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ARTICLE

The Wife as the Main Breadwinner in Marriage Law No. 1 of 1974: A *Maqashid al-Shari'ah* Perspective Based on Jasser Auda's Framework

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Abstract

Background: In contemporary society, professional women are present in every field, from educators to heads of state. Consequently, the phenomenon of the wife becoming the **main breadwinner** within the family context is increasingly common. However, existing regulations, a prevailing patriarchal culture, and non-comprehensive religious interpretations often act as barriers. It is therefore crucial to re-examine the wife's role as the primary provider within the current legal framework.

Purpose: This study aims to analyze the position of the wife as the main breadwinner within the legal framework of Law No. 1 of 1974 on Marriage, and to connect it with the objectives of Jasser Auda *Maqashid al-Shari'ah*, which emphasize justice, welfare, and the sustainability of the family in an increasingly dynamic society.

Methods: The research method employed is a literature review using a qualitative and normative approach. Data are collected from legal sources (Law No. 1/1974), scientific literature, and Jasser Auda's *Maqashid al-Shari'ah* perspective. The data are then analyzed to identify the relevance and applicability of these principles within the context of dynamic gender roles.

Results: The findings indicate that the wife's role as the main breadwinner can be legally recognized and has positive implications for family welfare. The discussion highlights the importance of revising the understanding of gender norms within marriage law.

Implication: It is recommended that there is a need for policy support aligned with *Maqashid al-Shari'ah* to revise gender norm understandings, thereby creating a more just and balanced environment for all family members, and ensuring the law does not discriminate against women

Originality: This study offers a new jurisprudential perspective that critically integrates Jasser Auda's *Maqashid al-Shari'ah* framework to reinterpret the wife's role as the main breadwinner within Marriage Law No. 1 of 1974 which currently poses potential barriers.

INTRODUCTION

Today, career women are frequently encountered (Boris, 2022). Within the family, the wife often assumes a dual role: that of a spouse and, simultaneously, a career woman. This dual role undoubtedly impacts the family, potentially affecting the wives rights and responsibilities. Legal changes in Indonesia are often influenced by continuous social dynamics and evolving societal needs. One key piece of family legislation is Law Number 1 of 1974 concerning Marriage. This law reflects an adjustment to social shifts that influence roles and responsibilities within the family, including the wife's role as the main financial provider (Tabassum & Nayak, 2021).

This reform represents a response to the need to align legal norms with the current socio-economic conditions (Wahyu et al., 2024). One conflict frequently arising in families is the economic factor specifically, the struggle to fulfill all household needs solely reliant on the husband's income. In recent years, many wives have been employed, which has undoubtedly improved the family's financial situation. However, this shift often leads to ongoing conflicts regarding the rights and obligations of both husband and wife, subsequently resulting in divorce.

Several regions are dominated by families where the wife serves as the main provider, and this shift in primary financial responsibility is evident in locations such as Kenokorejo Village, Angkola Muaratai District, South Tapanuli Regency, and among Formal Sector Workers in Ujung Subdistrict, Semampir District, Surabaya City. The contributing factors for this change are varied, some seek income due to financial scarcity, the need to cover educational expenses, and the rising cost of living due to an increasingly advanced and expensive era. These factors mean that relying solely on the husband's income especially if he lacks permanent employment or his earnings are insufficient for daily necessities is no longer feasible, compelling wives to work and actively participate in fulfilling the family's economic needs (Ismanto et al., 2018).

Within Law Number 1 of 1974 concerning Marriage, there is no article explicitly stating that the wife is the financial provider, especially regarding the provision of primary financial support, a situation which reflects a shift in the understanding of the economic responsibilities between husband and wife. Previously, the responsibility for financial support was primarily emphasized on the husband, but with this change, the wife is also recognized as playing a significant role in the household's economic aspects. An evaluation of this change is crucial for understanding its implications for family structure and gender justice within the context of family law (Jasmiarto & Ridwan, 2025). The evaluation of Law Number 1 of 1974 concerning Marriage through the perspective of Maqashid al-Shariah requires an in-depth analysis of how this change affects the rights and obligations of the husband and wife, and how it contributes to the overall welfare (maslahah) of the family. For instance, it is necessary to examine whether the adjustment of the wife's role as the main provider can enhance overall family welfare without neglecting the existing principles of Shariah (Nur et al., n.d.).

The transformation of women into primary breadwinners in contemporary Indonesian Muslim families reveals a profound ontological disconnection between patriarchal legal constructions and lived social realities. Law No. 1 of 1974 on Marriage codifies a gendered division of roles in which the husband is positioned as the head of the household and sole provider, while the wife is framed primarily as domestic manager. Yet, across diverse socio-economic settings in Indonesia, women increasingly assume principal economic responsibility due to structural labor shifts, urbanization, informal sector expansion, and post-pandemic economic vulnerability. This shift is not merely economic but epistemic: it challenges the normative architecture of Islamic family law as institutionalized by the state. The persistence of Article 34 as a rigid legal formulation contrast sharply with everyday practices where wives function as financial stabilizers and economic decision-makers. This tension produces what socio-legal scholars identify as a gap between law in the books and law in action. The phenomenon therefore demands not only doctrinal interpretation but an examination of how Islamic legal norms are renegotiated within contemporary family structures.

In several regions, including semi-urban and industrial zones, female breadwinning is not an exception but a structural adaptation to economic precarity. Empirical studies in

Southeast Asia demonstrate that the feminization of labor and the expansion of women's participation in formal and informal sectors have reshaped domestic authority patterns and financial decision-making processes. In many Muslim households, financial contribution by wives is normalized through pragmatic negotiation rather than formal legal recognition. Religious discourses, local customs, and economic necessity intersect to produce hybrid legal practices that do not fully align with statutory formulations. In this context, Islamic law operates not as a static doctrinal system but as a dynamic normative field shaped by cultural accommodation and socio-economic transformation. The lived experience of female breadwinners therefore becomes a critical site for observing how legal norms are adapted, resisted, or reinterpreted. This socio-legal dynamic lies at the heart of contemporary debates on gender justice in Islamic family law.

Existing scholarship has extensively examined *nafkah* (financial provision) within classical *fiqh* frameworks and Indonesian statutory law. Many studies critique the patriarchal undertones of Article 34 and analyze the husband's obligation through the lens of *qawwamah* and traditional gender hierarchy. Others employ *Maqashid al-Shariah* to argue for greater flexibility in interpreting financial responsibility within marriage. However, most of these works remain confined either to doctrinal exegesis or to a traditional reading of *al-dharuriyyat al-khams* without operationalizing contemporary *Maqashid* theory as a systemic analytical framework. Few studies explicitly integrate Jasser Auda's systems-based *Maqashid* approach with the socio-legal realities of female breadwinning in Indonesia. More importantly, the lived negotiation of financial authority at the grassroots level has rarely been positioned as a transformative force capable of reshaping the epistemology of marriage law itself. This unaddressed intersection between lived practice, statutory rigidity, and systemic *Maqashid* theory constitutes the central research gap of this study.

