



## **The Agreement of Asset Separation in the Perspective of *Maqasid al-Shariah*: The Problem of Asset Conflict, the *Hifdz al-Mal* Approach, and Its Impact on Family Stability in Islamic Law in Indonesia**

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### **Abstract**

This study analyzes marital property separation agreements through the lens of *Maqasid al-Shariah*, with a specific focus on the principle of *Hifdz al-Mal* (protection of wealth) as an essential tool for safeguarding individual financial rights within marriage and preventing asset conflicts that could threaten family stability. Employing a qualitative method with a library research approach and in-depth literature analysis, the study reveals that marital property separation agreements have a strong legal foundation in Islamic and Indonesian national law, reinforced by Constitutional Court Decision No. 69/PUU-XIII/2015. This decision affirms the legality of marital property separation agreements under Indonesian law as an effective mechanism for ensuring fair asset management and protecting the financial rights of couples. The study recommends enhancing relevant regulations to improve legal clarity, educating the public about the benefits of these agreements, and encouraging active roles for religious scholars to support more flexible interpretations of Islamic law that address modern socio-economic needs. Future research employing quantitative methods and cross-cultural studies in dual-legal system countries such as Malaysia and Tunisia is suggested to explore public perceptions, economic impacts on women, and potential adaptations to address similar legal challenges.

**Keywords:** Marital Property; Separation Agreement; *Maqasid al-Shariah*; Protection of Wealth; Islamic Law

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## Introduction

Marriage in Islam is firmly rooted in the teachings of the Quran and Sunnah, which establish not only the procedures but also the noble objectives of achieving a peaceful, loving, and compassionate household, referred to as *sakinah*, *mawaddah*, and *rahmah* (Surah Ar-Rum: 21). Islam considers marriage a holistic institution that provides not only for biological needs but also for tranquility, happiness, and the nurturing of a quality generation. This fundamental purpose aligns with Indonesia's Law No. 1 of 1974, which underscores marriage as a means to create a happy and prosperous family, with mutual support for the personal development of both spouses.<sup>1</sup>

However, in cases where conflict arises within Marriage, Islam provides a peaceful framework for conflict resolution through the role of *hakam* (mediator), who aims to resolve disputes and protect the integrity of the family, as instructed in Surah An-Nisa: 35.<sup>2</sup> Divorce is viewed in Islam as a last resort, permissible only when efforts at reconciliation and mediation have proven unsuccessful. The consequences of divorce, particularly concerning the division of jointly owned property or "*gono-gini*," often bring about significant social and economic issues. In Indonesia, certain divorce cases have intensified into disputes over asset distribution, leading in some cases to acts of property destruction. Notable examples include the 2022 divorce cases in Ponorogo and South Kalimantan, where conflicts culminated in the physical demolition of shared homes, with excavators employed to dismantle structures and uproot the land on which these homes were built.<sup>3</sup> Such actions highlight how post-divorce conflicts frequently persist and underscore the broader social and economic ramifications of unresolved marital disputes. Ironically, this property destruction contradicts the Islamic principle of *Hifdzul Mal* (preservation of wealth), one of the primary objectives of Islamic law or *Maqasid al-Shariah*<sup>4</sup>, which emphasizes the protection and responsible stewardship of wealth, even within the context of marital dissolution.

In light of such complex issues, marital property separation agreements play an increasingly vital role in managing the financial rights and obligations of spouses, both during marriage and in situations such as divorce or the death of a spouse. In Indonesia, the legal framework governing marital property separation agreements was strengthened through Constitutional Court Decision No. 69/PUU-XIII/2015, which allows couples to establish a clear, enforceable separation of assets to minimize property-related conflicts and ensure legal certainty.<sup>5</sup> This decision permits couples to negotiate financial arrangements that clarify asset ownership before and during marriage, allowing for flexible adjustments based on mutual agreement.

The phenomenon of marital property separation agreements reflects the modern societal need for fair and transparent asset management. Previous research, such as that conducted

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<sup>1</sup> Pemerintah RI, "UU No. 1 Tahun 1974" (1974), <https://peraturan.bpk.go.id/Details/47406/uu-no-1-tahun-1974>.

