

Reconstructing Family Takaful in Islamic Law: Toward a Tanāhud-Based Insurance Model

*M. Styo Hertinto^a, Maman Rahman Hakim^a, Nur Melinda Lestari^b,
Adam Jehan^c, Sofyan Rizal^a

^a Universitas Islam Negeri Syarif Hidayatullah Jakarta, Indonesia

^b Universitas Muhammadiyah Prof. Dr. Hamka, Indonesia

^c Hiroshima University, Japan

*Corresponding author: m.styohertinto24@mhs.uinjkt.ac.id

Received: 19/12/2025 Revised: 21/06/2026 Accepted: 22/06/2026 Available Online: 23/06/2026 Published: 23/06/2026

Abstract

Contemporary family takaful has grown significantly, yet its product design remains weakly connected to Islamic family law. Existing models mainly protect against financial risks such as death, disability, health expenses, and education costs, while socio-religious obligations in Muslim family life such as ‘aqīqah, walīmah, udhīyyah, and ta’zīyah are rarely recognized as relevant dimensions of protection. This study examines the extent to which contemporary family takaful aligns with Islamic family law and maqāṣid al-sharī‘ah, and proposes the tanāhud model as an alternative framework for family-based Islamic insurance. This research employs normative juridical research with conceptual, philosophical, statutory, and maqāṣid-based approaches. Data were obtained from Islamic legal sources, academic literature, regulatory documents, and takaful industry reports, and were analyzed through legal interpretation, conceptual analysis, and maqāṣid-based legal reasoning. The findings show that family takaful is generally compliant at the contractual level but remains substantively limited because it defines risk mainly in financial terms. This limitation reduces its relevance to the socio-religious realities of Muslim families. The novelty of this study lies in reconstructing family takaful through the tanāhud model, which combines tabarru’, ta’āwun, tadhmun, and hybrid contractual mechanisms to accommodate both financial and socio-religious family needs. Practically, this model offers guidance for takaful operators to develop more responsive products and for regulators to recognize family-based socio-religious protection within Islamic insurance governance.

Keywords: *Islamic Family Law; Family Takaful; Tanāhud Model; Maqāṣid Al-Sharī‘Ah; Islamic Insurance.*

Abstrak

Family takaful mengalami pertumbuhan signifikan, tetapi desain produknya masih belum terhubung secara kuat dengan hukum keluarga Islam. Model yang ada umumnya berfokus pada perlindungan risiko finansial seperti kematian, disabilitas, biaya kesehatan, dan pendidikan, sementara kewajiban sosial-keagamaan dalam kehidupan keluarga Muslim seperti ‘aqīqah, walīmah, udhīyyah, dan ta’zīyah jarang diposisikan sebagai dimensi perlindungan yang relevan. Penelitian ini bertujuan untuk mengkaji sejauh mana praktik family takaful kontemporer selaras dengan hukum keluarga Islam

dan *maqāṣid al-sharī'ah*, serta menawarkan model *tanāhud* sebagai kerangka alternatif bagi asuransi keluarga berbasis Islam. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan konseptual, filosofis, perundang-undangan, dan berbasis *maqāṣid*. Data diperoleh dari sumber hukum Islam, literatur akademik, dokumen regulasi, dan laporan industri takaful, kemudian dianalisis melalui interpretasi hukum, analisis konseptual, dan penalaran hukum berbasis *maqāṣid*. Temuan penelitian menunjukkan bahwa family takaful umumnya telah memenuhi kepatuhan kontraktual, tetapi masih terbatas secara substantif karena mendefinisikan risiko terutama dalam kerangka finansial. Keterbatasan ini mengurangi relevansinya terhadap realitas sosial-keagamaan keluarga Muslim. Kebaruan penelitian ini terletak pada rekonstruksi family takaful melalui model *tanāhud*, yang menggabungkan *tabarru'*, *ta'āwun*, *tadhamun*, dan struktur akad hibrida untuk mengakomodasi kebutuhan finansial sekaligus sosial-keagamaan keluarga. Secara praktis, model ini dapat menjadi acuan bagi industri takaful dalam mengembangkan produk yang lebih responsif dan bagi regulator dalam mengakui perlindungan sosial-keagamaan keluarga dalam tata kelola asuransi syariah. **Kata Kunci:** Hukum Keluarga Islam; Family Takaful; Model *Tanāhud*; *Maqāṣid Al-Sharī'Ah*; Asuransi Syariah.

INTRODUCTION

The global expansion of Islamic insurance (*takaful*) reflects the growing demand for financial instruments that comply with Shariah principles while offering an ethical alternative to conventional insurance. Over the past two decades, *takaful* has developed significantly through institutional consolidation, regulatory support, and product diversification, particularly in the family *takaful* segment.¹ Family *takaful* generally provides protection against death, disability, education expenses, and other financial contingencies affecting household welfare.² Although this development indicates strong market acceptance, it also raises a fundamental legal question: whether contemporary family *takaful* has sufficiently reflected the normative structure of Islamic family law or merely reproduced conventional insurance logic under Shariah-compliant contractual forms.

This question is important because family protection in Islamic law is not limited to financial compensation. Islamic family law

¹ Mervyn K Lewis and Latifa M Algaoud, *Islamic Banking* (Edward Elgar Publishing, 2001); Simon Archer, Rifaat Ahmed Abdel Karim, and Volker Nienhaus, *Takaful Islamic Insurance: Concepts and Regulatory Issues* (John Wiley & Sons, 2009).

² Siti Noor Nadia Htay and Salina Salman, "Viability of Islamic Insurance (Takaful): A Reality Check," *Journal of Islamic Economics, Banking and Finance* 9, no. 4 (2013): 45–62; Mohammad Ma'sum Billah, *Islamic Insurance (Takaful)* (Routledge, 2019).

conceptualizes the family as a socio-legal institution built upon responsibility (*mas'ūliyyah*), mutual assistance (*ta'āwun*), solidarity (*tadhamun*), and intergenerational continuity.³ Within the framework of *maqāṣid al-sharī'ah*, family welfare is closely related not only to *ḥifẓ al-māl* but also to *ḥifẓ al-nasl*, religious practice, social cohesion, and communal responsibility.⁴ However, contemporary family *takaful* products tend to define risk in narrow actuarial and financial terms. Socio-religious family obligations such as *'aqīqah*, *walīmah*, *uḍḥiyyah*, *ḥajj*, and *ta'zīyah* are rarely recognized as relevant objects of protection, although they are integral to Muslim family life and often carry significant economic consequences.⁵

Previous studies on *takaful* have provided important discussions on governance, regulatory frameworks, Shariah compliance, and contractual models such as *wakālah*, *muḍārabah*, and *tabarru'*.⁶ Other works have examined the ethical foundations of Islamic finance by emphasizing mutual assistance, risk-sharing, and social welfare.⁷ More

³ Mohammad Hashim Kamali, *Maqasid Al-Shari'ah Made Simple* (International Institute of Islamic Thought, 2019); Mohammad Hashim Kamali, *Shari'ah Law: An Introduction* (Oxford: Oneworld, 2008).

⁴ M Umer Chapra, *The Islamic Vision of Development in the Light of Maqasid Al-Shariah* (London: International Institute of Islamic Thought, 2008); Muhammad al-Tahir Ibn Ashur, *Treatise on Maqasid Al-Shari'ah* (London: IIIT, 2006); Y Suzuki et al., "An Impact Assessment of Islamic Saving-Loan and Financing Cooperatives in Indonesia: Preliminary Findings from the Artificial Neural Networks Technique," in *Dilemmas and Challenges in Islamic Finance: Looking at Equity and Microfinance*, 2018, 127–44, <https://doi.org/10.1201/9781315105673>; Y Whindari et al., "Negotiating Islamic Law and Religious Tolerance in Mixed-Marriage Families in South Korea," *De Jure: Jurnal Hukum Dan Syar'iah* 17, no. 2 (2025): 574–98, <https://doi.org/10.18860/j-fsh.v17i2.31313>.

⁵ John R Bowen, *A New Anthropology of Islam* (Cambridge University Press, 2012); John L Esposito, *What Everyone Needs to Know about Islam* (Oxford University Press, 2011).

⁶ Archer, Karim, and Nienhaus, *Takaful Islamic Insurance: Concepts and Regulatory Issues*; Htay and Salman, "Viability of Islamic Insurance (Takaful): A Reality Check"; Billah, *Islamic Insurance (Takaful)*.