Responding to this gap, this article moves beyond normative patriarchy by employing Jasser Auda's systems-based *Maqashid* framework to re-evaluate the legal positioning of female breadwinners within Indonesian marriage law. Auda's paradigm shifts *Maqashid* from preservation-oriented protection toward development, human rights, multidimensional analysis, and systemic openness. Through concepts such as multidimensionality, interrelated hierarchy, and purposefulness, the law is examined not as a closed doctrinal construct but as an open system interacting with social change. This approach enables a teleological re-reading of Article 34, asking whether its patriarchal structure fulfills or obstructs contemporary *maslahah* in the context of economic transformation. Rather than treating female breadwinning as deviation from normativity, this study conceptualizes it as a legitimate adaptation within a living Islamic legal system. By situating wives' economic agency within Auda's development-oriented *Maqashid*, the analysis foregrounds human dignity, economic justice, and reciprocal partnership as core objectives of *Shariah*.

Accordingly, this research argues that the transformation of Indonesian marriage law cannot be achieved through textual amendment alone, but through epistemic reorientation grounded in systemic *Maqashid*. The lived experience of female breadwinners demonstrates that Islamic law in Indonesia is already undergoing informal transformation through social negotiation. Recognizing this dynamic requires reinterpreting financial obligation not as fixed gender assignment but as contextual responsibility shaped by welfare considerations. This study therefore contributes to socio-legal scholarship by articulating a model of marriage law reinterpretation that integrates statutory critique, lived Islamic practice, and systems-based *Maqashid* theory. In doing so, it advances a development-oriented and

rights-based understanding of nafkah that reflects contemporary socio-economic realities while remaining anchored in Islamic legal philosophy

LITERATURE REVIEW

1. *Wives as Main Providers (Socio-Legal Issue)*

The study of the wife's dual role as a professional worker and a household manager has long been a central topic in family law and sociology. The increasing participation of women in the formal sector is a direct response to increasingly complex socio-economic dynamics. A number of studies indicate that in many modern families, the husband's income alone is often no longer adequate to meet essential living needs, soaring educational costs, and the demands of an advanced and expensive modern era (Montclos & Kagwanja, 2000; Szirmai, 2005). This phenomenon, where the wife transitions into the main financial provider or a significant income contributor, is no longer an exception but a common reality across various regions. The shift in the wife's economic role carries profound legal consequences, particularly concerning the obligation of financial support within the family. *De facto*, when the wife becomes the economic backbone, the primary financial responsibility effectively shifts. However, this reality is not adequately addressed by Indonesia's positive legal framework. Specifically, Law Number 1 of 1974 concerning Marriage has not fully accommodated this change.

The primary critique against Article 34 Paragraph (1) highlights the strong patriarchal undertones within the legislation. Legally, the wife's role as the main financial provider is not recognized and may even be regarded as deviating from the established norm. This discrimination is not merely textual but also directly impacts daily family life, often triggering ongoing conflicts regarding the rights and obligations of both husband and wife (Ismanto et al., 2018). Wives who strive as the main breadwinners are vulnerable to being treated as second-class citizens or facing discrimination from their own environment, as the law and culture appear to withhold due appreciation for their economic contributions. A thorough evaluation of this regulation is essential for understanding its implications for gender justice and the contemporary Indonesian family structure.

The increasing presence of women as primary breadwinners has become a defining feature of contemporary Muslim family structures in Southeast Asia. Recent socio-economic studies highlight how feminization of labor, economic precarity, and shifting employment structures have reconfigured domestic power relations and financial authority within households. In Indonesia, research demonstrates that women's economic participation has expanded significantly in both formal and informal sectors, particularly after economic crises and post-pandemic restructuring. Socio-legal scholarship further indicates that economic contribution often reshapes decision-making authority, marital negotiation patterns, and perceptions of leadership within the family. These transformations suggest that financial responsibility is no longer a static gendered obligation but a negotiated social function.

However, most legal studies addressing female breadwinners remain centered on doctrinal analysis of Article 34 of Law No. 1 of 1974 or on classical fiqh interpretations of nafkah and qawwamah. The dominant analytical lens often frames the issue as deviation from normative patriarchal order rather than as adaptive transformation within a living legal system. Anthropological dimensions of how Muslim families reconcile statutory rigidity with pragmatic economic realities are rarely foregrounded. Limited attention has been given to how local customs, religious interpretations, and judicial reasoning interact to

normalize wives' financial leadership. As a result, the lived dimension of Islamic law – law as practiced, negotiated, and internalized – remains underexplored.

This study positions female breadwinning not as anomaly but as a socio-legal site of norm transformation. By centering lived experience as analytical entry point, the article reframes domestic financial negotiation as an evolving legal practice that challenges codified patriarchy. The focus shifts from textual compliance to systemic adaptation, opening space to examine how state law, Islamic jurisprudence, and socio-economic pressures intersect dynamically. In doing so, the research moves beyond black-letter analysis toward a socio-legal exploration of Islamic family law as a living normative system

2. Nafkah, Qawwamah, and the Limits of Classical Maqashid

Classical Islamic jurisprudence conceptualizes nafkah as the husband's financial obligation grounded in the doctrine of qawwamah, which establishes male guardianship within marriage. This structure historically linked financial provision to authority, positioning economic responsibility as theological justification for male leadership. Contemporary scholarship has critically revisited this framework, arguing that qawwamah should be contextualized rather than absolutized. Several reformist scholars propose that financial provision is a functional arrangement shaped by socio-economic conditions rather than immutable gender hierarchy.

Within Maqashid al-Shariah discourse, earlier reinterpretations primarily rely on al-dharuriyyat al-khams – protection of religion, life, intellect, lineage, and property. These frameworks often emphasize *hifz al-mal* (protection of property) and *hifz al-nafs* (protection of life) to justify adaptive economic roles within marriage. Yet, such approaches frequently remain preservation-oriented, focusing on safeguarding essential interests rather than reimagining structural justice. The limitation of this classical orientation lies in its insufficient engagement with contemporary concerns of human rights, gender equality, and systemic socio-economic transformation. As a result, Maqashid analysis sometimes becomes protective rather than transformative.

This research identifies a theoretical gap between preservation-based Maqashid reasoning and development-oriented reinterpretation. The lived reality of female breadwinners requires a paradigm capable of addressing structural inequality and dynamic social change. Consequently, reliance solely on classical *dharuriyyat* proves inadequate for examining modern gendered economic shifts. A broader systemic and rights-based Maqashid framework becomes methodologically necessary.

Although scholarship has addressed gender roles in Islamic family law and critiqued patriarchal statutory constructions, three significant gaps remain. First, the lived negotiation of financial authority in Indonesian Muslim households has not been sufficiently theorized as a catalyst for legal transformation. Second, Maqashid discourse often remains preservation-centered and underutilizes Auda's systemic features for contextual reinterpretation. Third, the dialectical relationship between statutory law, socio-economic change, and Islamic ethical philosophy has rarely been examined within a unified analytical framework.

This research fills these gaps by synthesizing socio-legal analysis with systems-based Maqashid theory. It conceptualizes female breadwinning as an epistemic turning point in the transformation of Indonesian marriage law. Rather than proposing mere textual amendment, the study argues for systemic reinterpretation grounded in development, reciprocity, and human dignity. By integrating lived experience with teleological legal

philosophy, the article contributes to contemporary debates on Islamic legal reform and gender justice in Muslim societies.

