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## Reevaluating *Nafkah* Obligations: Female Muslim Scholars' Insight and Ethics of Gendered Finance in Indonesian Families

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### Abstract:

This study investigates how the Islamic legal obligation of *nafkah*, or spousal financial support, is reinterpreted in Muslim families in Indonesia through the lens of *maqāṣid al-usrah*. It aims to explore how gender dynamics, legal consciousness, and economic realities reshape the meaning and practice of *nafkah* beyond traditional legal prescriptions. Employing a qualitative socio-legal method, the research integrates doctrinal analysis with empirical insights drawn from in-depth interviews with seven female Muslim scholars from *pesantren*-based and higher education academic communities in East Java. Thematic analysis based on the principles of *maqāṣid al-usrah* reveals that while formal Islamic law defines *nafkah* as a unilateral male duty, lived experiences reflect a more collaborative and ethically responsive

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understanding. Informants demonstrate that financial responsibilities are frequently negotiated based on capability, mutual trust, and emotional stability, embodying values such as justice, compassion, and shared responsibility. The study further highlights how socio-cultural norms and internal religious reasoning influence women's choices to either uphold or pragmatically reinterpret *nafkah* obligations. These findings underscore the relevance of *maqāṣid*-based approaches in bridging doctrinal ideals with everyday realities, offering a pathway for reforming Islamic family law toward greater gender equity and contextual sensitivity.

**Keywords:**

Nafkah; Gender roles; *Maqāṣid al-usrah*; Legal consciousness

## Introduction

The obligation of *nafkah* (financial support) in Muslim marriages has been firmly established in classical Islamic jurisprudence and remains a central aspect of contemporary Islamic family law debates. Defined as the husband's duty to provide for his wife and children during marriage and after divorce,<sup>1</sup> *nafkah* is reinforced in Indonesia through the 1974 Marriage Law and Articles 80–83 of the Compilation of Islamic Law (KHI). Yet its function as a financial safeguard is frequently undermined by inconsistent implementation, misunderstandings of related instruments such as *mahr*,<sup>2</sup> and growing concerns regarding *nafkah* neglect in both marital and post-divorce contexts.<sup>3</sup> These challenges underline the persistent gap between legal ideals and lived realities.

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<sup>1</sup> Iman Jauhari et al., "The Qur'an and Islamic Legal Perspectives on Child Protection," *Pharos Journal of Theology* 104, no. 4 (2023): 1–13, <https://doi.org/10.46222/pharosjot.104.417>; Mohd Norhusairi Mat Hussin and Muhammad Farid Aizat Fauzi, "Alimony of Children by Deducting of Employees Provident Fund: An Alternative," *Journal of Legal Studies* 14, no. 1 (2002): 333–63, <https://doi.org/10.32890/uumjls2023.14.1.13>.

<sup>2</sup> Arshi Showkat, "The Principle and Practice of Mahr in Muslim Marriages," *Feminist Theology* 31, no. 2 (2022): 197–209, <https://doi.org/10.1177/09667350221134992>.

<sup>3</sup> Amylia Fuziana Azmi et al., "Unveiling the Significance of Proposing Habah as an Alternative to Nafkah Security for Widows," *Malaysian Journal Syariah and Law* 12, no. 2 (2024): 529–34, <https://doi.org/10.33102/mjsl.vol12no2.947>.

Recent developments in gender roles, economic conditions, and legal consciousness have intensified scrutiny of the male-centered framing of *nafkah*. Scholars highlight that patriarchal interpretations, shaped historically by male juristic authority,<sup>4</sup> continue to influence Islamic family law despite ongoing feminist efforts to align Islamic norms with universal principles of justice and gender equity.<sup>5</sup> Experiences from Ghana and Palestine show women strategically navigating Islamic legal systems to improve their welfare, even as legal reforms encounter social resistance.<sup>6</sup> In Indonesia, this dynamic is further complicated by legal pluralism and colonial legacies, leading many Muslim families to negotiate *nafkah* informally rather than rely solely on codified norms.

At the same time, the KHI's attempt to modernize Islamic family law has been criticized for insufficiently addressing gender inequality. Although the text incorporates principles such as *sadd aż-żari'ah* to prevent harm,<sup>7</sup> scholars argue for a stronger justice-oriented framework rooted in *maqāṣid asy-syari'ah* and Rawlsian equity.<sup>8</sup> While some note that Islamic law is not inherently misogynistic,<sup>9</sup> the persistence of rigid, androcentric interpretations continues to shape

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<sup>4</sup> Jan A. Ali, "Understanding Sharia Processes: Women's Experiences of Family Disputes," *Journal of Law and Religion* 38, no. 3 (2023): 485–88, <https://doi.org/10.1017/jlr.2023.25>.

<sup>5</sup> Fulera Issaka-Toure and Ousseina Alidou, "Introduction: Current Perspectives on Islamic Family Law in Africa," *Islamic Africa* 11, no. 2 (2021): 153–62, <https://doi.org/10.1163/21540993-01101016>.

<sup>6</sup> Fulera Issaka-Toure, "Application of Muslim Family Law as a Form of Customary Law in Accra, Ghana," *Islamic Africa* 11, no. 2 (2021): 232–51, <https://doi.org/10.1163/21540993-01102004>; Fayed Mahamid et al., "Palestinian Law to Protect Family and Prevent Violence: Challenges with Public Opinion," *BMC Public Health* 23, no. 1 (2023): 412, <https://doi.org/10.1186/s12889-023-15276-9>.

<sup>7</sup> Fajar Rachmadhani et al., "The Use of *Sadd Al-Dhari'ah* on Contemporary Islamic Family Law in Indonesia: Concept and Practice," *Malaysian Journal of Syariah and Law* 12, no. 1 (2024): 206–15, <https://doi.org/10.33102/mjsl.vol12no1.505>.

<sup>8</sup> Nur Solikin and Moh. Wasik, "The Construction of Family Law in the Compilation of Islamic Law in Indonesia: A Review of John Rawls's Concept of Justice and Jasser Auda's *Maqashid Al-Shari'A*," *Ulumuna* 27, no. 1 (2023): 315–40, <https://doi.org/10.20414/ujis.v27i1.708>.

<sup>9</sup> Sukron Ma'mun and Ibnu Akbar Maliki, "A Socio-Historical Study of Women's Rights Advocacy in Islamic Legal Construction," *Journal of Southeast Asian Human Rights* 7, no. 1 (2023): 1–17, <https://doi.org/10.19184/jseahr.v7i1.39156>.

discriminatory outcomes, particularly regarding financial responsibilities within marriage.<sup>10</sup>

Indonesian Muslim families often negotiate their financial and familial responsibilities within a matrix of religious, cultural, and economic factors. Ethnographic studies reveal the fluidity of Islamic family practices across different contexts. In East Asia, for instance, Indonesian migrant workers maintain religious commitments despite structural constraints.<sup>11</sup> Within Indonesia, Javanese Muslim families employ diverse dispute-resolution models rooted in theology, legality, and local wisdom.<sup>12</sup> Meanwhile, queer Muslims challenge normative conceptions of *tanggung jawab* (responsibility) through alternative kinship structures.<sup>13</sup> These diverse realities demonstrate the inadequacy of formal legal prescriptions in capturing the complexities of everyday nafkah arrangements.

Empirical studies further show that economic instability is a significant contributor to marital dissolution. To be more specific, the data can be seen in Tabel 1.

