

Reinterpreting Financial Responsibilities in Islamic Marriage: A *Maqasid al-Ushrah* Perspective

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Abstract: The research aims to address the shift from a rigid, gender-based financial framework to a more equitable model that reflects contemporary socio-economic realities. A qualitative research methodology was employed, analyzing classical and contemporary Islamic legal texts, court rulings, and scholarly debates. The findings reveal a growing consensus among Islamic scholars that *qiwamah* is not necessarily an exclusive male financial obligation but rather *as* a shared responsibility between spouses. The study highlights the increasing acceptance of women's financial contributions and the necessity for legal reforms to formalize this shift. Additionally, the *mubadalah* principle underscores the importance of reciprocity in marital financial duties, ensuring justice and mutual support within family structures. These findings suggest that contemporary Islamic jurisprudence is evolving to accommodate socio-economic changes, fostering a balanced partnership in financial obligations. The implications of this research extend beyond academic discourse and have practical relevance for family law and policy-making. By integrating *Maqasid al-Ushrah* into legal frameworks, policymakers can develop more inclusive laws that reflect gender equity and economic realities. Further research is encouraged to explore how shared financial responsibility affects marital stability and children's well-being in Muslim-majority contexts.

Keywords: *qiwamah*; *nafaqah*; *maqasid al-ushrah*.

Abstrak: Penelitian ini bertujuan untuk menanggapi pergeseran dari kerangka kerja keuangan yang kaku dan berbasis gender menuju model yang lebih adil yang mencerminkan realitas sosial-ekonomi kontemporer. Metodologi penelitian kualitatif digunakan, dengan menganalisis teks-teks hukum Islam klasik dan kontemporer, putusan pengadilan, dan debat akademik. Temuan menunjukkan adanya konsensus yang semakin kuat di kalangan ulama Islam bahwa *qiwamah* tidak selalu merupakan kewajiban finansial eksklusif laki-laki, melainkan *sebagai* tanggung jawab bersama antara suami dan istri. Studi ini menyoroti penerimaan yang semakin luas terhadap kontribusi finansial perempuan dan kebutuhan akan reformasi hukum untuk mengukuhkan perubahan ini. Selain itu, prinsip *mubadalah* menekankan pentingnya timbal balik dalam kewajiban keuangan perkawinan, memastikan keadilan dan dukungan mutual dalam struktur keluarga. Temuan ini menunjukkan bahwa fiqh Islam kontemporer sedang berkembang untuk mengakomodasi perubahan sosial-ekonomi, mendorong kemitraan yang seimbang dalam kewajiban keuangan. Implikasi penelitian ini melampaui diskursus akademis dan memiliki relevansi praktis bagi hukum keluarga dan pembentukan kebijakan. Dengan mengintegrasikan *Maqasid al-Ushrah* ke dalam

kerangka hukum, pembuat kebijakan dapat mengembangkan undang-undang yang lebih inklusif yang mencerminkan kesetaraan gender dan realitas ekonomi. Penelitian lebih lanjut dianjurkan untuk mengeksplorasi bagaimana tanggung jawab keuangan bersama memengaruhi stabilitas perkawinan dan kesejahteraan anak-anak dalam konteks mayoritas Muslim.

Kata kunci: *qiwamah; nafaqah; maqasid al-usrah*

INTRODUCTION

The concept of financial obligations in marriage has been a central theme in Islamic jurisprudence, particularly in relation to the principles of *qiwamah* (male guardianship) and *nafaqah* (financial maintenance). These principles are deeply rooted in the Qur'an and Hadith, which establish the husband as the primary provider and protector of the family.¹ The Qur'anic verse in Surah An-Nisa (4:34) explicitly states that men are "*qawwamun*" over women due to their financial responsibilities, reinforcing the husband's obligation to ensure the financial security and welfare of his wife and children.² *Nafaqah*, as an extension of this principle, mandates that a husband provides financial support to his wife during marriage and, in some cases, even after divorce (*iddah*).³ Traditionally, this obligation encompasses basic needs such as food, shelter, and clothing, along with additional considerations like medical care, depending on the school of thought.⁴

While classical Islamic jurisprudence has traditionally upheld a strict interpretation of these duties, contemporary socio-economic changes have prompted a reevaluation of financial roles within marriage. Historically, women's roles were confined to domestic responsibilities; however, their increasing participation in the workforce has led to shifts in gender dynamics.⁵ Economic necessities and a broader recognition of women's rights in Islamic discourse have contributed to their increased involvement in household income.⁶ This shift aligns with *maqasid al-shari'ah* (objectives of Islamic law), which

¹ Yulmitra Handayani, "Tipologi Pelaksanaan Kewajiban Nafkah Lahir Suami Yang Berstatus Narapidana Perspektif Hukum Islam (Studi Analisis Interpretasi Teori Qira'ah Mubadalah)," *Juris (Jurnal Ilmiah Syariah)* 19, no. 1 (2020): 13–13, <https://doi.org/10.31958/juris.v19i1.1882>; Ahmad Rajafi, "Reinterpretasi Makna Nafkah Dalam Bingkai Islam Nusantara," *Al-Ihkam Jurnal Hukum & Pranata Sosial* 13, no. 1 (2018): 97–120, <https://doi.org/10.19105/al-lhkam.v13i1.1548>.

² Farah S Muhammad et al., "Strengthening the Family Support Division (BSK) on Alimony for Muslim Women," *Global Journal Al-Thaqafah*, 2024, 99–113, <https://doi.org/10.7187/gjatsi072024-7>; Nahda Shehada, "Muslim Judges at the Road of Intersection," *Hawwa* 18, no. 2–3 (2020): 143–61, <https://doi.org/10.1163/15692086-12341375>.

³ Mukti Tabrani, "Maqâshid Revitalization in Global Era: Istidlâl Study From Text to Context," *Al-Ihkam Jurnal Hukum & Pranata Sosial* 13, no. 2 (2018): 310–33, <https://doi.org/10.19105/al-lhkam.v13i2.1814>.

⁴ Muhammad et al., "Strengthening the Family Support Division (BSK) on Alimony for Muslim Women."

⁵ Muhammad Ihsan and Erna Dewi, "Wanita Karir Dalam Tinjauan Maqashid Al-Shari'ah," *Juris (Jurnal Ilmiah Syariah)* 19, no. 1 (2020): 45–45, <https://doi.org/10.31958/juris.v19i1.2108>; Muhammad Taufik, Rifqi Muhammad, and Peni Nugraheni, "Determinants and Consequences of Maqashid Sharia Performance: Evidence From Islamic Banks in Indonesia and Malaysia," *Journal of Islamic Accounting and Business Research* 14, no. 8 (2023): 1426–50, <https://doi.org/10.1108/jiabr-07-2021-0205>.

⁶ Fatmawati Fatmawati et al., "The Women's Leadership: Orientation From a Legal and Islamic Sharia Perspective," *Jurnal Ius Kajian Hukum Dan Keadilan* 12, no. 2 (2024): 345–56, <https://doi.org/10.29303/ius.v12i2.1345>; Nur Solikin and Moh. Wasik, "The Construction of Family Law in

prioritizes justice and well-being, promoting a more inclusive understanding of gender roles within the family.⁷ This aligns with the classical foundation laid by al-Ghazali, who classified the protection of wealth (*hifz al-māl*) as one of the essential objectives (*al-darūriyyāt*) of Islamic law.⁸ This objective serves as a moral-legal basis for ensuring financial stability in family life. Consequently, modern interpretations of financial obligations increasingly acknowledge that both spouses may contribute financially, thus challenging the traditional *qiwamah*-based structure.⁹

The debate among contemporary Islamic scholars regarding financial support as a joint responsibility in marriage underscores this shift in gender role perceptions. While traditional interpretations assign financial maintenance exclusively to the husband, newer perspectives advocate for an equitable distribution of financial obligations.¹⁰ Scholars such as Rajafi¹¹ argue for a reassessment of *nafaqah* in light of socio-economic realities, suggesting that financial responsibilities should be shared between spouses to reflect a partnership model in marriage. This perspective is supported by *maqasid al-shari'ah*, which emphasizes justice and family welfare, advocating for a cooperative approach to financial obligations.¹² The increasing number of women entering the workforce further necessitates a redefinition of financial obligations to accommodate modern realities.¹³

The concept of *Maqasid al-Ussrah* (objectives of family life within Islamic law) provides a crucial framework for reinterpreting gender roles and financial obligations in marriage. This approach underscores mutual support and cooperation within the family unit, aligning with the broader objectives of *maqasid al-shari'ah*.¹⁴ By incorporating *Maqasid al-Ussrah*, scholars propose that financial obligations should be viewed beyond traditional

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>.