3. *Maqashid al-Shariah and Contemporary Family Law*

To respond to the lack of alignment between static positive law and the constantly evolving social reality particularly in gender and family matters many contemporary Muslim scholars turn to the Maqashid al-Shariah approach. This approach serves as a vital method for the reinterpretation of Islamic law (Jasmiarto & Ridwan, 2025). Maqashid al-Shariah is understood as the substantial and essential objectives of the Shariah, which have the main purpose of achieving the welfare of humanity. By adhering to these objectives, it is possible to re-evaluate fiqh rulings that may no longer be relevant to the contemporary context.

In the context of family law, previous studies have utilized the concept of Maqashid to review traditional concepts often considered fixed. Issues such as qawwamah (the husband's leadership) and the husband's obligation of financial support have been the main focus of this reassessment (Tabassum & Nayak, 2021). These scholars argue that legal rulings must not be rigid, but rather must revert to the broader objectives of protection, such as *hifz al-nafs* (protection of life) and *hifz al-mal* (protection of property) within the modern family context. Through the lens of Maqashid, it is possible to view the obligation of financial support not as the husband's exclusive burden, but as a responsibility that can be adapted for the overall welfare of all family members.

Nevertheless, there are significant limitations in the utilization of Maqashid by most previous studies. These interpretations often remain confined to the traditional use of Maqashid (*al-Dharuriyyat al-Khams*), namely the five primary objectives: the protection of religion, life, intellect, lineage, and property. The application of Maqashid focusing only on these five aspects is often considered inadequate to fully address the complexity of contemporary issues regarding individual rights, gender justice, and the changes in economic roles currently taking place. Therefore, a more comprehensive framework for legal development is necessary to go beyond these traditional limitations and provide responsive and just legal solutions for women in the modern context.

Jasser Auda introduces a systemic reconfiguration of Maqashid al-Shariah by incorporating multidimensionality, openness, interrelated hierarchy, cognitive nature, wholeness, and purposefulness into legal analysis. Unlike classical frameworks centered on preservation, Auda reorients Maqashid toward development, human rights, and human resource advancement. This approach conceptualizes Islamic law as an open system interacting with social realities rather than a closed doctrinal construct. Legal rulings are therefore evaluated teleologically based on their contribution to collective welfare and dignity.

Existing scholarship has applied Auda's framework to constitutional reform, public policy, and economic justice, yet its application to Indonesian marriage law remains limited. Where Maqashid is invoked in gender discourse, it is often cited abstractly without operationalizing systemic features in legal interpretation. Few studies explicitly use multidimensionality to analyze how financial authority intersects with dignity, autonomy, and social stability. Even fewer examine how openness and interrelated hierarchy allow Islamic law to accommodate shifting gendered labor structures. Thus, the transformative potential of Auda's systems theory within family law remains underdeveloped.

This study advances the literature by operationalizing Auda's systemic features as analytical tools to reinterpret Article 34 of Law No. 1 of 1974. Multidimensionality enables

examination of economic contribution beyond binary gender roles. Openness allows recognition of social transformation as legitimate input within legal reasoning. Purposefulness reframes nafkah obligations in light of development-oriented *maslahah* rather than rigid textual hierarchy. Through this integration, the article situates female breadwinning within a systemic Maqashid paradigm capable of bridging statutory rigidity and lived Islamic practice.

RESEARCH METHOD

This study employs a socio-legal approach with a normative-thematic foundation, designed to examine the dialectical interaction between statutory constructions and lived social realities. While grounded in doctrinal legal analysis, the research does not treat legal texts as static entities but as normative structures embedded within dynamic socio-economic contexts. The socio-legal orientation allows the study to move beyond black-letter law toward understanding how Article 34 of Law No. 1 of 1974 interacts with contemporary transformations in women's economic roles. In this sense, the methodology bridges law in the books and law in action, positioning statutory norms within broader structures of gender negotiation and economic adaptation. The analytical objective is not merely to interpret legal provisions but to evaluate their teleological alignment with contemporary *maslahah*. This approach is consistent with DIKTUM's emphasis on examining Islamic law as lived and negotiated practice. Therefore, normative analysis is operationalized within a contextual and systemic framework rather than treated as an isolated doctrinal exercise.

The primary legal materials analyzed include Law No. 1 of 1974 on Marriage, the Compilation of Islamic Law, the Civil Code, and relevant provisions of Law No. 23 of 2004 on the Elimination of Domestic Violence. Secondary materials consist of contemporary scholarship on gender and Islamic family law, socio-legal studies of Muslim households in Southeast Asia, and theoretical works on Maqashid al-Shariah, particularly Jasser Auda's systems-based theory. Tertiary materials include legal dictionaries, commentaries, and policy documents. These materials were selected through purposive sampling based on relevance to the themes of financial provision, gendered authority, and systemic Maqashid reinterpretation. The selection process prioritized recent scholarship from the past decade to ensure sociological contemporaneity. Legal texts were treated not merely as regulatory instruments but as discursive sites reflecting political and cultural codification of gender roles. This multi-layered source structure enables triangulation between doctrinal norms, theoretical interpretation, and socio-cultural context.

Data analysis was conducted using Qualitative Content Analysis with a systemic Maqashid lens. The process involved three stages. First, textual mapping of legal norms related to nafkah was conducted to identify explicit constructions of gendered financial responsibility. Second, categorization of these norms was performed according to Jasser Auda's system features, including multidimensionality, openness, interrelated hierarchy, and purposefulness. Third, teleological evaluation was undertaken to assess whether the statutory construction aligns with development-oriented Maqashid objectives such as human dignity, reciprocity, and socio-economic justice. This step operationalizes Auda's framework not as descriptive theory but as analytical instrument. Through this layered coding and categorization process, the research identifies structural tensions between patriarchal codification and lived socio-economic adaptation.

To strengthen interpretative credibility, the study applies theoretical triangulation by cross-referencing classical *fiqh* discourse, contemporary Maqashid scholarship, and socio-legal studies of gender transformation. Interpretations are examined for logical coherence

within the hierarchy of Indonesian legal norms while simultaneously evaluated against systemic Maqashid objectives. Reflexivity is maintained by explicitly distinguishing between textual prescription and socio-cultural negotiation. Although the research relies on library-based sources, it integrates socio-legal literature to capture lived dimensions of Islamic family law. This methodological design ensures analytical depth, transparency, and replicability in accordance with international qualitative research standards.

By combining normative analysis, socio-legal contextualization, and systems-based Maqashid evaluation, the methodology provides a structured pathway for reinterpreting marriage law beyond patriarchal formalism. The approach does not merely critique statutory rigidity but examines its adaptive potential within an open Islamic legal system. In doing so, the research contributes methodological novelty by embedding systemic Maqashid theory within socio-legal legal analysis of gendered economic transformation

RESULTS

1. The Concept of Financial Provision (Nafkah) in Law No. 1 of 1974 on Marriage

Financial provision (Nafkah) in Marriage Law No. 1 of 1974 is regulated in Article 34 as follows, "The husband is obliged to protect his wife and provide all necessities of life in the household according to his ability." The article explains that formally, the fulfillment of family financial provision is the responsibility of the husband as the head of the household. Nevertheless, the wife is also obliged to manage the household as well as possible. Thus, the regulation implicitly shows a division of roles between the husband and the wife in household life. In addition to the above, the household necessities that the husband must fulfill are:

- a. Expenditures for daily household needs
- b. Expenditures and maintenance for the children's lives
- c. Expenditures for children's school and education

As explained in Article 80 of the Compilation of Islamic Law (KHI) regarding the husband's obligations related to financial provision (nafkah), namely:

Article 80 paragraph 2:

"The husband is obliged to protect his wife and provide all necessities of life in the household according to his ability."