⁷ Asyraf Wajdi Dusuki and Nurdianawati Irwani Abdullah, "Maqasid Al-Shariah, Maslahah, and Corporate Social Responsibility," *American Journal of Islamic Social Sciences* 24, no. 1 (2007): 25–45; M K Lewis, "The Evolution of Takaful Products," in *Islamic Capital Markets: Products and Strategies*, 2015, 208–22, <https://doi.org/10.1002/9781119206040.ch9>; N A Rahman et al., "Religious and Socioeconomic Implications of Islamic Insurance: A Review," *International Journal of Financial Research* 10, no. 5 (2019): 313–20, <https://doi.org/10.5430/ijfr.v10n5p313>.

recent studies have also explored the role of Islamic financial instruments in strengthening family welfare and socioeconomic resilience, including through zakat, waqf, and Islamic social finance.⁸ Nevertheless, these studies generally position family *takaful* as a financial product rather than as a legal instrument rooted in Islamic family law. As a result, the relationship between family *takaful*, socio-religious obligations, and the normative objectives of Islamic family law remains underdeveloped.

This study addresses that gap by arguing that contemporary family *takaful* requires legal reconstruction. The central problem is not merely the absence of product innovation, but the limited legal imagination through which risk is defined and regulated in family *takaful*. Existing models remain largely centered on financial loss, while Islamic family law recognizes broader forms of vulnerability arising from religious duties, family ceremonies, communal obligations, and intergenerational responsibilities.⁹ Therefore, a more adequate model of family *takaful* must move beyond formal Shariah compliance and develop a substantive legal framework that integrates financial protection with family-based socio-religious solidarity.

The novelty of this study lies in its attempt to reposition Islamic family law as a foundational framework for designing family *takaful* products. Unlike previous studies that focus mainly on institutional governance, contractual mechanisms, or market development, this study develops the concept of *tanāhud* as an integrative model for Islamic family-based insurance. The *tanāhud* model synthesizes the principles of *takaful*, *tabarru'*, *ta'āwun*, and *tadhamun* into a framework that expands the meaning of risk from financial contingency to socio-religious

⁸ A Haque et al., “EMPOWERMENT OF SUSTAINABLE COMMUNITY HEALTH THROUGH THE APPLICATION OF THE THEORY OF MAQASID AL-SHARIAH,” *Asia Pacific Journal of Health Management* 20, no. 2 (2025), <https://doi.org/10.24083/apjhm.v20i2.4263>; A F Pongoliu et al., “Public Health Protection and Social Insurance: Reforming Legal Norms through Contextualized Islamic Economic Law,” *Jurnal Ilmiah Mizani* 12, no. 2 (2025): 601–17, <https://doi.org/10.29300/mzn.v12i2.8402>; A M Suliman, “THE OBJECTIVES OF ISLAMIC SHARIA AND GLOBAL HUMAN ISSUES (POVERTY-WARS-DISPLACEMENT),” *TPM - Testing, Psychometrics, Methodology in Applied Psychology* 32, no. S4 (2025): 1692–95, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-105014356344&partnerID=40&md5=29778f7577f1fe4b391677ff604a0695>.

⁹ Kamali, *Maqasid Al-Shari'ah Made Simple*; Ibn Ashur, *Treatise on Maqasid Al-Shari'ah*; Chapra, *The Islamic Vision of Development in the Light of Maqasid Al-Shariah*.

vulnerability.¹⁰ In doing so, this study offers a legal-conceptual contribution to Islamic finance by linking product design, family welfare, and Islamic legal objectives within a unified normative structure.

Based on this background, this study addresses three research questions: first, to what extent do contemporary family *takaful* practices align with the principles of Islamic family law and *maqāṣid al-sharī'ah*? Second, what are the conceptual and practical limitations of existing *takaful* models in addressing socio-religious family needs? Third, how can the concept of *tanāhud* be developed as an integrative model for Islamic family-based insurance? Accordingly, the objective of this study is to critically examine contemporary family *takaful* practices and to propose a *tanāhud*-based insurance framework that is more consistent with Islamic family law, socially responsive to Muslim family life, and normatively grounded in the objectives of Shariah

RESEARCH METHODS

This study employs normative juridical research with conceptual, philosophical, statutory, and *maqāṣid*-based legal approaches. The normative juridical approach is used to examine family takaful through legal norms, doctrines, and principles derived from Islamic family law and Islamic finance regulation.¹¹ The conceptual approach is applied to clarify and reconstruct key concepts such as *takaful*, *tabarru'*, *ta'āwun*, *tadhamun*, and *tanāhud* as the legal basis for developing an Islamic family-based insurance model.¹² The philosophical approach is used to examine the underlying values of Islamic law, particularly justice, solidarity, responsibility, and family welfare.¹³ The statutory approach is employed to analyze relevant legal and regulatory instruments governing Islamic insurance and Shariah-compliant financial products, while the *maqāṣid*-based approach is used to evaluate whether contemporary family takaful practices correspond to the objectives of Islamic law,

¹⁰ Lewis, "The Evolution of Takaful Products"; Rahman et al., "Religious and Socioeconomic Implications of Islamic Insurance: A Review"; Billah, *Islamic Insurance (Takaful)*.

¹¹ Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: Raja Grafindo Persada, 2001); Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2017).

¹² Billah, *Islamic Insurance (Takaful)*; Lewis, "The Evolution of Takaful Products"; Rahman et al., "Religious and Socioeconomic Implications of Islamic Insurance: A Review."

¹³ Kamali, *Maqasid Al-Shari'ah Made Simple*; Ibn Ashur, *Treatise on Maqasid Al-Shari'Ah*.

especially *hifz al-māl*, *hifz al-nasl*, family welfare, and socio-religious protection.¹⁴

The data used in this study consist of secondary legal materials, classified into primary, secondary, and supporting materials. Primary legal materials include authoritative sources of Islamic law, classical and contemporary works on Islamic family law, writings on *maqāṣid al-sharī'ah*, and relevant legal or regulatory documents on Islamic insurance. Secondary materials include academic books, peer-reviewed journal articles, and previous studies on takaful, Islamic finance, Islamic family law, and Islamic legal theory.¹⁵ Supporting materials include takaful industry reports, market data, and institutional documents used to contextualize current family takaful practices. Data were collected through systematic literature review and document analysis by identifying, screening, and selecting sources based on their relevance to Islamic family law, family takaful, Shariah governance, and the proposed *tanāhud* model.¹⁶ This process allows the study to combine doctrinal legal analysis with structured literature-based inquiry.

The legal analysis was conducted through three main techniques: legal interpretation, conceptual analysis, and *maqāṣid*-based legal reasoning. Legal interpretation was used to examine the meaning, scope, and implications of Islamic legal principles related to family responsibility, mutual protection, and Shariah-compliant insurance.¹⁷ Conceptual analysis was applied to compare existing takaful models with the proposed *tanāhud* framework, particularly in relation to contract structure, risk coverage, solidarity mechanisms, and socio-religious relevance.¹⁸ *Maqāṣid*-based legal reasoning was used to assess whether current family takaful products merely fulfil formal Shariah compliance or also achieve substantive legal objectives related to family continuity,

¹⁴ Chapra, *The Islamic Vision of Development in the Light of Maqasid Al-Shariah*; Dusuki and Abdullah, "Maqasid Al-Shariah, Maslahah, and Corporate Social Responsibility"; Suzuki et al., "An Impact Assessment of Islamic Saving-Loan and Financing Cooperatives in Indonesia: Preliminary Findings from the Artificial Neural Networks Technique."

¹⁵ Archer, Karim, and Nienhaus, *Takaful Islamic Insurance: Concepts and Regulatory Issues*; Htay and Salman, "Viability of Islamic Insurance (Takaful): A Reality Check"; Billah, *Islamic Insurance (Takaful)*.

¹⁶ Glenn A Bowen, "Document Analysis as a Qualitative Research Method," *Qualitative Research Journal* 9, no. 2 (2009): 27–40.

¹⁷ Marzuki, *Penelitian Hukum*; Kamali, *Maqasid Al-Shari'ah Made Simple*.

¹⁸ Lewis, "The Evolution of Takaful Products."

religious obligations, and social welfare.¹⁹ The validity of the analysis was strengthened through source triangulation and theoretical triangulation by comparing Islamic legal sources, contemporary takaful literature, regulatory documents, and industry practices.²⁰ Through this method, the study seeks to produce a coherent legal reconstruction of family takaful that is normatively grounded, conceptually clear, and practically relevant for the development of a *tanāhud*-based insurance model.

