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# MAQĀŞID AL-SHARĪ‘AH AS A FRAMEWORK FOR MUSLIM FAMILY LAW REFORM IN SRI LANKA: A PATHWAY TOWARD GENDER JUSTICE

[MAQĀŞID AL-SHARĪ‘AH SEBAGAI KERANGKA BAGI PEMBAHARUAN UNDANG-UNDANG KELUARGA ISLAM DI SRI LANKA: JALAN MENUJU KEADILAN GENDER]

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## Abstract

Muslim family law occupies a central position within Islamic legal tradition, aiming to preserve family integrity, justice, and social harmony. Yet in many contemporary contexts, including Sri Lanka, existing legal frameworks continue to reflect gender-discriminatory norms rooted in historical interpretations rather than the ethical objectives of the Sharī‘ah. The Muslim Marriage and Divorce Act (MMDA) 1951 has been widely criticised for its provisions on minimum marriage age, women’s consent, divorce, polygamy, and Quazi appointments, despite Sri Lanka’s constitutional commitments and its ratification of CEDAW. This study examines whether a maqāşid al-sharī‘ah-guided approach can provide a legitimate and principled pathway for reforming the MMDA while remaining faithful to Islamic jurisprudence. Employing a maqāşid-based qualitative doctrinal and

thematic analytical approach, the study argues that certain provisions of the MMDA generate gendered disparities inconsistent with the higher objectives of Shari'ah, particularly justice, dignity, welfare, and the preservation of religion, life, intellect, lineage, and property. It concludes that maqāsid al-shari'ah offers a coherent normative framework for reforming Muslim family law in minority contexts such as Sri Lanka, enabling the transformation of the MMDA into a more humane, just, and socially responsive legal instrument. © 2026, International Islamic University Malaysia-IIUM. All rights reserved.

## Author keywords

Equality; Equity; Family Law; Gender Justice; Maqasid al-Shari'ah; Sri Lanka

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