⁷ Alfian D A Prabowo et al., "Marriage, Divorce in Islamic Psychological Analysis and Maqashid Sharia," *Petita Jurnal Kajian Ilmu Hukum Dan Syariah* 9, no. 2 (2024), <https://doi.org/10.22373/petita.v9i2.321>.

⁸ Abū Ḥamid. Al-Ghazālī, *Al-Mustasfā Min 'Ilm al-Uṣūl*, ed. Muhammad 'Abd al-Salām 'Abd al-Shāfi (Beirut: Dār al-Kutub al-'Ilmiyyah, 1993), 286-287.

⁹ Arifki B Warman et al., "Strengthening Family Resilience Through Local Wisdom: Pulang Ka Bako Type of Marriage in Minangkabau," *Al-Istinbath Jurnal Hukum Islam* 8, no. 1 May (2023): 253–253, <https://doi.org/10.29240/jhi.v8i1.6971>.

¹⁰ Bahiyah Ahmad et al., "Assessing the Rate of Child Maintenance (Financial Support) From a Shariah Perspective: The Case of Malaysia," *Al-Jami Ah Journal of Islamic Studies* 58, no. 2 (2020): 293–322, <https://doi.org/10.14421/ajis.2020.582.293-322>; Rajafi, "Reinterpretasi Makna Nafkah Dalam Bingkai Islam Nusantara."

¹¹ Rajafi, "Reinterpretasi Makna Nafkah Dalam Bingkai Islam Nusantara."

¹² Fatmawati et al., "The Women's Leadership: Orientation From a Legal and Islamic Sharia Perspective"; 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."

¹³ Ichsan and Dewi, "Wanita Karir Dalam Tinjauan Maqashid Al-Shari'ah."

¹⁴ Jamaluddin Athiyyah, *Nahwa Tafi'il Maqashid Al-Syari'ah* (Damaskus: Daar Al-Fikr, 2002); Fatmawati et al., "The Women's Leadership: Orientation From a Legal and Islamic Sharia Perspective"; 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."

gender roles, emphasizing partnership and shared responsibility.¹⁵ The application of *Maqasid al-Usrah* thus encourages a transition from rigid financial roles to more flexible, pragmatic approaches that consider modern family structures.¹⁶ This shift aligns with the evolving role of women as significant economic contributors, requiring an adjustment in Islamic legal interpretations.¹⁷

Legal reforms and reinterpretations aimed at enhancing financial flexibility within Islamic family law have gained traction in response to socio-economic shifts. A significant proposal involves the redefinition of *nafaqah* to promote a more equitable financial arrangement between spouses.¹⁸ Scholars emphasize that financial obligations should be approached collaboratively rather than being solely the husband's responsibility.¹⁹ In some Islamic jurisdictions, like Malaysia there have been proposals to establish Family Support Divisions (Badan Support Keluarga, BSK) to ensure fair distribution of financial responsibilities, particularly in cases of divorce or separation.²⁰ Additionally, alternative financial instruments such as *hibah* (gifts) have been suggested to enhance financial security for widows and divorced women, thereby strengthening their financial independence.²¹

The need for reassessing financial roles in contemporary Muslim families is also influenced by socio-economic factors. Rising living costs and economic pressures make it increasingly impractical for only one spouse to bear financial responsibility.²² With more women engaging in the workforce, the traditional expectation that financial support rests solely on the husband is becoming less viable.²³ This socio-economic transformation necessitates legal and theological adaptations to align with modern family structures. Moreover, changing attitudes towards gender roles and women's rights within Islamic

¹⁵ Fatmawati et al., "The Women's Leadership: Orientation From a Legal and Islamic Sharia Perspective"; 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."

¹⁶ Ichsan and Dewi, "Wanita Karir Dalam Tinjauan Maqashid Al-Shari'ah."

¹⁷ Fatmawati et al., "The Women's Leadership: Orientation From a Legal and Islamic Sharia Perspective"; 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."

¹⁸ Fadil Fadil, Zidna Mazidah, and Zaenul Mahmudi, "Fulfillment of Women's Rights After Divorce: Dynamics and Transformation in the Legal Journey," *De Jure Jurnal Hukum Dan Syar'iah* 16, no. 1 (2024): 1-20, <https://doi.org/10.18860/j-fsh.v16i1.25713>; Rajafi, "Reinterpretasi Makna Nafkah Dalam Bingkai Islam Nusantara."

¹⁹ 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"; Tabrani, "Maqashid Revitalization in Global Era: Istidlâl Study From Text to Context."

²⁰ Muhammad et al., "Strengthening the Family Support Division (BSK) on Alimony for Muslim Women."

²¹ Amylia F Azmi et al., "Unveiling the Significance of Proposing Hibah as an Alternative to Nafkah Security for Widows," *Malaysian Journal of Syariah and Law* 12, no. 2 (2024): 529-34, <https://doi.org/10.33102/mjssl.vol12no2.947>.

²² Fadil, Mazidah, and Mahmudi, "Fulfillment of Women's Rights After Divorce: Dynamics and Transformation in the Legal Journey."

²³ Ahmad et al., "Assessing the Rate of Child Maintenance (Financial Support) From a Shariah Perspective: The Case of Malaysia."

legal thought emphasize the need for reforms that ensure justice and equity in financial obligations.²⁴

By integrating *maqasid al-shari'ah* principles, these legal reforms aim to create a more balanced framework that acknowledges both spouses' financial contributions while maintaining Islamic legal integrity. The evolving discourse on financial responsibility in marriage underscores a broader movement within Islamic law to align religious principles with contemporary socio-economic realities, fostering equity and stability within the family structure.²⁵

This study employs a qualitative research design, which is particularly suited to analyze Islamic legal texts and their applications in family law. Qualitative research methods allow for an in-depth examination of the meanings, interpretations, and implications of financial responsibilities within marriage. Given that the study focuses on Islamic jurisprudence and the *Maqasid al-Usrah* framework, qualitative approaches provide a robust means to explore historical and contemporary perspectives.²⁶

The study primarily relies on secondary data collected from classical and contemporary Islamic legal texts, scholarly articles, and case studies on family law. The primary texts consist of the Qur'an, Hadith, and legal rulings from different Islamic schools of thought, which constitute the foundation for Islamic legal interpretations. The secondary sources include academic journals, books, and reports that analyze concepts such as *qiwamah*, *nafaqah*, and gender roles within Islamic jurisprudence, offering contemporary scholarly perspectives. Furthermore, the legal frameworks examined encompass the Compilation of Islamic Law (KHI), court rulings, and fatwas issued by relevant Islamic authorities, providing insights into judicial applications and considerations surrounding financial obligations in marriage. Content analysis identifies key legal principles and interpretations, particularly regarding financial obligations in marriage. This method ensures that legal concepts are systematically categorized and compared for a clearer understanding of their implications.²⁷

The study employs the *Maqasid al-Usrah* framework, which provides a structured approach for analyzing gender roles and financial obligations in Islamic family law. This framework emphasizes justice, equity, and mutual responsibility within the family unit.²⁸

²⁴ 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"; Tabrani, "Maqashid Revitalization in Global Era: Istidlâl Study From Text to Context."

²⁵ Fatmawati et al., "The Women's Leadership: Orientation From a Legal and Islamic Sharia Perspective"; 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."

²⁶ Ilyas Supena, "Konstruksi Epistemologi Fikih Pandemik: Analisis Fatwa-Fatwa MUI," *Al-Manahij Jurnal Kajian Hukum Islam* 15, no. 1 (2021): 121-36, <https://doi.org/10.24090/mnh.v15i1.4203>.

²⁷ Zainal Munir et al., "Tahlil Marriage Among the Sasak Tribe of Lombok Based on Maqashid Al-Shari'ah Perspective and Its Relevance to Compilation of Islamic Law," *Al-Adalah* 19, no. 2 (2022): 419-40, <https://doi.org/10.24042/adalah.v19i2.14495>.