RESULTS AND DISCUSSION

Performance and Market Structure of Family Takaful: High Growth, Low Integration

The global family *takaful* industry has shown strong quantitative growth, yet this expansion has not been accompanied by equivalent legal and normative integration. Market reports project that the global *takaful* sector will reach approximately USD 36.5 billion in 2025 and may exceed USD 63 billion by 2030, with annual growth above 10%.²¹ Within this development, family *takaful* constitutes the dominant segment, accounting for more than half of total market share and reflecting increasing demand for Shariah-compliant protection products.²² This growth is visible not only in Muslim-majority jurisdictions such as Malaysia, Saudi Arabia, and other Gulf countries, but also in non-Muslim markets in Europe and North America, where ethical finance and regulatory accommodation have encouraged the expansion of Islamic financial products.²³ However, from a legal perspective, market expansion alone does not demonstrate the substantive realization of Islamic legal objectives. The central issue is whether family *takaful* merely grows as a Shariah-labelled insurance

¹⁹ Chapra, *The Islamic Vision of Development in the Light of Maqasid Al-Shariah*; Ibn Ashur, *Treatise on Maqasid Al-Shari'ah*; Dusuki and Abdullah, "Maqasid Al-Shariah, Maslahah, and Corporate Social Responsibility."

²⁰ Matthew B. Miles & A. Michael Huberman, *Analisis Data Kualitatif*, ed. Universitas Indonesia Press (Jakarta, 2014).

²¹ The Business Research Company, "Takaful Global Market Report 2024," 2024.

²² DataIntel, "Global Takaful Market Report 2024–2030," 2024.

²³ Z A Rahman, "Takaful: Potential Demand and Growth," *Journal of King Abdulaziz University, Islamic Economics*, no. 1 (2009): 53–70, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-77952835217&partnerID=40&md5=e79ca7df1cd1492ac3525a223a31b90f>; A R A Wahab, M K Lewis, and M K Hassan, "Islamic Takaful: Business Models, Shariah Concerns, and Proposed Solutions," *Thunderbird International Business Review* 49, no. 3 (2007): 371–96, <https://doi.org/10.1002/tie.20148>.

product or whether it genuinely embodies the principles of Islamic family law, *fiqh muamalah*, and *maqāṣid al-sharī'ah*.

This issue becomes apparent in the structure of contemporary family *takaful* products. Most products remain concentrated on conventional risk categories such as death, disability, health, and education costs, thereby reproducing the actuarial logic of conventional insurance within Shariah-compliant contractual forms. Although the use of *tabarru'*, *wakālah*, and *muḍārabah* may satisfy formal Shariah requirements, these contracts do not automatically ensure substantive alignment with *maqāṣid al-sharī'ah* if the scope of protection remains limited to financial loss.²⁴ In this sense, the problem is not a direct violation of Shariah legality, but a partial realization of Shariah substance. Family *takaful* generally fulfils *ḥifẓ al-māl* through risk pooling and compensation, yet it insufficiently incorporates *ḥifẓ al-nasl*, *ḥifẓ al-dīn*, and social welfare as integral dimensions of family protection.²⁵ This indicates a gap between contractual compliance and normative purpose.

The disharmony with *fiqh muamalah* lies in the reduction of *takaful* principles to technical contractual mechanisms rather than substantive instruments of mutual assistance. In classical Islamic legal reasoning, contracts are not assessed only by their legal form, but also by their purpose, ethical effect, and conformity with justice, cooperation, and prevention of harm. Contemporary family *takaful* often adopts *tabarru'* as a formal basis for risk sharing, yet its product design frequently remains commercially driven and actuarially narrow. As a result, principles such as *ta'āwun*, *tadhamun*, and collective responsibility are present at the level of legal terminology but weak at the level of institutional practice.²⁶ This creates a normative

²⁴ R Hassan et al., "Is Takaful Industry Innovative? Examining the Perception of Takaful Operators in Malaysia," in *Proceedings of the 32nd International Business Information Management Association Conference, IBIMA 2018 - Vision 2020: Sustainable Economic Development and Application of Innovation Management from Regional Expansion to Global Growth*, 2018, 7007–10, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85063055631&partnerID=40&md5=415796962fcf3ca89342c9b534298ef9>; F Konak and Y Demir, "Bibliometric Analysis on Islamic Insurance (Takaful)," *Hittit Theology Journal* 22, no. 1 (2023): 11–46, <https://doi.org/10.14395/hid.1232415>.

²⁵ Ibn Ashur, *Treatise on Maqasid Al-Shari'Ah*; Chapra, *The Islamic Vision of Development in the Light of Maqasid Al-Shariah*.

²⁶ Lewis, "The Evolution of Takaful Products"; S Rizwan and H.-A.N. Al-Malkawi, "Islamic Insurance (Takaful): An Overview," in *Islamic Finance in the*

inconsistency: family *takaful* claims to be rooted in solidarity, but its coverage structure rarely accommodates socio-religious obligations that define Muslim family life, such as *'aqīqah*, *walīmah*, *udhiyyah*, *hajj*, and *ta'zīyah*.

A comparative regulatory perspective also shows that family *takaful* development varies significantly across jurisdictions. Malaysia represents a relatively advanced model through stronger Shariah governance, institutional supervision, and regulatory standardization, allowing *takaful* to develop within a clearer Islamic finance ecosystem. Saudi Arabia and several Gulf jurisdictions show strong market demand, but their regulatory orientation remains more focused on solvency, licensing, and financial stability than on the integration of Islamic family law into product design. In contrast, non-Muslim jurisdictions in Europe and North America generally accommodate *takaful* within existing insurance laws, which may permit market entry but often leave limited space for recognizing socio-religious risk as a distinct regulatory category.²⁷ This regulatory diversity demonstrates that the problem of family *takaful* is not only commercial but also juridical: existing legal frameworks tend to regulate *takaful* as an insurance product rather than as an Islamic socio-legal institution.

This regulatory limitation has practical consequences. Issues such as beneficiary nomination, benefit distribution, surplus management, participant rights, and the relationship between contractual benefits and Islamic inheritance rules remain contested in several jurisdictions.²⁸ These issues reveal that family *takaful* cannot be adequately governed only through general insurance regulation or formal Shariah certification. It requires a more integrated legal framework that connects *fiqh muamalah*, Islamic family law, and financial regulation. Without such integration, family *takaful* risks producing legal tension between contractual freedom and family-based obligations, particularly when

Modern Era: Digitalization, FinTech and Social Finance, 2024, 112–24, <https://doi.org/10.4324/9781003366751-8>.

²⁷ A B Ossofo and H Abd Aziz, “Growth of Takaful Industry in the Muslim World: A Comparative Case Study between Malaysia and Saudi Arabia,” *Yuridika* 41, no. 1 (2026): 103–16, <https://doi.org/10.20473/ydk.v41i1.52434>; Wahab, Lewis, and Hassan, “Islamic Takaful: Business Models, Shariah Concerns, and Proposed Solutions.”

²⁸ S Salleh et al., “The Objectives of Shariāh in Nomination for the Payment of Family Takaful Benefits,” in *Emerging Issues in Islamic Finance Law and Practice in Malaysia*, 2019, 33–51, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85143295075&partnerID=40&md5=2ab01545062da24bb616b32d96a2adb1>.

benefit distribution conflicts with inheritance principles, dependency rights, or broader family welfare.

Therefore, the performance of family *takaful* reveals a paradox: it is commercially successful but legally under-integrated. Its growth indicates strong market potential, but its current structure remains insufficiently responsive to the broader objectives of Islamic law. The issue is not that contemporary family *takaful* is wholly invalid from a Shariah perspective, but that it remains normatively incomplete. It fulfils the financial dimension of protection while neglecting the family, religious, and social dimensions that are central to Islamic legal thought. This under-integration demonstrates the need to reconstruct family *takaful* beyond formal compliance, toward a model that aligns market practice with *maqāṣid al-sharī'ah*, *fiqh muamalah*, and Islamic family law. In this context, the *tanāhud* model becomes relevant as a legal-conceptual framework for transforming family *takaful* from a market-oriented insurance product into a solidarity-based institution of family protection.

Disconnection between Insurance Practices and the Structure of Islamic Family Law

Contemporary family *takaful* practices reveal a substantive disconnection from the socio-legal structure of Islamic family law. Although *takaful* is theoretically grounded in mutual assistance (*ta'āwun*), solidarity (*tadhamun*), and voluntary contribution (*tabarru'*), many products continue to reproduce the basic architecture of conventional insurance through actuarial calculation, standardized benefit structures, and individually oriented risk profiles.²⁹ The use of Shariah-compliant contracts such as *wakālah*, *muḍārabah*, and *tabarru'* may ensure formal contractual validity, but it does not necessarily transform the deeper institutional logic of insurance. As a result, *takaful* often operates as a formally Islamized financial product rather than as a socio-legal mechanism that reflects the relational obligations of Muslim family life.³⁰

This problem becomes clearer when examined through existing product structures. Prudential Syariah's PRUCinta, for example, provides Shariah life insurance protection for 20 years against death and accidental death risks, with benefits structured around mortality protection, accidental death compensation, and maturity value.

²⁹ Billah, *Islamic Insurance (Takaful)*.

³⁰ Rizwan and Al-Malkawi, "Islamic Insurance (Takaful): An Overview."

