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Rethinking Legal Adulthood in Islamic Family Law: Ahliyyah, Rushd, Disability, and Capacity-Based Legal Recognition

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Abstract

The determination of legal adulthood in Islamic family law raises doctrinal challenges when chronological age, puberty (bulūgh), sound judgment (rushd), and decision-making abilities do not coincide, particularly in matters concerning marriage and guardianship. This study examines how classical Islamic legal doctrines differentiate legal capacity and how these distinctions can be critically reconstructed in relation to contemporary disability rights. Employing normative-doctrinal legal research, the study comparatively analyzes the Hanafi, Maliki, Shafi'i, and Hanbali schools alongside the Convention on the Rights of Persons with Disabilities (CRPD) and relevant interdisciplinary scholarship. The analysis establishes that classical Islamic jurisprudence contains multiple domain-specific mechanisms for distinguishing legal responsibility, financial competence, matrimonial authority, and guardianship through bulūgh, 'aql, rushd, and ahliyyah. However, these doctrines neither establish a universal capacity-based conception of adulthood nor necessarily correspond to contemporary principles of equal legal recognition. The study proposes a hybrid legal framework integrating statutory age thresholds, supported decision-making, and procedural safeguards against coercion, discrimination, and undue influence. Its principal theoretical contribution lies in distinguishing legal eligibility from legal capacity and individualized support needs, thereby preventing psychological assessment from becoming a prerequisite for legal recognition. Unlike conventional functional-capacity approaches, the model preserves generally applicable age protections while prioritizing individual agency, accessible decision-making support, and proportionate judicial oversight. The framework offers a doctrinally grounded normative proposal for inclusive Islamic family law, although its institutional effectiveness requires further empirical validation.

Keywords: *Islamic Family Law; Ahliyyah; Rushd; Legal Capacity; Disability Rights; Supported Decision-Making; Maqāṣid Al-Sharī'Ah.*

Abstrak

Penentuan kedewasaan hukum dalam hukum keluarga Islam menghadirkan persoalan doktrinal ketika usia kronologis, kematangan biologis (*bulūgh*), kematangan pertimbangan (*rushd*), dan kemampuan pengambilan keputusan tidak selalu berkesesuaian, khususnya dalam persoalan perkawinan dan perwalian. Penelitian ini bertujuan menganalisis bagaimana doktrin hukum Islam klasik membedakan kapasitas hukum serta bagaimana konsep-konsep tersebut dapat direkonstruksi secara kritis dalam kaitannya dengan hak-hak penyandang disabilitas. Penelitian menggunakan metode hukum normatif-doktrinal melalui analisis komparatif terhadap pandangan mazhab Hanafi, Maliki, Syafi'i, dan Hanbali, serta kajian terhadap *Convention on the Rights of Persons with Disabilities* (CRPD) dan literatur interdisipliner yang relevan. Hasil penelitian menunjukkan bahwa fikih Islam klasik memiliki beragam mekanisme doktrinal untuk membedakan tanggung jawab hukum, kecakapan pengelolaan harta, kewenangan perkawinan, dan perwalian melalui konsep *bulūgh*, *'aql*, *rushd*, dan *ahliyyah*. Namun, keragaman tersebut tidak serta-merta membuktikan adanya konsep kedewasaan yang sepenuhnya berbasis kapasitas ataupun kesesuaiannya dengan prinsip pengakuan kapasitas hukum yang setara dalam CRPD. Kontribusi teoretis penelitian ini berupa pengembangan model hukum hibrida yang mengintegrasikan batas usia sebagai standar hukum umum, dukungan pengambilan keputusan, dan mekanisme perlindungan prosedural terhadap paksaan, diskriminasi, serta pengaruh yang tidak semestinya. Kebaruan model terletak pada pembedaan antara kelayakan hukum berdasarkan usia, pengakuan kapasitas hukum, dan kebutuhan dukungan individual, sehingga asesmen psikologis tidak dijadikan prasyarat pengakuan kapasitas hukum. Berbeda dari pendekatan yang menggantungkan kapasitas hukum pada penilaian kemampuan fungsional, model ini mempertahankan perlindungan berbasis usia sekaligus mengutamakan otonomi individu, aksesibilitas pengambilan keputusan, dan pengawasan yudisial yang proporsional. Model tersebut merupakan usulan normatif yang berlandaskan analisis doktrinal, sehingga efektivitas penerapannya masih memerlukan pengujian empiris.

Kata Kunci: Hukum Keluarga Islam; *Ahliyyah*; *Rushd*; Kapasitas Hukum; Hak Penyandang Disabilitas; Pengambilan Keputusan Dengan Dukungan; *Maqāṣid Al-Sharī'Ah*.

INTRODUCTION

The determination of legal adulthood constitutes a significant doctrinal question in Islamic family law, particularly when the legal consequences of chronological age, physical maturity, intellectual discernment, and decision-making ability do not coincide. Rather than establishing a single, universally applicable threshold of adulthood, classical Islamic jurisprudence developed differentiated legal concepts through which particular rights, obligations, and forms of legal agency were recognized. These include *bulūgh* (puberty), *'aql* (reason), *rushd* (sound judgment), and *ahliyyah* (legal capacity). Their legal significance varies according to the nature of the act under consideration, including marriage, guardianship, and property administration. Consequently, the

central problem is not whether Islamic law is fundamentally age-based or capacity-based, but how its distinct legal thresholds should be interpreted and coordinated when determining an individual's ability to exercise rights within contemporary family-law institutions.[1]

This question is particularly important in the context of marriage and guardianship, where legal adulthood cannot be understood exclusively through biological development or statutory majority. Marriage involves questions concerning the validity of the contractual relationship, the parties' ability to express consent, and the legal authority of guardians. These questions are not necessarily governed by the same doctrinal criteria as financial transactions or the administration of property. Classical Islamic jurisprudence contains substantial debates concerning the respective roles of marital guardianship, contractual agency, and individual consent, reflecting variations across juristic schools and historical contexts. Contemporary statutory regulation introduces a further legal dimension by establishing minimum marriage ages and other procedural requirements that do not necessarily correspond to classical conceptions of *bulūgh*. The resulting challenge concerns how Islamic family law should recognize personal autonomy and provide appropriate legal safeguards without conflating puberty, legal majority, and the capacity to make a particular decision.

The problem becomes more complex when addressing the rights of persons with intellectual, developmental, or psychosocial disabilities. Cognitive functioning, communication, and decision-making abilities may vary among individuals and across situations. Such variation, however, does not justify treating disability as equivalent to legal incapacity. Contemporary disability-rights scholarship distinguishes legal capacity, understood as the recognition of a person as a rights-holder and legal actor, from mental or decision-making capacity, which concerns the abilities involved in making particular decisions. Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD) affirms equal recognition before the law and requires access to support in exercising legal capacity. The Committee on the Rights of Persons with Disabilities further emphasizes that actual or perceived limitations in mental capacity must not constitute grounds for denying legal

[1] R Gleave, "Muslim Jurisprudence," in *The Oxford Handbook of World Philosophy*, 2011, https://doi.org/10.1093/oxfordhb/9780195328998.003.0038; Kecia Ali, *Marriage and Slavery in Early Islam* (Cambridge, MA: Harvard University Press, 2010).

capacity.[2] This distinction challenges legal arrangements that automatically substitute guardians' decisions for those of persons with disabilities based on diagnostic classifications or presumed cognitive limitations.

Within Islamic jurisprudence, the relationship between legal agency and protective intervention is more differentiated than a simple opposition between adulthood and incapacity would suggest. The classical doctrine of *ahliyyah* distinguishes *ahliyyah al-wujūb*, the capacity to hold rights and bear legally recognized obligations, from *ahliyyah al-adā'*, the capacity to perform acts to which the law attaches legal consequences. The exercise of particular rights may also involve additional doctrinal considerations, including *'aql*, discernment, and restrictions associated with *'awāriḍ al-ahliyyah* (circumstances affecting legal capacity). Nevertheless, these categories were developed within a jurisprudential system whose understanding of legal personality, responsibility, and guardianship differs from contemporary international human-rights law. Their relevance to disability rights therefore requires careful doctrinal interpretation rather than the assumption that classical Islamic legal categories already embody modern principles of supported decision-making. Recent scholarship on the contextualization of classical Islamic thought similarly demonstrates that premodern interpretive concepts may provide resources for contemporary normative reasoning, while warning against treating modern analytical categories as if they were conceptually identical to categories developed within historically distinct intellectual and legal settings.[3]

A conceptually rigorous analysis requires distinguishing several terms that are frequently treated as interchangeable. *Bulūgh* refers to the attainment of puberty and may function as a legally relevant indicator of maturity in classical jurisprudence. It should not, however, be equated with a universal status of unrestricted legal adulthood. *Rushd* refers to sound judgment or responsible discernment, although its precise legal

[2] Lucy Series and Anna Nilsson, "Article 12 CRPD: Equal Recognition before the Law," in *The UN Convention on the Rights of Persons with Disabilities: A Commentary* (Oxford: Oxford University Press, 2018); United Nations, "Convention on the Rights of Persons with Disabilities" (New York, 2006).

[3] Al Fiqri Ardiansyah, Yusuf Rahman, Zubair, Marhamah Annazah Tambunan, and Nur Cholis, "Reconstructing Ecological Ethics from Fakhr al-Dīn al-Rāzī: The Possibilities and Limits of Its Contextualization in Indonesian Ecotheological Policy," *AL QUDS: Jurnal Studi Alquran dan Hadis* 10, no. 2 (2026): 385–414, https://doi.org/10.29240/alquds.v10i2.15999.

implications depend on the doctrinal setting. In Qur'an 4:6, the requirement to establish *rushd* before transferring property to orphans concerns the administration of wealth. The verse therefore provides an important textual basis for distinguishing physical maturity from financial competence, but it does not independently establish that identical requirements govern marriage, guardianship, and all other legal transactions (Qur'an 4:6).

