

Family Maintenance Justice in Dual-Career Families: A Maqāṣid al-Sharī'ah Perspective

Fadhliah Mubakkirahama^{1*}, Fatmawati², Kurniati³

¹ UIN Datokarama Palu, Kota Palu, Sulawesi Tengah

^{2,3} UIN Alauddin Makassar, Kota Makassar, Sulawesi Selatan

Correspondence:

fadhliahmubakkirah@uindatokarma.ac.id

Received: 07-06-2026

Revised: 12-08-2026

Accepted: 19-08-2026



Abstract: *This article discusses the reconstruction of the concept of fairness in family financial support (nafkah) within dual-career families from the perspective of maqāṣid al-syarī'ah. The phenomenon of dual-career families reflects changes in the economic structure of modern Muslim households, which are no longer solely dependent on husbands as the primary breadwinners. However, classical Islamic jurisprudence (fiqh) and Indonesian national law still tend to position financial support as the husband's primary obligation. This study employs normative legal research using conceptual and maqāṣid al-syarī'ah approaches. Data were collected through library research involving the Qur'an, Hadith, statutory regulations, classical fiqh literature, and contemporary scholarly works. The findings reveal that classical concepts of financial support and national legal frameworks remain relevant as foundations for family economic protection but require contextual reinterpretation to align with the realities of dual-career families. From the perspective of maqāṣid al-syarī'ah, fairness in financial support is reconstructed as a proportional distribution of economic, domestic, and social responsibilities based on the principles of maṣ laḥah (public welfare), ta'āwun (mutual assistance), mubadalah (reciprocity), and mu'āsyarah bi al-ma'rūf (harmonious and proper conduct). This study offers a paradigm of fairness in financial support based on a family partnership model (partnership family) within contemporary Islamic family law.*

Abstrak: Artikel ini membahas rekonstruksi konsep keadilan nafkah dalam keluarga dual-career perspektif maqāṣid al-syarī'ah. Fenomena keluarga dual-career menunjukkan perubahan struktur ekonomi keluarga muslim modern yang tidak lagi bertumpu pada suami sebagai pencari nafkah tunggal. Namun, fikih klasik dan hukum nasional Indonesia masih cenderung menempatkan nafkah sebagai kewajiban utama suami. Penelitian ini merupakan penelitian hukum normatif dengan pendekatan konseptual dan maqāṣid al-syarī'ah.

Data diperoleh melalui studi kepustakaan terhadap Al-Qur'an, hadis, peraturan perundang-undangan, kitab fikih klasik, serta literatur kontemporer. Hasil penelitian menunjukkan bahwa konsep nafkah klasik dan hukum nasional masih relevan sebagai dasar perlindungan ekonomi keluarga, tetapi memerlukan reinterpretasi kontekstual agar sesuai dengan realitas keluarga *dual-career*. Perspektif *maqāṣid al-syarī'ah* merekonstruksi keadilan nafkah sebagai distribusi tanggung jawab ekonomi, domestik, dan sosial secara proporsional berdasarkan prinsip *maṣ laḥab*, *ta'āwun*, *mubādalah*, dan *mu'āsyarah bi al-ma'ruf*. Penelitian ini menawarkan paradigma keadilan nafkah berbasis kemitraan keluarga (*partnership family*) dalam hukum keluarga Islam kontemporer.

Keywords: *Maintenance, Dual-Career Family, Maqāṣid Al-Sharī'ah, Family Justice*

Introduction

Pocial and economic changes in modern society have transformed relationship patterns within muslim families, particularly in dual-career families, where both husband and wife work and earn income. The increasing economic demands, greater access to education for women, and women's growing participation in the public sector have significantly enhanced wives' economic contributions within households. In many families, the fulfillment of household needs no longer relies solely on the husband's income but rather on the economic contributions of both spouses.

