

Reinterpreting Classical Islamic Family Law For Sexual Health Education: A *Maqāṣid Al-Sharī'ah*-Based Critical Discourse Analysis

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Abstract

This study explores the intersection between classical Islamic family law and sexual health education by analyzing three canonical texts: Fath al-Qarib, Safinat al-Najah, and Uqud al-Lujjayn. While sexual health education has been widely studied within biomedical and rights-based frameworks, its integration with classical Islamic jurisprudence remains limited and fragmented. This study fills a critical gap by systematically analyzing classical fiqh texts as sources of sexual health pedagogy, which has been largely neglected in existing scholarship. Employing a qualitative library-based approach, this research utilizes qualitative content analysis and critical discourse analysis to examine both explicit and implicit dimensions of sexual education within the texts. The analysis is further informed by a maqāṣid al-sharī'ah perspective and a critical evaluation of gender relations and power structures. The findings show that classical Islamic texts function as normative and pedagogical systems that regulate sexuality through moral discipline, legal boundaries, and implicit ethical instruction. Sexual education is conveyed both explicitly, through marital ethics and conduct, and implicitly, through prohibitions and moral conditioning. However, the study also demonstrates that these texts embed hierarchical gender relations that may limit sexual communication, autonomy, and responsiveness to contemporary sexual health challenges. The study proposes a hybrid ethical-health framework integrating Islamic jurisprudence with contemporary sexual health paradigms. This framework highlights the potential of classical Islamic texts as culturally grounded resources for sexual health education, while emphasizing the need for critical reinterpretation to address issues of gender equity, communication, and reproductive health in modern Muslim societies.

Keywords: *Islamic Family Law, Sexual Health Education, Maqāṣid al-Sharī'ah, Gender Relations, Classical Texts.*

Abstrak

Penelitian ini mengkaji persinggungan antara hukum keluarga Islam klasik dan pendidikan kesehatan seksual melalui analisis tiga teks kanonik: *Fath al-Qarib*, *Safinat al-Najah*, dan *Uqud al-Lujjayn*. Meskipun pendidikan kesehatan seksual telah banyak

dikaji dalam kerangka biomedis dan berbasis hak, integrasinya dengan khazanah fikih klasik masih terbatas dan terfragmentasi. Penelitian ini mengisi kesenjangan penting dengan menganalisis secara sistematis teks-teks fikih klasik sebagai sumber pedagogi kesehatan seksual yang selama ini kurang mendapat perhatian dalam kajian akademik. Penelitian ini menggunakan pendekatan kualitatif berbasis studi pustaka dengan metode analisis isi kualitatif dan analisis wacana kritis. Analisis dilakukan untuk mengidentifikasi dimensi eksplisit dan implisit pendidikan seksual dalam teks, serta menelaah konstruksi relasi gender dan kekuasaan, dengan perspektif *maqāṣid al-sharī'ah* sebagai kerangka interpretatif. Hasil penelitian menunjukkan bahwa teks-teks fikih klasik berfungsi sebagai sistem normatif sekaligus pedagogis yang mengatur seksualitas melalui disiplin moral, batasan hukum, dan internalisasi nilai etika. Pendidikan seksual disampaikan secara eksplisit melalui etika relasi suami-istri, dan secara implisit melalui larangan, norma moral, serta konstruksi sosial tentang perilaku seksual. Namun demikian, analisis juga menunjukkan adanya relasi gender yang hierarkis yang berpotensi membatasi komunikasi seksual, otonomi individu, dan relevansi terhadap tantangan kesehatan seksual kontemporer. Penelitian ini menawarkan kerangka hibrid etika-kesehatan yang mengintegrasikan prinsip-prinsip fikih Islam dengan pendekatan modern dalam pendidikan kesehatan seksual. Kerangka ini menegaskan bahwa teks klasik memiliki potensi sebagai sumber pendidikan yang kontekstual, dengan syarat dilakukan reinterpretasi kritis untuk mendukung kesetaraan gender, komunikasi yang sehat, dan kesadaran kesehatan reproduksi dalam masyarakat Muslim kontemporer.

Kata Kunci: Hukum Keluarga Islam, Pendidikan Kesehatan Seksual, *Maqāṣid Al-Sharī'ah*, Relasi Gender, Teks Klasik.

INTRODUCTION

Classical Islamic family law texts such as *Fath al-Qarib*, *Safinat al-Najah*, and *Uqud al-Lujjayn* have historically functioned as foundational references in traditional Islamic education, particularly within pesantren and madrasah systems. These texts regulate marital relations while simultaneously articulating ethical norms concerning sexuality, including spousal rights, obligations, and conduct. Within Islamic jurisprudence, the regulation of sexuality is not merely legalistic but is intrinsically linked to the *maqāṣid al-sharī'a*, especially the preservation of lineage (*hifz al-nasl*), dignity, and moral order.¹ As such, classical fiqh literature embodies a normative-ethical framework that implicitly addresses dimensions of sexual conduct and responsibility.