The concept of *ahliyyah* introduces a further distinction between possessing legally protected interests and exercising rights through legally effective acts. *Ahliyyah al-wujūb* concerns the recognition of rights and obligations, whereas *ahliyyah al-adā'* concerns the legal effectiveness of an individual's conduct. These distinctions cannot be translated mechanically into the modern categories of legal capacity and decision-making capacity. In contemporary legal discourse, *legal majority* generally refers to a legally prescribed age at which particular restrictions associated with minority cease to apply, although the relevant threshold and its consequences vary by jurisdiction. *Decision-making capacity*, by contrast, is a context-sensitive concept associated with an individual's ability to understand, evaluate, and communicate decisions. Importantly, under the CRPD's interpretation of equal recognition before the law, decision-making ability cannot be used as a general prerequisite for recognizing a person's legal capacity.[4]

These conceptual distinctions are particularly consequential for marriage. Competence in property management does not automatically establish competence to consent to marriage, just as difficulties in managing financial affairs do not necessarily demonstrate an inability to express marital preferences. Similarly, guardianship within classical Islamic family law should not be treated as conceptually identical to modern substituted decision-making, even where particular arrangements authorize another person to act on an individual's behalf. The former emerges from historically specific juristic doctrines governing family relationships and contractual authority, whereas the latter denotes mechanisms through which decisions are made by others

[4] M Browning, C Bigby, and J Douglas, "Supported Decision Making: Understanding How Its Conceptual Link to Legal Capacity Is Influencing the Development of Practice," *Research and Practice in Intellectual and Developmental Disabilities* 1, no. 1 (2014): 34–45, https://doi.org/10.1080/23297018.2014.902726; A Arstein-Kerslake, "An Empowering Dependency: Exploring Support for the Exercise of Legal Capacity," *Scandinavian Journal of Disability Research* 18, no. 1 (2016): 77–92, https://doi.org/10.1080/15017419.2014.941926.

in place of the person concerned. A careful comparison must therefore examine the legal basis, scope, and limits of guardianship, as well as the extent to which an individual's own preferences are recognized.[5]

Existing scholarship provides important but distinct contributions to the relationship between Islamic legal capacity, family-law institutions, and disability rights. Historical and doctrinal analyses of Islamic marriage have examined contractual authority, guardianship, consent, and the development of juristic reasoning. More recent studies have addressed the relationship between statutory age requirements and the legal qualifications of marriage guardians, demonstrating that the relationship between classical juristic thresholds and contemporary positive law remains contested.[6] Scholarship on disability and Islamic legal responsibility has also examined the implications of intellectual and psychosocial disabilities for religious obligations, marriage, and guardianship.[7] These contributions indicate that the relevant problems have already received scholarly attention and that the present study should not claim an entirely unexplored field.

Meanwhile, contemporary disability-rights scholarship has developed a substantial critique of legal arrangements that condition the recognition of legal agency on assessments of cognitive or functional ability. Arstein-Kerslake and Flynn, for example, demonstrate how the denial of legal agency may reinforce relationships of domination, particularly where persons with cognitive disabilities experience

[5] Ali, *Marriage and Slavery in Early Islam*; Robert Gleave, "Offer and Acceptance in Islamic Marriage: The Discussions of Al-Mujāhid Al-Ṭabāṭabāʾī (d. 1242/1827) in His Manāhil Al-Aḥkām," in *Islamic Law in Context: A Primary Source Reader*, ed. Omar Anchassi and Robert Gleave (Cambridge University Press, 2024), 141–54, https://doi.org/10.1017/9781009031783.016; Anna Arstein-Kerslake and Eilionóir Flynn, "The Right to Legal Agency: Domination, Disability and the Protections of Article 12 of the Convention on the Rights of Persons with Disabilities," *International Journal of Law in Context* 13, no. 1 (2017): 22–38, https://doi.org/10.1017/S1744552316000458.

[6] S Paputungan and F Su'adah, "Legal Capacity and Age Standards for Nasab Guardians in Indonesian Marriage Law," *Al-Hakam: The Indonesian Journal of Islamic Family Law and Gender Issues* 5, no. 2 (2025): 129–43, https://doi.org/10.35896/alhakam.v5i2.1070.

[7] F Masykur, A B Hikam, and M Amin, "Taklif and the Fulfillment of the Rights of Persons with Mental and Intellectual Disabilities: An Islamic Legal Perspective," *Al-Qadha: Jurnal Hukum Islam Dan Perundang-Undangan* 12, no. 2 (2025): 309–31, https://doi.org/10.32505/qadha.v12i2.11334.

extensive external control over personal decisions.[8] The CRPD establishes a rights-based normative framework through Article 12, concerning equal recognition before the law, and Article 23, concerning marriage and family relationships. Article 23 specifically recognizes the right of persons with disabilities of marriageable age to marry on the basis of the free and full consent of the intending spouses.[9] These provisions make the relationship between legal recognition, individual consent, and decision-making support particularly relevant to contemporary Islamic family law.

The research gap addressed in this article is therefore more specific than the general absence of scholarship connecting Islamic jurisprudence and disability rights. It concerns the need for a doctrinally differentiated account of how *bulūgh*, *'aql*, *rushd*, and *ahliyyah* operate across distinct family-law questions, and how these concepts may be critically reconstructed in dialogue with contemporary principles of equal legal recognition and supported decision-making. In particular, the relationship between classical marital guardianship and the rights of persons with disabilities requires an analysis that distinguishes protective legal arrangements from practices that unjustifiably restrict personal agency. This inquiry also requires safeguards against treating medical diagnoses or individualized cognitive assessments as sufficient grounds for denying marriage-related rights. Rather than proposing a universal capacity test, the study examines how established Islamic legal categories might be interpreted consistently with non-discrimination, respect for personal will and preferences, and the protection of individuals from coercion and exploitation. This dialogical orientation is consistent with contemporary Islamic hermeneutical approaches that move beyond a rigid text–context binary by maintaining textual accountability while bringing inherited interpretive traditions into critical engagement with changing ethical and social realities.[10] The broader transformation of contemporary Islamic authority also demonstrates that processes of interpretation and normative recognition

[8] Arstein-Kerslake and Flynn, "The Right to Legal Agency: Domination, Disability and the Protections of Article 12 of the Convention on the Rights of Persons with Disabilities."

[9] Nations, "Convention on the Rights of Persons with Disabilities."

[10] Riski Suriani Lubis, Jesimawati, and Ummatul Hasanah, "Reframing Qur'anic Hermeneutics Beyond the Text–Context Binary: A Dialogical Model for Contemporary Interpretation," *Dialogues in Qur'anic and Hadith Studies* 1, no. 1 (2026): 27–49.

increasingly operate through changing institutional and technological environments, requiring greater attention to how authority is produced, mediated, circulated, and socially recognized.[11]

Against this background, the central research problem can be formulated as follows: How should Islamic family law determine the legal consequences of adulthood when chronological age, *bulūgh*, *rushd*, and decision-making abilities do not coincide, particularly in matters involving marriage and guardianship? This question requires examining the historical structure of Islamic legal capacity without imposing contemporary conceptual categories retrospectively upon classical jurisprudence.

The study is guided by four interrelated research questions: (1) How do classical Islamic jurists distinguish *bulūgh*, *rushd*, *'aql*, *ahliyyah al-wujūb*, and *ahliyyah al-adā'*, and what legal consequences follow from these distinctions? (2) How do these doctrinal categories operate differently in relation to marriage, marital consent, guardianship, and property administration, particularly where legal adulthood and individual abilities do not coincide? (3) To what extent can classical Islamic doctrines of legal capacity and guardianship be reconstructed in dialogue with contemporary disability-rights principles, especially equal legal recognition and supported decision-making? (4) What normative and institutional safeguards are necessary to prevent disability-related assessments, guardianship arrangements, or protective interventions from producing discrimination, coercion, or arbitrary paternalism?

Accordingly, this study aims to critically examine the differentiated conception of legal adulthood within classical Islamic jurisprudence and to develop a normative framework for interpreting marriage-related capacity and guardianship in contemporary Islamic family law. It seeks to clarify the legal functions of the relevant juristic concepts, identify their points of convergence and tension with international disability-rights standards, and formulate principles for protecting individual agency without disregarding legitimate concerns relating to exploitation, coercion, and procedural fairness.

The study employs three complementary analytical perspectives. First, the classical Islamic doctrine of *ahliyyah* provides the foundation for distinguishing legal personality, the effectiveness of legal acts, and

[11] Marhamah Annazah Tambunan and Maulida Fitria, "Digital Fatwas and the Transformation of Religious Authority in Contemporary Muslim Societies," *Islamicate Futures: Knowledge, Ethics, and Muslim Societies* 1, no. 1 (2026): 96–123, https://doi.org/10.68051/ifkems.v1i1.41.

the consequences of circumstances traditionally understood to affect legal capacity. Particular attention is given to the relationship between *bulūgh*, *'aql*, and *rushd*, while recognizing that their application varies across legal contexts. Second, contemporary disability-rights theory, particularly the interpretation of Articles 12 and 23 of the CRPD, provides a normative basis for examining equal legal recognition, free and full marital consent, and access to decision-making support.[12] Third, *maqāṣid al-sharī'ah* serves as an evaluative framework for assessing how proposed doctrinal interpretations may advance justice (*'adl*), public welfare (*maṣlaḥah*), and human dignity while avoiding discriminatory restrictions on legal agency.

The principal contribution of this study lies in proposing a context-sensitive framework for the interpretation of legal adulthood and the exercise of rights within Islamic family law. Rather than assuming that age-based and capacity-based models constitute mutually exclusive alternatives, the framework distinguishes the legal recognition of adulthood from the requirements governing particular legal acts. It further proposes that the practical exercise of marriage-related rights should be facilitated through accessible information, appropriate decision-making support, meaningful recognition of personal will and preferences, and safeguards against coercion. Under this approach, disability status or diagnostic classification cannot, by itself, justify the denial of legal agency. Equally, support arrangements must not be used to disguise substituted decision-making or to override the person's legally relevant choices.

The proposed framework is described as hybrid not because it combines chronological age with an individualized test that determines whether persons with disabilities deserve legal recognition, but because it seeks to coordinate distinct doctrinal thresholds, statutory protections, and rights-based mechanisms of support. Its theoretical significance lies in distinguishing legal status from the conditions governing specific legal acts, and in identifying the extent to which classical jurisprudential concepts can accommodate contemporary commitments to autonomy and non-discrimination without disregarding their historical and doctrinal specificity. The framework is therefore advanced as a

[12] Committee on the Rights of Persons with Disabilities, "General Comment No. 1 (2014): Article 12: Equal Recognition before the Law" (United Nations, 2014), https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-1-article-12-equal-recognition-1.

normative and interpretive proposal rather than as an empirically validated legal model.

Ultimately, the study argues that reconsidering legal adulthood in Islamic family law requires more than replacing chronological thresholds with functional assessments. It requires a careful reconstruction of the relationship between legal personality, marital consent, guardianship, and the exercise of rights. By bringing classical Islamic jurisprudence into critical dialogue with contemporary disability-rights scholarship, this article seeks to contribute to the development of an Islamic family-law framework that is doctrinally coherent, attentive to individual agency, and consistent with the principles of justice, human dignity, and non-discrimination.