The concept of financial support (*nafkah*) normatively in Islamic law is based on QS. al-Nisā' [4]: 34, which positions men as *qawwām* due to their obligation to provide financial support for the family. This perspective was subsequently adopted in classical *fiqh*, which emphasizes financial support as the husband's primary responsibility, aiming to maintain family stability and protect the dignity of women (Muhammad Abu Zahrah, 1957). A similar construction is also reflected in Indonesian national law through Article 34 of Law Number 1 of 1974 in conjunction with Law Number 16 of 2019, as well as Article 80 (Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan sebagaimana diubah dengan Undang-Undang Nomor 16 Tahun 2019, Pasal 34 ayat (1)). The *Compilation of Islamic Law (Kompilasi Hukum Islam)* positions the husband as the primary person responsible for fulfilling the economic needs of the family (Kompilasi Hukum Islam, Buku I Hukum Perkawin, Pasal 80 ayat (4)).

However, developments in modern society indicate that family life practices do not always conform to such normative constructions. The phenomenon of dual-career families demonstrates that wives not only contribute to additional household expenses but also help bear primary needs such as children's education, healthcare, housing, and essential family necessities. On the other hand, the division of domestic responsibilities often continues to rest predominantly on women, giving rise to the phenomenon of the double burden and inequalities in family relationships (Dede Al Mustaqim, 2024). These conditions indicate that the issue of financial support (*nafkah*) in dual-career families is not merely related to economic aspects but also concerns fairness in the distribution of family responsibilities. The concept of financial support that developed within a patriarchal society faces challenges when applied to modern families that position husbands and wives as equal partners. Therefore, an approach is needed to bridge the gap between Islamic legal norms and the continuously evolving social realities.

Studies on financial support and working women in Muslim families have, in fact, been widely conducted. Research by Munir and Isroani highlights women's involvement in fulfilling family financial

support from the perspective of *maqāṣid al-syari'ah* and concludes that women's employment is permissible as long as it brings benefits (*maṣlaḥah*) to the family (Munir & Farida Isroani, 2023). Muhammad Furqon examines the flexibility of exchanging financial support obligations between husband and wife and finds that *maqāṣid al-syari'ah* provides room for legal adaptation to the socio-economic changes of modern society (Muhammad Furqon, 2022). Meanwhile, Dedi Al Mustaqim emphasizes that women as the primary breadwinners can be understood as a form of family cooperation in achieving household welfare (Dede Al Mustaqim, 2024). Research conducted by Ferdiansyah and colleagues also demonstrates the need for a reinterpretation of the law of financial support (*nafkah*) in order to be more responsive to gender justice and contemporary social changes (Muhammad Ichsan Ferdiansyah et al, 2025).

Furthermore, Ziba Mir-Hosseini explains that classical Islamic family law was constructed within a patriarchal social structure; therefore, many of its provisions are historical and contextual in nature. According to her, the reform of Islamic family law should be directed toward the principles of justice and substantive equality in order to align with the realities of modern Muslim families (Ziba Mir-Hosseini, 2013). Likewise, Kecia Ali, through *Sexual Ethics and Islam*, critiques the classical construction of *nafkah*, which is based on an exchange pattern between financial support and the wife's obedience, as such a relationship tends to produce women's subordination (Kecia Ali, 2016). Meanwhile, Amina Wadud emphasizes that the Qur'an promotes a moral vision of justice and gender equality, suggesting that family relationships should be built upon the principles of reciprocity and partnership rather than the subordination of one party (Amina Waddud, 2006). Their perspectives demonstrate the importance of reinterpreting Islamic family law to make it more responsive to the principles of reciprocity (*mubādalah*) and family partnership. Although these studies have discussed *nafkah* (financial support), women's employment, and the reform of Islamic family law, previous research still leaves a research gap. First, most studies focus more on the legality of women working or the flexibility of exchanging financial support obligations, but they have not specifically reconstructed the concept of "fairness in financial support" within dual-career families. Second, previous studies tend to employ normative-*fiqh* or gender approaches partially, without integrating *maqāṣid al-syari'ah*, Indonesian national law, and contemporary theories of family justice into a comprehensive analytical framework. Third, some studies merely highlight women's economic contributions without thoroughly discussing the distribution of economic, domestic, and emotional responsibilities in dual-career families as part of the concept of substantive justice.