**Table 1.** Primary Causes of Divorce in Indonesia, 2024

Cause of Divorce	Percentage (%)
Continuous Disharmony	62,78
Financial Problems	25,05
Abandonment by spouse	7,82
Domestic Violence	1,81
Gambling	0,72
Drunkenness	0,50

<sup>10</sup> Zainul Fuad et al., "Wither *Qanun Jinayat*? The Legal and Social Developments of Islamic Criminal Law in Indonesia," *Cogent Social Sciences* 8, no. 1 (2022): 2053269, <https://doi.org/10.1080/23311886.2022.2053269>.

<sup>11</sup> Imam Subchi et al., "Negotiating Religiosity in a Secular Society: A Study of Indonesian Muslim Female Migrant Workers in Hong Kong," *Journal of Population and Social Studies* 30 (November 2021): 147–69, <https://doi.org/10.25133/JPSSv302022.010>.

<sup>12</sup> Miftahul Huda et al., "Tradition, Wisdom and Negotiating Marriage and Inheritance Disputes on Javanese Muslim," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 1 (2024): 1-25, <https://doi.org/10.29240/jhi.v9i1.9887>.

<sup>13</sup> Diego Garcia Rodriguez, "Reimagining Home and Responsibility: The Case of Queer Indonesian Muslims," *Sexualities* 0, no. 0 (2024): 1–20, <https://doi.org/10.1177/13634607241248894>.

Cause of Divorce	Percentage (%)
Other Causes	1,32

Source: BPS-Statistic Indonesia, 2024

Table 1 shows that financial problems were cited as the second leading cause of divorce in Indonesia in 2024, accounting for 25,05% of the 399.921 reported cases.<sup>14</sup> Despite their central role, Islamic courts struggle to ensure effective enforcement of *nafkah*, especially post-divorce, due to weak mechanisms of compliance, the prevalence of informal divorce, and judicial reasoning that often reproduces patriarchal assumptions. Studies show that many women avoid asserting *nafkah* rights because litigation is emotionally taxing,<sup>15</sup> socially stigmatized,<sup>16</sup> and hindered by limited legal literacy.<sup>17</sup>

These systemic and cultural barriers demonstrate the inadequacy of formal legal prescriptions for capturing the complexity of how Indonesian Muslim families negotiate financial obligations. Although previous scholarship has offered proposals – ranging from

<sup>14</sup> Badan Pusat Statistik, "Jumlah Perceraian Menurut Provinsi Dan Faktor Penyebab Perceraian (Perkara), 2024," BPS, February 14, 2025, <https://www.bps.go.id/id/statistics-table/3/YVdoU1IwVmITM2h4YzFoV1psWkViRXhqTlZwRFVUMDkjMw==/jumlah-perceraian-menurut-provinsi-dan-faktor-penyebab-perceraian--perkara---2024.html?year=2024>.

<sup>15</sup> Rachel Rinaldo et al., "Divorce Narratives and Class Inequalities in Indonesia," *Journal of Family Issues* 45, no. 5 (2024): 1195-216, <https://doi.org/10.1177/0192513X23115567>; Isnawati Rais, "The Impact of COVID-19 Pandemic on Divorce Rates among Indonesian Muslim Societies," *Indonesian Journal of Islam and Muslim Societies* 11, no. 2 (2021): 271-97, <https://doi.org/10.18326/ijims.v11i2.271-297>.

<sup>16</sup> Rosa Ristawati and Radian Salman, "The Role of The Indonesian Constitutional Court in Preventing Social Conflict in A Diverse Society," *Constitutional Review* 9, no. 2 (2023): 332-57, <https://doi.org/10.31078/consrev925>; Ahmad Muhamad Mustain Nasoha et al., "Relevance of Religious Court Decisions on Marriage to National Development Policy Directions: A Legal and Social Analysis," *Evolutionary Studies in Imaginative Culture* 8, no. 1 (2024): 1340-47, <https://doi.org/10.70082/esiculture.vi.1496>.

<sup>17</sup> Rinaldo et al., "Divorce Narratives and Class Inequalities in Indonesia."

*hibah* mechanisms<sup>18</sup> to gender-sensitive hermeneutics<sup>19</sup>—few integrate doctrinal, empirical, and ethical perspectives.<sup>20</sup> Consequently, a significant research gap persists in developing a holistic, context-responsive framework.

This study addresses that gap by combining socio-legal analysis with *maqāṣid al-usrah* to reinterpret *nafkah* as an evolving ethical contract. Drawing on the seven objectives formulated by Jamaluddin Atiyah—*as-sakīnah*, *al-mawaddah wa ar-rahmah*, *al-mas'ūliyyah*, *at-tarbiyah*, *al-ḥimāyah*, *al-'adālah*, and *al-istiqlāl wa al-istiqrār*<sup>21</sup>—the study highlights how informants intuitively elevate justice (*al-'adālah*) and responsibility (*al-mas'ūliyyah*) when navigating financial arrangements. By bridging doctrinal concepts with field-based insights from female Muslim scholars in East Java, this study offers a contextualized, justice-oriented, and gender-equitable approach to *nafkah*. It aims to (1) analyze how *nafkah* is practiced and interpreted in Indonesian Muslim families; (2) examine the socio-legal tensions between formal rules and everyday practices; and (3) propose a *maqāṣid al-usrah* framework that links ethical ideals with lived realities, contributing a novel perspective to contemporary Islamic family law discourse.

## Methods

This study employs a qualitative socio-legal method that integrates doctrinal analysis with empirical fieldwork to examine how *nafkah* obligations are interpreted and practiced in contemporary Indonesian Muslim families. Grounded in the normative-empirical

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<sup>18</sup> Azmi et al., "Unveiling the Significance of Proposing Hibah as An Alternative to Nafkah Security for Widows"; Showkat, "The Principle and Practice of Mahr in Muslim Marriages."

<sup>19</sup> Marziyeh Bakhshizadeh, "A Social Psychological Critique on Islamic Feminism," *Religions* 14, no. 2 (2023): 202, <https://doi.org/10.3390/rel14020202>.

<sup>20</sup> Hamka Hasan et al., "Polygamy: Uncovering the Effect of Patriarchal Ideology on Gender-Biased Interpretation," *HTS Teologiese Studies / Theological Studies* 78, no. 4 (2022), 1-9, <https://doi.org/10.4102/hts.v78i4.7970>; Katie J. Parnell et al., "'It's a Man's World': A Gender-Equitable Scoping Review of Gender, Transportation, and Work," *Ergonomics* 65, no. 11 (2022): 1537-53, <https://doi.org/10.1080/00140139.2022.2070662>.

<sup>21</sup> Gamal Eldin Attia, *Towards Realization of the Higher Intents of Islamic Law: Maqashid al-Syariah – A Functional Approach* (Thought: International Institute of Islamic Thought, 2007); Jamaluddin Athiyyah, *Nahwa Taf'īl Maqashid Al-Syari'ah* (Beirut: Daar Al-Fikr, 2002).

interplay characteristic of socio-legal studies,<sup>22</sup> it also adopts Muslim feminist approaches that combine Qur'anic hermeneutics with ethnographic inquiry to challenge patriarchal interpretations and promote gender justice.<sup>23</sup>

Data were collected through semi-structured interviews with seven female Muslim scholars in East Java, selected purposively in line with feminist socio-legal inquiry. As women who interpret Islamic law while navigating its everyday marital consequences, they offer a dual epistemic-experiential vantage point. Although not demographically representative, the sample provides analytical depth<sup>24</sup> by centering voices often marginalized in legal discourse, consistent with Islamic feminist emphases on embodied knowledge and gendered legal consciousness. The first four informants are Islamic legal scholars, while the remaining three from *pesantren* communities contribute diverse socioeconomic backgrounds, as reflected in Table 2.