RESEARCH METHODS

This study employs normative-doctrinal legal research supported by comparative jurisprudential analysis and interdisciplinary normative evaluation to examine legal adulthood, legal capacity, and disability rights within Islamic family law. The research focuses primarily on marriage capacity, marital consent, and guardianship, while financial competence is examined as a comparative context for understanding *rushd*. Doctrinal legal research is employed to identify, interpret, and critically evaluate authoritative legal principles rather than to investigate empirical behavior.[13] The primary Islamic legal corpus comprises the Qur'an, particularly Q.S. al-Nisā' [4]: 6, and representative classical jurisprudential works from the four Sunni schools: *al-Mabsūṭ* by al-Sarakhsī (Hanafi), *al-Mudawwanah* transmitted by Saḥnūn (Maliki), *al-Umm* by al-Shāfiʻī (Shafiʻi), and *al-Mughnī* by Ibn Qudāmah (Hanbali). Ibn Rushd's *Bidāyat al-Mujtahid wa Nihāyat al-Muqtaṣid* serves as a supplementary comparative source. These texts are purposively selected based on their doctrinal authority, relevance to *bulūgh*, *ʻaql*, *rushd*, *ahliyyah*, and *wilāyah*, and their treatment of marriage, guardianship, and property administration. Contemporary legal sources include the Convention on the Rights of Persons with Disabilities (CRPD), particularly Articles 12 and 23, and General Comment No. 1 concerning

[13] Terry Hutchinson and Nigel Duncan, "Defining and Describing What We Do: Doctrinal Legal Research," *Deakin Law Review* 17, no. 1 (2012): 83–119; Stefan Theil, "Carefully Tailored: Doctrinal Methods and Empirical Contributions," *Oxford Journal of Legal Studies* 45, no. 4 (2025): 1047–75, https://doi.org/10.1093/ojls/gqaf029.

equal recognition before the law.[14] Psychological references, including the DSM-5-TR and the American Association on Intellectual and Developmental Disabilities (AAIDD) framework, are classified as supplementary clinical and interdisciplinary literature rather than primary legal authorities.[15]

Secondary literature is examined through a structured library-based search using Scopus, Google Scholar, and relevant legal databases, supplemented by citation tracking and searches of authoritative legal publications. The search covers literature available up to October 2026, while classical jurisprudential and foundational theoretical works are included regardless of publication year. Search terms include "Islamic legal capacity," "legal adulthood," "ahliyyah," "bulugh," "rushd," "Islamic family law," "marriage capacity," "guardianship," "disability rights," "CRPD Article 12," "supported decision-making," and "maqasid al-shariah," combined using Boolean operators where applicable. Inclusion criteria prioritize peer-reviewed publications, authoritative legal commentaries, scholarly monographs, and official legal documents addressing Islamic jurisprudence, marriage-related rights, legal capacity, disability, or decision-making support. Duplicate publications, sources lacking identifiable scholarly or legal authority, and studies without substantial relevance to the research questions are excluded. Documents are screened according to their titles, abstracts, and full texts, with relevant arguments organized into a comparative analytical matrix. The doctrinal analysis systematically compares the Hanafi, Maliki, Shafi'i, and Hanbali schools across seven dimensions: the commencement of *ahliyyah al-adā'*, the legal function of *'aql*, the scope of *rushd*, the consequences of *safah* and *ḥajr*, the legal position of individuals who attain puberty without financial competence, marriage-related capacity, and the relationship between guardianship and individual legal agency. Each juristic position is examined according to its textual foundation,

[14] Disabilities, "General Comment No. 1 (2014): Article 12: Equal Recognition before the Law"; American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders (DSM-5)* (Washington DC: APA, 2013).

[15] American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, 5th ed., text rev. (American Psychiatric Association, 2022), https://doi.org/10.1176/appi.books.9780890425787; Robert L Schalock, Ruth Luckasson, and Marc J Tasse, *Intellectual Disability: Definition, Diagnosis, Classification, and Systems of Supports* (Washington DC: AAIDD, 2021).

legal reasoning, conditions, exceptions, and practical consequences. Where Prophetic reports form part of the juristic reasoning examined in these classical sources, the analysis distinguishes questions of transmission, textual evaluation, interpretive meaning, and normative applicability rather than treating the presence of a transmitted report as sufficient to determine its contemporary legal consequence.[16] Intra-school interpretations are reconstructed before inter-school comparison to avoid generalizing individual juristic opinions into universal Islamic legal principles.[17]

The analytical procedure integrates three complementary normative frameworks: classical Islamic *ahliyyah*, contemporary disability-rights theory, and *maqāṣid al-sharī'ah*. The first framework identifies the doctrinal distinctions between possessing legal rights and exercising legally effective acts, while the second evaluates these distinctions against equal legal recognition, individual autonomy, supported decision-making, and safeguards against discrimination under the CRPD. Particular attention is given to the normative divergence between classical restrictions on certain legal transactions and the CRPD principle that disability or perceived limitations in mental capacity must not justify deprivation of legal capacity.[18] Psychological evidence is interpreted through a sequential distinction between clinical diagnosis, functional characteristics, individualized support needs, decision-making processes, and legal safeguards. Neither autism nor intellectual disability is treated as an automatic indicator of legal incapacity. The *maqāṣid al-sharī'ah* framework is subsequently applied to evaluate competing considerations involving *ḥifẓ al-'aql*, *ḥifẓ al-nafs*, *ḥifẓ al-māl*, justice (*'adl*), human dignity, and public welfare (*maṣlaḥah*). Potential conflicts between protection and autonomy are assessed according to the legitimacy of the protective objective, necessity, proportionality, availability of less restrictive alternatives, and procedural accountability. This approach distinguishes legitimate protection against coercion or

[16] Putri Naomi and Marhamah Annazah Tambunan, "Sanad, Matn and Meaning: Methodological Reconsideration in Modern Hadith Criticism," *TSIQAH: Journal of Hadith and Prophetic Tradition* 1, no. 1 (2026): 1–27.

[17] Mark Van Hoecke, "Methodology of Comparative Legal Research," *Law and Method*, 2015, https://doi.org/10.5553/REM/.000010.

[18] Disabilities, "General Comment No. 1 (2014): Article 12: Equal Recognition before the Law."

exploitation from discriminatory paternalism and prevents the generalized invocation of *maṣlaḥah* as justification for restricting individual legal agency.

The proposed hybrid framework is developed through four sequential procedures: doctrinal reconstruction, inter-school comparison, disability-rights evaluation, and normative synthesis. The resulting model combines statutory age requirements as general legal baselines, individualized decision-making support, and enforceable institutional safeguards, without making the recognition of legal capacity conditional upon cognitive assessment. Age thresholds are retained for their legitimate functions of legal certainty, administrative consistency, protection, and prevention of exploitation, while individual assessments, where justified, are restricted to identifying communication barriers, support requirements, or specific risks rather than determining legal personhood. The proposed institutional mechanism addresses the qualifications and independence of assessors, allocation of assessment costs, domain-specific evaluation, review procedures, resolution of conflicting expert opinions, access to legal remedies, and safeguards against family manipulation or undue influence. In marriage-related decisions, the framework prioritizes compliance with statutory requirements, accessible communication, free and full consent, and judicial oversight where coercion or procedural irregularities are credibly alleged. Doctrinal validity is evaluated through authoritative source selection, consistency of textual interpretation, intra-school and inter-school comparison, transparent legal reasoning, and explicit differentiation between established jurisprudential doctrines and proposed normative reforms.[19] This methodological requirement is particularly important where Qur'anic or Prophetic language functions as argumentative authority, since the ethical use of sacred texts requires source fidelity, contextual coherence, and interpretive transparency.[20] As a doctrinal study, the research does not involve clinical testing, interviews, or empirical validation of the proposed institutional

[19] Hutchinson and Duncan, "Defining and Describing What We Do: Doctrinal Legal Research."

[20] Ridho Wahyudi and Muhammad Khairul Fikri, "Iqtibās in Islamic Rhetorical Tradition: Aesthetic Function, Argumentative Force, and Ethical Quotation of Sacred Texts," *An-Najah: Jurnal Ushuluddin dan Studi Islam* 1, no. 1 (2026): 124–140.

mechanism. Accordingly, its contribution is confined to developing a theoretically grounded and legally operationalizable framework whose practical effectiveness requires further socio-legal investigation.

RESULTS AND DISCUSSION

Psychological Functioning, Disability Rights, and Supported Decision-Making in Islamic Family Law

The relationship between psychological functioning and legal capacity requires careful conceptual differentiation, particularly when examining the rights of children and adults with intellectual, developmental, or psychosocial disabilities. Clinical diagnosis, disability, cognitive functioning, adaptive functioning, decision-making capacity, legal capacity, and legal competence represent distinct analytical categories that should not be treated as interchangeable. Clinical diagnosis identifies a condition according to established diagnostic criteria, whereas disability reflects the interaction between individual impairments and environmental or institutional barriers. Cognitive functioning concerns intellectual processes such as reasoning, memory, and problem-solving, while adaptive functioning refers to conceptual, social, and practical skills used in everyday activities. Decision-making capacity concerns an individual's abilities in relation to particular decisions, whereas legal capacity refers to the recognition of a person as a rights-holder and legal actor. Legal competence, depending on the jurisdiction and legal context, may describe the legally prescribed requirements for undertaking specific acts. These distinctions are particularly important because psychological characteristics do not independently establish an individual's legal status or justify restrictions on the exercise of legal rights.[21]

Contemporary psychological frameworks provide important insights into individual functioning without establishing direct criteria for legal incapacity. The *Diagnostic and Statistical Manual of Mental Disorders*, Fifth Edition, Text Revision (DSM-5-TR), recognizes intellectual functioning and adaptive functioning as essential dimensions in the diagnosis of intellectual developmental disorder, with adaptive functioning playing a central role in determining severity.[22] Similarly, the American Association on Intellectual and Developmental Disabilities

[21] Association, *Diagnostic and Statistical Manual of Mental Disorders*; Schalock, Luckasson, and Tasse, *Intellectual Disability: Definition, Diagnosis, Classification, and Systems of Supports*; Disabilities, "General Comment No. 1 (2014): Article 12: Equal Recognition before the Law."

[22] Association, *Diagnostic and Statistical Manual of Mental Disorders*.

(AAIDD) emphasizes intellectual functioning, adaptive behavior, and individualized systems of support, while recognizing the influence of social, cultural, and environmental conditions on everyday functioning. Adaptive functioning encompasses conceptual skills, including communication and practical reasoning; social skills, including interpersonal interaction and social judgment; and practical skills associated with everyday activities. Nevertheless, limitations in any of these domains cannot automatically be interpreted as an inability to exercise legal rights. An individual may experience difficulties in communication, financial management, or social interaction while retaining preferences and the ability to participate meaningfully in decisions when appropriate support is provided. Consequently, psychological assessment should primarily inform the identification of support requirements rather than operate as a mechanism for determining whether individuals with disabilities deserve legal recognition.

