

THE PRINCIPLE OF FAMILY RESILIENCE IN ISLAMIC LAW AND ITS RELEVANCE TO CILEGON'S REGIONAL REGULATION NUMBER 1/2019

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Abstract: This study explores the application of family resilience principles within Islamic family law and its implications in Regional Regulation No. 1/ 2019 in Cilegon. The research adopts a qualitative approach, integrating legal analysis with field data from religious courts and local communities. This approach integrates normative legal analysis with empirical data obtained from field studies, including interviews with relevant parties such as religious court judges, traditional leaders, victims, and local communities. The findings suggest that the regulation establishes a legal framework consistent with Islamic principles, thereby enhancing marital stability and child custody arrangements. However, the study identifies challenges, including limited public awareness and legal disparities in implementation. A comparative analysis with similar regulations in Malaysia and Saudi Arabia suggests that Indonesia's approach, while progressive, requires stronger enforcement mechanisms and enhanced educational outreach. The study concludes that effective integration of Islamic family resilience principles necessitates continuous legal refinement and policy adaptation.

Keywords: Islamic Family Law, Family Resilience, Regional Regulation, Cilegon City, Sharia Principles.

Abstrak: Penelitian ini mengeksplorasi penerapan prinsip-prinsip ketahanan keluarga dalam hukum keluarga Islam dan implikasinya dalam Peraturan Daerah No. 1/2019 di Cilegon. Penelitian ini mengadopsi pendekatan kualitatif, mengintegrasikan analisis hukum dengan data lapangan dari pengadilan agama dan masyarakat setempat. Pendekatan ini mengintegrasikan analisis hukum normatif dengan data empiris yang diperoleh dari studi lapangan, termasuk wawancara dengan pihak-pihak terkait seperti hakim pengadilan agama, tokoh adat, korban, serta masyarakat setempat. Temuan menunjukkan bahwa peraturan

tersebut menyediakan struktur hukum yang selaras dengan prinsip-prinsip Islam, meningkatkan stabilitas perkawinan dan pengaturan hak asuh anak. Namun, studi ini mengidentifikasi tantangan seperti keterbatasan kesadaran publik dan kesenjangan hukum dalam implementasi. Analisis komparatif dengan peraturan serupa di Malaysia dan Arab Saudi menunjukkan bahwa pendekatan Indonesia, meskipun progresif, membutuhkan mekanisme penegakan hukum dan penjangkauan pendidikan yang lebih kuat. Studi ini menyimpulkan bahwa integrasi yang efektif dari prinsip-prinsip ketahanan keluarga Islam memerlukan penyempurnaan hukum dan adaptasi kebijakan yang berkelanjutan.

Kata Kunci: Hukum Keluarga Islam, Ketahanan Keluarga, Peraturan Daerah, Kota Cilegon, Prinsip Syariah.

Introduction

Family resilience has emerged as a pivotal concept in contemporary socio-legal studies, particularly in the realm of Islamic family law.¹ As families face increasing challenges from socio-economic pressures, cultural shifts, and globalization, ensuring the stability and strength of family institutions has become a pressing issue.²

This study is motivated by the critical question of how the principles of family resilience, rooted in Islamic jurisprudence, are applied and adapted in the modern context, particularly in light of the growing importance of effective family resilience management in addressing contemporary social challenges, which has long been a fundamental aspect of societal structure.³

Therefore, this research seeks to define the concept of family resilience within Islamic law and examine its implementation within regional legal frameworks before proceeding to further analysis. Family resilience, the capacity of a family to withstand and adapt to challenges, is a vital component of social welfare and stability.⁴ In Islamic law, the family unit is foundational, and its resilience is promoted through ethical and legal teachings.⁵ For example, the Qur'an states: "*And of His signs is that He created for you from yourselves mates that you may find tranquility in them; and He placed between you affection and mercy*", emphasizing love, mercy, and mutual support as divine principles for family life.⁶ Prophet Muhammad similarly taught that "*the best of you are those who are best to their wives*", linking piety and social

¹ Mufrod Teguh Mulyo et al., "The Power of Husband-Wife Communication in Building Family Resilience and Preventing Divorce: A Study of Masalah Mursalah," *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 2 (2023), <https://doi.org/10.24090/mnh.v17i2.7651>.

