



Islamic Legal Analysis of the Concept of Maintenance in the Context of a Working Wife

Muhamad Hikmal Alfajri¹, Tamy Rahma Sya'ara¹, Reno Anugrah Pratama¹

¹Legal Studies, Universitas Pamulang

*Corresponding Author: Muhamad Hikmal Alfajr

E-mail: hikmalalfajri3@gamgmail.com

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Abstract

This study examines the concept of maintenance (nafkah) in Islamic law within the contemporary context in which wives increasingly participate in the workforce. The growing involvement of women in public economic sectors has created new dynamics in the structure of family responsibilities, particularly regarding the division of financial obligations that are traditionally assigned to the husband. This situation raises fundamental legal questions regarding whether a wife's employment influences the obligation of maintenance and how Islamic law interprets this condition. This research employs a library-based method by analyzing primary and secondary sources, including the Qur'an, Hadith, classical and contemporary fiqh literature, legal opinions from various schools of thought, national regulations such as the Marriage Law, the Compilation of Islamic Law, and decisions of the Religious Courts. The analysis adopts a normative-comparative approach supported by the maqasid al-shariah perspective in order to explore the relevance of maintenance regulations in responding to modern social and economic changes.

INTRODUCTION

Socioeconomic transformations over recent decades have significantly reshaped the structure and dynamics of Muslim families, particularly in developing countries such as Indonesia. One of the most salient changes concerns the increasing participation of women in the public economic sphere. Women who were traditionally associated with domestic roles are now actively involved in formal employment, professional occupations, and income-generating activities. Statistical data from the Central Statistics Agency of Indonesia indicate a steady rise in female labor force participation, increasing from 53.41 percent in 2014 to 55.84 percent in 2023, with continued growth across professional sectors in 2024 (BPS, 2024). This shift demonstrates that women's economic contributions have become structurally significant for household sustainability and, in many cases, constitute a primary source of family income.

The growing prevalence of dual-income households has altered the traditional division of roles within the family and introduced new configurations of responsibility, authority, and financial obligation. While women's participation in the

workforce contributes positively to household welfare and economic resilience, it simultaneously generates legal and ethical questions within the framework of Islamic family law (Fitria, 2025; Ahyani & Figueiredo, 2024; Ubaidilah & Husna, 2023). These questions are particularly relevant in societies where normative legal constructions continue to assign the primary obligation of financial maintenance (nafkah) to the husband. The coexistence of traditional legal norms and evolving social realities necessitates a critical reassessment of how Islamic law conceptualizes spousal financial responsibilities in contemporary contexts (Tamamiyah, 2025; Harefa, 2025).

Within Islamic jurisprudence, nafkah occupies a central position as a core right of the wife and a fundamental obligation of the husband arising directly from the marriage contract. Classical jurists across the major schools of law consistently affirm that the obligation of maintenance is independent of the wife's economic status and remains binding so long as the marital bond is valid (Ibn Rushd, 1995; al-Zuhaili, 1985; Witte, 2012). However, these doctrinal formulations were developed within socio-historical contexts in which women's access to paid employment was limited, and household economies were largely organized around a single male breadwinner. Consequently, the application of these doctrines to modern family structures characterized by female economic autonomy raises interpretive challenges (Kobko-Odarii et al., 2025; Cedeño, 2024; Motiejune, 2025).

The core problem addressed in this study emerges from the tension between classical fiqh norms, national legal regulations, and contemporary socioeconomic realities. In practice, the increasing number of working wives has led to disputes regarding the persistence, scope, and limits of the husband's obligation to provide maintenance (Ardo & Adamu, 2025; Datau et al., 2024). Some husbands argue that a wife's independent income negates or reduces their responsibility to provide nafkah, while others view economic contribution as a basis for renegotiating domestic roles (Habibie, 2024; Nasir & Jubri, 2024). These claims have surfaced frequently in disputes adjudicated by Indonesia's Religious Courts, particularly in cases involving divorce and claims for alimony.