Article 80 paragraph 4:

"In accordance with his income, the husband bears the responsibility for, Financial provision (nafkah), clothing (kiswah), and a place of residence for the wife. Household expenses, maintenance costs, and medical treatment expenses for the wife and children. Educational expenses for the children."

The obligation of financial provision (Nafkah) from the husband to the wife is also stipulated in Article 34 paragraph (1) of Law No. 1 of 1974 concerning Marriage, which reads, "The husband is obliged to protect his wife and provide all necessities of life in the household according to his ability." "UU No. 1 Tahun 1974 Tentang Perkawinan," 1974, 1-15.

The obligation of financial provision (nafakah) is also regulated by Articles 80 and 81 of the KHI, which are expressed as follows:

Article 80 paragraph 80:

- a. The husband is the guide to his wife and his household; however, important household matters shall be decided by the husband and wife jointly.
- b. The husband is obliged to protect his wife and provide all necessities of life in the household according to his ability.
- c. The husband is obliged to provide religious education to his wife and give her the opportunity to learn useful knowledge beneficial for religion, nation, and country.
- d. In accordance with his income, the husband bears the responsibility for:
 - a. Financial provision (Nafkah), clothing (Kiswah), and a place of residence for the wife.
 - b. Household expenses, maintenance costs, and medical treatment expenses for the wife and children.
 - c. Educational expenses for the children.
- e. The husband's obligations toward his wife as stated in paragraph (4) letters a and b above take effect after there is tamkin kamil (perfect submission) from his wife.
- f. The wife may release her husband from the obligations towards her as stated in paragraph (4) letters a and b.
- g. The husband's obligation as referred to in paragraph (5) is nullified if the wife commits nusyuz (deviates from religious obligations)

Article 80 paragraph 80:

- a. The husband is obliged to provide a place of residence for his wife and children or his former wife who is still within the iddah (waiting period).
- b. A place of residence is a decent dwelling for the wife during the bond of marriage, or during the iddah of divorce or the iddah of death.
- c. The place of residence is provided to protect the wife and children from disturbances by other parties, so that they feel safe and peaceful. The place of residence also functions as a place to store assets, and a place to organize and arrange household appliances.
- d. The husband is obliged to furnish the place of residence in accordance with his ability and tailored to the surrounding environment, both in the form of household appliances and other supporting facilities.

The Civil Code (Kitab Undang-Undang Hukum Perdata or 'KUHPer) also contains explicit regulations regarding financial provision (nafkah), namely in Article 107 paragraph (2) of the KUHPer , which states that the husband is obliged to protect his wife and provide her with everything necessary and proper according to the husband's status and ability.

Article 107 KUHPer:

“Every husband is obliged to receive his wife into the house where he resides. He is also obliged to protect her and provide her with everything necessary and proper according to his status and ability (Subekti, R., & Tjitrosudibio, 2019).”

The husband's obligation to provide financial support is also regulated in Article 9 paragraph (1) of Law No. 23 of 2004 concerning the Elimination of Domestic Violence ('UU KDRT'), which reads:

“Every person is prohibited from abandoning an individual within their household, even though according to the law applicable to them or based on an agreement or covenant, they are obliged to provide life, care, or maintenance to that person (Marlina et al., 2022).”

Based on the description above, essentially, the KHI, the Marriage Law, and the KUHPer all regulate that the provision of financial support for daily life necessities is the obligation of the husband. However, unlike the KHI, the Marriage Law and the KUHPerdata do not regulate in detail what the husband must bear. Although working is permitted, there are several conditions according to Syekh Yusuf al-Qaradawi that must be met, the job must not

violate Islamic law (shariah), such as working in bars that serve intoxicating drinks, working as a male servant, or working in seclusion (khalwat) with men. A woman must adhere to the etiquette of leaving the house if her job requires travel. Furthermore, a working wife must not neglect her duties in managing her family (Chairina, 2021).

Article 34 of Law No. 1 of 1974 on Marriage clearly regulates the husbands obligation to provide financial support (nafkah) to the wife and family, emphasizing that this obligation is commensurate with the husband's ability. Financial support covers all necessities of household life, including daily needs, residence, and children's education costs. This demonstrates that the Marriage Law attempts to regulate the husband's financial obligation within the household scope in a balanced way, by considering the husband's income and ability as determining factors. Article 80 of the Compilation of Islamic Law (KHI) reinforces the husbands obligation to provide financial support to the wife and children according to his ability. Furthermore, this article explains that the husband must fulfill household needs, which include financial provision, residence, medical care, and children's education. In the KHI, the husbands obligation is further added to include providing religious education to his wife and opportunities to learn useful knowledge. This reflects an awareness that the fulfillment of financial support is not just material, but also includes non-material aspects such as education and moral guidance.

This husbands obligation is more detailed compared to that stipulated in the Marriage Law, because the KHI specifies what is included in financial support and adds the aspect of religious education and instruction as part of the husbands duty. Nevertheless, the KHI also gives room for the wife to release the husband from this obligation in certain situations, such as if the wife commits nusyuz (deviates from religious obligations), which provides a dynamic dimension to the financial obligation relationship. Article 80 paragraph 5 imposes a limitation on the husbands obligation, stating that it only applies after there is "tamkin kamil" (perfect submission) from the wife, meaning after the wife agrees to live together within the bond of marriage. This concept also provides space for the wife to be free from the obligation of financial support if a condition such as nusyuz occurs, which is when the wife disobeys the husband in matters determined by the Shariah.

In the Civil Code (Kitab Undang-Undang Hukum Perdata or KUHPerdata), Article 107 paragraph (2) regulates that the husband is obliged to provide financial support according to the husbands status and ability. Although not as complete as the KHI, this article also establishes the husband's obligation to protect the wife and provide everything deemed necessary and proper, while considering the husband's economic ability. Although more general and less specific than the KHI, this article still reflects the basic principle that financial support is the husband's obligation in marriage. The KUHPerdata also grants the husband flexibility in determining appropriate and reasonable financial support based on the husbands ability, without detailing the costs of childrens education or healthcare, as stipulated in the KHI and the Marriage Law. This indicates that the civil law provides more room for interpretation but may also lead to ambiguity regarding more detailed standards for financial support.

Article 9 paragraph (1) of Law No. 23 of 2004 concerning the Elimination of Domestic Violence (UU KDRT) regulates the obligation of financial support in the context of protection for the wife and other family members. This article states that every person is prohibited from abandoning an individual within the household who, according to the applicable law or based on an agreement, is obliged to provide maintenance, life, and care to that person. This shows that the law protects the rights of the wife and family from economic violence, meaning that no party should deliberately neglect their obligation to provide financial

support. The UU KDRT provides greater protection in the context of domestic violence, which is not limited to physical aspects but also includes the economic aspect. Thus, this law reflects the understanding that domestic violence is not only physical violence but also injustice in the distribution of financial support and economic responsibility.

