

**The *Maqasid Syari'ah* Paradigm as an Offering for Family Resilience: An Analysis of *Maqasid Syari'ah* Thought by Alal Fasi****Ziadul Ulum Wahid,<sup>1</sup> Muafi,<sup>2</sup> Abbas Arfan<sup>3</sup>**<sup>1,2,3</sup> UIN Maulana Malik Ibrahim Malang<sup>1</sup>[ziad.ulum15@gmail.com](mailto:ziad.ulum15@gmail.com) <sup>2</sup>[muafiafi521@gmail.com](mailto:muafiafi521@gmail.com) <sup>3</sup>[abbasarfan@syariah.uinmalang.ac.id](mailto:abbasarfan@syariah.uinmalang.ac.id)<sup>\*</sup>[ziad.ulum15@gmail.com](mailto:ziad.ulum15@gmail.com)

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**Abstract:** Family resilience is a crucial issue these days. Data shows that hundreds of thousands of couples in Indonesia fail to maintain their marriages and end up divorcing. This paper aims to provide solutions to these cases by offering a new paradigm for maintaining families, namely by proposing the *Maqasid Syari'ah* (objectives of Islamic law) as conceived by Alal al-Fasi. This research is a type of library research with a descriptive and interpretative analytical approach. There are two types of data in this research: primary data obtained from books written by Alal Fasi and secondary data in the form of books, journals, and other written sources of information. The results of this study show that Alal al-Fasi's *Maqasid Syari'ah* thinking is very relevant to be applied and used as a paradigm to achieve family resilience. This proposal is formulated into two parts. First, to create family resilience, it is necessary to integrate psychological, moral, and spiritual aspects, which are realized through the fulfillment of human rights in the household, such as the needs for clothing, food, and shelter. Second, by understanding *maqasid* as a husband and carrying out the two great mandates given by the Qur'an, namely as *qawam*, the leader of the household, which emphasizes obligations from a material and moral aspect, and the obligation to protect the family from the fires of hell, which emphasizes the spiritual aspect.

**Keywords:** *Maqasid syari'ah*, Resilience, Alal al-Fasi, Family.

**Abstrak:** Ketahanan keluarga merupakan isu yang sangat krusial akhir-akhir ini, data menunjukkan bahwa ratusan ribu pasangan keluarga di Indonesia gagal mempertahankan rumah tangganya dan berakhir dengan perceraian. Tulisan ini hadir untuk memberikan Solusi bagi kasus-kasus tersebut dengan memberikan paradigma baru dalam mempertahankan keluarga yaitu dengan menawarkan *Maqasid Syari'ah* yang digagas oleh Alal al-Fasi. Penelitian ini termasuk jenis penelitian kepustakaan (library research) dengan pendekatan analisis deskriptif dan interpretative. Data dalam penelitian ada dua yaitu data primer diperoleh dari buku-buku tulisan Alal Fasi dan data sekundernya berupa buku, jurnal dan sumber informasi tertulis lainnya. Hasil penelitian ini menunjukkan bahwa pemikiran *Maqasid Syari'ah* Alal al-Fasi sangat relevan diterapkan dan dijadikan sebagai paradigma untuk mewujudkan resiliensi keluarga. Tawaran tersebut diformulasikan ke dalam dua bagian. Pertama untuk menciptakan resiliensi keluarga harus mengintegrasikan aspek psikologis, moral dan spiritual yang diwujudkan melalui pemenuhan hak-hak kemanusiaan di dalam rumah tangga seperti kebutuhan sandang pangan dan papan. Kedua dengan cara memahami *maqasid* sebagai suami dan

menjalankan dua amanat besar yang diberikan al-quran yaitu sebagai qawam pemimpin rumah tangga yang menekankan kewajiban dari aspek materi dan moral, dan kewajiban menjaga keluarga dari api neraka yang menekankan aspek spiritual.

**Kata Kunci:** *Maqasid syari'ah, Resiliensi, Alal al-Fasi, Keluarga.*

## INTRODUCTION

Family resilience is the ability of families to adapt and survive in the face of various challenges and pressures. In the context of modern society, families are often faced with various crises, whether economic, social, marital interaction patterns, or emotional crises<sup>1</sup>. Therefore, it is important to find approaches that can strengthen family resilience.

Maintaining family resilience so that it can survive in any circumstances is an obligation that must be nurtured together. The inability of a husband and wife to maintain family unity ends in divorce. There are many cases of divorce in Indonesia, as reported by the Supreme Court (Directorate General of Religious Courts) through data released by Statistics Indonesia (BPS) showing that there were 408,347 cases of divorce in February 2024. This figure comes from the five provinces with the highest number of cases, namely West Java with 91,146 cases, East Java with 79,248 cases, Central Java with 68,133 cases, North Sumatra with 15,660 cases, and DKI Jakarta with 14,381 cases. Central Java with 68,133 cases, North Sumatra with 15,660 cases, and DKI Jakarta with 14,381 cases. The factors that cause divorce in general are domestic disputes (251,828 cases), economic issues (108,488 cases), and infidelity (34,322 cases). Domestic violence (KDRT) 5,174 cases, and alcohol dependency 1,752 cases<sup>2</sup>.