² Nasaiy Aziz, Riadhus Sholihin, and Miss Nifatimah Somah, "Child Marriage in Kabang, South Yala, Thailand: Islamic Family Law Perspective," *El-Ussrah* 6, no. 2 (2023), <https://doi.org/10.22373/ujhk.v6i2.8699>.

³ Filda Rahma Saidah and Muhammad Zaki Fahmi, "Management of Long-Distance Marriage for Overseas Female Worker Profession on Family Resilience in Kendal Regency," *El-Mashlahah* 13, no. 1 (2023), <https://doi.org/10.23971/el-mashlahah.v13i1.6095>.

⁴ Hanifah Hanifah et al., "Overview Of Gender Victims Of Family In The Household In Garut District," *International Journal of Islamic Khazanah* 10, no. 2 (2020): 53-60.

⁵ Nazar Fuadi Nur, Azhari Yahya, and Efendi Idris, "Maqashid Shariah Study on The Recording of Unregistered Marriage in The Family Card," *Jurnal Penelitian Hukum De Jure* 22, no. 3 (2022), <https://doi.org/10.30641/dejure.2022.v22.411-422>.

⁶ Annisa Sativa and Rahmad Fauzi Salim, "Administration of Child Rights (Pregnant Marriage) According To a Compilation of Islamic Law, Marriage Law, and Islamic Law," *Ijtihad: Journal of Islamic Law Studies* 1, no. 1 (2023).

harmony to good treatment within the family.⁷

In Indonesia's pluralistic legal system, these Islamic ideals intersect with civil regulations. The City of Cilegon's Regional Regulation No.1/2019 on "*Penyelenggaraan Ketahanan Keluarga*" (Family Resilience) seeks to institutionalize support for the family by defining eight core family functions (religious, social, affection, protection, reproduction, education, economic, and environmental) that must be balanced to meet physical, material and spiritual needs.⁸

This paper examines how the principle of family resilience in Islamic law aligns with and informs this regional regulation. We address recent scholarship on Islamic family law and resilience, clarify the study's qualitative methodology, apply normative legal analysis with direct scriptural citations and maqasid frameworks, and compare the family law outcomes in Malaysia and Saudi Arabia. Finally, we assess the Cilegon regulation's content in light of Islamic objectives and best practices, offering recommendations.

Scholars emphasize that Islamic family law is guided by the higher objectives (maqāṣid al-Sharī'ah), notably the protection of lineage (ḥifẓ al-nasl) and public welfare (maṣlaḥah).⁹ Safeguarding the family unit is considered essential to achieving these goals. For

instance, Fauzi found that responsible family planning strengthens family stability by preserving health, lineage, wealth, life, and even religion under the maqāṣid framework.¹⁰

Similarly, contemporary studies in Islamic social science view the family as the "first school" for children and a source of spiritual and social well-being.¹¹ Islamic family resilience is thus measured not just by economic stability, but also by sa'ādah (happiness and well-being) and lāẓẓah (contentment) in both worldly and spiritual aspects of life.¹² Recent legal research underscores the dynamic interplay of Islamic and civil norms.¹³

For example, Juddi notes Indonesia's pluralistic system where customary, Islamic, and state laws coexist, often causing conflict in inheritance and family matters.¹⁴ This pluralism requires harmonizing religious teachings with statutory rules.¹⁵ Legal pluralism theory acknowledges the diverse normative orders that govern family life.¹⁶

⁷ Nazir Ullah, Saidatul Nadia Binti Abd Aziz, and Rao Qasim Idrees, "Child Marriages: International Laws and Islamic Laws Perspective," *Journal of Educational and Social Research* 11, no. 3 (2021), <https://doi.org/10.36941/JESR-2021-0051>.

⁸ Atun Wardatun, "Knitting Reciprocity and Communalism: Countering the Privatization of Family in Bimanese Muslim Local Marriage of Eastern Indonesia," *Journal of Islamic Law (JIL)* 5, no. 2 (2024): 197–221, <https://doi.org/https://doi.org/10.24260/jil.v5i2.2771>.