Accordingly, this study offers a reconstruction of the concept of fairness in financial support within dual-career families through the *maqāṣid al-syari'ah* approach by integrating perspectives from classical Islamic law, Indonesian national law, and contemporary gender justice theories. This article not only discusses the legality of women working or wives' economic contributions but also proposes a new paradigm of fairness in financial support as the proportional distribution of economic, domestic, and social responsibilities based on the principles of *maṣlaḥah* (public welfare), *ta'āwun* (mutual assistance), *mubādalah* (reciprocity), and *mu'āsarah bi al-ma'rūf* (harmonious and proper conduct). Based on the above explanation, this study focuses on two main issues: first, the relevance of the classical concept of *nafkah* and national law to the realities of dual-career families; and second, how *maqāṣid al-syari'ah* reconstructs the concept of fairness in financial support within dual-career families. This research is important in order to formulate a more contextual Islamic family law, responsive to social changes while remaining oriented toward the values of justice and the welfare (*maṣlaḥah*) of contemporary Muslim families.

Method

This study employs normative legal research using both a conceptual approach and a *maqāṣid al-syari'ah* approach. The research data were obtained through library research on the Qur'an, Hadith, the Marriage Law, the *Compilation of Islamic Law (Kompilasi Hukum Islam)*, classical *fiqh* literature, and relevant contemporary sources. The data were analyzed descriptively and analytically to reconstruct the concept of fairness in financial support (*nafkah*) within dual-career

families based on the principles of *maṣlaḥah* (public welfare), justice, and family partnership in Islamic law.

Results and Discussion

The Relevance of the Classical Concept of *Nafkah* and National Law to the Reality of Dual-Career Families

The Normative Construction of Naskah in Classical Fiqh and National Law

The concept of *nafkah* (financial support) in Islamic family law is fundamentally built upon a patriarchal paradigm of family relations, in which men are positioned as the primary breadwinners and women as the managers of domestic affairs. This paradigm is reflected in the construction of classical *fiqh*, which places the obligation of financial support entirely upon the husband as a consequence of the marriage contract and male leadership (*qiwamah*) within the household. The primary normative basis of this concept refers to QS. al-Nisā' [4]: 34. This verse has been understood by the majority of *fuqahā'* (Islamic jurists) as legitimizing the husband's economic responsibility toward the family. Wahbah al-Zuhaili explains that *nafkah* constitutes a wife's right that must be fulfilled by the husband, including food, clothing, housing, and other necessities of life in accordance with standards of adequacy (*al-kifāyah*) (Wahba al-Zuhaili, 1985). Likewise, Sayyid Sabiq emphasizes that the obligation of financial support arises from the existence of a valid marriage contract and the wife's obligation to live together with her husband, serving as a form of economic protection for the wife (Sayyid Sabiq, 2004). Thus, the classical construction of *nafkah* is hierarchical in nature, as it positions the husband as the party holding economic authority within the household.

This construction is also maintained in Indonesian national law. Article 34 paragraph (1) of Law Number 1 of 1974 concerning Marriage, as amended by Law Number 16 of 2019, stipulates that the husband is obligated to protect his wife and fulfill household needs according to his ability (Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan sebagaimana diubah dengan Undang-Undang Nomor 16 Tahun 2019, Pasal 34 ayat (1)). Furthermore, Article 80 paragraph (4) of the *Compilation of Islamic Law* (*Kompilasi Hukum Islam / KHI*) emphasizes that the husband is responsible for providing *nafkah*, clothing (*keiswah*), residence, household expenses, care, medical treatment, and children's education (Kompilasi Hukum Islam, Pasal 80 ayat (4)). These provisions indicate that Indonesian national law adopts the classical *fiqh* paradigm by positioning men as the primary providers of the family's economic needs.

Social Transformation and the Emergence of Dual-Career Families

Modern socio-economic developments have significantly transformed the structure of Muslim families. Increased access to education for women, urbanization, changes in work culture, and rising family economic demands have encouraged women's participation not only in domestic spheres but also in public and economic sectors. These changes have given rise to the phenomenon of dual-career families, in which both husband and wife work and earn income. In the Indonesian context, this phenomenon is increasingly evident among civil servants (*Aparatur Sipil Negara / ASN*), professionals, academics, and particularly urban communities. In many cases, women's economic contributions have even become the primary support for household needs when the husband's income is insufficient.