²⁸ Athiyyah, *Nahwa Tafi'il Maqashid Al-Syari'ah*; Fauzan Fauzan, "Alternatives to Criminal Conviction in a Comparative Analysis of Positive Law and Islamic Criminal Law," *Al-Istinbath Jurnal Hukum Islam* 7, no. 1 (2022): 185-185, <https://doi.org/10.29240/jhi.v7i1.4308>; Solikin and Wasik, "The Construction of Family Law

Previous studies have applied *Maqasid al-Usrah* to various aspects of marital obligations, child custody, and financial responsibilities, demonstrating its relevance in achieving fair and just outcomes.²⁹

Additionally, the study integrates a comparative legal analysis that examines financial responsibility interpretations across different Islamic schools of thought. By comparing legal rulings across various traditions, the study identifies commonalities and differences in interpretations, contributing to a more nuanced understanding of gender dynamics in Islamic family law.³⁰ The comparative approach ensures that the findings extend beyond a single legal tradition, incorporating broader jurisprudential insights.

To address this evolving discourse, this study raises the following research questions: How can the principles of *Maqasid al-Usrah* reinterpret the concepts of *qiwamah* and *nafaqah* in light of contemporary socio-economic realities? What implications does this reinterpretation have for Islamic family law and gender equity? Accordingly, this research aims to examine the transformation of financial responsibilities within Islamic marriage through a comprehensive analysis of classical jurisprudence, current legal frameworks, and scholarly debates. By integrating the *Maqasid al-Usrah* framework, this study contributes a novel perspective that promotes a more equitable and contextually relevant understanding of marital financial obligations. This research is expected to enrich the discourse on gender roles in Islamic family law and provide policy recommendations for more inclusive legal reforms.

DISCUSSION

Classical Islamic Jurisprudence on Financial Responsibility

Islamic jurisprudence has long emphasized the financial obligations of husbands within marriage, primarily through the principles of *qiwamah* (male guardianship) and *nafaqah* (financial maintenance). These principles are deeply entrenched in the Qur'an and Hadith, forming the foundation for financial responsibility in Muslim households. The Qur'an explicitly outlines the husband's duty to provide for his family in Surah Al-Baqarah (2:233) and Surah An-Nisa (4:34), reinforcing men's roles as providers and protectors.³¹ Similarly, numerous Hadith affirm *nafaqah* as a fundamental marital duty, warning of ethical and legal consequences for non-compliance.³²

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*."

²⁹ 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*."

³⁰ Prabowo et al., "Marriage, Divorce in Islamic Psychological Analysis and *Maqashid Sharia*."

³¹ Taufik, Muhammad, and Nugraheni, "Determinants and Consequences of *Maqashid Sharia* Performance: Evidence From Islamic Banks in Indonesia and Malaysia"; Noer Yasin, "The AUTHORITY RATIONALIZATION PHILOSOPHY OF THE INDONESIA COMPETITION COMMISSION: The Due Process of Law and *Maqashid Sharia* Perspectives," *Jurisdictie Jurnal Hukum Dan Syariah* 13, no. 1 (2022): 63–89, <https://doi.org/10.18860/j.v13i1.15873>.

³² Aam S Rusydiana and Lina Marlina, "Financial and Social Efficiency on Indonesian Islamic Banks," *Journal of Islamic Monetary Economics and Finance* 5, no. 3 (2019): 579–602, <https://doi.org/10.21098/jimf.v5i3.1154>; Cory

Different schools of Islamic thought—Hanafi, Maliki, Shafi'i, and Hanbali—interpret *nafaqah* with slight variations, reflecting their unique methodologies and legal principles. The Hanafi school emphasizes that *nafaqah* is an absolute right of the wife, regardless of the husband's financial status, arguing that he must provide for his wife in accordance with societal customs (*ma'ruf*) to ensure that her standard of living aligns with prevailing community norms.³³ The Maliki school also upholds the husband's duty to provide but considers his financial capacity a determining factor. If a husband lacks sufficient means, he is not required to fulfill the complete obligation of *nafaqah*, although he is still expected to contribute *to the best of his ability* as much as possible.³⁴ The Shafi'i school asserts that *nafaqah* should be proportional to the husband's economic ability, ensuring it is reasonable and aligned with the couple's customary standard of living.³⁵ The Hanbali position closely resembles the Shafi'i view, affirming that *nafaqah* must be based on the husband's financial capability while ensuring the wife's well-being is not compromised.³⁶ Although all four schools agree on the fundamental obligation of *nafaqah*, they differ in their interpretations regarding its extent and conditionality based on financial status. These variations reflect broader considerations in Islamic family law, accommodating differing socio-economic contexts within Muslim societies.

Contrary to the widespread belief that financial support is solely a male duty, historical records indicate that wives in early Islamic societies often contributed economically to their households. One of the most notable examples is Khadijah bint Khuwaylid, the wife of Prophet Muhammad, a successful merchant who managed trade caravans. Her financial contributions played a crucial role in supporting the early Islamic movement.³⁷ This precedent demonstrates that early Islamic frameworks acknowledged and valued women's economic roles.

Vidiati et al., "Reflection of Maqashid Sharia on the Concept of Ancient Agriculture for a Sustainable Green Economy," *E3s Web of Conferences* 482 (2024): 02001–02001, <https://doi.org/10.1051/e3sconf/202448202001>.

³³ Kautsar R Salman, "What Drives the Level of Social Reporting Disclosure at Islamic Commercial Banks?," *Banks and Bank Systems* 18, no. 4 (2023): 61–73, [https://doi.org/10.21511/bbs.18\(4\).2023.06](https://doi.org/10.21511/bbs.18(4).2023.06); Ilyas Supena, "Epistemology of Tafsir, Ta'wil, and Hermeneutics: Towards an Integrative Approach," *Journal of Islamic Thought and Civilization* 14, no. 1 (2024): 121–36, <https://doi.org/10.32350/jitc.141.08>.

³⁴ Ariyadi Ariyadi et al., "Moderation of Homosexual Fiqh in Indonesia: A Study of the Huzaemah Tahido Yanggo's Thought," *Al-Istinbath Jurnal Hukum Islam* 7, no. 2 (2022): 389–389, <https://doi.org/10.29240/jhi.v7i2.5462>; Aisyah As-Salafiyah, Aam S Rusydiana, and Muhammad I Mustafa, "Maqashid Sharia-Based Mosque Empowerment Index," *International Journal of Ethics and Systems* 38, no. 2 (2021): 173–90, <https://doi.org/10.1108/ijoes-06-2021-0122>.

³⁵ Ipandang and Umiarso Umiarso, "The Principles of Islamic Law and the Deradicalization of Convicted Terrorists," *Cosmopolitan Civil Societies an Interdisciplinary Journal* 13, no. 3 (2022), <https://doi.org/10.5130/ccs.v13.i3.7882>; Yunice K Tumewang, Herlina R Dewi, and Hanudin Amin, "Over a Decade of Maqashid Sharia Studies: A Bibliometric Analysis and Direction for Future Research," *Journal of Islamic Accounting and Business Research* 16, no. 1 (2023): 25–52, <https://doi.org/10.1108/jiabr-08-2022-0207>.

³⁶ Siti Amaroh, "Tanggung Jawab Sosial Bank Syariah Terhadap Stakeholder Dalam Perspektif Maqashid Syari'ah," *Ahkam Jurnal Ilmu Syariah* 16, no. 1 (2016), <https://doi.org/10.15408/ajis.v16i1.2894>; Muhammad N H Ryandono et al., "Constructing an Environmental, Social, and Governance (ESG) Index for Islamic Social Finance Institutions: Empirical Investigation From Indonesia," *Journal of Ecohumanism* 3, no. 4 (2024): 2620–45, <https://doi.org/10.62754/joe.v3i4.3781>.

³⁷ Ichsan and Dewi, "Wanita Karir Dalam Tinjauan Maqashid Al-Shari'ah."

Beyond Khadijah, other historical accounts indicate that women engaged in trade, managed household enterprises, and inherited property – rights explicitly enshrined in Islamic law. Surah An-Nisa (4:32) affirms that men and women have rightful claims to their earnings, reinforcing the legitimacy of women's financial contributions within marriage.³⁸ This principle highlights that Islam, from its inception, provided legal mechanisms for women to maintain financial independence and support their families when necessary.

The concept of *qiwamah* remains central to Islamic legal discourse on financial obligations within marriage. Derived from Surah An-Nisa (4:34), *qiwamah* establishes men as protectors and maintainers of their families, traditionally justifying male financial responsibility.³⁹ However, the application of *qiwamah* varies across Islamic jurisprudential traditions.

The Hanafi school emphasizes that *nafaqah* is a right of the wife, and a husband must provide regardless of his financial status.⁴⁰ The Maliki school considers conditions financial responsibility on the husband's means.⁴¹ The Shafi'i and Hanbali schools acknowledge male financial responsibility but allow for shared contributions in contemporary contexts where women work.⁴² While *qiwamah* historically established male financial responsibility, modern interpretations increasingly recognize the contributions of working wives. The shift from a strictly male-centered financial model to a more collaborative one aligns with evolving socio-economic realities, necessitating adaptations in Islamic legal thought to accommodate changing household structures.