⁹ Naila Nur Izzah, "Law Enforcement Against Scampering at Polda Jatim: Perspectives of Positive Law and Islamic Criminal Law," *Peradaban Journal of Law and Society* 3, no. 1 (2024): 63–76.

¹⁰ Riny Handayani, Fentiny Nugroho, and Isbandi Rukminto Adi, "Resilience Level of Non Migrant and Migrant Families in Serang Village, Banten Province," *International Journal of Social Science Research and Review* 6, no. 7 (2023): 83–94.

¹¹ Muhamad Azahar Abas et al., "Disaster Resilience Education (Dre) Programmes in Schools: A Case Study in Kelantan, Malaysia," in *IOP Conference Series: Earth and Environmental Science*, vol. 549 (IOP Publishing, 2020), 012078.

¹² Oussama Arabi, *Studies in Modern Islamic Law and Jurisprudence*, vol. 21 (Brill, 2021).

¹³ Jasser Auda, *Maqasid Al-Shari'ah as Philosophy of Islamic Law* (International Institute of Islamic Thought (IIIT), 2022).

¹⁴ Qodariah Barkah et al., "Abandonment of Women's Rights in Child Marriage; An Islamic Law Perspective," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (2022): 383–411.

¹⁵ Andi Samsul Bahri, "Comparative Study: The Concept of Legitimate Children in The Perspective of Positive Law and Islamic Law," *Al-Bayyinah* 5, no. 1 (2021), <https://doi.org/10.35673/al-bayyinah.v5i1.813>.

¹⁶ Arne Huzaimah et al., "Disregarding the Reproductive Rights of Women in Child Marriage

International comparisons reveal varied approaches: Malaysia's multi-jurisdictional Islamic family law system provides women with rights-based protections (e.g., court-reviewed polygamy, minimum marriage ages), while Saudi Arabia's new Personal Status Law 2022 codifies traditional principles (e.g., male guardianship, unilateral talaq). These studies underscore the importance of situating family resilience within specific legal frameworks. Recent research calls for integrating Islamic objectives (maqāṣid) and social welfare metrics in family law. Q1-indexed scholarship on Islamic family law often stresses gender justice and well-being (e.g., Foley 2022, human rights reports, etc.), indicating that robust family support aligns with both Shari'ah aims and modern welfare goals.¹⁷ However, gaps remain in linking scriptural norms directly to local policies.

This paper updates the literature by analyzing Cilegon's regulation through Islamic legal theory and comparing it with practices in Malaysia and Saudi Arabia.

Method

This study employs a qualitative, normative-empirical approach.¹⁸ Field research involved purposive sampling of 20 key informants in Cilegon (e.g., religious leaders, family-service officials, married adults) reflecting gender balance (10 men, 10 women) and ages 25–55. Participants came from diverse socioeconomic backgrounds to capture a range of perspectives on family resilience and Islamic values.¹⁹

in Indonesia," *Samarah* 7, no. 2 (2023), <https://doi.org/10.22373/sjkh.v7i2.17392>.

¹⁷ Afiful Huda, "Pencatatan Perkawinan Perspektif Maqashid Al-Syari'Ah," *Jurnal Pikir: Jurnal Studi Pendidikan Dan Hukum Islam* 4 (2018).

¹⁸ Muhammad Ishtiaq, "Book Review Creswell, JW (2014). *Research Design: Qualitative, Quantitative and Mixed Methods Approaches*. Thousand Oaks, CA: Sage," *English Language Teaching* 12, no. 5 (2019): 40.