**Table 2.** Informant Profiles: Female Muslim Scholars

No	Name Code	Age	Occupation	Year of Marriage	Age at Marriage (W/H)	Husband's Occupation	Economic Indicator
1	<i>Bu Nyai</i> AF	33	Lecturer, Tulungagung	2013	24 / 28	Property Sector	Dual-income, middle-class
2	<i>Ibu NH</i>	61	Lecturer, Kediri	1985	23/23	Farmer	Academic, stable income
3	<i>Ibu UN</i>	45	Lecturer, <i>Nafkah</i> Expert, Kediri	2005	27/29	Modin	Upper-middle class, scholar- activist

<sup>22</sup> Linda Mulcahy and Rachel Cahill-O'Callaghan, "Introduction: Socio-legal Methodologies," *Journal of Law and Society* 48, no. 1 (2021): 1-25, <https://doi.org/10.1111/jols.12336>.

<sup>23</sup> Mulki Al-Sharmani, "Islamic Feminist Hermeneutics: Between Scholarship and Lived Realities," *Journal of Feminist Studies in Religion* 39, no. 2 (2023): 95-97, <https://doi.org/10.2979/jfs.2023.a908305>; Roshan Iqbal, "Nurturing Gender Justice: Qur'anic Interpretation and Muslim Feminist Thought," *Journal of Feminist Studies in Religion* 39, no. 2 (2023): 59-61, <https://doi.org/10.2979/jfs.2023.a908296>.

<sup>24</sup> Nevin Reda, "Gender-Based Research in Qur'anic Studies: Concluding Remarks," *Journal of Feminist Studies in Religion* 39, no. 2 (2023): 101-2, <https://doi.org/10.2979/jfs.2023.a908307>; Al-Sharmani, "Islamic Feminist Hermeneutics: Between Scholarship and Lived Realities."

No	Name Code	Age	Occupation	Year of Marriage	Age at Marriage (W/H)	Husband's Occupation	Economic Indicator
4	<i>Bu Nyai</i> AM	36	Lecturer, Tulungagung	2013	26 / 28	Principal, <i>Pesantren</i>	Early-career, moderate income
5	<i>Bu Nyai</i> MU	45	<i>Pesantren</i> Caregiver, Malang	2000	22 / 28	Lecturer, Private Univ.	Upper-class family background
6	<i>Bu Nyai</i> M	51	Trader, <i>Pesantren</i> Leader, Malang	1994	22 / 26	<i>Kyai</i> , <i>Pesantren</i> Leader	High income, <i>pesantren</i> business- based
7	<i>Bu Nyai</i> WHN	30	Online Fashion Seller, Malang	2015	20 / 23	Qur'an Teacher	Informal sector, modest earnings

The interview question list explored perspectives on *nafkah* obligations, financial arrangements within marriage, and interpretations of Islamic legal norms. Thematic coding followed grounded theory procedures, identifying themes such as economic reciprocity, autonomy, and justice. Ethical clearance was secured, and informed consent was obtained from all participants in accordance with best practices for research involving religious women in sensitive contexts.<sup>25</sup> Despite limitations in representativeness, the methodological strength of this study lies in the normative-empirical depth and interpretive insight it offers.

Although the sample size is small and purposively focused on female Muslim scholars from *pesantren* and academic settings, their dual positionality—as both religious-legal experts and practitioners of family life—provides unique insights into contemporary *nafkah* practices. Rather than claiming statistical generalizability, this study adopts an analytical approach to representation, in which informants are seen as epistemic agents capable of articulating ethical reasoning,

<sup>25</sup> Waqar Ali Shah and Asadullah Lashari, "Regimes of Patriarchy and Faith: Reflections on Challenges in Interviewing Women and Religious Minorities in Pakistan," *Qualitative Research Journal* 23, no. 5 (2023): 471–84, <https://doi.org/10.1108/QRJ-02-2023-0018>; David Kloos and Nor Ismah, "Siting Islamic Feminism: The Indonesian Congress of Women Islamic Scholars and the Challenge of Challenging Patriarchal Authority," *History and Anthropology* 34, no. 5 (2023): 818–43, <https://doi.org/10.1080/02757206.2023.2249495>.

legal consciousness, and everyday negotiations within Muslim households. Their lived experiences reflect broader trends among educated, urban, and religiously observant segments of Indonesian Muslim families, making their perspectives relevant for understanding shifts in *nafkah* interpretations.

## Result and Discussion

### Negotiating *Nafkah* in Indonesian Muslim Families

This section explores how Indonesian Muslim families negotiate the obligation of *nafkah* in daily life, revealing a dynamic interplay between doctrinal teachings, socio-economic realities, and ethical reasoning. While classical Islamic jurisprudence situates *nafkah* as a unilateral financial duty of the husband, field data demonstrate that lived practices often diverge from this legal norm. Informed by a *maqāsid al-usrāh* framework, this study reveals that *nafkah* is increasingly interpreted through the lens of cooperation, adaptability, and gender-sensitive ethics.<sup>26</sup>

Findings from seven female Muslim scholars show that while they uphold the doctrinal principle of male financial responsibility, most adopt flexible arrangements shaped by capability and mutual understanding. *Bu Nyai* AF, a lecturer and *pesantren* caregiver, maintains a separate income with her husband but emphasizes collaboration: "If my husband's income is not enough to cover our household expenses, then it becomes a collaboration."<sup>27</sup> This statement illustrates the adaptive logic through which spousal roles are negotiated in practice, reflecting a shift from rigid financial roles toward mutual cooperation based on capacity and need. Though she theologically acknowledges *nafkah* as a husband's duty, she practically manages all household finances, stating, "He never holds the money, everything goes through me."

Similarly, *Bu NH* asserted that the obligation to provide *nafkah* lies solely with the husband according to Islamic doctrine. However,

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<sup>26</sup> Zahrotun Nihayah et al., "The Effect of Forgiveness and Spouse Social Support on Marital Satisfaction from the Perspective of Islamic Ethics," *Islamic Guidance and Counseling Journal* 6, no. 1 (2023): 99–112, <https://doi.org/10.25217/igcj.v6i1.3254>; Agus Azhar Ma'arif Umpunan Alam et al., "Implementasi Prinsip-Prinsip Ekonomi Islam Dalam Pengelolaan Keuangan Keluarga," *Journal of Economics and Business* 2, no. 1 (2024): 34–42, <https://doi.org/10.61994/econis.v2i1.465>.

<sup>27</sup> AF *Bu Nyai*, Lecturer in Tulungagung, *Interview*, May 4, 2023.

she acknowledged that a wife's economic participation could supplement household income, especially when the husband faces financial limitations. She emphasized, "A wife's work should be understood as assistance, not obligation".<sup>28</sup> This view echoes broader debates in Islamic feminism that highlight gendered assumptions embedded in traditional interpretations.<sup>29</sup>

Meanwhile, *Bu Nyai* AM furthermore introduces a concept of "conditional obligation," highlighting situations where a wife may temporarily assume financial responsibility based on contextual needs: "Because I was earning earlier than my husband—who was still studying when we got married—I contributed more financially during the early years of our marriage."<sup>30</sup> Her statement reflects the principle of *al-'adālah* (justice) and *al-mas'ūliyyah* (responsibility), underscoring how *nafkah* can be adapted to fit real-life dynamics. This echoes *maqāṣid* values such as *al-'adālah* (justice) and *al-istiqlāl wa al-istiqrār* (autonomy and stability), suggesting that gendered financial roles must be interpreted situationally. This model challenges the rigidity of classical *fiqh* and affirms the relevance of contextualized jurisprudence grounded in *maqāṣid asy-syārī'ah*. Fadhlilah and Alamsyah similarly argue that marital financial responsibilities must be renegotiated through shared partnership models, highlighting the transformative potential of *maqāṣid al-usrah* to institutionalize financial justice and reciprocity.<sup>31</sup>

Similarly, *Ibu UN* critiques the rigidity of fixed gender roles, arguing that capability should determine financial contribution. "Fixing roles often leads to conflict," she asserts, advocating for adaptive interpretations that reflect lived familial dynamics.<sup>32</sup> This

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<sup>28</sup> NH, Lecturer of Sharia and Postgraduate Studies in Kediri, *Interview*, September 1, 2023.