<sup>2</sup> DEPAG RI, *Al-Qur'an Dan Terjemah* (Jakarta : Departemen Agama RI., 2000).

<sup>3</sup> Detikcom, "5 Perceraian Di Ponorogo Yang Berujung Pembongkaran Rumah," 2022, <https://www.detik.com/jatim/berita/d-5946626/5-perceraian-di-ponorogo-yang-berujung-pembongkaran-rumah>; Tribunsumselcom, "Robohkan Rumah Pakai Excavator Akibar Cerai," 2024, <https://www.facebook.com/reel/960453568908448>.

<sup>4</sup> Satria Effendi M.Zein, *Ushul Fiqh: Edisi Pertama* (Prenada Media, 2017), <https://books.google.co.id/books?id=zxW3DwAAQBAJ>.

<sup>5</sup> MK RI, "Putusan Mahkamah Konstitusi 69/PUU-XIII/2015" (2015), <https://putusan3.mahkamahagung.go.id/peraturan/detail/11ead07ae29e12208cb7303933343339.html>.

by Carter (2019) and Rafli et al. (2023), reveals that public perception often misinterprets these agreements as favoring the wealthier spouse. However, this view is not entirely accurate. In Islamic law, the property separation agreement is regarded as equally essential, particularly within the context of polygamous marriages, where it helps to protect property rights and maintain economic stability for each family unit. This is consistent with the principles of *Maqasid al-Shariah*, which aim to secure justice and uphold individual rights.<sup>6</sup> Islamic law is essential in addressing the management of assets within marriage, considering the evolving socio-economic conditions that shape family structures today. The principles of *maslahah* (public interest), *maqasid syariah* (objectives of Islamic law), and *ta'addud al-asbab* (consideration of circumstances) serve as foundational frameworks in developing laws that remain relevant to contemporary contexts. This flexibility enables Islamic law to remain responsive and adaptive to modern family dynamics, such that marital property separation agreements can effectively promote fairness and order within families.<sup>7</sup> This study contributes to the existing literature by providing an in-depth analysis of marital property separation agreements within the framework of Islamic law, specifically under the principles of *Maqasid al-Shariah*, emphasizing *Hifdzul Mal* (protection of wealth). It builds upon previous studies focusing on the Western context or specific aspects without framing these issues within the broader structure of Islamic law.<sup>8</sup> For instance, Carter's (2019) study in the West examines common misconceptions about premarital agreements without considering the Islamic perspective, while Rafli, Zaen, and Sya'Bana (2023) focus narrowly on postnuptial agreements within polygamous marriages under *Maqasid al-Shariah*. Additionally, Pyankova and Shershen (2023) explored the complexities of asset division in modern divorces yet did not address these issues through the lens of Islamic law. By bridging these gaps, this study not only evaluates the alignment of marital property separation agreements with *Maqasid al-Shariah* across diverse marital conditions but also explores the unique challenges of modern assets within the Islamic legal framework. The novelty of this research lies in its comprehensive approach, combining a philosophical analysis of *Maqasid al-Shariah* with practical applications in modern Islamic law, particularly within the socio-economic context of Indonesia. Unlike prior studies, this research assesses marital property separation agreements as preventive mechanisms to mitigate property conflicts. It also explores the socio-economic consequences of divorce. It examines how Islamic law principles can be effectively applied to prevent destructive actions, such as

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<sup>6</sup> Elizabeth Ruth Carter, "Are Premarital Agreements Really Unfair: An Empirical Study of Premarital Agreements," *SSRN Electronic Journal*, August 15, 2019, <https://doi.org/10.2139/SSRN.3436412>; Mohammad Rafli, Fahmi Muhaemin Zaen, and Bambang Ari Sya'Bana, "Perjanjian Pasca-Nikah (Postnuptial Agreement) Dalam Konteks Maqashid Al-Syari'ah: Analisis Pandangan Al-Syatibi," *Legitima: Jurnal Hukum Keluarga Islam* 5, no. 2 (August 23, 2023): 363–74, <https://doi.org/10.33367/LEGITIMA.V5I2.4121>.