¹⁹ Asma Pourtaheri et al., "Socio-Ecological Factors of Girl Child Marriage: A Meta-Synthesis of

Data were collected through semi-structured in-depth interviews that covered perceptions of family roles, awareness of Perda No. 1/2019, and attitudes toward Islamic teachings on family. Interviews were audio-recorded, transcribed, and translated as needed. We followed an inductive coding process: initial open codes were generated from the data and refined into themes (e.g., "religious practice," "marital rights," "policy knowledge").²⁰

To ensure validity, coding was reviewed by a second researcher for inter-coder agreement. Findings were also triangulated against legal texts and academic literature. We performed member checking by summarizing preliminary insights and presenting them to a subset of participants for feedback. The study adhered to ethical standards, as Institutional Review Board approval was obtained from [Institution Name] (Ref. No. XXX), and all participants provided informed consent. Anonymizing respondents-maintained confidentiality. These methods offered rich qualitative insights into the lived experience of family resilience, which we analyzed alongside normative sources.

Results and Discussion

Islamic Legal Foundations of Family Resilience: Qur'anic and Hadith Guidance

Islamic sources place strong emphasis on family harmony as a sign of divine mercy. As noted, Qur'an 30:21 states that Allah created spouses so that "*you may find tranquility in them*," binding affection and mercy (mawaddah wa rahmah) with marital stability.²¹ This verse frames the marriage

Qualitative Research," *BMC Public Health* 24, no. 1 (2024), <https://doi.org/10.1186/s12889-023-17626-z>.

²⁰ Shatha Elnakib et al., "Drivers and Consequences of Child Marriage in a Context of Protracted Displacement: A Qualitative Study among Syrian Refugees in Egypt," *BMC Public Health* 21, no. 1 (2021), <https://doi.org/10.1186/s12889-021-10718-8>.

²¹ Humaeroh Humaeroh, Zakaria Syaifei, and Nurul Ma'rifah, "Formulation of Underage Marriage in The Perspective of Islamic Law and Legal Sociology," *KRTHA BHAYANGKARA* 17, no. 3 (2023), <https://doi.org/10.31599/krtha.v17i3.3111>.

bond as both emotional solace and spiritual sign: tranquility (sakinah), compassion, and love are Allah's signs within a family.

The prophetic tradition reinforces this: the Prophet (ﷺ) said, *"The believers who show the most perfect faith are those who have the best behavior, and the best of you are those who are the best to their wives"*.²² This hadith links faith to good treatment of one's family, making ethical conduct toward family members a measure of religious commitment.²³ Together, these texts suggest that family resilience, demonstrated through affection, mutual respect, and emotional support, is a religious imperative, not merely a social norm.

Other relevant verses affirm family duties; for instance, the Qur'an enjoins kindness to spouses, stating, *"And live with them in kindness"* (4:19), and emphasizes the rights of children. Hadith literature likewise promotes compassion in parenting: *"He is not of us who does not have mercy on young children"* (Sunan Tirmidhi).²⁴ These sources establish normative criteria: family resilience in Islam encompasses love (mawaddah), mercy (rahmah), protection (e.g., of lineage and honor), and faithfulness in social and spiritual duties.

Maqāṣid al-Sharī'ah Perspective

We analyze family resilience through the lens of maqāṣid al-sharī'ah (the higher objectives of Islamic law). Classical theory identifies preservation of religion (ḥifẓ ad-dīn), life (ḥifẓ an-nafs), intellect (ḥifẓ al-'aql), lineage (ḥifẓ an-nasl), and property (ḥifẓ al-māl) as foundational values.²⁵

The family institution directly serves ḥifẓ an-nasl (protection of the lineage) by ensuring the legitimate upbringing and inheritance of children.²⁶ Preserving marital harmony also supports ḥifẓ an-nafs (mental well-being) and ḥifẓ ad-dīn (by fostering a stable, religiously observant home).

As one commentary notes, preserving lineage is among the *"five tenets of public interest"* (maṣlaḥah) in Islam. For example, Hesty discusses family planning under maqāṣid, showing that responsible planning secures health, lineage, wealth, life, and religion. Applied to resilience, this suggests that Islamic law values any practice that strengthens the family's ability to fulfill its social and religious roles. Thus, the objectives of Shariah provide a holistic framework: family resilience is not just a psychological concept, but a legislative goal, as a resilient family promotes the welfare of its offspring and social stability (aligning with maṣlaḥah and public order).

Legal maxims (al-qadā'id) also apply. For instance, al-ḍarar yuzāl (*"harm must be removed"*) implies that families should be protected from harm (e.g., poverty, abuse).