Similarly, Takaful Malaysia Budi is designed as a family protection plan covering death, total and permanent disability, critical illness, medical expenses, savings, and investment-related needs. In Indonesia, PT Asuransi Takaful Keluarga offers Shariah-based life and health insurance, education insurance, and investment-linked products for individuals, families, and employees. These examples show that the dominant product orientation remains financial protection, while socio-religious needs embedded in Muslim family life are not yet systematically recognized as insurable or protectable risks.

From the perspective of Islamic family law, this narrow product orientation is problematic because the family is not merely an economic unit. Islamic family law treats the family as a socio-legal institution structured by *nafāqah*, inheritance, guardianship, intergenerational responsibility, care obligations, and communal solidarity. These obligations are not incidental; they form the legal and moral architecture of Muslim family life.³¹ However, contemporary family *takaful* tends to translate family protection into individual financial coverage, thereby reducing the family to a beneficiary category or policyholder relationship. This reduction weakens the connection between *takaful* and the broader objectives of Islamic family law, especially the protection of lineage (*hifz al-nasl*), religious practice (*hifz al-dīn*), and social welfare.³²

The disconnection is also visible in the limited accommodation of socio-religious life-cycle events. Muslim families commonly face financial obligations related to birth, marriage, death, pilgrimage, sacrifice, and communal mourning. Events such as *‘aqīqah*, *walīmah*, *hajj*, *uḍḥiyyah*, and *ta‘zīyah* are not merely cultural practices; they are part of living Islamic law because they express religious duty, family dignity, kinship solidarity, and communal participation.³³ Yet these obligations are rarely incorporated into family *takaful* coverage. Existing products may cover death, illness, accident, education, savings, investment, or medical needs, but they generally do not provide structured protection for religious and familial obligations that create real economic pressure on Muslim households. This demonstrates that the

³¹ Wael B Hallaq, *Shari‘a: Theory, Practice, Transformations* (Cambridge University Press, 2009); Kamali, *Maqasid Al-Shari‘ah Made Simple*.

³² Chapra, *The Islamic Vision of Development in the Light of Maqasid Al-Shariah*; Ibn Ashur, *Treatise on Maqasid Al-Shari‘ah*.

³³ Bowen, *A New Anthropology of Islam*; Esposito, *What Everyone Needs to Know about Islam*.

current definition of risk in family *takaful* remains actuarial-financial rather than socio-legal.

This gap also reflects a weakness in Shariah governance and regulatory design. In several jurisdictions, *takaful* regulation focuses primarily on licensing, solvency, fund separation, Shariah supervision, and consumer protection, but gives limited attention to whether product design substantively reflects Islamic family law.³⁴ Malaysia has developed a more advanced regulatory ecosystem for *takaful*, while Indonesia has institutionalized Shariah insurance under financial regulation and supervision. However, both models still largely regulate *takaful* as a financial service rather than as an instrument of family-based social protection. In non-Muslim jurisdictions, *takaful* is often accommodated within general insurance law, which may allow market participation but does not necessarily recognize Islamic socio-religious obligations as a distinct regulatory category.³⁵

A concrete legal tension also appears in issues such as beneficiary nomination, distribution of benefits, and the relationship between insurance proceeds and Islamic inheritance rules. In practice, family *takaful* benefits may be distributed according to contractual nomination, while Islamic family law emphasizes inheritance entitlements, dependency rights, and family-based obligations.³⁶ This creates potential disharmony between contractual freedom in insurance practice and the distributive logic of Islamic inheritance law. If not carefully regulated, family *takaful* may protect one family member financially while leaving unresolved questions about heirs, dependents, and legally recognized family rights. This confirms that the problem is not only commercial or operational, but also juridical.

Therefore, the disconnection between insurance practices and Islamic family law should be understood as a structural legal problem.

³⁴ J G Ercanbrack, "Islamic Financial Law and the Law of the United Arab Emirates: Disjuncture and the Necessity for Reform," *Arab Law Quarterly* 33, no. 2 (2019): 152–78, <https://doi.org/10.1163/15730255-12332011>; A B B Alfadhel and A H A Halim, "Building Iraq's Takaful Regime: Lessons from Comparative Practice and the Objectives of Islamic Law," *Manchester Journal of Transnational Islamic Law and Practice* 21, no. 2 (2025): 447–52, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-105018495987&partnerID=40&md5=999aa7a451897270d21e8e5487638924>.

³⁵ Ercanbrack, "Islamic Financial Law and the Law of the United Arab Emirates: Disjuncture and the Necessity for Reform"; Wahab, Lewis, and Hassan, "Islamic Takaful: Business Models, Shariah Concerns, and Proposed Solutions."

³⁶ Salleh et al., "The Objectives of Shariāh in Nomination for the Payment of Family Takaful Benefits."

Contemporary family *takaful* has succeeded in adopting Shariah-compliant terminology and contractual forms, but it has not fully internalized the family-centered logic of Islamic law. Its products remain concentrated on financial risks, while Muslim family life is also shaped by religious, social, and intergenerational obligations. To overcome this limitation, family *takaful* needs to move beyond formal Shariah compliance toward substantive legal integration. This requires a model that treats the family not merely as a recipient of financial compensation, but as a socio-legal institution whose protection must include economic, religious, and communal dimensions. In this context, the *tanāhud* model offers a more appropriate framework because it can integrate financial protection with solidarity-based support for the real socio-religious needs of Muslim families.

Exclusion of Socio-Religious Events in Family Insurance: A Failure in Risk Definition

Contemporary family *takaful* models tend to exclude socio-religious life-cycle events, revealing a fundamental limitation in the way risk is defined within Islamic insurance frameworks. Existing family *takaful* products generally focus on conventional categories of financial protection, such as life coverage, health insurance, education funding, disability protection, and investment-linked schemes.³⁷ These categories reflect an actuarial understanding of risk inherited from conventional insurance systems, where risk is primarily defined as measurable financial loss. However, Muslim family life also involves socio-religious obligations such as *'aqīqah*, *walīmah*, *hajj*, *uḍḥiyyah*, and *ta'zīyah*, all of which may generate significant financial responsibilities. Their exclusion from family *takaful* does not mean that the rituals themselves should be commercialized or insured as religious acts. Rather, the relevant object of protection is the economic burden arising from these lawful and socially recognized obligations.

From the perspective of Islamic jurisprudence, the inclusion of socio-religious family events within a *takaful* framework can be justified through several legal principles. First, the doctrine of *maṣlaḥah mursalah* allows legal consideration of public benefit when no specific textual evidence explicitly prohibits it, provided that the proposed mechanism preserves the objectives of Shariah and does not contradict

³⁷ Company, "Takaful Global Market Report 2024."

established legal principles.³⁸ In this context, providing financial support for socio-religious obligations may serve family welfare, social solidarity, and protection from hardship. Second, the principle of *'urf* recognizes socially accepted customs as legally relevant when they are consistent with Islamic norms.³⁹ Since practices such as *walimah*, *ta'zīyah*, and *udḥiyyah* are deeply embedded in Muslim social life, their economic implications may legitimately be considered in the design of family-based financial protection. Third, *sadd al-dharī'ah* supports preventive measures to avoid financial hardship, debt, or social exclusion resulting from unavoidable or strongly expected family obligations. Fourth, *fiqh al-awlawiyyāt* provides a framework for prioritizing financial protection according to necessity, need, and public benefit, ensuring that takaful does not encourage extravagance but supports responsible and proportionate family welfare.

This legal reasoning requires a clear boundary between ritual obligation and economic risk. Rituals such as *'aqīqah*, *walimah*, *udḥiyyah*, and *ta'zīyah* are not “risks” in the same sense as death, illness, or accident. They are religiously or socially meaningful events. What may be categorized as a protectable risk is not the ritual itself, but the financial vulnerability that may arise when families are unable to fulfil lawful socio-religious obligations without excessive burden. Therefore, a Shariah-based family insurance model should not treat religious rituals as commodities. Instead, it should provide a solidarity-based support mechanism for reasonable expenses related to family life-cycle events, subject to Shariah governance, proportionality, and avoidance of luxury consumption. This distinction is crucial to prevent the misinterpretation that takaful is insuring acts of worship, whereas its actual function is to mitigate financial hardship connected to socially and religiously recognized responsibilities.

The exclusion of these socio-religious events also indicates a partial realization of *maqāṣid al-sharī'ah*. Contemporary family *takaful* generally fulfils *ḥifẓ al-māl* by protecting participants from financial loss, but it has not sufficiently incorporated *ḥifẓ al-nasl*, *ḥifẓ al-dīn*, and

³⁸ Abu Hamid Muhammad Al-Ghazali, *Al-Mustasfa Min Ilm Al-Usul* (Beirut: Dar al-Kutub al-Ilmiyyah, 1993); Abu Ishaq Ibrahim ibn Musa Al-Shatibi, *Al-Muwafaqat Fi Usul Al-Shariah*, ed. Abu Ubaydah Mashhur ibn Hasan Al Salman (Khobar: Dar Ibn Affan, 1997).