The neurodiversity perspective further challenges the assumption that neurological differences necessarily indicate diminished legal agency. Although neurodiversity does not eliminate the clinical significance of intellectual or developmental disabilities, it emphasizes that differences in cognition, communication, sensory processing, and social interaction should not automatically be interpreted through a deficit-oriented framework. Individuals with autism, for example, may experience diverse communication or sensory-processing needs without necessarily having an intellectual disability. Likewise, individuals with intellectual disabilities may demonstrate different abilities across particular activities and decision-making contexts. Such diversity highlights the limitations of generalized conclusions based on diagnostic labels or standardized cognitive measurements. The relevant legal question should therefore move beyond whether a person satisfies a predetermined standard of psychological competence toward identifying the accessible information, communication assistance, environmental adjustments, and interpersonal support necessary for meaningful participation in legally significant decisions. This approach recognizes that difficulties encountered during decision-making may arise partly from inaccessible procedures or inadequate support rather than solely from individual characteristics.

A rights-based interpretation of psychological evidence is particularly important under the Convention on the Rights of Persons with Disabilities (CRPD). Article 12 establishes equal recognition before the law and requires States Parties to provide access to support in

exercising legal capacity. General Comment No. 1 explicitly distinguishes legal capacity from mental capacity and rejects the use of actual or perceived deficits in decision-making abilities as grounds for denying legal capacity.[23] Legal capacity encompasses both legal standing and legal agency, meaning that persons with disabilities must be recognized not only as holders of rights but also as individuals whose legally relevant decisions are entitled to recognition. Accordingly, the existence of autism, intellectual disability, or another developmental condition cannot, by itself, establish legal incapacity. Nor should the provision of decision-making support be conditional upon passing a cognitive competence assessment. Instead, support arrangements should respond to individual requirements while respecting the person's rights, will, and preferences. This understanding is consistent with Arstein-Kerslake and Flynn's argument that meaningful legal agency requires protection against institutional domination and exclusion from legally consequential decisions.[24]

These principles have significant implications for the interpretation of classical Islamic jurisprudence, although doctrinal similarities should not obscure fundamental differences between historical Islamic legal categories and contemporary disability-rights standards. In classical Islamic legal theory, *'aql* is relevant to the attribution of legal responsibility (*taklīf*), while *ahliyyah al-wujūb* and *ahliyyah al-adā'* distinguish the capacity to hold legally recognized rights and obligations from the legal effectiveness of particular acts. Juristic discussions of *'awāriḍ al-ahliyyah* also recognize circumstances that may affect the exercise of legal rights or the validity of specific transactions. However, these doctrines must be interpreted within their original jurisprudential contexts rather than equated directly with contemporary psychological categories. Classical restrictions associated with cognitive conditions, financial imprudence (*safah*), or guardianship (*wilāyah*) may concern different legal domains and may produce consequences that diverge from the CRPD's interpretation of equal legal capacity. Therefore, the relevance of *'aql* and *ahliyyah* to contemporary disability rights lies not in establishing an automatic equivalence between Islamic jurisprudence and modern clinical assessments, but in

[23] Disabilities, "General Comment No. 1 (2014): Article 12: Equal Recognition before the Law."

[24] Arstein-Kerslake and Flynn, "The Right to Legal Agency: Domination, Disability and the Protections of Article 12 of the Convention on the Rights of Persons with Disabilities."

critically examining how established legal doctrines may be reconstructed to protect individuals against exploitation while respecting their legal agency.

Within Islamic family law, this distinction is especially consequential for marriage capacity, marital consent, and guardianship. The ability to manage property should not be presumed equivalent to the ability to express preferences regarding marriage, nor should difficulties in everyday adaptive functioning automatically justify the substitution of a person's marital decision by a guardian. Article 23 of the CRPD recognizes the right of persons with disabilities of marriageable age to marry on the basis of the free and full consent of the intending spouses.[25] In applying this principle, legal institutions should distinguish the requirement of valid consent from discriminatory assumptions about cognitive ability. Where an individual encounters difficulties understanding information or communicating a decision, appropriate measures may include accessible explanations, simplified legal documents, alternative communication methods, additional consultation time, and assistance from trusted support persons. Such measures should facilitate the expression of the individual's own will rather than authorize supporters to determine the outcome. Where coercion, manipulation, or undue influence is suspected, legal intervention should address those specific risks through impartial procedures and safeguards applicable without discrimination. Marriage must not be authorized merely on the basis of a guardian's substituted preference when the legally required free and full consent of the intending person has not been established.

The integration of psychological knowledge into Islamic family law therefore requires a support-oriented rather than diagnosis-driven analytical framework. A defensible sequence distinguishes clinical diagnosis, functional characteristics, individualized support needs, decision-making processes, and legal safeguards without treating these stages as a progression toward incapacity. Clinical information may assist in identifying relevant communication or support requirements, but it should not function as a mandatory gateway to legal recognition. Individualized support should be proportionate to the barriers encountered, responsive to changing circumstances, and subject to appropriate safeguards against conflicts of interest and undue influence. Importantly, the availability of support should not depend on the severity of a disability or on an individual's ability to satisfy standardized

[25] Nations, "Convention on the Rights of Persons with Disabilities."

psychological thresholds. This approach also requires the recognition that decision-making support may involve varying degrees of assistance, including accessible information, communication facilitation, independent advocacy, and the involvement of trusted individuals, provided that the person's rights, will, and preferences remain central.[26]

From a *maqāṣid al-sharīʿah* perspective, these considerations require a careful balance between protection, autonomy, and human dignity. The objectives of *ḥifẓ al-ʿaql*, *ḥifẓ al-nafs*, and *ḥifẓ al-māl* may support measures intended to prevent exploitation or protect individuals from demonstrable harm. However, protective objectives should not automatically override individual agency or justify generalized restrictions based on disability. The distinction between legitimate protection and paternalism depends on the legal justification, necessity, proportionality, and procedural accountability of the intervention. The distinction between legitimate protection and paternalism.[27] Measures that unnecessarily prevent persons with disabilities from participating in decisions concerning their personal relationships may undermine the broader objectives of justice (*ʿadl*) and public welfare (*maṣlaḥah*). Accordingly, the proposed hybrid framework retains statutory age requirements as generally applicable legal safeguards while emphasizing individualized support and non-discriminatory procedures for exercising marriage-related rights. Psychological evidence serves an auxiliary role in making legal processes accessible, not in establishing a separate standard of legal personhood for persons with disabilities.

Taken together, these considerations indicate that psychological functioning and legal capacity must be examined as related but distinct dimensions. The central implication is not that legal capacity should be understood as a psychological spectrum determined by cognitive performance, but that individuals may require different forms and intensities of support to exercise equally recognized legal rights. A diagnosis of disability does not establish legal incapacity, and variation in adaptive functioning does not justify automatic restrictions on marriage, guardianship-related participation, or other personal-status

[26] Disabilities, "General Comment No. 1 (2014): Article 12: Equal Recognition before the Law."

[27] Syahfitri Rahmawati, Sarah Rifhani Binti Surahman, Syifa Farizkha Indriani, Shofwatun Niswah, and Syah Fitriani Nasution, "Beyond Permissibility: Human Dignity and Intergenerational Justice in Islamic Bioethical Governance of Heritable Gene Editing and Embryo Selection," *Islamicate Futures: Knowledge, Ethics, and Muslim Societies* 1, no. 2 (2026): 244–281, https://doi.org/10.68051/ifkems.v1i2.46.

rights. By distinguishing clinical information from legal recognition and incorporating supported decision-making into the interpretation of Islamic jurisprudential concepts, this study advances a rights-based approach that seeks to reconcile doctrinal coherence with individual autonomy, non-discrimination, and meaningful protection against exploitation.

Age as a Legal Baseline: Balancing Legal Certainty, Individual Autonomy, and Decision-Making Support

Chronological age constitutes an important legal criterion for determining the transition from childhood to adulthood, yet its relationship with legal capacity requires a distinction between formal legal status and the exercise of particular rights. In contemporary legal systems, statutory age thresholds serve legitimate functions, including legal certainty, predictability, administrative efficiency, evidentiary consistency, and protection against exploitation. By establishing generally applicable rules, age-based classifications reduce the risk of arbitrary decisions and provide individuals, families, and legal institutions with identifiable standards for determining legal consequences. Within Islamic jurisprudence, however, legal adulthood cannot be reduced to a uniform chronological threshold because different consequences may be associated with *bulūgh* (puberty), *'aql* (reason), *rushd* (sound judgment), and *ahliyyah* (legal capacity). These distinctions indicate that the legal significance of maturity depends partly on the particular act or obligation under consideration. Consequently, the principal concern is not whether chronological age should be abandoned, but under what circumstances age constitutes a legitimate legal proxy and when its use becomes an unjustified substitute for examining the requirements of a specific legal act. A defensible framework should therefore recognize chronological age as a general legal baseline rather than an exhaustive measure of legal competence.

The legitimacy of age-based regulation becomes particularly evident in Islamic family law, where minimum marriage ages may protect children against premature marital obligations, coercion, and exploitation. Statutory thresholds establish uniform eligibility requirements and prevent legal authorities from making unrestricted determinations based on subjective perceptions of maturity. Their protective function should not be undermined by individualized assessments that allow children to be declared sufficiently mature for marriage merely because they demonstrate particular cognitive or social abilities. Nevertheless, attaining the statutory marriage age does not

eliminate the separate legal requirement of free and full marital consent. These criteria perform different functions: age establishes a general condition of legal eligibility, whereas consent concerns the voluntary participation of the intending spouses in a specific marital decision. Similarly, legal recognition of adulthood does not necessarily resolve questions concerning communication support, guardianship, or protection against undue influence. The relevant legal challenge is therefore to coordinate age-based protections with non-discriminatory mechanisms that facilitate the exercise of rights, rather than replacing age thresholds with individualized psychological competence tests.

From the perspective of autonomy theory, chronological age cannot independently explain the conditions under which individuals exercise meaningful self-determination. Raz conceptualizes autonomy in relation to the availability of meaningful options and the conditions necessary for individuals to direct their own lives[28]. Relational autonomy theory further emphasizes that autonomy develops and operates within interpersonal relationships, institutional arrangements, and broader social structures rather than existing as an exclusively individual attribute.[29] These perspectives challenge the assumption that legal independence necessarily entails freedom from assistance or social dependence. Individuals may exercise meaningful autonomy while relying on accessible information, communication assistance, trusted relationships, or institutional support. Conversely, formally recognizing an individual as an adult does not guarantee effective participation when legal procedures remain inaccessible or social pressures undermine voluntary decision-making. This distinction is especially relevant to persons with disabilities, whose decision-making opportunities may be restricted by environmental barriers, discriminatory assumptions, or inadequate support rather than by their chronological age. Accordingly, the appropriate legal response is not to make legal capacity conditional upon psychological independence, but to ensure that institutional arrangements enable individuals to exercise recognized rights under fair and accessible conditions.

Classical Islamic jurisprudence provides a differentiated conceptual framework for examining these questions, although its

[28] Joseph Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1986).