The wife's role is also important, although the main obligation remains with the husband. In the Marriage Law and the KHI, the wife has the obligation to manage the household well. This confirms that the division of roles between husband and wife in the household is not only related to the matter of financial support but also to the responsibility of family management. The wife is expected to support the husband in creating family welfare, and although the wife is permitted to work outside the home, there are several conditions that must be met so that her work does not neglect her primary duties as a wife and homemaker, as conveyed by Syekh Yusuf al-Qaradawi. These conditions provide an ethical dimension to the dual role of a working wife. The wife's work must align with Shariah values and must not violate existing moral and social boundaries. In this regard, the wife is expected to balance domestic duties and external work.

The provisions regulated in the Marriage Law, KHI, KUHPerdata, and UU KDRT indicate that the obligation of financial support is one of the pillars of household life regulated by law in Indonesia. Although there are differences in the level of detail and emphasis on certain aspects between one regulation and another, all agree that financial support is the responsibility of the husband as the head of the household, prioritizing the husband's economic ability and status. Furthermore, this obligation is not limited to the provision of material needs but also includes moral and spiritual aspects, as regulated in the KHI. The division of roles between husband and wife in the household also demonstrates a shared responsibility in creating a harmonious and prosperous life. The position of the wife as the main financial provider in the family is not regulated in positive law, neither in the Marriage Law nor in the Compilation of Islamic Law (KHI). Therefore, legal reform is highly necessary to harmonize the issues existing in society with the current regulations. This will create a just society and establish a peaceful, loving, and merciful family.

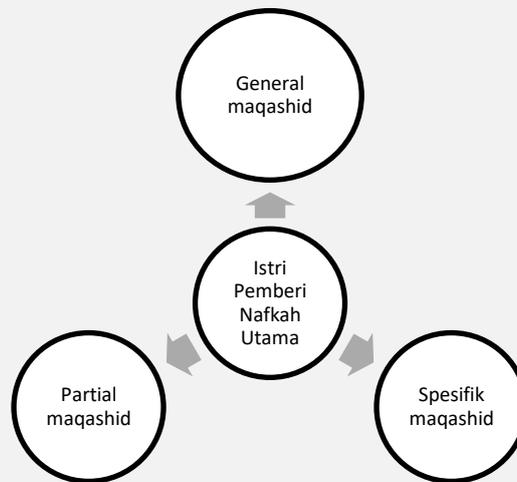
2. The Wife as the Main Financial Provider from the Perspective of Maqashid al-Shariah Jasser Auda

Jasser Auda's assumption is certainly not merely an unfounded one. There are strong reasons underpinning it. According to Jasser Auda, the reasons for the irrelevance of classical Maqashid al-Shariah can be seen from several aspects, including:

- a. The scope of classical Maqashid is the whole of Islamic law, but they failed to include specific objectives for single rulings or a group of scripts covering certain fiqh topics or chapters.
- b. Classical Maqashid tends to be individualistic and less communal, humanitarian, and general.
- c. Classical Maqashid does not contain most basic and universal values such as the principles of justice and freedom.
- d. Classical Maqashid is inferred from studying fiqh literature and not its original sources (Setiati, 2022).

According to Jasser Auda, the classical Maqashid al-Shariah, which is more individualistic and focuses on protection and preservation, must be reoriented into Maqashid that are more universal in value, and more communal and humanitarian (human rights and freedom). Therefore, Jasser Auda emerged as a contemporary figure and established a classification/hierarchy of contemporary Maqashid al-Shariah into three levels, namely:

- a. General Maqashid is the Maqashid aimed at the entirety of Islamic law, including Dharuriyat and Hajiyyat, with the addition of a new Maqashid objective, is a justice.
- b. Partial Maqashid is the Maqashid aimed at specific rulings, such as the objective of finding the truth in seeking a number of witnesses in certain court cases, the objective of reducing hardship by allowing the sick to break their fast, and the objective of feeding the poor by prohibiting Muslims from storing meat during the days of Eid al-Adha.
- c. Specific Maqashid is the Maqashid aimed at a specific part of Islamic law, for example, child welfare in the family, crime prevention in criminal law, and the prevention of monopoly in financial transaction law (Setiati, 2022).



In the context of the wife providing the main financial support in the family, there are three hierarchies of Maqashid al-Shariah. First, General Maqashid Dharuriyat are all matters that are essential for human life. Hajiyyat are all the primary needs of human beings in their lives. Dharuriyat, or essentials, encompassing religion, life, intellect, lineage, and property, constitute an inseparable unity. If even one of these is neglected, it will cause imbalance in humans. Furthermore, Hajiyyat needs function to complement the Dharuriyat aspect so that it is more robust. An example of Hajiyyat is the wife providing the main financial support in family life, which is certainly to protect property and lineage that should not be separated. This is aligned with the objective of achieving justice in the household, because the wife is given the right to work and also to self-development (Bahsoan, 2011).

Second, Partial Maqashid are the most substantive Maqashid in a legal event. This welfare (*maslahah*) is also called a secret or wisdom (*asrar*). An example of this Maqashid is the purpose of the dispensation (*rukhsah*) not to fast for those who are unable is to minimize hardship (*masyaqqat*). There is also the need for the element of honesty and strong memory in testimony. In modern criminal cases, one just witness may be sufficient, and two witnesses are not mandatory, provided the person concerned can show valid data and an honest attitude (Gumanti, 2018b). In the case of main financial support, if the husband is unable to provide financial support due to illness, the wife certainly becomes the main financial provider in the family.

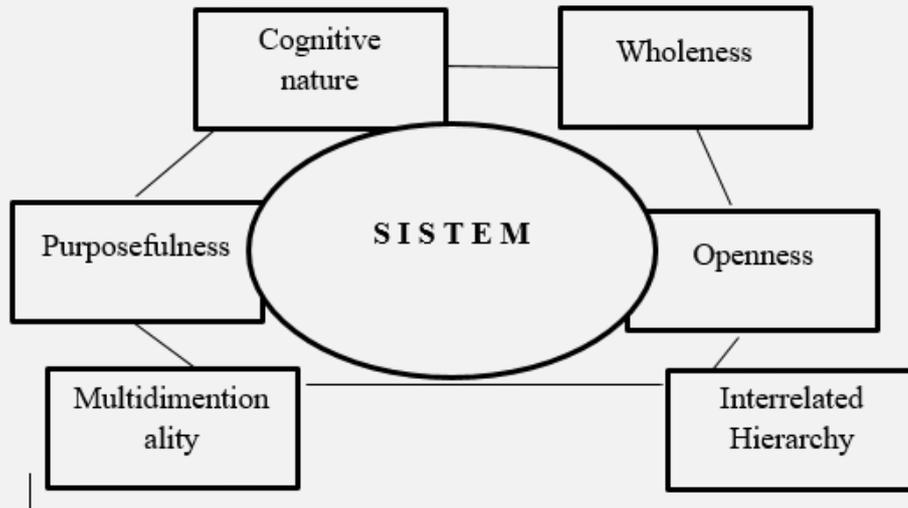
Third, Specific Maqashid are the Maqashid connected to the welfare (*maslahah*) in certain problems (Fad, 2019). The needs of the family in this modern era are certainly not few, so the husband as the main provider certainly cannot fulfill all the needs existing in the family;

thus, the wife can also provide financial support for other needs such as children's education costs or daily needs. This is certainly aimed at eliminating or avoiding undesirable outcomes such as divorce, which starts from economic issues and family needs.