This phenomenon is further supported by empirical data indicating an increase in women's participation in the workforce. Data from the Indonesian Central Bureau of Statistics (*Badan Pusat Statistik / BPS*) show that the Female Labor Force Participation Rate (*Tingkat Partisipasi Angkatan Kerja / TPAK*) has continued to rise, from 54.27% in February 2022 to 54.42% in February 2023, increasing further to 55.41% in February 2024, and reaching 56.42% in August 2024 (Badan Pusat Statistik, *Tingkat Partisipasi Angkatan Kerja Menurut Jenis Kelamin*, 2025). This increase reflects the growing involvement of women in productive economic activities. Consequently, an increasing number of Muslim families are becoming dependent on the economic contributions of both spouses to meet household needs.

The reality of dual-career families also demonstrates that wives' contributions are not limited to supporting additional household expenses but extend to primary needs such as mortgage payments,

children's education, healthcare costs, and even daily necessities. This condition signifies that the concept of *nafkah* has undergone a transformation from a model relying on a single breadwinner to a collective and collaborative family economic model. This transformation cannot be separated from the changing social and economic conditions of modern society. The increasing costs of education, healthcare, housing, and household consumption have made the single-income family model increasingly difficult to sustain. In such circumstances, wives' economic participation is no longer merely an individual choice but has become a structural necessity to maintain family economic resilience.

Furthermore, changes in the pattern of financial support within modern families are also influenced by shifts in the lifestyle of contemporary Muslim societies. Mona Abaza explains that the emergence of the modern Muslim middle class has transformed consumption patterns, education, and the living needs of urban Muslim families (Mona Abaza, 2006). Rising living expenses, education costs, healthcare expenditures, and urban lifestyles have made the single-breadwinner family model increasingly unsustainable. In this context, women's economic participation becomes a structural necessity for modern families. Mona Abaza's analysis demonstrates that the phenomenon of dual-career families is not merely the result of changes in gender ideology but also a consequence of the socio-economic and political transformations of modern Muslim societies.

Tension Between Legal Norms and Social Practices

Changes in the structure of Muslim families have created tensions between classical legal norms and social practices. Normatively, *nafkah* remains positioned as the sole obligation of the husband; however, in the practice of modern families, economic responsibilities are distributed collectively, and the fulfillment of family needs increasingly depends on the economic contributions of both spouses. Research by Dedi Al Mustaqim demonstrates that women who become the primary breadwinners in modern families are no longer viewed as a social deviation but rather as part of a strategy to sustain family welfare. The perspectives of *maqāṣid al-syarī'ah* and *Qirā'ah Mubādalāh* even support economic cooperation between husband and wife as long as it aims to preserve family welfare (*maṣlahah*) (Dede Al Mustaqim, 2024). This perspective indicates that the principle of public welfare (*maṣlahah*) can serve as an important foundation for understanding the changing patterns of *nafkah* in contemporary families.

The reality of dual-career families also reveals that wives' contributions are not limited to supplementary household expenses but extend to primary needs such as mortgage payments, children's education, healthcare costs, and even daily necessities. This condition signifies that the concept of *nafkah* has shifted from a model dependent on a single breadwinner to a collective and collaborative family economic model. However, such economic contributions are often not accompanied by an equal redistribution of domestic responsibilities. As a result, women continue to bear household duties while simultaneously contributing to the fulfillment of the family's economic needs.

This condition gives rise to the phenomenon of the *double burden*, which contributes to inequalities in family relations. The classical construction of *nafkah* was essentially developed in a society that did not recognize women's broad economic participation as seen today. When this concept is applied literally to dual-career families, women perform economic roles equivalent to men while still bearing unchanged domestic expectations, thereby creating inequalities in justice within modern family life. This reality indicates that the problem of injustice in dual-career families is not solely related to economic aspects but is also rooted in the social construction of gender relations within the family. Empirical findings concerning women occupying professional and leadership positions, including within the religious court system, demonstrate that women's participation in the public sphere does not automatically transform the division of roles within the household. Despite having careers and professional responsibilities equivalent to those of men, women still face expectations to simultaneously perform domestic functions, which are culturally regarded as their primary obligation (Nisa'ul Majda Nurdin et al, 2026). Such conditions cannot be separated from the gender constructions prevailing in society. From the perspective of Islamic law, differences in roles between men and women are not always determined by biological nature (*sex*), but are also influenced by social constructions (*gender*) that shape the division of duties and