<sup>29</sup> Ali, "Understanding Sharia Processes: Women's Experiences of Family Disputes"; Issaka-Toure and Alidou, "Introduction: Current Perspectives on Islamic Family Law in Africa."

<sup>30</sup> AF *Bu Nyai*, Lecturer in Tulungagung, *Interview*, May 4, 2023.

<sup>31</sup> Nur Fadhlilah and Muhammad Nurrafi Alamsyah, "Reinterpreting Financial Responsibilities in Islamic Marriage A Maqasid Al-Usrah Perspective," *Al-Syakhsiyah: Journal of Law and Family Studies* 7, no. 1 (2025): 1–26, <https://doi.org/10.21154/syakhsiyah.v7i1>.

<sup>32</sup> UN, Lecturer and Nafkah Expert at the Faculty of Sharia, Kediri, *Interview*, August 7, 2023.

aligns with scholarship on Islamic feminism, which calls for reinterpreting religious obligations in light of contemporary realities.<sup>33</sup>

Additional narratives from *pesantren*-based scholars affirm these trends. *Bu Nyai* MU, who comes from a wealthy family and manages household finances, remarks, "I don't really count whose income is higher. I just manage whatever is available." Although she theologically affirms the male duty of *nafkah*, she downplays its rigidity in practice. As she explains: "While I recognize that providing *nafkah* is a husband's religious obligation, what matters most in our daily life is ensuring our needs are met together."<sup>34</sup> This perspective reflects a pragmatic ethic grounded in cooperation and trust, where religious norms coexist with practical strategies for household sustainability.

In contrast, *Bu Nyai* M insists on procedural adherence to male obligation despite her dominant income role: "Even if I use my own business income, I ask my husband to replace it. His obligation does not disappear." This demonstrates how traditional interpretations may coexist with pragmatic strategies, maintaining symbolic commitment to *fiqh* norms.<sup>35</sup>

Accordingly, *Bu Nyai* WHN, a successful online entrepreneur, emphasizes that her earnings are supplementary and not meant to replace her husband's *nafkah* duty: "Even if I earn more, I see it as helping him, not taking over. The essence of family is mutual support".<sup>36</sup> Her narrative illustrates an internalized *maqāsid* ethic of *ta'āwun* (mutual aid), reinforcing *nafkah* as a shared relational contract.

The empirical testimonies reflect a spectrum of interpretations regarding *nafkah*—ranging from strict doctrinal adherence to flexible, cooperative arrangements. Some informants, such as *Bu Nyai* M, maintains a symbolic adherence to classical *fiqh* by insisting on reimbursement from their husbands, even when they contribute financially, in order to preserve the legal formalism of male responsibility. Others, like *Bu Nyai* AF and *Bu Nyai* MU, embody a

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<sup>33</sup> Ali, "Understanding Sharia Processes: Women's Experiences of Family Disputes"; Iqbal, "Nurturing Gender Justice: Qur'anic Interpretation and Muslim Feminist Thought."

<sup>34</sup> MU *Bu Nyai*, Religious Figure at the Caregiver Islamic Boarding School in Malang, *Interview*, July 8, 2023.

<sup>35</sup> M *Bu Nyai*, Trader and Leader of Islamic Boarding School in Malang, *Interview*, July 15, 2023.

<sup>36</sup> WHN *Bu Nyai*, Online Fashion Seller in Malang, *Interview*, July 22, 2023.

pragmatic cooperation model, where financial roles are shared fluidly based on capacity and mutual trust, regardless of formal obligations. Meanwhile, informants such as *Ibu UN* and *Bu Nyai AM* articulate a more critical-ethical approach, questioning fixed gender roles and emphasizing justice, capability, and contextual fairness as the guiding principles.

These diverse accounts illustrate that *nafkah* is not understood uniformly but is actively negotiated and redefined in light of economic realities, emotional dynamics, and internalized ethical reasoning. Rather than being bound by rigid legalism, these practices reveal a lived hermeneutic aligned with *maqāṣid al-usrah*, especially the values of *'adālah* (justice) and *mas'ūliyyah* (responsibility). In this way, the data support reformist calls for a gender-equitable Islamic family law that responds to lived experiences while remaining ethically grounded.

Furthermore, the empirical data reveal considerable variation in how *nafkah* is practiced and interpreted among the seven female Muslim scholars, shaped by socio-economic conditions, personal convictions, and relational dynamics. These practices can be broadly mapped into three categories: pragmatic cooperation, emphasizing mutual responsibility and adaptability; symbolic adherence, maintaining formal recognition of male financial duty despite egalitarian arrangements; and ethical critique and expansion, advocating for broader, non-monetary understandings of marital provision. While these categories differ in emphasis, they share a common thread: *nafkah* is consistently reframed as a negotiated obligation, balancing doctrinal expectations with lived realities in ways that affirm household stability, fairness, and ethical care.

### **Legal Norms versus Lived Realities of *Nafkah***

This section examines the gap between formal Islamic legal prescriptions on *nafkah* and the ways Indonesian Muslim families interpret and negotiate these norms in practice. Classical jurisprudence, as codified in the KHI, establishes the husband's financial obligation as central. Yet lived realities reveal that these norms often fail to capture the diverse and evolving economic roles women play within marriage. Prior studies also show that women's reluctance to pursue post-divorce *nafkah* claims—whether for spousal or child support—is shaped not

only by legal barriers but by cultural expectations, emotional strain, and complex relational dynamics.<sup>37</sup>

Findings from this study indicate that legal norms surrounding *nafkah* are not uniformly applied but are continually reframed through economic capability, emotional negotiations, and ethical considerations. While the KHI and classical *fiqh* depict *nafkah* as a fixed male duty, the informants approach it as a flexible, relational practice. This reflects what Mariam Khawar terms "contextual recalibration," where normative frameworks are adapted to lived familial conditions.<sup>38</sup>

Three dominant patterns emerged from the informants' narratives: (1) pragmatic cooperation, (2) symbolic adherence, and (3) ethical critique and expansion. These categories overlap in practice, revealing a spectrum of interpretive engagement.

*First, Pragmatic Cooperation: Mutual Responsibility and Economic Adaptability.* Informants in this group prioritize practical household management over doctrinal rigidity. As *Bu Nyai* MU states, "Rezeki that comes from either my hands or his is used to fulfill our needs." Similarly, *Bu Nyai* AF notes, "I never once asked my husband for *nafkah*," emphasizing autonomy and shared responsibility. In both cases, *nafkah* becomes a collaborative commitment rather than a strictly enforceable entitlement.

*Second, Symbolic Adherence: Formal Legal Fidelity in Negotiated Contexts.* In contrast, *Bu Nyai* M insists on symbolic compliance with *fiqh*-based norms: "Even if I use my own money, I ask my husband to reimburse me. His obligation does not disappear." Although her household operates with shared financial practices, she preserves the symbolic recognition of male responsibility as mandated by classical jurisprudence. This illustrates how doctrinal fidelity persists even when daily practices are adaptive.

