

# The Dynamics of Differences in Schools of Thought in Households: A Review of Islamic Family Law and Case Studies

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## Abstract

The differences in religious schools of thought are highly likely to lead to marital conflict due to differing views and opinions regarding religious practices. The aim of this study is to investigate the impact of marriages between adherents of different schools of thought and their legal and social implications. The method of this research is qualitative research, with literature review analysis. The impact of differences in schools of thought in households consists of 3 impacts, namely Social, Doctrinal, and Psychological. On the social impact, differences in schools of thought apparently nearly destroyed the marriage of the couple. On the doctrinal impact, differences in schools of thought within marriage can create significant discomfort, particularly when one partner resists adopting the practices of the other. On the psychological impact, differences in schools of thought can become a strength in building a strong and blessed family. Furthermore, this research contributes to the discourse on Islamic family law and inter-*maddhab* marriage. The practical implication of this research is that it can inspire family consultants regarding inter-madhab marriage. Further research can be discussed from the legal aspect of marriages between different madhabs.

**Keywords:** Household, Islamic Family Law, Marriage, School of Thought.

## 1. Introduction

Marriage in Arabic fiqh literature is referred to by two terms, namely *nikah* and *zawaj*. According to Islamic law, marriage is a very strong contract (*mitsaqan ghalizan*) intended to fulfill Allah's commands, and entering into it is considered an act of worship. From a social perspective, the purpose of marriage is to cultivate inner peace and to foster *mawaddah* (love) and *rahmah* (affection) between husband and wife, children, and all family members, as stated in Q.S. Ar-Rum: 21. This verse aims to establish a peaceful family filled with happiness, mutual love, affection, and care, so that the desired harmony is realized. Achieving this goal requires serious commitment from both spouses, as marriage does not always proceed smoothly, and obstacles will inevitably arise that can hinder household harmony. Husband and wife must therefore have the confidence and resolve to build a family rooted in *sakinah*, *mawaddah*, and *rahmah* (Hermanto, 2021).

The majority of Indonesians continue to uphold traditional values, though modern influences brought by urbanization have introduced new perspectives. Religious organizations such as Muhammadiyah, Nahdlatul Ulama (NU), and others serve as guiding models for daily life. However, these organizations have also contributed to divisions within the Muslim community, where disagreements between groups are sometimes treated as grounds for enmity. Unhealthy debates, escalating disputes, and mutual blame have become common,



with each group believing itself to be the most correct. As a result, deliberation and consensus, whether for social or personal matters, are rarely achieved, and the habit of undermining one another has taken root (Sairin et al., 2023). In Islamic law, the pillars and conditions of marriage are foundational, as they determine the legal validity of the marital bond and the behaviors associated with it (Chania & Mukri, 2021).

Conceptually, inter-organizational marriage exemplifies *al-ukhuwah al-islamiyyah* (Islamic brotherhood), reflecting the principle that differences of opinion among Muslims need not imply hostility but rather mutual respect. A harmonious household, like any structure, is not immune to storms, earthquakes, or deterioration, and therefore requires a strong foundation. Both partners must collaborate to build this foundation by upholding several key principles: first, commitment; second, adherence to religion and social norms; third, emotional maturity; fourth, wisdom and sound judgment; fifth, integration and partnership; and sixth, romance and the cultivation of beauty in the relationship (Shera & Arifin, 2024).

Looking at contemporary phenomena, both among public figures and ordinary individuals, the rising rate of divorce is increasingly attributed to differences in principles and worldviews. This trend has led some Indonesians to enter inter-organizational marriages, raising the question of whether couples with such differences can still build relationships aligned with their shared goals. Building a harmonious family generally requires alignment in worship practices, core principles, and ways of thinking. According to Siregar et al. (2023), harmony in a relationship can be achieved through associative communication, a form of positive interaction in which members of a social group form mutual agreements to establish cooperative and harmonious patterns. In this view, communication is not merely an exchange of information, but a collaborative process of mutual understanding and acceptance of differing perspectives. Accommodation, in turn, creates space for individuals and groups to engage in dialogue, reach common ground, and foster tolerance in the face of difference.