³⁹ Kamali, *Shari'ah Law: An Introduction*.

social solidarity as dimensions of family protection.⁴⁰ Muslim families often experience financial pressure not only from illness or death, but also from events related to birth, marriage, death rites, pilgrimage, and communal support. These events are embedded in the structure of family continuity, religious practice, and social cohesion. When family *takaful* ignores these dimensions, it adopts a narrow financial definition of risk that does not fully correspond to the lived realities of Muslim households.

From a socio-economic perspective, socio-religious obligations influence household expenditure, financial planning, and patterns of mutual assistance. Studies on Islamic economic behavior show that religious values shape consumption, saving, giving, and risk perception among Muslim communities.⁴¹ Practices such as *uḍḥiyyah* and *ta'zīyah* also function as mechanisms of social redistribution and communal care, while *walīmah* and *'aqīqah* strengthen family identity and social recognition.⁴² The fact that these obligations carry economic consequences does not reduce their religious meaning; rather, it demonstrates that Muslim family welfare cannot be understood solely through conventional financial categories. A family *takaful* model that excludes these dimensions risks becoming legally compliant but socially detached.

This limitation reflects a deeper conceptual problem in Islamic insurance. While *takaful* is built upon *tabarru'*, *ta'āwun*, and *tadhamun*, its current product structure often remains dominated by conventional insurance logic. Even micro-*takaful* and waqf-linked models tend to address poverty, health, or income vulnerability without systematically incorporating socio-religious family obligations into risk frameworks.⁴³ As a result, the operational meaning of solidarity remains incomplete. If

⁴⁰ Ibn Ashur, *Treatise on Maqasid Al-Shari'Ah*; Chapra, *The Islamic Vision of Development in the Light of Maqasid Al-Shariah*.

⁴¹ A Rakhmanov, A Thommandru, and S Tillaboey, "Historical Trajectories and Modern Dynamics of Islamic Financial Law in Central Asia," *International Journal of Legal Information* 52, no. 1 (2024): 74–87, <https://doi.org/10.1017/jli.2024.15>; A Sarea et al., "Stakeholder Theory, Intellectual Capital and Risk Sharing: Proposed Framework," in *Proceedings of the European Conference on Knowledge Management, ECKM*, vol. 2, 2019, 916–22, <https://doi.org/10.34190/KM.19.263>.

⁴² Esposito, *What Everyone Needs to Know about Islam*; Bowen, *A New Anthropology of Islam*.

⁴³ Rahman et al., "Religious and Socioeconomic Implications of Islamic Insurance: A Review"; Rizwan and Al-Malkawi, "Islamic Insurance (Takaful): An Overview."

takaful is intended to function as a system of mutual assistance, it should be able to respond not only to biological and economic contingencies, but also to family-based obligations that create real financial vulnerability within Muslim communities.

Therefore, the exclusion of socio-religious events from family *takaful* coverage represents a failure in risk definition rather than merely a gap in product innovation. The issue is not that all religious events must automatically become insurable objects, but that Islamic insurance has not yet developed a legal framework capable of distinguishing between ritual acts and the economic vulnerabilities associated with them. Through *maṣlaḥah mursalah*, *ʿurf*, *sadd al-dharīʿah*, *fiqh al-awlawiyyāt*, and *maqāṣid al-sharīʿah*, socio-religious family obligations can be legally recognized as relevant contexts for financial protection. This recognition would enable family *takaful* to move beyond a narrow actuarial model toward a more holistic framework of family welfare, religious responsibility, and social solidarity. In this regard, the proposed *tanāhud* model provides a more suitable basis for integrating economic protection with the socio-religious realities of Muslim family life.

Reconstruction of a Tanāhud-Based Family Insurance Model: Integrating Social and Economic Dimensions

The reconstruction of family *takaful* through a *tanāhud*-based model represents a shift from fragmented financial protection toward an integrated framework of family-based solidarity. Existing family *takaful* products generally provide protection for death, disability, education, health, and investment-related needs, but they do not sufficiently accommodate socio-religious family obligations such as *ʿaqīqah*, *walīmah*, *udḥiyyah*, *ḥajj*, and *taʿzīyah*.⁴⁴ This limitation indicates that the dominant model of family *takaful* remains confined to individual financial risk, whereas Islamic family law understands family protection as a broader socio-legal responsibility.⁴⁵ The *tanāhud* model is proposed to address this gap by integrating commercial sustainability with collective social support through a structured combination of *tabarruʿ*, *taʿāwun*, *tadhamun*, and Shariah-compliant investment principles.⁴⁶

Conceptually, *tanāhud* refers to collective contribution and mutual support among members of a group to meet shared needs. In the context of family-based insurance, this concept can be reconstructed as a hybrid

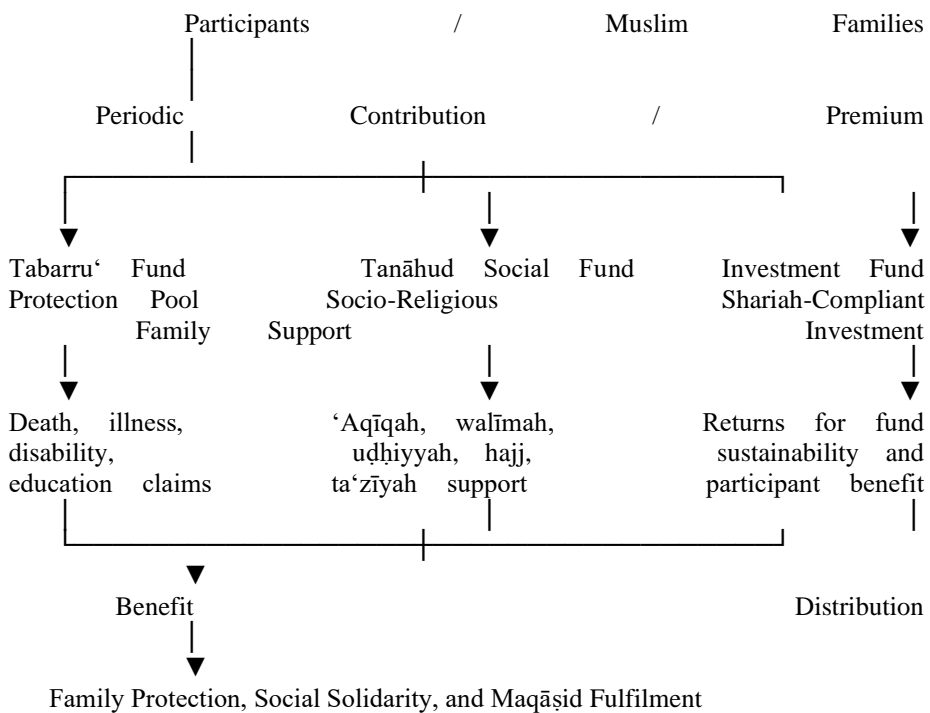
⁴⁴ Billah, *Islamic Insurance (Takaful)*.

⁴⁵ Kamali, *Maqasid Al-Shari'ah Made Simple*.

⁴⁶ Lewis, "The Evolution of Takaful Products."

model that combines three core elements: a protection mechanism, a solidarity fund, and an investment mechanism. The protection mechanism responds to conventional risks such as death, illness, disability, and education needs. The solidarity fund responds to socio-religious family obligations that create economic pressure but are not normally recognized in conventional insurance products. The investment mechanism ensures financial sustainability by managing part of the participants' contribution through Shariah-compliant instruments. Thus, the *tanāhud* model does not replace family *takaful*, but reconstructs it by expanding the scope of protection from purely financial contingencies to family-based socio-religious vulnerability.⁴⁷

Figure 1. The operational structure of the proposed model can be illustrated as follows:



⁴⁷ Suzuki et al., “An Impact Assessment of Islamic Saving-Loan and Financing Cooperatives in Indonesia: Preliminary Findings from the Artificial Neural Networks Technique”; Dusuki and Abdullah, “Maqasid Al-Shariah, Maslahah, and Corporate Social Responsibility”; Chapra, *The Islamic Vision of Development in the Light of Maqasid Al-Shariah*.

