical categories, findings, and conclusions. No statistical software is required because the study employs qualitative textual analysis.

RESULT AND DISCUSSION

RESULT

The Nature and Initial Position of *Fiqh* Legal Maxims

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The study finds that *qawāʿid fiqhiyyah* are condensed formulations of juristic reasoning developed by *fuqahāʾ* through extensive examination of recurring legal cases in *fiqh*. Unlike the Qur'an and *ḥadīth*, which constitute revealed textual sources, legal maxims represent generalized conclusions formulated by jurists from numerous substantive legal rulings. Their concise formulations encompass broad legal situations, allowing cases with similar characteristics to be approached through common legal principles. This character indicates that legal maxims are not originally independent sources of revelation but products of juristic abstraction, classification, and systematization. Their emergence as a systematic discipline also occurred after the formation of the principal sources and methodologies of *uṣūl al—fiqh*. Consequently, classical classifications of Islamic legal sources generally do not position *qawāʿid fiqhiyyah* alongside the Qur'an, *Sunnah*, *ijmāʿ*, and *qiyās* as independent sources of law. Their historical position is therefore rooted in the intellectual activity of jurists who transformed accumulated substantive rulings into comprehensive principles capable of guiding subsequent legal reasoning across diverse cases.

The study further finds that the legal authority of *qawāʿid fiqhiyyah* is predominantly *ẓannī*, because their formulations constitute intellectual products of jurists rather than revelation itself. This distinction does not eliminate their significance within Islamic legal reasoning (Hedi & Anshori, 2017). Their authority derives from the textual foundations, juristic reasoning, and accumulated substantive rulings from which they were formulated. Legal maxims may therefore function as *ḥujjah*, particularly as supporting or complementary evidence in determining the legal implications of particular cases. The dominant position identified in the literature distinguishes this function from that of primary textual evidence (Berkah & Sawarjuwono, 2019). A maxim is methodologically stronger when its application is supported by specific textual evidence, established juristic principles, or the objectives of Islamic law (*maqāṣid al—sharīʿah*). The findings consequently position legal maxims between substantive legal sources and practical juristic reasoning. Their role is neither equivalent to revelation nor merely decorative. Instead, they provide a structured framework through which jurists can connect individual legal cases with broader principles. This supporting character constitutes an important basis for their later transformation within contemporary legal systems.

A further finding concerns the distinction between Prophetic statements and juristic maxims formulated from their meanings. Statements such as *lā ḍarar wa lā ḍirār* and *al—bayyinah ʿalā al—muddaʿī wa al—yamīn ʿalā man ankara* originate as *ḥadīth*, so their original authority remains textual (Jones & Aftab, 2023). When jurists subsequently abstract general principles from their meanings and apply those principles across diverse legal cases, the resulting formulations function as *qawāʿid fiqhiyyah*. This distinction reveals an initial transformation within Islamic jurisprudence itself (Zaelani, Harir Muzakki, & Syafi'i, 2023). Textual foundations and substantive rulings are processed through juristic reasoning and converted into generalized principles capable of addressing cases beyond their original contexts (Agha, El Nafad, & Hadi, 2024). The transformation therefore begins with movement from specific textual and substantive foundations toward broader juristic formulations. Once established, these formulations can operate as analytical instruments for organizing legal reasoning and identifying common principles among different cases. Their capacity for abstraction also explains why legal maxims can subsequently enter new institutional settings (Mustofa, Fakhria, Quintana, Tauziri, & Nainin, 2024). The findings thus indicate that the transformation of legal maxims into

national law does not begin only with state codification; it has an earlier intellectual stage in which jurists transform particular legal materials into generalized principles.

Transformation of *Fiqh* Legal Maxims into Indonesian Marriage Law

The study identifies twelve areas of Indonesian marriage law in the Compilation of Islamic Law (KHI) that demonstrate the functional incorporation or normative correspondence of classical *fiqh* legal maxims within national marriage regulation. These areas include *taʿlīq al-ṭalāq*, the conception and purpose of marriage, marriage registration, evidentiary requirements, spousal consent, forms of consent for persons with communication disabilities, the relationship between marriage and *mahr*, prohibited combinations of women in marriage, marriage agreements, *ʿiddah*, and reciprocal spousal rights. These provisions do not reproduce classical legal maxims verbatim as statutory rules. Instead, principles underlying the maxims are reformulated through specific institutional, administrative, and substantive provisions applicable within the Indonesian legal system (Jauhari et al., 2023). The findings therefore demonstrate a transformation from generalized juristic principles into codified norms. This transformation changes the operational context of the principles: they move from the methodological environment of classical *fiqh* into a regulatory framework administered through state institutions. KHI consequently provides an important example of how principles developed through juristic reasoning can acquire concrete normative functions within contemporary national marriage law.

