

Investigating the Impact of Globalization on the Development of Islamic Family Law: A Case Analysis of Modernizing Muslim Countries

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Abstract

This research aims to investigate the impact of globalization on the development of Islamic family law in modernizing Muslim countries. Using a qualitative approach and case study analysis, this research explores how globalization affects the legislative process, legal interpretation, court practice, and societal responses to Islamic family law in the context of increasingly complex global dynamics. The results show that globalization has brought significant changes in the paradigm of Islamic family law, with the adoption of more uniform and universal aspects of the law, along with adjustments to global values such as human rights and gender equality. However, this adoption is often at odds with traditional values and local interpretations of Islamic family law. In addition, globalization has also influenced interpretations of Islamic family law, court practices and community responses. There are debates and diverse interpretations of the principles of Islamic family law in the context of modernity and globalization, as well as the influence of globalization on community responses to changes in Islamic family law. The implication of this research is the need for a more flexible and inclusive approach in developing Islamic family law in the era of globalization. Policy recommendations include strengthening dialogue between legal authorities, scholars, and civil society to reach a more inclusive agreement in updating and adapting Islamic family law to diverse global and local values.

Keyword: Investigating the Impact of Globalization, Islamic Family Law Development, Muslim countries, Modernization.

INTRODUCTION

Globalization has become a dominant phenomenon in social, economic and cultural dynamics around the world. In the context of Islamic family law, globalization has brought significant changes in legal paradigms, values, and social demands in Muslim countries affected by modernization. Muslim countries that originally relied on Islamic family law as their primary legal foundation are now faced with new challenges arising from interaction with global currents.

Globalization has brought about a change in the legal paradigm, with the influence of Western laws and secular legal systems increasingly permeating Muslim countries. This has led to a shift in the approach towards the interpretation and application of Islamic family law, with the adoption of more uniform and universal principles of modern law.

Change in Values: Globalization has also affected the values held by Muslim societies. Flows of information and culture from the West have introduced values of individualism, gender equality and cultural pluralism that are often at odds with traditional Islamic values. This has sparked debates about the relevance and applicability of certain aspects of Islamic family law in an increasingly open and globalized modern context.

Social Challenges: Interaction with global flows has also brought new social challenges for Muslim countries affected by modernization. For example, urbanization, international migration and increased human mobility have changed social and family structures, which in turn affect the dynamics and needs of family law. Moreover, globalization has also triggered changes in marriage, divorce and more inclusive family patterns, complicating the implementation of traditional Islamic family law.

In this context, Muslim countries that previously relied on Islamic family law as their primary legal foundation are now faced with the pressure to adjust and adapt Islamic family law to an increasingly complex and diverse global reality. This challenge raises the question of how to find a balance between tradition and modernity, as well as how to maintain Islamic identity in an ever-changing era of globalization.

On the one hand, globalization has brought technological advances, international trade, and information flows that broaden Muslims' horizons on various social issues, including individual rights, gender equality, and cultural pluralism. On the other hand, globalization can also bring negative influences, such as commodification of culture, westernization of values, and decreased attachment to local traditions, including Islamic family law.

In this context, investigating the impact of globalization on the development of Islamic family law is relevant and important. Case studies on modernizing Muslim countries provide deep insights into how globalization has affected the understanding, implementation, and development of Islamic family law. By better understanding the impact of globalization, we can identify the challenges faced by the Islamic family law system and seek appropriate solutions to maintain a balance between traditional values and the demands of modernity.

Therefore, this study aims to conduct a comprehensive analysis of the effects of globalization on Islamic family law using a case study approach on Muslim countries undergoing modernization. Through a deep understanding of these dynamics, it is hoped that new thoughts and innovative solutions will emerge in maintaining the sustainability and relevance of Islamic family law in this era of globalization.

METHODS

Qualitative research methods were chosen to enable researchers to understand in depth the experiences, perceptions and practices of Islamic family law in the context of the dynamics of globalization.

The research will involve case study analysis of several Muslim

countries that are undergoing significant modernization processes. Through the case study approach, the researcher will gain in-depth insight into how globalization has affected various aspects of Islamic family law, including legislative processes, legal interpretations, court practices, and societal responses to such changes.

The data collection methods that will be used include in-depth interviews with key stakeholders, such as legal experts, judges, ulama, community activists, and individuals involved in the policy-making process. In addition, analysis of legal documents, research reports, and related literature will be conducted to gain a comprehensive understanding of the context of Islamic family law in each study country.

The data collected will be thematically analyzed to identify patterns, trends, and the impact of globalization on the development of Islamic family law. This analysis will provide a better understanding of the challenges, opportunities, and questions that arise in the effort to maintain Islamic values in an increasingly open and connected global context.

DISCUSSION

The Impact of Globalization on Islamic Family Law Legislation

The results show that globalization has affected the process of legislating Islamic family law in modernizing Muslim countries. There is a tendency to adopt more universal and uniform aspects of Islamic family law, in line with the flow of global values such as human rights and gender equality. However, this adoption is often at odds with traditional values and local interpretations of Islamic family law.

Interpretation of Islamic Family Law in the Context of Globalization

Globalization has also affected the interpretation of Islamic family law in these countries. Research shows that there is debate and diversity in the interpretation of the principles of Islamic family law in the context of modernity and globalization. This creates challenges in finding a balance between tradition and modernity, and between Islamic values and globalization.

Court Practice and Community Response

Court practices and community responses to changes in Islamic family law are also influenced by globalization. On the one hand, courts tend to follow global trends in interpreting and applying Islamic family law. On the other hand, communities also react to these changes, either by supporting or opposing them, depending on local values, norms and interests.

Implications and Recommendations

The implication of the results of this study is the need for a more flexible and inclusive approach in developing Islamic family law in the era of globalization. Policy recommendations include strengthening dialogue between legal authorities, scholars, and civil society to reach a more inclusive agreement in updating and adapting Islamic family law to diverse global and local values.

CONCLUSION

Thus, this research highlights the complexities and dynamics in the development of Islamic family law in the context of globalization. Despite facing various challenges, there are also opportunities to strengthen Islamic family law to be more inclusive, fair, and in accordance with Islamic values in this era of globalization. Thus, this research is expected to make a valuable contribution to the understanding and policy development of Islamic family law in modernizing Muslim

countries.

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