In contemporary contexts, sexual health education has emerged as a critical global concern, driven by increasing rates of sexually

¹ M Taufiq, M F Faiz, and Z Ravaşdeh, "Between Sharia and State: Fatwa Authority and Pandemic Responses in Indonesia, Turkey, and Morocco," *De Jure: Jurnal Hukum Dan Syar'iah* 17, no. 1 (2025): 377–94, <https://doi.org/10.18860/j-fsh.v17i1.31433>.

transmitted infections, reproductive health challenges, and gender-based violence. However, the integration of sexual education within religious frameworks remains limited and often contested. In many Muslim societies, discussions of sexuality are constrained by cultural and religious sensitivities, resulting in a structural divide between religious teachings and modern sexual health discourse.² Nevertheless, empirical studies demonstrate that culturally and religiously grounded approaches can significantly enhance the acceptance and effectiveness of sexual education programs.³ This tension underscores the need for integrative frameworks that bridge normative religious values and contemporary health imperatives.

Despite extensive studies on Islamic family law and sexual education, there is no systematic textual analysis of classical fiqh literature as a pedagogical framework for sexual health. Existing scholarship tends to treat Islamic family law as a normative legal system centered on marital rights and obligations, while sexual education is predominantly approached through biomedical, psychological, or human rights paradigms.⁴ This disciplinary separation has obscured the epistemic potential of classical Islamic texts to contribute to contemporary sexual health discourse. This absence of systematic textual engagement creates a critical blind spot in both Islamic legal studies and sexual health scholarship.

Previous attempts to bridge Islam and sexual education have largely relied on contemporary reinterpretations, policy-oriented frameworks, or curriculum-based interventions, often neglecting the substantive content of classical texts themselves. Studies on pesantren education further reveal a tendency toward theoretical and patriarchal orientations that inadequately address practical concerns such as reproductive health and sexual violence.⁵ Moreover, classical works

² A Tabatabaie, "Childhood and Adolescent Sexuality, Islam, and Problematics of Sex Education: A Call for Re-Examination," *Sex Education* 15, no. 3 (2015): 276–88, <https://doi.org/10.1080/14681811.2015.1005836>.

³ L R Bennett, "Zina and the Enigma of Sex Education for Indonesian Muslim Youth," *Sex Education* 7, no. 4 (2007): 371–86, <https://doi.org/10.1080/14681810701635970>.

⁴ F Sanjaktar, "Making Sense Of British Muslim Parents' Objections To 'Progressive' Sexuality Education," *British Journal of Educational Studies* 70, no. 2 (2022): 187–216, <https://doi.org/10.1080/00071005.2021.1905770>.

⁵ M Athoillah et al., "Policies And Practices Religious Moderation In Pesantren," *Jurnal Pendidikan Islam* 10, no. 2 (2024): 387–96, <https://doi.org/10.15575/jpi.v10i2.27543>.

such as *Uqud al-Lujjain* have been critiqued for reinforcing gender hierarchies, necessitating critical and contextual reinterpretation to align with contemporary discourses on gender justice and public health.⁶ However, these critiques rarely extend to a systematic content-based examination of classical fiqh literature as an educational resource.

This study aims to address this gap by conducting a qualitative content analysis of selected classical Islamic family law texts *Fath al-Qarib*, *Safinat al-Najah*, and *Uqud al-Lujjain* to identify both explicit and implicit elements of sexual health education embedded within them. It further evaluates the relevance of these elements in relation to contemporary issues of reproductive health, gender relations, and public health ethics. Methodologically, this study employs a *maqāṣid al-sharī'ah* framework in conjunction with critical discourse analysis to uncover both the normative structures and underlying ethical narratives of the texts.

The novelty of this research lies in its repositioning of classical fiqh literature not merely as a normative legal corpus, but as a potential pedagogical framework for sexual health education. Unlike previous studies that separate religious legal discourse from health-based approaches, this research integrates classical textual analysis with contemporary sexual health paradigms to construct a contextually grounded and theoretically robust model. By doing so, it offers a critical reinterpretation that bridges the divide between tradition and modernity, contributing to the development of culturally relevant and epistemologically coherent sexual education in Muslim societies.