responsibilities within both the family and society (Fatmawati, 2015). Therefore, many domestic responsibilities that have long been exclusively attached to women are, in essence, more a product of cultural construction than absolute normative provisions. When women enter the public sphere and contribute to fulfilling the family's economic needs, while the division of domestic labor remains preserved in traditional patterns, an imbalance of burdens emerges that often places women in a disadvantaged position. Arlie Russell Hochschild refers to this phenomenon as the *second shift*, namely a situation in which working women continue to bear greater domestic responsibilities than men (Arlie Russell Hochschild, 2012). This finding is relevant to the reality of Muslim families in Indonesia, where working women frequently experience simultaneous economic and domestic pressures. Furthermore, Ziba Mir-Hosseini explains that many provisions of Islamic family law developed within the *fiqh* tradition are, in fact, products of patriarchal social constructions rather than the final representation of Islamic principles of justice. According to her, when social structures change, a reinterpretation of family law becomes necessary to ensure its alignment with justice as one of the principal objectives of the *Shari'ah* (Ziba Mir-Hosseini, 2013). This perspective demonstrates that the main issue lies not in the principle of financial responsibility itself, but in how it is understood and applied within the context of a changing society.

Based on the foregoing discussion, it can be understood that the classical concept of *nafkah* and national law still retain normative relevance as instruments for protecting family economic welfare. However, such relevance becomes increasingly limited when interpreted textually without taking into account the changing social structures of modern families. Therefore, an approach is required that can bridge legal norms and social realities so that the concept of *nafkah* remains relevant while also promoting justice and welfare (*maṣlaḥah*) within dual-career families.

The Reconstruction of the Concept of Fairness in *Nafkah* within Dual-Career Families from the Perspective of *Maqāṣid al-Syari'ah*.

Maqāṣid al-syari'ah offers an important approach to reconstructing the concept of *nafkah* in modern families, enabling Islamic law to adapt to social changes without losing its normative orientation. From this perspective, law is understood not merely based on the literal meaning of texts but also in light of the primary objectives of the *Shari'ah*, namely justice (*al-'adl*), public welfare (*maṣlaḥah*), the protection of life (*ḥifẓ al-nafs*), the protection of lineage (*ḥifẓ al-nasl*), and the protection of property (*ḥifẓ al-māl*).

Transformation of Maintenance Relations: From Hierarchy to Partnership

Abū Ishāq al-Syāṭibī emphasizes that all Islamic laws aim to achieve public welfare (*maṣlaḥah*) and prevent harm (Abu Ishaq al-Syaitibi, 2023). Therefore, the concept of *nafkah* should be understood as an instrument for safeguarding family welfare rather than merely preserving a hierarchical husband–wife structure. In the context of dual-career families, *maqāṣid al-syari'ah* allows for the reinterpretation of *nafkah* relations so that they are no longer understood as a subordinative relationship but rather as a shared responsibility based on partnership, guided by the principles of cooperation (*ta'āwun*) and reciprocity (*mubādalah*), rather than solely the husband's economic dominance. Jasser Auda argues that modern *maqāṣid* should employ a systemic approach that dynamically considers social change (Jasser Auda, 2008). Through this approach, the husband's obligation to provide *nafkah* remains normatively acknowledged; however, its implementation may be adjusted according to the actual conditions of the family. This reinterpretation also transforms the understanding of the concept of *qiwamah*. In classical *fiqh*, the majority of *fuqahā'* positioned men as the primary providers of the family's economic needs because they were considered to possess greater authority and financial capability. Wahbah al-Zuhailī explains that *nafkah* constitutes a *shar'i* obligation arising from the marriage contract and serves as a consequence of the husband's leadership within the household (Wahba al-Zuhaili, 1985). However, the *maqāṣid* approach views *qiwamah* not as a form of power domination but rather as a moral responsibility to ensure family welfare. When wives also work and contribute economically, family relations are no longer subordinative

but cooperative in nature. Consequently, family leadership is built upon the principles of shared responsibility and mutual consultation (*musyawarah*) to ensure the achievement of family welfare.

