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Misyar Marriage and Women's Autonomy in Muslim Countries: A *Maqashid al-Usrah* Perspective

Nasiri *
Sekolah Tinggi Agama Islam Taruna Surabaya, Indonesia

Lia Istifhama
Dewan Perwakilan Daerah Republik Indonesia

Zuman Malaka
Sekolah Tinggi Agama Islam Taruna Surabaya, Indonesia

Achmad Achmad
Sekolah Tinggi Agama Islam Taruna Surabaya, Indonesia

Lailatu Zahroh
Sekolah Tinggi Agama Islam Taruna Surabaya, Indonesia

*** Corresponding author:** nasiri.abadi20@gmail.com

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Abstract:

Misyar marriage remains a contested form of marital arrangement in contemporary Muslim societies because it allows spouses to negotiate or waive certain marital obligations, including co-residence, financial support, and public visibility. This study examines how *misyar* marriage is practiced by women from relatively privileged socio-economic backgrounds in Saudi Arabia, Morocco, Egypt, Malaysia, and Indonesia, and evaluates these practices through the lens of gender analysis and Jamaluddin Athiyyah's *maqasid al-usrah*. The study employs a qualitative multi-site design using in-depth phenomenological interviews, field observations, and document analysis. Data were collected from 20 informants across the five research settings. The findings show that *misyar* practices vary across contexts but commonly involve motives related to marital flexibility, negotiated domestic autonomy, ease of exit, companionship, sexual and emotional needs, and lineage aspirations. For some women, *misyar* functions as a strategy for exercising agency in negotiating intimate relationships outside conventional marital expectations. At the same time, recurrent secrecy, weak institutional recognition, unstable obligations, and limited legal protection generate gendered vulnerabilities, particularly in relation to marital security, family continuity, and economic rights. Viewed

through Athiyyah's *maqasid al-usrah*, the practices documented in this study do not produce a uniform outcome, but they repeatedly reveal difficulties in fulfilling the broader ethical and institutional objectives of family life in a stable and sustainable manner. This study contributes to debates on Islamic family law by connecting women's lived experiences, cross-national variation, and *maqasid*-based family ethics.

Keywords: *Misyar* marriage; *maqasid al-usrah*; women's autonomy.

Introduction

Misyar marriage has become a recurring subject of debate in contemporary Islamic family law, referring to a marital arrangement in which a valid marriage contract is maintained while certain marital entitlements, such as co-residence, maintenance, or overnight companionship, may be waived or renegotiated by mutual agreement.[1] Recent scholarship shows that *misyar* is discussed not only as a question of formal legal validity, but also as a socio-legal issue shaped by changing gender roles, women's economic independence, and broader efforts to reinterpret Islamic family law in response to contemporary social realities across different Muslim contexts.[2]

Contemporary legal debate over *misyar* marriage is far from uniform. Some contemporary scholars, most notably Yusuf al-Qaradawi, regard *misyar* as legally valid when the pillars and conditions of marriage are fulfilled, even if certain marital rights are voluntarily waived through mutual agreement; other scholars and recent legal analyses argue that such waivers may weaken the protective, ethical, and institutional purposes of marriage, especially when maintenance, co-residence, and public recognition become unstable or difficult to enforce in practice.[3] Rather than treating *misyar* as either automatically permissible or inherently deviant, recent scholarship suggests that the central question lies in whether a marriage that remains

[1] Achmad Shobirin Hasbulloh, "Fenomena Nikah Misyar Di Arab Saudi," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 2, no. 1 (2024): 167–92, https://doi.org/10.62976/ijijel.v2i1.378; Isra Mardi et al., "Epistemology of Misyar Marriage by Yusuf Al-Qaradawi in the Book of Zawāj al-Misyär Hakikatuh and Hukmuh from the Perspective of the Philosophy of Science," *El-Hadhanah: Indonesian Journal of Family Law and Islamic Law* 5, no. 1 (2025): 46–64, https://doi.org/10.22373/hadhanah.v5i1.6811.

[2] Intan Pelangi et al., "The Misyar Marriage and Family Law Reform in Indonesia," *SMART: Journal of Sharia, Tradition, and Modernity* 3, no. 1 (2023): 16–27, https://doi.org/10.24042/smart.v3i1.16977; Mardi et al., "Epistemology of Misyar Marriage by Yusuf Al-Qaradawi in the Book of Zawāj al-Misyär Hakikatuh and Hukmuh from the Perspective of the Philosophy of Science."

[3] Mardi et al., "Epistemology of Misyar Marriage by Yusuf Al-Qaradawi in the Book of Zawāj al-Misyär Hakikatuh and Hukmuh from the Perspective of the Philosophy of Science"; Mariani Mariani, "Nikah Misyar Perspective Of Women And Child Protection Law," *Journal of Islamic and Law Studies* 9, no. 3 (2025): 191–203, https://doi.org/10.18592/jils.v9i3.18006; Umar Multazam, "Telaah Pemahaman Maqasid Al-Syariah Dalam Fatwa Ulama Kontemporer Terkait Nikah Misyar," *AHKAM : Jurnal Hukum Islam Dan Humaniora* 4, no. 2 (2025): 291–311, https://doi.org/10.58578/ahkam.v4i2.5523.

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formally valid in fiqh can also sustain justice, protection, and family welfare in lived social contexts.[4]

Existing scholarship on *misyar* marriage has primarily concentrated on questions of legal validity, contemporary fatwas, family-law reform, and the protection of women's marital rights, showing that the debate is often framed around whether the waiver of maintenance, housing, and co-residence can be reconciled with the ethical purposes of marriage in Islam.[5] These studies have been valuable in clarifying the juridical and normative dimensions of *misyar*, yet comparative empirical accounts of how women themselves experience, negotiate, and justify *misyar* across multiple Muslim contexts remain limited. The present study addresses that gap by examining *misyar* as a lived and socially negotiated marital arrangement among women from relatively privileged socio-economic backgrounds in five research settings, while also assessing how such practices relate to gendered agency and to Jamaluddin Athiyah's *maqasid al-usrah*.

Recent scholarship on Muslim women and family law increasingly cautions against reducing women's marital choices to a simple binary between oppression and liberation. Studies on Muslim women's agency show that agency may be exercised through religious commitment, moral reasoning, and negotiated family roles, rather than only through liberal notions of individual autonomy, while contemporary Islamic feminist debates continue to argue that gender justice in Muslim family law must be examined through women's lived experiences, women's voices, and the distinction between formal equality and substantively just arrangements.[6] This perspective is important for the present study because women involved in *misyar* cannot be read only as passive victims of patriarchy or as fully unconstrained actors; instead, their choices need to be understood as situated forms of agency that may offer room for negotiation while remaining shaped by unequal legal, social, and marital structures.[7]

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[4] Pelangi et al., "The Misyar Marriage and Family Law Reform in Indonesia"; Mariani, "Nikah Misyar Perspective Of Women And Child Protection Law"; Multazam, "Telaah Pemahaman Maqasid Al-Syariah Dalam Fatwa Ulama Kontemporer Terkait Nikah Misyar."

[5] Pramai Shella Arinda Putri.J et al., "The Phenomenon of Development Misyar Marriage from the Perspective of Islamic Law and Human Rights," *De Jure: Jurnal Hukum Dan Syar'iah* 15, no. 1 (2023): 99–114, https://doi.org/10.18860/j-fsh.v15i1.19013; Abd Rouf, "Reevaluating the Legal Status of Misyār Marriage: Contextual Insights from Figures of the Indonesian Ulema Council in Malang City," *Al-Hukama* 14, no. 2 (2024): 232–60, https://doi.org/10.15642/alhukama.2024.14.2.232-260; Mardi et al., "Epistemology of Misyar Marriage by Yusuf Al-Qaradawi in the Book of Zawāj al-Misyār Hakikatuh and Hukmuh from the Perspective of the Philosophy of Science"; Mariani, "Nikah Misyar Perspective Of Women And Child Protection Law"; Nasiri Nasiri et al., "Continuity and Change in Islamic Law: Debates Among Nahdlatul Ulama Scholars on Misyār Marriage and Its Legal Dynamics in East Java," *Journal of Islamic Law* 6, no. 2 (2025): 338–57, https://doi.org/10.24260/jil.v6i2.3857.

[6] Morta Vidūnaitė, "The Agency in Islam or (and) Human Rights? The Case of Pious Baltic Muslim Women," *Religions* 14, no. 7 (2023): 937, https://doi.org/10.3390/rel14070937; Ajla Čustović, "Equal Before God but Not Equal Before His Law? Sharia Law and Women's Right to Interpretation in the Light of the Human Rights Debate," *Religions* 16, no. 3 (2025): 362, https://doi.org/10.3390/rel16030362; Shahira Shahir et al., "Silenced Voices, Enduring Struggles: An Islamic Feminist Analysis of Afghan Female Academics under Taliban Rule," *Women's Studies International Forum* 113 (2025): 103193, https://doi.org/10.1016/j.wsif.2025.103193.

[7] Vidūnaitė, "The Agency in Islam or (and) Human Rights? The Case of Pious Baltic Muslim Women"; Čustović, "Equal Before God but Not Equal Before His Law? Sharia Law and Women's Right to Interpretation in the Light of the Human Rights Debate."