The transformation is particularly visible in provisions concerning marriage registration, evidentiary certainty, and protection of marital rights. Classical principles such as *taṣarruf al-imām ʿalā al-raʿiyyah manūṭ bi al-maṣlaḥah*, *al-ḍarar yuzāl*, and *darʾ al-mafāsid muqaddam ʿalā jalb al-maṣāliḥ* provide normative orientations concerning public benefit, removal of harm, and prevention of greater harm (Rismayanti, Setiyanto, & Auzai, 2022). Within KHI, these principles are reflected through institutional mechanisms intended to establish legal certainty and protect spouses and families (Tobing, 2018). Marriage registration and documentary evidence, for example, translate concerns for certainty and protection into procedures that enable marital status and related legal claims to be demonstrated before state institutions. The transformation is therefore primarily functional rather than textual. The original wording of classical maxims does not necessarily appear in the legal provisions, while their underlying rationality can be expressed through administrative requirements and protective legal mechanisms. This finding demonstrates that the movement from *fiqh* to national law involves translating broad juristic principles into institutional rules that respond to the procedural, evidentiary, and protective requirements of contemporary marriage regulation.

The transformation is also evident in substantive provisions concerning mutual consent, contractual conditions, *mahr*, prohibited marital combinations, *ʿiddah*, and reciprocal spousal rights. Principles embedded in classical *fiqh* are expressed through specific KHI provisions that establish standardized legal consequences within marriage and family relations (Subeitan, 2022). In this context (Saepullah, 2019), *qawāʿid fiqhiyyah* function as a conceptual bridge between accumulated juristic reasoning and the codification of Islamic family law within Indonesia's national legal order (Mawardi & Riza, 2019). The findings do not establish that every KHI provision was historically legislated directly from a particular legal maxim. Rather, they demonstrate normative correspondence between selected classical maxims and principles embodied in KHI (Syatar, Bakry, Ali Rusdi Bedong, & Pallawagau, 2023). This distinction is essential because

it defines transformation as functional adaptation and legal institutionalization rather than direct textual transplantation (Ridwan, Abdullah, & Idham, 2024). KHI consequently illustrates how principles developed within *fiqh* can acquire new operational forms when incorporated into a state—administered system. The transformation is thus visible not only in the content of the norms but also in their legal function, institutional application, and capacity to establish standardized rules for marriage and family relations.

DISCUSSION

The findings demonstrate that the movement of *qawā'id fiqhiyyah* from *fiqh* into Indonesian national marriage law involves a transformation in legal function rather than a simple transfer of textual formulations. In classical jurisprudence, legal maxims primarily serve to organize and generalize numerous substantive rulings and assist jurists in addressing recurring legal problems (Sakai & Fauzia, 2016). Their function is therefore closely connected to juristic reasoning and the interpretation of individual cases through broader principles (Drs Nasrul, Manaf, Syafril, & Fathurrohman, 2021). In contemporary Indonesia (Bukido, Azzochrah, Zakariah, & Paikah, 2025), however, principles reflected in these maxims can operate within a codified legal framework through KHI. This creates a transition from juristic generalization to normative institutionalization. The transformation does not eliminate the historical character of legal maxims as products of juristic reasoning, but changes the institutional environment in which their underlying principles acquire practical significance (Nasyiah, 2024). KHI therefore represents a legal environment in which selected principles developed within *fiqh* can be reformulated into standardized rules administered through state institutions. The transformation should consequently be understood as a change in legal function, normative expression, and institutional application (Fathoni, Sulaeman, Azizah, Styawati, & Ramadhan, 2024), rather than as a replacement of classical jurisprudence by national law.

