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Analysis of Haidar Bagir's Thought in Islamic Family Law: The Family as a Space of Ethics and Spirituality

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Abstract

General Background: Islamic family law discussions commonly emphasize normative and formal dimensions such as marital legality, rights, and obligations, while ethical and spiritual dimensions often receive limited attention. **Specific Background:** Contemporary Muslim families increasingly face divorce, domestic violence, inequality, and weakened interpersonal relationships, indicating that family relations are frequently reduced to legal and material aspects. **Knowledge Gap:** Previous studies on Haidar Bagir mainly explore Islamic love, Sufism, and moral education, whereas limited research specifically examines his ideas within the framework of Islamic family law. **Aims:** This study aims to analyze Haidar Bagir's perspective on the family as a space of ethics and spirituality in Islamic family law through concepts such as mahabbah, ihsan, sakinah, mawaddah, and rahmah. **Results:** Using qualitative normative legal research with a library-study approach, the study finds that Haidar Bagir positions the family not merely as a legal institution but as an ethical and spiritual sphere for cultivating justice, reciprocity, compassion, responsibility, and moral transformation. Family relationships are interpreted as partnerships grounded in love, benevolence, empathy, and respect for human dignity rather than domination and hierarchy. **Novelty:** This research expands Islamic family law discourse by integrating Sufi-philosophical ethics into the conceptual understanding of family relations and emphasizing spirituality as a substantive legal foundation. **Implications:** The findings contribute to the development of a more humanistic, contextual, and socially responsive Islamic family law framework capable of strengthening harmonious, meaningful, and spiritually oriented Muslim family life.

Highlights:

- Domestic relationships are interpreted as reciprocal partnerships grounded in justice and compassion.
- Mahabbah and ihsan function as foundations for moral formation and spiritual growth within households.
- Ethical values are positioned as substantive principles for contextual Islamic legal development.

Keywords: Islamic Family Law, Haidar Bagir, Ethics, Spirituality, Love Islam.

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Introduction

Family in Islam is a fundamental institution that holds a central position in the formation of the social, moral, and spiritual order of society.[1] The family is not only understood as the smallest social unit that manages the relationships between husband, wife, and children, but also as the main space where humans learn about the values of life, such as love, responsibility, justice, respect, and piety to Allah SWT. From an Islamic viewpoint, the family serves as the primary foundation where human values, justice, and moral responsibility are cultivated and practiced. This concept highlights the family's role as a medium for developing character and humanity based on Islamic ethics and spirituality.[2] Therefore, discussions regarding the family cannot be detached from the ethical and spiritual values that constitute the essence of Islamic teachings. The Qur'an pays great attention to the formation of a harmonious and peaceful family. One of the verses most often used as a conceptual foundation is Surah Ar-Rum, verse 21, which explains that Allah created life partners so that humans may find tranquility (sakinah), love (mawaddah), and compassion (rahmah).[3] This verse shows that the purpose of marriage in Islam is not only oriented toward the legality of the biological relationship, but is further directed toward creating a relationship that brings inner peace, emotional well-being, and mutual spiritual growth. Thus, the family is a sacred space that connects both worldly and spiritual dimensions.[4]

In the legal context, the purpose of marriage is also emphasized in Law Number 1 of 1974 concerning Marriage, which states that marriage aims to form a happy and eternal family based on the belief in God Almighty. The Compilation of Islamic Law (KHI) also affirms that the purpose of marriage is to realize a household that is sakinah (peaceful), mawaddah (loving), and rahmah (compassionate).[5] Normatively, the regulation indicates that Islamic family law in Indonesia has recognized the importance of the spiritual dimension in household life. However, in social practice, families are often understood merely as formal institutions oriented toward legal status and the fulfillment of material needs alone. Contemporary social phenomena show that many Muslim families face various serious issues, such as increasing divorce rates, domestic violence (DV), marital conflicts, gender inequality, child neglect, and weak communication among family members. Empirical data shows that in 2025, divorce cases recorded in the Religious Courts increased by 10% compared to the previous year. The continuously increasing divorce data across various regions in Indonesia today could be an indicator that many households fail to achieve the ideal goals of marriage.