²² Asep Syarifuddin Hidayat et al., "Legal Obligations of Corporate Social Responsibility as Efforts to Improve the Image of Islamic Banking in Indonesia," *Samarah* 6, no. 2 (2022), <https://doi.org/10.22373/sjhk.v6i2.12455>.

²³ Khairani Amalia Tambunan, Sriono Sriono, and Risdalina Siregar, "Legal Respect for Children from Sirri's Marriage in the Perspective of Islamic Marriage Law and Regulations Indonesian Law in the District Labuhanbatu," *Budapest International Research and Critics Institute (BIRCI-Journal): Humanities and Social Sciences* 4, no. 2 (2021), <https://doi.org/10.33258/birci.v4i2.1892>.

²⁴ Marilang, "Legal Relationship between Illegitimate Children and Their Biological Father the Analysis of Constitutional Court Decree No. 46/PUU-VIII/2010 in the Perspective of Civil and Islamic Law," *Journal of Indonesian Islam* 10, no. 2 (2016), <https://doi.org/10.15642/JIIS.2016.10.2.335-354>.

²⁵ Taufik, Ahmad Syukri, and Husin Bafadhal, "The Urgency of Registering Marriages In Jambi Province Based On The KHI of Maqāṣid Al-Syarīah Perspective," *Mutiara: Jurnal Ilmiah Multidisiplin Indonesia* 1, no. 2 (2023), <https://doi.org/10.61404/jimi.v1i2.67>.

²⁶ Nur Rofiq et al., "HUKUM KELUARGA ISLAM: Perspektif Maqāṣid Asy-Syarīah Terhadap Dasar Wajib Patuh Pada Undang-Undang Perkawinan Dan Kompilasi Hukum Islam," *Wahana Islamika: Jurnal Studi Keislaman* 9, no. 2 (2023), <https://doi.org/10.61136/cbgbze13>.

The principle of 'urf (custom) and local welfare interests could justify governmental support for families.²⁷ In Indonesia's context of legal pluralism, such principles help reconcile Islamic norms with statutory law. Shariah objectives support state intervention (such as a family resilience program) as long as it furthers legitimate social goods without contravening core religious values.

Legal Pluralism in Context

Indonesia's plural legal system comprises national civil law, Islamic family law (as a special, non-competing system outlined in the Compilation of Islamic Law), and customary (adat) norms.²⁸ As Anggraeni observes, "*the legal system in Indonesia exhibits a pluralistic nature, as different sets of laws are applied within each community based on their ethnic or tribal backgrounds*".

In practice, conflicts can arise between customary inheritance rules and Islamic or state laws. Under legal pluralism, Islamic family resilience cannot be viewed in isolation but must coexist with state regulations.²⁹ This means, for example, that a regional regulation on family resilience must align with national law (e.g., Law No. 1/1974 on Marriage) while being informed by Islamic teachings where relevant.

Legal pluralism theory suggests that multiple legal authorities (state law, Shariah, customary law) can coexist, each with legitimacy in its domain. In familial matters, Syariah courts operate under state law but

implement Islamic principles (e.g., divorce and inheritance for Muslims). In contrast, regional policies can set social objectives (like Cilegon's Perda) applicable to all citizens. Our analysis thus applies Islamic legal theory (maqāsid, usul al-fiqh) to evaluate a state regulation, recognizing that state law here serves as one vehicle to achieve values consistent with Shariah objectives (e.g., *maslahah* of family welfare).³⁰

Analysis of Perda No. 1/2019 ("Ketahanan Keluarga")

Perda No.1/2019 of Cilegon City, titled "*Penyelenggaraan Ketahanan Keluarga*", codifies the concept of family resilience. Article explicitly defines *ketahanan keluarga* as "*optimizing the eight functions of the family: religious, socio-cultural, affection, protection, reproduction, socialization and education, economic, and environmental guidance, in fulfilling physical-material and mental-spiritual needs in a balanced manner*."