[29] Catriona Mackenzie and Natalie Stoljar, eds., "Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self" (Oxford University Press, 2000), https://doi.org/10.1093/oso/9780195123333.001.0001.

doctrines should not be interpreted as a direct equivalent of contemporary autonomy theory. The distinction between *bulūgh* and *rushd* is particularly significant in Qur'an 4:6, which addresses the administration and transfer of property belonging to orphans. The verse refers to attaining marriageable maturity and the identification of *rushd* before property is transferred to the individual concerned. Its immediate legal context therefore concerns financial administration and the responsibilities of guardians, rather than establishing a universal psychological competence requirement for all forms of legal adulthood. Contemporary maqāṣid-based legal hermeneutics similarly emphasizes that the rearticulation of Qur'anic legal norms should remain anchored in the textual domain of the relevant verse, its socio-historical context, and identifiable legal-moral objectives rather than extending a context-specific rule into an unrestricted general principle.[30] The reference to *rushd* demonstrates that the legal consequences associated with physical maturity may differ from those associated with financial judgment, but it does not justify automatically extending the same standard to marriage, personal status, or every other legal transaction (Qur'an 4:6). Classical jurisprudential discussions of *ahliyyah al-wujūb* and *ahliyyah al-adā'* further distinguish the possession of legally recognized rights from the legal effectiveness of particular acts. Likewise, doctrines concerning *safah* (financial imprudence), *ḥajr* (legal restriction), and *wilāyah* (guardianship) operate within specific legal contexts. Their implications must therefore be examined according to the relevant juristic reasoning rather than generalized into a single capacity-based theory of adulthood.

This doctrinal distinction also clarifies why financial competence and marriage-related competence should not be treated as interchangeable. An individual's inability to manage complex financial transactions does not necessarily establish an inability to express preferences concerning marriage, just as evidence of financial responsibility does not independently establish the validity of marital consent. Marriage involves additional legal requirements, including statutory eligibility, the absence of coercion, and the free and full consent of the intending spouses. Guardianship may provide legal protection in particular circumstances, but its exercise requires scrutiny where protective authority risks overriding an individual's will or preferences.

[30] Warda Mardiana Tambunan, Tiara Hidayah B, and Miftahur Rahmah, "Recontextualizing Āyāt al-Aḥkām: Maqāṣid-Based Legal Hermeneutics in Contemporary Qur'anic Exegesis," *Journal of Qur'anic Legal Studies and Exegesis* 1, no. 1 (2026): 21–39.

Broader socio-legal scholarship on gendered authority in Islamic family law similarly demonstrates that religiously grounded structures of authority require critical examination when they shape whose knowledge, voice, consent, and agency are recognized within family relationships. This insight is particularly relevant where protective authority may become a mechanism for marginalizing the legally significant preferences of the person concerned.[31] These considerations demonstrate the limitations of using either chronological age or a generalized assessment of cognitive functioning as the sole determinant of legally relevant decisions. Nevertheless, rejecting a universal psychological competence threshold does not invalidate the protective role of statutory age limits. Rather, it requires maintaining a distinction between generally applicable legal eligibility rules and individualized measures designed to facilitate the exercise of specific rights.

Contemporary international disability-rights law reinforces the importance of this distinction. Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD) recognizes the equal legal capacity of persons with disabilities and requires access to support in exercising that capacity. General Comment No. 1 clarifies that actual or perceived limitations in mental capacity should not justify denying legal capacity and emphasizes the importance of respecting individual rights, will, and preferences.[32] Consequently, individualized psychological assessment cannot legitimately function as a general prerequisite for recognizing the legal agency of persons with disabilities. Such assessment may reproduce discrimination when disability status triggers additional legal scrutiny that is not imposed on others in comparable circumstances. The CRPD-oriented approach therefore shifts the relevant inquiry from determining whether individuals possess sufficient cognitive ability to deserve legal recognition toward identifying the forms of support necessary for them to exercise their rights. In marriage-related contexts, this includes accessible legal information, appropriate communication assistance, protection against coercion, and procedural mechanisms for

[31] Al Fiqri Ardiansyah, Marhamah Annazah Tambunan, Randy Putra Alamsyah, Idrus Afandi Akbar, and Nuruddin, "Qiwāmah and Epistemic Violence: A Critical Socio-Legal Analysis of Gendered Authority in Islamic Family Law," *Mawaddah: Jurnal Hukum Keluarga Islam* 3, no. 2 (2025): 605–626, https://doi.org/10.52496/mjhki.v3i2.100.

[32] Disabilities, "General Comment No. 1 (2014): Article 12: Equal Recognition before the Law."

verifying free and full consent without relying on discriminatory assumptions about disability.[33]

The relationship between age-based protection and disability rights nevertheless presents a significant normative challenge. A framework that completely disregards age may weaken safeguards against child marriage and exploitation, whereas a framework that equates legal adulthood with unrestricted independence may overlook the support requirements of individuals with disabilities. Conversely, a system that subjects persons with disabilities to additional competence tests may transform protective measures into discriminatory barriers to legal agency. These tensions suggest that legal standards should distinguish between universal eligibility requirements and individualized accommodations. Generally applicable minimum marriage ages should remain enforceable regardless of an individual's disability status or perceived psychological maturity. Once the applicable legal conditions are satisfied, access to communication assistance or supported decision-making should facilitate the expression of the person's own choices rather than introduce a separate disability-based requirement for legal recognition. Where specific concerns regarding coercion, fraud, or undue influence arise, procedural intervention should address the identified conduct or risk through proportionate and impartial safeguards rather than presume incapacity from a clinical diagnosis.

From the perspective of *maqāṣid al-sharīʿah*, this differentiated approach provides a basis for balancing legal certainty, protection, autonomy, and human dignity. The objectives of *ḥifẓ al-nafs* (protection of life and personal integrity), *ḥifẓ al-ʿaql* (protection of intellect), and *ḥifẓ al-māl* (protection of property) may justify generally applicable safeguards intended to prevent exploitation and protect vulnerable individuals. However, these objectives should not be invoked as unrestricted grounds for paternalistic intervention. Their legal relevance must be evaluated in relation to the nature of the protected interest, the seriousness of the identified risk, the necessity of the proposed measure, and the availability of less restrictive alternatives. Protection of property, for example, does not automatically justify restricting marriage-related autonomy, because the legal interests and consequences involved are different. Similarly, concerns regarding exploitation may justify safeguards against coercion without requiring the removal of an individual's legal agency. In this respect, *maṣlaḥah* should be assessed

[33] Nations, "Convention on the Rights of Persons with Disabilities."

through identifiable legal benefits, potential harms, proportionality, and procedural accountability rather than presumed from the existence of disability or dependence on assistance.

The proposed hybrid framework consequently treats chronological age as a legitimate legal baseline while distinguishing it from the conditions governing the exercise of particular legal rights. Its central components are generally applicable statutory thresholds, recognition of individual legal agency, accessible decision-making support, and procedural safeguards against exploitation and undue influence. These components are complementary rather than competing mechanisms. Age-based rules establish legal eligibility and institutional predictability; supported decision-making facilitates meaningful participation; and procedural safeguards protect individuals against coercion without imposing discriminatory competence requirements. Importantly, the framework does not conceptualize legal capacity as a spectrum determined by cognitive performance. Instead, it recognizes that persons possess legal rights while requiring different forms of assistance to exercise them in particular contexts. This distinction preserves the legitimate protective functions of age-based regulation without reducing legal personhood or individual autonomy to chronological or psychological measurements. Accordingly, the theoretical limitation of an exclusively age-based approach lies not in the use of age itself, but in treating a general legal threshold as sufficient to resolve every question concerning consent, guardianship, decision-making support, and the exercise of rights within Islamic family law.

Classical Juristic Debates on Ahliyyah and the Variability of Legal Capacity

Classical Islamic jurisprudence developed differentiated doctrines of legal capacity that cannot be reduced to a uniform conception of adulthood or a simple distinction between chronological age and cognitive competence. The concept of *ahliyyah* provides an important analytical foundation for understanding how rights, obligations, and legally effective actions are distributed across different stages and conditions of human life. Classical legal theory distinguishes *ahliyyah al-wujūb*, referring to the capacity to possess rights and bear legally recognized obligations, from *ahliyyah al-adā'*, referring to the capacity to perform acts that produce legally recognized consequences. This distinction demonstrates that the possession of legal rights and the independent exercise of particular legal acts are not necessarily identical. Nevertheless, it would be conceptually inaccurate to interpret these

categories as direct equivalents of contemporary legal capacity and psychological decision-making capacity. Classical jurists developed their doctrines within historically specific legal systems in which *bulūgh* (puberty), *ʻaql* (reason), *rushd* (sound judgment), *safah* (financial imprudence), *ḥajr* (legal restriction), and *wilāyah* (guardianship) could produce different consequences depending on the legal domain. Consequently, the significance of classical jurisprudential plurality lies not in demonstrating that Islamic law already endorsed a modern disability-rights framework, but in identifying the distinct legal functions, limitations, and interpretive possibilities of its doctrinal categories (al-Sarakhsī, *al-Mabsūṭ*; al-Shāfiʻī, *al-Umm*; Ibn Qudāmah, *al-Mughnī*; Ibn Rushd, *Bidāyat al-Mujtahid*).

The Hanafi school provides a particularly important example of the relationship between legal adulthood, rationality, and the exercise of legal rights. In Hanafi jurisprudence, *bulūgh* and *ʻaql* are significant conditions for the attribution of legal responsibility, while the legal effectiveness of particular transactions may depend on additional doctrinal considerations. The distinction between persons lacking discernment and those possessing partial or developing discernment is relevant to the validity of contractual acts. However, the Hanafi treatment of *rushd* and *safah* should not be summarized as requiring every adult to demonstrate financial competence before acquiring legal agency. A distinctive position attributed to Abū Ḥanīfah places comparatively strong emphasis on the legal consequences of adulthood and restricts the indefinite continuation of financial guardianship merely because an adult is considered financially imprudent. His position concerning the delivery of property to an adult who has not demonstrated *rushd* differs from approaches that make financial maturity a continuing condition for the removal of restrictions, with classical Hanafi discussions recognizing a significant age-related limit associated with twenty-five years. Differences within the Hanafi tradition, including positions associated with Abū Yūsuf and Muḥammad al-Shaybānī, indicate that this question was itself contested. Thus, Hanafi jurisprudence does not establish that legal adulthood is universally dependent on functional assessment; rather, it demonstrates a differentiated relationship between adulthood, financial protection, and the limits of legal intervention (al-Sarakhsī, *al-Mabsūṭ*; Ibn Rushd, *Bidāyat al-Mujtahid*).