From a normative legal perspective, Indonesian positive law maintains a clear stance on this issue. Law Number 1 of 1974 concerning Marriage explicitly affirms that the husband is obligated to provide maintenance according to his capacity, without making any distinction based on the wife's employment status (Republic of Indonesia, 1974; Zaher, 2002). This position is reinforced by the Compilation of Islamic Law, which emphasizes the husband's responsibility for meeting the basic needs of his wife and family (KHI, 1991; Hidayah & Medina, 2023). Thus, national law aligns closely with classical fiqh in treating nafkah as an inherent obligation of the husband, not contingent upon the economic participation of the wife.

Nevertheless, the persistence of normative clarity does not eliminate practical and interpretive difficulties. Classical fiqh texts, while authoritative, were not formulated to address the complexities of dual-income households, contemporary labor markets, or shifting gender expectations. Scholars such as Wahbah al-Zuhaili (1985) and Ibn Rushd (1995) articulate the obligation of nafkah as absolute within the marital framework, yet they do not explicitly engage with scenarios in which wives function as primary or equal economic providers. This gap between doctrinal certainty and lived reality has generated scholarly debate and underscores the need for contextual reinterpretation.

Previous academic studies on nafkah and working wives have largely focused on doctrinal exposition or descriptive analysis of legal norms. Research by Maulida (2021) and Nisa (2021), for example, highlights the increasing economic role of women in Muslim households and its implications for family dynamics. However,

these studies tend to emphasize sociological change without fully integrating normative legal analysis or the objectives of Islamic law. Other works concentrate on the legal obligation of maintenance but treat women's employment as a peripheral issue rather than a structural transformation that warrants theoretical reconsideration.

A growing body of contemporary Islamic legal scholarship proposes the *maqāṣid al-sharī'ah* framework as a means of reconciling normative stability with social change. *Maqāṣid*-oriented approaches emphasize that Islamic law is ultimately oriented toward the realization of welfare, justice, and balance within society (al-Shātibī, 1997; Auda, 2008; Afandito, 2025; Maulana et al., 2025; Duderija, 2014). In the context of family law, this perspective shifts the focus from rigid formalism to substantive outcomes, such as the protection of dignity, economic security, and emotional well-being. Principles such as *ḥifẓ al-nafs* and *ḥifẓ al-māl* provide normative justification for maintaining financial obligations that prevent exploitation, imbalance, and vulnerability within the family structure.

Despite the theoretical promise of the *maqāṣid* approach, there remains a limited number of studies that systematically apply it to the issue of *nafkah* in the context of working wives, particularly within the Indonesian legal and social setting. Existing literature rarely integrates classical *fiqh* doctrine, national legal provisions, judicial practice, and empirical socioeconomic data into a unified analytical framework. This absence constitutes a significant research gap, given the rapid transformation of family economic structures and the increasing frequency of disputes related to spousal maintenance.

Accordingly, this study seeks to address this gap by reexamining the concept of *nafkah* in the context of working wives through a normative-comparative analysis grounded in the *maqāṣid al-sharī'ah* framework. By juxtaposing classical Shafi'i jurisprudence, Indonesian positive law, Religious Court practices, and contemporary socioeconomic data, this study aims to clarify whether and to what extent a wife's employment affects the husband's obligation of maintenance. The novelty of this research lies in its integrative approach, which moves beyond textual analysis to incorporate contextual realities and purposive legal reasoning.

METHODS

Research Design and Approach

This study adopts a qualitative research design with a normative legal approach to examine the obligation of maintenance (*nafkah*) in Islamic family law within the context of working wives. A qualitative design is appropriate because the research problem is doctrinal and interpretive in nature, focusing on legal norms, juristic reasoning, and value-based principles rather than measurable variables. The study treats Islamic law and Indonesian positive law as normative systems that regulate marital rights and obligations. Accordingly, the research emphasizes textual interpretation, conceptual clarification, and critical legal reasoning rather than empirical field data collection.