Every year, the reasons for divorce in court vary greatly. In fact, the Bandung Religious Court has recorded 13 factors that lead to divorce in court, namely economic factors, lack of harmony, domestic violence, polygamy, alcoholism, apostasy, gambling, imprisonment, drug addiction, physical disability, forced marriage, and adultery. However, the dominant factor causing divorce lawsuits at the Bandung Religious Court is economic factors<sup>3</sup>.

Many studies have attempted to offer a paradigm for achieving family resilience and have used social science approaches as an analytical tool to achieve family resilience in various situations and conditions. Among these is Muchimah's writing titled "Family Resilience of Migrant Workers in Karang Pakis, Nusawungu, Cilacap." This writing utilizes Talcott Parsons' theory of social action. The conclusion of this study is that migrant worker families successfully maintain their families by adapting and exchanging roles<sup>4</sup>. The next article, such as Ainal Mardhiah's, states that the high divorce rate in Banda Aceh is caused by low education levels, so it is necessary to improve the quality of education to

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<sup>1</sup> M. Nur Kholis Al Amin, "Komunikasi Sebagai Upaya Untuk Membangun Ketahanan Keluarga Dalam Kajian Teori Nilai Etik," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 11, no. 1 (2020): 79, <https://doi.org/10.14421/ahwal.2018.11107>.

<sup>2</sup> Andreas Daniel Panggabean, "Lima Provinsi Dengan Tingkat Perceraian Tertinggi Beserta Faktornya," RRI Radio Republik Indonesia, accessed April 6, 2025, <https://rri.co.id/cek-fakta/1005072/lima-provinsi-dengan-tingkat-perceraian-tertinggi-beserta-faktornya#:~:text=Pada bulan Februari tahun 2024,408.347 kasus perceraian di Indonesia.>

<sup>3</sup> Intan Saziqil Fitri, "Faktor Penyebab Tingginya Angka Cerai Gugat Di Pengadilan Agama Bandung," *Al-Ahwal Al-Syakhsyiyah: Jurnal Hukum Keluarga Dan Peradilan Islam* 3, no. 1 (2022): 101-16, <https://doi.org/10.15575/as.v3i1.17547>.

<sup>4</sup> Muchimah, "Ketahanan Keluarga Buruh Migran Di Karang Pakis, Nusawungu, Cilacap," *Al-Ahwal* 13, no. 1 (2020): 31-46, <https://doi.org/10.14421/ahwal.2020.13104>.

achieve family resilience<sup>5</sup>. The writing by Encup et al., which emphasizes local culture as a supporting instrument for achieving family resilience<sup>6</sup>.

Beside the offers mentioned above. One approach that also has the potential to increase family resilience is returning to the concepts established by Islamic law<sup>7</sup>. The teachings of Islamic law, framed by Maqasid al-Shariah (the objectives and purposes behind Islamic law), do not only focus on ritual aspects but also encompass social, economic, and community aspects. In particular, the discussion of the principles of Maqasid al-Shariah revolves around hifz al-nasl, which means preserving offspring, referring to the protection of the family institution within the household structure<sup>8</sup>. Therefore, the objectives of Islamic law are not only a discipline enjoyed thru reading, but also how they are contextualized in concrete cases within society.

Islam as a religion not only regulates the vertical relationship with God but also transforms its noble values into every aspect of human life. The fantastic figures showing divorce data and its factors do not at all reflect the noble values of Islam, which is the purpose of forming a household, especially domestic violence and online gambling.<sup>9</sup>. Islam, with all the nobility of its teachings, provides solutions and prevents, as much as possible, everything that leads to divorce.

This article poses the question of how to achieve family resilience thru the theories of maqasid shari'ah. Therefore, Alal Fasi's analysis of the maqasid al-shari'ah is relevant in this context because it emphasizes a broader understanding of the goals of Islamic law, which is the protection of five fundamental aspects: religion, life, intellect, offspring, and property. By understanding the maqasid al-shari'ah as a framework, we can explore how these principles can be applied to strengthen family resilience.

In addition, this paper also aims to complement several previous writings that focused on psychological and material aspects. This paper offers the family resilience paradigm thru the *Maqasid Syari'ah* approach, which was initiated by Alal al-Fasi as a paradigm for creating resilience within the family. In this context, Alal Fasi emphasizes that fulfilling human rights and social justice, as well as considering spiritual and moral aspects, are key elements in creating an environment that supports resilience. This is because some of the cases and causes of divorce that have been presented previously show how far the family institution is from understanding the purpose of marriage and preserving offspring, leading them to take actions that contradict the teachings of Islamic law.