Given the importance of family concepts and household dynamics, practical guidance is essential, particularly for couples from different schools of thought, in order to realize a *sakinah mawaddah warrahmah* family. The problems encountered by such couples, as well as the strategies and efforts that enable them to live in peace and stability despite fundamental differences, remain underexplored in the literature. To date, no comprehensive research has specifically examined divorce rates attributable to differences in religious school of thought. However, data from the Central Statistics Agency (BPS) indicates that in 2024, there were 399,921 divorce cases, of which 64% cited persistent disagreements and quarrels as the primary cause, suggesting a broader social and communication crisis within Indonesian households (BPHN, 2024).

Differences in religious schools of thought within a household are widely predicted to generate conflict and tension. Diverging views on religious practices are highly likely to give rise to marital conflict, as differing attitudes and opinions among family members create friction. The most common forms of domestic conflict, in order of frequency, include sibling conflict, parent-child conflict, and spousal conflict. Conflict may also emerge between in-laws, brothers-in-law, aunts, uncles, and other extended family members (Idary, 2023).

From a legal perspective, the dynamics of divergent schools of thought within households raise significant questions about the validity of marriage, the fulfillment of spousal rights and obligations, and the possibility of divorce when disagreements become irresolvable. Indonesia's positive legal framework addresses these issues through the Marriage Law No. 1 of 1974 (amended by Law No. 16 of 2019) and the Kompilasi Hukum Islam (KHI). While the Marriage Law emphasizes that marriage must be conducted in accordance with the couple's

religion and aims to establish a happy and lasting family, the KHI codifies Islamic family law into state-recognized norms, underscoring the sacred nature of marriage (*mitsaqan ghalizan*) and the goal of achieving *sakinah*, *mawaddah*, and *warramah* (Aziz, 2024; Mamonto et al., 2024; Nugraheni, 2019).

Despite its relevance, research examining the impact of differences in schools of thought within households remains limited. This study therefore investigates the impact of marriages between adherents of different schools of thought and their legal and social implications. Specifically, it aims to explain the effects of such marriages on husbands and wives and to analyze the objectives of *maqashid syariah* in relation to these unions. Addressing marriages between adherents of different legal schools carries wide-ranging intellectual, familial, legal, and communal consequences, and requires solutions grounded in *maqasid* that protect faith, preserve family unity, and promote social cohesion, while offering concrete guidance for couples, scholars, and institutions.

## 2. Literature Review

### 2.1. Understanding a Sakinah Family

The term "sakinah family" is a compound expression in which *sakinah* functions as an adjective describing the nature of the family. It refers to a family that is calm, peaceful, happy, and prosperous in both physical and spiritual dimensions. The concept originates from Allah's words in Surah Ar-Rum: 21, which affirms that the purpose of a household is to seek peace and tranquility grounded in love, mercy, and mutual affection between husband and wife. In Islamic tradition, *sakinah* is the ultimate goal of marriage. The word itself is derived from the root *sa-ka-na*, meaning stillness or calmness following a period of turmoil, indicating that *sakinah* in marriage is both active and dynamic. To attain *sakinah*, God bestows upon husband and wife, following their sacred covenant, three binding gifts: *mawaddah*, *rahmah*, and *amanah*, as affirmed in prior studies by Asmuni et al. (2025); Choli et al. (2024); and Harun (2026). *Mawaddah* denotes expansiveness of heart and freedom from ill intentions following the marriage contract, while *rahmah* is a psychological state that arises from witnessing vulnerability in one's partner, compelling both spouses to continually seek each other's well-being and to remove whatever causes harm or hardship (Rahmawati, 2020).

The family is the only social institution, alongside religion, that has formally developed across all human societies. Family responsibilities are the direct obligation of nearly every individual, with very few exceptions. Almost everyone is born into a family and, in turn, establishes a family of their own. Each person exists within a network of relatives, and unlike certain religious or political obligations that may be waived or delegated, family roles and responsibilities are deeply personal and largely non-transferable. Families can be categorized into three types: (a) nuclear families, consisting of a father, mother, and children, or alternatively grandparents in a primary caregiving role; (b) limited nuclear families, consisting of either a father and children or a mother and children; and (c) extended families, which encompass a broader household arrangement, such as a grandmother living with a married grandchild and their spouse and children (Herlina & Hidayani, 2024; Hermanto, 2021; Nasruddin et al., 2025).