Normative and Comparative Legal Framework

The primary methodological orientation of this research is normative legal research, which analyzes law as a body of prescriptive norms governing social relations. This approach enables the study to assess how the obligation of *nafkah* is formulated in classical Islamic jurisprudence, codified in national legislation, and articulated in judicial practice. Normative legal research is widely applied in studies that aim to evaluate doctrinal consistency, legal certainty, and the coherence of legal obligations within a given legal system (Soekanto & Mamudji, 2011). In this study, the normative

framework provides the foundation for examining whether a wife's employment status has any legal implication for the husband's obligation of maintenance.

In addition, the study employs a comparative legal approach to analyze similarities and differences between classical fiqh doctrines and Indonesian positive law. The comparative dimension allows for an examination of how Islamic legal principles, particularly within the Shafi'i school, are translated into statutory regulations such as Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law. Through this comparison, the study identifies points of alignment and tension between religious doctrine and state law, especially in responding to contemporary socioeconomic changes affecting family structures (Zaidan, 2004).

Maqāṣid al-Sharī'ah as an Analytical Framework

The maqāṣid al-sharī'ah framework serves as a central analytical lens in this research. Maqāṣid al-sharī'ah refers to the higher objectives of Islamic law that aim to ensure justice, welfare, and balance in human life. Scholars such as al-Shāṭibī (1997) and Auda (2008) emphasize that legal rulings should be evaluated not only on the basis of textual conformity but also in terms of their social impact and alignment with the objectives of sharia. In this study, maqāṣid al-sharī'ah is employed to assess whether maintaining the husband's obligation of nafaḥ in the context of a working wife fulfills the objectives of preserving life (ḥifẓ al-nafs), preserving wealth (ḥifẓ al-māl), and ensuring justice within the family. This approach allows the research to move beyond formal legal interpretations toward a purposive and value-oriented analysis.

Sources of Legal Data

The legal data used in this study consist of primary and secondary legal materials. Primary legal materials include classical Islamic legal texts, statutory regulations, and judicial documents. Classical fiqh sources analyzed in this research include authoritative works within the Shafi'i school, such as al-Umm by al-Shafi'i, al-Majmū' by al-Nawawī, and al-Mughnī by Ibn Qudāmah. These texts are examined to identify the doctrinal foundations of nafaḥ, the legal reasoning of classical jurists, and their treatment of women's economic status in determining maintenance obligations (al-Shafi'i, 1990; al-Nawawī, 1996; Ibn Qudāmah, 2005; Hallaq, 2022).

Indonesian positive law constitutes another category of primary legal materials. This includes Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law issued by the Ministry of Religious Affairs. These legal instruments are analyzed to understand how Islamic family law principles are institutionalized within the national legal system and how they regulate spousal responsibilities. Selected decisions of the Religious Courts are also considered to illustrate how legal norms regarding nafaḥ are interpreted and applied in cases involving working wives, particularly in disputes over maintenance.

Secondary Legal Materials and Contextual Data

Secondary legal materials include academic books, peer-reviewed journal articles, and scholarly studies relevant to Islamic family law, gender roles, and socioeconomic transformation. Works by al-Zuhaili (1985), al-Qaradawi (1999), Maulida (2021), and Nisa (2021) are used to situate the research within broader academic debates on nafaḥ and women's economic participation. In addition, reports published by the Central Statistics Agency (BPS) are utilized as contextual data to illustrate trends in female labor force participation and changes in family economic structures in Indonesia (BPS, 2024; Aini & Arif, 2025; Kurniasari et al., 2025). Although these data are not subjected to statistical analysis, they provide an empirical backdrop that informs the normative discussion.

Data Collection Technique

Data collection in this research is conducted through systematic library research. Legal texts, academic publications, and official documents are identified and selected based on their relevance to the research problem, academic authority, and credibility. The process involves comprehensive reading and critical examination of each source to extract key legal concepts, normative arguments, and interpretive positions. This method ensures that the analysis is grounded in authoritative sources and reflects a comprehensive understanding of both classical and contemporary legal discourse.