<sup>7</sup> Firdaus Hisab et al., "VIEWS OF USUL FIQH AND ISLAMIC FAMILY LAW ON CONCERNED MARRIAGE CASES IN PADANG CITY," *Dusturijab: Jurnal Hukum Islam, Perundang-Undangan Dan Pranata Sosial* 13, no. 2 (December 23, 2023): 216, <https://doi.org/10.22373/DUSTURIYAH.V13I2.20373>; Ade Dedi Rohayana and Ali Muhtarom, "Islamic Jurisprudence Implementation in Indonesia: Perspective of the Objectives of Islamic Law," *Global Jurist* 21, no. 2 (April 16, 2021): 403–15, <https://doi.org/10.1515/GJ-2020-0078>.

<sup>8</sup> Carter, "Are Premarital Agreements Really Unfair: An Empirical Study of Premarital Agreements"; A. F. Pyankova and T. V. Shershen, "MARITAL PROPERTY DIVISION: ISSUES OF THEORY, LEGISLATION AND LAW ENFORCEMENT," *Ex Jure*, no. 3 (January 1, 2023): 145–67, <https://doi.org/10.17072/2619-0648-2023-3-145-167>; Rafli, Zaen, and Sya'Bana, "Perjanjian Pasca-Nikah (Postnuptial Agreement) Dalam Konteks Maqashid Al-Syari'ah: Analisis Pandangan Al-Syatibi."

damaging shared assets that contravene the *Hifdzul Mal* principle. Through this approach, this study provides a relevant guide for Muslim couples, emphasizing the role of Islamic law in fostering fairness, stability, and economic security within marital relationships amidst contemporary socio-economic challenges.

This study employs a qualitative method with a library research approach to explore marital property separation agreements within the framework of Maqasid al-Shariah, with a specific focus on the principle of Hifdzul Mal (protection of wealth) and its role in safeguarding individual financial rights within marriage. The approach used is normative, which involves analyzing the norms contained in both Islamic law and Indonesian positive law concerning marital property separation agreements. Additionally, an analytical approach is employed to compare and analyze the compatibility of marital property separation agreements with the core principles of Islamic law and their application within the Indonesian legal system.

Data for this study is derived from two primary sources. Primary data includes decisions from the Constitutional Court, specifically Decision No. 69/PUU-XIII/2015, which affirms the legality of marital property separation agreements under Indonesian law and relevant legislation that governs property in Marriage in Indonesia. Secondary data is obtained through a review of legal literature, including books, academic articles, journals, and previous research discussing Islamic family law, Maqasid al-Shariah, and Hifdz al-Mal within Indonesian law and countries with similar legal traditions.

The data collection technique used in this study is library research, which involves gathering and reviewing relevant literature on the research topic. Sources reviewed include books, academic articles, journals, and legal documents such as laws and court decisions related to marital property separation. Furthermore, this study also analyzes various legal cases concerning the application of marital property separation agreements in Indonesia to examine how the law is applied in practice and its alignment with the principles of Maqasid al-Shariah.

The collected data will be analyzed using qualitative descriptive analysis to identify key themes related to the principle of wealth protection, the application of marital property separation agreements, and their impact on family stability and the financial rights of spouses within marriage. This study also employs comparative analysis to compare the application of Islamic law principles, particularly Hifdzul Mal, in the Indonesian legal system with other countries, such as Malaysia and Tunisia, which share similar legal traditions. Additionally, thematic analysis will be conducted to categorize the data based on relevant themes, such as wealth protection in marriage and its impact on individual financial rights. Data triangulation will also be applied to ensure the validity of findings by cross-checking the results from different literature sources.