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To evaluate these lived practices without reducing them to either a purely formal legal question or a purely moral judgment, this study employs Jamaluddin Athiyyah's *maqasid al-usrah* as its main normative-analytical lens. In *Nahwa Taf'īl Maqāṣid al-Sharī'ah*, Athiyyah develops a family-specific articulation of *maqasid* that moves beyond the general five necessities by identifying seven interrelated objectives in the domain of family life, including the regulation of relations between the sexes, the preservation of progeny and lineage, the creation of *sakinah, mawaddah*, and *rahmah*, the preservation of religious values within the family, and the institutional and financial ordering of the household. This framework is particularly relevant to the present study because it allows *misyar* to be assessed not only in terms of contractual validity, but also in terms of whether a marital arrangement can sustain justice, protection, and family welfare in a stable and socially accountable way.[8]

Because the term "socialite women" carries popular and potentially sensational connotations, this article uses it in an operational rather than a celebrity-cultural sense. In this study, the term refers to women with relatively privileged socio-economic positions, such as stable income, business ownership, property access, professional mobility, or strong class resources, that increase their bargaining capacity in intimate and marital decision-making. This category is therefore not treated as culturally homogeneous, nor does it imply identical lifestyles across the five research settings; rather, it identifies women whose relative economic security and social capital shape how they negotiate marriage, separation, financial rights, and personal agency within Muslim family contexts.[9]

Taken together, recent studies on *misyar* marriage have tended to concentrate on doctrinal validity, fatwa interpretation, family-law reform, and rights-based normative evaluation, with much of the accessible scholarship focusing on single-country legal debates rather than comparative accounts of women's lived experiences across multiple Muslim contexts.[10] Against this backdrop, the novelty of the present study lies in bringing together three levels of analysis that are rarely integrated in one article: cross-site empirical accounts of *misyar* practices in five research settings, an examination of how relatively socio-economically privileged women negotiate

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[8] Jamaluddin Athiyyah, *Nahwa Tafil Maqashid Asy-Syariah* (Dar Al-Fikr, 2001); Muhammad Fadlil Rohman et al., "Women's Rights in Marriage Perspective Maqasid Al-Usrah Jamaludin Athiyah," *Indonesian Interdisciplinary Journal of Sharia Economics (IIJSE)* 7, no. 2 (2024): 2768–90, https://doi.org/10.31538/iijse.v7i2.4878; Ahmad Musadad et al., "Reorienting Jamāluddīn 'Aṭiyyah's Maqāṣid al-Usrah in the Regulation of Polygamy in the Indonesian Compilation of Islamic Law," *SAKINA: Journal of Family Studies* 9, no. 4 (2025): 429–47.

[9] Hacer Şaduman Okumuş and Mustafa Alper Gümüş, "Revitalizing 'mahr' for Muslim Women's Empowerment within Türkiye's Secular Legal System," *Social Sciences & Humanities Open* 12 (2025): 101644, https://doi.org/10.1016/j.ssaho.2025.101644; Ariane Utomo and Bagas Aditya, "Attitudes Toward Divorce in Indonesia," *Family Transitions* 67, no. 2 (2025): 1–29, https://doi.org/10.1080/28375300.2025.2555558; Cahya Haniva Yunizar and Zha Blong Xiong, "Investigating Early-Married Women's Perceived Agency and Marital Quality in Rural Indonesia," *Family Sciences* 1, no. 2 (2025): 15, https://doi.org/10.3390/famsci1020015.

[10] Pelangi et al., "The Misyar Marriage and Family Law Reform in Indonesia"; Rouf, "Reevaluating the Legal Status of Misyār Marriage: Contextual Insights from Figures of the Indonesian Ulema Council in Malang City"; Mariani, "Nikah Misyar Perspective Of Women And Child Protection Law"; Rohman et al., "Women's Rights in Marriage Perspective Maqasid Al-Usrah Jamaludin Athiyah."

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agency within those practices, and a *maqasid al-usrah* evaluation grounded in Jamaluddin Athiyyah's family-specific framework. In this way, the article does not treat *misyar* merely as a legal category to be approved or rejected, but as a socially negotiated marital arrangement whose ethical, institutional, and gendered implications must be examined through women's lived experiences as well as through the broader objectives of family life in Islam.

Against this background, the present study asks three interrelated questions: how is *misyar* marriage practiced by women from relatively privileged socio-economic backgrounds across the five research settings; what motives, meanings, and forms of agency emerge from those practices; and to what extent can such arrangements be understood as compatible with the broader objectives of family life articulated in Athiyyah's *maqasid al-usrah*. Accordingly, this article aims to document the cross-site patterns of *misyar* practice, analyse the tension between women's negotiated agency and gendered vulnerability, and evaluate the documented arrangements through a *maqasid al-usrah* framework. The remainder of the article is organised as follows: the next section explains the qualitative multi-site method, followed by a comparative presentation of findings and a discussion of gender and *maqasid al-usrah*, before the article closes with its main conclusions and limitations.

Method

This study employed a qualitative multi-site design that combined phenomenological interviewing with comparative thematic analysis. A qualitative multi-site approach was selected because the study examined one socio-legal phenomenon across several national contexts while still attending to context-specific variation, whereas phenomenological interviewing was used to access how participants themselves understood and experienced *misyar* in everyday life. In this design, *maqasid al-usrah* was not used as a data-collection framework; rather, the interview and field materials were first interpreted inductively through cross-site thematic analysis, after which Athiyyah's *maqasid al-usrah* was employed in the discussion section as a normative-analytical lens for evaluating the broader family implications of the practices documented in the study.[11]

The study was conducted across five research settings, Jeddah (Saudi Arabia), Casablanca (Morocco), Alexandria (Egypt), Gombak (Malaysia), and Surabaya (Indonesia), which were selected purposively to capture variation in socio-legal context, public visibility, and locally negotiated forms of *misyar* practice. In qualitative multi-site research, site selection is expected to be systematic and context-sensitive rather than based on assumptions of historical origin, because the goal is to generate analytically meaningful comparison across settings while preserving local specificity. Following this logic, the five sites were chosen not to represent the entire

[11] Emily K. Jenkins et al., "A Guide to Multisite Qualitative Analysis," *Qualitative Health Research* 28, no. 12 (2018): 1969–77, https://doi.org/10.1177/1049732318786703; Ahmed Ali Alhazmi and Angelica Kaufmann, "Phenomenological Qualitative Methods Applied to the Analysis of Cross-Cultural Experience in Novel Educational Social Contexts," *Frontiers in Psychology* 13 (2022): 785134, https://doi.org/10.3389/fpsyg.2022.785134; Michelle E. Kiger and Lara Varpio, "Thematic Analysis of Qualitative Data: AMEE Guide No. 131," *Medical Teacher* 42, no. 8 (2020): 846–54, https://doi.org/10.1080/0142159X.2020.1755030; Muhammad Naeem et al., "A Step-by-Step Process of Thematic Analysis to Develop a Conceptual Model in Qualitative Research," *International Journal of Qualitative Methods* 22 (2023): 1–18, https://doi.org/10.1177/16094069231205789.

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Muslim world, but to provide maximum contextual variation across Middle Eastern and Southeast Asian settings in which *misyar* could be examined as a lived marital arrangement embedded in different cultural and regulatory environments.[12]

The primary participants in this study were 20 informants recruited across the five research settings, with the core analytic sample consisting of women who had direct experience of entering, maintaining, or terminating a *misyar* arrangement. To avoid using "socialite women" as a vague popular label, participation was limited to women who met the study's operational criteria of relative socio-economic privilege, including stable income, business ownership, control over housing or property, professional mobility, or comparable forms of class-based social capital that increased their bargaining capacity in marital decision-making. Where relevant, supplementary contextual information was also obtained from a small number of related actors familiar with the arrangement, such as informal mediators or locally knowledgeable interlocutors; however, these contextual voices were not treated as equivalent to the first-person experiential accounts that formed the main evidentiary basis of the phenomenological analysis. This use of explicit inclusion criteria and information-rich cases is consistent with qualitative sampling guidance, which emphasizes direct experience of the phenomenon, conceptual clarity in participant selection, and transparency about who belongs to the core analytic sample.[13]

Data collection was conducted in phases between 2019 and 2024 through semi-structured in-depth interviews, episodic field observation, and document collection. Interviews were conducted primarily during site visits and periods of field presence using a stable core interview guide that addressed marital history, motives for entering *misyar*, living arrangements, financial obligations, family involvement, secrecy and public recognition, reproductive intentions, and participants' understandings of religious and legal legitimacy. While minor linguistic and contextual adjustments were made across settings, the substantive domains of questioning remained consistent throughout the study in order to preserve temporal comparability. Rather than implying uninterrupted residence in all five sites for one continuous year, the observational component should be understood as cumulative and episodic field observation undertaken during repeated visits and periods of on-site engagement across the research timeline. Documentary materials consisted of field notes, interview memos, fatwas, family-law regulations, and selected archival

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[12] Lawrence A. Palinkas et al., "Purposeful Sampling for Qualitative Data Collection and Analysis in Mixed Method Implementation Research," *Administration and Policy in Mental Health and Mental Health Services Research* 42, no. 5 (2015): 533–44, https://doi.org/10.1007/s10488-013-0528-y; Jonathan Bayuo et al., "Framing the Multi-Centre Qualitative Research Design as a Novel Methodology for Nursing and Healthcare Research: Reflections and A Methodological Discussion," *Journal of Advanced Nursing*, ahead of print, 2024, https://doi.org/10.1111/jan.16548; Hyejin Kim et al., "Characteristics of Qualitative Descriptive Studies: A Systematic Review," *Research in Nursing & Health* 40, no. 1 (2017): 23–42, https://doi.org/10.1002/nur.21768.