Data Analysis Method

The data analysis method employed in this study is descriptive-analytical. Descriptive analysis is used to present legal norms, juristic opinions, and statutory provisions concerning nafkaḥ in a clear and systematic manner. Analytical interpretation is then applied to examine the coherence of these norms, their underlying rationales, and their relevance to contemporary socioeconomic conditions. The analysis proceeds by first identifying key legal concepts within classical fiqh, then comparing them with national legal regulations and judicial practice, and finally evaluating them through the maqāṣid al-sharī'ah framework. This layered analysis enables a comprehensive assessment of whether existing legal constructions adequately promote justice, welfare, and proportionality in modern Muslim families.

RESULTS AND DISCUSSION

Shafi'i Fiqh Construction on the Obligation of Maintenance

The analysis of classical Shafi'i fiqh sources demonstrates a consistent and unequivocal construction of the husband's obligation to provide maintenance (nafkaḥ) as an inherent legal consequence of a valid marriage contract. In al-Umm, al-Shafi'i explicitly states that the obligation of maintenance arises once a lawful marital bond is established and remains binding as long as the wife fulfills her marital duties and no condition of nushūz is present (al-Shafi'i, 1990). This formulation positions nafkaḥ as a right of the wife that is not contingent upon her economic status, wealth, or productive capacity.

Further examination of Shafi'i jurisprudence reveals that maintenance encompasses basic necessities, including food, clothing, housing, and other essential needs required for a dignified life. Al-Nawawī, in al-Majmū'and Rawḍat al-Ṭālibīn, emphasizes that the standard of maintenance is determined by the husband's ability and social context, not by the wife's income or financial independence (al-Nawawī, 1996). The wife's possession of wealth or engagement in economic activity does not legally affect her entitlement to maintenance. This doctrinal position reflects a protective legal orientation that seeks to ensure economic security for wives within marriage.

Comparative references within classical fiqh further confirm this construction. Ibn al-Mundhir records a scholarly consensus that a husband remains obligated to provide maintenance even when his wife is wealthy, and that he has no legal right to demand that she spend her personal assets on household needs (Ibn al-Mundhir, 1999). Similarly, Ibn Qudāmah in al-Mughnī affirms that the obligation of nafkaḥ is absolute within marriage and cannot be transferred to the wife under any circumstance (Ibn Qudāmah, 2005). These findings indicate that classical Shafi'i fiqh, as well as broader Sunni jurisprudence, consistently separates the obligation of maintenance from the economic capacity of the wife.

Qiwāmah and the Legal Basis of Financial Responsibility

The concept of qiwāmah emerges in classical fiqh as a foundational legal rationale underpinning the husband's obligation to provide maintenance. Analysis of juristic texts indicates that qiwāmah is constructed not as a form of inherent superiority but as a functional responsibility grounded in economic provision and protection. Al-Zuhaili explains that the husband's leadership role within the family is justified primarily by his obligation to bear financial responsibility, rather than by gender-based hierarchy (al-Zuhaili, 1985).

Within Shafi'i jurisprudence, qiwāmah is intrinsically linked to nafkah. The husband's authority in the household is legitimized through the fulfillment of his duty to provide for his wife and family. When this obligation is not fulfilled, the legal and moral basis of qiwāmah becomes weakened. The results of the textual analysis show that classical jurists did not conceptualize qiwāmah as an unconditional privilege but as a mandate accompanied by concrete obligations.

Importantly, the wife's participation in economic activities does not negate the structure of qiwāmah in classical fiqh. The texts do not provide any indication that women's work outside the home alters the legal distribution of responsibilities within marriage. Instead, the legal framework preserves nafkah as the husband's obligation while allowing women to engage in economic activities without legal penalty. This finding underscores that classical fiqh anticipates the possibility of women possessing wealth, even if it did not envision modern forms of female labor participation.