This perspective is consistent with the thought of Ziba Mir-Hosseini, who argues that classical Islamic family law was shaped within a patriarchal social structure, making many of its provisions historical and contextual. She explains that the concept of *qiwamah* and men's economic superiority can no longer be maintained in absolute terms amid the changing structure of modern families. According to her, the reform of Islamic family law should be directed toward the principles of justice and equality in order to remain aligned with the ethical values of the Qur'an and contemporary social realities (Ziba Mir-Hosseini, 2013). This perspective strengthens the argument that *maqāṣid al-syarī'ah* can function as an instrument for reinterpreting the concept of *nafkah* toward a family partnership model (*partnership family model*). The provisions concerning *nafkah* within the context of Indonesian national law also leave room for reinterpretation. The phrase "according to his ability" in Article 34 of the Marriage Law indicates a degree of flexibility in the implementation of the obligation of financial support (Undang-Undang Nomor 1 Tahun 1974 tentang perkawinan, Pasal 34 ayat (1)). Furthermore, national law does not prohibit women from working and earning income as long as family interests are not neglected. Therefore, national law may, in fact, be further developed toward a concept of collective family economic responsibility that is more compatible with the realities of modern society.

The Distribution of Economic and Domestic Responsibilities Based on the Principle of Proportional Justice

Maqāṣid al-syarī'ah reconstructs the concept of fairness in *nafkah* into a framework of proportional justice. Justice does not necessarily imply an identical division of roles, but rather a distribution of responsibilities based on ability, circumstances, and mutual family agreement. This principle is consistent with QS. al-Baqarah [2]: 286, which states that Allah does not burden a person beyond his or her capacity. In dual-career families, the wife's economic contribution can no longer be understood merely as voluntary assistance, but rather as part of family cooperation aimed at achieving collective welfare (*maṣlaḥah*). Therefore, collective economic contributions should be balanced with a more proportional distribution of domestic responsibilities.

The issue of fairness in *nafkah* cannot be understood merely as a matter of fulfilling economic needs or determining who serves as the primary breadwinner. More than that, fairness in *nafkah* also concerns the distribution of domestic responsibilities, power relations within the family, and recognition of each spouse's contributions. Accordingly, the issue of justice in dual-career families requires a more comprehensive interpretation—one that simultaneously considers economic, social, and gender dimensions—in order to create family relationships that are more equitable and aligned with the objectives of welfare (*maṣlaḥah*) in Islamic law. Instead, it places *nafkah* relations within a framework of partnership (*partnership*) and reciprocity (*mubādalah*). Jasser Auda argues that modern *maqāṣid* should be constructed through a systems approach that dynamically considers social changes, human relations, and the context of public welfare (*maṣlaḥah*) (Jasser Auda, 2008).

Through this approach, Islamic family law is no longer understood rigidly but rather becomes adaptive to the development of modern society. In this context, it is important to critically examine the classical construction of *nafkah*. In classical *fiqh*, *nafkah* relations were built upon an exchange pattern between financial support and the wife's obedience, which in practice often resulted in women's subordination (Kecia Ali 2016). Therefore, modern Muslim family relations should be established on the principles of mutuality, consent, and ethical justice rather than gender-based domination. This perspective is consistent with *maqāṣid al-syarī'ah*, which positions justice and public welfare (*maṣlaḥah*) as the primary orientation of family law.

The Orientation of Nafkah Law toward Public Welfare, Family Well-Being, and Family Resilience

Maqāṣid al-syarī'ah places family welfare as the primary objective of nafkah law. In the context of increasingly complex modern living needs, a single-income support system is often insufficient. Therefore, economic cooperation between husband and wife constitutes a form of *ta'āwun* (mutual assistance) aimed at sustaining the continuity and stability of family life. The model of productive nafkah emerges from the creativity and collaboration of spouses in jointly building family welfare (Moh afandi 2021). This concept demonstrates that maqāṣid al-syarī'ah provides room for the transformation of family economic relations as long as such changes are directed toward achieving public welfare (*maṣlaḥah*). Amina Wadud's thought further strengthens this argument. Amina Wadud rejects patriarchal interpretations of Qur'anic verses concerning gender relations. She argues that the Qur'an promotes a moral vision of justice and human equality without gender discrimination (Amina Wadud 2026). Therefore, the distribution of financial and domestic responsibilities should be built upon cooperation and mutual consultation (*musyawarah*), rather than the subordination of women. In the context of dual-career families, Amina Wadud's perspective supports a more flexible and proportional distribution of roles based on the principle of substantive justice.