[13] Palinkas et al., "Purposeful Sampling for Qualitative Data Collection and Analysis in Mixed Method Implementation Research"; Oliver C. Robinson, "Sampling in Interview-Based Qualitative Research: A Theoretical and Practical Guide," *Qualitative Research in Psychology* 11, no. 1 (2014): 25–41, https://doi.org/10.1080/14780887.2013.801543; Niroj Dahal et al., "Participant Selection Procedures in Qualitative Research: Experiences and Some Points for Consideration," *Frontiers in Research Metrics and Analytics* 9 (2024): 1512747, https://doi.org/10.3389/frma.2024.1512747.

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or media materials used to contextualize, rather than replace, first-person interview data.[14]

Given the highly sensitive nature of secret or semi-private marital arrangements discussed in this study, strict ethical safeguards were applied throughout the research process. This study did not undergo formal institutional ethical review. Nevertheless, prior to each interview, participants were informed about the aims of the study, the voluntary nature of participation, their right to decline or withdraw at any stage, and the intended scholarly use of anonymized quotations. Informed consent was obtained before data collection. All names used in this article are pseudonyms, and potentially identifying details related to location, occupation, family structure, and partner identity were minimized or generalized in order to protect participants' privacy and reduce the risk of deductive disclosure. For the same reason, interview materials should be cited in anonymized form rather than listed under identifiable personal names in the references.[15]

To preserve anonymity while making the empirical basis of the analysis more transparent, interview materials are cited in anonymized form using site-based interview codes (e.g., IW-JED-01, IW-CAS-01, IW-ALX-01, IW-GMK-01, and IW-SBY-01). These codes refer to interview cases reported in the original field materials and are used consistently throughout the Results and Discussion section. In several instances, interview evidence is presented as paraphrased material rather than as extended verbatim quotation in order to reduce the risk of deductive identification. Some details of age, occupation, locality, and family circumstances were selectively generalized or lightly modified for the same reason.

Data analysis proceeded iteratively in several stages. First, all interviews and field notes were transcribed, de-identified, and read repeatedly to build familiarity with participants' accounts and the wider field context. Second, the researchers generated initial inductive codes from the interview materials and accompanying field records, focusing on motives, relational arrangements, secrecy, financial negotiations, affective expectations, reproductive intentions, and participants' own understandings of religious legitimacy. Third, related codes were clustered into broader cross-site themes through constant comparison within and across cases, and these themes were then organized in thematic matrices to identify recurring patterns as well as context-specific differences between sites. Throughout this process, the analysis remained grounded in participants' accounts rather than in predetermined *maqasid* categories. Only after the empirical themes had been established were they

[14] Arabella Scantlebury and Joy Adamson, "Conducting a Large, Longitudinal, Multi-Site Qualitative Study Within a Mixed Methods Evaluation of a UK National Health Policy: Reflections From the GPED Study," *International Journal of Qualitative Methods* 21 (2022), https://doi.org/10.1177/16094069221140873; Jill R. Demirci, "About Research: Conducting Better Qualitative Interviews," *Journal of Human Lactation* 40, no. 1 (2024): 21–24, https://doi.org/10.1177/08903344231213651; Cassie E. McDonald et al., "Planning and Conducting Cross-Cultural Qualitative Research: A Methodological Framework and Resources for Health Researchers," *International Journal of Qualitative Studies on Health and Well-Being* 20, no. 1 (2025): 2556350, https://doi.org/10.1080/17482631.2025.2556350.

[15] Yujie Zhang et al., "Reporting of Ethical Considerations in Qualitative Research Utilizing Social Media Data on Public Health Care: Scoping Review," *Journal of Medical Internet Research* 26 (2024): e51496, https://doi.org/10.2196/51496; Weng Marc Lim, "What Is Qualitative Research? An Overview and Guidelines," *Australasian Marketing Journal* 33 (2025): 199–229, https://doi.org/10.1177/14413582241264619.

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brought into dialogue with gender analysis and Athiyyah's *maqasid al-usrah* in the discussion section as a second-order interpretive framework. To strengthen analytic rigor, the researchers maintained analytic memos and an audit trail of coding decisions, and regularly revisited emerging interpretations in light of the full dataset, rather than treating themes as mere topic summaries or applying *maqasid* as a mechanical checklist.[16]

The trustworthiness of the study was strengthened through source triangulation across interviews, field notes, and documentary materials, as well as through the maintenance of analytic memos, coding records, and an audit trail that documented major interpretive decisions throughout the research process. Credibility was further supported by prolonged engagement with the topic across multiple periods of fieldwork, repeated rereading of transcripts, and reflexive attention to how the researchers' own assumptions, access, and cross-cultural positioning could shape both data generation and interpretation. Transferability was pursued through contextual description of each research setting, while dependability and confirmability were enhanced through transparent reporting of sampling, coding, and analytic procedures. At the same time, several limitations should be acknowledged: the sample was relatively small and unevenly distributed across sites, the study focused on women with relatively privileged socio-economic backgrounds, male perspectives were only minimally represented, and some country contexts yielded fewer cases than others because of the sensitivity and hidden nature of the phenomenon. Accordingly, the findings are intended to generate analytic insight into negotiated forms of *misyar* practice rather than to represent all women, all *misyar* arrangements, or the entire Muslim world.[17]

Results and Discussion

Cross-National Patterns of *Misyar* Practice in Muslim Country

Across the five research settings, *misyar* did not emerge as a single uniform marital form but as a cluster of negotiated arrangements shaped by secrecy, non-co-residence, selective financial obligations, and varying expectations about companionship, sexuality, and childbearing.[18] Read comparatively, the field data

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[16] Virginia Braun and Victoria Clarke, "Toward Good Practice in Thematic Analysis: Avoiding Common Problems and Be(Com)Ing a Knowing Researcher," *International Journal of Transgender Health* 24, no. 1 (2022): 1–6, https://doi.org/10.1080/26895269.2022.2129597; Niroj Dahal, "Qualitative Data Analysis: Reflections, Procedures, and Some Points for Consideration," *Frontiers in Research Metrics and Analytics* 10 (2025): 1669578, https://doi.org/10.3389/frma.2025.1669578; Darshini Ayton, "Chapter 22: Thematic Analysis," in *Qualitative Research – a Practical Guide for Health and Social Care Researchers and Practitioners*, preprint, 2023; Naeem et al., "A Step-by-Step Process of Thematic Analysis to Develop a Conceptual Model in Qualitative Research."

[17] Sirwan Khalid Ahmed, "The Pillars of Trustworthiness in Qualitative Research," *Journal of Medicine, Surgery, and Public Health* 2 (2024): 100051, https://doi.org/10.1016/j.glmedi.2024.100051; McDonald et al., "Planning and Conducting Cross-Cultural Qualitative Research: A Methodological Framework and Resources for Health Researchers"; Francisco M. Olmos-Vega et al., "A Practical Guide to Reflexivity in Qualitative Research: AMEE Guide No. 149," *Medical Teacher* 45, no. 3 (2023): 241–51, https://doi.org/10.1080/0142159X.2022.2057287.

[18] Ratno Lukito, "Continuity and Change in Law: Confabulating Misyar Marriages in Indonesia," *Onati Socio-Legal Series* 12, no. S1 (2022): S252, https://doi.org/10.35295/osls.iisl/0000-0000-0000-1294; Putri.J et al., "The Phenomenon of Development Misyar Marriage from the Perspective of

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suggest that the most meaningful distinction is not simply between "valid" and "invalid" marriage, but between more institutionalized and less institutionalized patterns of marital negotiation, each embedded in different local legal cultures and different degrees of protection available to women within the relationship. This comparative pattern helps explain why *misyar* may be experienced by some participants as flexible and advantageous, while at the same time remaining socially contested and legally precarious in several contexts.

In the three Middle Eastern settings represented in this study, *misyar* most often appeared as a discreetly negotiated arrangement marked by limited co-residence, selective material obligations, and a strong emphasis on companionship, bodily intimacy, or reproductive choice rather than on the full institutional integration of marriage. The Jeddah accounts suggest a pattern in which *misyar* functioned as a highly privatized relationship with minimal public visibility and narrowly defined spousal responsibilities, while the Casablanca and Alexandria cases indicate comparable tendencies toward negotiated companionship, non-mandatory childbearing, and context-dependent expectations regarding presence, support, and emotional availability. Read together, these cases do not simply show a single "Middle Eastern model" of *misyar*, but they do reveal a recurring pattern in which marital flexibility is preserved precisely by limiting the visibility, enforceability, and institutional density of the relationship.[19]

In the Southeast Asian settings, the pattern documented in Gombak and Surabaya suggests a somewhat different configuration of *misyar*, one that is more visibly intertwined with local practices of unregistered marriage, informal mediation, and the possibility of later formalization. The Gombak accounts point to a strongly negotiated arrangement in which the husband's role is deliberately narrowed to companionship, emotional presence, and sexual intimacy, while financial provision and residence remain largely under the woman's control. The Surabaya cases reveal a similar emphasis on domestic autonomy and low institutional burden, but they also show a more explicit overlap between *misyar* and locally familiar forms of secret or unregistered marriage, including the possibility that some women treat *misyar* as a provisional arrangement that may later be converted into a formally registered union if the relationship proves stable. Compared with the Middle Eastern cases, the Southeast Asian pattern therefore appears less oriented toward long-term secrecy as an end in itself and more toward flexible marital experimentation under conditions of religious legitimacy, social caution, and uneven legal recognition.