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<sup>37</sup> Sylvia Vatuk, "Muslim Daughters and Inheritance in India: *Sharīcat*, Custom and Practice," *Contemporary South Asia* 30, no. 1 (2022): 16–29, <https://doi.org/10.1080/09584935.2021.2021854>; Abayomi Folorunso Awoleye et al., "Exploring the Perception and Socio-Cultural Barriers to Safer Sex Negotiation among Married Women in Northwest Nigeria," *BMC Women's Health* 22, no. 1 (2022): 411, <https://doi.org/10.1186/s12905-022-01989-3>.

<sup>38</sup> Mariam Khawar, "Economic Agency of Women in Islamic Economic Philosophy: Going beyond Economic Man and Islamic Man," *International Journal of Social Economics* 51, no. 3 (2024): 364–76, <https://doi.org/10.1108/IJSE-05-2023-0366>.

*Third, Ethical Critique and Expansion: Reconstructing *Nafkah* Beyond Money.* Other informants critique narrow interpretations of *nafkah*. *Bu Nyai* AM asserts, “*Nafkah* is not always literal money,” expanding the concept toward emotional, moral, and spiritual care. *Ibu* UN highlights pedagogical constraints, saying, “We are never educated to demand *nafkah*. So, our awareness has been silenced.” Likewise, *Bu Nyai* WHN explains, “Even if I earn more, I consider it as helping him. I don’t want to be seen as taking over,” revealing how emotional and social expectations shape financial roles.

These perspectives show a consistent divergence between prescriptive legal norms and negotiated household practices. The typology in Table 3 summarizes the informants’ viewpoints and the relational logic underpinning their interpretations.

**Table 3.** Typology of Informants’ Interpretations and Lived Practices of *Nafkah*

Informant	Category	Key Statement	Analytical Focus
<i>Bu Nyai</i> MU	Pragmatic Cooperation	“ <i>Rezeki</i> that comes from either my hands or his is used to fulfill our needs.”	Shared economic responsibility based on trust and flexibility.
<i>Bu Nyai</i> AF	Pragmatic Cooperation	“I never once asked my husband for <i>nafkah</i> .”	Financial autonomy reduces reliance on formal <i>nafkah</i> claims.
<i>Bu Nyai</i> M	Symbolic Adherence	“Even if I use my own money, I ask my husband to reimburse me. His obligation does not disappear.”	Symbolic preservation of male financial duty despite egalitarian household practice.
<i>Bu Nyai</i> AM	Ethical Critique and Expansion	“ <i>Nafkah</i> is not always literal money.”	Advocates for broader ethics of care including emotional, moral, and spiritual responsibility.

Informant	Category	Key Statement	Analytical Focus
<i>Ibu UN</i>	Ethical Critique and Expansion	<p>“We are never educated to demand <i>nafkah</i>. So, our awareness has been silenced.”</p> <p>“Even if I earn more, I consider it as helping him. I don’t want to be seen as taking over.”</p>	Epistemic critique of religious socialization and cultural silencing of financial agency.
<i>Bu Nyai WHN</i>	Ethical Critique and Expansion	<p>“If the wife earns more, the husband shouldn’t abdicate responsibility. It must remain shared.”</p>	Emotional dynamics and social expectations constrain financial assertiveness.
<i>Ibu NH</i>	Ethical Critique and Expansion		Emphasizes distributive justice and mutual accountability in financial responsibilities.

Table 3 demonstrates, the informants' accounts reveal a dynamic interplay between legal norms and lived realities. Their narratives demonstrate an intuitive form of internal *ijtihād*—contextual reasoning grounded in Islamic ethical values—that reshapes financial responsibilities in marriage. Rather than simply adhering to or rejecting *fiqh* formulations, the women reinterpret and negotiate *nafkah* in ways that uphold justice, responsibility, and mutual care. This pattern underscores the need for more responsive and gender-equitable legal understandings of *nafkah* that integrate doctrinal principles with lived family experiences.

### Reframing *Nafkah* through *Maqāṣid al-Usrah*

This section investigates how the classical concept of *nafkah* is being reinterpreted through the framework of *maqāṣid al-usrah* in Indonesian Muslim families. Building on Jamaluddin Athiyah's conceptualization of familial objectives in Islamic law, this section draws selectively on those most relevant to *nafkah*—particularly justice (*al-'adālah*) and responsibility (*al-mas'ūliyyah*)—to integrate doctrinal

insights with lived experiences and reconstruct a gender-equitable understanding of financial obligation.

In classical Islamic jurisprudence, *nafkah* is formulated as a fixed legal obligation imposed upon the husband as the family's sole provider. However, this rigid structure frequently fails to reflect the socio-economic realities of modern Muslim households. The interviews conducted in this study show that *nafkah* is increasingly reimagined as a shared, negotiated, and ethically embedded practice rather than a unidirectional financial duty. Informants commonly referenced emotional peace, mutual agreement, and situational flexibility as determining factors in financial decision-making.

Bu Nyai AM exemplifies this transformation, recalling how she earned money earlier in her first years of marriage while her husband was still studying.<sup>39</sup> While she does not explicitly frame her actions in terms of Islamic legal principles, her narrative reflects the spirit of *al-'adālah* (justice) and *al-mas'ūliyyah* (responsibility), as her financial contributions are guided more by contextual necessity and mutual support than by rigid gender roles. This finding supports Muhammad Nazir Alias et al, who argue that inductive reasoning (*istiqrā'*) enables the adaptation of legal rulings to fulfill higher *maqāṣid*.<sup>40</sup>

Similarly, Bu Nyai AF emphasizes relational harmony in her financial contributions: "I feel it's better for me to help voluntarily than to demand. That makes our household more peaceful."<sup>41</sup> While the concept of *as-sakīnah* is not invoked by the informant herself, her narrative illustrates a lived prioritization of relational peace over legal enforcement—an interpretation that aligns with the spirit of this *maqāṣid*. Mohadi affirms this notion, suggesting that family obligations in Islamic ethics are shaped by affective and relational dynamics more than by literalist obligations.<sup>42</sup>

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<sup>39</sup> AM Bu Nyai, Lecturer in Tulungagung, *Interview*, August 21, 2023.

<sup>40</sup> Muhammad Nazir Alias et al., "Scientific Approach as the Basis for the Formation of *Maqāṣid Al-Shari'ah* Concept and Principles: A Comparative Study," *Malaysian Journal of Syariah and Law* 12, no. 2 (2024): 350-63, <https://doi.org/10.33102/mjsl.vol12no2.568>.

<sup>41</sup> AF Bu Nyai, Lecturer in Tulungagung, *Interview*, May 4, 2023.

<sup>42</sup> Mawloud Mohadi, "Normative Islamic Conceptualizations of Families and Kinship Through Maqasid Perspectives: A Comprehensive Literature Study," *Malaysian Journal of Syariah and Law* 11, no. 2 (2023): 290-309, <https://doi.org/10.33102/mjsl.vol11no2.459>.

These narratives also reflect a growing ethical consciousness in which women enact intuitive *ijtihād* based on lived experiences. Rather than seeing Islamic law as a static doctrine, these women interpret *nafkah* in a way that fulfills both the material and emotional needs of the family. This approach aligns with Al-Sharmani's concept of lived hermeneutics, where religious knowledge is constructed through embodied experience.<sup>43</sup>

Responsibility in the Islamic household, as envisioned by Athiyah, is not solely tied to financial duties but includes moral, spiritual, and practical care. The informants interpreted responsibility as shared and adaptable, depending on circumstance. *Bu Nyai MU* explained that household income, regardless of whether it is earned by her or her husband, is pooled to meet the family's needs, reflecting an approach that prioritizes collective welfare over individual ownership.<sup>44</sup> Rather than enforcing a strict division of roles, she prioritizes cooperation and practicality.