RESEARCH METHODS

This study adopts a qualitative design grounded in library research, employing qualitative content analysis to examine classical Islamic family law texts as discursive and normative constructs. Epistemologically, this approach is situated within an interpretive paradigm, which views legal texts not merely as fixed doctrines but as meaning-laden narratives shaped by socio-cultural and ethical contexts. Qualitative content analysis enables the systematic identification of both manifest and latent meanings, making it particularly suitable for

⁶ St. Rahmawati, "Mainstreaming of Gender Equality in Islamic Family Law: Opportunities and Challenges," *Samarah* 4, no. 2 (2020): 360–74, <https://doi.org/10.22373/sjhk.v4i2.8110>; A Sanusi et al., "Sheikh Nawawi Al-Bantani's Thoughts on The Rights and Obligations of Husband and Wife in His Book Entitled Uqud Al-Lujain Fī Bayāni Huquq Al-Zaujain," *Al-'Adalah* 21, no. 2 (2024): 427–48, <https://doi.org/10.24042/adalah.v21i2.23324>.

uncovering embedded dimensions of sexual health education within religious texts.⁷ To enhance analytical depth, this study integrates a *maqāṣid al-sharī'ah* framework with critical discourse analysis (CDA), allowing for a combined normative and discursive reading of the texts.⁸

The primary data sources consist of three canonical Islamic legal texts: *Fath al-Qarib al-Mujib*, *Safinat al-Najah*, and *Uqud al-Lujjayn fi Bayan Huquq al-Zawjayn*, selected due to their authoritative role in pesantren pedagogy and their focus on *fiqh al-munakahat*. Secondary data include peer-reviewed journal articles indexed in Scopus (2020–2025), as well as scholarly works on Islamic jurisprudence, sexual ethics, and reproductive health. Data collection was conducted through systematic textual documentation, focusing on passages related to marital relations, sexual conduct, reproductive responsibilities, and ethical norms. An open coding process was applied to generate initial categories such as sexual ethics, marital obligations, preventive norms, and implicit health values.⁹

The analytical process was conducted iteratively through data reduction, thematic categorization, and interpretative synthesis.¹⁰ Normative analysis was performed using *maqāṣid al-sharī'ah*, particularly the principles of *ḥifẓ al-nafs* and *ḥifẓ al-nasl*, to evaluate the alignment between legal rulings and contemporary sexual health concerns.¹¹ Critical discourse analysis is applied at three levels: textual structure (linguistic and legal formulations), discursive practice (production and transmission of meaning within Islamic pedagogy), and socio-cultural context (power relations, gender constructions, and moral

⁷ Klaus Krippendorff, *Content Analysis: An Introduction to Its Methodology* (Sage Publications, 2018); Margrit Schreier, *Qualitative Content Analysis in Practice* (Sage, 2012).

⁸ Norman Fairclough, *Critical Discourse Analysis: The Critical Study of Language* (Routledge, 2013); Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law* (London: IIIT, 2008).

⁹ Johnny Saldaña, *The Coding Manual for Qualitative Researchers* (Sage, 2021).

¹⁰ Matthew B Miles, A Michael Huberman, and Johnny Saldaña, *Qualitative Data Analysis: A Methods Sourcebook*, 3rd ed. (Sage, 2014); Virginia Braun and Victoria Clarke, "Using Thematic Analysis in Psychology," *Qualitative Research in Psychology* 3, no. 2 (2006): 77–101.

¹¹ Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law*; Ahmad Nabil Amir, Tasnim Abdul Rahman, Seyed Mohammad Houshisadat, and Musa Adebayo Badrudeen, "Muhammad Abduh and the Conception of Science: The Framework of Maqasid and Sharia," *Al-Battar: Jurnal Pamungkas Hukum* 2, no. 2 (2025): 175–186, <https://doi.org/10.63142/al-battar.v2i2.167>.

assumptions embedded in the texts).¹² This multi-layered approach enables a comprehensive understanding of both explicit and implicit dimensions of the texts.

To ensure analytical validity, the study employs triangulation between textual interpretation, thematic coding, and maqāṣid-based normative evaluation. Credibility is strengthened through systematic coding procedures and the use of established analytical frameworks, while dependability is maintained by ensuring consistency in category development and interpretive processes. Additionally, the researcher adopts a reflexive position by acknowledging interpretive subjectivity and situating the analysis within contemporary academic discourse on Islamic law and sexual health. This reflexivity is essential to critically engage with the texts while avoiding uncritical reproduction of normative assumptions.

RESULTS AND DISCUSSION

Normative Structure of Islamic Family Law in Classical Texts

This study argues that classical Islamic texts such as *Fath al-Qarib*, *Safinat al-Najah*, and *Uqud al-Lujjain* function not merely as legal doctrines but as moral technologies that regulate sexuality through structured normative frameworks. Within *fiqh al-munakahat*, marriage is constructed as a legal mechanism that legitimizes sexual relations while simultaneously controlling desire through categorical distinctions between lawful (*halal*) and unlawful (*haram*) conduct. This regulatory logic positions sexuality within a tightly governed moral order, where marriage operates as the exclusive institutional channel for sexual expression and the primary safeguard against *zina*.¹³

However, this normative structure is not neutral. It embeds a hierarchical model of marital relations, particularly through the emphasis on male sexual rights and female responsiveness. While classical texts do recognize ethical principles such as *mu'asyarah bil ma'ruf*, their operationalization often privileges asymmetrical gender roles. This patriarchal construction not only limits women's agency but also undermines effective sexual communication, which is a critical component of modern sexual health frameworks. In contemporary public health discourse, mutual consent, communication, and autonomy are essential for preventing sexual violence and promoting reproductive

¹² Fairclough, *Critical Discourse Analysis: The Critical Study of Language*, 2013.