National Legal Regulation of Maintenance in Indonesia

Analysis of Indonesian positive law reveals a strong alignment with classical Islamic jurisprudence regarding the obligation of maintenance. Law Number 1 of 1974 concerning Marriage explicitly states that the husband is obligated to provide all necessities required for household life in accordance with his ability. This provision does not introduce any exception based on the wife's employment status or income level (Republic of Indonesia, 1974). The absence of such exceptions indicates a deliberate legislative choice to maintain the husband's financial responsibility as a core principle of marital law.

The Compilation of Islamic Law further reinforces this construction. Article 80 of the Compilation explicitly affirms that the husband is responsible for fulfilling the needs of his wife and family, including living expenses, housing, and healthcare (Ministry of Religious Affairs, 1991). Similar to the Marriage Law, the Compilation does not distinguish between working and non-working wives. The results of the normative analysis show that Indonesian family law adopts a doctrinal position that is consistent with Shafi'i fiqh in treating nafkah as a permanent and non-transferable obligation of the husband.

These findings indicate that national legal regulation in Indonesia does not recognize women's employment as a legal basis for reducing or eliminating maintenance obligations. Instead, the law prioritizes legal certainty and protection for wives by maintaining a clear allocation of responsibility within marriage. This normative clarity serves as an important reference point in disputes concerning spousal support.

Judicial Practice in Religious Courts

An examination of Religious Court practices reveals how normative legal provisions are applied in concrete cases involving working wives. Judicial decisions analyzed in this study indicate that courts consistently uphold the principle that a husband's obligation to provide maintenance does not lapse due to the wife's employment. Claims by husbands seeking exemption from nafkah obligations on the basis of the

wife's income are generally rejected, as they lack legal justification under both statutory law and Islamic legal principles.

However, the results also show that courts occasionally consider the wife's economic contribution when assessing the amount and proportionality of maintenance, particularly in divorce-related cases such as claims for *iddah* or *mut'ah*. This consideration does not alter the existence of the obligation itself but reflects judicial sensitivity to contextual factors affecting household economics. Judges appear to apply principles of appropriateness and fairness when determining the extent of financial support, while maintaining the husband as the primary responsible party.

These judicial practices demonstrate an implicit integration of normative law with contextual reasoning. While the legal obligation of *nafkah* remains intact, courts acknowledge socioeconomic realities without undermining doctrinal principles. This pattern suggests that judicial reasoning in Religious Courts operates within a flexible interpretive space that allows for contextual adjustment while preserving normative consistency.

Socioeconomic Context of Working Wives in Indonesia

Contextual analysis of socioeconomic data reveals significant changes in the economic roles of women within Indonesian Muslim families. Data from the Central Statistics Agency show a steady increase in female labor force participation, with women increasingly occupying positions in professional, service, and public sectors (BPS, 2024). In a substantial number of households, women contribute significantly to family income, and in some cases serve as the primary earners.

The results indicate that this socioeconomic transformation has not been accompanied by a corresponding shift in legal norms regarding maintenance obligations. Despite women's increased economic participation, both classical *fiqh* and national law continue to position the husband as the primary provider. This divergence between social practice and legal construction has implications for family dynamics, particularly in terms of perceived fairness and role distribution.

Sociological studies cited in this research suggest that working women often experience a double burden, combining economic productivity with domestic responsibilities (Utami, 2021). The persistence of traditional legal obligations alongside changing economic realities highlights the need for a contextual understanding of *nafkah* that accounts for both normative principles and lived experiences. However, the results of this study show that such contextual considerations have not altered the fundamental legal allocation of responsibility within marriage.