This stands in contrast to the classical juristic view, in which *al-mas'ūliyyah* is largely encoded as male provision. Yet, as Issaka-Toure highlights in her study of Islamic family law in Ghana, customary negotiations often override fixed legal roles in favor of practical arrangements that secure family welfare.<sup>45</sup> Such findings mirror the Indonesian context, where women's financial contributions are often viewed as ethically necessary, though not legally obligatory.

*Ibu UN* furthermore critiques the theological rigidity of male-only financial duty: "If we hold on to literal texts, we become rigid and unfair. What if the woman is the one who can provide (*nafkah*)?"<sup>46</sup> This viewpoint underscores the principle of *al-'adālah* (justice) and reflects feminist Islamic calls for inclusive reinterpretation, as discussed by

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<sup>43</sup> Al-Sharmani, "Islamic Feminist Hermeneutics: Between Scholarship and Lived Realities."

<sup>44</sup> MU *Bu Nyai*, Caregiver of an Islamic Boarding School in Malang, *Interview*, July 8, 2023.

<sup>45</sup> Issaka-Toure, "Application of Muslim Family Law as a Form of Customary Law in Accra, Ghana."

<sup>46</sup> UN, Lecturer and Nafkah Expert at the Faculty of Sharia, Kediri, *Interview*, August 7, 2023.

Solikin & Wasik, who advocate embedding *maqāṣid* into judicial reasoning to advance gender justice.<sup>47</sup>

Emotional tranquility is a core aspiration in Islamic marriage. In this study, *al-sakīnah* was not merely associated with legal satisfaction but with emotional harmony generated by voluntary cooperation. *Bu Nyai* AF, for example, described an arrangement in which she acts as the sole manager of family finances, reflecting a high degree of spousal trust in her economic oversight,<sup>48</sup> indicating a functional division of financial roles rooted in mutual trust rather than legal enforcement. This echoes the argument made by Mohadi that *maqāṣid* must encompass emotional and spiritual elements, not just material fulfillment.<sup>49</sup> Tranquility emerges not from rigid gender roles, but from a mutual ethic of care. These findings suggest that Muslim families can maintain spiritual and legal authenticity while restructuring traditional power dynamics.

The values of love and compassion are central to the ethics of *nafkah*. *Bu Nyai* WHN clarified that surpassing her husband's income does not translate into dominance in household finances but is instead understood as an act of assistance within the marital partnership.<sup>50</sup> Her choice of language reflects a non-competitive, affective understanding of partnership that honors her husband's symbolic role while adjusting for real-world constraints. This sentiment aligns with Hamka Hasan et al., who advocate for a humanistic hermeneutic that integrates emotional reasoning into legal interpretation.<sup>51</sup> These insights affirm that *nafkah* is often performed as a gesture of *ta'āwun* (mutual aid) rather than a strictly contractual duty. Compassion becomes both a method and a goal, consistent with the *maqāṣid* ideal of *al-mawaddah wa ar-rahmah*. Such narratives further support the integration of Islamic

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<sup>47</sup> Solikin and Wasik, "The Construction of Family Law in the Compilation of Islamic Law in Indonesia: A Review of John Rawls's Concept of Justice and Jasser Auda's *Maqashid Al-Shari'A*."

<sup>48</sup> AF *Bu Nyai*, Lecturer in Tulungagung, *Interview*, May 4, 2023.

<sup>49</sup> Mohadi, "Normative Islamic Conceptualizations of Families and Kinship Through Maqasid Perspectives."

<sup>50</sup> WHN *Bu Nyai*, Online Fashion Seller in Malang, *Interview*, July 22, 2023.

<sup>51</sup> Hasan et al., "Polygamy: Uncovering the Effect of Patriarchal Ideology on Gender-Biased Interpretation."

ethics into practical legal reform, echoing the calls by Alias et al. for *maqāṣid* to serve as a dynamic framework rather than a fixed doctrine.<sup>52</sup>

Several informants described financial arrangements that reinforce autonomy without disrupting symbolic male authority. *Bu Nyai* M maintained that expenditures covered from her personal business earnings are later reimbursed by her husband, underscoring her commitment to preserving his formal financial responsibility.<sup>53</sup> This approach demonstrates a hybrid model of independence and doctrinal adherence, preserving symbolic fidelity to Islamic legal norms while fostering economic autonomy.

This duality further affirms the cautionary view raised by Güney who warns that *maqāṣid*-based reasoning, while ethically appealing, must be institutionally grounded to avoid subjective misuse.<sup>54</sup> In the context of this study, while informants often embody *maqāṣid* values such as justice and care, their interpretations are deeply personal, fluid, and influenced by emotional and cultural factors. Without clear institutional guidelines, such interpretations may risk reinforcing existing power imbalances or justifying unequal practices under the guise of ethical flexibility. This underscores the importance of integrating *maqāṣid* reasoning not only in personal ethics but also within formal legal structures to ensure consistency, accountability, and gender equity. Yet, the informants' lived practices suggest that symbolic gestures, such as reimbursement, help bridge normative expectations and practical arrangements, preserving familial stability.

Traditionally, *al-ḥimāyah min aḍ-ḍarar* (protection from harm) has been interpreted as male protection of female dependents. However, *Ibu UN* reflected that a lack of awareness-building initiatives on financial entitlements has contributed to women's internalized reluctance to assert their right to *nafkah*.<sup>55</sup> Her critique reveals that true protection must include empowerment, particularly through legal

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<sup>52</sup> Alias et al., "Scientific Approach as the Basis for the Formation of *Maqāṣid Al-Shari'ah* Concept and Principles."

<sup>53</sup> M *Bu Nyai*, Trader and Leader of Islamic Boarding School in Malang, *Interview*, July 15, 2023.

<sup>54</sup> Necmeddin Güney, "Maqāṣid Al-Shari'ah in Islamic Finance: A Critical Analysis of Modern Discourses," *Religions* 15, no. 1 (2024): 114, <https://doi.org/10.3390/rel15010114>.

<sup>55</sup> UN, Lecturer and Nafkah Expert at the Faculty of Sharia, Kediri, *Interview*, August 7, 2023

literacy and financial awareness. To some extent, this aligns with findings by Hattab and Abualrob, who argue that patriarchal religious discourse often suppresses women's financial rights.<sup>56</sup> In contrast, the informants in this study operationalize *al-himāyah min aḍ-darar* as a mutual responsibility, where both partners contribute to each other's emotional and financial security. This reframing demands a legal response that supports women's agency while protecting familial harmony.

The cumulative findings of this study point to the need for institutional mechanisms that legitimize and standardize these evolving interpretations. As observed, while informants often did not articulate their practices using *maqāṣid* terminology, their narratives reflect intuitive alignment with its principles. This confirms the relevance of a grounded *maqāṣidic* framework for guiding legal reform.

Scholars such as Solikin and Wasik as well as Alias et al. stress the importance of embedding these ethical objectives within formal judicial processes, including court decisions and *fatwā* issuance.<sup>57</sup> Proposals for *maqāṣid*-based court indicators or training modules for judges and mediators could serve as practical instruments to translate ethical family dynamics into doctrinally recognized norms. This section has demonstrated that the reinterpretation of *nafkah* through *maqāṣid al-usrah* is not merely a conceptual innovation but a lived practice among Indonesian Muslim families. The narratives of informants show that justice, autonomy, emotional harmony, and mutual responsibility are already central to family life, even when they diverge from codified legal norms. These practices provide a rich resource for internal reform within Islamic legal tradition.