¹³ S Bellakhdar, "Sexuality in Marriage as a Foretaste of Paradise," *Topique* 134, no. 1 (2016): 63–72, <https://doi.org/10.3917/top.134.0063>.

well-being—dimensions that are only implicitly addressed, and often constrained, within classical formulations.¹⁴

The tension between classical and contemporary frameworks becomes more evident when compared with Comprehensive Sexuality Education (CSE). While classical fiqh emphasizes moral restraint, legal boundaries, and social order, CSE prioritizes individual rights, informed consent, and holistic well-being. This divergence reflects a fundamental epistemological difference: classical texts regulate sexuality as a moral-legal obligation, whereas modern frameworks approach it as a domain of personal health and human rights. As a result, classical norms may contribute to moral discipline but simultaneously risk limiting open discourse on sexuality, particularly in contexts where silence and taboo hinder access to accurate health information.¹⁵

At the socio-cultural level, the continued reliance on classical normative frameworks in many Muslim communities has tangible implications. The prioritization of obedience and modesty over communication can reinforce patterns of silence around sexual health, thereby affecting awareness of reproductive rights, prevention of sexually transmitted infections, and responses to gender-based violence.¹⁶ In this regard, the normative rigidity of classical texts may inadvertently perpetuate structural barriers to effective sexual health education, especially when interpreted without critical contextualization.

Nevertheless, the analysis also indicates that classical texts contain ethical elements such as responsibility, harm avoidance, and relational harmony that can be reinterpreted constructively. The challenge, therefore, lies not in rejecting classical jurisprudence, but in critically engaging with it to transform its normative logic into a more dialogical and health-oriented framework. This study thus positions classical Islamic family law as a contested yet productive site, where tensions between regulation and well-being, authority and agency, can be

¹⁴ N Hussein, “Islam and Families,” in *The Wiley Blackwell Encyclopedia of Family Studies*, 2016, 1–4, <https://doi.org/10.1002/9781119085621.wbef329>; M Z Sungur and Y Bez, “Cultural Factors in the Treatment of Sexual Dysfunction in Muslim Clients,” *Current Sexual Health Reports* 8, no. 2 (2016): 57–63, <https://doi.org/10.1007/s11930-016-0068-z>.

¹⁵ Tabatabaie, “Childhood and Adolescent Sexuality, Islam, and Problematics of Sex Education: A Call for Re-Examination.”

¹⁶ R C Akhtar, M Al-Sharmani, and A Moors, “Introduction,” *Hawwa* 7, no. 3 (2020): 1–9, <https://doi.org/10.1163/15692086-12341383>.

negotiated to develop culturally grounded models of sexual health education.

To further illustrate the epistemological and practical differences between classical Islamic family law and contemporary sexual health frameworks, this study presents an analytical comparison with Comprehensive Sexuality Education (CSE), highlighting areas of convergence, divergence, and potential integration.

Table 1. Analytical Comparison between Classical Islamic Family Law and Comprehensive Sexuality Education (CSE)

Aspect	Classical Islamic Family Law (Fiqh al-Munakahat)	Comprehensive Sexuality Education (CSE)	Analytical Implication
Epistemological Basis	Normative-religious (legal-moral obligations)	Scientific, rights-based, and health-oriented	Indicates a fundamental divergence: regulation vs empowerment
Concept of Sexuality	Controlled within marriage; sexuality as moral duty	Viewed as part of human development and well-being	Classical approach restricts discourse; CSE promotes openness
Institutional Framework	Marriage as the sole legitimate channel	Multiple contexts (education, health systems, community)	Limits sexual knowledge outside marital preparation
Gender Relations	Hierarchical; male authority emphasized	Egalitarian; mutual consent and shared responsibility	May reinforce unequal power relations affecting sexual autonomy
Sexual Communication	Implicit and normative;	Explicit, open, and dialogical	Lack of communication may hinder

	rarely explicit		reproductive health awareness
Focus of Regulation	Prevention of zina and moral deviation	Prevention of STIs, violence, and unintended pregnancy	Classical focus is moral order; CSE focuses on health outcomes
Agency and Consent	Often implied within marital duty	Central principle (explicit consent)	Weak articulation of consent risks misalignment with modern health standards
Approach to Sexual Health	Indirect, embedded in moral discourse	Direct, evidence-based, and educational	Classical texts underutilize preventive health knowledge
Pedagogical Orientation	Textual, doctrinal, authority-based	Interactive, learner-centered, contextual	Limits critical engagement and practical application
Social Impact	Reinforces moral discipline and social order	Promotes individual well-being and public health	Potential tension between stability and adaptability