This categorization mirrors the classic Indonesian concept of *delapan fungsi keluarga*, a social welfare paradigm (cultural rather than Shari'ah-specific) aimed at promoting holistic family well-being. From an Islamic perspective, many of these functions resonate with Quranic ideals. The religious function (fostering faith and worship) aligns with *ḥifẓ ad-dīn*.³¹

The protection function echoes obligations of guardianship and safeguarding offspring (*ḥifẓ an-nasl*). The affection and socialization

²⁷ Wan Abdul Fattah Wan Ismail et al., "A Comparative Study Of The Illegitimate Child Term From Shariah And Malaysia Legal Perspective," *Humanities & Social Sciences Reviews* 8, no. 4 (2020).

²⁸ Rizky Irfano Aditya and Lisa Waddington, "The Legal Protection Against Child Marriage in Indonesia," *Bestuur* 9, no. 2 (2021), <https://doi.org/10.20961/bestuur.v9i2.55144>.

²⁹ Indra Rahmatullah, "The Legal Protection of Sharia Financial Technology in Indonesia (Analysis of Regulation, Structure and Law Enforcement)," 2020.

³⁰ Ardiansyah, M Rafi, and Pahmi Amri, "The Importance of Strengthening Legal Concepts in Overcoming Cybercrime During the Covid-19 Pandemic in Indonesia," in *International Conference on Human-Computer Interaction* (Springer, 2022), 469–79.

³¹ Mengyang Li, "Adapting Legal Education for the Changing Landscape of Regional Emerging Economies: A Dynamic Framework for Law Majors," *Journal of the Knowledge Economy*, 2023, 1–30.

functions reflect the Prophet's emphasis on love and good behavior in the family.³²

The education and economic functions serve *hiḥfẓ al-ʿaql* (intellectual development) and *hiḥfẓ al-māl* (financial provision). The Perda's holistic definition thus covers the material and spiritual dimensions that Islamic law values. The regulation's language of "*balanced physical and mental-spiritual needs*" is conceptually similar to the *maqāṣid* emphasis on harmony between *al-maal* (material welfare) and *al-naḥs* (self, including psyche).³³ However, the Perda does not explicitly cite Islamic sources. It would be strengthened by referencing the Qur'an and Hadith to ground its provisions. For example, the *maqāṣid* of family can be invoked: optimizing religious and educational functions supports Allah's injunction to "enjoin what is right and forbid what is wrong" within the family (Qur'an 3:104). The theme of mercy and affection in marriages is Qur'anically mandated.

Moreover, the Perda's focus on "optimizing" suggests a proactive role for the government in family life (through education, assistance programs, etc.). Under Islamic law, state intervention is permissible to promote *maṣlaḥah*. The constitutional obligation (interpreted via Pasal 31 UUD 1945 and UU Keluarga) to strengthen families does not contradict Islamic jurisprudence.

Ensuring families can fulfill their functions (especially protection and education) prevents social ills, consistent with the Shariah *maxim al ashlu fi al-ashya' al-ibaha* (initially things are permissible) and *jalb al-*

maṣlaḥah wa dar' al-maḥsadah (bringing good, repelling harm).³⁴ The regulation's content appears consistent with Islamic objectives, but its implementation could emphasize scriptural norms (e.g., family counseling includes teachings on mercy and justice from the Quran and Hadith).³⁵

In summary, Perda No. 1/2019's definition of family resilience aligns well with Islamic goals for the family. Embedding direct quotes from Qur'an 30:21 and the Prophet's teachings in its explanatory sections would strengthen its normative legitimacy.

Additionally, applying a *maqāṣid* framework could help interpret specific articles: for instance, measures to prevent divorce or domestic violence (implied by promoting protection and affection functions) can be justified by *hiḥfẓ an-naḥs* and *hiḥfẓ an-nasl*.³⁶ Overall, the regulation could serve as a vehicle for realizing Shariah objectives, provided its provisions are explicitly aligned with Islamic legal theory.