Maqashid al-Shariah can be understood as the goal of one container, which is Islamic law, in forming justice and welfare (*maslahah*) for society, not a series of rules that lead to the destruction of the social order. Legal decisions by a leader must also be the same; one of the principles (*kaidah*) in Usul al-Fiqh states: "Tasharruf Al-Imam Manuthun Bi Al-Maslahah," meaning the policy carried out by a leader must refer to the welfare of those being led (the people). However, realizing justice and welfare from a legal product within society is a difficult effort and must involve various interconnected components (Rofii & Fata, 2025).

There are six forms of system features optimized by Jasser Auda as an analytical tool, namely cognitive nature, wholeness, openness, interrelated hierarchy, multi-dimensionality, and purposefulness:

- a. Cognitive nature: What is meant by cognitive nature is the character of knowledge that forms the Islamic legal system. Islamic law is established based on a faqih's knowledge of the texts used as legal references.
- b. Wholeness: By borrowing system theory, Jasser Auda states that every cause-and-effect relationship must be seen as part of the overall picture.
- c. Openness: In system theory, it is stated that a living system must necessarily be an open system.
- d. Interrelated Hierarchy: The fourth characteristic of the system is having a hierarchical structure, where a system is built from smaller subsystems beneath it.
- e. Multi-dimensionality: A system is not a singular entity. Instead, it consists of several interconnected parts. Within the system, there is a coherent structure. Because a system consists of quite complex parts, it has a spectrum of non-singular dimensions.
- f. Purposefulness: Every system has an output. This output is called the goal resulting from the system network. In system theory, purpose is differentiated into goal (*tujuan*) and purpose (*maksud*).



In the context of the wife as the main financial provider in the family according to Maqashid al-Shariah Jasser Auda, there are at least three key reforms that he updated. The first is the shift from preservation and protection towards development and the advancement of human rights, including the development of Human Resources (HR) by adopting the concept of HR development from the United Nations (UN) agreements.

Regarding women working and becoming the main financial provider for their families, Jasser Auda views this as an act of self-development for the woman or wife. For instance, it would be regrettable if a woman who completed education up to a doctoral level were to remain at home after marriage without any self-development through work or other activities. Furthermore, regarding human rights, laws, and even Islamic law do not prohibit women from working, provided they adhere to the applicable shariah provisions. Therefore, the wife acting as the main financial provider is permissible, considering her development and human rights as an individual.

The second reform addresses the level of legitimacy and sources of Islamic law, which is based on the current level of legitimacy and sources of Islamic law, characterized by the elimination of madhhab fanaticism, making it more flexible in handling legal cases. This implies that women have the right to own and use their property and transact fully without needing permission from anyone, provided they are baligh (adult), of sound mind, and not bankrupt. A woman's transaction over her property with the permission of her guardian or washiy (recipient of a will) only occurs before she is baligh. After she is baligh and of sound mind, her assets must be handed back to her so she can use them absolutely, without intervention from anyone else; in this state, the woman is entirely equal to the man. Quranic verses (An-Nisa, 6 and Al-Baqarah, 237) demonstrate the woman's complete eligibility to own and use her property and her full authority to spend her wealth without external advice or guardianship. The Shariat makes no distinction between women and men in their control over their property. Furthermore, Hadith narrates that the Prophet Muhammad once accepted a gift from a woman without asking if she had permission from her guardian, which indicates the equality between men and women in the use of their property.

The third reform attempts to make the contemporary Islamic legal system Maqashid al-Shariah-based. Maqashid is regarded as a crucial intellectual tool and methodology for

reforming Islamic law, enabling a holistic analysis of the Qur'an. Auda posits Maqashid as a collection of divine intentions and moral concepts at the heart of Islamic law, achieved by introducing new methods of analysis, classification, and critique using features derived from his system theory (Irawan, 2022). This approach forms a comprehensive vision that plays a role in establishing legal rulings.

If the household is likened to an educational institution or a company, it must have a leader. Leadership must not exclude consultation (*musyawarah*), mutual understanding, differing opinions, and a sincere search for welfare (*maslahah*) and its solutions. All these are laws applicable to all life affairs, including household matters. The leadership of men in the household is primarily based on the fact that he bears the basic tasks, strives to meet family needs, and defends it. Consequently, the husband must make the final decision after consultation, provided it doesn't contradict the Shariah or violate good customs (*ma'ruf*), oppose the truth, or result in ignorance or excessiveness. However, in Jasser Auda's theory, this pattern of differentiation between the duties of husband and wife is not fixed; it can be conditional, adapting to demanding situations. Therefore, under certain conditions, the opposite may apply. The purpose of requiring the wife's permission to be sought by the husband is to establish leadership in the family for control, maintenance, and responsibility, thus maximizing the chance for shared welfare.

Thus, in certain conditions, the opposite may apply. From these explanations, it can be concluded that the legitimization of the wife seeking her husband's permission first is for the sake of establishing leadership in the family so that there is someone to control, maintain, and be responsible, thereby increasing the opportunity to achieve shared welfare.

Among the positive aspects that may emerge are:

- a. By pursuing a career, women can help lighten the family burden. When the husband's income is insufficient to meet needs, the wife's involvement in earning a living can mitigate economic crisis.
- b. Through their career, women can provide understanding and explanation to their family, especially their children, about their activities. If she is successful, her children will be happy and proud, even making their mother a role model for their future.
- c. The participation and involvement of women are necessary for advancing and prospering society and the nation. Women, with all their potential, are capable in this regard, as some jobs that cannot be performed by men can be carried out by women due to their expertise or talent.
- d. Career women are generally wiser, democratic, and less authoritarian in raising their children. Through their career, they can acquire and learn to possess a modern mindset; if there is a household problem that needs solving, they will immediately seek a solution quickly and correctly.
- e. For women facing domestic turmoil or suffering from emotional distress, having a career can be a comfort, and their soul will become healthy.

And among the negative aspects that may potentially emerge are:

- a. Impact on Children, a woman who only prioritizes her career will negatively affect the character building and education of her children. Consequently, undesirable events such as brawls among teenagers and schools, substance abuse, drinking, theft, and rape may frequently occur. If this is not addressed immediately, it will harm both the children and society, although this impact is not universal for every working individual. Lack of communication between the mother and children can

lead to social breakdown. Children may feel neglected, causing their manners toward their parents to fade, or they may refuse to listen to parental advice entirely. This often stems from the child feeling a lack of warmth and comfort in their life, leading their spirit to rebel, causing them to act arbitrarily without regard for communal norms as a release for their inner emptiness.