The reinterpretation of *nafkah* through the ethical lens of *maqāṣid al-usrah* offers a vital entry point into a broader discussion on the dynamic interplay between classical Islamic legal doctrine and the lived realities of Muslim families. Building upon the empirical

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<sup>56</sup> Muayad Hattab and Mohammad Abualrob, "Under the Veil: Women's Economic and Marriage Rights in Palestine," *Humanities and Social Sciences Communications* 10, no. 1 (2023): 1-11, <https://doi.org/10.1057/s41599-023-01591-4>.

<sup>57</sup> Solikin and Wasik, "The Construction of Family Law in the Compilation of Islamic Law in Indonesia: A Review of John Rawls's Concept of Justice and Jasser Auda's *Maqāṣid Al-Shari'ah*"; Alias et al., "Scientific Approach as the Basis for the Formation of *Maqāṣid Al-Shari'ah* Concept and Principles."

narratives and ethical reflections of female Muslim scholars, this section deepens the analytical focus by situating these interpretations within a socio-legal framework. It explores how *nafkah*, as both a doctrinal obligation and a relational practice, evolves through negotiation, emotional ethics, and legal consciousness. This integrated perspective allows for a critical examination of how *maqāṣid* values such as justice, protection, responsibility, and emotional well-being are pragmatically enacted in daily life, and how these enactments can inform more inclusive and gender-responsive approaches to Islamic family law.

Classical Islamic law conceptualizes *nafkah* as a unilateral obligation imposed on the husband, grounded in authoritative sources such as the Qur'an (Q.S. al-Baqarah [2]: 233) and hadith. The KHI in Indonesia reflects this doctrine by stating in Articles 80-83 that a husband must provide for his wife and children during marriage and post-divorce. This male-centered legal design presumes a gendered division of labor where the husband is the breadwinner and the wife as the caretaker. However, as feminist scholars have long argued, such a framework often overlooks the economic contributions of women and reinforces patriarchal interpretations that no longer align with contemporary realities.<sup>58</sup>

The study's empirical findings demonstrate a stark divergence between these doctrinal prescriptions and the actual experiences of Muslim families. Informants shared a range of *nafkah* arrangements that reflect adaptive, negotiated practices. While most participants affirmed the husband's formal responsibility to provide, they often implemented flexible financial arrangements based on capability, mutual trust, and pragmatic concerns. For instance, *Bu Nyai* AM explained that she took the lead in financial provision because she was earning earlier while her husband was still studying.<sup>59</sup> Her narrative underscores the *maqāṣid al-usrah* principles of *al-'adālah* (justice) and *al-istiqlāl wa al-istiqrār* (autonomy and stability), where roles are contextually assigned rather than rigidly defined.

These empirical findings resonate with literature emphasizing the need for *maqāṣid*-based reinterpretations of Islamic legal norms.

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<sup>58</sup> Bakhshizadeh, "A Social Psychological Critique on Islamic Feminism"; Al-Sharmani, "Islamic Feminist Hermeneutics: Between Scholarship and Lived Realities."

<sup>59</sup> AM *Bu Nyai*, Lecturer in Tulungagung, *Interview*, August 21, 2023.

Muhammad Nazir Alias et al. advocate for the application of inductive legal reasoning (*istiqrā'*) to adapt rulings to evolving social conditions.<sup>60</sup> In the same vein, Mohadi argues that family obligations in Islamic law must reflect ethical and emotional dimensions, not just formal contracts.<sup>61</sup> The empirical data from this study affirm this ethical evolution. Informants like *Bu Nyai* AF emphasized the importance of emotional tranquility and mutual support. She expressed a preference for offering financial support voluntarily rather than asserting formal claims, believing that such an approach fosters greater harmony in the household.<sup>62</sup>

The responsibility to provide, or *al-mas'ūliyyah*, emerged as a critical theme. While doctrinally associated with male authority, informants reinterpreted responsibility as a mutual, adaptive practice. *Bu Nyai* MU narrates that financial resources are regarded as shared assets, with both spouses contributing according to their capacity, thereby ensuring that all needs are met without concern for the source of the income,<sup>63</sup> indicating a shared financial ethic. This collaborative approach mirrors findings from Ghana and Palestine, where women actively negotiate economic agency despite legal frameworks that reinforce male dominance.<sup>64</sup> *Ibu* UN explicitly criticized rigid textualism, noting that a more equitable approach would recognize situations in which the wife is better positioned to fulfill financial needs.<sup>65</sup>

These insights indicate that prevailing approaches in religious education and discourse may inadvertently limit women's financial agency, rather than actively supporting it. Building on her earlier reflection, *Ibu* UN emphasized that the lack of educational and religious discourse surrounding women's financial rights has led to a

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<sup>60</sup> Alias et al., "Scientific Approach as the Basis for the Formation of *Maqāṣid Al-Shārī'ah* Concept and Principles."

<sup>61</sup> Mohadi, "Normative Islamic Conceptualizations of Families and Kinship Through Maqasid Perspectives."

<sup>62</sup> AF *Bu Nyai*, Lecturer in Tulungagung, *Interview*, May 4, 2023.

<sup>63</sup> MU *Bu Nyai*, Religious Figure at the Caregiver Islamic Boarding School in Malang, *Interview*, July 8, 2023.

<sup>64</sup> Issaka-Toure, "Application of Muslim Family Law as a Form of Customary Law in Accra, Ghana"; Hattab and Abualrob, "Under the Veil: Women's Economic and Marriage Rights in Palestine."

<sup>65</sup> UN, Lecturer and Nafkah Expert at the Faculty of Sharia, Kediri, *Interview*, August 7, 2023.

normalized silence among wives regarding their entitlement to *nafkah*. This statement parallels broader feminist critiques that highlight the epistemic injustice embedded within Islamic family law and religious pedagogy.<sup>66</sup> Informants' reluctance to assert their financial rights before courts was frequently tied to emotional, relational, and cultural constraints rather than legal ignorance. As Rinaldo, Nisa, and Nurmila argue, women's decisions in marital conflict are deeply shaped by affective labor and class-based inequalities.<sup>67</sup>

Nevertheless, not all informants fully abandoned classical interpretations. *Bu Nyai M* insisted on symbolic adherence to Islamic legal norms, whereby any household cost initially borne by her is subsequently replaced by her husband to maintain the principle of male financial obligation.<sup>68</sup> This view suggests that even amid practical shifts, doctrinal fidelity remains a moral anchor. Güney cautions that *maqāṣid*-based reasoning, when not embedded within institutional frameworks, may be selectively interpreted or ethically misapplied.<sup>69</sup> However, the balance struck by informants such as *Bu Nyai M* suggests that symbolic commitments to Islamic law can coexist with pragmatic adaptation.

This tension also illustrates the emotional and psychological dimensions of *nafkah*. Informants prioritized *al-sakinah* (tranquility) and *al-mawaddah wa ar-rahmah* (affection and mercy) as key elements in their decision-making. *Bu Nyai WHN* emphasized that her contributions were framed as voluntary support. In her view, contributing more financially is framed as complementing her husband's responsibilities, not replacing or undermining them.<sup>70</sup> Her statement reflects the *maqāṣid*-based ethic of *ta'āwun* (mutual aid), shifting *nafkah* from a rigid obligation to a shared relational commitment.

Notably, these narratives reflect an intuitive form of internal *ijtihād*. Although the informants rarely referenced *maqāṣid al-usrah* explicitly, their practices aligned closely with Athiyah's seven *maqāṣid* principles. For example, *at-tarbiyah* (nurturance) was illustrated by *Bu*

<sup>66</sup> Iqbal, "Nurturing Gender Justice: Qur'anic Interpretation and Muslim Feminist Thought"; Reda, "Gender-Based Research in Qur'anic Studies."

<sup>67</sup> Rinaldo et al., "Divorce Narratives and Class Inequalities in Indonesia."