Compilation of Islamic Law (KHI) Perspective on Financial Responsibility

The Indonesian Compilation of Islamic Law (KHI) serves as the primary legal framework governing financial obligations in marriage. It codifies the principles of *nafaqah* (maintenance), defining the husband's duty to provide for his wife and children

³⁸ Yasin, "The Authority Rationalization Philosophy of The Indonesia Competition Commission: The Due Process of Law and Maqashid Sharia Perspectives."

³⁹ Ahmad et al., "Assessing the Rate of Child Maintenance (Financial Support) From a Shariah Perspective: The Case of Malaysia"; Fadil, Mazidah, and Mahmudi, "Fulfillment of Women's Rights After Divorce: Dynamics and Transformation in the Legal Journey."

⁴⁰ Soraya Devy and Dwi Suci, "The Implementation of Verdict Execution on Providing Maḍiyah Maintenance Following Divorce According to Islamic Law (Case Study in Syar'iyyah Court Banda Aceh)," *Samarah Jurnal Hukum Keluarga Dan Hukum Islam* 4, no. 2 (2020): 416–416, <https://doi.org/10.22373/sjhk.v4i2.6179>; Rajafi, "Reinterpretasi Makna Nafkah Dalam Bingkai Islam Nusantara."

⁴¹ Lukman Arake, Ismail Keri, and Syawaluddin Hanafi, "The Radicalism Prevention Policy in State Islamic Religious Universities in South Sulawesi: An Overview of Maqasid Syari'ah," *Jurnal Ilmiah Al-Syir Ah* 19, no. 1 (2021): 71–71, <https://doi.org/10.30984/jis.v19i1.1180>; Mohammad Hipni, "The Study of Maqashidi Sharia Toward Maduresse Traditional Inheritance by Using System Approach," *Al-Ihkam Jurnal Hukum & Pranata Sosial* 14, no. 1 (2019): 50–71, <https://doi.org/10.19105/al-lhkam.v14i1.2159>.

⁴² Arake, Keri, and Hanafi, "The Radicalism Prevention Policy in State Islamic Religious Universities in South Sulawesi: An Overview of Maqasid Syari'ah"; Hipni, "The Study of Maqashidi Sharia Toward Maduresse Traditional Inheritance by Using System Approach."

based on Islamic teachings. This obligation aligns with classical Islamic jurisprudence, reinforcing financial support as both a legal duty and a moral obligation.⁴³

According to Article 79 of KHI, the husband must provide *nafaqah* reasonably and in accordance with customary (*ma'ruf*) practices, considering the family's socio-economic status⁴⁴. This includes food, clothing, shelter, medical care, and overall well-being. The law emphasizes that financial support should uphold the family's dignity, reinforcing *nafaqah* as both a financial and moral duty.⁴⁵

KHI also provides legal recourse for wives in cases of neglect. If a husband fails to fulfill his financial duties, the wife can file a claim in religious courts (Pengadilan Agama) to enforce *nafaqah* obligations.⁴⁶ In such cases, courts have the authority to issue maintenance orders, including wage garnishments or asset seizures, ensuring compliance.⁴⁷

Indonesian religious courts play a pivotal role in interpreting KHI provisions on financial support. Court rulings typically reinforce the husband's duty to provide *nafaqah* under Article 79, ensuring adequate financial support for the wife and children.⁴⁸ In cases of non-compliance, courts may impose penalties or enforce wage deductions to secure maintenance payments.⁴⁹

However, implementation is inconsistent. If a husband claims financial incapacity, courts may reassess obligations, leading to disputes over what constitutes adequate *nafaqah*.⁵⁰ The legal system attempts to balance financial obligations with his financial reality, though ensuring consistent enforcement remains a challenge.

⁴³ 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"; Taufik, Muhammad, and Nugraheni, "Determinants and Consequences of Maqashid Sharia Performance: Evidence From Islamic Banks in Indonesia and Malaysia."

⁴⁴ Taufik, Muhammad, and Nugraheni, "Determinants and Consequences of Maqashid Sharia Performance: Evidence From Islamic Banks in Indonesia and Malaysia."

⁴⁵ Fadil, Mazidah, and Mahmudi, "Fulfillment of Women's Rights After Divorce: Dynamics and Transformation in the Legal Journey"; Tumewang, Dewi, and Amin, "Over a Decade of Maqashid Sharia Studies: A Bibliometric Analysis and Direction for Future Research."

⁴⁶ Ahmad D Nuryanto and Abdul K Jaelani, "The Role of State Official Wealth Report in Realizing the Principles of Maqashid Sharia," *Jurnal Ilmiah Hukum Legality* 32, no. 1 (2024): 155–81, <https://doi.org/10.22219/ljih.v32i1.32879>; Rusydiana and Marlina, "Financial and Social Efficiency on Indonesian Islamic Banks."

⁴⁷ Haris M Putra et al., "Reconstruction of the Practice of Siyasa Syar'iyah During the Islamic Empire's Relevance to the Practice of Sharia Financing CWLS Retail in Indonesia," *Al-Istinbath Jurnal Hukum Islam* 8, no. 2 November (2023): 347–347, <https://doi.org/10.29240/jhi.v8i2.8057>; Nur Saniah, Nawir Yuslem, and Hasan Matsum, "Analysis of Maqashid Shari'a on Substitute Heir in Compilation of Islamic Law (KHI)," *Al-Adalah* 20, no. 1 (2023): 35–35, <https://doi.org/10.24042/adalah.v20i1.16062>.

⁴⁸ Miftakhul Huda and Hisam Ahyani, "Normative Justice and Implementation Related to Sharia Economic Law Disputes in Realizing Legal Certainty and Justice in Indonesia," *Al-Risalah* 24, no. 1 (2024): 103–19, <https://doi.org/10.30631/alrisalah.v24i1.1467>.

⁴⁹ Fadil, Mazidah, and Mahmudi, "Fulfillment of Women's Rights After Divorce: Dynamics and Transformation in the Legal Journey."

⁵⁰ Devy and Suci, "The Implementation of Verdict Execution on Providing Ma'diyah Maintenance Following Divorce According to Islamic Law (Case Study in Syar'iyah Court Banda Aceh)."

Despite its legal clarity, the KHI framework has been criticized for reinforcing traditional gender roles. By placing primary financial responsibility on husbands, it overlooks wives' financial contributions and may reinforce economic dependency.⁵¹ This dynamic has sparked debates about gender equity in Islamic family law, particularly regarding the need for financial flexibility and shared responsibilities.⁵²

Furthermore, the rigid interpretation of *nafaqah* does not fully address contemporary socio-economic realities. With an increasing number of dual-income households, assuming sole financial responsibility for husbands is increasingly outdated.⁵³ Critics argue that KHI should accommodate modern family structures by recognizing both spouses' financial contributions, fostering a more balanced financial model.⁵⁴

Legal scholars advocate for integrating *Maqasid al-Sharia* principles into KHI interpretations to promote justice and family welfare. *Maqasid al-Sharia* emphasizes fairness, guiding legal reforms to reflect evolving family structures.⁵⁵ Judges increasingly consider these principles in *nafaqah* disputes to align financial rulings with legal and ethical principles.

For example, in cases where the husband faces economic hardship, courts may reassess his obligations using *Maqasid al-Sharia* while safeguarding family welfare.⁵⁶ This flexible approach aligns with Islamic legal objectives, allowing rulings that better reflect contemporary socio-economic realities. Given the evolving nature of family structures and financial responsibilities, there is a growing call for reforms within KHI to accommodate contemporary realities. Scholars argue that financial obligations should be more equitably distributed, enabling shared responsibilities.⁵⁷ Such reforms would not only reflect modern economic conditions but also align with Islamic legal principles that emphasize justice and fairness.⁵⁸

Additionally, legal mechanisms for enforcing *nafaqah* should be strengthened to address inconsistencies in court rulings. Ensuring uniformity in the application of

⁵¹ Nuryanto and Jaelani, "The Role of State Official Wealth Report in Realizing the Principles of Maqashid Sharia."

⁵² Mulizar Mulizar, Asmuni Asmuni, and Dhiauddin Tanjung, "Maqashid Sharia Perspective of Legal Sanction for Khalwat Actors in Aceh," *Al-Istinbath Jurnal Hukum Islam* 7, no. 1 (2022): 161-161, <https://doi.org/10.29240/jhi.v7i1.3587>.