- b. Impact on Husband, despite the husband's pride in having a progressive, active, creative, and socially needed career wife, it is possible for him to encounter problems with her. A wife who works outside the home will feel tired upon returning, which may lead her to be unable to serve her husband well, making the husband feel deprived of his rights. If the time allocated by the wife cannot meet his needs, the husband may seek satisfaction outside the marriage. For instance, if the husband faces a problem at work and hopes his wife can help solve it, but she is unable because she faces similar problems, he may seek resolution and satisfaction outside the home.
- c. Impact on the Household, the household can sometimes fall apart due to the busy schedule of the career woman, whose time is largely consumed by her external work, causing her to fail to fulfill her functions as a wife and homemaker. This can lead to arguments and even divorce if the husband lacks understanding.
- d. Impact on Men (Unemployment), many men face unemployment due to career women, as men may not get the opportunity to work because their share has been seized or taken over by women.
- e. Impact on Society, career women who pay insufficient attention to normative aspects in social interaction with the opposite sex in the work environment or daily life will cause a negative impact on the life of a community. Unmarried women prioritizing their careers can sometimes generate peculiar cultures, nearly abandoning their female nature, which can eventually promote lesbianism and cohabitation.

Through consultation, in order to achieve a *sakinah, mawaddah wa rahmah* (peaceful, loving, and merciful) family, both husband and wife should carefully weigh the potential positive and negative possibilities that may arise. Once a decision has been reached, both should respect the joint decision that has been made.

DISCUSSION

1. The Codification of Patriarchal Financial Authority in Indonesian Marriage Law

The textual construction of financial provision in Indonesian marriage law institutionalizes a gendered hierarchy in which economic responsibility is formally attached to the husband. Article 34 of Law No. 1 of 1974 positions the husband as the sole bearer of *nafkah*, while the wife is implicitly framed within domestic managerial responsibility. Similar formulations appear in the Compilation of Islamic Law and are reinforced in the Civil Code, albeit with varying levels of specificity. Although these provisions differ in technical articulation, they share a common ontological assumption: economic authority legitimizes male leadership within the household. This codification reflects a state-sponsored formalization of patriarchal *fiqh* traditions into positive law. However, the statutory framework does not explicitly anticipate or regulate the situation in which the wife

becomes the primary breadwinner. The absence of such recognition produces a structural legal vacuum.

Rather than merely summarizing legal provisions, this study maps their normative orientation and identifies the ideological substratum embedded within them. The central legal logic equates financial obligation with authority and leadership, thus reinforcing *qawwamah* in its classical configuration. However, in contemporary socio-economic settings where wives increasingly assume financial leadership, the rigid textual model appears misaligned with lived domestic realities. The law's silence regarding female breadwinners does not prohibit their existence, but it fails to provide formal recognition or doctrinal accommodation. This gap becomes analytically significant when examined through a socio-legal lens, as it exposes the tension between codified patriarchy and adaptive social practice.

Table 1. Normative Construction of Financial Provision in Indonesian Legal Instruments

Legal Instrument	Construction of Nafkah	Gender Orientation	Level of Specificity	Recognition of Female Breadwinner
Law No. 1/1974	Husband obliged to provide household necessities	Patriarchal, husband as head	General	Not recognized
Compilation of Islamic Law	Detailed obligation including residence, education, maintenance	Strongly patriarchal with conditional clauses (<i>tamkin</i> , <i>nusyuz</i>)	Detailed	Not recognized
Civil Code	Husband must provide according to status and ability	Patriarchal but flexible	General	Not recognized
Law No. 23/2004 (Domestic Violence)	Prohibits economic abandonment	Protective, gender-neutral wording	Protective focus	Indirectly relevant

The table 1 demonstrates a consistent gendered allocation of economic responsibility across legal instruments. The absence of explicit recognition of female breadwinners confirms the persistence of normative patriarchal architecture within statutory design.

Although statutory law codifies male financial responsibility, socio-economic transformations have reconfigured actual domestic practice. Women's increased labor participation, economic crises, and structural employment shifts have normalized wives' financial contributions, and in many cases, their primary breadwinning role. This development illustrates a divergence between formal legal texts and lived Islamic practice.

In numerous households, financial negotiation occurs pragmatically, guided by necessity, mutual consultation, and cultural accommodation rather than rigid textual adherence. The law’s silence has therefore not prevented transformation; instead, adaptation occurs informally within family systems.

This socio-legal divergence indicates that Islamic family law in Indonesia operates as a layered normative field. State law, classical fiqh doctrine, local custom, and economic necessity interact dynamically. Rather than rejecting statutory authority, families often reinterpret it contextually, preserving symbolic male leadership while reallocating financial responsibility. This hybrid arrangement illustrates that Islamic law functions as an open normative system rather than a closed doctrinal code. Consequently, female breadwinning becomes an empirical indicator of legal adaptation already underway within society.

Table 2. Socio-Legal Divergence between Normative Text and Lived Practice

Dimension	Statutory Construction	Observed Social Adaptation	Legal Implication
Financial Authority	Husband as sole provider	Wife often primary income earner	Normative vacuum
Domestic Leadership	Economic duty legitimizes male authority	Leadership negotiated through consultation	Functional redistribution
Legal Recognition	Silent on female breadwinner	Social normalization of wives’ earnings	Need for reinterpretation
Economic Crisis Response	Not explicitly regulated	Wife compensates economic shortfall	Adaptive practice

This divergence demonstrates that the rigidity of statutory construction does not reflect contemporary domestic arrangements, thereby necessitating analytical reinterpretation. Using Jasser Auda’s systems-based Maqashid framework, the transformation of wives into primary breadwinners can be evaluated through multidimensionality, openness, interrelated hierarchy, and purposefulness. Multidimensionality reveals that financial provision is not merely an economic function but intersects with dignity, autonomy, family stability, and social justice. Reducing nafkaḥ to a single-gender obligation neglects its broader human rights dimension. Openness conceptualizes Islamic law as an adaptive system responsive to contextual change. The rise of female breadwinners represents new social input requiring normative accommodation rather than exclusion. Interrelated hierarchy situates household financial responsibility within broader societal systems such as labor markets, education, and economic inequality. Financial provision is thus not isolated from structural economic realities. Purposefulness evaluates whether the current statutory framework fulfills contemporary *maslahah*. If the objective of Shariah is welfare and justice, rigid gender assignment that ignores socio-economic transformation may undermine its own teleological purpose.

Table 3. Operationalization of Auda’s System Features in Analyzing Female Breadwinning

System Feature	Analytical Application	Finding
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Multidimensionality	Examines economic, social, and dignity aspects of nafkah	Gender-exclusive nafkah insufficient
Openness	Assesses adaptability of law to new realities	Law lacks adaptive recognition
Interrelated Hierarchy	Connects household role to macroeconomic shifts	Economic transformation drives role change
Purposefulness	Evaluates alignment with masalah	Reformulation needed for justice

The systemic analysis demonstrates that female breadwinning aligns with development-oriented Maqashid objectives rather than contradicting them. The transformation reflects *tanmiyah* (development) rather than deviation.

2. Structural Implication: From Patriarchal Codification to Reciprocal Responsibility

The results reveal that Indonesian marriage law embodies a preservation-based paradigm, while socio-economic practice reflects a development-based orientation. This structural mismatch generates interpretative tension. Rather than viewing female breadwinning as threat to *qawwamah*, systemic Maqashid analysis reframes it as contextual redistribution of responsibility. Leadership becomes functional rather than ontological. Financial obligation is no longer the exclusive legitimizing basis of authority but part of reciprocal partnership.

This shift does not abolish Islamic legal philosophy but reorients it toward justice and human dignity. The transformation observed at the lived level indicates that Islamic law in Indonesia is undergoing epistemic transition from rigid patriarchal normativity toward adaptive reciprocity. The findings therefore substantiate the argument that reform must be systemic rather than merely textual.