Maqāsid-Oriented Evaluation of Maintenance Obligations

The application of the *maqāsid al-sharī'ah* framework to the analyzed legal materials reveals that the persistence of the husband's obligation of maintenance aligns with the objectives of Islamic law. From the perspective of *ḥifẓ al-nafs*, maintaining the obligation of *nafkah* contributes to emotional stability and psychological security within the family by preventing economic vulnerability. From the perspective of *ḥifẓ al-māl*, the legal structure ensures that financial responsibilities are allocated in a manner that prevents exploitation and protects individual property rights, particularly those of wives.

The results further indicate that maintaining the husband's obligation of *nafkah* promotes substantive justice within the family. While women's economic contributions are recognized as socially valuable, they are not legally transformed into obligations. This distinction preserves the protective function of Islamic family

law and prevents the normalization of shifting financial burdens onto women solely due to their participation in the workforce.

The findings of this study reveal a clear continuity between classical Islamic jurisprudence and Indonesian positive law in maintaining the husband's obligation of financial maintenance (*nafkah*), even in contexts where wives actively participate in the workforce. This continuity is not merely a product of legal conservatism, but reflects a coherent normative logic embedded within Islamic family law. Classical jurists conceptualized *nafkah* as a legal right arising directly from the marriage contract rather than as compensation for domestic labor or economic dependency (al-Shafi'i, 1990; Ibn Rushd, 1995). This contractual logic explains why women's economic independence does not affect their entitlement to maintenance and why the obligation remains structurally attached to the husband.

From a theoretical standpoint, this construction aligns with the dominant *fiqh* view that marriage generates asymmetric obligations designed to protect vulnerable parties within the household (al-Nawawī, 1996; Ibn Qudāmah, 2005). The asymmetry does not imply inequality of moral worth, but rather a differentiated allocation of responsibilities. As al-Zuhailī (1985) argues, Islamic family law prioritizes protection and stability over formal reciprocity. The results of this study support this interpretation by demonstrating that *nafkah* operates as a stabilizing legal mechanism that ensures minimum economic security for wives regardless of fluctuating social or economic conditions.

However, when placed within the context of contemporary Muslim families, this doctrinal stability intersects with rapidly changing gender roles and economic structures. Sociological studies consistently show that women's participation in paid labor has increased significantly, particularly in developing Muslim-majority societies, including Indonesia (BPS, 2024; Utami, 2021). These changes have generated new expectations of economic partnership within marriage, often accompanied by assumptions of shared financial responsibility. The persistence of *nafkah* as an exclusive obligation of the husband is therefore sometimes perceived as misaligned with social realities. Yet, the findings of this study suggest that Islamic law deliberately resists transforming social contribution into legal obligation, a resistance that serves a protective rather than restrictive function.

The concept of *qiwāmah* is central to understanding this protective orientation. Classical *fiqh* consistently links *qiwāmah* to financial responsibility rather than inherent authority or gender superiority (al-Qaradawi, 1999; al-Zuhailī, 1985). The husband's leadership within the family is justified only insofar as he fulfills his obligation of provision. This conditional construction undermines interpretations of *qiwāmah* as unconditional dominance and reframes it as a responsibility-based mandate. In modern contexts where women frequently experience a double burden of economic productivity and domestic labor, maintaining the husband's obligation of *nafkah* can be seen as a mechanism for counterbalancing structural inequality rather than reinforcing patriarchy (Utami, 2021).

The *maqāṣid al-sharī'ah* framework provides further normative justification for this interpretation. One of the central objectives of Islamic law is the preservation of human dignity and well-being (*ḥifẓ al-nafs*), which includes protection from economic vulnerability and psychological distress (al-Shāṭibī, 1997; Auda, 2008). In many contemporary households, women's employment is not solely an expression of autonomy but a response to economic pressures such as inflation, educational costs, and income instability. Allowing the husband's obligation of maintenance to lapse under these conditions would undermine the *maqāṣid* objective of protection and expose women to compounded financial and emotional risks (Zada, 2020).