⁵³ Ryandono et al., "Constructing an Environmental, Social, and Governance (ESG) Index for Islamic Social Finance Institutions: Empirical Investigation From Indonesia."

⁵⁴ Putra et al., "Reconstruction of the Practice of Siyasa Syar'iyah During the Islamic Empire's Relevance to the Practice of Sharia Financing CWLS Retail in Indonesia."

⁵⁵ Abbas Arfan et al., "The Implementation of Maqashid Sharia: Heterogeneity of Scholars' Fatwas Towards Islamic Banking Contracts," *Jurnal Ilmiah Hukum Legality* 32, no. 1 (2024): 105-28, <https://doi.org/10.22219/ljih.v32i1.32170>; 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."

⁵⁶ Supena, "Konstruksi Epistemologi Fikih Pandemik: Analisis Fatwa-Fatwa MUI"; Supena, "Epistemology of Tafsir, Ta'wil, and Hermeneutics: Towards an Integrative Approach."

⁵⁷ Putra et al., "Reconstruction of the Practice of Siyasa Syar'iyah During the Islamic Empire's Relevance to the Practice of Sharia Financing CWLS Retail in Indonesia."

⁵⁸ 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."

financial responsibility laws would enhance legal protections for wives and children, improving overall family welfare.⁵⁹

Role of Women in Economic Support

The financial contributions of Muslim women to their households have become increasingly significant due to various interrelated factors. These contributions challenge traditional gender roles while promoting economic stability and equity within the family structure. This section examines the primary motivations behind women's financial contributions, their impact on traditional gender roles in marriage, and the broader implications for Islamic jurisprudence and social development.

Economic necessity is one of the primary drivers behind Muslim women's financial participation in their households. Rising living costs, inflation, and the increasing cost of education and healthcare have compelled many women to enter the workforce or pursue entrepreneurial ventures as additional income earners.⁶⁰ In urban areas, where the cost of living is particularly high, dual-income households are increasingly common, ensuring financial sustainability.⁶¹

Additionally, higher educational attainment among women has significantly influenced their workforce participation. Women with formal education and professional skills actively seek employment, strengthening household finances.⁶² Education equips women with the qualifications necessary for diverse economic roles, enhancing their influence in financial decision-making.

Changing societal attitudes towards gender roles have also facilitated women's economic participation. As cultural norms shift, the traditional view of women as solely responsible for domestic duties is increasingly contested. Modern interpretations of Islamic teachings emphasize mutual support and partnership within marriage, aligning with the principles of *Maqasid al-Sharia*, which advocate for justice and welfare.⁶³ The recognition of women's rights to work and earn reflects a broader social transformation in Muslim-majority societies.⁶⁴

The financial contributions of women have reshaped gender dynamics in marriage. The expectation that men must be the sole providers is gradually being replaced by a more

⁵⁹ Nuryanto and Jaelani, "The Role of State Official Wealth Report in Realizing the Principles of Maqashid Sharia."

⁶⁰ Fadil, Mazidah, and Mahmudi, "Fulfillment of Women's Rights After Divorce: Dynamics and Transformation in the Legal Journey"; Ramadhita Ramadhita, Sudirman Sudirman, and Syabbul Bachri, "Model of Zakat Utilization in the Covid-19 Pandemic Era: Perspective of Maqashid Sharia," *Al-Istinbath Jurnal Hukum Islam* 7, no. 1 (2022): 245–245, <https://doi.org/10.29240/jhi.v7i1.4462>.

⁶¹ Huda and Ahyani, "Normative Justice and Implementation Related to Sharia Economic Law Disputes in Realizing Legal Certainty and Justice in Indonesia."

⁶² Taufik, Muhammad, and Nugraheni, "Determinants and Consequences of Maqashid Sharia Performance: Evidence From Islamic Banks in Indonesia and Malaysia."

⁶³ Mokhamad I Ramdhoni, "Assessing Bank Performance Measurement in Islamic Banking Industry," *Matec Web of Conferences* 218 (2018): 04020–04020, <https://doi.org/10.1051/mateconf/201821804020>; Salman, "What Drives the Level of Social Reporting Disclosure at Islamic Commercial Banks?"

⁶⁴ As-Salafiyah, Rusydiana, and Mustafa, "Maqashid Sharia-Based Mosque Empowerment Index"; Rajafi, "Reinterpretasi Makna Nafkah Dalam Bingkai Islam Nusantara."

equitable distribution of financial duties.⁶⁵ As women assume greater economic roles, gender dynamics within households shift toward shared decision-making and mutual financial support.

Furthermore, women's financial contributions enhance their bargaining power within the household. With increased financial independence, women gain greater influence over family financial matters, including budgeting, investments, and savings.⁶⁶ This shift fosters greater equality in decision-making, strengthening household stability and fairness.

However, challenges remain in fully integrating women's financial roles into marriage dynamics. In some conservative communities, traditional expectations regarding male financial responsibility persist, leading to opposition to women's expanding economic roles.⁶⁷ Additionally, dual-income responsibilities often result in women balancing professional commitments with traditional domestic roles.⁶⁸

Islamic scholars have extensively debated the permissibility of women working and earning income. The prevailing view is that women may work as long as their employment aligns with religious and familial responsibilities. Historical precedents support this view, notably through the example of Khadijah bint Khuwaylid, a successful merchant and the wife of Prophet Muhammad.⁶⁹

Contemporary scholars argue that the right to work is grounded in Islamic principles of justice and equity. Women's financial participation is seen as both permissible and advantageous for family well-being and societal development. The *Maqasid al-Sharia* framework supports women's economic engagement by advancing justice, economic security, and social cohesion.⁷⁰ Many scholars advocate for interpretations of Islamic law that recognize women's rights to economic participation while ensuring a balance between economic participation and family commitments.⁷¹

The economic advantages of shared financial responsibility in Muslim households are substantial. When both spouses contribute to household income, families achieve

⁶⁵ Arfan et al., "The Implementation of Maqashid Sharia: Heterogeneity of Scholars' Fatwas Towards Islamic Banking Contracts"; Ryandonoa et al., "Constructing an Environmental, Social, and Governance (ESG) Index for Islamic Social Finance Institutions: Empirical Investigation From Indonesia."

⁶⁶ Fakhruudin Fakhruudin and Ahmad S Pratomo, "Bank Wakaf Mikro Dan Pemberdayaan Usaha Mikro Kecil Dan Menengah Di Indonesia Perspektif Maqashid Syariah," *De Jure Jurnal Hukum Dan Syaria* 13, no. 2 (2021): 323–36, <https://doi.org/10.18860/j-fsh.v13i2.15485>; Ahmad Rajafi, "The Contemporary Ushul Fiqh in Indonesia: An Idea and Practice," *Jurnal Ilmiah Al-Syir Ah* 21, no. 1 (2023): 19–19, <https://doi.org/10.30984/jis.v21i1.2260>.

⁶⁷ Mulizar, Asmuni, and Tanjung, "Maqashid Sharia Perspective of Legal Sanction for Khalwat Actors in Aceh."

⁶⁸ Nuryanto and Jaelani, "The Role of State Official Wealth Report in Realizing the Principles of Maqashid Sharia."

⁶⁹ Rajafi, "The Contemporary Ushul Fiqh in Indonesia: An Idea and Practice"; Salman, "What Drives the Level of Social Reporting Disclosure at Islamic Commercial Banks?"

⁷⁰ Putra et al., "Reconstruction of the Practice of Siyasa Syar'iyah During the Islamic Empire's Relevance to the Practice of Sharia Financing CWLS Retail in Indonesia"; Vidiati et al., "Reflection of Maqashid Sharia on the Concept of Ancient Agriculture for a Sustainable Green Economy."

⁷¹ Tabrani, "Maqashid Revitalization in Global Era: Istidlâl Study From Text to Context"; Nasruddin Yusuf et al., "Examining the Basis of Maqashid Syariah in Renewal of Islamic Law in Indonesia," *Petita Jurnal Kajian Ilmu Hukum Dan Syariah* 9, no. 1 (2024), <https://doi.org/10.22373/petita.v9i1.258>.

greater financial stability, reducing economic stress and fostering long-term security.⁷² This dual-income model enables investment in education, healthcare, and overall well-being, securing a better future.⁷³

From a social perspective, shared financial responsibility promotes partnership and collaboration in marriage. Traditional gender roles evolve toward greater equity, fostering joint household and financial responsibilities.⁷⁴ The increased financial contributions of women can also enhance social mobility, allowing families to escape financial hardship and improve their socio-economic status.⁷⁵

Additionally, women's workforce participation fosters wider social transformation. It redefines gender norms, advances equality, and empowers women across various domains.⁷⁶ This transformation aligns with Islamic principles that emphasize fairness, social justice, and collective well-being.