Taken together, the cross-site evidence indicates that the most important analytical distinction in this study is not between countries per se, but between degrees of institutionalization within the marital arrangement. In some cases, *misyar* remained a discreet yet relatively stable relationship in which selected obligations were renegotiated without necessarily aiming at future formalization; in other cases, especially in parts of the Indonesian material, *misyar* overlapped more visibly with secret or unregistered marriage and could even function as a provisional arrangement prior to formal registration if the relationship later proved compatible. This

Islamic Law and Human Rights"; Mariani, "Nikah Misyar Perspective Of Women And Child Protection Law."

[19] Lukito, "Continuity and Change in Law: Confabulating Misyar Marriages in Indonesia"; Putri.J et al., "The Phenomenon of Development Misyar Marriage from the Perspective of Islamic Law and Human Rights"; Mariani, "Nikah Misyar Perspective Of Women And Child Protection Law."

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distinction is crucial because many of the vulnerabilities identified in the field—such as weak enforceability of rights, ease of exit, and limited public recognition—appear to arise not only from *misyar* as a negotiated marital model, but also from the degree of secrecy, non-registration, and institutional minimalism surrounding a given union. For that reason, the findings of this study suggest that *misyar* should be analysed as a spectrum of marital negotiation rather than as a single fixed legal-social form, with women's experiences shaped by how far the relationship is embedded in, or detached from, formal family institutions.

Table 1. Comparative Features of *Misyar* Practices Across Five Research Settings

Research setting	Marital arrangement pattern	Living arrangement	Financial obligation pattern	Registration / recognition status	Dominant motives	Degree of secrecy	Main legal / social vulnerability
Jeddah, Saudi Arabia	*Misyar* tended to function as a highly privatized relationship in which the husband's role was narrowed to companionship, emotional presence, and sexual fulfillment.	Mostly **non-co-residential**; spouses did not live together and met periodically.	The husband was generally **not expected to provide full maintenance** or housing.	Typically **private / weakly institutionalized**; some unions were concealed from the wider family.	Companionship, sexual–affective fulfillment, domestic autonomy.	**High**	Weak enforceability of rights, strong dependence on the husband's goodwill, and fragile protection when the relationship ended.
Casablanca, Morocco	*Misyar* appeared as a privately negotiated companionship arrangement with a limited spousal role.	No full household integration; the relationship involved selective presence rather than ordinary domestic life.	The husband was **not burdened with full material support**.	**Private / formally unclear recognition**.	Social accompaniment, personal security, companionship, preference against childbearing.	**High**	Limited material responsibility that could be claimed, weak institutional recognition, and dependence on personal arrangements.
Alexandria, Egypt	*Misyar* appeared as a private marital arrangement in which the husband's presence depended largely on the woman's	The woman remained in her own apartment, while the husband moved between that space	No strong pattern of conventional maintenance was evident; obligations appeared situational and selective.	**Secret / not acknowledged by family; formal registration unclear**.	Companionship, emotional understanding, low-burden marriage, preference against childbearing.	**High**	Uncertain family acknowledgment, weak long-term stability, and thin institutional accountability.

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	needs and preferences.	and his parental home; thus, the arrangement did not resemble a fully integrated household.					
Gombak, Malaysia	*Misyar* was negotiated as a functional arrangement in which the husband's role was restricted to companionship, intimacy, and social escort.	It was not oriented toward a fully co-residential marriage.	The husband was **not required to provide maintenance** or housing.	**Private / limited institutional emphasis**.	Companionship, personal security, emotional and physical needs, preference against childbearing.	**Moderate to high**	Selective obligations, fragile rights claims in the event of conflict, and dependence on personal negotiation.
Surabaya, Indonesia	*Misyar* often appeared as a woman-centered and highly flexible arrangement, frequently simple, discreet, and sometimes used as a trial phase before later formalization.	Mostly **non-co-residential**; the husband did not ordinarily share the household.	Financial obligations were often selectively negotiated, while women frequently retained economic control.	Often **unregistered / informally officiated**, but in some cases **later formalized through KUA**.	Domestic autonomy, privacy, low institutional burden, low-cost exit, trial marriage, lineage aspirations, sexual–affective agency.	**High but variable**	Social stigma, insecurity, weak legal protection, and significant administrative vulnerability until formalization occurred.

Note: The comparative patterns summarized in this table are derived from anonymized interview materials, field notes, and contextual documentary data collected across the five research settings.

As summarized in Table 1, the cross-site variation documented in this study shows that *misyar* should not be treated as a single fixed marital model. The most significant differences lie in the degree of secrecy, the extent of institutional recognition, and the level at which financial and relational obligations remain enforceable. In the Middle Eastern settings, *misyar* more often appeared as a discreet arrangement sustained through limited public visibility and reduced domestic integration, whereas in the Southeast Asian settings it showed a stronger overlap with informal or unregistered marital practices and, in some cases, the possibility of later formalization. This comparative pattern is important because it indicates that the

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vulnerabilities associated with *misyar* do not arise from one uniform feature alone, but from the specific ways each arrangement is negotiated, documented, and embedded within local family institutions.

Table 2. Anonymized Interview Evidence Supporting the Main Analytical Themes

Interview code	Research setting	Generalized participant profile	Paraphrased interview evidence from the raw field materials	Main theme supported
IW-JED-01	Jeddah	economically secure middle-aged woman	Entered *misyar* with a younger man mainly to obtain companionship and practical accompaniment in daily mobility; the husband was not expected to provide maintenance or housing and did not live with her.	companionship; domestic autonomy; limited obligations
IW-JED-02	Jeddah	middle-aged Indonesian-origin woman	Chose a younger husband primarily for emotional and sexual fulfillment; they did not live together, and the husband's role was limited to companionship when needed.	sexual and affective agency; selective intimacy
IW-JED-03	Jeddah	widowed mother living independently	Entered a secret *misyar* marriage without the knowledge of her children or extended family; the husband was present only for periodic intimate meetings and had no obligation to provide support or housing.	secrecy; low-visibility marriage; selective obligation
IW-CAS-01	Casablanca	economically secure socially active woman	Understood *misyar* as a companionship arrangement in which the husband's role was mainly protective and accompanimental in public life; no full material obligations and no intention to have children were agreed.	social accompaniment; no-child preference; limited obligations
IW-ALX-01	Alexandria	independently living mature woman	Married secretly without family knowledge; the husband stayed only when needed, the relationship was not organized around conventional household integration, and both parties rejected immediate childbearing.	low-burden marriage; secrecy; selective presence
IW-GMK-01	Gombak	professionally mobile businesswoman	Chose *misyar* because the husband was not required to provide maintenance or housing; his expected role was companionship, intimacy, and accompaniment in business or social settings, without plans for children.	companionship; personal security; selective obligation
IW-SBY-01	Surabaya	economically independent single mother	Viewed *misyar* as a way to obtain warmth and companionship without surrendering financial or domestic control to a husband.	negotiated domestic autonomy
IW-SBY-02	Surabaya	economically independent Arab-origin woman	Described *misyar* as a relationship in which the wife remained the economic center of the household and did not accept conventional male dominance.	domestic autonomy; reduced husband hegemony

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IW-SBY-03	Surabaya	wealthy widow living separately	Preferred *misyar* because it remained unregistered, private, and less burdensome than conventional marriage; the husband was called only when companionship or affection was needed.	low-visibility marriage; privacy; low institutional burden
IW-SBY-04	Surabaya	successful woman living alone	Chose *misyar* because it was easier to exit than a registered marriage and did not require formal divorce procedures.	low-cost relational exit
IW-SBY-05	Surabaya	mature unmarried woman	Repeatedly used *misyar* because it allowed easy partner transition and simple, discreet marriage arrangements with minimal social involvement.	relational flexibility; provisional commitment
IW-SBY-06	Surabaya	wealthy widow from East Java	Initially entered *misyar* as an experimental relationship and later formalized it through KUA after the relationship proved compatible.	trial marriage; later formalization
IW-SBY-07	Surabaya	woman seeking cross-regional lineage	Entered *misyar* with a foreign partner in order to have children while retaining control over residence, finances, and the timing of separation.	lineage aspirations; reproductive preference

Reframing Intimacy: How Women Perceive Misyar Marriage in Contemporary Contexts

The analysis of interview transcripts, field notes, and contextual materials identified seven recurring motives behind participants' engagement with *misyar* marriage. These motives are presented here not as rigid typologies or mutually exclusive categories, but as thematic clusters that emerged from cross-site comparison and from the women's own explanations of why *misyar* was attractive, workable, or preferable in particular moments of their lives (see Table 2).[20] Across the dataset, *misyar* was described as a way of negotiating intimacy, domestic autonomy, secrecy, ease of exit, companionship, sexual and emotional needs, and lineage-related aspirations under conditions that participants often perceived as less burdensome than conventional marriage. At the same time, these motives should not be read as pure expressions of unconstrained choice, because the narratives also reveal that agency was exercised within unequal legal, social, and institutional conditions that shaped what kinds of marital arrangements were imaginable, available, and sustainable for the women involved.[21]

The first recurring motive may be described more precisely as negotiated domestic autonomy rather than simply "freedom from the husband's hegemony." Several participants with independent economic resources described *misyar* as attractive because it enabled them to retain control over residence, income, time, and everyday decision-making while still accessing companionship and intimate partnership.[22] In these accounts, the husband was not imagined as a household head

[20] IW-JED-011, Interviews (Jeddah 2021); IW-CAS-011, Interviews (Casablanca 2022); IW-GMK-01 (Gombak 2023); IW-SBY-01, Interviews (Surabaya, 2019).
[21] Vidūnaitė, "The Agency in Islam or (and) Human Rights? The Case of Pious Baltic Muslim Women"; Tuba Erkoc Baydar, "A Secret Marriage and Denied Rights: A Critique from an Islamic Law Perspective," *Religions* 14, no. 4 (2023): 463, https://doi.org/10.3390/rel14040463.
[22] IW-SBY-01, Interviews (Surabaya, 2019); IW-SBY-02, Interviews (Surabaya, 2019); IW-JED-01 Interviews (Jeddah, 2021).

