



## **A Phenomenological Exploration of the Experiences and Meanings of Islamic Law in Family Dispute Resolution in Indonesia: A Study of Cultural and Legal Contexts**

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### **ABSTRACT**

Family dispute resolution within Islamic law is a critical aspect of legal and cultural practices in many Muslim-majority countries. However, existing research predominantly focuses on theoretical and legal frameworks, often overlooking the subjective experiences of individuals engaged in these processes. This gap in understanding raises the question of how individuals apply Islamic principles to resolve family conflicts in contemporary legal contexts. To address this, we employed a phenomenological approach to explore the lived experiences of individuals involved in family dispute resolution under Islamic law. Data were collected through in-depth, semi-structured interviews with 10 participants who had engaged in dispute resolution under Islamic principles. The findings reveal that while Islamic law provides a strong foundation for conflict resolution, its application is often influenced by modern legal systems and societal changes. Participants described navigating a complex interplay of personal beliefs, cultural norms, and legal limitations, which shaped their experiences. These findings provide a deeper understanding of the personal, emotional, and cultural factors involved in applying Islamic law to family disputes, offering valuable insights into the challenges of integrating religious law within contemporary legal frameworks. This research fills a critical gap in the existing literature by focusing on the subjective experiences of individuals involved in family dispute resolution under Islamic law, an area that has been largely overlooked in previous studies. The study contributes to the ongoing discourse on the intersection of law, culture, and individual experience, with implications for future research in Islamic law and family studies.



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## **INTRODUCTION**

Family dispute resolution, particularly within the framework of Islamic law, is a complex and highly significant issue in contemporary society. In many Muslim-majority countries, Islamic principles serve as the foundation for legal decisions related to family matters, including divorce, inheritance, and child custody. However, the application of these principles often encounters challenges when intersecting with modern legal systems and evolving cultural norms (Nurrochmat dkk., 2021). The interplay between traditional Islamic teachings and contemporary family dynamics has led to ongoing debates regarding how Islamic law can be effectively applied to resolve family disputes in a way that respects both the legal system and the religious values of the individuals involved.

This study draws on several key theories that inform the phenomenological approach, including social constructivism and the theory of symbolic interactionism. Social constructivism emphasizes the role of individuals in constructing meaning through their experiences, while symbolic interactionism focuses on how people interact with each other and make sense of their social worlds. These theories are particularly relevant in exploring how individuals navigate and interpret Islamic

law in the context of family disputes. By framing the study within these theoretical perspectives, the research aims to shed light on how participants' lived experiences are shaped by their interactions with legal and cultural norms.

This phenomenon is particularly relevant in the context of Islamic societies where the family is considered the fundamental unit of social structure. The resolution of family conflicts, therefore, is not only a legal issue but also a deeply cultural and spiritual matter. As such, individuals involved in family disputes often turn to Islamic principles as a guide for resolving conflicts, seeking justice, and maintaining family harmony. However, there are varying perceptions of how well these religious principles align with modern legal frameworks and the societal expectations of fairness and equality. Understanding how these principles are experienced and applied in real-life family disputes is crucial for exploring their efficacy and relevance in the contemporary context.

Given the significance of family disputes and the widespread use of Islamic law as a tool for resolution, it is essential to explore the subjective experiences of individuals who navigate this complex landscape (Anesa dkk., 2019). The meaning that participants attach to their experiences of applying Islamic principles in family dispute resolution provides valuable insights into the personal and social dimensions of this phenomenon. A phenomenological approach is particularly well-suited for this exploration, as it allows for an in-depth examination of the lived experiences of individuals, focusing on how they make sense of and find meaning in their encounters with Islamic law in the context of family disputes. By capturing the nuances of these experiences, this study aims to contribute to a deeper understanding of the intersection between law, culture, and individual experience.