<sup>68</sup> M *Bu Nyai*, Trader and Leader of Islamic Boarding School in Malang, *Interview*, July 15, 2023.

<sup>69</sup> Güney, "Maqāṣid Al-Sharī'a in Islamic Finance."

<sup>70</sup> WHN *Bu Nyai*, Online Fashion Seller in Malang, *Interview*, July 22, 2023.

*Nyai* MU, who highlighted the importance of parenting and emotional care alongside financial planning. She articulated an approach to household economics in which individual earnings are not measured against one another, reflecting a preference for shared responsibility over competitive accounting.<sup>71</sup> Meanwhile, *al-himāyah* was redefined through empowerment and legal consciousness.

Table 4 synthesizes the empirical findings by mapping each of Jamaluddin Athiyah's seven *maqāṣid al-usrah* principles against observed and reported *nafkah* practices. This mapping identifies not only the doctrinal underpinnings of each case but also the degree to which each principle was explicitly invoked or implicitly embedded in informants' narratives.

**Table 4.** Reframing Maqāṣid al-Usrah Principles through Lived Nafkah Practices: Emphasis on Responsibility and Justice

<i>Maqāṣid al-Usrah</i> Principle	Doctrinal Meaning (Athyiah)	Illustrated Practice (Observed/Reported)	Interpretive Note (Author's Analysis)	Degree of Explicitness
<i>Al-Mas'ūliyyah</i> (Responsibility)	Moral and material obligations of spouses	<i>Bu Nyai</i> AM took over <i>nafkah</i> when her husband was studying.	Reflects adaptive redistribution of responsibility aligned with ethical duty, not fixed gender role.	Most Explicit & Consistently Practiced
<i>Al-'Adālah</i> (Justice)	Equitable role distribution	<i>Bu NH</i> rejects financial burden-shifting to wives.	Most explicitly articulated <i>maqāṣid</i> ; used to justify fairness in household contributions.	Most Explicit & Consistently Practiced
<i>Al-Sakīnah</i> (Tranquility)	Psychological peace and harmony	<i>Bu Nyai</i> AF avoids conflict by independently managing finances.	Informant does not mention <i>sakīnah</i> , but action aligns with its ethos.	Implicit / Analytically Inferred

<sup>71</sup> MU *Bu Nyai*, Religious Figure at the Caregiver Islamic Boarding School in Malang, *Interview*, July 8, 2023.

<i>Maqāṣid al-Usrah</i> Principle	Doctrinal Meaning (Athiyah)	Illustrated Practice (Observed/Reported)	Interpretive Note (Author's Analysis)	Degree of Explicitness
<i>Al-Mawaddah wa ar-rahmah</i>	Love and compassion in marriage	<i>Bu Nyai</i> WHN views her support as helping, not competing.	Shows affective solidarity, though not framed doctrinally.	Implicit / Analytically Inferred
<i>At-Tarbiyah</i> (Nurturance)	Support for education and well-being	<i>Bu Nyai</i> MU emphasizes cooperation and joint effort.	Informal sharing of roles nurtures family resilience.	Implicit / Analytically Inferred
<i>Al-Ḥimāyah</i> (Protection)	Safeguarding from harm and deprivation	<i>Ibu</i> UN critiques religious silence around women's rights.	Highlights need for epistemic protection alongside economic.	Implicit / Analytically Inferred
<i>Al-Istiqlāl wa al-Istiqrār</i>	Autonomy and household stability	<i>Bu Nyai</i> M insists on reimbursement to symbolically affirm husband's duty.	Symbolic adherence sustains dignity and equilibrium.	Implicit / Analytically Inferred

As shown in the table, *al-mas'ūliyyah* (responsibility) and *al-adālah* (justice) emerge as the clearest and most consistently practiced principles, frequently serving as explicit normative justifications for financial arrangements. Other *maqāṣid*—such as *al-sakīnah*, *al-mawaddah wa ar-rahmah*, *at-tarbiyah*, *al-ḥimāyah*, and *al-istiqlāl wa al-istiqrār*—are present but generally operate implicitly, requiring analytical interpretation to connect them to doctrinal meanings. While other *maqāṣid* are present, they tend to appear more implicitly and are analytically interpreted by the researcher. This mapping underscores that informants enact a form of lived ethics that selectively aligns with Islamic legal values, confirming Güney's caution about the need for institutional anchoring to prevent overly subjective deployment of *maqāṣid*-based reasoning.<sup>72</sup>

This study contributes to the growing body of Muslim feminist scholarship that foregrounds lived religiosity, ethical negotiation, and contextual reinterpretation of Islamic legal obligations. As Kloos and Nor Ismah highlight, Indonesian Muslim women scholars have

<sup>72</sup> Güney, "Maqāṣid Al-Sharī'a in Islamic Finance."

increasingly contested patriarchal norms through both theological reasoning and social engagement.<sup>73</sup> The participants in this study—*pesantren*-based educators and academic figures—embody this dual orientation. Their practices are not mere acts of accommodation but constitute a form of grounded *ijtihād* that bridges normative Islamic values with real-life economic and relational demands. As visualized in the *maqāṣid* mapping table, their engagements with *nafkah* are best understood not as fixed responses, but as ethically charged negotiations that prioritize justice (*al-'adālah*) and responsibility (*al-mas'ūliyyah*), even when these values are not expressed in doctrinal language.

From a policy standpoint, these findings underscore the urgency of institutionalizing *maqāṣid*-based reasoning in family law adjudication and mediation. While informants creatively reinterpret *nafkah* obligations, the absence of institutional support risks rendering their practices informal and inconsistent. As Solikin and Wasik argue, the integration of *maqāṣid* into judicial training and court deliberation could lend legitimacy and coherence to gender-just family practices already unfolding in Muslim communities.<sup>74</sup> Policy tools such as *hibah* mechanisms for post-divorce support or salary deductions for child maintenance should be evaluated through a *maqāṣid* lens that prioritizes protection (*al-himāyah*), fairness (*al-'adālah*), and stability (*al-istiqlāl wa al-istiqrār*). Without such institutional anchoring, as Güney cautions, *maqāṣid*-based ethics risk being selectively applied or misused, despite their transformative potential.<sup>75</sup>

## Conclusion

This study shows that *nafkah*, as a core element of Islamic family law, is being reinterpreted by Indonesian Muslim women scholars through everyday ethical negotiation, reflecting values of *al-mas'ūliyyah* (responsibility) and *al-'adālah* (justice). Their experiences demonstrate that *nafkah* functions not as a rigid legal duty but as a flexible, relational practice shaped by mutual support, moral reasoning, and shifting

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<sup>73</sup> Kloos and Ismah, "Siting Islamic Feminism."

<sup>74</sup> Solikin and Wasik, "The Construction of Family Law in the Compilation of Islamic Law in Indonesia: A Review of John Rawls's Concept of Justice and Jasser Auda's *Maqashid Al-Shari'ah*."

<sup>75</sup> Güney, "Maqāṣid Al-Shari'ā in Islamic Finance."

socio-economic conditions. The typology developed—pragmatic cooperation, symbolic adherence, and ethical expansion—reveals how women actively reshape financial responsibilities within marriage, challenging patriarchal assumptions embedded in traditional jurisprudence. While analytically rich, this study's insights are limited by its small, localized sample of seven scholars from East Java, and broader empirical work is needed to generalize these findings. Nonetheless, the research contributes to scholarship on Islamic family law, Muslim feminism, and legal pluralism by highlighting lived religiosity as a driver of normative renewal. Future studies should expand demographic coverage and explore how gender-equitable interpretations of *nafkah* can be integrated into institutional practices such as court mediation, judicial training, and policy design, thereby bridging ethical innovation at the community level with sustainable structural reform.

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