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<sup>5</sup> Suriana Ainal Mardhiah, Hayati, Azmil Umur, Saiful, "Exploring Family Resilience through the Lens of Islamic Education and Law: Analysis of Divorce Trends in Banda Aceh City," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 9, no. 1 (2025): 1-23, <https://doi.org/10.22373/sjhk.v9i1.15984>.

<sup>6</sup> Encup Supriatna et al., "Mengubah Konflik Menjadi Harmoni : Pendekatan Baru," *Indonesian Journal of Studies on Humanities, Social Sciences, and Education (IJHSED)* 1, no. 2 (2024): 110-30, <https://doi.org/10.54783/pct0tq17>.

<sup>7</sup> Maryani, "Implementasi Syariat Islam Dalam Mewujudkan Keluarga Sakinah (Studi Kasus Masyarakat Di Kecamatan Danau Teluk Seberang Kota Jambi )," *Al-Risalah: Jurnal Kajian Hukum Islam Dan Sosial Kemasyarakatan* 11, no. 1 (2011): 65-83, <https://doi.org/10.30631/alrisalah.v11i01.476>.

<sup>8</sup> Ahmad Arif Masdar Hilmy & Faby Toriqirrama, "Isbat Nikah Terpadu Perspektif Maqāṣid Al-Syari'ah," *Al-Aḥwāl* 13, no. 1 (2020): 79-90, <https://doi.org/10.14421/ahwal.2020.13108>.

<sup>9</sup> Lia Auliyah, "Top 5 Penyebab Perceraian Di Pengadilan Agama Batang Tahun 2024," *Pengadilan Agama Batang Kelas IB (Jawa Tengah, 2025)*, <https://pa-batang.go.id/top-5-penyebab-perceraian-di-pengadilan-agama-batang-tahun-2024/#:~:text=Ketidakstabilan ekonomi%2C%20kesulitan mencari nafkah,sumber konflik yang sulit diatasi.&text=Ketiadaan salah satu pasangan%20baik,istri%20menjadi penyebab si>.

## RESEARCH METHODS

The research includes the type of library research method. Library research is a research activity that seeks written information sources in libraries, such as books and other written information sources. The data sources in this study consist of primary data, which are books written directly by Alal Fasi, such as *Maqasid al-Shari'ah wa Makarimuha*, *Difa'an al-Shari'ah*, and *al-Naqdu al-Dhati*. The secondary data were obtained from writings relevant to this research. Data analysis using descriptive and interpretive analysis.

## DISCUSSION

### *Maqasid Syari'ah as a multiparadigm*

*Maqasid syari'ah*, which refers to the goals and intentions behind the establishment of Islamic law, has evolved into a multi-paradigm approach offering diverse perspectives on understanding and applying the principles of sharia. This indicates that Islamic law is very dynamic in addressing the developments and changes of the times. This concept is not only limited to ritual aspects, but also encompasses the social, economic, and cultural dimensions relevant to the daily lives of the people. Some studies show that the existence of *maqasid al-Shari'ah* has successfully brought about significant changes in the research object being studied. For example, in the case of prisoner rehabilitation, *maqasid al-shari'ah* has been proven capable of supporting moral change. Other studies, for example, show that *maqasid al-shari'ah* can provide values of happiness in various spaces and times<sup>10</sup>.

For example, Jaser 'Audah uses the study of *Maqāṣid* as a lens to view the future, while attempting to unify the various dimensions of a Muslim's life, both internally, socially, and temporally. Thru a comprehensive and integrative approach, Jaser 'Audah seeks to unite various aspects of a Muslim's life. Among them are integrating Muslim individuals with themselves (bridging the gap between scientific and Islamic thought, between different disciplines, and between image and narrative), Muslim individuals with fellow Muslims (bridging the gap between schools of thought and between scholars and students), Muslim individuals with humanity (bridging the gap between beliefs), Muslim individuals with the past, and Muslim individuals with the present (motivation and discipline), as well as Muslim individuals with their future. All of this is done thru the study of *al-Maqāṣid*, which directs human attention to the goals or steps toward a future self-image with Islamic narratives<sup>11</sup>.

Thus, *maqasid syariah* as a multi-paradigm is not only a normative theory but also an analytical tool capable of bridging various disciplines and life practices. This paradigm provides a holistic and inclusive framework that can be a solution to modern problems without abandoning the basic values of Islam.

### Family Resilience

Building harmony in the household is a dream for every married couple, but challenges and difficulties are inevitable, making maintaining family resilience a special concern. Because if he slips, it will end in divorce. Therefore, to maintain family resilience,

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<sup>10</sup> Muhammad Afif Rifqi, Nurfala Safitri, and Muhammad Abdul Rohman, "Maqashid Effect : Apakah Maqashid Syariah Membuat Muslim Bahagia ? Studi Kasus Data Ifls Gelombang 5," *Asyafina Journal: Jurnal Akademi Pesantren* 1, no. 1 (2022): 1–14, <https://doi.org/https://doi.org/10.2896/asyafina.v1i3.2>.