## **RESEARCH METHODS**

### **Research Design**

The study adopted a phenomenological approach to explore the subjective experiences of individuals involved in family dispute resolution under Islamic law. Phenomenology was chosen because it is particularly suited for investigating the lived experiences of participants, focusing on how they perceive and make sense of their experiences. This design allows for an in-depth exploration of the meaning participants attribute to their interactions with Islamic principles in the resolution of family disputes (Ghorbani dkk., 2020). By prioritizing the understanding of individual experiences, phenomenology provides a rich context for identifying themes and insights that may not be accessible through quantitative or other qualitative methodologies. A descriptive phenomenological approach was employed in this study, which focuses on capturing and describing the essence of participants' lived experiences without inferring meaning beyond what is directly shared by the participants.

### **Participants**

Participants were selected through purposive sampling to ensure that they had direct experience with the phenomenon under investigation—namely, the application of Islamic principles in resolving family disputes. The inclusion criteria required participants to be individuals who have encountered family disputes and have attempted to resolve them within the framework of Islamic law. Exclusion criteria included individuals who had no experience with Islamic law in the context of family dispute resolution or those who were unable to communicate their experiences effectively due to language barriers or other limitations (Van Roekel & De Theije, 2020). The final sample consisted of ten participants, including five males and five females, aged between 30 and 60 years. All participants had lived through family disputes and had made efforts to resolve them according to Islamic principles, ensuring that their experiences were relevant to the research focus.

### **Data Collection**

Data were collected through in-depth, semi-structured interviews designed to encourage participants to share their experiences in detail. The interviews were conducted in person at a location chosen by the participants, which was intended to ensure comfort and privacy. Each interview lasted

approximately 60 minutes, providing ample time for participants to reflect on their experiences and provide thorough responses. The interview guide was structured to explore key themes related to the application of Islamic principles in family dispute resolution, but it was flexible enough to allow participants to share any additional insights (Tener dkk., 2021). The interviews were audio-recorded with the participants' consent and transcribed verbatim for further analysis. Efforts were made to create a relaxed and respectful environment to facilitate open and honest communication.

### **Data Analysis**

Data were analyzed using thematic analysis, a common technique in phenomenological research that involves identifying, analyzing, and reporting patterns (themes) within the data. The analysis was carried out in several stages, beginning with reading and re-reading the transcripts to gain familiarity with the data. The next step involved identifying significant statements and phrases that directly reflected participants' lived experiences, which were then grouped into meaning units. These meaning units were categorized into broader themes that represented the core experiences of the participants. Thematic analysis was chosen because of its ability to provide a deep understanding of the lived experiences by highlighting recurrent patterns and key insights. NVivo software was used to assist with data organization and coding, although the analysis itself remained a manual process to ensure a comprehensive understanding of the data (Arias Velásquez & Mejía Lara, 2020). The themes that emerged were related to participants' perceptions of Islamic law's role in resolving family disputes, the challenges they faced, and their experiences with the integration of modern legal systems.

### **Ethical Considerations**

Ethical approval for the study was obtained from the relevant ethics committee, ensuring that the research adhered to ethical standards for human subjects. Informed consent was obtained from all participants before the interviews began, and participants were assured of their right to withdraw from the study at any time without consequence. Confidentiality and anonymity were maintained throughout the research process; all personal information was removed from the transcripts, and pseudonyms were used to protect the identities of the participants. The data were securely stored and only accessible to the research team. The study adhered to the principles of respect for participants, ensuring that their rights and dignity were safeguarded in compliance with international ethical standards.

## **RESULTS**

### **Application of Islamic Principles in Family Dispute Resolution**

The first theme that emerged from the data concerns the application of Islamic principles in resolving family disputes. Participants expressed that the guidance of Islamic law provides a clear and ethical framework for conflict resolution, with a particular emphasis on maintaining harmony within the family unit. Several participants shared that they relied heavily on the teachings of the Qur'an and Hadith, which emphasize justice, fairness, and the protection of family bonds. As one participant stated:

"In our family conflict, we always refer to the Qur'an and Hadith to guide us. For example, the teachings of forgiveness and reconciliation in the Qur'an help us resolve disputes with understanding and empathy." (Participant 3)

This sentiment was echoed by other participants, who mentioned that the application of Islamic values, such as compassion and mutual respect, helped them navigate complex family issues without resorting to legal battles. It was evident from the interviews that participants believe the Islamic approach fosters a holistic resolution process, where emotional, moral, and spiritual aspects are as important as legal considerations.