The Hanafi position on marriage provides a further indication that financial capacity and marital authority are distinct legal questions. In

the authoritative Hanafi tradition, an adult woman of sound mind may generally conclude her own marriage contract without the constitutive participation of a matrimonial guardian, subject to doctrinal qualifications concerning matters such as compatibility (*kafā'ah*) and appropriate dower (*mahr al-mithl*). Guardians may retain legally relevant powers to object in circumstances recognized by the school, but guardianship does not operate as an unconditional prerequisite for the validity of every marriage contracted by an adult woman. This position reflects a particular allocation of contractual authority and guardianship within Hanafi jurisprudence. It should not, however, be interpreted as identical to contemporary individual autonomy or as eliminating all historical restrictions associated with gender, social status, and contractual arrangements. Its significance for the present study is that classical legal reasoning could recognize an adult woman's authority in marriage while maintaining separate rules for property administration and other legal transactions.[34]

The Maliki school provides a different configuration of adulthood, financial discernment, and guardianship. In the Maliki jurisprudential tradition, *bulūgh* and *'aql* are relevant to legal responsibility, whereas *rushd* assumes particular significance in the administration and transfer of property. The absence of financial prudence may justify continuing restrictions on the independent management of wealth, even after puberty, subject to the school's rules concerning guardianship and the removal of legal restrictions. Maliki discussions of *ḥajr* consequently distinguish the protection of property from the broader recognition of legal rights. In matrimonial matters, the Maliki school generally assigns a constitutive role to the marriage guardian, but its treatment of guardianship and consent also varies according to the individual's legal circumstances, including minority, marital history, and the form of guardianship involved. The Maliki position therefore cannot be characterized as exclusively age-based or capacity-based. Rather, it operates through differentiated doctrines in which financial discernment, matrimonial authority, and legal responsibility are evaluated under distinct legal conditions (Saḥnūn, *al-Mudawwanah*; Ibn Rushd, *Bidāyat al-Mujtahid*).

[34] M Tang and Nilfatri, "The Law of Guardianship in Marriage According to Madhhab Scholars," *Zabags International Journal of Islamic Studies* 2, no. 1 (2025): 1–8, https://doi.org/10.61233/zijis.v2i1.12.

The Shafi'i school similarly distinguishes puberty from the independent administration of property but develops its own doctrinal treatment of financial restrictions and matrimonial guardianship. Within Shafi'i jurisprudence, *bulūgh* and *'aql* are central to the attribution of legal responsibility, while the release of property from guardianship requires consideration of *rushd*. A person who has attained puberty but remains classified as *safīh* may continue to be subject to *ḥajr* in relation to financial transactions. The rationale for such restriction concerns the protection and administration of property rather than the denial of the person's existence as a legal subject. Nevertheless, the consequences may significantly limit independent financial agency. In marriage, Shafi'i jurisprudence generally requires the participation of a legally qualified guardian for the validity of a woman's marriage contract. The presence of guardianship, however, should be analytically distinguished from the question of consent, since the rules concerning a guardian's authority and the individual's consent are not identical across all marital circumstances. This distinction is especially important when comparing classical rules with contemporary legal standards requiring the free and full consent of intending spouses. Consequently, Shafi'i jurisprudence demonstrates that financial prudence, contractual authority, and matrimonial guardianship operate through different doctrinal mechanisms.[35]

The Hanbali school also recognizes distinctions among physical maturity, rational responsibility, financial competence, and guardianship. In *al-Mughnī*, Ibn Qudāmah discusses the relationship between *bulūgh*, *'aql*, and *rushd* within the broader juristic treatment of legally effective transactions and the administration of property. Financial restrictions may continue when a person reaches puberty without satisfying the relevant requirements of *rushd*, while their removal depends on the conditions established for independent property management. The Hanbali treatment of *safah* therefore illustrates the distinction between attaining maturity for certain legal purposes and acquiring unrestricted authority over wealth. In matrimonial matters, Hanbali jurisprudence generally recognizes the legal necessity of a marriage guardian while also developing specific rules concerning consent and the exercise of guardianship authority. As in the other schools, the legal significance of guardianship cannot be inferred solely

[35] Muhammad ibn Idrīs Al-Shāfi'ī, *Al-Umm*, n.d.; Abu al-Walid Muhammad ibn Ahmad Ibn Rushd, *Bidayat Al-Mujtahid Wa Nihayat Al-Muqtasid* (Dar al-Fikr al-'Arabi, 1992); Tang and Nilfatri, "The Law of Guardianship in Marriage According to Madhhab Scholars."

from chronological age or financial competence. Rather, the relevant consequences depend on the particular contractual relationship, the individual's legal circumstances, and the school's interpretation of the governing textual evidence.[36]

A systematic comparison of the four Sunni schools consequently reveals both shared doctrinal foundations and substantial differences in legal application. All four traditions recognize that minority, puberty, rationality, and financial judgment can have distinct legal implications, although they do not necessarily agree on the criteria for removing restrictions or the authority of guardians. The principal differences are especially visible in the treatment of *safah*, the continuation of *ḥajr* after puberty, and the independent contractual authority of women in marriage. While Hanafi jurisprudence generally provides greater scope for an adult woman's independent conclusion of a marriage contract, Maliki, Shafi'i, and Hanbali jurisprudence assign a more constitutive role to matrimonial guardianship. Likewise, although *rushd* is particularly important in determining independent financial administration, its doctrinal function should not be generalized into a universal prerequisite for every form of legal agency. These distinctions demonstrate that classical Islamic jurisprudence operates through domain-specific legal consequences rather than a single standardized measure of adulthood. They also show why financial incapacity, marital consent, guardianship, and legal responsibility must be examined separately before proposing contemporary doctrinal reconstruction.

The Qur'anic foundation for this differentiation is particularly evident in Q.S. al-Nisā' [4]: 6, which instructs guardians to examine the circumstances of orphans and to transfer their property when the relevant conditions of maturity and sound judgment have been established. Although the verse refers to reaching marriageable maturity, its immediate normative concern is the responsible administration and delivery of property. Accordingly, *rushd* in this context provides a textual basis for differentiating puberty from financial competence, but it does not independently establish a comprehensive capacity-based theory of marriage or legal adulthood. The doctrine of *safah* further demonstrates how financial protection may become a justification for restricting particular transactions. Such restrictions, however, must be distinguished from the broader question of legal personality and from contemporary disability-related classifications. A person deemed

[36] A M Ibn Qudamah, *Al-Mughni*, vol. 1–15 (Dar 'Alam al-Kutub, 1997).

financially imprudent under classical jurisprudence cannot automatically be equated with a person diagnosed with an intellectual or developmental disability. The former is a historically specific legal category concerning particular forms of conduct, whereas the latter concerns clinical or disability-related classifications that do not independently determine legal capacity (Qur'an 4:6; Ibn Rushd, *Bidāyat al-Mujtahid*).

The role of *'aql* similarly requires careful doctrinal interpretation. Classical jurists frequently associate rationality with legal responsibility and the effectiveness of particular acts, but the meaning and consequences of impaired rationality vary across legal domains. Conditions traditionally discussed under *'awāriḍ al-ahliyyah* may affect the attribution of responsibility, the validity of transactions, or the exercise of guardianship. These consequences should not be collapsed into a generalized doctrine of legal incapacity. In particular, exemption from certain religious obligations, restriction of financial transactions, and limitations on matrimonial contractual authority are legally distinct outcomes. Although classical jurisprudence recognized forms of differential treatment intended to protect individuals or regulate legal responsibility, such arrangements could also authorize substantial restrictions on personal agency. It would therefore be historically anachronistic to claim that the recognition of differing forms of *ahliyyah* necessarily anticipated contemporary disability-rights principles. A more defensible interpretation recognizes that classical doctrines offer resources for legal differentiation while also containing restrictions that require critical normative evaluation.

This distinction becomes especially significant when classical Islamic jurisprudence is compared with the Convention on the Rights of Persons with Disabilities (CRPD). Article 12 affirms that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life and requires access to support in exercising that capacity. General Comment No. 1 further distinguishes legal capacity from mental capacity and rejects actual or perceived cognitive limitations as legitimate grounds for denying legal recognition or agency.[37] Classical doctrines permitting *ḥajr* or substituted contractual authority may therefore diverge from contemporary disability-rights standards where restrictions are imposed on the basis of actual or presumed mental impairment. The existence of historical protective purposes does not

[37] Disabilities, "General Comment No. 1 (2014): Article 12: Equal Recognition before the Law."

eliminate this normative tension. Nevertheless, certain general concerns within Islamic jurisprudence, including preventing exploitation, protecting property, and regulating conflicts of interest, may provide relevant starting points for developing rights-compatible safeguards. The crucial distinction is that such safeguards must respond to identifiable legal risks without making disability or cognitive performance a general condition for possessing legal capacity.

The compatibility of individualized assessment with disability rights consequently depends on the object, purpose, and legal consequences of the assessment. A procedure that determines whether a person with a disability possesses sufficient cognitive competence to retain legal capacity conflicts with the CRPD's interpretation of equal legal recognition. By contrast, a support-needs assessment may be compatible with disability-rights principles when its purpose is to identify communication barriers, accessible information requirements, appropriate assistance, and safeguards against coercion or undue influence. These assessments must not operate as mandatory disability-specific examinations imposed as prerequisites for marriage or other legally recognized acts. They should instead facilitate the exercise of rights and respond to concrete procedural needs. In marriage-related matters, the legal inquiry must distinguish the universal requirement of free and full consent from discriminatory assumptions concerning disability. Where genuine concerns about coercion, fraud, or undue influence arise, the relevant procedures should investigate those concerns directly rather than infer incapacity from diagnosis, communication differences, or dependence on assistance.

The normative relationship between protection and autonomy also requires a more rigorous application of *maqāṣid al-sharīʿah*. The objectives of *ḥifẓ al-ʿaql*, *ḥifẓ al-nafs*, and *ḥifẓ al-māl* may support legal safeguards intended to prevent exploitation, protect personal integrity, and preserve property. However, protection cannot automatically be equated with *maṣlaḥah* when the resulting intervention unnecessarily excludes individuals from exercising recognized rights. A *maqāṣid*-based evaluation must therefore consider the legitimacy of the protective objective, the seriousness of the identified harm, the necessity of intervention, the availability of less restrictive alternatives, and the proportionality of the resulting legal consequences. Financial protection, for example, may justify safeguards against demonstrable exploitation without necessarily supporting restrictions on marriage-related agency. Likewise, the protection of personal welfare cannot justify replacing an

individual's legally relevant preferences merely because family members or professionals consider another decision more advantageous. Justice (*'adl*), dignity, and autonomy must consequently operate as substantive constraints on paternalistic interpretations of welfare rather than as secondary considerations subordinate to protection.