### 2.2. Differences in Schools of Thought

Schools of thought (*madhhab*) serve as the intellectual foundations used by *mujtahid* imams in deriving solutions to Islamic legal questions through the process of *istinbath*. Their existence is part of the historical development of Islamic law, systematically cultivated from

the era of the Companions and the *Tabi'in* and reaching its apex during the Abbasid Caliphate. It is undeniable that these schools of thought have made substantial contributions to the development of Islamic jurisprudence (*fiqh*). Differences among them arise from divergent approaches to *ushul fiqh* and *fiqh*, as well as the varied interpretations offered by *mujtahids*. An individual's decision to follow a particular school of thought is typically driven by personal limitations in engaging directly with the primary sources, namely the Quran and Sunnah. Understanding inter-*madhhab* differences correctly is an important step in following any school of thought properly, as this diversity is a natural and healthy feature of Islamic tradition rather than a form of deviation (Abdillah, 2016).

In the Indonesian context, *maqasid al-shariah* plays a significant role in shaping family law, particularly as codified in the Compilation of Islamic Law (KHI). The principles of protecting religion (*hifz al-din*), life (*hifz al-nafs*), intellect (*hifz al-aql*), lineage (*hifz al-nasl*), and property (*hifz al-mal*) are reflected in various provisions governing marriage, divorce, inheritance, and child custody (Razi & Prayogi, 2026; Salman, 2025). For instance, the requirements of a marriage guardian (*wali*) and witnesses are not merely technical details of *fiqh* but serve the broader *maqasid* objectives of safeguarding lineage and ensuring social legitimacy (Umar & Syarif, 2025; Yasin et al., 2024). By embedding *maqasid* considerations into family law, Indonesia seeks to harmonize diverse *madhhab* opinions while ensuring that justice, social stability, and the protection of vulnerable parties remain central concerns (Ipanyah & Hafidzi, 2025).

These differences also give rise to practical legal challenges, particularly in the context of inter-*madhhab* marriages. When individuals from different schools of thought enter into marriage, questions may arise regarding the validity of the marriage contract, the fulfillment of its pillars and conditions, and the recognition of mutual rights and obligations. This situation illustrates how theoretical jurisprudential diversity can manifest as a concrete legal problem requiring careful consideration and reconciliation. In practice, disputes may emerge when one *madhhab* treats certain conditions as essential to the validity of marriage while another considers them supplementary or unnecessary, such as differences in requirements for witnesses, guardians (*wali*), or the formulation of the marriage contract.

### 3. Methods

This study employs a qualitative approach through literature review analysis, collecting and synthesizing scientific articles relevant to the research topic. As noted by Snyder (2019), a literature review aims to gather and distill the essential insights from multiple research articles. The literature search was limited to publications between 2020 and 2025 (Akhnaf et al., 2024), with references drawn from topics pertaining to law, religion, and the social sciences. The keyword used in the literature search was "Inter-Madhhab Marriages." The inclusion criteria for this study are as follows:

- 1) Empirical research articles in full-text form, written in Indonesian or English.
- 2) Articles published between 2020 and 2025.
- 3) A total of 15 articles related to the dynamics of differences in schools of thought were identified, from which 9 articles specifically addressing these dynamics within the context of marriage or the household were selected.