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with broad authority over the wife's mobility or finances, but as a relational partner whose role was limited by prior agreement and activated only when his presence was wanted or considered useful. This pattern suggests that, for some women, *misyar* functioned as a way of entering marriage without surrendering domestic self-governance. One participant explained, "I wanted a marriage without losing control of my house and my work. With *misyar*, I could decide when we meet and still keep my independence".[23] However, this agency remained situated within unequal legal and institutional conditions, since the reduction of male authority was often accompanied by a corresponding reduction in enforceable marital obligations and protections.[24]

The second recurring motive may be described more accurately as a preference for low-visibility marriage rather than simply "similarity to *kawin sirri*." For several participants, *misyar* was attractive because it offered the intimacy and symbolic legitimacy of marriage while minimizing bureaucratic exposure, extended-family intervention, and the everyday burdens associated with co-residential domestic life. In these narratives, the appeal did not lie in legal uncertainty as such, but in the privacy, flexibility, and reduced institutional demands associated with relationships that remained partially hidden or unregistered.[25] At the same time, this motive must be analytically distinguished from *misyar* itself, because the accounts in this study indicate an overlap between *misyar* and locally familiar forms of secret or unregistered marriage rather than a perfect equivalence between the two. The more a union depended on secrecy and non-registration, the more women appeared to face weakened enforceability of rights and greater legal precarity, even when the relationship was subjectively experienced as convenient or liberating.[26] As one participant noted, "We agreed not to make it public. It felt easier that way, but I also knew that if something went wrong, I had little protection".[27]

The third recurring motive can be described as a preference for low-cost relational exit rather than simply "the ease of divorce." Several participants were drawn to *misyar* because it reduced the procedural, financial, and social burdens typically associated with ending a conventional marriage, especially when the relationship was unregistered, non-co-residential, and based on narrowly negotiated obligations.[28] In these accounts, *misyar* offered a form of marital engagement that could be entered and terminated with relatively little institutional involvement, making it attractive to women who wished to preserve emotional distance, financial

[23] IW-SBY-02, Interviews (Surabaya, 2019).
[24] Vidūnaitė, "The Agency in Islam or (and) Human Rights? The Case of Pious Baltic Muslim Women"; Čustović, "Equal Before God but Not Equal Before His Law? Sharia Law and Women's Right to Interpretation in the Light of the Human Rights Debate."
[25] IW-JED-03, Interviews (Jeddah 2021); IW-SBY-03, Interviews (Surabaya 2019); IW-ALX-01, Interviews (Alexandria, 2024).
[26] Erkoc Baydar, "A Secret Marriage and Denied Rights: A Critique from an Islamic Law Perspective"; Putri.J et al., "The Phenomenon of Development Misyar Marriage from the Perspective of Islamic Law and Human Rights"; Mariani, "Nikah Misyar Perspective Of Women And Child Protection Law."
[27] Interviews, IW-JED-03 (Jeddah 2021).
[28] Interviews, IW-SBY-04 (Surabaya, 2019); IW-SBY-05 (Surabaya, 2020).

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autonomy, or control over future decisions.[29] At the same time, this perceived convenience came with an important trade-off: the easier it became to leave the relationship, the weaker the enforceability of post-marital claims, shared obligations, and legal protections appeared to be. For that reason, the appeal of *misyar* as an easily terminable union should be read not merely as personal pragmatism, but also as evidence of how some women negotiated intimacy through forms of marriage that minimized institutional constraint while simultaneously increasing legal precarity.[30] This concern was reflected in one interview, "I liked that it could end without complications, but at the same time I realized there was no clear responsibility after separation".[31]

The fourth recurring motive may be described more carefully as relational flexibility under conditions of provisional commitment, rather than simply "changing partners freely." For some participants, *misyar* offered a marital form that could be entered without an immediate expectation of permanence, allowing them to assess compatibility, emotional fit, and practical convenience before deciding whether to deepen, formalize, or end the relationship. In this sense, the attraction of *misyar* lay not only in the possibility of exit, but also in the availability of a low-commitment space in which partner transition was socially and legally less cumbersome than in conventional marriage. The cases in this study suggest two related patterns: some women used this flexibility to leave one relationship and pursue another when the arrangement no longer felt suitable, while others treated *misyar* as a trial phase that could later be converted into a formally registered union if the relationship proved stable.[32] This motive should therefore be understood less as moral permissiveness than as a negotiated strategy of provisional intimacy, even though its very flexibility depended on weak institutionalization and correspondingly limited legal protection.

The fifth recurring motive is better understood as lineage aspirations and reproductive preference rather than "improving offspring." In several accounts, *misyar* was valued because it allowed women to pursue motherhood with desired partner traits or cross-regional lineage while still retaining control over residence, finances, intimacy, and the anticipated duration of the relationship.[33] In this pattern, marriage was not always imagined as a permanent domestic union, but as a negotiated arrangement oriented toward a specific reproductive goal under conditions the women considered more manageable than conventional marriage. The data suggest that this motive was closely tied to women's efforts to preserve decision-making authority over household life and future separation, even when the relationship was entered with the intention of having children. At the same time, the more reproductive aspiration became detached from durable institutional commitment, the more *misyar* resembled a temporally limited marital strategy whose

[29] Fina Mazida Husna et al., "Gender Construction in the Classical Fiqh Book Masāil Al-Nisā': Analysis from Judith Butler's Perspective," *An-Nisa' Journal of Gender Studies* 18, no. 2 (2025): 151–66, https://doi.org/10.35719/annisa.v18i2.315.
[30] Erkoc Baydar, "A Secret Marriage and Denied Rights: A Critique from an Islamic Law Perspective"; Mariani, "Nikah Misyar Perspective Of Women And Child Protection Law."
[31] Interviews, IW-SBY-04 (Surabaya, 2019).
[32] Interviews, IW-SBY-05 (Surabaya, 2020); IW-SBY-06 (Surabaya, 2020).
[33] Interviews, IW-SBY-07 (Surabaya, 2020).

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flexibility depended on weak formal obligations and correspondingly fragile legal protection.[34]

The sixth recurring motive can be described as a search for companionship, personal security, and social accompaniment rather than merely a need for a "bodyguard" or "driver." Some participants viewed *misyar* as a practical way to secure the presence of a male companion who could accompany them in travel, public appearance, or everyday mobility without requiring the full domestic and financial integration expected in conventional marriage.[35] In these accounts, the attraction of *misyar* lay in the availability of relational support on demand, combined with the preservation of the woman's control over residence, income, and daily routines. This pattern suggests that *misyar* could function as a selectively activated partnership in which masculine presence was valued less as household authority than as social utility, emotional reassurance, and situational protection. At the same time, the instrumental narrowing of the husband's role also exposed the relationship to fragility, since a partnership designed around convenience and limited obligation could easily weaken long-term reciprocity, accountability, and enforceable support when conflict or dependency later emerged.[36]

The seventh recurring motive is better described as sexual and affective agency rather than simply "the fulfillment of the wife's sexual desires." Several participants portrayed *misyar* as an arrangement that enabled them to pursue sexual satisfaction, emotional comfort, and partner choice on terms they considered more desirable than those available in conventional marriage.[37] In these accounts, the appeal of *misyar* lay in the ability to select a partner according to age, physical attraction, or relational compatibility, without immediately accepting the full domestic, financial, and institutional obligations associated with co-residential marriage. This pattern indicates that, for some women, *misyar* functioned as a means of negotiating intimate life through explicitly chosen forms of sexuality and companionship, rather than through passive submission to patriarchal expectations. As one participant explained, "I chose misyar because I wanted emotional and physical compatibility without full marital duties, but I understood that this also meant fewer guarantees",[38] the arrangement allowed selective intimacy while limiting broader marital commitments. At the same time, the concentration of the relationship around affective and sexual fulfillment also made the union more fragile, because a marital arrangement built on selective intimacy and limited obligation could easily weaken

[34] Vidūnaitė, "The Agency in Islam or (and) Human Rights? The Case of Pious Baltic Muslim Women"; Erkoc Baydar, "A Secret Marriage and Denied Rights: A Critique from an Islamic Law Perspective."
[35] Interviews, IW-JED-01 (Jeddah 2021); IW-CAS-01 (Casablanca 2022); IW-GMK-01 (Gombak 2023).
[36] Erkoc Baydar, "A Secret Marriage and Denied Rights: A Critique from an Islamic Law Perspective"; Mariani, "Nikah Misyar Perspective Of Women And Child Protection Law."
[37] Interviews, IW-JED-02 (Jeddah 2021); IW-GMK-01 (Gombak 2023).
[38] Interviews, IW-JED-02 (Jeddah 2021).