Many couples are formally bound in marriage, but substantially lose the meaning of love, tranquility, and respect in their life together. This condition proves that family problems arise because household relations are built on domination, unilateral interests, and deeply ingrained patriarchal understanding in society. In such conditions, the family loses its main function as a space for moral and spiritual growth. The husband-wife relationship no longer becomes a mutually strengthening partnership, but instead turns into a power relation prone to generating injustice and violence. In fact, Islam emphasizes that family relations should be built on the principles of equality and justice, not subordination.[6]

An overly legalistic and formalistic understanding of family causes family law to often be understood merely as rules regarding marriage contracts, maintenance, inheritance, the rights and obligations of husband and wife, and divorce procedures. Meanwhile, the relational ethical dimensions such as love, kindness, empathy, forgiveness, and spiritual awareness have not received sufficient attention in the construction of Islamic family law. As a result, the law often succeeds in regulating relationships administratively, but fails to deliver substantive justice and inner well-being in domestic life.[7] Therefore, a more comprehensive approach is needed in understanding the family, namely by placing ethics and spirituality as the main foundation of family relations. In this context, the ideas of Haidar Bagir provide a highly relevant and significant perspective. He is widely recognized as a contemporary Muslim intellectual who highlights the importance of Islam rooted in love, spiritual ethics, and Sufism as the basis of social life. Through his various writings and reflections, he emphasizes that the essence of Islamic teachings lies in love (mahabbah), compassion (rahmah), and virtue (ihsan) as the means of attaining closeness to God. This perspective not only applies to the relationship between humans and God, but also in human-to-human relationships, including family relations.[8]

According to Haidar Bagir, the family is not merely a social institution formed through a marriage contract, but is an ethical space where humans learn to love, respect, forgive, and grow spiritually.[9] In his book *Our Story from 'Valid' to 'Forever'*, he explains that the success of a household is not measured by the length of the marriage or merely the fulfillment of material needs, but by the quality of the relationships built within it. Love in the family is not merely an emotional feeling, but a moral commitment to bring out the best good for one's spouse and other family members. This thought expands the meaning of Islamic family law from a normative approach to an ethical-spiritual approach. If until now family law has mostly talked about the validity or invalidity of marriage, Haidar Bagir invites us to look at the quality of relationships behind the institution. He rejects family relationships built on domination and subordination, because they contradict the principle of love as the core of Islamic teachings. According to him, the ideal family is a family that serves as a space for the actualization of the values of love, kindness, tranquility, affection, and mercy, so that each family member can develop emotionally, morally, and spiritually in a balanced way.

Previous research on Haidar Bagir generally focuses more on the concepts of Islamic love, modern Sufism, moral education, and social ethics in general. Meanwhile, studies that directly connect the thoughts of Haidar Bagir with Islamic family law remain relatively scarce. Existing research in Islamic family law tends to concentrate on issues such as gender justice, women's protection, and reforms in marriage law, yet only a few studies have specifically employed Haidar Bagir's ideas as a conceptual framework for understanding the family as a sphere of ethics and spirituality. This condition demonstrates the existence of an important academic field that deserves further exploration. Based on the explanation above, this research aims to examine Haidar Bagir's perspectives on Islamic family law, particularly regarding the family as a domain of ethics and spirituality. The study intends to elaborate on how the concepts of love, ihsan, sakinah, mawaddah, and rahmah in his

thought may function as a conceptual basis for strengthening a more humanistic, equitable, and contextual approach to Islamic family law. Furthermore, this research is expected to contribute academically to the development of Islamic family law studies while also providing ideas for enhancing the resilience of Muslim families amid the increasingly complex challenges of contemporary life.