Similarly, the objective of preserving wealth (*ḥifẓ al-māl*) requires legal norms that prevent unjust appropriation and exploitation of individual property. Classical jurists clearly distinguished between a wife's personal wealth and household obligations, emphasizing that a husband has no legal claim over his wife's income unless she consents voluntarily (Ibn al-Mundhir, 1999; Ibn Qudāmah, 2005). This principle remains highly relevant in contemporary contexts, where women's incomes may be substantial. By maintaining *nafkah* as a legal obligation of the husband, Islamic law safeguards women's financial autonomy and prevents the normalization of coerced economic contribution.

Concerns regarding fairness and proportionality are often raised in critiques of this legal structure. Some argue that insisting on the husband's exclusive financial responsibility ignores women's contributions and perpetuates outdated role divisions. However, the findings of this study support a *maqāṣid*-oriented distinction between legal obligation and ethical cooperation. Islamic law allows, and in many cases encourages, financial cooperation within marriage through principles such as *ta'āwun* and *muṣālahah*, without converting voluntary contribution into enforceable obligation (al-Qaradawi, 1999; Zaidan, 2004). This distinction enables families to adapt pragmatically to economic realities while preserving a protective legal baseline.

Judicial practice in Indonesia illustrates how this balance is negotiated in applied law. Religious Court decisions generally uphold the existence of the husband's obligation while allowing contextual considerations to influence the determination of proportionality, particularly in cases involving post-divorce maintenance (Kustini, 2021). This practice reflects an implicit *maqāṣid*-based reasoning, even when not explicitly articulated in judicial language. Judges appear to prioritize substantive justice and appropriateness without undermining doctrinal principles, a pattern consistent with broader trends in contemporary Islamic adjudication (Hasanah, 2019).

The persistence of disputes over *nafkah* despite normative clarity also highlights an issue of legal consciousness. Many conflicts arise not from ambiguity in the law, but from social assumptions that equate economic contribution with legal responsibility. As Maulida (2021) and Nisa (2021) note, shifting family economics often outpace public understanding of legal norms. This gap underscores the need for clearer articulation of the ethical and juridical foundations of *nafkah* within legal education, judicial reasoning, and public discourse.

Importantly, the findings challenge reductive narratives that frame Islamic family law as inherently incompatible with gender justice. When examined through *maqāṣid al-sharī'ah*, the obligation of *nafkah* emerges as a tool of distributive justice rather than gender hierarchy. By decoupling women's economic productivity from their legal entitlements, Islamic law prevents the commodification of marital relationships and affirms women's autonomy over their labor and income (Auda, 2008; Zada, 2020).

In the Indonesian context, the integration of Islamic legal principles into national legislation further strengthens this interpretation. The alignment between classical *fiqh* and statutory law enhances legal certainty while allowing interpretive flexibility at the level of adjudication (Republic of Indonesia, 1974; Ministry of Religious Affairs, 1991). This interaction between doctrine, legislation, and judicial practice demonstrates that Islamic family law can function as a dynamic yet principled system within a modern legal framework.

CONCLUSION

This study concludes that the husband's obligation to provide maintenance (*nafkah*) remains a foundational and non-transferable principle in Islamic family law, even within the contemporary context of working wives and dual-income households.

Classical fiqh, particularly within the Shafi'i tradition, and Indonesian positive law consistently construct nafkah as a legal consequence of the marriage contract rather than as a function of the wife's economic dependency. Through a maqāsid al-sharī'ah-oriented analysis, this research demonstrates that maintaining this obligation aligns with the objectives of justice, protection, and family welfare, particularly in safeguarding women from economic vulnerability and the unequal redistribution of domestic and financial burdens. While modern socioeconomic realities necessitate flexibility in the practical implementation of maintenance, such flexibility operates at the level of proportionality and cooperation, not at the level of legal obligation. Accordingly, the harmonization of fiqh doctrine, national law, and contextual judicial practice provides a coherent and ethically grounded framework for addressing maintenance in contemporary Muslim families without undermining the normative integrity of Islamic law.

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