<sup>11</sup> Jaser 'Audah, *Al-Maqasid Untuk Pemula*, ed. Mohammad Affan, trans. 'Ali Abdelmon'im, I (Yogyakarta: SUSKA-Press UIN Sunan Kalijaga, 2013), Xlii.

several supporting factors are needed, such as religiosity and social support<sup>12</sup>. Some studies have also successfully proven that social support works as a mediator in creating resilience<sup>13</sup>.

Resilience is a concept that has given rise to two perspectives since its introduction as a construct within families. The traditional perspective views resilience quantitatively, referring to family resistance, while the contemporary view emphasizes the relational aspects within the family. Mc Cubin, in Marty Mawarpury and Mirza, states that a family can be considered resilient if it meets two components. First, the ability of the family unit to consistently maintain its functionality after experiencing difficulties and pressure. Second, the family's ability to quickly bounce back and recover from trauma or incidents that cause family dysfunction<sup>14</sup>.

Froma Walsh offers several key items for building family resilience, including belief systems, organizational patterns, and good communication processes. Among all the items offered by Walsh, he emphasized the aspect of the belief system as the key to maintaining family resilience and sustainability. Because a belief system encompasses values, beliefs, attitudes, and assumptions. A belief system significantly influences the family unit in interpreting anything that hinders resilience, such as difficulties and pain encountered. These assumptions, responses, and beliefs will give rise to attitudes that lead to two optional decisions: resilience or destruction<sup>15</sup>.

Psychological resilience within the family unit is also highly necessary because several studies have shown that psychological resilience is significantly proven to impact quality of life and is associated with well-being and psychological health. Within a family unit, emotional conflicts are very prone to occur, leading to physical violence or domestic violence (DV), so every couple must possess psychological resilience because scientific research indicates that individuals with psychological resilience are better able to regulate their emotions in stressful or frightening situations<sup>16</sup>.

Psychological well-being, especially for young family couples, is greatly needed. Because at that age, they can grow and develop with a foundation of self-confidence, be open to new experiences with a sense of self-awareness, believe in their relationships with others, and be able to have strong empathy, compassion, and intimacy with others, and be able to manage their environment<sup>17</sup>.

### **The concept of *Maqasid Syari'ah* by Alal Al-Fasi**

<sup>12</sup> Elmy Bonafita Zahro, "Pengaruh Religiusitas Dan Dukungan Sosial Terhadap Resiliensi Keluarga Terdampak Covid 19," *Prosiding Konferensi Nasional Universitas Nahdhatul Ulama Indonesia Chemie International Edition*, 6(11), 951-952. 01, no. 01 (2021): 282.

<sup>13</sup> Jermaine M Dambi et al., "A Sistematic Review of the Psychometric Properties of the Cross-Cultural Translations and Adaptations of the Multidimensional Perceived Social Support Scale ( MSPSS )," *Dambi et Al. Health and Quality of Life Outcomes*, 2018, 1-19, <https://doi.org/https://doi.org/10.1186/s12955-018-0912-0>.

<sup>14</sup> Marty Mawarpury and Mirza Mirza, "Resiliensi Dalam Keluarga: Perspektif Psikologi," *PsikoIslamedia : Jurnal Psikologi* 2, no. 1 (2017): 96, <https://doi.org/10.22373/psikoIslamedia.v2i1.1829>.

<sup>15</sup> PH :D. FROMA WALSH and This, "Family .Resilience: A Framework For," *Family Process* 42, no. I (2003): 1-18, <http://www.ncbi.nlm.nih.gov/pubmed/12698595>.

<sup>16</sup> Kathryn M Connor and Jonathan R T Davidson, "Development Of A New Resilience Scale : The Connor-Davidson Resilience Scale (Cd-Risc)," *Research Article* 82, no. September 2002 (2003): 76-82, <https://doi.org/10.1002/da.10113>.

<sup>17</sup> Elisabetta Sagone, Maria Elvira, and De Caroli, "Relationships Between Psychological Well-Being And Resilience In Middle And Late Adolescents," *Procedia - Social and Behavioral Sciences* 141 (2014): 881-87, <https://doi.org/10.1016/j.sbspro.2014.05.154>.

The name Alal Al-Fasi appears third in the sequence after Imam Shatibi and Muhammad Tahir Ibn Ashur. He is included in the group of maqasid al-shari'ah reformers who were initiated by Imam Shatibi. The thoughts of Alal Fasi on the objectives of Islamic law are not only expressed in his book "Maqasid al-Shari'ah wa Makarimuha," but he also implicitly contextualizes his thoughts on the objectives of Islamic law in several works such as "Addifa' anisyari'ah" and "Naqdu Dzati."