In this model, participant contributions are divided into three accounts. First, the *tabarru'* fund functions as the main risk-sharing pool for standard family protection, including death, disability, health-related claims, and education support. Second, the *tanāhud* social fund is allocated for socio-religious family events, such as birth-related obligations, marriage assistance, funeral support, sacrifice-related assistance, and other family life-cycle needs that are recognized as lawful and socially relevant under Islamic norms. Third, the investment fund is managed through Shariah-compliant instruments to maintain long-term sustainability.⁴⁸ The operator may manage these funds through a *wakālah* contract by receiving a management fee, while investment activities may be structured through *muḍārabah* or *wakālah bi al-istithmār*, depending on the regulatory and institutional context.⁴⁹

The main *akad* of the *tanāhud*-based model is therefore a hybrid contractual arrangement. The *tabarru'* contract underlies the risk-sharing and donation-based protection fund. The *wakālah* contract governs the relationship between participants and the operator in fund administration. The *muḍārabah* or investment *wakālah* contract governs the management of investment funds. Meanwhile, the *tanāhud* component functions as a collective solidarity mechanism that channels part of the contribution toward socio-religious family needs. This contractual combination is acceptable as long as each contract has a clear legal function, does not create unjust uncertainty, avoids *ribā*, *gharar*, and *maysir*, and maintains transparency in fund separation, participant rights, and benefit distribution.⁵⁰

The claim mechanism in the proposed model operates through two channels. The first channel is the ordinary *takaful* claim, covering conventional risks such as death, disability, hospitalization, or education-related contingencies. Claims in this channel are paid from the *tabarru'* fund according to the policy agreement and actuarial calculation. The

⁴⁸ Archer, Karim, and Nienhaus, *Takaful Islamic Insurance: Concepts and Regulatory Issues*; Billah, *Islamic Insurance (Takaful)*.

⁴⁹ Konak and Demir, "Bibliometric Analysis on Islamic Insurance (Takaful)"; Dusuki and Abdullah, "Maqasid Al-Shariah, Masalahah, and Corporate Social Responsibility."

⁵⁰ A Niffilayani and L T Thao, "Legal Analysis of Islamic Economic Law on Hybrid Contracts in Islamic Financial Institution Products," *Jurnal Ilmiah Mizani* 10, no. 2 (2023): 232–41, <https://doi.org/10.29300/mzn.v10i2.3002>; Z Zultaqawa et al., "Hybrid Sharia Contracts in Islamic Banking: Legal Validity and Sharia Compliance in Indonesian Religious Court Judgments," *Mawaddah: Jurnal Hukum Keluarga Islam* 3, no. 2 (2025): 273–304, <https://doi.org/10.52496/mjhki.v3i2.33>.

second channel is the *tanāhud* claim, covering socio-religious family obligations. This channel does not treat rituals themselves as insured objects; rather, it provides financial support for reasonable and verifiable expenses arising from lawful family obligations. For example, a participant may receive limited support for funeral-related expenses after the death of a family member, birth-related support for *'aqīqah*, or marriage-related support for *walīmah*, subject to predetermined limits, eligibility criteria, and Shariah board approval.⁵¹

The management of underwriting surplus must also be clearly regulated. If the *tabarru'* fund records a surplus after deducting claims, reserves, retakaful costs, and operational expenses, the surplus may be distributed through three possible mechanisms: first, retained as reserve to strengthen fund stability; second, partially redistributed to eligible participants according to Shariah-compliant surplus distribution rules; or third, partially allocated to the *tanāhud* social fund to support collective family welfare.⁵² The third mechanism is particularly important because it gives the model a stronger social function. However, this allocation must be disclosed from the beginning in the policy contract and approved by the participants, so that the principle of transparency and consent is maintained.⁵³

The distribution of benefits in the *tanāhud* model is based on proportionality and priority. Benefits related to death, disability, health, and education are distributed according to the standard family *takaful* contract. Benefits related to socio-religious events are distributed based on need, eligibility, and reasonableness. This prevents the model from encouraging excessive consumption or ritual commercialization. The principle of *fiqh al-awlawiyyāt* is relevant here because the model must prioritize essential and socially necessary needs over luxury expenses.⁵⁴ For instance, funeral assistance and basic family support after death should receive higher priority than ceremonial expenses that are

⁵¹ Al-Ghazali, *Al-Mustasfa Min Ilm Al-Usul*; Al-Shatibi, *Al-Muwafaqat Fi Usul Al-Shariah*; Kamali, *Maqasid Al-Shari'ah Made Simple*.

⁵² Archer, Karim, and Nienhaus, *Takaful Islamic Insurance: Concepts and Regulatory Issues*; S N N Htay, S A Salman, and A K M Meera, "Let's Move to 'Universal Corporate Governance Theory,'" *Middle East Journal of Scientific Research* 15, no. 7 (2013): 1047–53, <https://doi.org/10.5829/idosi.mejsr.2013.15.7.3561>.

⁵³ Dusuki and Abdullah, "Maqasid Al-Shariah, Maslahah, and Corporate Social Responsibility"; Kamali, *Shari'ah Law: An Introduction*.

⁵⁴ Yusuf Al-Qaradawi, *Fatwa-Fatwa Kontemporer*, vol. 2 (Jakarta: Gema Insani, 1995).

excessive or socially competitive. In this way, the *tanāhud* model remains aligned with *maqāṣid al-sharī'ah*, especially protection of wealth, family continuity, religious practice, and social welfare.⁵⁵

A simple simulation may clarify how the model works. Suppose 1,000 Muslim families join a *tanāhud*-based family *takaful* scheme and each contributes USD 20 per month. The total monthly contribution would be USD 20,000. This amount could be allocated into three components: 60% to the *tabarru'* protection fund, 25% to the *tanāhud* social fund, and 15% to the Shariah-compliant investment fund. The *tabarru'* fund would cover death, disability, health, and education-related claims. The *tanāhud* social fund would provide limited assistance for family life-cycle events, such as funeral expenses, *'aqīqah*, *walimah*, or *uḍḥiyyah*. The investment fund would generate returns to support long-term sustainability, strengthen reserves, or enhance participant benefits. This simulation demonstrates that the model can operate through fund separation, risk pooling, solidarity-based allocation, and Shariah-compliant investment without abandoning the basic structure of *takaful*.⁵⁶

The *tanāhud* model also has important regulatory implications. Regulators need to recognize that family-based Islamic insurance cannot be evaluated solely through solvency, capital adequacy, and contractual compliance. It also requires criteria for Shariah substance, social impact, and family welfare. Therefore, regulatory frameworks should allow the establishment of dedicated social funds within family *takaful* products, provide clear rules for surplus allocation, and define permissible categories of socio-religious family support.⁵⁷ Shariah boards should also develop parameters to distinguish legitimate family needs from excessive ceremonial spending. Without such regulatory clarity, the

⁵⁵ Ibn Ashur, *Treatise on Maqasid Al-Shari'Ah*; Suzuki et al., "An Impact Assessment of Islamic Saving-Loan and Financing Cooperatives in Indonesia: Preliminary Findings from the Artificial Neural Networks Technique."

⁵⁶ H.M.-U.-D. Qadri et al., "Exploring the Hot Spots and Global Trends in Takaful Research through Bibliometric Analysis Based on Scopus Database (2001-2022)," *Journal of Islamic Accounting and Business Research* 15, no. 2 (2024): 291–305, <https://doi.org/10.1108/JIABR-02-2022-0055>; Rahman et al., "Religious and Socioeconomic Implications of Islamic Insurance: A Review"; Lewis, "The Evolution of Takaful Products."

⁵⁷ Alfadhel and Halim, "Building Iraq's Takaful Regime: Lessons from Comparative Practice and the Objectives of Islamic Law"; Ercanbrack, "Islamic Financial Law and the Law of the United Arab Emirates: Disjuncture and the Necessity for Reform."

tanāhud model may remain conceptually attractive but difficult to implement institutionally.

Theoretically, the adoption of a *tanāhud*-based framework signifies a paradigm shift in Islamic insurance. It challenges the separation between commercial Islamic finance and Islamic social finance by demonstrating that both can be integrated within a single family protection model.⁵⁸ Rather than treating insurance as a purely financial mechanism, the *tanāhud* model understands it as a system of family-based solidarity that combines economic protection, religious responsibility, and communal welfare. This strengthens the role of Islamic family law as a foundational framework for product design and expands the meaning of risk beyond financial loss to include socio-religious vulnerability. In this sense, the *tanāhud* model offers a concrete legal-conceptual alternative to existing family *takaful* practices and provides a more holistic pathway for aligning Islamic insurance with the objectives of Shariah and the lived realities of Muslim families.⁵⁹

The distinction between the conventional family takaful model and the proposed Tanāhud model can be further clarified through the following comparative framework. This comparison shows that the Tanāhud model does not merely modify the contractual structure of takaful, but also reconstructs its legal orientation, risk definition, fund allocation, and social function.