Maqasid Al-Usrah Approach to Financial Responsibility

The *Maqasid al-Usrah* framework provides a nuanced understanding of financial obligations in marriage by emphasizing mutual support, family welfare, justice, and adaptability. Unlike classical interpretations that solely assign financial duties to husbands, *Maqasid al-Usrah* encourages a more equitable approach that considers modern socio-economic realities. This approach is rooted in al-Ghazali's classification of *maqasid*, particularly the imperative to protect wealth (*ḥifẓ al-māl*), which underscores the financial integrity and security of the family unit.⁷⁷ This section explores the fundamental principles of *Maqasid al-Usrah*, its implications for gender roles in marriage, and its application in modern family structures.

One of the foundational tenets of *Maqasid al-Usrah* is spousal mutual support, ensuring financial duties are shared rather than solely imposed on the husband. Scholars argue that when both partners contribute to the family's economic well-being, it fosters a stronger partnership and financial equity.⁷⁸ This shared responsibility also alleviates financial pressure on a single spouse, enhancing household stability.

⁷² Arfan et al., "The Implementation of Maqashid Sharia: Heterogeneity of Scholars' Fatwas Towards Islamic Banking Contracts"; Yasin, "The Authority Rationalization Philosophy of The Indonesia Competition Commission: The Due Process of Law and Maqashid Sharia Perspectives."

⁷³ Taufik, Muhammad, and Nugraheni, "Determinants and Consequences of Maqashid Sharia Performance: Evidence From Islamic Banks in Indonesia and Malaysia."

⁷⁴ Ariyadi et al., "Moderation of Homosexual Fiqh in Indonesia: A Study of the Huzaamah Tahido Yanggo's Thought"; Supena, "Epistemology of Tafsir, Ta'wil, and Hermeneutics: Towards an Integrative Approach."

⁷⁵ Danil P Arisandy, Asmuni Asmuni, and Muhammad S A Nasution, "The Majelis Ulama's Fatwa on Freedom of Expression on Social Media: The Perspective of Maqashid Sharia," *Al-Istinbath Jurnal Hukum Islam* 7, no. 2 (2022): 481–481, <https://doi.org/10.29240/jhi.v7i2.5235>; Fadil, Mazidah, and Mahmudi, "Fulfillment of Women's Rights After Divorce: Dynamics and Transformation in the Legal Journey."

⁷⁶ Ramdhoni, "Assessing Bank Performance Measurement in Islamic Banking Industry"; Rusydiana and Marlina, "Financial and Social Efficiency on Indonesian Islamic Banks."

⁷⁷ Al-Ghazālī. 286-287

⁷⁸ Rusydiana and Marlina, "Financial and Social Efficiency on Indonesian Islamic Banks"; Vidiati et al., "Reflection of Maqashid Sharia on the Concept of Ancient Agriculture for a Sustainable Green Economy."

A key priority of *Maqasid al-Usrah* is family welfare, ensuring financial stability for a nurturing home. This principle underscores the significance of adequate financial support in preserving household cohesion and well-being.⁷⁹ This reflects al-Shāṭibī's view that the preservation of human welfare (*maṣlahah*) is the core intent of Shari'ah, and that laws must be responsive to changing contexts to uphold justice and family stability.⁸⁰ By integrating this approach, financial obligations within marriage become both financial and ethical commitments essential for family stability.

Maqasid al-Usrah also stresses justice and fairness in financial matters, advocating for an inclusive approach that recognizes financial contributions from both spouses. This aligns with Athiyyah's proposition that the realization of *maqāsid* must prioritize human welfare (*maṣlahah*) through adaptable and justice-oriented applications of Islamic legal principles in contemporary contexts.⁸¹ This perspective ensures that women's financial support is acknowledged while safeguarding their economic rights.⁸² Justice in financial responsibility promotes a balance between tradition and modernity, enabling greater flexibility in family structures.

Maqasid al-Usrah advocates for financial adaptability, accommodating evolving family structures. With more women participating in the workforce, financial obligations should be viewed as flexible rather than static. This adaptability enables families to navigate modern socio-economic shifts while adhering to Islamic principles.⁸³

By advocating for shared financial responsibilities, *Maqasid al-Usrah* supports women's economic empowerment, strengthens their financial autonomy, and enhances their decision-making power within the household.⁸⁴ This emphasis on cooperation and mutual responsibility reshapes conventional gender norms by encouraging men to adopt more supportive household roles while recognizing women's financial contributions as integral to family well-being.⁸⁵ Reinterpreting financial obligations through the *Maqasid*

⁷⁹ As-Salafiyah, Rusydiana, and Mustafa, "Maqashid Sharia-Based Mosque Empowerment Index"; Salman, "What Drives the Level of Social Reporting Disclosure at Islamic Commercial Banks?"

⁸⁰ Abū Ishāq Ibrāhīm ibn Mūsā Al-Shāṭibī, *Al-Muwāfaqāt Fi Uṣūl al-Shari'ah* (Beirut: Dār al-Fikr, 2004). 2: 10-12.

⁸¹ Jamaluddin Athiyyah, *Nahwa Taf'iil Maqashid Al-Syari'ah* (Damaskus: Daar Al-Fikr, 2002). 35-37.

⁸² Supena, "Epistemology of Tafsir, Ta'wil, and Hermeneutics: Towards an Integrative Approach"; Yasin, "The Authority Rationalization Philosophy of The Indonesia Competition Commission: The Due Process of Law and Maqashid Sharia Perspectives."

⁸³ Husni Mubarrak, Faisal Yahya, and Iskandar Iskandar, "Contestation on Religious Interpretation in Contemporary Aceh Sharia: Public Caning in Prison as the Case of Study," *Juris (Jurnal Ilmiah Syariah)* 22, no. 2 (2023): 213-213, <https://doi.org/10.31958/juris.v22i2.10258>; Tabrani, "Maqāshid Revitalization in Global Era: Istidlāl Study From Text to Context."

⁸⁴ Nurhadi Nurhadi, "Fasakh Nikah Is Talak Khulu' in the Perceptive of Muqaranah Mazahib Fil Al-Fiqh and Maqashid Syari'ah," *El-Mashlahah* 10, no. 1 (2020): 1-14, <https://doi.org/10.23971/mashlahah.v10i1.1421>; Mellisa Towadi, "The Application of Sharia Maqashid on the Protection of the Rights of Minority of Muslim Rohingya in Regional ASEAN (Indonesia-Malaysia)," *Journal of Indonesian Legal Studies* 2, no. 1 (2017): 43-54, <https://doi.org/10.15294/jils.v2i01.16637>.

⁸⁵ Ibnu Elmi Acmad Slamet Pelu et al., "Sex Recession Phenomenon From the Perspective Maqashid Sharia Based on Objectives Marriage Law in Indonesia," *Al-Istinbath Jurnal Hukum Islam* 7, no. 1 (2022): 39-39, <https://doi.org/10.29240/jhi.v7i1.4204>; Jefry Tarantang et al., "The Idea of Building a House of Maqashid Sharia Perspective," *Journal of Islamic Architecture* 7, no. 3 (2023): 541-48, <https://doi.org/10.18860/jia.v7i3.19496>.

al-Usrah framework therefore contributes to broader societal transformation by challenging restrictive gender norms, promoting gender equality and economic inclusion, and demonstrating that Islamic principles align with contemporary social justice ideals.⁸⁶

Several studies have analyzed *Maqasid al-Usrah*'s relevance in contemporary family structures, highlighting its role in redefining financial responsibilities. Solikin and Wasik⁸⁷ examine the intersection of *Maqasid al-Usrah* and family law, arguing that integrating these principles into the Compilation of Islamic Law (KHI) can create fairer financial structures in marriage. They advocate for reforms that recognize the evolving economic roles of spouses, ensuring a balanced division of financial responsibilities. Rajafi⁸⁸ explores how *Maqasid al-Usrah* can redefine financial duties within marriage by emphasizing cooperation and adapting jurisprudence to contemporary needs. His work supports the idea that Islamic law should be evolving and responsive to socio-economic changes. Yazid et al.⁸⁹ analyze traditional family practices in the Sasak community of Lombok, Indonesia, demonstrating their alignment with *Maqasid al-Usrah* in financial decision-making. They show how indigenous traditions integrate with Islamic teachings to ensure financial stability and equity in households.