Alal Fasi dictated his book as a contribution to his predecessor, Imam Shatibi. In his introduction, he states, "This book I am writing before the esteemed readers." I believe this book is a supplementary work that fills a gap in Arabic libraries. Some readers of the objectives of Islamic law have not yet reached the boundaries set by our Imam, Imam Shatibi, in his book *Al-Muwafaqat*, or have not even reached what they hoped for. Consequently, many readers of the objectives of Islamic law stray from the topic and opt for reasoning in every ruling because they only take the etymological meaning of the objectives of Islamic law."<sup>18</sup>

Alal Fasi believed that Sharia is not only about outward commands and prohibitions, but that behind legal rulings there are purposes and secrets hidden by Allah. Al-Fasi defines the objectives of Islamic law as:

المراد بمقاصد الشريعة : الغاية منها : والاسرار التي وضعها الشارع عند كل حكم من احكامها

What is meant by *Maqasid Syari'ah* is the goals and secrets that Allah has established in every legal provision of the sharia<sup>19</sup>.

The definition provided by Alal Fasi seems to have its own advantage and is more applicable to the intended object, which is the purpose and secrets behind the establishment of Sharia. For Alal Fasi, the relationship between maqasid and law is symmetrical; they cannot be separated because law is derived from maqasid, and maqasid itself is derived from law<sup>20</sup>.

Alal Fasi believes that the greatest goal of Islamic law is the welfare of humanity, such as becoming a leader and being held accountable for their leadership before God, in order to uphold justice and guaranty the happiness of every individual human being, both in terms of thot and psychology. Every effort that leads to human well-being is considered a legitimate practice, and conversely, deviating from that path means deviating from one's natural disposition<sup>21</sup>. In Jamaludin Atiyah's view, commenting on Alal Fasi's idea that prospering the earth and maintaining order within it is a maqsud, and the goodness of its managers is a means<sup>22</sup>. This is where the role of a government comes in, to launch various programs that lead to the welfare of the people and protect them from various harms<sup>23</sup>.

Alal Fasi classified the objectives of Islamic law into two parts, following in the footsteps of Imam Shatibi. First, the primary intention of the Shari'ah is in accordance with what the Shari'ah desires in the first degree, while the others are elaborations. And second, the intention of the mukallaf (the one obligated). That is, human desire, in this context, the emphasis is on the mukallaf's intention and must be in accordance with the prevailing Sharia rules and not be limited by anything, by following the Sunnah and avoiding

<sup>18</sup> Alal Al-Fasi, *Maqasid syari'ah Al-Islamiyah Wamkarimuha*, V (Beirut- Lebanon: Daar Al-Garab Al-Islami, 1993), 5.

<sup>19</sup> Al-Fasi, 7.

<sup>20</sup> Ahmad Ar-Raisuni, *Muhadarat Fi Maqasid As-Syari'ah*, III (Kairo: Daar Al-Kalimah, 2014), 107.

<sup>21</sup> Al-Fasi, *Maqasid syari'ah Al-Islamiyah Wamkarimuha*, 11-12.

<sup>22</sup> Jamaluddin Athiyah, *Nahwa Taf'il Maqashid As-Syari'ah*, I (Damaskus: Daar al-Fikr, 2001), 119.

<sup>23</sup> Dadang Irsyamuddin, "Negara Kesejahteraan Dan Maqasid Syariah: Analisis Pemikiran Jamaluddin Athiyyah," *FALAH Jurnal Ekonomi Syariah* 4, no. 1 (2019): 83-97, <https://doi.org/https://doi.org/10.22219/jes.v4i1.8741>.

anything that is bid'ah. The levels of maqasid offered by Alal Fasi also follow in the footsteps of Imam Shatibi, namely dharuriyat, hajiyyat, and tahsiniyat. In the context of dharuriyat, all religions agree that dharuriyat is about preserving religion, life, intellect, offspring, and property. As for hajiyyat, it refers to enjoying permissible things in the context of worship, customs, and transactions. Meanwhile, the standard for tahsiniyat is tradition or customs considered good by society<sup>24</sup>.

### **Alal Fasi's Offer of Maqasid Shari'ah**

Alal Fasi offers a methodology for understanding the essence of Islamic law (Sharia). Alal Fasi divides the objectives (maqasid) into two main parts. First, maqasid as the basis for establishing the fundamental principles of Islamic law, as used by most scholars of jurisprudence (usul al-fiqh), which are called ushul al-shari'ah. Second, maqasid al-shari'ah as an instrument for fulfilling human rights. For Alal Fasi, the ushul al-shari'ah that have become a consensus among scholars are the Quran and the Hadith. Alal Fasi emphasizes the Quran as a source of guidance for humanity to improve the order of life and prosper the earth, while the Hadith serves as an explainer of the Quran.