Method

The legal research used in this study is a qualitative approach utilizing conceptual and philosophical analysis methods. The conceptual approach is used to build arguments regarding the urgency of ethics in family law, while the philosophical approach is used to examine the depth of Haidar Bagir's thoughts on the spirituality of Islamic Love. This research is descriptive-analytical in nature, aiming to analyze and describe Haidar Bagir's contributions to the development of Islamic family law, especially in the context of contemporary social and cultural changes. The research employed in this study is a literature-based approach that examines the works of Haidar Bagir along with other relevant sources concerning Islamic family law. This study applies a deductive method in drawing conclusions by identifying general premises derived from legal theories and Haidar Bagir's ideas, and subsequently relating them to the evolving dynamics of Islamic family law. Through this method, the researcher is able to offer a more contextual and responsive conceptual interpretation of the challenges faced by Islamic family law in contemporary society.[10]

Results and Discussion

A. About Haidar Bagir

Haidar Bagir is one of Indonesia's contemporary Muslim intellectuals who has made significant contributions to the development of Islamic thought, particularly in the fields of philosophy, Sufism, ethics, and spirituality. He was born in Solo, Surakarta, Central Java, on February 20, 1957, and comes from a habaib family that traces its lineage back to the Prophet Muhammad (peace be upon him). His mother, Gamar putri Toha bin Abdullah Assegaf, while his father was Muhammad Bagir Al-Habsyi, known as a Sunni scholar as well as a batik merchant who had a great interest in both classical and modern Islamic studies. This religious, rational, and literarily rich family environment became an important foundation in shaping Haidar Bagir's intellectual character from a young age. Since childhood, Haidar Bagir grew up in the Pasar Kliwon area of Solo, known as an Arab neighborhood with strong religious traditions. He was raised in the Alawiyah Sufi order tradition that emphasizes morality, worship, recitations, and the Sufi dimension of Islam. This tradition shaped his religiosity, which emphasizes spirituality and morality more than a formalistic or political approach to religion.[11] The experience then greatly influenced his thinking, especially in seeing Islam as a religion of love, compassion, and moral transformation.

In the field of education, Haidar Bagir pursued undergraduate studies at the Bandung Institute of Technology (ITB) in Industrial Technology and completed them in 1982. This engineering educational background provided a systematic and analytical way of thinking that later blended with his interest in Islamic philosophy and Sufism. After that, he continued his studies at IAIN Syarif Hidayatullah Jakarta before obtaining the opportunity to study at the Center for Middle Eastern Studies, Harvard University, United States, during the period 1990–1992. He completed his doctoral education at the University of Indonesia in the field of philosophy, with a dissertation comparing the metaphysical thoughts of Mulla Sadra and Martin Heidegger as an effort to connect Islamic philosophy and modern Western thought.

In addition to being an academic, Haidar Bagir is also known as an educator, writer, and intellectual entrepreneur through the Mizan Group, which has become one of the largest Islamic publishers in Indonesia. He is active in developing Islamic education through the Lazuardi Hayati Foundation and the Indonesian Human Foundation (Yasmin), which work in community education empowerment. At the international level, he is also recognized as one of the influential Muslim figures and has been included in the list of The 500 Most Influential Muslims compiled by The Royal Islamic Strategic Studies Centre, Amman, Jordan.[12] Haidar Bagir is known for his contributions in integrating philosophy, Sufism, and Islamic law in his works. His books include *Kisah Kita dari Sah ke Selamanya* and *Surga di Dunia Surga di Akhirat*, which discuss thoughts related to family, marriage, and Islamic family law with a thematic and contemporary approach. Haidar Bagir suggests that the understanding of Islam in family law needs to be built through a more inclusive and rational approach, which can adapt to the challenges of the times. Although not an Islamic law expert, he still writes about family issues with a focus on the well-being of harmonious families and the fulfillment of family members' rights, which are relevant to be applied in the context of modern Islamic family law.[13]