Maqasid al-Usrah encourages legal frameworks that recognize shared financial responsibilities. This approach ensures that legal provisions balance financial duties between spouses. Legal reforms inspired by *Maqasid al-Usrah* help modernize financial rulings within Islamic law.⁹⁰ By legitimizing women's economic roles, *Maqasid al-Usrah* strengthens women's financial rights, fostering independence and reducing dependency. This shift aligns with Islamic principles of justice and societal well-being.⁹¹

Applying *Maqasid al-Usrah* in legal discourse introduces flexibility in family law, ensuring financial obligations align with modern realities. This approach helps create stronger policies that support financial equity and household stability.⁹² *Maqasid al-Usrah* guides ethical financial rulings, urging judges to account for socio-economic factors. This ensures that legal interpretations uphold fairness and justice in accordance with Islamic values.⁹³

⁸⁶ Nuryanto and Jaelani, "The Role of State Official Wealth Report in Realizing the Principles of Maqashid Sharia"; Taufik, Muhammad, and Nugraheni, "Determinants and Consequences of Maqashid Sharia Performance: Evidence From Islamic Banks in Indonesia and Malaysia."

⁸⁷ 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."

⁸⁸ Rajafi, "The Contemporary Ushul Fiqh in Indonesia: An Idea and Practice."

⁸⁹ Afthon Yazid et al., "The Role of Bales Nae Tradition in Strengthening Family Harmony and Social Cohesion in the Sasak Community of Lombok, Indonesia," *Jurnal Ilmiah Al-Syir Ah* 22, no. 1 (2024): 79-79, <https://doi.org/10.30984/jis.v22i1.2876>.

⁹⁰ Rajafi, "The Contemporary Ushul Fiqh in Indonesia: An Idea and Practice"; 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."

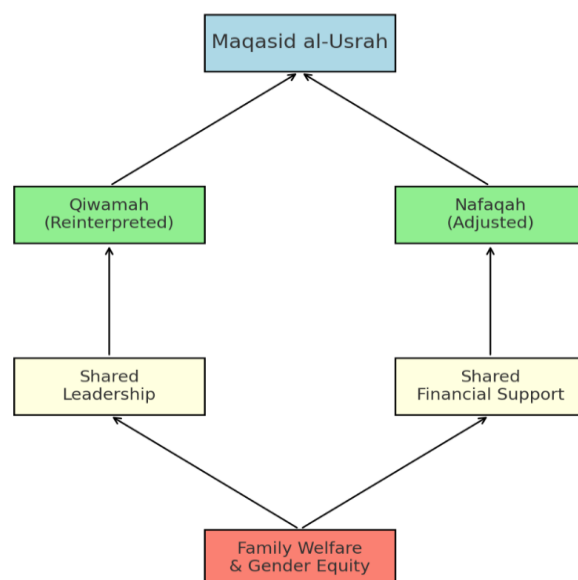
⁹¹ Taufik, Muhammad, and Nugraheni, "Determinants and Consequences of Maqashid Sharia Performance: Evidence From Islamic Banks in Indonesia and Malaysia."

⁹² Salman, "What Drives the Level of Social Reporting Disclosure at Islamic Commercial Banks?"

⁹³ Rajafi, "The Contemporary Ushul Fiqh in Indonesia: An Idea and Practice."

This conceptual model illustrates how the reinterpretation of *Qiwamah* and *Nafaqah* is guided by the *Maqasid al-Usrah* framework. The framework ensures mutual support, justice, family welfare, and adaptability to socio-economic realities.

Figure 1. Conceptual Diagram *Qiwamah* – *Nafaqah* – *Maqasid al-Usrah*



Maqasid al-Usrah acts as a normative framework ensuring that *Qiwamah* and *Nafaqah* are reinterpreted to uphold justice, gender equity, and family welfare in modern contexts.

Maqasid Al-Usrah* and The Evolution of Marital Financial Obligations: Rethinking *Qiwamah* and *Nafaqah

The evolving interpretation of financial responsibilities in Islamic marriage reflects broader socio-economic shifts and the need for more equitable family structures. The traditional view of *qiwamah*, which designates the husband as the sole financial provider, has been widely debated among contemporary scholars. Many argue that *qiwamah* should be reinterpreted as a shared responsibility between spouses rather than a solely male obligation.⁹⁴ This perspective aligns with the *Maqasid al-Usrah* framework, which emphasizes mutual support, cooperation, and adaptability in family structures. The principle of *mubadalah* (reciprocity) further strengthens this argument, challenging patriarchal constructs and advocating for a more balanced financial model.⁹⁵

⁹⁴ Rajafi, "Reinterpretasi Makna Nafkah Dalam Bingkai Islam Nusantara"; 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."

⁹⁵ Asman Asman and Tamrin Muchsin, "Maqasid Al-Shari'ah in Islamic Law Renewal: The Impact of New Normal Rules on Islamic Law Practices During the Covid-19 Pandemic," *Mazahib*, 2021, 77-102, <https://doi.org/10.21093/mj.v20i1.2957>; F A Kodir, *Qira'ah Mubadalah* (IRCiSoD, 2021),

The historical interpretation of *qiwamah* has been deeply rooted in the socio-economic conditions of early Islamic societies, where men were typically the primary breadwinners. However, contemporary socio-economic changes, including increased female workforce participation, demand a reassessment.⁹⁶ Scholars argue that *qiwamah* should not be understood as male dominance but as a model of shared familial leadership and financial cooperation.⁹⁷ This reinterpretation aligns with Islamic principles of justice and fairness, ensuring that financial responsibilities reflect economic capability rather than rigid gender norms.⁹⁸

A more flexible approach to financial obligations acknowledges the diverse socio-economic realities of modern Muslim families. Scholars advocate that financial responsibility should be adaptable, considering both spouses' financial situations rather than adhering to strict gender assignments.⁹⁹ This perspective promotes a more balanced partnership where both partners contribute according to their means and abilities, reducing financial strain and fostering marital stability.¹⁰⁰

Islamic teachings affirm women's right to economic participation, and contemporary scholars increasingly emphasize the importance of recognizing and valuing women's financial contributions within the household.¹⁰¹ Historical precedents, such as the entrepreneurial success of Khadijah bint Khuwaylid, further validate this perspective by demonstrating that women's economic roles have long aligned with Islamic principles.¹⁰² Within the *Maqasid al-Usrah* framework, empowering women economically and ensuring gender justice are viewed as essential for achieving family stability and welfare.¹⁰³ Given these evolving dynamics, legal reforms are necessary to institutionalize a fairer financial structure that acknowledges the contributions of both spouses. Proposals to revise *nafaqah* (maintenance) laws aim to distribute financial responsibilities more equitably, moving away from the traditional model that places the sole burden on men. Mechanisms such as the Family Support Division (BSK) have been

<https://books.google.co.id/books?id=7LKtDwAAQBAJ>; Faquiddin Abdul Kodir et al., "Maqāṣid Cum-Mubāḍalah Methodology of KUPI: Centering Women's Experiences in Islamic Law for Gender-Just Fiqh," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 19, no. 2 (2024): 519–45.

⁹⁶ Ahmad et al., "Assessing the Rate of Child Maintenance (Financial Support) From a Shariah Perspective: The Case of Malaysia."

⁹⁷ 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."

⁹⁸ Ichsan and Dewi, "Wanita Karir Dalam Tinjauan Maqashid Al-Shari'ah."

⁹⁹ Ahmad et al., "Assessing the Rate of Child Maintenance (Financial Support) From a Shariah Perspective: The Case of Malaysia."

¹⁰⁰ Fadil, Mazidah, and Mahmudi, "Fulfillment of Women's Rights After Divorce: Dynamics and Transformation in the Legal Journey."

¹⁰¹ Ichsan and Dewi, "Wanita Karir Dalam Tinjauan Maqashid Al-Shari'ah."

¹⁰² Rajafi, "The Contemporary Ushul Fiqh in Indonesia: An Idea and Practice."