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reciprocity, long-term accountability, and the enforceability of rights when conflict, abandonment, or dependency later emerged.[39]

Misyar Marriage in Gender Perspective: Navigating Between Autonomy and Vulnerability

A gender reading of the material in this study cannot begin from the assumption that *misyar* is either simply liberating or inherently oppressive. The interview data instead indicate a more complex pattern in which some women used *misyar* to negotiate domestic autonomy, sexual choice, mobility, privacy, and emotional companionship, while the same arrangements also exposed them to unstable obligations, weak institutional recognition, and reduced enforceability of rights. For that reason, the gender significance of *misyar* in this study lies less in a fixed verdict than in the tension between agency and vulnerability: women's choices were real and deliberate, yet they were exercised within legal, social, and marital structures that did not distribute risk and protection evenly. This approach is consistent with recent scholarship arguing that Muslim women's agency should not be reduced to a binary of oppression versus emancipation, and that women's voices in family-law debates must be taken seriously even when they emerge within unequal normative systems.[40]

At the level of lived experience, the material in this study shows that some women used *misyar* as a deliberate strategy for negotiating agency within intimate life. The arrangement allowed them to preserve control over residence, income, mobility, sexual choice, and the timing of male presence, while still obtaining companionship, emotional warmth, or reproductive partnership on terms they considered more manageable than conventional marriage. In this sense, *misyar* was not always narrated as a sign of submission, but often as a way of limiting domestic control, reducing unwanted interference, and reshaping marriage into a form compatible with the women's own priorities. Such accounts matter analytically because they indicate that women's participation in *misyar* cannot be explained only through victimhood or coercion; rather, their narratives reflect forms of situated agency in which choice is exercised through negotiation, selective obligation, and context-bound reinterpretations of marital life. This reading is consistent with recent scholarship showing that Muslim women's agency is often expressed through negotiated religious and social practice rather than through a simple liberal model of individual autonomy.[41]

At the same time, the same arrangements that enabled women to negotiate autonomy also produced forms of gendered vulnerability that should not be minimized. Across the material, these vulnerabilities were associated less with female choice itself than with the structural conditions surrounding many *misyar* unions:

[39] Vidūnaitė, "The Agency in Islam or (and) Human Rights? The Case of Pious Baltic Muslim Women"; Erkoc Baydar, "A Secret Marriage and Denied Rights: A Critique from an Islamic Law Perspective."

[40] Erkoc Baydar, "A Secret Marriage and Denied Rights: A Critique from an Islamic Law Perspective"; Čustović, "Equal Before God but Not Equal Before His Law? Sharia Law and Women's Right to Interpretation in the Light of the Human Rights Debate"; Vidūnaitė, "The Agency in Islam or (and) Human Rights? The Case of Pious Baltic Muslim Women."

[41] Čustović, "Equal Before God but Not Equal Before His Law? Sharia Law and Women's Right to Interpretation in the Light of the Human Rights Debate"; Vidūnaitė, "The Agency in Islam or (and) Human Rights? The Case of Pious Baltic Muslim Women."

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secrecy, weak public recognition, selective obligations, non-co-residence, and in some cases non-registration. Under such conditions, women could face social stigma, uncertainty about the continuity of the relationship, limited leverage when conflicts arose, and difficulty enforcing claims related to maintenance, acknowledgment, or post-separation responsibility. The field accounts therefore suggest that *misyar* may create a paradoxical gender position in which women appear empowered at the level of immediate decision-making yet remain exposed to disproportionate relational and legal risk when the union becomes unstable. For this reason, the vulnerability documented in this study should be read not as proof that women lacked agency, but as evidence that agency was exercised within marital arrangements whose institutional thinness could weaken accountability and protection over time.[42]

A crucial distinction must therefore be made between fiqh validity and administrative or institutional vulnerability. In several Muslim legal contexts, a marriage may be considered religiously valid when its pillars and conditions are fulfilled, even if certain rights are waived or the union is kept private; however, the absence of registration, public acknowledgment, or enforceable institutional documentation can still expose women to serious difficulties in claiming maintenance, marital property, child-related rights, or post-separation responsibility in practice. The material in this study suggests that many harms attributed to *misyar* are intensified not simply by the negotiated form of the marriage itself, but by the degree to which the relationship remains hidden, weakly documented, or detached from formal family-law procedures. For that reason, a gender analysis of *misyar* should avoid collapsing all fiqh-valid unions into the category of legally protected marriages, while also avoiding the opposite error of treating every undocumented or secret union as automatically void in Islamic terms. What is at stake in many of these cases is the gap between contractual religious validity and the unequal distribution of institutional protection, a gap that often leaves women more exposed when conflict, abandonment, inheritance disputes, or child-related claims arise.[43]

For that reason, the gender implications of *misyar* in this study are better interpreted through scholarship on Muslim women's agency, Islamic feminism, and the distinction between formal equality and substantive gender justice than through a generalized patriarchy critique alone. From this perspective, the women's narratives in the present dataset can be read as efforts to renegotiate marriage from within an Islamic moral and social universe, not simply as departures from it: they sought forms of intimacy, domestic control, and selective obligation that they considered more equitable, more manageable, or more compatible with their lived priorities. At the same time, Islamic feminist scholarship also makes clear that women's consent to asymmetrical arrangements does not automatically resolve

[42] Erkoc Baydar, "A Secret Marriage and Denied Rights: A Critique from an Islamic Law Perspective"; Mariani, "Nikah Misyar Perspective Of Women And Child Protection Law."
[43] Nadiyah Seff et al., "Islamic Family Law and Women's Rights in Indonesia: Between Normativity, Reform, and Social Realities," *ASEAN Journal of Islamic Studies and Civilization (AJISC)* 2, no. 2 (2025): 237–56, https://doi.org/10.62976/ajisc.v1i1.1430; Emilda Sonu et al., "The Dynamics and Legal Implications of Unregistered Marriages in Indonesia," *Antmind Journal of Jurisprudence and Social Justice* 1, no. 1 (2025): 45–56, https://doi.org/10.63077/9e5wjt36; Erkoc Baydar, "A Secret Marriage and Denied Rights: A Critique from an Islamic Law Perspective."

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questions of justice, especially when waivers of co-residence, maintenance, or public recognition shift institutional risk disproportionately onto women. In this sense, the material in this study suggests that *misyar* may create room for negotiated agency, yet it also exposes the limits of agency when marital flexibility is secured through forms of legal and social thinness that leave women with reduced protection once the relationship becomes contested. Rather than asking whether *misyar* simply liberates or simply subordinates women, the more productive gender question is whether the arrangement can sustain a form of marriage that is not only voluntarily chosen but also substantively just in the distribution of rights, obligations, and vulnerability.[44]

Taken together, the gender evidence in this study suggests that *misyar* should be understood neither as a straightforward vehicle of women's liberation nor as a uniformly oppressive marital form. Rather, it appears as a negotiated arrangement through which some women sought greater control over intimacy, residence, mobility, and emotional life, while simultaneously entering relationships whose limited institutionalization could redistribute risk back onto them in moments of conflict, abandonment, or legal contestation. In this sense, the central gender question is not whether women in *misyar* exercised agency, because the data clearly indicate that many of them did, but whether such agency was supported by a sufficiently just and durable structure of rights, responsibilities, and recognition. The findings of this study therefore point to a tension that Islamic feminist scholarship has repeatedly highlighted: a marriage may be voluntarily chosen and still remain substantively unequal when protection, accountability, and interpretive power are unevenly distributed. Read in this way, *misyar* in the present dataset is best understood as a form of negotiated marital agency that remains structurally fragile, especially when privacy, selective obligation, and weak formal recognition become the very conditions that make the arrangement possible.[45]

Rethinking Misyar Marriage: A Maqāṣid al-Usrah Perspective

The *maqasid al-usrah* analysis in this study is not intended to function as a mechanical checklist for proving that *misyar* has already failed before the empirical material is examined. Rather, following Jamaluddin 'Athiyyah's family-specific development of *maqasid* in *Naḥwa Taf'īl Maqāṣid al-Sharī'ah*, it is used here as a normative-analytical lens for asking whether the forms of marital negotiation documented in the field can sustain the broader ethical, relational, and institutional purposes of family life in Islam. This distinction is important because *misyar*, as shown in the preceding sections, cannot be reduced to one uniform model: some

[44] Amina Wadud, *Inside the Gender Jihad: Women's Reform in Islam* (Oneworld, 2006); Ziba Mir-Hosseini, "Muslim Women's Quest for Equality: Between Islamic Law and Feminism," *Critical Inquiry* 32, no. 4 (2006): 629–45, https://doi.org/10.1086/508085; Vidūnaitė, "The Agency in Islam or (and) Human Rights? The Case of Pious Baltic Muslim Women"; Čustović, "Equal Before God but Not Equal Before His Law? Sharia Law and Women's Right to Interpretation in the Light of the Human Rights Debate"; Viktoriia Kobko -Odarii et al., "Reconstructing Gender Equality in Family Law: A Normative and Comparative Analysis of European Family Law Systems in Religious Context," *Syariah: Jurnal Hukum Dan Pemikiran* 25, no. 1 (2025): 195–214, https://doi.org/10.18592/sjhp.v25i1.17694.

[45] Vidūnaitė, "The Agency in Islam or (and) Human Rights? The Case of Pious Baltic Muslim Women"; Čustović, "Equal Before God but Not Equal Before His Law? Sharia Law and Women's Right to Interpretation in the Light of the Human Rights Debate"; Erkoc Baydar, "A Secret Marriage and Denied Rights: A Critique from an Islamic Law Perspective."