The comparison demonstrates that while classical Islamic family law provides a strong moral-regulatory framework, it lacks the explicit communicative and health-oriented dimensions emphasized in CSE. This gap is particularly evident in areas such as sexual autonomy, consent, and reproductive health literacy. However, the ethical foundations of classical jurisprudence such as responsibility, dignity, and harm avoidance offer a potential entry point for constructing a culturally grounded model of sexual health education. This finding reinforces the argument that classical texts should not be viewed as incompatible with

modern frameworks, but rather as requiring critical reinterpretation to align with contemporary health needs.

Explicit and Implicit Dimensions of Sexual Health Education

This study argues that classical Islamic texts function not merely as legal doctrines but as moral technologies that regulate sexuality through both explicit and implicit pedagogical mechanisms.¹⁷ In *Uqud al-Lujjayn*, explicit elements of sexual education appear in discussions of marital etiquette (*adab al-mu'āsharah*), including guidance on conduct, timing, and ethical considerations in sexual relations. These prescriptions operate as direct instructional content; however, they remain framed within a normative moral discourse rather than a health-oriented or rights-based framework.¹⁸ As a result, while intimacy and behavioral expectations are addressed, critical dimensions such as informed consent, sexual autonomy, and reproductive health literacy are only partially articulated and often subordinated to moral obligation.¹⁹

In contrast, *Fath al-Qarib* and *Safinat al-Najah* construct sexual education predominantly through implicit mechanisms, such as prohibitions of *zina*, emphasis on modesty, and encouragement of marriage. These elements form what can be understood as a “hidden curriculum,” where sexual norms are internalized indirectly through moral discipline rather than explicit instruction.²⁰ While this approach is effective in shaping ethical behavior, it also creates a structural limitation: the absence of explicit discourse may hinder individuals’ ability to access accurate and practical knowledge about sexual health, particularly in areas such as reproductive awareness, contraception, and disease prevention.²¹ In contemporary contexts, this gap becomes significant, as silence and taboo around sexuality are closely linked to misinformation and vulnerability to sexual health risks.²²

¹⁷ Michel Foucault, *The History of Sexuality, Volume 1* (Pantheon Books, 1978); Fairclough, *Critical Discourse Analysis: The Critical Study of Language*, 2013.

¹⁸ Hussein, “Islam and Families.”

¹⁹ Sungur and Bez, “Cultural Factors in the Treatment of Sexual Dysfunction in Muslim Clients.”

²⁰ M Bogo and J Wayne, “The Implicit Curriculum in Social Work Education: The Culture of Human Interchange,” *Journal of Teaching in Social Work* 33, no. 1 (2013): 2–14, <https://doi.org/10.1080/08841233.2012.746951>.

²¹ Sanjakdar, “Making Sense Of British Muslim Parents’ Objections To ‘Progressive’ Sexuality Education.”

²² Tabatabaie, “Childhood and Adolescent Sexuality, Islam, and Problematics of Sex Education: A Call for Re-Examination.”

The tension between classical and modern frameworks becomes more pronounced when compared with Comprehensive Sexuality Education (CSE). Classical fiqh prioritizes moral regulation and behavioral control, whereas CSE emphasizes open communication, scientific knowledge, and individual agency.²³ This divergence is not merely pedagogical but epistemological: sexuality in classical texts is governed as a moral responsibility, while in modern frameworks it is treated as a domain of health, rights, and personal development.²⁴ This difference produces a critical contradiction while classical models promote moral restraint, they may simultaneously restrict the communicative openness necessary for effective sexual health education.

At the socio-cultural level, the reliance on implicit and normative frameworks has tangible consequences. The prioritization of modesty and silence over open dialogue can reinforce patterns where discussions of sexuality are avoided within families and educational institutions.²⁵ This condition not only limits knowledge transmission but also weakens individuals' capacity to negotiate consent, recognize abuse, and access reproductive health services.²⁶ In this sense, the classical pedagogical model, when applied without reinterpretation, risks perpetuating structural barriers to sexual health awareness, particularly among women and youth.

Nevertheless, the analysis does not position classical texts as inherently incompatible with modern sexual education. Rather, it identifies a productive tension: while classical frameworks lack explicit health-oriented content, they offer a strong ethical foundation centered on responsibility, discipline, and relational harmony. The key issue lies in their pedagogical form, not their moral substance. Therefore, the

²³ L Hong et al., "Comprehensive Sexuality Education Improves Primary Students' Explicit and Implicit Attitudes Toward Homosexuality," *International Journal of Sexual Health* 34, no. 3 (2022): 503–20, <https://doi.org/10.1080/19317611.2022.2067282>.