B. Haidar Bagir's Thoughts on Family as a Space of Ethics and Spirituality

The discussion of family in the thought of Haidar Bagir is inseparable from the framework of spiritual ethics, which positions love and *ihsan* as the central foundations of human existence. From this viewpoint, the family is not simply a social institution concerned with regulating biological and structural relationships, but rather an ethical sphere in which spiritual values are manifested in daily life. The family thus becomes the primary environment where individuals learn about compassion, responsibility, justice, and respect for others. The position of the family becomes very important because the relationships within it are personal, intense, and ongoing, allowing for a deeper internalization of moral values compared to other social relationships. Through the relationships between husband and wife, parents and children, as well as among other family members, ethical values are not only taught theoretically but are also practiced directly in real life. Therefore, the family functions as the initial space for the formation of character and human moral awareness.[14]

Family relationships should not be understood merely as a division of normative roles between husband, wife, and children,

but must be seen as ethical relationships based on inner awareness. The ethics of love become the principle that shapes fair, empathetic, and responsible relationships, while *ihsan* brings a spiritual dimension through the awareness to always bring the best goodness in every relationship.[15] Thus, the family becomes a space for the actualization of the values of love and *ihsan* that do not stop at the conceptual level, but live in everyday practice. Within this framework, the conception of the family according to Haidar Bagir shows that household life is not only a means of fulfilling material and biological needs, but also a space for the formation of morally and spiritually mature humans. The family becomes the primary place for the integration of love, *ihsan*, and ethical awareness, thereby giving rise to relationships that are not only socially harmonious but also spiritually meaningful.

C. Family as a Space for the Actualization of Love and Benevolence

If in the previous section it was explained that love and *ihsan* are the foundations of ethics in Haidar Bagir's thought, then in the family context, these two values take on their most concrete practical form. The family becomes a space where these ethical concepts no longer stop at the normative level but are manifested in concrete actions that continuously take place in everyday life. In this context, love is understood not merely as an emotional sentiment, but as a moral principle that guides the way individuals interact within family relationships. Love demands the acknowledgment of others as individuals possessing dignity and worth, so that family relationships are established not on one-sided interests, but on the values of reciprocity, respect, and collective responsibility. Relationships grounded in love naturally reject domination, since love presupposes respect for human dignity without discrimination.

This perspective is also reflected in the thought of Husein Muhammad, who argues that relationships within an Islamic family should be founded upon the principles of equality and justice rather than subordination. According to his view, gender inequality within the family does not originate from Islam itself, but instead arises from social constructions and biased interpretations.[16] Therefore, the relationship between husband and wife should ideally be understood as a complementary partnership, in which each party has equal rights and moral responsibilities. From Haidar Bagir's perspective, love within the family does not stop at personal affection alone, but rather becomes a spiritual path toward closeness to Allah SWT through character, respect, and responsibility towards one's partner.[16] Good treatment of one's partner, respect for the dignity of family members, and the ability to maintain relationships fairly are concrete forms of worship with transcendental value. Thus, the family becomes the first space for humans to learn to love while also exhibiting noble character in real life.

Besides love, *ihsan* provides a dimension of depth in the practice of family ethics. *Ihsan* does not only mean fulfilling obligations, but presenting the best quality in every relationship. In married life, *ihsan* is reflected in the willingness to understand, give, care for the feelings of a partner, and sacrifice without always demanding reciprocity. Thus, the family becomes the place for the practice of *ihsan* that is closest and most real in daily life.[17] *Ihsan* from Haidar Bagir's perspective does not only mean doing good in general, but bringing the best quality into every relationship. According to him, in the context of family life, success in life in the eyes of Allah SWT lies in the beauty of one's attitude towards their spouse. In other words, the best treatment we can give is by granting all the rights of our spouse, not hurting them, not postponing what can be fulfilled, and showing a sweet and cheerful face in front of our spouse.[18]