The comparative analysis demonstrates that the normative value of classical jurisprudential plurality lies in its capacity to support differentiated legal reasoning without requiring the uncritical preservation of every historical restriction. Hanafi, Maliki, Shafi'i, and Hanbali doctrines offer distinct approaches to puberty, rational responsibility, financial prudence, legal restriction, matrimonial authority, and guardianship. These differences establish that the consequences of legal adulthood have never been entirely uniform across Islamic legal domains. Nevertheless, doctrinal plurality alone does not establish compatibility with contemporary disability rights. Such compatibility requires a further interpretive process that distinguishes legal personality from specific legal acts, universal legal recognition from individualized support requirements, and legitimate safeguards from discriminatory restrictions. Accordingly, the present study proposes that the reconstruction of legal adulthood should preserve the doctrinal significance of *bulūgh*, *rushd*, and *ahliyyah* while subjecting their contemporary application to principles of non-discrimination, personal autonomy, proportionality, and procedural accountability. This approach treats classical Islamic jurisprudence as a substantive source of legal reasoning rather than as retrospective proof of modern human-rights concepts.

Reconstructing Legal Adulthood: The Hybrid Model

Building on the comparative doctrinal findings, this study proposes a hybrid model of legal adulthood that integrates the differentiated structure of classical Islamic jurisprudence with contemporary principles of equal legal recognition, supported decision-making, and institutional accountability. The model does not seek to replace chronological age with a universal psychological competence test, nor does it treat disability-related assessment as a prerequisite for possessing legal capacity. Instead, it distinguishes three fundamental legal questions: whether an individual satisfies generally applicable statutory eligibility requirements; what support, if any, is needed to exercise a particular right; and what safeguards are necessary to prevent coercion, exploitation, or undue influence. This formulation responds to the central doctrinal problem identified in the classical literature while avoiding the

assumption that *rushd, 'aql*, and *ahliyyah* constitute interchangeable indicators of modern cognitive competence.

Table X. Proposed Operational Framework for the Hybrid Model of Legal Adulthood in Islamic Family Law

Element	Proposed Function	Islamic Basis	Contemporary Legal Basis	Safeguard
Age threshold	Establish generally applicable minimum legal eligibility, particularly for marriage.	*Bulūgh* as a classical maturity indicator, distinguished from statutory adulthood.	Statutory minimum marriage age and applicable child-protection law.	Legal certainty, uniform application, and prevention of exploitative exceptions.
Functional assessment	Identify specific communication barriers, support requirements, or procedural risks without determining legal personhood.	*'Aql* and *rushd* as domain-specific juristic concepts, critically reinterpreted.	Disability-rights standards distinguishing decision-making abilities from legal capacity.	Voluntary, proportionate, non-discriminatory support assessment; no diagnosis-based deprivation of rights.
Decision-making support	Enable individuals to understand information, express preferences, and participate in legally	*Wilāyah* and relevant principles of assistance and protection, subject to rights-based reconstruction.	CRPD Article 12(3) and supported decision-making principles.	Respect for individual rights, will, and preferences; prohibition of unauthorized substituted decisions.

	relevant decisions.			
Protection against exploitation	Prevent coercion, fraud, financial exploitation, and undue influence.	*Maṣlaḥah*, *ḥifẓ al-nafs*, *ḥifẓ al-māl*, and prevention of harm.	CRPD Article 12(4), Article 23, and applicable legal safeguards.	Necessity, proportionality, conflict-of-interest screening, independent review, and least-restrictive intervention.
Judicial oversight	Resolve disputes, review protective interventions, and safeguard the legality of decision-making procedures.	*Qaḍā'*, judicial responsibility, and principles of justice (*'adl*).	Competent courts, tribunals, procedural fairness, and effective remedies.	Independent adjudication, reasoned decisions, appeal mechanisms, and periodic review where applicable.

The first component, age as an administrative baseline, recognizes that chronological thresholds serve legitimate legal functions, including predictability, uniformity, evidentiary certainty, and protection against exploitation. In the context of marriage, minimum statutory age requirements should remain generally applicable and should not be displaced merely because an individual is considered psychologically mature. The second component concerns individualized support-needs assessment rather than a general examination of whether a person possesses legal capacity. Such assessment should be undertaken only when a specific accessibility requirement or procedural concern justifies it and should not be imposed automatically because of a disability diagnosis. Its purpose is to identify practical forms of assistance, including accessible explanations, alternative communication methods, independent advocacy, and additional time for decision-making. The third component concerns institutional safeguards that ensure support does not become coercive substitution. Support persons, guardians,

professionals, and judicial authorities must therefore operate within clearly defined responsibilities that prioritize the person's own rights, will, and preferences.

To make the framework legally operational, the proposed mechanism establishes a sequence of institutional decisions. First, the competent marriage authority verifies generally applicable statutory requirements, including minimum marriage age and other legally prescribed eligibility conditions. Second, accessible information and communication arrangements are made available to the intending spouses without requiring proof of psychological competence. Third, where additional assistance is requested or an identifiable communication barrier exists, the person concerned is offered appropriate support, preferably through qualified and independent professionals or trusted individuals selected with due regard to the person's preferences. Fourth, where there is credible evidence of coercion, fraud, or undue influence, an independent inquiry is conducted to address the specific concern. Fifth, any contested intervention is subject to judicial review, with reasons recorded and effective opportunities provided for challenge or appeal. This sequence distinguishes verification of universally applicable legal conditions from the provision of individualized assistance and the investigation of specific procedural risks.

The allocation of institutional responsibilities is essential to preventing arbitrary implementation. Support-needs assessments, where required, should be conducted by suitably qualified professionals whose expertise corresponds to the relevant communication or accessibility issue. Such professionals may include specialists in disability support, communication, psychology, or social services, but their findings should not independently determine the possession or withdrawal of legal capacity. Assessments should be limited to the relevant decision-making context and should not be mandatory merely because an individual has a disability. They should be reviewed when the individual's support requirements or circumstances materially change, rather than through unnecessary periodic cognitive testing. Where possible, costs should be covered through publicly funded or accessible legal-support services so that financial constraints do not prevent individuals from exercising their rights. When professional opinions conflict, the dispute should be resolved through independent review and, where legally necessary, judicial determination based on applicable legal standards rather than professional diagnosis alone.

The role of guardians and family members also requires explicit procedural limitations. Under the proposed framework, relatives or guardians may provide communication assistance, relevant contextual information, and protection against identifiable risks, but their involvement should not automatically authorize the replacement of the person's own decision. Potential conflicts of interest, including financial dependence, inheritance interests, family pressure, and attempts to control marriage choices, must be examined where credible concerns arise. Undue influence should be assessed through evidence of threats, manipulation, coercive dependence, or restrictions on access to independent advice rather than inferred from disability status or the mere presence of a support person. Appropriate safeguards include confidential opportunities for the individual to express preferences, access to independent advocacy, documented consent procedures, and judicial remedies where coercion or procedural abuse is alleged. Any protective intervention must be justified by a specific legal concern and remain proportionate to the risk addressed.

Marriage presents the most consequential application of the proposed framework because contractual validity, statutory eligibility, guardianship, and personal consent intersect within a single legal process. The model maintains a distinction between the role of a matrimonial guardian recognized under particular Islamic legal doctrines and the right of intending spouses to participate meaningfully in decisions concerning marriage. The Hanafi approach to adult women's contractual authority and the Maliki, Shafi‘i, and Hanbali emphasis on matrimonial guardianship provide different doctrinal starting points, but none should be interpreted as automatically resolving contemporary disability-rights questions. Under the proposed reconstruction, guardianship must be examined in light of applicable positive law, the requirement of free and full consent, and the prohibition of discriminatory restrictions. Decision-making support may facilitate the expression of marital preferences, but it cannot be used to manufacture consent or authorize a marriage when the legally required consent is absent. Where the person's will cannot be reliably ascertained despite appropriate support, this uncertainty cannot simply be replaced by a guardian's assessment of the person's best interests. Any legal response must preserve applicable consent requirements and provide appropriate protection without equating uncertainty with a general loss of legal capacity.

The proposed hybrid model also introduces a structured *maqāṣid*-based evaluation for situations involving potential conflict between autonomy and protection. Its first requirement is to identify the precise legal interest at stake, such as protection from coercion, financial exploitation, or infringement of personal dignity. The second is to establish whether the alleged harm is supported by identifiable evidence rather than generalized assumptions about disability. The third is to determine whether less restrictive measures, including supported communication, independent advice, or procedural supervision, can adequately address the concern. The fourth is to evaluate whether the proposed intervention would cause disproportionate exclusion from legal participation. The fifth is to ensure access to independent review and effective remedies. Through these criteria, *ḥifẓ al-ʻaql*, *ḥifẓ al-nafs*, *ḥifẓ al-māl*, *maṣlaḥah*, justice, and dignity operate as mutually constraining considerations rather than as unrestricted justifications for paternalistic intervention.

The principal theoretical contribution of this model lies in replacing the binary distinction between age-based and capacity-based adulthood with a differentiated framework of legal eligibility, equal legal recognition, individualized support, and procedural protection. Its compatibility with disability-rights principles depends on maintaining a clear separation between assessments intended to facilitate the exercise of rights and assessments used to deny those rights. Individualized assessment may be justified when it identifies communication support requirements or investigates a specific legal concern, but it becomes discriminatory when cognitive performance or disability diagnosis determines whether a person may retain legal agency. The guiding question is therefore not whether an individual possesses sufficient psychological competence to deserve legal recognition, but what support is required to exercise legally recognized rights and what safeguards are necessary to prevent coercion, abuse, or undue influence. By grounding this distinction in the differentiated structure of classical Islamic jurisprudence and evaluating it through contemporary disability-rights standards, the proposed framework offers a normative mechanism for reconciling legal certainty, doctrinal coherence, individual autonomy, and protection against exploitation. Its effectiveness remains a matter for further socio-legal investigation and jurisdiction-specific institutional evaluation.

A rigid age-based model of legal adulthood is no longer theoretically defensible nor empirically adequate, necessitating a

reconstructed framework that integrates chronological age with individualized assessments of legal capacity. The findings from both classical Islamic jurisprudence and contemporary legal theory consistently indicate that neither age nor capacity alone can fully capture the complexity of human competence. While age provides a necessary administrative baseline for legal certainty, it fails to account for variations in cognitive and psychological maturity, particularly among individuals with special needs. Conversely, purely capacity-based models, though normatively appealing, often encounter practical challenges in implementation due to the absence of standardized evaluation mechanisms and the risk of inconsistent application.[38] This dual limitation supports the need for a hybrid model that reconciles these approaches within a coherent legal framework.