### **Integrating Islamic Values for Harmonious Family Conflict Resolution**



#### Qur'an Guidance

Provides ethical and spiritual guidance for resolving disputes.



#### Hadith Teachings

Offers historical examples and teachings for conflict resolution.



#### Compassion

Emphasizes empathy and understanding in resolving conflicts.



#### Mutual Respect

Highlights the importance of honoring each other's dignity.



#### Holistic Approach

Integrates emotional, moral, and spiritual aspects in resolution.

### Modern Challenges in Implementing Islamic Family Law

A second theme that emerged was the difficulty of fully implementing Islamic law in modern family disputes. Participants noted that, while Islamic principles are clear, the modern legal system often complicates their application. One participant remarked:

"The challenge comes when we try to apply Islamic principles in the court system. The law sometimes conflicts with our beliefs, especially in divorce cases where the legal system does not fully recognize the Islamic concept of marital obligations and responsibilities." (Participant 5)

This theme highlighted the tension between traditional Islamic values and the modern, often secular, legal systems that govern family disputes in contemporary society. Participants noted that, while they adhered to Islamic principles in their personal lives, there were limitations when it came to formal legal procedures. For instance, issues like child custody and inheritance were sometimes handled differently by the legal system than what Islamic law prescribes. This tension was described by one respondent as follows:

"In some cases, the legal system does not prioritize the well-being of children in the same way Islam teaches. For instance, the concept of maintaining family ties, even in the case of separation, is sometimes overlooked by the legal system." (Participant 7)

### The Role of Technology in Islamic Law-Based Family Dispute Resolution

The third theme explored the impact of technology on the resolution of family disputes through Islamic principles. Participants acknowledged the growing role of digital platforms and online tools in assisting with mediation and arbitration. One participant explained:

"With technology, we can consult religious scholars and legal experts through online platforms. This has made it easier for us to access Islamic guidance without the need for face-to-face meetings, especially when there are geographical barriers." (Participant 2)

Although the use of technology in legal matters was generally seen as beneficial, some participants raised concerns about the potential for technology to dilute the personal touch that is central to Islamic conflict resolution. As one participant put it:

"Technology can help, but it cannot replace the personal, face-to-face discussions that are important in resolving conflicts with compassion. Sometimes, you need that personal connection to truly understand the depth of the issue." (Participant 4)

The findings of this study reveal that while Islamic principles play a crucial role in the resolution of family disputes, modern challenges such as legal conflicts and the integration of technology complicate the process. Participants expressed that Islamic law provides a comprehensive framework for resolving family disputes, but the application of these principles is often hindered by external factors such as legal systems and technological limitations. Despite these challenges, the importance of adhering to Islamic teachings in conflict resolution remains central to the participants' experiences, emphasizing the ongoing relevance of Islamic law in modern family issues.

## **DISCUSSION**

### **Summary of Key Findings**

This study explored the subjective experiences of individuals applying Islamic principles in family dispute resolution (Domorenok & Graziano, 2023). The main findings reveal that while Islamic law provides a clear framework for resolving disputes, modern legal systems and societal changes often complicate its full application, creating a gap between religious ideals and practical outcomes. Participants' experiences highlighted the tension between traditional Islamic teachings and the challenges of applying them within the context of contemporary family dynamics.

### **Contribution of Findings to the Research Question**

The findings significantly contribute to answering the research question about how individuals experience and apply Islamic principles in family dispute resolution. The research shows that Islamic law is central to participants' conflict resolution processes, yet its application is not always straightforward. The study highlights that participants navigate a complex intersection of personal beliefs, societal expectations, and legal limitations when resolving family disputes. These findings provide new insights into the dynamic role of Islamic law in everyday life, especially how individuals interpret and apply its principles in the face of modern challenges. This research uniquely reveals the inner conflict and moral dilemmas that arise when participants strive to balance their religious convictions with the constraints imposed by the secular legal system.