Furthermore, *ihsan* is also closely related to relational justice within the family. Haidar Bagir rejects dominative relationships because they contradict the principle of love that is the core of Islamic teachings. Haidar Bagir believes that relationships within the family are not about ownership or self-surrender, but rather about partnership.[19] In other words, relationships based on the attitude of *ihsan* will lead to the realization of balance in relationships among family members. This balance does not imply uniformity of roles, but rather proportionality in the fulfillment of rights and obligations. *Ihsan* also requires fair and humane treatment of one's partner. *Ihsan* obliges each individual not only to pay attention to their own rights, but also to ensure the proportional fulfillment of the rights of others. Thus, family relationships are no longer understood within a rigid hierarchical framework, but as ethical relationships that are open and dynamic.

The further implication of the actualization of love and benevolence is seen in the formation of psychological conditions that support individual development. A family environment built upon appreciation and compassion enables each member of the family to grow both emotionally and spiritually. This demonstrates that family well-being is shaped not only by external conditions, but also largely by the quality of the internal relationships cultivated within the household. Therefore, in the thought of Haidar Bagir, the family can be understood as a dynamic ethical sphere in which love and benevolence serve as the primary principles for developing relationships that are fair, meaningful, and directed toward the spiritual development of all family members.

D. The Meaning of *Sakinah*, *Mawaddah*, and *Rahmah* as Ethical Values in the Family

In Haidar Bagir's thought, *sakinah*, *mawaddah*, and *rahmah* are not only understood as normative goals in marriage, but are concrete manifestations of the ethics of love and excellence in family life.[20] These three concepts are not merely ideal terms often mentioned in marriage advice, but rather spiritual foundations that determine the quality of relationships among family members. For Haidar Bagir, a good family is not only one that is legally legitimate, but also a spiritual space where humans learn to bring love, justice, and noble character into daily life. Thus, the family becomes not only a social space, but also a space for character formation and a path toward closeness to Allah SWT. In his view, a harmonious household must be able to create conditions in which every member male, female, and children—receives fair and equal rights. This idea aims to go beyond mere physical or spiritual comfort, but also to ensure the existence of basic principles of social justice within an Islamic household. This relates to the universal values taught in Islam to maintain broader social harmony, making it relevant to be applied in contemporary society.[21]

According to Haidar Bagir, family tranquility greatly depends on the quality of the relationship between husband and wife as the core of the household. This relationship should not be built on the basis of domination, superiority, or unilateral ownership, but on the principles of justice and respect for the rights of each family member.[22] Husband and wife are seen as spiritual partners who grow together towards goodness, not a hierarchical relationship that places one party as the ruler over the other. Haidar Bagir believes that relationships in the family are not about ownership or surrender, but rather a partnership relationship.[23] This blissful condition is then further reinforced by the presence of mawaddah, which indicates the dimension of continuity in family relationships. Mawaddah itself means love, affection, and a deep inclination of the heart towards the spouse. However, mawaddah is not only understood as an emotional feeling of love, but also as a commitment to consistently maintain and care for the relationship in household life.

Mawaddah in Haidar Bagir's thought is understood as love that tends toward something because of the perfection of that thing.[24] Nevertheless, love within the family must be realized in concrete actions in the form of attention, respect, responsibility, and willingness to care for a partner in various circumstances. Mawaddah is not just a feeling of liking, but a moral commitment to continuously nurture the relationship. Therefore, mawaddah becomes the foundation that maintains the household relationship so that it does not stop at the formal bond of marriage alone, but develops into a warm and mutually strengthening relationship. Furthermore, Haidar Bagir sees mawaddah as a spiritual path towards God. Treating a partner well, maintaining the dignity of the family, and presenting a friendly face in family life are forms of worship that hold transcendental value. Because behaving in the best, most perfect, and most beautiful way towards a life partner is one of the purposes of creation. In this context, love is not only a psychological matter, but also a matter of ethics and spirituality. A person is not judged solely by their ritual worship, but also by the quality of their treatment towards their partner and family. Thus, mawaddah becomes a tangible form of practicing *ihsan* in daily life.