## **Result and Discussion**

### **Analysis of Marital Property Separation Agreements from a Maqasid al-Shariah Perspective: Legal Implementation and Ethical Implications**

This analysis explores how marital property separation agreements, through the lens of *Maqasid al-Shariah*, serve as legal tools for wealth protection (hifdz al-mal) and preventive measures against financial conflicts within complex marital situations. The *Maqasid al-Shariah* framework—aimed at protecting five essential aspects of life: religion, life, intellect, lineage,

and wealth—prioritizes wealth protection to avoid loss, conflict, and uncertainty that may disrupt family stability. Through clear guidelines on asset ownership before and during marriage, property separation agreements contribute significantly to a harmonious family environment amid increasingly complex socio-economic conditions.<sup>9</sup>

The concept of *hifdz al-mal* transcends mere physical protection of assets to include psychological and emotional security for both spouses by establishing clear asset ownership and management responsibilities. In high-risk financial scenarios—such as when one spouse is engaged in volatile business ventures—property separation agreements provide security by preventing one spouse’s financial liabilities from affecting the other’s assets. For instance, a husband involved in high-stakes business can ensure that his wife’s assets remain untouched by his potential debts through such an agreement. This provision aligns with the Islamic legal goal of maintaining household stability and protecting individual rights, thus preventing conflicts related to financial uncertainty.<sup>10</sup>

Indonesia’s legal system formally recognizes property separation agreements under Law No. 1 of 1974 on marriage, reinforced by Constitutional Court Decision No. 69/PUU-XIII/2015, which enables couples to establish or modify agreements at any stage of marriage. This flexibility reflects the *maslahah* principle in Islamic law, which promotes adaptability in legal rulings to meet evolving social and economic needs. Indonesia’s endorsement of these agreements illustrates how Islamic law can respond to contemporary societal demands while staying true to its foundational objectives. This legal flexibility is crucial for modern Muslim couples, who may face complex financial obligations requiring transparent asset management and rights protection.<sup>11</sup>

Beyond the financial protection for each spouse, property separation agreements uphold the Islamic principles of balance, rights, and justice within marriage. *Maqasid al-Shariah* emphasizes the importance of each individual’s right to manage assets autonomously, provided this does not harm the other spouse or third parties. These agreements thus allow each spouse to control personal assets independently, protecting each from financial obligations arising from the other’s liabilities. This concept is particularly vital in polygamous marriages, where each wife retains ownership rights over personal assets, reducing potential conflicts among co-wives and contributing to family harmony. According to Carter (2019) and Rafli et al. (2023),<sup>12</sup> property separation agreements are often misinterpreted as favoring the wealthier party; however, from an Islamic legal perspective, these agreements are designed to ensure financial fairness and mutual protection from financial responsibilities that may arise due to each spouse’s separate commitments.

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<sup>9</sup> Norimah Md Dali, Alias Abdullah, and Rafikul Islam, “PRIORITIZATION OF THE INDICATORS AND SUB-INDICATORS OF MAQASID AL-SHARIAH IN MEASURING LIVEABILITY OF CITIES,” *International Journal of the Analytic Hierarchy Process* 10, no. 3 (December 6, 2018): 348–71, <https://doi.org/10.13033/IJAHP.V10I3.597>.

<sup>10</sup> Nur Suci Alawiyah, Mhd Amar Adly, and Heri Firmansyah, “Kaidah المشقه تجلب التيسير Dan Penerapannya Dalam Hukum Keluarga,” *ALADALAH: Jurnal Politik, Sosial, Hukum Dan Humaniora* 2, no. 4 (July 3, 2024): 94–107, <https://doi.org/10.59246/ALADALAH.V2I4.946>.

<sup>11</sup> Ja'ih Mubarak and Shaifurrokhman Mahfudz, “Istinbath Methodology of DSN-MUI: Integrating Classical Islamic Jurisprudence with Contemporary Needs,” *Indonesian Journal of Islamic Economic Law* 1, no. 2 (June 30, 2024): 136–52, <https://doi.org/10.23917/IJOEL.V1I2.5570>.

<sup>12</sup> Carter, “Are Premarital Agreements Really Unfair: An Empirical Study of Premarital Agreements”; Rafli, Zaen, and Sya’Bana, “Perjanjian Pasca-Nikah (Postnuptial Agreement) Dalam Konteks Maqashid Al-Syari’ah: Analisis Pandangan Al-Syatibi.”