Table 1. Comparative Framework between Conventional Family Takaful and the Tanāhud Model

Aspect	Conventional Family Takaful	Tanāhud-Based Model
Risk Definition	Risk is primarily defined as financial loss, such as death, disability, illness,	Risk is defined more broadly as financial and socio-religious

⁵⁸ X Ascarya and U Suharto, “Integrated Islamic Social and Commercial Finance to Achieve SDGs,” in *Islamic Wealth and the SDGs: Global Strategies for Socio-Economic Impact*, 2021, 105–27, https://doi.org/10.1007/978-3-030-65313-2_6; M Y M Hussin et al., “Islamic Social Finance as Alternative Mechanism for Well-Being of the Community: A Bibliometric Analysis,” *Pakistan Journal of Life and Social Sciences* 22, no. 2 (2024): 6509–33, <https://doi.org/10.57239/PJLSS-2024-22.2.00491>.

⁵⁹ Ibn Ashur, *Treatise on Maqasid Al-Shari’ah*; Kamali, *Maqasid Al-Shari’ah Made Simple*; Chapra, *The Islamic Vision of Development in the Light of Maqasid Al-Shariah*.

	education costs, or investment-related uncertainty.	vulnerability, including family obligations related to birth, marriage, death, sacrifice, pilgrimage, and communal support.
Contractual Structure	Mainly based on standard <i>wakālah</i> , <i>muḍārabah</i> , or <i>tabarru'</i> contracts, with emphasis on Shariah-compliant risk transfer and fund management.	Based on a hybrid contractual structure combining <i>tabarru'</i> , <i>wakālah</i> , <i>muḍārabah</i> or <i>wakālah bi al-istithmār</i> , and a dedicated <i>tanāhud</i> solidarity mechanism.
Main Objective	To provide financial protection for individuals and families against conventional insurable risks.	To provide integrated family protection by combining financial security, socio-religious support, and Islamic family solidarity.
Normative Basis	Focuses mainly on formal Shariah compliance, including avoidance of <i>ribā</i> , <i>gharar</i> , and <i>maysir</i> .	Emphasizes <i>maqāṣid al-sharī'ah</i> integration, including <i>ḥifẓ al-māl</i> , <i>ḥifẓ al-nasl</i> , <i>ḥifẓ al-dīn</i> , family welfare, and social solidarity.
Fund Structure	Generally consists of participant risk funds, operator funds, and investment funds.	Consists of <i>tabarru'</i> protection fund, <i>tanāhud</i> social fund, and Shariah-compliant investment fund.
Scope of Benefits	Covers death, disability, hospitalization, education, savings, or investment benefits.	Covers standard takaful benefits plus limited and regulated support for socio-religious family obligations such as <i>'aqīqah</i> , <i>walīmah</i> , <i>uḍḥiyyah</i> , <i>ḥajj</i> , and <i>ta'zīyah</i> .
Surplus Management	Underwriting surplus may be retained, distributed to	Surplus may be retained as reserve, distributed to eligible participants, or

	participants, or managed according to existing takaful rules.	partially allocated to the <i>tanāhud</i> social fund with prior participant consent and Shariah board approval.
Legal Orientation	Contract-based legality and institutional Shariah compliance.	Substantive legal integration between <i>fiqh muamalah</i> , Islamic family law, and <i>maqāṣid al-sharī'ah</i> .
Social Function	Limited social function because protection remains largely individual and financial.	Stronger social function because protection is linked to family welfare, communal responsibility, and socio-religious solidarity.

As shown in the table, the Tanāhud model expands family takaful from a financial protection instrument into a family-based solidarity mechanism. Its main contribution lies in integrating formal Shariah compliance with substantive maqāṣid-oriented protection, thereby allowing Islamic insurance to respond more directly to the socio-religious realities of Muslim families.

CONCLUSION

This study demonstrates that contemporary family takaful has not yet fully embodied the normative foundations of Islamic family law. While its institutional development has successfully expanded mechanisms of financial risk protection, the prevailing model remains predominantly oriented toward the objective of ḥifẓ al-māl and therefore provides only a partial realization of the broader maqāṣid al-sharī'ah. The findings reveal that family takaful continues to conceptualize risk primarily through financial and actuarial parameters, overlooking socio-religious obligations that constitute an integral part of Muslim family life, including 'aqīqah, walīmah, and ta'zīyah. Consequently, the current structure of family takaful does not yet adequately address the interconnected objectives of family continuity, religious commitment, social solidarity, and collective welfare that are central to Islamic family law.

The principal contribution of this study lies in repositioning Islamic family law as a foundational framework for the reconstruction of

family takaful. Departing from approaches that regard takaful merely as a Sharī'ah-compliant financial product, this study argues that family takaful should be understood as a legal and social instrument designed to strengthen family resilience and communal responsibility. Within this framework, the proposed tanāhud-based model offers a conceptual innovation by integrating the principles of tabarru', ta'āwun, taḍāmun, and collective responsibility into a family-centered risk-sharing mechanism. This reconstruction broadens the meaning of risk from financial loss to socio-religious vulnerability and thereby contributes to the ongoing discourse on the integration of Islamic legal theory, maqāsid al-sharī'ah, and contemporary Islamic finance. The findings further enrich the theoretical development of Islamic insurance by providing a more holistic legal paradigm that aligns financial protection with the ethical and social objectives of Sharī'ah.

From a legal and regulatory perspective, the study suggests that Sharī'ah compliance in family takaful should move beyond formal contractual validity toward substantive conformity with the objectives of Islamic family law and maqāsid al-sharī'ah. This implies a transition from contract-based legality to value-based legality, in which product design, governance, and regulatory evaluation are assessed according to their contribution to family welfare, religious obligations, and social solidarity. Accordingly, regulators and policymakers should consider developing a more adaptive framework capable of recognizing socio-religious risks as legitimate objects of protection within Islamic insurance schemes. Nevertheless, the proposed model remains conceptual and requires empirical validation. Future research should therefore examine its practical feasibility through stakeholder-based studies, pilot implementations, and comparative analyses across different legal and cultural contexts, while also exploring the potential role of digital technologies in enhancing transparency, accountability, and efficiency in family-based takaful systems.

BIBLIOGRAPHY

- AAOIFI. *Shari'ah Standards*. Manama: Accounting and Auditing Organization for Islamic Financial Institutions, 2023.
- Alfadhel, A. B. B., and A. H. A. Halim. "Building Iraq's Takaful Regime: Lessons from Comparative Practice and the Objectives of Islamic Law." *Manchester Journal of Transnational Islamic Law and Practice* 21, no. 2 (2025): 447–452.
- Al-Ghazālī, Abū Ḥāmid Muḥammad. *Al-Mustasfā min 'Ilm al-Uṣūl*. Beirut: Dār al-Kutub al-'Ilmiyyah, 1993.
- Al-Qaraḍāwī, Yūsuf. *Fiqh al-Awlawiyyāt: Dirāsah Jadīdah fī Ḍaw' al-Qur'ān wa al-Sunnah*. Cairo: Maktabah Wahbah, 1995.
- Al-Qaraḍāwī, Yūsuf. *Fatwa-Fatwa Kontemporer*. Vol. 2. Jakarta: Gema Insani, 1995.
- Al-Shāṭibī, Abū Ishāq Ibrāhīm ibn Mūsā. *Al-Muwāfaqāt fī Uṣūl al-Shari'ah*. Edited by Abū 'Ubaydah Mashhūr ibn Ḥasan Āl Salmān. Khobar: Dār Ibn 'Affān, 1997.
- Archer, Simon, Rifaat Ahmed Abdel Karim, and Volker Nienhaus. *Takaful Islamic Insurance: Concepts and Regulatory Issues*. Singapore: John Wiley & Sons, 2009.
- Ascarya, and Ugi Suharto. "Integrated Islamic Social and Commercial Finance to Achieve SDGs." In *Islamic Wealth and the SDGs: Global Strategies for Socio-Economic Impact*, 105–127. Cham: Springer, 2021. https://doi.org/10.1007/978-3-030-65313-2_6.
- Auda, Jasser. *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach*. London: International Institute of Islamic Thought, 2008.
- Billah, Mohammad Ma'sum. *Islamic Insurance (Takaful)*. London: Routledge, 2019.
- Bowen, Glenn A. "Document Analysis as a Qualitative Research Method." *Qualitative Research Journal* 9, no. 2 (2009): 27–40.
- Bowen, John R. *A New Anthropology of Islam*. Cambridge: Cambridge University Press, 2012.
- Chapra, M. Umer. *The Islamic Vision of Development in the Light of Maqasid al-Shariah*. London: International Institute of Islamic Thought, 2008.
- DataIntel. *Global Takaful Market Report 2024–2030*. Pune: DataIntel, 2024.
- Dewan Syariah Nasional-Majelis Ulama Indonesia. *Fatwa Dewan Syariah Nasional No. 21/DSN-MUI/X/2001 tentang Pedoman Umum Asuransi Syariah*. Jakarta: DSN-MUI, 2001.