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arrangements were experienced as workable spaces of negotiated agency, while others appeared more vulnerable because secrecy, selective obligations, and weak institutional embedding redistributed risk unevenly. For that reason, the following discussion does not begin from the assumption that every waiver of marital obligation automatically negates *maqasid*, but from the question of how far particular *misyar* arrangements can realize, partially realize, or undermine the family objectives articulated by 'Athiyyah when read against the women's lived experiences in the five research settings.[46]

With regard to 'Athiyyah's first family objective, regulating relations between the sexes through an orderly, lawful, and mutually accountable marital bond, the findings of this study suggest a mixed rather than uniform outcome. At the most basic level, the women's accounts indicate that *misyar* could function as a religiously framed contract that moved intimate relations away from informal or extramarital contact and into a form the participants themselves regarded as lawful. In that limited sense, *misyar* may partially realize the first *maqasid* by providing a recognizable marital frame for intimacy. Yet the same material also shows that when the relationship is heavily dependent on secrecy, weak public acknowledgment, non-co-residence, and selective obligations, the regulating function of marriage becomes institutionally thinner and more fragile. Under such conditions, the bond may remain symbolically lawful but practically less capable of securing reciprocity, predictability, and enforceable responsibility when conflict arises. The first *maqasid* is therefore not simply fulfilled or nullified; rather, its realization appears partial and contingent, becoming more difficult to sustain when *misyar* is detached from public accountability and formal family protections.[47]

With regard to *hifz al-nasl*, the findings of this study again point to a differentiated rather than absolute conclusion. In principle, a *misyar* arrangement that fulfils the pillars and legal conditions of marriage does not automatically sever lineage in Islamic terms; for that reason, preserving lineage should not be assessed by assuming from the outset that every child born from *misyar* is deprived of nasab. However, the field material also indicates that when *misyar* is practiced in secrecy, left undocumented, or kept outside formal registration systems, serious administrative and legal difficulties may arise in proving marital status, claiming paternal acknowledgment, securing inheritance, or protecting the child's civil rights in practice. In such cases, the problem lies less in nasab as a theological impossibility than in the fragility of documentation, recognition, and institutional enforceability surrounding the union. From the perspective of *maqasid al-usrah*, this means that *misyar* may partially preserve lineage at the level of religious contract, yet still undermine the social and legal protection of lineage when the relationship remains

[46] Musadad et al., "Reorienting Jamāluddīn 'Aṭiyyah's Maqāṣid al-Usrah in the Regulation of Polygamy in the Indonesian Compilation of Islamic Law"; Rouf, "Reevaluating the Legal Status of Misyār Marriage: Contextual Insights from Figures of the Indonesian Ulema Council in Malang City."

[47] Musadad et al., "Reorienting Jamāluddīn 'Aṭiyyah's Maqāṣid al-Usrah in the Regulation of Polygamy in the Indonesian Compilation of Islamic Law."

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weakly institutionalized, especially in disputes concerning status, inheritance, and post-separation responsibility.[48]

With regard to the objective of cultivating *sakinah*, *mawaddah*, and *rahmah*, the evidence in this study suggests a partial, uneven, and often fragile realization rather than a simple absence of marital harmony. Several women described *misyar* as providing emotional warmth, companionship, sexual fulfillment, or a manageable form of intimacy that felt more peaceful to them than conventional co-residential marriage. In that limited experiential sense, some arrangements did generate moments of comfort and affective satisfaction. However, the same material also indicates that such peace was frequently contingent on carefully restricted expectations: limited co-residence, selective obligations, controlled male presence, and the avoidance of institutional burdens. As a result, the tranquility experienced by some participants often depended less on the consolidation of a durable household than on the minimization of demands that might otherwise destabilize the arrangement. From the perspective of *maqasid al-usrah*, this means that *misyar* may sometimes produce episodic intimacy or interpersonal comfort, but it more rarely secures *sakinah, mawaddah*, and *rahmah* as stable and resilient family conditions when reciprocity, long-term accountability, and public recognition remain weak.

With regard to the preservation of kinship and intergenerational family continuity, the material in this study again points to a conditional rather than absolute outcome. A *misyar* union that is religiously valid does not, by itself, automatically sever paternal kinship or make all future family relations impossible. However, the field evidence suggests that when *misyar* is kept secret, weakly documented, or left outside formal recognition, the relationship may become fragile not only between spouses but also in its wider familial consequences. Under such conditions, children may face uncertainty in public acknowledgment, difficulties in linking their identity to the father's side of the family, and weaker access to the social support that ordinarily flows through recognized kinship networks. In contexts where marriage registration also affects guardianship, inheritance administration, custody, or other civil claims, the strain on family continuity can become more pronounced. From the perspective of *maqasid al-usrah*, this means that *misyar* may preserve kinship at the level of religious bond, yet still weaken the social and institutional continuity of kinship when secrecy and non-registration obstruct recognition, documentation, and intergenerational accountability.[49]

With regard to *hifz al-tadayyun fi al-usrah*, the findings of this study again suggest a partial and conditional outcome rather than a total absence of religious value. For some participants, *misyar* itself was understood as a religiously preferable alternative

[48] Mustopa Mustopa, "Qira'at Diversity in Islamic Family Law Verses: Implications for Indonesian Marriage Law," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (2024): 1257, https://doi.org/10.22373/sjhk.v8i2.23513; Muh. Akbar Fhad Syahril and Nurhaedah Hasan, "The Phenomenon of Inner Marriage from the Perspective of National Marriage Law and Protection of Women," *Priviet Social Sciences Journal* 5, no. 7 (2025): 11–19, https://doi.org/10.55942/pssj.v5i7.403.
[49] Muhammadong, "Marriage Registration in Islamic Law: A Perspective on Administrative Responsibility and Family Protection," *Majelis : Jurnal Hukum Indonesia* 3, no. 1 (2026): 182–93, https://doi.org/10.62383/majelis.v3i1.1511; Yilda Riskanda et al., "Reconceptualizing Mandatory Bequests for Children of Unregistered Marriages: Islamic Family Law Responses to Supreme Court Circular Letter No. 3 of 2023," *Al Ushuliy: Jurnal Mahasiswa Syariah Dan Hukum* 4, no. 2 (2025): 113–24, https://doi.org/10.31958/alushuliy.v4i2.16369.

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to non-marital intimacy, since it placed the relationship within a marriage contract that they regarded as lawful. In that limited sense, *misyar* could be seen as preserving a minimum threshold of religious normativity. However, 'Athiyyah's notion of family religiosity entails more than contractual permissibility: it also concerns the cultivation of a stable moral environment in which guidance, shared worship, responsibility, and intergenerational religious formation can be sustained within everyday family life. The material in this study indicates that this deeper dimension of *tadayyun* became more difficult to maintain when the husband's presence was intermittent, the union remained secret or weakly institutionalized, and the household was not organized around durable mutual obligations. Under such conditions, religious life may remain symbolically affirmed at the level of lawful union, yet become thinner in practice as a shared and accountable family ethic. From the perspective of *maqasid al-usrah*, *misyar* may therefore partially preserve religiosity by avoiding illicit intimacy, but it more often struggles to realize *hifz al-tadayyun* as a stable family condition when spiritual leadership, daily companionship, and recognized responsibility are fragmented or uncertain.[50]

With regard to *tandhīm al-jānib al-mu'assasi li al-usrah*, the findings of this study suggest that the institutional quality of *misyar* depends heavily on the degree to which the union is recognized, documented, and embedded in enforceable family procedures. At one level, some participants did enter *misyar* through an arrangement they themselves regarded as religiously valid, and in that sense the relationship was not necessarily understood by them as being outside marriage altogether. Yet the field material also shows that when such unions remain secret, weakly documented, or deliberately detached from formal institutional mechanisms, the regulation of rights and obligations becomes substantially thinner in practice. Under these conditions, questions concerning maintenance, accompaniment during pregnancy or illness, child-related responsibility, and dispute resolution may depend more on personal goodwill than on accountable family structures. From the perspective of *maqasid al-usrah*, this means that *misyar* does not automatically negate the institutional dimension of marriage, but it often weakens it when mutual obligations are selectively negotiated without reliable mechanisms of recognition, documentation, and enforcement. The sixth *maqasid* is therefore best understood as only partially realized, and increasingly fragile where marital flexibility is secured at the cost of institutional accountability.

With regard to *tandhīm al-jānib al-mālī li al-usrah*, the findings of this study suggest that the economic implications of *misyar* are best understood as uneven and highly contingent on how rights are negotiated, documented, and enforced. In principle, a *misyar* union does not automatically erase all economic entitlements recognized in Islamic family law, since matters such as mahr, maintenance, and inheritance depend on the legal form of the contract, the specific waivers agreed upon, and the extent to which the union is publicly recognized and institutionally protected. However, the field material indicates that when *misyar* is practiced in secrecy, with selective or weakly enforceable obligations, women and children

[50] Athiyyah, *Nahwa Tafil Maqashid Asy-Syariah*; Rohman et al., "Women's Rights in Marriage Perspective Maqasid Al-Usrah Jamaludin Athiyah."