This analysis further underscores that property separation agreements support family stability by providing structured financial arrangements that clarify rights and responsibilities, thus mitigating one of the primary sources of marital tension - financial conflicts. According to Surah Ar-Rum: 21, Marriage in Islam is intended to foster *sakinah*, *mawaddah*, and *rahmah* (*tranquility, love, and mercy*). Property separation agreements aid in maintaining these ideals by promoting transparency in asset management, allowing couples to focus on building harmonious relationships without the strain of unresolved financial disputes.<sup>13</sup>

From a socio-economic perspective, property separation agreements are particularly beneficial for women, who often face increased financial burdens post-divorce. The phenomenon of poverty feminization, which refers to the economic vulnerability women experience following divorce, highlights the need for agreements that secure women's rights to personal assets, thereby preventing financial instability. Studies show that women frequently become economically vulnerable post-divorce due to limited access to shared assets. Bakht (2014) and Selby (2011) emphasize that post-divorce asset uncertainty often places women in precarious financial positions, making property separation agreements crucial for their welfare and economic stability.<sup>14</sup> By securing asset control and reducing poverty risks, these agreements help women maintain financial independence and stability, particularly when they bear the primary responsibility for child custody.<sup>15</sup>

Applying the *maqasid* approach to property separation agreements protects individual financial rights within marriage and aligns with Shariah's broader goal of achieving family harmony, welfare, and stability. Family stability - a core objective of *Maqasid al-Shariah* - extends beyond immediate financial concerns to encompass emotional, social, and psychological well-being, contributing to *maslahah* or societal welfare. By establishing legal clarity in asset management, property separation agreements offer a solid foundation for Muslim families to build harmonious relationships free from potential disruptions due to financial disputes. This clarity reflects the capacity of Islamic law to adapt to contemporary socio-economic conditions while upholding its foundational values.<sup>16</sup>

Furthermore, by upholding wealth preservation as a critical marital component, property separation agreements aid Muslim couples in achieving the financial security necessary for family welfare. As *Maqasid al-Shariah* emphasizes the importance of wealth protection, these agreements prevent financial instability by establishing a structured framework for asset management. This arrangement allows couples to achieve financial clarity and security within marriage, facilitating personal and family welfare and benefiting society as a whole.<sup>17</sup>

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<sup>13</sup> Ahmad Dahlan, "PERJANJIAN PRANIKAH: SOLUSI BAGI WANITA" 3 (January 1, 2008), <https://doi.org/10.24090/YY.V3I1.2008.PP140-151>.

<sup>14</sup> Natasha Bakht, "The Incorporation of Sharia in North America: Enforcing the Mahr to Combat Women's Poverty Post-Relationship Dissolution," *SSRN Electronic Journal*, April 23, 2014, <https://doi.org/10.2139/SSRN.2428209>; Jennifer A. Selby, "Review of Pascale Fournier, Muslim Marriage in Western Courts: Lost in Transplantation," *Contemporary Islam* 7, no. 2 (August 25, 2011): 255–57, <https://doi.org/10.1007/S11562-011-0175-6>.

<sup>15</sup> Pyankova and Shershen, "MARITAL PROPERTY' DIVISION: ISSUES OF THEORY, LEGISLATION AND LAW ENFORCEMENT."

<sup>16</sup> Rohayana and Muhtarom, "Islamic Jurisprudence Implementation in Indonesia: Perspective of the Objectives of Islamic Law."

<sup>17</sup> Nurul Nadirah Abu Hasan et al., "Maqasid Al-Shariah in Management: How It's Relevant to Non-Muslims," *Selected Proceedings from the 1st International Conference on Contemporary Islamic Studies (ICIS 2021)*, January 1, 2022, 83–91, [https://doi.org/10.1007/978-981-19-2390-6\\_8](https://doi.org/10.1007/978-981-19-2390-6_8).