This transformation can be explained by the need to reconcile Islamic legal traditions with the institutional characteristics of the modern Indonesian legal system. Classical *fiqh* developed through diverse schools, juristic methodologies, and case—based reasoning, whereas national law requires standardized provisions capable of consistent interpretation and administration. The generalized character of legal maxims facilitates this transition because they already express broad principles applicable to multiple legal situations. Principles concerning harm prevention, public benefit, consent, legal certainty, and family obligations can therefore be adapted into regulatory provisions without reproducing their original formulations. The transformation represents a process of legal translation in which concepts originating in juristic traditions are selected, interpreted, systematized, and expressed through rules suitable for state administration. This process also explains why the relationship between *fiqh* and KHI should not be understood solely through direct citation or textual borrowing (Shukri Nordin, Ruslan, Hamzah, & Darmadi, 2025). Instead, the relationship involves reinterpretation and institutional adaptation within a different legal environment. The national legal system provides a new framework in which generalized principles can acquire standardized legal consequences and become relevant to judicial and administrative practice.

The effects of this transformation can be observed in the expanded practical function of legal maxims within marriage regulation. Within classical *fiqh*, a maxim helps jurists identify appropriate legal rules for cases sharing particular characteristics. Within KHI (Tono, Syibly, Mu'allim, Nurozi, & Purwanto, 2019), principles corresponding to these maxims contribute to standardized legal norms governing marriage and family relations (Kamarusdiana, Yusuf, Hakim, & Dahri, 2022). This is particularly visible in matters

involving registration (Trigiyatno, 2022), evidence, consent, marriage agreements, *mahr*, *ʿiddah*, and reciprocal spousal rights (Jafar, Zaki, & Mahmudah, 2025). The transformation therefore moves legal maxims from a primarily methodological role toward a broader normative and institutional role (Nur, Mu'in, & Hamsidar, 2023). Nevertheless, their application remains conditioned by the structure of national legislation and the authority of state institutions. Their contemporary legal significance does not necessarily arise from their status as independent statutory sources (Nurjanah, Syarifudin, Baidhowi, Mahmudi, & Darussalam, 2025). Rather, it emerges when their underlying principles are incorporated into recognized legal norms or used as interpretive resources within accepted forms of legal reasoning (Rozikin et al., 2025). This transformation consequently expands the practical reach of juristic principles while simultaneously placing them within the procedural boundaries and institutional authority of national marriage law.

This finding extends discussions that examine *qawāʿid fiqhiyyah* primarily as methodological instruments within classical jurisprudence. Previous scholarship has commonly emphasized their historical development, classification (Kholidah, Ridho, Sobhan, & Ritonga, 2023), evidentiary status (Nasir, 2016), and application within the *madhāhib* (Ma'u, 2023). Such approaches are important for establishing the intellectual and methodological foundations of legal maxims, but they do not fully explain how these principles function after entering a codified national legal framework (Syahri, Hamamah, Gafur, & Sholeh, 2024). The present analysis shifts attention toward this institutional dimension by examining the relationship between classical maxims and provisions of KHI (Khoiroh & Syakur, 2023). The central issue is therefore not merely whether KHI is compatible with classical *fiqh*, but how principles originating in juristic reasoning acquire different operational forms within national law (Kasjim, 2016). The twelve areas identified in this study indicate that the relationship involves neither complete separation nor straightforward reproduction (Mardiantari & Dwilestari, 2021). Instead, it reflects selective normative correspondence and functional adaptation (Sirait, Nurhotia, Hidayat, & Harahap, 2024). This perspective contributes to understanding Islamic family–law development as a process in which inherited juristic principles can be reformulated according to contemporary institutional requirements while remaining connected to their original jurisprudential foundations (Nabilah, Putra, Afroo, Nurjanah, & Wahyuni, 2025).