²⁴ Ö Karatana, A Beyhan, and A Ergün, "Effectiveness and Acceptability of a Sexual Health Education Program for Muslim Countries: An Intervention Study," *Archives of Sexual Behavior* 54, no. 4 (2025): 1617–26, <https://doi.org/10.1007/s10508-025-03111-8>.

²⁵ J Arousell and A Carlborn, "Culture and Religious Beliefs in Relation to Reproductive Health," *Best Practice and Research: Clinical Obstetrics and Gynaecology* 32 (2016): 77–87, <https://doi.org/10.1016/j.bpobgyn.2015.08.011>.

²⁶ Akhtar, Al-Sharmani, and Moors, "Introduction."

challenge is to transform implicit moral frameworks into more explicit, dialogical, and context-sensitive educational models (Nasohah, 2024).

This finding suggests that future developments in Islamic sexual education should move toward a hybrid approach that integrates the ethical depth of classical texts with the communicative and scientific clarity of modern frameworks. Such an approach would not only address gaps in reproductive health literacy but also ensure cultural and religious legitimacy.²⁷ By repositioning classical Islamic texts as adaptable pedagogical resources rather than fixed normative authorities, this study highlights their potential contribution to a more holistic and contextually grounded model of sexual health education in contemporary Muslim societies.

Preventive Legal Culture and Public Health Implications

This study argues that classical Islamic family law operates not merely as a legal system but as a preventive moral-legal technology designed to regulate sexuality and pre-empt social and health risks.²⁸ Texts such as *Fath al-Qarib*, *Safinat al-Najah*, and *Uqud al-Lujjayn* construct a preventive framework grounded in the principle of *sadd al-dharā'i'*, where sexual behavior is tightly controlled through prohibition (*zina*), moral discipline, and the institutionalization of marriage.²⁹ Within this framework, marriage functions as the only legitimate channel for sexual expression, effectively transforming sexuality into a regulated domain of social order rather than individual health or personal well-being.³⁰

From a public health perspective, this preventive model presents a paradox. On the one hand, restricting sexual activity to marital relationships may reduce exposure to high-risk behaviors such as multiple sexual partnerships, thereby contributing to the prevention of

²⁷ M I S Mahin et al., "A Conceptual Model for Smart Water Metering in Bangladesh: Transitioning from Traditional Systems To Digitalization," *Iranian Journal of Science and Technology - Transactions of Civil Engineering* 49, no. 6 (2025): 6087–6102, <https://doi.org/10.1007/s40996-025-01809-2>.

²⁸ Foucault, *The History of Sexuality, Volume 1*; Norman Fairclough, *Critical Discourse Analysis: The Critical Study of Language* (Longman, 1995).

²⁹ Mohammad Hashim Kamali, *Shari'ah Law: An Introduction* (Oxford: Oneworld, 2008).

³⁰ F Sanjakdar, "Revelation versus Tradition: Lifting the Taboos and Dispelling the Myths Surrounding Sexual Health among Australian Muslim Youth," *International Journal of Interdisciplinary Social Sciences* 3, no. 4 (2008): 163–73, <https://doi.org/10.18848/1833-1882/cgp/v03i04/52578>.

sexually transmitted infections (STIs).³¹ On the other hand, this rigid moral regulation may inadvertently suppress open discussion about sexuality, limiting access to accurate reproductive health information and services.³² In many Muslim contexts, this has real consequences: stigma surrounding sexual issues often discourages individuals particularly women and youth from seeking medical help, discussing sexual concerns, or reporting abuse.³³ Thus, while the classical framework aims to eliminate risk, it may simultaneously create conditions that obscure it.

The tension between classical Islamic legal culture and contemporary public health strategies becomes evident when comparing their underlying approaches. Classical fiqh emphasizes prevention through moral restriction abstinence before marriage and fidelity within it whereas modern public health frameworks prioritize harm reduction, education, and access to healthcare services.³⁴ This divergence reflects a deeper epistemological conflict: classical models attempt to eliminate the possibility of risk, while modern systems assume risk as inevitable and focus on managing its consequences. As a result, reliance on moral compliance alone may prove insufficient in addressing complex realities such as premarital sexual activity, sexual violence, and reproductive health challenges in contemporary societies.

At the socio-cultural level, the preventive legal culture embedded in classical texts continues to shape behavioral norms, but not without limitations. The emphasis on modesty, obedience, and moral conformity often reinforces silence around sexual health issues.³⁵ This silence not only restricts knowledge transmission but also weakens individuals'

³¹ V S Madureira and M Trentini, "Power Relationships in Marriage and the Prevention of AIDS," *Revista Brasileira de Enfermagem* 61, no. 5 (2008): 637–42, <https://doi.org/10.1590/s0034-71672008000500017>.