In conclusion, this analysis underscores that marital property separation agreements, when examined through the Maqasid al-Shariah framework, play a vital role in the contemporary application of Islamic law, especially in their capacity to protect wealth and reinforce family stability. The emphasis on *hifdz al-mal*, or the preservation of wealth, demonstrates the alignment of these agreements with Shariah's objectives of ensuring fair and secure asset management within marriage. This alignment reflects Islamic law's foundational commitment to upholding justice and welfare, both of which are essential in addressing the unique economic dynamics faced by modern Muslim families. The study's findings affirm that property separation agreements function not merely as legal instruments for safeguarding assets but also as proactive tools that mitigate potential financial disputes within marriage. Such agreements have a preventative quality that is particularly valuable in cases of divorce or polygamous marriages, where financial entanglements can easily lead to prolonged conflict. By providing structure and clarity, property separation agreements illustrate the adaptability of Islamic legal principles, allowing them to address complex contemporary socio-economic challenges while maintaining the core values of justice and welfare in marital relations.

To support a wider application and acceptance of property separation agreements within the Muslim community, this study recommends a multi-faceted approach that includes regulatory improvements, community education, and the active involvement of religious scholars. Enhanced regulatory frameworks would help clarify the legal rights of individuals entering these agreements, providing a clearer understanding of their rights and responsibilities, especially in situations involving complex asset distributions or potential disputes. More explicit regulations would also offer legal practitioners and judges a more solid foundation for enforcing these agreements, thereby promoting greater consistency and reliability in legal outcomes related to marital property.

Public awareness initiatives are also essential to address misconceptions and increase understanding of the benefits of property separation agreements, especially within the Muslim community. Many may view these agreements as purely financial arrangements without recognizing their broader role in supporting marital harmony and financial stability. By educating the public about the Sharia-compliant nature of these agreements and their alignment with national legal frameworks, policymakers, and community leaders can foster a more informed public that sees the practical and ethical value in adopting such agreements. In addition, the involvement of religious scholars in promoting the flexibility of *Maqasid al-Shariah* within property separation agreements would play a significant and transformative role in garnering social acceptance for such agreements. Religious scholars, who hold deep authority and influence within the community, are uniquely positioned to demonstrate how these agreements align with the fundamental Islamic values of justice, mutual responsibility, and financial protection intrinsic to Islamic teachings on marriage. Given their revered status, their endorsement and active promotion of these agreements would help bridge gaps in understanding, particularly regarding the relationship between Islamic principles and contemporary legal mechanisms.

Religious scholars can effectively dispel any doubts or misconceptions surrounding these agreements by actively endorsing and clarifying the Shariah principles that underpin property separation agreements, thereby fostering broader acceptance within the community. Their scholarly interpretations would provide the necessary intellectual backing for the legitimacy and ethical validity of such agreements, ensuring that the community views them not only as

legally sound but also as moral and ethically appropriate within the framework of Islamic law. Through their guidance, these agreements would be positioned as a practical solution that aligns with Islamic values, thus enhancing their role in contemporary Islamic family law and contributing to the modernization of marital financial management without compromising traditional values.

Furthermore, the involvement of religious scholars would provide essential leadership in clarifying the broader societal benefits of these agreements. Their influence extends beyond individual family units, shaping the collective perception of how Islamic law adapts to modern socio-economic realities. As scholars actively engage in this dialogue, they can help the community see property separation agreements as tools for fostering equity, stability, and transparency in marriages, all of which align with the ideals of *Maqasid al-Shariah*. This involvement would ensure that these agreements are accepted and respected as part of the evolving interpretation of Islamic legal principles in contemporary times.

Future research into the societal perceptions and impacts of property separation agreements should go beyond theoretical discussion and delve deeper into practical applications using quantitative methods such as surveys or statistical analyses. By capturing data on public attitudes, economic outcomes, and family stability, such research could better understand how these agreements are perceived across various demographics, such as age, gender, socio-economic background, and education. This would provide policymakers and legal practitioners with valuable insights into the effectiveness and acceptance of these agreements in different communities, guiding them in refining legal frameworks to promote family welfare while aligning with Islamic values. Moreover, such research would offer data-driven recommendations on expanding the use and acceptance of property separation agreements, ensuring they reach those who would benefit the most, particularly vulnerable groups within the community.