In studying hadiths to find the essence of the objectives of Islamic law, Alal Fasi first classified the Prophet's position. Sometimes the Prophet's position was as a mufti, preacher, or imam. More concisely, it quotes the opinion of Imam al-Qarafi regarding the position of the Prophet. The position of the Prophet consists of four types. First, there is a consensus among scholars that sometimes the Prophet's position was as an imam who decided matters, upheld the hadd (punishment), and sent armies to fight. Second, the Prophet's position was as a judge. Third, the Prophet's position was as a mufti who conveyed matters related to law, such as prayer and other acts of worship. And fourthly, sometimes the Prophet occupied all three positions mentioned earlier at the same time, meaning the Prophet was a leader, mufti, and judge.

The second, referred to by Alal Fasi as ushul an-nazariyah, are the proofs that involve the process of ijtihad. When definitive or probable proofs from the Quran and Hadith are not found to resolve a matter, one must turn to the two sources of law agreed upon by the scholars of ushul: ijma' (scholarly consensus) and qiyas (legal analogy).

### **Maqasid Syari'ah as an instrument for fulfilling human rights**

Alal Fasi did not remain stagnant in his discussion of the objectives of Islamic law around topics related to law, but he also included human rights within it. As for the rights mentioned by Alal Fasi, they are the right to life, which is the most fundamental and basic right. After all, how can someone fulfill all that God has commanded if they do not have the freedom to live? In addition to the right to life, there is another right that must be fulfilled: the right to dignity. In Al-Fasi's view, this is a fundamental right that must be applied universally, regardless of gender or social stratification. One manifestation of human rights to be honored is by treating each individual according to their nature as a human being endowed with reason. Humans, created from a single type, share a fundamental similarity that distinguishes them from other creatures. This is an affirmation of the intrinsic value of each individual, which is the foundation for building a household.<sup>25</sup>

There is another right that Sharia must fulfill for every individual, which is the right to justice. The right to justice for every individual is one of the fundamental pillars

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<sup>24</sup> Al-Fasi, *Maqasid syari'ah Al-Islamiyah Wamkarimuha*, 20-21.

<sup>25</sup> Al-Fasi, 235.

in fulfilling human rights.<sup>26</sup> In Al-Afasi's view, justice is not only defined as fair treatment, but also as an effort to ensure that everyone has equal access to resources, opportunities, and legal protection. Thus, justice is not only an individual right, but also an important element in building a harmonious and sustainable family.

According to Ahmad Raisuni, Alal Fasi's offer related to human rights made him the first person to introduce this theme into the realm of maqasid al-Shari'ah in a highly practical and contextual manner. In fact, according to Alal Fasi, humans not only have rights that they must receive but also have obligations that they must fulfill. Therefore, the rights and obligations of both must run in parallel.<sup>27</sup>

In the context of family resilience, the right to obtain glory, honor, and justice plays an important role in building a strong foundation for a family's resilience. Theoretically, honor can be understood as the recognition of the value and dignity of each family member, which fosters self-confidence and a positive identity. When every individual feels valued, they are better equipped to face external challenges and pressures, thus increasing the family's ability to adapt. Furthermore, the right to justice ensures that every family member has a voice in decision-making, as well as equal access to resources and opportunities. Injustice can lead to tension and conflict, which threatens family stability.<sup>28</sup> By upholding the principle of justice, families can prevent division and enhance their ability to unite in the face of challenges, creating a harmonious atmosphere.<sup>29</sup>

Families that can internalize the values of nobility, honor, and justice tend to be more resilient because they build strong and supportive bonds. A strong family is not only able to survive difficult times, but can also thrive and adapt, creating a positive environment for individual and collective growth.<sup>30</sup> Thus, the implementation of these rights is key to strengthening family resilience, creating generations capable of facing challenges with optimism and courage.

### **The Maqasid Syari'ah Paradigm as an Offer for Family Resilience**

Speaking of the objectives of Islamic law, one of the central issues that holds the most fundamental and urgent position and falls under the category of necessities is the preservation of offspring. However, some recent factual phenomena show that the essence of building a family as desired by Islamic law still falls far short of the values, principles, and goals of the law itself. *Maqasid Syari'ah* is present in the effort to transform the noble values desired by the sharia to create order and resilience within the family. Because the objectives of Islamic law are not only focused on issues related to worship,

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<sup>26</sup> Lusiana, "Keseimbangan Dan Keadilan Ekonomi Era Society 5.0 Pada Perspektif Maqasid Syariah," *F i T U A Jurnal Studi Islam* 5, no. 2 (2024): 152-68, <https://doi.org/10.47625/fitua.v5i2.552>.

<sup>27</sup> Abdul Hafidz, "Konsep Maqāṣid Sharī'ah Perspektif `Allāl Al-Fāsy," *CENDEKIA: Jurnal Studi Keislaman* 6, no. 1 Juni (2020): 1-19.

<sup>28</sup> A. Kumedj Ja'far, "Reinterpretation Of The Rights And Duties Of Contemporary Husbands And Wives," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 2 (2021): 648-67, <https://doi.org/10.22373/sjhk.v5i2.9124>.