¹⁰³ Vidiati et al., "Reflection of Maqashid Sharia on the Concept of Ancient Agriculture for a Sustainable Green Economy."

suggested to ensure effective enforcement of maintenance obligations and to promote equitable financial arrangements within marriage.¹⁰⁴

Table 1. Comparative Matrix of Classical vs Contemporary Interpretations of Financial Responsibility in Islamic Marriage

Aspect	Classical Interpretation	Contemporary Interpretation
Foundational Principle	Based on <i>qiwamah</i> (male guardianship) and <i>nafaqah</i> (obligation of the husband to provide) derived from Qur'an (e.g., An-Nisa: 4:34) and Hadith.	Grounded in <i>maqasid al-usrah</i> and <i>maqasid al-shari'ah</i> , emphasizing mutual responsibility, justice, and adaptability in family structures.
Role of Husband	Sole financial provider; legally and religiously obligated to meet all material needs of wife and children.	Still holds primary responsibility, but increasingly viewed as co-provider, depending on economic capacity and mutual agreement.
Role of Wife	No obligation to provide financially; expected to focus on domestic responsibilities.	Recognized as active economic contributor; financial support is seen as voluntary yet valuable and sometimes necessary.
Definition of Nafaqah	A fixed obligation limited to basic needs (food, clothing, shelter), regardless of the husband's income in some schools (e.g., Hanafi).	A dynamic obligation that may be negotiated or shared, adjusted based on socio-economic context and women's earning status.
Legal Framework (e.g., KHI)	Emphasizes husband's financial responsibility as immutable; limited flexibility.	Subject to reinterpretation incorporating <i>maqasid</i> to accommodate shared roles and dual-income households.
Scholarly Justification	Cites classical jurists and texts; maintains male financial leadership as divinely mandated.	Draws on <i>maqasid</i> -based reasoning, historical examples (e.g., Khadijah), and gender justice frameworks.
Treatment of Economic Hardship	Obligation still upheld but adjusted based on capacity (Maliki, Shafi'i, Hanbali views).	Advocates legal flexibility; courts may reconsider obligations using <i>maqasid</i> when hardship arises.
Women's Economic Rights	Recognized in inheritance and ownership but not emphasized in marital financial structure.	Strongly emphasized; economic participation is integral to empowerment and equity in marital life.
Underlying Gender Paradigm	Patriarchal; men lead, women follow, especially financially.	Egalitarian; seeks partnership model based on <i>mubadalah</i> (reciprocity) and mutual agreement.
Social Policy Implication	Reinforces traditional male provider model; limited state role in redistributing financial burden.	Supports reforms (e.g., Family Support Division - BSK); encourages gender-sensitive policy and legal mechanisms.

The integration of *Maqasid al-Usrah* principles – such as mutual support, justice, and adaptability – into family laws can enhance the equity and effectiveness of legal systems.

¹⁰⁴ Ahmad et al., "Assessing the Rate of Child Maintenance (Financial Support) From a Shariah Perspective: The Case of Malaysia," 20.

Scholars emphasize the importance of legal interpretations that focus on overall family welfare rather than rigid gender assignments.¹⁰⁵ This approach aligns with the changing needs of contemporary families, ensuring that family laws remain responsive to evolving economic and social landscapes.

Reforming family laws to institutionalize women's right to financial participation is crucial for promoting gender equality and financial equity within marriage.¹⁰⁶ Legal frameworks should not only support women's employment but also formally acknowledge their financial roles as integral to household sustainability and decision-making power. In this regard, the principle of mubadalah (reciprocity) offers a transformative perspective by advocating that financial responsibilities be shared according to each spouse's capacity rather than imposed solely on men.¹⁰⁷ This principle reinforces the idea of financial partnership as a cornerstone of marital harmony and shared economic accountability, ensuring that both partners contribute fairly to the family's well-being.¹⁰⁸

Adopting a more adaptable financial model in Muslim societies carries critical policy implications. Legal reforms should establish legal structures that codify shared financial duties and acknowledge women's economic roles.¹⁰⁹ Support for women's employment should be strengthened through policies that enhance women's workforce integration, such as childcare support, flexible work arrangements, and anti-discrimination laws.¹¹⁰ Educational campaigns should be implemented to reshape gender norms, promoting shared financial responsibility for household stability.¹¹¹ Economic incentives such as tax benefits or subsidies should support dual-income families, ensuring financial security

¹⁰⁵ 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."

¹⁰⁶ Muhammad Ichsan and Erna Dewi, "Wanita Karir Dalam Tinjauan Maqashid Al-Shari'ah," *Juris (Jurnal Ilmiah Syariah)* 19, no. 1 (2020): 45, <https://doi.org/10.31958/juris.v19i1.2108>; Muhammad Taufik, Rifqi Muhammad, and Peni Nugraheni, "Determinants and Consequences of Maqashid Sharia Performance: Evidence From Islamic Banks in Indonesia and Malaysia," *Journal of Islamic Accounting and Business Research* 14, no. 8 (2023): 1426–50, <https://doi.org/10.1108/jiabr-07-2021-0205>.

¹⁰⁷ Asman and Muchsin, "Maqasid Al-Shari'ah in Islamic Law Renewal: The Impact of New Normal Rules on Islamic Law Practices During the Covid-19 Pandemic"; Zaenudin Mansyur, "Implementasi Teori Maqashid Syari'ah Asy-Syatibi Dalam Muamalah Kontemporer," *Jurisdictie Jurnal Hukum Dan Syariah* 11, no. 1 (2020): 67–67, <https://doi.org/10.18860/j.v11i1.7675>; Kodir, *Qira'ah Mubadalah*; Kodir et al., "Maqāṣid Cum-Mubādalah Methodology of KUPI: Centering Women's Experiences in Islamic Law for Gender-Just Fiqh."

¹⁰⁸ Tarantang et al., "The Idea of Building a House of Maqashid Sharia Perspective."

¹⁰⁹ Ramadhita, Sudirman, and Bachri, "Model of Zakat Utilization in the Covid-19 Pandemic Era: Perspective of Maqashid Sharia"; Taufik, Muhammad, and Nugraheni, "Determinants and Consequences of Maqashid Sharia Performance: Evidence From Islamic Banks in Indonesia and Malaysia."

¹¹⁰ Huda and Ahyani, "Normative Justice and Implementation Related to Sharia Economic Law Disputes in Realizing Legal Certainty and Justice in Indonesia"; Rusydiana and Marlina, "Financial and Social Efficiency on Indonesian Islamic Banks."

¹¹¹ Salman, "What Drives the Level of Social Reporting Disclosure at Islamic Commercial Banks?"; Tumewang, Dewi, and Amin, "Over a Decade of Maqashid Sharia Studies: A Bibliometric Analysis and Direction for Future Research."

while balancing work and home life.¹¹² Social safety nets should be reinforced to support economically vulnerable families, aligning with Islamic principles of social justice.¹¹³

CONCLUSION

This study has critically examined the evolving interpretation of financial responsibilities in Islamic marriage by focusing on the concepts of *qiwamah*, *nafaqah*, and the Maqasid al-Usrah framework. It reaffirms the core issue presented in the introduction—namely, the shift from a rigid, gender-based model of financial obligation, where men exclusively bear the burden, toward a more equitable, partnership-based model that reflects contemporary socio-economic realities. The findings demonstrate that *qiwamah* should no longer be interpreted solely as a financial duty tied to male authority, but rather as a form of holistic familial leadership that encompasses emotional, ethical, and social responsibilities. The recognition of women's financial contributions, bolstered by the principle of *mubadalah* (reciprocity), signals a significant shift in Islamic legal thought toward mutual responsibility in marriage.

The study offers both theoretical and practical contributions. Theoretically, it advances Islamic jurisprudence by contextualizing traditional concepts through the lens of *maqasid al-usrah*, thus enriching gender-equitable interpretations within Islamic family law. Practically, it informs legal and policy reforms by advocating for revisions to *nafaqah* laws, formal acknowledgment of women's economic roles, and structural support for dual-income households. These recommendations are essential for creating a more inclusive and resilient legal framework that aligns with both Islamic principles and modern familial structures. Future research is encouraged to empirically examine how shared financial responsibilities affect marital satisfaction, gender dynamics, and family cohesion in diverse Muslim societies. Such inquiry will deepen understanding of how Islamic legal principles can continue to evolve in response to shifting socio-economic landscapes.

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¹¹² Ardiansyah R A Rakhmadi, "Measuring Shari'ah Compliance Model: Evidence From Islamic Banks in Indonesia," *Journal of King Abdulaziz University-Islamic Economics* 35, no. 1 (2022): 23–40, <https://doi.org/10.4197/islec.35-1.2>; Ramdhoni, "Assessing Bank Performance Measurement in Islamic Banking Industry."

¹¹³ Fadil, Mazidah, and Mahmudi, "Fulfillment of Women's Rights After Divorce: Dynamics and Transformation in the Legal Journey"; Rajafi, "The Contemporary Ushul Fiqh in Indonesia: An Idea and Practice."

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