This study recommends that the transformation of *fiqh* legal maxims into national law be understood as a dynamic process of legal adaptation rather than a linear transfer of textual formulations. Classical legal maxims provide generalized juristic principles, while national law offers an institutional framework through which selected principles can be formalized and applied (Rinaldo, 2019). This process requires a clear distinction between revealed sources, juristic formulations, and enacted state law. Legal maxims should therefore not automatically be treated as equivalent to primary textual sources or independent statutory authority (Rifqi, Syu'aib, & Zin, 2023). Their contemporary function is better understood through the interaction of juristic reasoning, *maqāṣid al-sharīʿah*, legislative formulation, and institutional legal practice (Rouf, Ch, & Mahmudi, 2023). The Indonesian experience demonstrates how generalized principles derived from *fiqh* can be transformed into practical legal norms while retaining their connection to Islamic jurisprudential reasoning. Accordingly, future legal development should preserve this distinction while facilitating constructive interaction between classical jurisprudence and national legislation. Future research may further examine how legal maxims are adapted within inheritance, waqf, Islamic finance, and dispute-resolution regulations in other contemporary Muslim-majority legal systems.

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CONCLUSION

This study concludes that the position of *qawā'id fiqhiyyah* in Islamic legal reasoning is best understood through a distinction between the authority of revelation and the authority of juristic formulation. Legal maxims do not occupy the same epistemological position as primary textual sources, yet they remain meaningful instruments for organizing, interpreting, and extending established legal principles. Their contemporary significance becomes clearer when examined through their movement across different legal contexts. In Indonesian marriage law, the relationship between *fiqh* and national regulation demonstrates that juristic principles can remain relevant without being preserved in their original methodological setting. The central finding is therefore not simply that classical maxims correspond with provisions of the Compilation of Islamic Law, but that their legal meaning and practical function can be reconstructed within a modern regulatory framework. This conclusion answers the study's central concern by positioning legal maxims as an intermediate form of juristic knowledge that can connect inherited Islamic legal reasoning with contemporary legal institutions. Their continuing relevance depends on careful interpretation, contextual adaptation, and consistency with the broader structure and objectives of Islamic law.

The significance of this study lies in its conceptualization of legal development as an interaction between inherited jurisprudential knowledge and contemporary institutional needs. Rather than treating *fiqh* and national law as separate or opposing legal domains, the study provides a framework for understanding how juristic principles may participate in legal development while passing through processes of interpretation, selection, and institutionalization. This perspective contributes to Islamic legal studies by shifting attention from the question of whether a national rule is simply derived from classical *fiqh* toward the more analytical question of how juristic knowledge changes its function within a modern legal order. Methodologically, the study demonstrates the value of combining doctrinal examination of classical sources with systematic comparison of codified national norms. This approach can help identify transformations that may remain invisible when Islamic legal principles are studied only within classical texts or national legislation separately. The study therefore offers a conceptual basis for further research on the interaction between Islamic jurisprudence and state law, particularly in contexts where religious legal traditions continue to influence contemporary legislation and legal reasoning.

This study is limited by its reliance on textual and documentary sources, which restricts its ability to capture the practical processes through which legal actors interpret and employ juristic principles. The findings consequently describe a normative and conceptual transformation rather than measuring the extent to which such transformation directly determines judicial or administrative decisions. The study is also limited to Indonesian marriage law, so its analytical framework requires further examination before being extended to other fields or jurisdictions. Future research should investigate the relationship between legal—maxim principles and actual judicial reasoning through empirical studies of court decisions, interviews with judges, and observations of legal practice. Comparative research could also examine how similar principles are reformulated within family—law legislation in other Muslim—majority countries, particularly where different relationships exist between *fiqh*, religious institutions, and national legislation. Such research would enable scholars to assess whether the transformation identified here represents a broader pattern of Islamic legal adaptation or a context—specific development shaped by Indonesia's distinctive legal and institutional structure.

DECLARATIONS

AUTHOR CONTRIBUTION STATEMENT

Muhammad Fadhlan Is: Conceptualization, Methodology, Formal Analysis, and Writing – Original Draft. Jhon Tyson Pelawi: Investigation, Data Curation, and Writing – Original Draft. Fery Ramadhansyah: Investigation, Data Curation, Validation, and Writing – Review & Editing. Hairullfazli Bin Mohammad Som: Supervision, Validation, and Writing – Review & Editing.

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DATA AVAILABILITY STATEMENT

The data supporting the findings of this study are available from the corresponding author upon reasonable request. Access to any interview or participant–related data is subject to ethical considerations and participant confidentiality.

DECLARATION OF INTERESTS STATEMENT

The authors declare that they have no known competing financial or personal interests that could have influenced the work reported in this paper.

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