<sup>29</sup> Noffiyanti, "Mewujudkan Keharmonisan Rumah Tangga Dengan Menggunakan Konseling Keluarga" 3, no. 1 (2020): 8-12, <https://doi.org/10.24014/0.8710152>.

<sup>30</sup> Safana 'Aidah and Muhammad Nurul Fahmi, "Peran Suami Perfeksionisme Dalam Meningkatkan Resiliensi Keluarga: Sebuah Tinjauan Literatur," *USRAH: Jurnal Hukum Keluarga Islam* 5, no. April (2024): 75-88, <https://doi.org/10.46773/usrah.v5i1.1299>.



but also on how the objectives of Islamic law bring a person from the context of worship toward social (interaction)<sup>31</sup>.

The *Maqasid Syari'ah* paradigm of Alal Fasi and other resilience models, such as the Froma Walsh model, show differences in approach and emphasis on certain aspects of family resilience. For example, the Froma Walsh model, which focuses on the dimensions of beliefs, relationships, communication, and stress management, provides a strong framework for understanding family dynamics in the face of challenges. However, the Alal Fasi paradigm offers a more holistic approach, integrating material and spiritual/moral aspects within the context of resilience. The Alal Fasi paradigm not only encompasses practical skills in managing conflict and stress, but also emphasizes the importance of moral and spiritual values as a foundation for building resilience.

The meaning of *hifz an-nasl* in the *maqasid al-shari'ah* must be understood in a more inclusive and broad context, leading to a paradigm and formulation of understanding that directs the actualization of *maqasid* values into a more concrete context. The meaning of *hifz an-nasl* is not only understood as an effort to preserve offspring thru marriage, but *hifz an-nasl* also provides an understanding that preserving offspring is also part of the husband's duty and function to ensure the continuity of the family.

In the Quran, there are several verses that discuss the duties and functions of a husband as mandated by the Quran. First, in (Q.S an-nisa 34), the husband functions as *qawam*, meaning the leader who is obligated to provide for the family's clothing, food, and shelter needs. Beside the husband's function of fulfilling the wife's maintenance rights, he is also required to ensure his wife's morals and obedience to Allah.

And secondly, in (Q.S At-Tahrim 6), the husband is given the task of protecting the family from the fires of hell. What is meant by protecting family from the fire of hell in this verse, according to Imam at-Tabari, is guiding the family toward obedience to Allah so that they are freed from the fire of hell. In this verse, Ibn Kathir emphasizes that the husband has an important role in educating and ensuring his wife's morals, especially those related to rights toward Allah, so that she is free from sin and hell. These two roles must be played simultaneously by a husband to achieve resilience in the household<sup>32</sup>.

Some of the divorce cases presented earlier reflect how low the pattern of reciprocity in households is. Before delving further into this topic, the author will first present Alal Fasi's views on women's rights in Islam. The most fundamental thot in Alal Fasi's view is that women are subject to religious and legal discourse just like men. Women have the potential to reach a high degree and closeness to God. Islam does indeed divide the roles and responsibilities of women in certain circumstances, but this does not mean that women should not be allowed to have freedom in determining their attitudes and careers as long as it does not contradict the principles and limitations established by Sharia, because Islam gives women the right to perform major tasks beside being a head of state, as stated by the Maliki school of thought<sup>33</sup>.

To build resilience in households, some suggestions offered by psychologists still don't seem to be showing their effectiveness. Therefore, one must return to the offerings

<sup>31</sup> Fakhruddin et al., "From Fiqh Al-Ibadat to Muamalat: Repositioning Zakat Management in Indonesia in the Perspective of Maqasid Al-Shari'ah," *Samarah* 8, no. 1 (2024): 495-517, <https://doi.org/10.22373/sjhk.v8i1.19637>.

<sup>32</sup> Muhammad Ridho Hisyam et al., "Ulumuddin: Jurnal Ilmu-Ilmu KeIslaman PERAN ANGGOTA KELUARGA BERKETAHANAN DALAM PERSPEKTIF QURAN," *Ulumuddin: Jurnal Ilmu-Ilmu KeIslaman* 9, no. 2 (2019): 171-86, [https://jurnal.ucy.ac.id/index.php/agama\\_Islam](https://jurnal.ucy.ac.id/index.php/agama_Islam).

<sup>33</sup> Alal Al-Fasi, *An-Naqdu Al-Dzati* (Kairo: Al-Matba'ah Al-'alamiyah, n.d.)84 dan 85.

provided by religion as a navigator and instrument for creating family resilience. One of these offers is creating a moderate paradigm in the pattern of husband-wife relationships. Fadil et al. argue that a moderate religious perspective determines the level of family resilience because a moderate perspective will foster tolerance and create a balanced or reciprocal pattern of role sharing<sup>34</sup>.