- Dusuki, Asyraf Wajdi, and Nurdianawati Irwani Abdullah. "Maqasid al-Shariah, Maslahah, and Corporate Social Responsibility." *American Journal of Islamic Social Sciences* 24, no. 1 (2007): 25–45.
- Ercanbrack, Jonathan G. "Islamic Financial Law and the Law of the United Arab Emirates: Disjuncture and the Necessity for Reform." *Arab Law Quarterly* 33, no. 2 (2019): 152–178. <https://doi.org/10.1163/15730255-12332011>.
- Esposito, John L. *What Everyone Needs to Know about Islam*. Oxford: Oxford University Press, 2011.
- Hallaq, Wael B. *Shari'a: Theory, Practice, Transformations*. Cambridge: Cambridge University Press, 2009.
- Hassan, R., S. A. Salman, S. Kassim, and H. Majdi. "Is Takaful Industry Innovative? Examining the Perception of Takaful Operators in Malaysia." In *Proceedings of the 32nd International Business Information Management Association Conference: Vision 2020*, 7007–7010. Seville: IBIMA, 2018.
- Htay, Siti Noor Nadia, and Salina Salman. "Viability of Islamic Insurance (Takaful): A Reality Check." *Journal of Islamic Economics, Banking and Finance* 9, no. 4 (2013): 45–62.
- Hussin, M. Y. M., A. A. Rahman, Z. Ismail, F. Muhammad, and A. A. Razak. "Islamic Social Finance as Alternative Mechanism for Well-Being of the Community: A Bibliometric Analysis." *Pakistan Journal of Life and Social Sciences* 22, no. 2 (2024): 6509–6533. <https://doi.org/10.57239/PJLSS-2024-22.2.00491>.
- Ibn Ashur, Muhammad al-Tahir. *Treatise on Maqasid al-Shari'ah*. London: International Institute of Islamic Thought, 2006.
- Islamic Financial Services Board. *IFSB-25: Disclosures to Promote Transparency and Market Discipline for Takāful/Retakāful Undertakings*. Kuala Lumpur: Islamic Financial Services Board, 2020.
- Islamic Financial Services Board. *IFSB-27: Core Principles for Islamic Finance Regulation: Takāful Segment*. Kuala Lumpur: Islamic Financial Services Board, 2022.
- Islamic Financial Services Board. *IFSB-28: Revised Solvency Requirements for Takāful/Retakāful Undertakings*. Kuala Lumpur: Islamic Financial Services Board, 2022.
- Islamic Financial Services Board. *IFSB-29: Conduct of Business Supervision for Takāful Undertakings*. Kuala Lumpur: Islamic Financial Services Board, 2023.

- Kamali, Mohammad Hashim. *Maqasid al-Shari'ah Made Simple*. London: International Institute of Islamic Thought, 2019.
- Kamali, Mohammad Hashim. *Shari'ah Law: An Introduction*. Oxford: Oneworld, 2008.
- Konak, Fatih, and Yavuz Demir. "Bibliometric Analysis on Islamic Insurance (Takaful)." *Hitit Theology Journal* 22, no. 1 (2023): 11–46. <https://doi.org/10.14395/hid.1232415>.
- Lewis, Mervyn K. "The Evolution of Takaful Products." In *Islamic Capital Markets: Products and Strategies*, edited by M. Kabir Hassan and Michael Mahlke, 208–222. Chichester: John Wiley & Sons, 2015. <https://doi.org/10.1002/9781119206040.ch9>.
- Lewis, Mervyn K., and Latifa M. Algaoud. *Islamic Banking*. Cheltenham: Edward Elgar, 2001.
- Marzuki, Peter Mahmud. *Penelitian Hukum*. Jakarta: Kencana, 2017.
- Niffilayani, A., and L. T. Thao. "Legal Analysis of Islamic Economic Law on Hybrid Contracts in Islamic Financial Institution Products." *Jurnal Ilmiah Mizani* 10, no. 2 (2023): 232–241. <https://doi.org/10.29300/mzn.v10i2.3002>.
- Otoritas Jasa Keuangan. *Peraturan Otoritas Jasa Keuangan Nomor 69/POJK.05/2016 tentang Penyelenggaraan Usaha Perusahaan Asuransi, Perusahaan Asuransi Syariah, Perusahaan Reasuransi, dan Perusahaan Reasuransi Syariah*. Jakarta: Otoritas Jasa Keuangan, 2016.
- Ossofo, A. B., and H. Abd Aziz. "Growth of Takaful Industry in the Muslim World: A Comparative Case Study between Malaysia and Saudi Arabia." *Yuridika* 41, no. 1 (2026): 103–116. <https://doi.org/10.20473/ydk.v41i1.52434>.
- Qadri, H. M.-U.-D., H. Ali, A. Jafar, A. U. M. Tahir, and M. A. Abbasi. "Exploring the Hot Spots and Global Trends in Takaful Research through Bibliometric Analysis Based on Scopus Database (2001–2022)." *Journal of Islamic Accounting and Business Research* 15, no. 2 (2024): 291–305. <https://doi.org/10.1108/JIABR-02-2022-0055>.
- Rahman, N. A., Z. A. Osman, N. S. Ani, and Z. Ahmad. "Religious and Socioeconomic Implications of Islamic Insurance: A Review." *International Journal of Financial Research* 10, no. 5 (2019): 313–320. <https://doi.org/10.5430/ijfr.v10n5p313>.
- Rahman, Z. A. "Takaful: Potential Demand and Growth." *Journal of King Abdulaziz University: Islamic Economics* 22, no. 1 (2009): 53–70.

- Rizwan, S., and H.-A. N. Al-Malkawi. "Islamic Insurance (Takaful): An Overview." In *Islamic Finance in the Modern Era: Digitalization, FinTech and Social Finance*, 112–124. London: Routledge, 2024. <https://doi.org/10.4324/9781003366751-8>.
- Salleh, S., A. H. Halim, U. Ibrahim, and M. A. Abdullah. "The Objectives of Shari'ah in Nomination for the Payment of Family Takaful Benefits." In *Emerging Issues in Islamic Finance Law and Practice in Malaysia*, 33–51. Bingley: Emerald Publishing, 2019.
- Sarea, Adel, A. H. Elshaker, Z. H. Shaikh, A. Imeri, S. Hidayat, and A. M. Al-Sartawi. "Stakeholder Theory, Intellectual Capital and Risk Sharing: Proposed Framework." In *Proceedings of the European Conference on Knowledge Management*, 2:916–922, 2019. <https://doi.org/10.34190/KM.19.263>.
- Soekanto, Soerjono, and Sri Mamudji. *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Jakarta: RajaGrafindo Persada, 2001.
- Suzuki, Yasushi, Saiful Anwar, Sigit Pramono, and T. Supriyanto. "An Impact Assessment of Islamic Saving-Loan and Financing Cooperatives in Indonesia: Preliminary Findings from the Artificial Neural Networks Technique." In *Dilemmas and Challenges in Islamic Finance: Looking at Equity and Microfinance*, 127–144. London: Routledge, 2018. <https://doi.org/10.1201/9781315105673>.
- The Business Research Company. *Takaful Global Market Report 2024*. London: The Business Research Company, 2024.
- Wahab, Abdul Rahim Abdul, Mervyn K. Lewis, and M. Kabir Hassan. "Islamic Takaful: Business Models, Shariah Concerns, and Proposed Solutions." *Thunderbird International Business Review* 49, no. 3 (2007): 371–396. <https://doi.org/10.1002/tie.20148>.
- Whindari, Y., S. Zulaichah, I. Nurhayati, and P. J. Hyun. "Negotiating Islamic Law and Religious Tolerance in Mixed-Marriage Families in South Korea." *De Jure: Jurnal Hukum dan Syar'iah* 17, no. 2 (2025): 574–598. <https://doi.org/10.18860/j-fsh.v17i2.31313>.
- Zuhayli, Wahbah al-. *Al-Fiqh al-Islami wa Adillatuh*. Damascus: Dār al-Fikr, 1985.
- Zuhayli, Wahbah al-. *Uşul al-Fiqh al-Islami*. Damascus: Dār al-Fikr, 1986.
- Zultaqawa, Z., J. Harianto, Y. S. Ginanjar, and M. D. Aulia. "Hybrid Sharia Contracts in Islamic Banking: Legal Validity and Sharia Compliance in Indonesian Religious Court Judgments." *Mawaddah: Jurnal Hukum Keluarga Islam* 3, no. 2 (2025): 273–

304. <https://doi.org/10.52496/mjhki.v3i2.33>



This work is licensed under a [Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-nc-sa/4.0/).