In addition to empirical studies, many legal articles addressing family law commonly employ the normative-juridical method, which focuses on the analysis of legal norms, statutory provisions, and doctrinal interpretations rather than field data. Such articles aim to

provide a systematic examination of positive law, including legislation, jurisprudence, and authoritative scholarly opinions, in order to clarify how legal principles should be applied in practice (Riyadi et al., 2025). Within the Indonesian context, normative-juridical studies often center on the Compilation of Islamic Law (KHI), the Marriage Law No. 1 of 1974, and relevant Supreme Court decisions, interpreting them through the lens of *maqasid al-shariah* to ensure that family law upholds justice, protects lineage, and maintains social order (Hasanudin & Kalamiah, 2025; Munir, 2025). According to Rauf (2014), the study of *maqasid al-shariah* is fundamentally concerned with the values of human welfare and justice as prescribed by Allah, and through this framework, the limited number of legal verses and hadiths can be developed to address matters that cannot be resolved through linguistic analysis alone.

## 4. Results and Discussion

### 4.1. The Impact of Marriage between Husband and Wife of Different Schools of Thought

Every individual desires harmony in their household, as this constitutes the very purpose of marriage. According to the Indonesian dictionary, harmony refers to a state of compatibility, balance, or accord within a household. In every society, based on prevailing paradigms, households are broadly divided into two categories: harmonious or balanced households, and disharmonious or turbulent ones. A harmonious household is one in which both partners consistently honor the sacred promises they have made, guided by religious principles, and in which husband and wife observe their respective rights and boundaries (Herlina & Hidayani, 2024). Marriage carries certain consequences for each partner. Some individuals experience psychological effects such as anxiety and unhappiness, yet remain in the marriage because of continued love for their spouse. Sociologically, some partners experience a sense of shame in front of their neighbors. While a husband may initially show tolerance toward differences in school of thought, this openness may diminish over time (Shera & Arifin, 2024).

#### 4.1.1. Social Impacts

Differences in schools of thought have, in some cases, nearly destroyed marital relationships. Beyond issues such as *aqiqah* (circumcision rituals), differences in determining the date of Eid al-Fitr and other religious ceremonies have also contributed to marital strain. Muhammadiyah uses *hisab* (astronomical calculation) to determine the new moon, while Nahdlatul Ulama (NU) relies on *rukyay* (direct moon sighting). This disparity leads couples to celebrate Eid al-Fitr and attend *halal bihalal* (post-Eid gatherings) separately, generating discomfort and tension within the household (Mayyadah, 2021).

#### 4.1.2. Doctrinal Impacts

Differences in schools of thought within a marriage can create significant discomfort, particularly when one partner resists adopting the religious practices of the other, leading to recurring disagreements. The tensions between Muhammadiyah and NU further strain marital relationships (Sairin et al., 2023). Conversely, there are couples who experience no open conflict regarding these organizational differences, yet remain quietly uneasy about certain practices. Such couples acknowledge having blended elements of both traditions, especially in matters of worship, and while they are uncertain whether their approach fully aligns with *sharia*, they emphasize that this compromise supports household harmony (Sholeh, 2021). Unfortunately, the Marriage Law No. 1 of 1974 and the Compilation of Islamic

Law (KHI) do not provide sufficient provisions to resolve doctrinal differences arising from inter-madhab marriages.

#### 4.1.3. Psychological Impacts

Differences in schools of thought can, when managed well, become a source of strength in building a resilient and blessed family. Such marriages present both positive and challenging dimensions. On the positive side, *madhab* differences within a household can serve as a source of spiritual enrichment, broaden religious understanding, and open space for constructive dialogue (Hidayah et al., 2023; Sairin et al., 2023). Mutual respect for differences within Islamic traditions can strengthen tolerance and deepen each spouse's spiritual awareness. Couples are therefore encouraged to cultivate open communication, develop an understanding of each other's jurisprudential foundations, and commit to upholding the unifying values of Islam.

#### 4.1.4. Normative Perspective

From the standpoint of Indonesian family law, the question of household harmony involving differences in religious views or schools of thought must be understood within the framework of positive law. The Marriage Law No. 1 of 1974 defines marriage as a physical and spiritual bond between a man and a woman, with the aim of forming a happy and lasting family grounded in belief in God Almighty (Article 1). This provision reflects the state's expectation that marriage should serve as a foundation for harmony, regardless of differences in religious practice, provided that the marriage is conducted in accordance with applicable legal norms. The Compilation of Islamic Law (KHI) further elaborates on these principles by regulating the pillars and conditions of marriage, including the presence of a guardian (*wali*), witnesses, and the *ijab-qabul* (marriage contract). It is important to note that the legal framework does not specifically regulate inter-madhab marriages, as both the KHI and the Marriage Law No. 1 of 1974 address marriage in general terms. No existing jurisprudence governs marriages between adherents of different *madhabs* within Islam; the available jurisprudence pertains only to interfaith marriages, as examined by Fathoni and Ulum (2024) also Lizwary and Safitri (2017).