³² W Abu-Ras et al., "Mosques and Public Health Promotion: A Scoping Review of Faith-Driven Health Interventions," *Health Education and Behavior* 51, no. 5 (2024): 677–90, <https://doi.org/10.1177/10901981241252800>.

³³ Arousell and Carlbom, "Culture and Religious Beliefs in Relation to Reproductive Health."

³⁴ O Al Zaabi et al., "Islamic Parents' Attitudes and Beliefs towards School-Based Sexual and Reproductive Health Education Programmes in Oman," *Sex Education* 19, no. 5 (2019): 534–50, <https://doi.org/10.1080/14681811.2018.1553708>; WHO, "WHO Guidelines on the Prevention of Female Genital Mutilation" (World Health Organization, 2022).

³⁵ Tabatabaie, "Childhood and Adolescent Sexuality, Islam, and Problematics of Sex Education: A Call for Re-Examination."

capacity to negotiate consent, recognize coercion, and make informed health decisions.³⁶ In this sense, the classical framework, when applied without critical reinterpretation, risks perpetuating structural barriers to effective sexual health interventions, particularly in contexts where cultural taboos already limit open discourse.

Nevertheless, the analysis does not dismiss the relevance of classical Islamic legal thought. Its emphasis on discipline, responsibility, and ethical restraint provides a strong preventive foundation that is often lacking in purely biomedical models.³⁷ The key issue lies in its operational limitations rather than its normative intentions. Therefore, the challenge is not to replace the classical framework, but to critically recontextualize it within contemporary public health paradigms.

This study thus highlights a necessary shift toward an integrative approach that combines the preventive strengths of Islamic legal culture with the openness and scientific orientation of modern public health systems. Such an approach would enable a more realistic engagement with sexual health challenges while maintaining cultural and religious legitimacy.³⁸ By reframing classical legal norms as adaptable rather than fixed, this study positions Islamic family law as a dynamic resource capable of contributing to more effective and context-sensitive public health strategies in Muslim societies.

Critical Evaluation: Gender, Power, and Contemporary Relevance

This study argues that classical Islamic family law texts, particularly *Uqud al-Lujjayn*, function not only as legal references but as discursive instruments that reproduce gendered power relations within marital sexuality. The positioning of the husband as *qawwam* and the wife as obedient subject establishes a hierarchical structure in which sexual rights are asymmetrically distributed. Within this framework, male authority is normalized, while female agency is constrained within moral and legal expectations of compliance.³⁹ This construction reflects

³⁶ J Akhtar, "Reinterpreting Religious Authority: Women as Islamic Jurists for Addressing Gender Justice in Pakistan," *Women's Studies International Forum* 116 (2026), <https://doi.org/10.1016/j.wsif.2026.103300>.

³⁷ M Cohen-Dar and S Obeid, "Islamic Religious Leaders in Israel as Social Agents for Change on Health-Related Issues," *Journal of Religion and Health* 56, no. 6 (2017): 2285–96, <https://doi.org/10.1007/s10943-017-0409-x>.

³⁸ Mahin et al., "A Conceptual Model for Smart Water Metering in Bangladesh: Transitioning from Traditional Systems To Digitalization."

³⁹ F Shahin, "Islamic Feminism and Hegemonic Discourses on Faith and Gender in Islam," *International Journal of Islam in Asia* 1, no. 1 (2020): 27–48, <https://doi.org/10.1163/25899996-01010003>.

not merely theological doctrine but a historically embedded model of authority that regulates both gender roles and sexual conduct.⁴⁰

The implications of this structure extend beyond abstract legal theory into concrete dimensions of sexual health. This patriarchal construction not only limits women's agency but also undermines effective sexual communication, which is a critical component of modern sexual health frameworks.⁴¹ When sexual relations are framed as obligation rather than mutual negotiation, issues such as consent, reproductive decision-making, and sexual well-being become structurally marginalized.⁴² In many contemporary Muslim contexts, this dynamic contributes to limited awareness of reproductive rights, reduced capacity to refuse unwanted sexual relations, and vulnerability to marital coercion and gender-based violence.⁴³ Thus, the classical framework, when uncritically applied, can reinforce conditions that are incompatible with current public health standards.

The tension between classical and contemporary perspectives is therefore not merely interpretative but structural. While classical fiqh organizes family relations around authority, duty, and moral order, contemporary frameworks emphasize equality, autonomy, and reciprocal consent. This divergence exposes a fundamental conflict between a duty-based model of sexuality and a rights-based model of sexual health. Modern scholarship increasingly challenges the assumption that hierarchical gender roles are intrinsic to Islamic teachings, arguing instead that they reflect specific historical contexts rather than universal religious mandates.⁴⁴ As a result, contemporary interpretations seek to reframe marital relations as partnerships grounded in mutual respect and shared responsibility.