Meanwhile, according to Haidar Bagir, *Rahmah* is a form of affection that goes beyond self-interest and becomes the main support in maintaining a household. *Rahmah* is seen in the ability to understand a partner's shortcomings, to be patient in facing trials, and to remain present with the family in difficult situations. In other words, *Rahmah* can be understood as an active and continuous love, which will eventually give rise to patience, tolerance, and forgiveness towards a life partner.[25] In the context of family, Haidar Bagir emphasizes that mercy (*rahmah*) must be cultivated from the beginning of marriage. According to him, mercy allows the formation of a relationship that can withstand conflict, because each individual has space to forgive and accompany one another. This becomes important because household life is not always in a harmonious state. Therefore, he believes that mercy is the key to the success of husband and wife in carrying out and fulfilling their respective rights and obligations without anyone feeling cheated.

In addition, *rahmah* functions as a moral strength that keeps relationships intact and not easily broken by temporary issues. An attitude of mutual forgiveness, the willingness to compromise for the sake of the common good, and the ability to remain supportive of one's partner in various situations are concrete manifestations of *rahmah* within family life. Therefore, *rahmah* does not merely complement family relationships, but also serves as an ethical foundation that preserves the harmony and continuity of the household. According to Haidar Bagir, *sakinah*, *mawaddah*, and *rahmah* are inseparable, as these three concepts constitute an ethical unity that determines the quality of family life. *Sakinah* brings tranquility, *mawaddah* maintains the continuity of love, and *rahmah* deepens affection within family relationships. The three serve as indicators of a successful household, not measured by material luxury or social status, but by the quality of the relationships built within it. Ultimately, from Haidar Bagir's perspective, the family is a space of moral transformation that guides humans towards deeper and more meaningful happiness. *Sakinah*, *mawaddah*, and *rahmah* are not only the goals of a household but also ethical parameters that demonstrate the quality of a person's religious devotion in real life. The higher the values of love, excellence, and compassion present in the family, the greater the chance of realizing a family that is not only socially harmonious but also spiritually valuable in the sight of Allah SWT.

Conclusion

Haidar Bagir's thoughts on Islamic family law offer a new perspective that is more inclusive and progressive through his Sufi-philosophical approach. Haidar Bagir explains that the family should not merely be viewed as a social and legal institution governing the relationships between husband, wife, and children, but also as a sphere of ethics and spirituality that functions as the primary setting for the development of human character. In his perspective, the family represents an arena for embodying the values of love (*mahabbah*), excellence (*ihsan*), tranquility (*sakinah*), affection (*mawaddah*), and mercy (*rahmah*), all of which must be practiced concretely in everyday life. Consequently, the success of a household is not solely determined by the fulfillment of the formal dimensions of marriage, but rather by the quality of relationships grounded in justice, mutual respect, compassion, and collective spiritual development. According to Haidar Bagir, the concepts of *sakinah*, *mawaddah*, and *rahmah* are not merely viewed as normative objectives of marriage, but also as tangible expressions of the ethics of love and *ihsan* within family life. *Sakinah* creates inner peace through fair and harmonious relationships, *mawaddah* sustains the continuity of love through moral commitment and responsibility, while *rahmah* reinforces the family through empathy, forgiveness, and the willingness to remain supportive during difficult circumstances. These three values form the foundation of a family that is not only socially harmonious, but also spiritually valuable in the sight of Allah SWT. This study emphasizes that Islamic family law is not sufficient to be understood merely as a normative framework regulating the rights and obligations of husband and wife, but it must also be positioned as a means to build a humane, just, and happiness-oriented family, both physically and spiritually. Therefore, Haidar Bagir's thinking provides an important contribution to the development of Islamic family law that is more contextual, responsive, and relevant to the challenges of contemporary Muslim families.

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