The issue of inter-madhab marriages represents a critical intersection between theoretical Islamic jurisprudence and its practical application in personal status law. The historical development of the four major Sunni *madhahib*, namely Hanafi, Maliki, Shafi'i, and Hanbali, during the Abbasid Caliphate established distinct methodological frameworks (*usul al-fiqh*) that inevitably produced divergent rulings (*furu' al-fiqh*) on specific legal matters, including marriage (Rusli, 2014). While this diversity (*ikhtilaf*) is traditionally celebrated as a mercy (*rahma*) for the Muslim community and a source of flexibility in addressing varied social and geographical contexts, it creates tangible complications when individuals from different schools seek to formalize their union (Masruhan, 2014). The requirements pertaining to *wali* and witnesses are intended to safeguard lineage (*hifz al-nasl*) and ensure the legitimacy of the marital bond. In cases involving inter-madhab differences, the KHI provides a normative framework that prioritizes the validity of marriage according to Islamic law, thereby reducing potential disputes over worship practices or doctrinal differences.

#### 4.2. The Perspective of Maqasid al-Shariah on Marriages between Different Schools of Thought

From the perspective of *maqasid al-shariah*, marriage between spouses from different schools of thought remains permissible, provided that the primary objectives of Islamic law, namely the safeguarding of religion, life, intellect, offspring, and property, are upheld. *Maqasid al-shariah* emphasizes the substance and wisdom underlying the law, rather than

focusing solely on technical differences in fiqh. Accordingly, differences in *madhhab* between spouses do not inherently invalidate a marriage, as long as both parties adhere to Islamic principles and respect each other's differences in worship and legal understanding. Inter-madhhab marriages can, in fact, serve as a means of strengthening tolerance, broadening religious horizons, and enriching married life through healthy dialogue. Within the framework of *maqasid*, this supports the realization of harmony, compassion, and family sustainability. It is nonetheless essential for couples to reach a shared understanding on matters of principle and to manage their differences wisely, so as to prevent conflicts that undermine the objectives of marriage. Through the lens of *maqasid al-shariah*, differences in schools of thought need not be perceived as a threat, but rather as an opportunity to cultivate a truly harmonious and balanced family.

This is consistent with the findings of Paryadi (2021), who affirms that *maqasid syariah* involves understanding the essence, wisdom, purpose, context, and underlying rationale behind the formulation of a law, and constitutes a vital dimension of Islamic scholarship. One of the most fundamental concepts in this field is the recognition that Islam exists to realize and preserve human welfare. This concept has gained broad scholarly acceptance and is employed as the primary foundation of Islamic practice. At its core, *maqasid syariah* seeks to bring about goodness and prevent harm, or more precisely, to pursue benefits (*masalih*) and repel harm (*mafasid*). The term most closely aligned with the spirit of *maqasid syariah* is *maslahah*, since in Islamic thought, *maslahah* and *shariah* are inseparable and mutually reinforcing concepts.

## 5. Conclusion

The impact of differences in schools of thought within a household manifest across three dimensions: social, doctrinal, and psychological. In terms of social impact, such differences have, in some cases, nearly destroyed marital relationships. In terms of doctrinal impact, these differences can create significant discomfort, particularly when one partner resists adopting the religious practices of the other. In terms of psychological impact, however, differences in schools of thought can become a source of strength in building a resilient and blessed family. This research further contributes to the discourse on Islamic family law and inter-madhhab marriage. Its practical implication lies in offering guidance to family consultants working with inter-madhhab couples, and it opens avenues for further research into the legal dimensions of marriages between adherents of different schools of thought.

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