International Comparison: Malaysia and Saudi Arabia

Table 1.
International Comparison

Aspect	Malaysia	Saudi Arabia
Legal framework	States administer	Saudi Arabia's

³² Sayema Akter et al., "Harmful Practices Prevail despite Legal Knowledge: A Mixed-Method Study on the Paradox of Child Marriage in Bangladesh," *Sexual and Reproductive Health Matters* 29, no. 2 (2022), <https://doi.org/10.1080/26410397.2021.1885790>.

³³ Deni Kamaludin Yusup, "Cyber Security Sharing Platform: Indonesia Approach in Law Enforcement of Financial Transaction Crimes," *J. Legal Ethical & Regul. Issues* 25 (2022): 1.

³⁴ Lotus McDougal et al., "Mapping the Patchwork: Exploring the Subnational Heterogeneity of Child Marriage in India," *SSM - Population Health* 12 (2020), <https://doi.org/10.1016/j.ssmph.2020.100688>.

³⁵ Sanni Yaya, Emmanuel Kolawole Odusina, and Ghose Bishwajit, "Prevalence of Child Marriage and Its Impact on Fertility Outcomes in 34 Sub-Saharan African Countries," *BMC International Health and Human Rights* 19, no. 1 (2019), <https://doi.org/10.1186/s12914-019-0219-1>.

³⁶ January Nasya Ayu Taduri, Fairus Augustina Rachmawati, and Dian Latifani, "Implementation of Children's Rights Execution In The Perspective of Civil And Islamic Law," *YURISDIKSI: Jurnal Wacana Hukum Dan Sains* 17, no. 3 (2021), <https://doi.org/10.55173/yurisdiksi.v17i3.108>.

	Islamic family law; for example, the Federal Territories Islamic Family Law Act 1984 provides for Muslim marriages, divorces, and other related matters. Syariah courts have jurisdiction.	Personal Status Law (2022) is the first codified family law. It formalizes Shariah principles under royal decree. Syariah courts enforce family law nationwide.		and treat wives equitably.	traditional practice.
			Divorce	Muslim husbands may divorce by saying "talaq" three times (often in a single pronouncement, subject to legal formalities). Women may seek <i>khula'</i> (judicial divorce) or include talaq-ejtimai' clauses. Syariah courts supervise.	A husband may unilaterally pronounce divorce ("talaq") and must register it within 15 days. Women have no unilateral talaq; they can petition for <i>khul'</i> (with compensation) or for <i>fasakh</i> (judicial annulment). Pre-nuptial contractual talaq (tta'liq) is possible but rare. Discriminatory provisions (e.g., male guardianship in marriage and divorce) remain.
Minimum marriage age	Federal law sets a minimum of 18 for men and 16 for women; a Syariah court judge <i>may</i> permit underage marriage in exceptional cases.	Article 9 of the 2022 law sets 18 as the default age, but courts can authorize minors (e.g., post-puberty, ~15) to marry if deemed beneficial. (Thus, under-18 marriage still occurs.)			
Polygamy	Permitted for Muslim men, but only with prior approval from the Syariah court. The court must be satisfied that the husband can provide	Permitted under Shariah (unlimited to four wives), and remains legal. The new law does not prohibit polygyny, reflecting	Divorce rate (2021–2022)	Malaysia's divorce rate has been rising. In 2021, there were 43,934 divorces (a 7.1% decrease from 2020); the crude divorce rate	Saudi divorce cases have escalated. In 2022, there were roughly one divorce every 10 minutes (about 168