Additionally, comparative cross-cultural studies involving Islamic countries with dual legal systems, such as Malaysia and Tunisia, would provide a nuanced view of how *Shariah* principles are integrated with secular laws to address marital property issues. These comparative studies could highlight different approaches to balancing Islamic legal principles with state regulations, offering valuable lessons for countries like Indonesia and others facing similar challenges. The findings of such studies would provide alternative models for enhancing the effectiveness and legitimacy of property separation agreements, particularly in countries with complex legal systems that combine Islamic and secular law. Examining these models could help refine the application of *Maqasid al-Shariah* in family law, suggesting improvements and innovations that can be adopted in other countries to ensure better outcomes for families.

Further examination of property separation agreements within specific contexts, such as divorce and polygamy, with a particular focus on women's economic security, would also be invaluable. Women, in particular, often face significant economic challenges post-divorce, and property separation agreements may serve as crucial tools to prevent the feminization of poverty - a phenomenon in which women experience disproportionate economic hardship following marital dissolution. In many cases, divorced women find themselves in precarious financial positions due to limited access to marital assets, often exacerbated by the challenges of raising children alone. Detailed research into how property separation agreements impact women's financial rights and stability post-divorce would provide a clearer picture of their potential in safeguarding women's economic independence and financial stability. This kind

of research is essential for understanding the real-world effects of these agreements and would be a step toward better-protecting women's financial autonomy within marriage and divorce. Such studies would also offer important insights into how Islamic law can continue to protect vulnerable groups, including women, within marriage, ensuring that their financial rights are upheld and that they are not subjected to financial instability.

In summary, this study demonstrates that property separation agreements are legally and ethically consistent with Maqasid al-Shariah, emphasizing the preservation of wealth and family stability as core principles. These agreements play a significant role in maintaining justice and financial responsibility within marriage by fulfilling these Shariah objectives. Moreover, they offer adaptable solutions that are compatible with the complexities of modern economic life, enabling them to serve as a robust framework for managing marital finances in a way that upholds the values of justice, equity, and protection of individual rights while remaining responsive to the evolving needs of contemporary society. This adaptability ensures that these agreements can continue to play a vital role in supporting healthy, stable, and prosperous families within the framework of Islamic law, bridging the gap between tradition and modernity.

## **Conclusion**

This study concludes that marital property separation agreements when analyzed through the lens of Maqasid al-Shariah, are essential legal instruments for safeguarding the financial rights of individuals and ensuring the stability of families within the Islamic legal context. By focusing on the principle of *hifdz al-mal* (protection of wealth), the study highlights how these agreements serve not only to preserve financial assets but also to promote justice, equity, and family harmony, which are core tenets of Islamic law. The analysis demonstrates that marital property separation agreements align with Shariah, as they provide a framework for fair and transparent asset management that prevents the emergence of financial disputes. These agreements help safeguard the rights of both parties, particularly in the context of divorce and polygamous marriages, where the potential for asset conflict is heightened.

In answering the central research questions, the study shows that marital property separation agreements act as crucial preventive mechanisms, protecting assets and promoting family stability and economic security. This finding significantly contributes to understanding how Islamic law, through its emphasis on financial clarity and individual rights, can address the challenges posed by modern socio-economic realities. The study underscores the adaptability of Islamic law, demonstrating that it can provide effective legal solutions to contemporary issues while staying true to its foundational principles of justice and welfare.

Furthermore, this research highlights the broader implications of these agreements beyond asset protection, emphasizing their role in fostering mutual trust, peaceful relationships, and fair treatment within marriage. The findings illustrate that such agreements are not merely legal formalities but offer a pathway to resolving potential conflicts, thereby promoting long-term family cohesion. In light of these conclusions, this study encourages further exploration into the role of Islamic law in addressing modern financial challenges, particularly in multicultural societies where the intersection of tradition and contemporary legal systems continues to evolve.

Ultimately, this research contributes significantly to the discourse on Islamic family law, offering practical insights into how marital property separation agreements can be utilized to meet the needs of modern Muslim couples, ensuring financial fairness and supporting family well-being in today's complex socio-economic environment.

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