The central finding of this study is the existence of a structural disconnection between the patriarchal codification embedded in Indonesian marriage law and the lived economic realities of contemporary Muslim families. Law No. 1 of 1974 institutionalizes a preservation-based gender hierarchy in which financial responsibility legitimizes male authority. However, socio-economic transformations have normalized female breadwinning as a pragmatic adaptation to labor market restructuring and household economic vulnerability. This divergence illustrates that statutory law has remained preservation-oriented while lived practice has shifted toward development-oriented negotiation. The result is not legal collapse but silent adaptation. Islamic family law continues to function socially, yet outside the explicit recognition of statutory text.

This finding is significant because it challenges the assumption that statutory rigidity ensures normative stability. Instead, it reveals that social systems adapt independently when law fails to accommodate structural change. The wife's role as primary breadwinner is therefore not an aberration but an indicator of epistemic transformation within the family as a legal unit. The socio-legal tension demonstrates that Islamic law operates as a dynamic normative field rather than a closed textual system. The shift toward female breadwinning can be explained through macro-structural economic pressures and systemic openness within Islamic normative reasoning. Economic crises, labor precarity, and educational advancement of women have altered the traditional distribution of economic capital within

households. When financial necessity compels redistribution of earning roles, authority patterns adjust accordingly. Families engage in *musyawarah* (consultative negotiation) to maintain stability, thereby preserving harmony despite formal legal rigidity. From Auda's systemic perspective, this reflects the feature of openness: Islamic law as a living system absorbs contextual inputs. Rather than rejecting female breadwinning as deviation, lived Islamic practice reinterprets leadership in functional terms. Authority becomes relational and negotiated, not solely derived from financial provision. The adaptive behavior of households demonstrates that social actors implicitly operate within a development-oriented *Maqashid* logic, even when statutory language remains preservation-based.

Applying multidimensionality reveals that *nafkah* cannot be reduced to a singular gendered duty. Financial provision intersects with dignity, human development, and social justice. When wives assume breadwinning roles, they contribute to *hifz al-mal* (economic protection), *hifz al-nafs* (family survival), and broader human development objectives. A preservation-only reading inadequately captures this complexity. Through interrelated hierarchy, household economic roles are understood within broader socio-economic systems. Labor market transformation is not isolated from family law; rather, it reshapes the internal functioning of marriage as a subsystem. Purposefulness, as a system feature, asks whether rigid patriarchal codification fulfills contemporary *maslahah*. The evidence suggests that insisting on exclusive male *nafkah* contradicts development-oriented welfare in contexts where women sustain family survival.

Thus, the reinterpretation of *nafkah* through Auda's framework does not dismantle Islamic legal philosophy. Instead, it realigns it with its teleological objective: justice and welfare. Female breadwinning becomes compatible with *Shariah* when evaluated through development and human dignity rather than static gender assignment. First, it advances socio-legal discussions by demonstrating how lived Islamic law evolves through negotiation rather than legislative amendment. Unlike doctrinal critiques that focus solely on textual reform, this analysis foregrounds everyday practice as a driver of transformation. Second, it expands *Maqashid* discourse beyond *al-dharuriyyat al-khams* by operationalizing Auda's systemic features in family law analysis. Rather than invoking *Maqashid* rhetorically, the study applies multidimensionality and openness as analytical tools. Third, it reframes gender justice debates in Islamic law. Instead of positioning female breadwinning as a feminist challenge to religion, the article conceptualizes it as internal adaptive evolution within Islamic normative reasoning. In this sense, the novelty lies not in claiming that women may work, but in demonstrating that their economic leadership constitutes a structural shift requiring systemic reinterpretation of marriage law.

The findings support a transition from preservation-based patriarchy to reciprocity-based partnership within Islamic family law. This does not negate *qawwamah* but contextualizes it as functional leadership rather than ontological superiority. The study proposes that contemporary *Maqashid* should incorporate development (*tanmiyah*), human dignity, and reciprocal responsibility as interpretive priorities. By embedding Auda's systemic theory within socio-legal analysis, the research offers a methodological model for re-evaluating other gendered legal constructs in Islamic law. At the policy level, the findings suggest that religious courts may consider wives' financial contributions in matters such as marital property division, child custody, and spousal support. Recognizing economic reciprocity could foster more equitable judicial reasoning. Legislatively, reinterpretation rather than immediate amendment may provide transitional flexibility, allowing courts and scholars to gradually integrate systemic *Maqashid* reasoning. At the societal level, the study encourages reframing female breadwinning not as threat to male identity but as

collaborative adaptation within a shared welfare framework. Such recognition can reduce domestic tension and align formal law with lived practice.

Ultimately, the transformation observed is not merely economic but epistemological. The lived experience of female breadwinners challenges the ontological assumption that financial authority defines leadership. Through a systems-based Maqashid perspective, marriage law can evolve toward reciprocity without abandoning Islamic ethical foundations. This discussion demonstrates that beyond normative patriarchy lies a development-oriented model of Islamic family law—one grounded in openness, multidimensional justice, and shared responsibility. The transformation is already occurring socially; the task of legal scholarship is to articulate its philosophical coherence.

CONCLUSION

This study concludes that a structural ontological disconnection exists between the patriarchal codification embedded in Law No. 1 of 1974 and the lived socio-economic realities of contemporary Indonesian Muslim families. While statutory provisions institutionalize male-exclusive financial responsibility as the basis of household leadership, empirical social transformation demonstrates that women increasingly function as primary economic actors within the family. This divergence reveals that Islamic family law in Indonesia is already undergoing informal transformation through lived negotiation, even without explicit legislative reform. Female breadwinning therefore represents not a deviation from Islamic legal order, but a site of adaptive reinterpretation within a dynamic normative system. Through a systems-based Maqashid analysis, this research demonstrates that the preservation-oriented reading of *nafkah* is insufficient to address contemporary socio-economic complexity. Operationalizing Auda's system features—multidimensionality, openness, interrelated hierarchy, and purposefulness—reveals that financial responsibility must be evaluated within broader frameworks of human dignity, development, and collective welfare. The openness of Islamic law as a system permits contextual adaptation, while purposefulness demands that legal norms be assessed according to their contribution to *maslahah* in present realities. In this light, the wife's role as primary breadwinner aligns with development-oriented Maqashid objectives rather than contradicting them.

The theoretical contribution of this study lies in advancing a shift from preservation-based patriarchy toward reciprocity-based partnership within Islamic family law. Rather than proposing superficial textual amendment, the article offers an epistemic reorientation grounded in systemic Maqashid. It integrates lived Islamic practice with teleological legal philosophy, thereby bridging the gap between statutory rigidity and social adaptation. By doing so, it contributes to contemporary socio-legal scholarship that views Islamic law as a living and negotiated normative field rather than a static doctrinal structure. Practically, the findings suggest that religious courts and policymakers should consider women's economic contributions in adjudicating marital property, maintenance obligations, and post-divorce financial arrangements. A development-oriented Maqashid framework may guide judicial reasoning toward more equitable and context-sensitive decisions. Future research should extend this inquiry through ethnographic examination of religious court rulings and household-level negotiations, enabling deeper understanding of how Islamic legal norms are localized and transformed in everyday practice.

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