### **Connection with Previous Literature and Theory**

The findings of this study align with and extend previous research on the intersection of Islamic law and family dispute resolution. Previous studies have emphasized the importance of Islamic principles in guiding family matters (Otto & van Oorschot, 2019), but often focused on theoretical frameworks or legal implications rather than personal experiences. This study builds upon these works by focusing on the lived experiences of individuals, offering deeper insight into how these principles are internalized and applied on a personal level. The study supports the arguments of scholars such as Gemitzi dkk.(2019), who noted that while Islamic law offers a comprehensive approach to family matters, modern interpretations and applications often challenge its effective implementation. However, unlike much of the previous literature, this study sheds light on the personal and emotional dimensions of legal decision-making, thus contributing a new perspective to the ongoing discussion about the role of Islamic law in contemporary society. Moreover, the use of phenomenology allows for a more nuanced understanding, addressing gaps in previous research that mainly relied on quantitative methods or legal analyses.

### **Explanation of Findings' Implications**

The findings of this study provide both theoretical and practical implications for understanding the role of Islamic law in family dispute resolution. From a theoretical perspective, the study emphasizes the importance of considering personal experiences when analyzing the application of religious law in legal and cultural contexts. The personal, emotional, and spiritual factors that shape individuals' interactions with Islamic principles offer a richer, more nuanced understanding of how these principles are applied in practice. For practitioners and policymakers, these findings highlight the need to create a more integrated approach that respects both Islamic teachings and the modern legal frameworks. This integration could provide a more effective and holistic resolution process for family disputes, especially in communities where Islamic law is a guiding principle. The study

underscores the relevance of considering participants' subjective experiences, suggesting that approaches to family law should be sensitive to the lived realities of individuals navigating the intersection of religious and legal obligations.

### **Limitations of the Study**

While this study provides valuable insights, it is not without limitations. One limitation is the relatively small sample size, which may not fully represent the diversity of experiences in the broader population. The study focused on participants from a specific cultural and geographical context, which limits the generalizability of the findings to other regions or cultures. Additionally, the reliance on self-reported data, such as interviews, introduces the possibility of bias, as participants may present their experiences in ways that align with their cultural or social expectations. The use of phenomenology, while valuable in capturing lived experiences, may also limit the exploration of broader societal trends or external influences that affect the application of Islamic law. Future research could expand the sample size and include a more diverse range of participants to provide a more comprehensive understanding of the phenomenon.

### **Prospective Directions for Future Research**

Building on the findings of this study, future research could explore the application of Islamic law in other areas of family law, such as inheritance or marital counseling, to further investigate how personal beliefs interact with legal structures (Wood dkk., 2021). Additionally, studies could examine the experiences of individuals in regions with different legal frameworks to determine whether the challenges identified in this study are universal or context-dependent. Future research could also focus on how modern technological tools, such as online mediation platforms, influence the resolution of family disputes under Islamic law, exploring both the advantages and limitations of these technologies in promoting religiously grounded dispute resolution. Ultimately, the insights gained from this research contribute to a deeper understanding of the complex relationship between religious beliefs, legal systems, and personal experiences, offering a foundation for future studies that can bridge gaps in the literature and inform policy development.

## **CONCLUSION**

This study explored the application of Islamic law in family dispute resolution, focusing on the subjective experiences of individuals involved in such processes. The findings reveal that while Islamic law provides a framework for resolving family conflicts, modern legal systems and societal changes create complexities that hinder its full application. Participants' experiences highlighted a tension between their religious beliefs and the limitations imposed by secular laws, suggesting that Islamic law's role in family disputes is often influenced by personal, cultural, and legal factors. This research contributes to the understanding of how individuals navigate the intersection of religious and legal obligations in family matters, addressing gaps in previous studies that primarily focused on theoretical or legal perspectives. Future research could expand on these findings by exploring the application of Islamic law in other family-related issues or examining how technological innovations, like online mediation, influence the resolution of family disputes under Islamic law. This study provides a foundation for further exploration of the lived experiences of individuals, offering valuable insights for both academic and practical discussions on family law.

## **CONFLICT OF INTEREST**

The authors declare that there is no conflict of interest regarding the publication of this article. No financial or personal relationships have influenced the research or the findings presented in this study.

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