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become more vulnerable to losing practical access to financial support, post-separation claims, inheritance administration, and other economic protections. In such cases, the problem lies not simply in the existence of *misyar* as a marital form, but in the combination of limited institutional recognition, asymmetrical bargaining power, and the absence of reliable mechanisms for enforcing agreed obligations when the relationship deteriorates. From the perspective of *maqasid al-usrah*, this means that *misyar* may preserve certain economic rights at the level of religious contract, yet still fall short of securing family economic justice in a stable and durable manner when financial responsibility remains selective, privatized, and weakly accountable.[51]

Taken together, the *maqasid al-usrah* analysis in this study does not support a single, categorical verdict that all forms of *misyar* uniformly negate the purposes of marriage. Rather, the cross-site evidence suggests a more differentiated pattern: *misyar* may partially realize certain objectives at the level of religious contract, intimacy, or limited companionship, yet it repeatedly encounters difficulty in sustaining the broader ethical, institutional, and intergenerational aims of family life when secrecy, selective obligations, weak documentation, and limited public recognition become constitutive features of the union. In other words, the central problem identified in this study is not simply that *misyar* modifies marital obligations, but that in many of the documented cases such modification is accompanied by institutional thinness that weakens accountability, continuity, and protection over time. Read through 'Athiyyah's framework, the findings therefore pointless to a total absence of *maqasid* than to a recurring pattern of partial realization combined with structural fragility. This conclusion is especially important because it preserves the empirical complexity of the women's lived experiences while still allowing a normative judgment: some participants experienced *misyar* as workable and meaningful, but the arrangement more often struggled to secure the durable, publicly accountable, and mutually protective form of family life envisioned in *maqasid al-usrah*.

The findings across the five research settings suggest that *misyar* is best understood not as a single deviant marital form, but as a spectrum of negotiated marital arrangements shaped by varying combinations of agency, secrecy, institutional thinness, and context-specific legal exposure. Read together, the empirical material shows that some women used *misyar* to retain control over residence, finances, sexuality, mobility, and the timing of relational commitment, while the same features that made the arrangement attractive also reduced public recognition, weakened enforceable obligations, and intensified long-term uncertainty. This means that the central analytical contribution of the study lies neither in celebrating *misyar* as a straightforward form of women's emancipation nor in dismissing it as a uniformly failed marriage, but in showing how negotiated agency and structural fragility coexist within the same marital model. When these empirical patterns are placed in dialogue with gender analysis and *maqasid al-usrah*, *misyar* appears as a relational strategy that may satisfy limited, immediate, or selective needs, yet often struggles to sustain the broader institutional, ethical, and

[51] Athiyyah, *Nahwa Tafil Maqashid Asy-Syariah*; Mariani, "Nikah Misyar Perspective Of Women And Child Protection Law."

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intergenerational conditions required for a durable and mutually protective family life.[52]

From a Weberian perspective, these patterns may also be interpreted as forms of socially negotiated rational action shaped by changing economic and cultural conditions.[53] Following the typology of social action developed by Max Weber, some participants appeared to engage in *misyar* as purposive rational action, strategically selecting a flexible marital arrangement to balance autonomy, social legitimacy, and reduced domestic obligations. In other cases, decisions reflected value-oriented rationality, particularly when women emphasized religious legality and moral protection despite limited institutional guarantees. This indicates that *misyar* marriage reflects a broader process of rationalization in contemporary Muslim societies, where formal marital norms are selectively adapted to accommodate individual preferences and socio-economic realities. However, such rationalization may also weaken traditional institutional structures of marriage, producing arrangements that are individually rational yet structurally fragile. This Weberian reading complements the gender and *maqasid al-usrah* analysis by showing that while *misyar* may represent rational individual action, its broader implications for family organization, accountability, and long-term social stability remain uneven.

The comparative material in this study also suggests that women's agency in *misyar* should not be interpreted as either false consciousness or fully unconstrained autonomy, but as a form of strategic negotiation carried out within unequal marital structures. The women documented in this study were often economically mobile, socially experienced, and capable of setting terms for residence, intimacy, and financial responsibility; yet their bargaining power did not eliminate asymmetry altogether, because the very flexibility they valued was frequently secured through arrangements that reduced documentation, enforceability, and public accountability. This means that agency in *misyar* operated under a distinctive paradox: women could expand room for choice in the short term while simultaneously accepting forms of institutional thinning that increased vulnerability in the longer term. Such a pattern is particularly important for Islamic family-law debates, because it shows that consent alone is not a sufficient measure of justice. A marital arrangement may be voluntarily chosen and pragmatically useful, yet still remain substantively unequal when the distribution of risk, recognition, and post-conflict protection is not shared on equal terms. In this sense, *misyar* in the present study illustrates how women may act strategically within patriarchal and legal structures without thereby escaping the consequences of those structures.[54]

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[52] Vidūnaitė, "The Agency in Islam or (and) Human Rights? The Case of Pious Baltic Muslim Women"; Erkoc Baydar, "A Secret Marriage and Denied Rights: A Critique from an Islamic Law Perspective"; Athiyyah, *Nahwa Tafil Maqashid Asy-Syariah*.

[53] Rahmat Abd Fatah, "Recognize Max Weber's Social Action Theory in Individual Social Transformation," *International Journal of Multidisciplinary Approach Research and Science* 2, no. 02 (2024): 659–66, https://doi.org/10.59653/ijmars.v2i02.681.

[54] Mir-Hosseini, "Muslim Women's Quest for Equality: Between Islamic Law and Feminism"; Vidūnaitė, "The Agency in Islam or (and) Human Rights? The Case of Pious Baltic Muslim Women"; Čustović, "Equal Before God but Not Equal Before His Law? Sharia Law and Women's Right to Interpretation in the Light of the Human Rights Debate."

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A further contribution of this study lies in the comparative distinction it draws between the Middle Eastern and Southeast Asian settings without reducing either region to a single fixed model. In the Jeddah, Casablanca, and Alexandria cases, *misyar* more often appeared as a discreetly maintained arrangement whose flexibility depended on limiting public visibility, domestic integration, and long-term institutional density. By contrast, the Gombak and Surabaya materials show a stronger overlap between *misyar* and locally familiar forms of unregistered or semi-formal marriage, including informal mediation and, in some cases, the possibility of later formalization if the relationship proved workable. This comparison is analytically important because it shows that the central issue is not geography alone, but the different ways in which local legal culture, social caution, and available marital scripts shape the degree of institutionalization attached to *misyar*. In that sense, the study contributes not only a cross-national description of variation, but also a more precise argument: *misyar* should be understood as a spectrum of negotiated marital practices whose gendered and *maqasid*-related consequences depend heavily on how secrecy, registration, family recognition, and future formalization are configured in each context.

Conceptually, this study suggests that *misyar* should be understood as a negotiated marital formation situated between contractual validity and institutional incompleteness. Its significance lies not merely in the waiver of selected marital obligations, but in the way such waiver reconfigures marriage into a more flexible yet thinner social institution, one that may temporarily expand women's room for choice while simultaneously weakening the durable infrastructure of recognition, accountability, and protection that family life ordinarily requires. This formulation helps move the debate beyond the sterile opposition between permissibility and prohibition: the key issue is not only whether *misyar* can be made religiously lawful, but whether a marital arrangement built on selective obligation, privacy, and reduced institutional density can still sustain just and resilient family relations over time. In that sense, the present study contributes a more precise analytical vocabulary for future scholarship by showing that the central problem of *misyar*, across the cases examined here, is best captured not by absolute invalidity or absolute freedom, but by the coexistence of negotiated agency and structural fragility within a single marital form.

Conclusion

This study has examined the practice of *misyar* marriage across five Muslim-majority contexts, Saudi Arabia, Morocco, Egypt, Malaysia, and Indonesia, by integrating empirical findings with gender analysis and the *maqasid al-usrah* framework developed by Jamaluddin Athiyyah. The findings demonstrate that *misyar* marriage does not produce a uniform social or legal outcome. For some women, particularly those with economic independence and social capital, *misyar* functions as a pragmatic strategy that enables greater autonomy, flexibility, and control over marital obligations. In these cases, *misyar* may partially support certain *maqasid al-usrah* dimensions, such as regulating relations in a lawful framework and preserving individual dignity. However, in many other cases, the arrangement creates structural vulnerabilities, including limited marital recognition, unstable kinship arrangements, and reduced institutional protection. These dynamics indicate that *misyar* marriage tends to realize *maqasid al-usrah* objectives unevenly, with partial

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fulfillment in individual-level autonomy but weaker realization in institutional, familial, and long-term social objectives.

From a gender perspective, the findings reveal a persistent tension between agency and vulnerability. While some women actively negotiate *misyar* as a conscious choice, others enter such arrangements within asymmetrical power relations that restrict their rights and long-term security. This suggests that *misyar* marriage should not be interpreted solely as either empowerment or exploitation, but rather as a complex social practice shaped by legal norms, economic conditions, and cultural expectations. When evaluated through *maqasid al-usrah*, *misyar* marriage appears capable of fulfilling limited objectives related to legality and personal accommodation, yet it often falls short in achieving broader goals such as family stability, kinship continuity, and structured marital responsibility.

Despite its contributions, this study has several limitations. The number of participants was relatively small and unevenly distributed across research settings, which limits generalizability. The study also focused primarily on women's perspectives, leaving male motivations and negotiated responsibilities less explored. In addition, the cross-sectional qualitative design did not allow longitudinal observation of marital durability, child welfare, or long-term economic consequences. The application of *maqasid al-usrah* was interpretive and normative, and alternative theoretical lenses may yield different conclusions. Future research is therefore recommended to employ longitudinal and mixed-method approaches, incorporate both male and female perspectives, examine broader socio-economic groups, and conduct comparative legal analysis across jurisdictions to better understand the regulatory, familial, and institutional implications of *misyar* marriage in contemporary Muslim societies.

Conflict of Interest Statement

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

Declaration of the use of AI

The authors affirm that they did not use any AI-assisted technologies in preparing this article.

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Credit of Author Statement

Nasiri Nasiri: Conceptualization, Analytical Framework, Field Interviews, and Manuscript Formulation. **Lia Istifhama**: Original draft preparation. **Zuman Malaka**: Methodology. **Achmad**: Data curation. **Lailatu Zahroh**: writing, reviewing, and editing.

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