When a married couple understands each other's duties and obligations and understands the purposes of forming a household, it will lead to a shared formulation of tasks and responsibilities. According to research by Efa Rodia Nur et al. in Lampung Province, the causes of divorce in religious courts are very diverse, including 41.3% due to income, 33.3% due to domestic violence, and 28% due to other cases. Therefore, to minimize this, a kind of understanding is needed to return to the guidance of the Sharia to understand that between husband and wife, the concept of mubadalah, or mutual reciprocity, is needed in carrying out family functions<sup>35</sup>.

The concept of mubadalah in the context of the household emphasizes the importance of a mutually respectful and just relationship between partners.<sup>36</sup> This can be realized thru several fundamental principles. First, mutual respect creates a positive atmosphere where both parties feel heard and valued. Second, the principle of interdependence shows that each partner has an important role in carrying out daily responsibilities, which strengthens the sense of attachment and commitment. Third, equality in rights and obligations allows for a fair division of labor, so that no party feels more dominant or oppressed. Relationships based on the principle of mubadalah tend to be more stable and sustainable because both parties invest in each other's well-being.<sup>37</sup>

Beside a moderate perspective and improving communication, trust, and organizational systems as offered by Walsh's moral education in a family, it is also a key element in maintaining family continuity. Because when morality is degraded, actions within a family institution are very susceptible to occurring, such as infidelity, betrayal, and other immoral acts. This kind of thing then triggers divorce<sup>38</sup>. Afgan et al. identified factors that lead to divorce, including infidelity caused by economic instability, the husband's lack of attention to the family, and low moral character<sup>39</sup>.

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<sup>34</sup> A. Malthuf Siroj Fadil, Pepy Marwinata, Shofiatul Jannah, "Religious Moderation and Family Resilience in the City of Malang, Indonesia: The Historical Perspectives of the Islamic Law Fadil," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 1 (2024): 236–56, <https://doi.org/10.22373/sjhc.v8i1.19821>.

<sup>35</sup> Hamsidar Efa Rodiah Nur, Fathul Mu'in, "The Reconstruction of The Livelihood Concept from A Mubādalah Perspective in Lampung Province," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 3 (2023): 1897–1920, <https://doi.org/10.22373/sjhc.v7i3.17613>.

<sup>36</sup> Ali Sodikin Reni Nur Aniroh, Khoiruddin Nasutioan, "The Bilateral Inheritance Sistem in Islamic Family Law: Fairness, Equality, and Mutual Exchange Perspectives," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (2024): 891–911, <https://doi.org/10.22373/sjhc.v8i2.17630>.

<sup>37</sup> Ihda Shofiyatun Nisa' Agus Hermanto, "Ekologi Rumah Tangga Harmonis : Konsep Mubadalah Sebagai Kunci Utama," *The Indonesian Journal of Islamic Law and Civil Law* 5, no. 1 (2024): 92–108, <https://doi.org/10.51675/jaksya.v5i1.734>.

<sup>38</sup> Khairul Fajri dan Mulyono, "Selingkuh Sebagai Salah Satu Faktor Penyebab Perceraian (Analisis Putusan No.3958/Pdt.G/2012.PA.Sby. Perspektif Maqashid Syariah)," *Maqasid: Jurnal Studi Hukum Islam* 6, no. 1 (2017): 32.

<sup>39</sup> Afgan Nugraha, Amiruddin Barinong, and Zainuddin, "Faktor Penyebab Terjadinya Perceraian Rumah Tangga Akibat Perselingkuhan," *Kalabbirang Law Journal* 2, no. 1 (2020): 53–68, <https://doi.org/10.35877/454ri.kalabbirang30>.

## CONCLUSION

The conclusion of this paper confirms that the concept of Maqasid al-Shari'ah developed by Alal Fasi is highly relevant for application in the context of household resilience. The Alal Fasi paradigm not only encompasses practical skills in managing conflict and stress but also emphasizes the importance of moral and spiritual values as the primary foundation for building family resilience. This thinking aligns with fulfilling basic human rights within the household, such as clothing, food, and shelter, which are an integral part of the Maqasid al-Shari'ah. Beside material aspects, family resilience also requires a deep understanding of the roles and functions entrusted by Sharia, particularly the husband's role as the qawam, the leader responsible for ensuring the fulfillment of rights in the husband-wife relationship. Additionally, the husband has the duty to protect the family from spiritual dangers, which is manifested thru education and guidance toward obedience. Thus, the comprehensive application of Alal Fasi's Maqasid al-Shari'ah paradigm is able to strengthen family resilience in its entirety, both physically, emotionally, and spiritually.

The contribution of this paper consists of two aspects. First, the theoretical aspect, which provides a new paradigm thru the lens of Alal Fasi's maqasid al-Shari'ah theory to create family resilience, and serves as a complement to writings that discuss Alal Fasi's thoughts from a theoretical perspective. In its two practical aspects, this writing can serve as a navigator in real-life situations as well as in household practices.

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