⁴⁰ L A Aliyeva and S Latifova, "Women And Islam In The Medieval Azerbaijan," *East European Historical Bulletin* 2025, no. 34 (2025): 8–18, <https://doi.org/10.24919/2519-058X.34.324604>.

⁴¹ Sungur and Bez, "Cultural Factors in the Treatment of Sexual Dysfunction in Muslim Clients."

⁴² WHO, "Female Genital Mutilation" (World Health Organization, 2020).

⁴³ Akhtar, Al-Sharmani, and Moors, "Introduction."

⁴⁴ L Z Munir, "Domestic Violence in Indonesia," *Muslim World Journal of Human Rights* 2, no. 1 (2006), <https://www.scopus.com/inward/record.uri?eid=2-s2.0-33746367093&partnerID=40&md5=527a5c017fa97a9bde3d23eeb848b2fe>; M Kütük-Kuriş, "Muslim Feminism: Contemporary Debates," in *Handbook of Contemporary Islam and Muslim Lives*, vol. 2, 2021, 865–87, https://doi.org/10.1007/978-3-030-32626-5_45.

However, the persistence of classical norms in educational and social institutions means that these hierarchical constructions continue to shape lived realities. The internalization of obedience and modesty as primary virtues can discourage open dialogue about sexuality, particularly for women.⁴⁵ This not only restricts access to sexual health knowledge but also weakens the ability to negotiate consent and seek support in cases of abuse.⁴⁶ In this sense, the issue is not solely doctrinal but socio-cultural, where inherited interpretations are reproduced without critical engagement, thereby sustaining unequal power relations within families.

Nevertheless, this study does not position classical Islamic family law as inherently incompatible with contemporary values. Rather, it highlights the need for critical engagement that distinguishes between normative principles and their historical articulation. The ethical core of Islamic teachings such as justice, dignity, and responsibility provides a foundation for reinterpreting gender relations in ways that are more aligned with contemporary understandings of equality and well-being.⁴⁷ The challenge lies in transforming inherited legal discourses into more dialogical and context-sensitive frameworks.

This analysis ultimately demonstrates that classical texts remain highly influential but also deeply contested. Their continued relevance depends on the extent to which they can be critically reinterpreted to address present-day concerns, particularly in relation to gender justice and sexual health. By exposing the tension between authority and agency, this study underscores the necessity of rethinking how Islamic family law is taught, interpreted, and applied in contemporary Muslim societies.

CONCLUSION

This study demonstrates that classical Islamic family law texts—*Fath al-Qarib*, *Safinat al-Najah*, and *Uqud al-Lujjain*—function not merely as legal doctrines but as normative and pedagogical systems that regulate sexuality through moral discipline, implicit instruction, and preventive legal mechanisms. These texts construct marriage as the central institution for legitimizing and controlling sexual behavior, embedding ethical values that shape individual conduct and social order.

⁴⁵ Tabatabaie, “Childhood and Adolescent Sexuality, Islam, and Problematics of Sex Education: A Call for Re-Examination.”

⁴⁶ Arousell and Carlbom, “Culture and Religious Beliefs in Relation to Reproductive Health.”

⁴⁷ Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law*.

However, the findings also reveal an inherent tension: while this framework effectively promotes moral restraint and behavioral regulation, it simultaneously limits explicit engagement with critical aspects of sexual health such as communication, consent, and reproductive awareness. Moreover, the persistence of hierarchical gender constructions within these texts constrains women's agency and reduces their capacity to participate equally in sexual and marital decision-making.

Theoretically, this study contributes by repositioning classical fiqh literature as a discursive and pedagogical resource within contemporary sexual health discourse, rather than a static legal corpus. It highlights the need to move beyond a purely normative reading toward a critical and contextual interpretation that acknowledges both the ethical strengths and structural limitations of classical texts. By integrating a *maqāsid al-sharī'ah*-based perspective with critical analysis, this research demonstrates that Islamic legal traditions possess internal resources for reinterpretation, particularly in addressing issues of gender justice, sexual ethics, and public health. This shifts the scholarly conversation from a dichotomy between "tradition vs modernity" toward a more productive framework of reinterpretation and epistemic integration.

Practically, this study recommends the development of an integrative model of Islamic sexual education that combines the moral-ethical foundations of classical texts with the explicit, evidence-based approaches of modern sexual health frameworks. Educational institutions, particularly pesantren and madrasah, should incorporate structured and context-sensitive sexual health curricula that address communication, consent, and reproductive health while remaining aligned with Islamic values. In addition, policymakers and religious leaders should actively engage in reframing classical teachings to reduce stigma and promote open, informed dialogue on sexual health issues. Future Islamic sexual education frameworks must move beyond moralistic regulation toward a dialogical and gender-equitable model grounded in *maqāsid al-sharī'ah*. Such a transformation is essential to ensure that Islamic family law remains both ethically grounded and socially responsive in addressing contemporary challenges related to sexuality, gender, and public health.

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