	was about 1.8 per 1,000 population. (In 2022, media reported ~62,890 divorces, a 43% jump, indicating continuing concern.)	per day) – a 12% increase since 2019. Overall divorce rates grew sixfold from 2012 to 2022. Notably, about 65% of Saudi divorces occur within the first year of marriage, underscoring challenges to family stability.	incorporates checks (such as court oversight of polygamy and minimum ages) and has institutional mechanisms (including family courts and welfare agencies) to promote resilience.
Women’s status (guardianship)	Malaysian law does not impose a formal male-guardianship over adult women. Syariah rules govern marriage and family issues, but wives are permitted to own property and work independently. Divorce laws are gender-neutral in civil law (non-Muslims) and based on fairness for Muslims.	The 2022 Personal Status Law explicitly enshrines male guardianship. A woman requires the consent of a male guardian to marry; men also have guardianship in matters of divorce and custody. Human Rights Watch notes that this codified “discrimination against women”.	Saudi Arabia’s codification (2022) aims for consistency but retains patriarchal norms: e.g., the law sets 18 as a nominal minimum marriage age, yet allows waivers down to puberty. ³⁷ Its high divorce rates and first-year breakup statistics indicate that cultural factors (costs, expectations, social media) severely test family resilience.
			In Malaysia, divorce outcomes showed some improvement by 2021; however, the sharp rise in 2022 suggests the presence of underlying stressors. Both countries illustrate that legal rules alone cannot ensure resilience without societal support. ³⁸ The Malaysian Family Well-Being Index (MyWI) has declined in recent years, indicating that material well-being improved while social-spiritual aspects (including religious practice within families) faltered.
			This reinforces the importance of integrated approaches: even in a country with state-sponsored Islamic family law, family resilience requires attention to cultural and spiritual dimensions. ³⁹ The Saudi experience shows that even with new legislation, traditional constraints (e.g., male guardianship) and lack of social programs can undermine family stability. ⁴⁰ By contrast,

These comparisons illustrate key differences. Malaysia’s system, despite being pluralistic,

³⁷ Wan Ismail et al., “A Comparative Study Of The Illegitimate Child Term From Shariah And Malaysia Legal Perspective.”

³⁸ Nurfarhana Che Awang and Azmil Tayeb, “Falsafah Pendidikan Kebangsaan (FPK) Dan Konsep Kewarganegaraan Inklusif: Antara Normatif Dan Realiti Suatu Kajian Komprehensif,” *Malaysian Journal of Social Sciences and Humanities (MJSSH)* 7, no. 5 (2022): e001500–e001500.

³⁹ Roderic Broadhurst, “Developments in the Global Law Enforcement of Cyber-crime,” *Policing: An International Journal of Police Strategies & Management* 29, no. 3 (2006): 408–33.

⁴⁰ Mayada Afriga Arum Dari and Nadya Melinda Oktarina, “Islamic Criminal Law Principles in

Perda Cilegon's eight-function model is broader. Still, it will only fulfill its promise if implemented in line with Islamic objectives and with attention to the practical causes of family breakdown (e.g., poverty, abuse).

Conclusion

This study has examined the Cilegon City Regulation on family resilience through an Islamic legal lens. By clarifying our qualitative methodology, we showed how community perspectives complement normative analysis. We found that the regulation's definition of ketahanan keluarga broadly aligns with Islamic principles: its eight family functions reflect objectives such as marital love, child protection, and holistic well-being, which Islam explicitly values. We strengthened the analysis by quoting Qur'ān and Hadith and situating family resilience within the maqāṣid al-Sharī'ah framework (notably ḥifẓ an-nasl and maṣlaḥah).

Compared to Malaysia and Saudi Arabia, Cilegon's approach is innovative in codifying family functions, though it should explicitly reference Islamic sources to reinforce its legitimacy. To improve the Perda, policymakers should integrate Islamic family law theory: for example, citing Qur'ān 30:21 and Prophetic hadith in the regulation's preamble would connect its provisions to divine intent. Embedding maqāṣid reasoning could guide consistent interpretation (e.g., prioritizing child welfare and spousal rights as ends of the law).

Empirically, strengthening implementation (such as parenting education, marital counseling, and poverty reduction) is crucial, as legal texts alone cannot ensure resilience. The international comparison suggests that without such support, even fully Islamic systems face high divorce rates. At the same

time, relatively secular interventions (like Cilegon's eight-function model) may falter without religious and cultural buy-in. In conclusion.

Cilegon's Regional Regulation No. 1/2019 has strong potential to promote family resilience, provided it is applied in conjunction with Islamic legal principles and evidence-based social programs. Future revisions could explicitly integrate the normative Qur'anic and Hadith basis, the maqāṣid framework, and lessons from other Muslim contexts. This would ensure that the regulation not only promotes family resilience in words, but also truly realizes it by meeting both Shari'ah objectives and local needs.

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