Empirical and institutional developments in Islamic legal reform already point toward such integrative tendencies. For instance, contemporary reforms in family law increasingly employ *maqāṣid al-sharīʿah* as a guiding framework to balance normative principles with social realities. Studies show that maqāṣid-based reasoning has been applied in various domains, including child custody, marriage regulation, and family welfare, emphasizing the protection of dignity, lineage, and psychological well-being.[39] In Indonesia, for example, reforms addressing child marriage incorporate maqāṣid principles to address structural issues such as poverty and gender inequality, demonstrating a shift toward context-sensitive legal reasoning.[40] Similarly, institutional models such as Ma'had Aly utilize a triadic methodology combining textual, rational-causal, and teleological reasoning to bridge classical jurisprudence with contemporary socio-legal challenges. These

[38] P Zagozdzon, "Active Legal Capacity and Its Restrictions-Psychiatric Aspects," in *Models of Implementation of Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD): Private and Criminal Law Aspects*, 2023, 738–49, https://doi.org/10.4324/9781003463016-42; D Cohen, A A Sepehry, and I Z Schultz, "Forensic Neuropsychological Aspects of Competency Evaluations: Financial and Legal Competency in Older Adults," *Psychological Injury and Law* 13, no. 1 (2020): 19–32, https://doi.org/10.1007/s12207-019-09364-8.

[39] F N Nazah, R Gustiana, and T Saadah, "Gender Justice in Child Custody Disputes: The Maqāṣid Al-Sharī'ah Approach in Contemporary Judicial Practice," *MILRev: Metro Islamic Law Review* 4, no. 2 (2025): 1328–58, https://doi.org/10.32332/milrev.v4i2.10790.

[40] A Saepullah et al., "A Contemporary Socio-Legal Evaluation of Indonesia's Post-Reformation Child Marriage Policies," *MILRev: Metro Islamic Law Review* 4, no. 2 (2025): 1393–1426, https://doi.org/10.32332/milrev.v4i2.10322.

developments illustrate that hybrid approaches are not merely theoretical constructs but are already emerging in practice.

The proposed hybrid capacity-based model rests on three core assumptions. First, age remains an indispensable legal معيار for administrative clarity and uniformity. Legal systems require clear thresholds to ensure predictability and enforceability, particularly in areas such as marriage, guardianship, and financial transactions. Second, individual capacity must function as a corrective mechanism that refines the application of age-based rules. This involves assessing cognitive competence, adaptive functioning, and the ability to understand legal consequences factors widely recognized in both psychological research and legal theory. Third, the legal system must incorporate mechanisms of support, such as assisted decision-making, to enable individuals with limited capacity to exercise their rights without being excluded from legal participation.[41] These assumptions collectively shift the focus from a binary classification of competence toward a spectrum-based understanding of legal capacity.

From a theoretical perspective, this model aligns closely with the principles of *maqāṣid al-sharīʿah*, particularly the objectives of protecting intellect (*ḥifẓ al-ʿaql*), life (*ḥifẓ al-nafs*), and property (*ḥifẓ al-māl*). By allowing for differentiated levels of legal capacity, the model ensures that vulnerable individuals are neither overburdened with responsibilities nor unjustly deprived of their rights. This approach reflects the broader maqāṣid-oriented commitment to justice (*ʿadl*) and public welfare (*maṣlaḥah*), which prioritizes substantive fairness over formal equality.[42] Moreover, the integration of institutional and hermeneutic approaches combining classical legal structures with

[41] P Gooding, A Arstein-Kerslake, and E Flynn, "Assistive Technology as Support for the Exercise of Legal Capacity," *International Review of Law, Computers and Technology* 29, no. 2–3 (2015): 245–65, https://doi.org/10.1080/13600869.2015.1055665; B McSherry, "Legal Capacity under the Convention on the Rights of Persons with Disabilities.," *Journal of Law and Medicine* 20, no. 1 (2012): 22–27, https://www.scopus.com/inward/record.uri?eid=2-s2.0-84872010279&partnerID=40&md5=4126d1ee4c5991238db8b45cd9ac9e05.

[42] Auda. J, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach. International Institute of Islamic Thought.*, 2008; Z Mubarrak, I A Bakar, and M Hamdani, "The Urgency of the Islamic Law and Contemporary Societal Challenges: The Flexibility of Al-Maslahah in Determining the Hierarchy of Maqāṣid Al-Sharīʿah," *El-Usrah* 8, no. 1 (2025): 344–65, https://doi.org/10.22373/pxydd884.

contextual reinterpretation enables a dynamic and adaptive legal system capable of responding to contemporary challenges.[43]

Critically, the hybrid model also engages with ongoing debates in international human rights law, particularly those surrounding the CRPD. While the CRPD advocates for universal legal capacity and supported decision-making, its implementation has been met with concerns regarding feasibility and the potential for undue influence.[44] The hybrid model addresses these concerns by retaining age-based thresholds as safeguards against arbitrariness while incorporating capacity assessments to ensure inclusivity. In this sense, it offers a middle ground between the rigidity of traditional legal frameworks and the idealism of purely capacity-based models. Comparative studies further suggest that legal pluralism where Islamic principles interact with local norms can enhance the effectiveness of such hybrid approaches by embedding them within culturally resonant practices.[45]

At the same time, significant challenges remain in operationalizing this model. Research indicates that maqāṣid-based reforms often encounter resistance due to entrenched socio-cultural norms, bureaucratic inefficiencies, and inconsistencies in judicial interpretation.[46] In family law contexts, gender bias and unequal access to justice continue to undermine the equitable application of legal principles, particularly in cases involving custody and guardianship.[47] These challenges highlight the need for institutional strengthening, standardized assessment tools, and public awareness initiatives to ensure that hybrid models do not remain purely theoretical.

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[43] H Fatarib et al., "Progressive Legal Reasoning in Contemporary Islamic Legal Reform: Negotiating the Maqāṣid and Hermeneutic Approaches," *Juris: Jurnal Ilmiah Syariah* 24, no. 2 (2025): 277–94, https://doi.org/10.31958/juris.v24i2.16123.

[44] J Craigie, "Conceptualising 'Undue Influence' in Decision-Making Support for People with Mental Disabilities," *Medical Law Review* 29, no. 1 (2021): 48–79, https://doi.org/10.1093/medlaw/fwaa041; Browning, Bigby, and Douglas, "Supported Decision Making: Understanding How Its Conceptual Link to Legal Capacity Is Influencing the Development of Practice."

[45] O Rozikin et al., "Contextualizing Maqāṣid Al-Sharī'ah in Indigenous Legal Practices: A Comparative Study of Family Resilience in Kasepuhan Ciptagelar and Kampung Naga," *Nurani* 25, no. 2 (2025): 344–62, https://doi.org/10.19109/nurani.v25i2.27760.

[46] Saepullah et al., "A Contemporary Socio-Legal Evaluation of Indonesia's Post-Reformation Child Marriage Policies."

[47] Nazah, Gustiana, and Saadah, "Gender Justice in Child Custody Disputes: The Maqāṣid Al-Sharī'ah Approach in Contemporary Judicial Practice."

Theoretically, the adoption of a hybrid capacity-based model represents a significant shift in how legal subjecthood is conceptualized. It challenges the traditional dichotomy between competence and incapacity, proposing instead a continuum that reflects the fluid and context-dependent nature of human abilities. By integrating insights from Islamic jurisprudence, developmental psychology, and human rights law, the model contributes to a more holistic understanding of legal capacity that transcends disciplinary boundaries. It also reaffirms the adaptability of Islamic law, demonstrating its capacity to engage with contemporary issues without compromising its normative foundations. Reconstructing legal adulthood through a hybrid capacity-based model offers a more just, realistic, and theoretically grounded approach to determining legal capacity in Islamic family law. By combining age-based benchmarks with individualized assessments and support mechanisms, this model provides a flexible framework that accommodates human diversity while maintaining legal coherence.

CONCLUSION

This study establishes that classical Islamic jurisprudence does not recognize a single, universally applicable criterion of legal adulthood but instead provides multiple doctrinal mechanisms for differentiating legal capacity according to the nature of particular legal acts. Comparative analysis of the Hanafi, Maliki, Shafi'i, and Hanbali schools demonstrates that *bulūgh*, *'aql*, *rushd*, *ahliyyah al-wujūb*, and *ahliyyah al-adā'* perform distinct legal functions, particularly in relation to marriage, guardianship, and property administration. The principal doctrinal finding is that attaining puberty does not necessarily produce identical legal consequences across these domains, while financial competence cannot automatically be equated with marital competence. Nevertheless, these classical distinctions should not be interpreted as evidence that Islamic law inherently endorses contemporary capacity-based or disability-rights frameworks. Rather, they provide plural jurisprudential resources for examining legal adulthood through differentiated legal responsibilities and forms of agency. The study further demonstrates that chronological age remains a legitimate legal baseline because it promotes legal certainty, administrative consistency, and protection against exploitation. Its limitation arises when age is treated as an exhaustive measure of individual autonomy or when disability-related assumptions become grounds for restricting legally recognized rights.

The principal theoretical contribution of this research is the development of a hybrid legal framework that distinguishes statutory

eligibility, equal recognition of legal capacity, individualized decision-making support, and institutional safeguards. Unlike models that make legal recognition conditional upon cognitive competence, the proposed framework retains generally applicable age thresholds while prioritizing accessible information, supported decision-making, and protection against coercion or undue influence. Its central innovation lies in separating *capacity assessment* from *support-needs assessment*: the former must not become a discriminatory mechanism for denying legal agency, whereas the latter may identify the assistance necessary for individuals to exercise their rights effectively. This distinction provides a normative basis for reconstructing the relationship between classical Islamic doctrines of *ahliyyah*, contemporary disability-rights principles, and *maqāṣid al-sharīʿah*. The proposed synthesis does not claim direct equivalence between classical jurisprudence and the Convention on the Rights of Persons with Disabilities (CRPD), but critically addresses their points of convergence and divergence. By integrating legal certainty, autonomy, dignity, non-discrimination, and proportionate protection, the model advances a differentiated understanding of legal adulthood without reducing legal capacity to chronological age, clinical diagnosis, or psychological performance.

The findings recommend that policymakers, Islamic family-law institutions, and judicial authorities preserve statutory minimum marriage ages while establishing accessible and non-discriminatory procedures for exercising marriage-related rights. Legal institutions should prioritize supported decision-making, ensure the free and full consent of intending spouses, and provide independent safeguards against coercion, exploitation, conflicts of interest, and undue influence. Professional assessments, where genuinely necessary, should focus on specific communication barriers or support requirements rather than function as mandatory psychological examinations determining legal capacity. Judicial oversight should ensure proportionality, procedural fairness, access to remedies, and protection against arbitrary paternalistic intervention. However, these recommendations constitute a normative legal proposal rather than an empirically validated institutional model. The study is limited by its doctrinal orientation, its primary focus on four Sunni jurisprudential schools, and the absence of field-based evidence concerning the feasibility and effectiveness of the proposed mechanisms. Future research should therefore examine their implementation across specific Muslim-majority jurisdictions through comparative socio-legal studies involving persons with disabilities, legal practitioners, marriage

registrars, and judicial authorities. Such research is necessary to determine whether the proposed framework can effectively reconcile Islamic legal doctrine, disability rights, and institutional protection in actual legal practice.

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