This reconstruction is also consistent with the direction of contemporary Islamic family law reform in Indonesia based on maqāṣid al-syarī'ah, which emphasizes that family law must be capable of responding to social changes in order to achieve public welfare (*maṣlaḥah*) (Yuni Roslaili et al, 2021). Accordingly, the reconstruction of the concept of nafkah in dual-career families forms part of broader efforts to reform Islamic family law so that it becomes more responsive to modern social realities. The wife's economic contribution in modern families is viewed as compatible with the principles of maqāṣid al-syarī'ah because it aims to realize public welfare and preserve family sustainability. This also demonstrates that the concept of nafkah, traditionally grounded in gender-based role divisions, requires reinterpretation in a more contextual and adaptive manner to align with the realities of modern families, including in matters concerning joint property arrangements and the economic responsibilities of spouses. Thus, nafkah is no longer understood merely as a financial obligation, but rather as a system of family responsibility encompassing economic, domestic, and emotional dimensions in a balanced manner.

Based on the foregoing analysis, it can be understood that maqāṣid al-syarī'ah reconstructs the concept of fairness in nafkah within dual-career families through three main principles: first, the transformation of nafkah relations from hierarchy to partnership; second, the distribution of family responsibilities based on the principle of proportional justice; and third, the orientation of nafkah law toward public welfare (*maṣlaḥah*) and family well-being. This reconstruction demonstrates that Islamic family law continues to preserve its function of protecting family economic welfare while also possessing the flexibility and adaptive capacity to respond to social changes, as long as it remains oriented toward the primary objectives of the Sharī'ah, namely the realization of justice, public welfare, and the protection of contemporary Muslim families.

Conclusion

The concept of *nafkah* in classical *fiqh* and Indonesian national law remains relevant as a normative foundation for the economic protection of families; however, it requires substantive reinterpretation in order to align with the realities of dual-career families. Socio-economic changes in modern society demonstrate that *nafkah* relations within the family are no longer singular in nature, but rather collective, through economic cooperation between husband and wife. Therefore, a literal understanding of the concept of *nafkah* has the potential to generate inequalities in family relations and impose a double burden on women. From the perspective of *maqāṣid al-syarī'ah*, fairness in *nafkah* is reconstructed as the proportional distribution of economic, domestic, and social responsibilities based on the principles of *maṣlaḥah* (public welfare), *ta'āwun* (mutual assistance),

mubādalah (reciprocity), and *mu'āsyarah bi al-ma'rūf* (harmonious and proper conduct). This reconstruction shifts the paradigm of *nafkah* from a hierarchical relationship toward a more just, contextual, and socially responsive family partnership model (*partnership family*). Accordingly, this study affirms that Islamic family law possesses the flexibility to adapt to social changes, provided that it remains oriented toward the primary objectives of the *Shari'ah*, namely justice, public welfare (*maṣlahah*), and the protection of contemporary Muslim families.

Acknowledgement

Thanks are due to all those who have helped in the process of researching and writing this article.

Conflict of Interest

This article has no conflicts of interest.

References

- Abaza, M. (2006). *The changing consumer cultures of modern Egypt*. Brill.
- Al-Mustaqim, D. (2024). Peran istri sebagai pencari nafkah dalam kesejahteraan ekonomi keluarga perspektif qira'ah mubadalah dan maqashid syariah. *SETARA: Jurnal Studi Gender dan Anak*, 6(01), 114–132. <https://doi.org/10.32332/jsga.v6i01.9226>
- Al-Syāṭibī, A. I. (2003). *Al-Muwāfaqāt fi uṣūl al-syari'ah* (Juz II). Dār al-Kutub al-'Ilmiyyah.
- Al-Zuhailī, W. (1985). *Al-fiqh al-Islāmī wa adillatuh* (Juz VII). Dār al-Fikr.
- Afandi, M. (2021). Nafkah produktif perspektif maqashid syariah. *Al-Manhaj: Journal of Indonesian Islamic Family Law*, 3(1), 40–53. <https://doi.org/10.19105/al-manhaj.v3i1.4588>
- Ali, K. (2016). *Sexual ethics and Islam: Feminist reflections on Qur'an, Hadith, and jurisprudence*. Oneworld Publications.
- Auda, J. (2008). *Maqasid al-shariah as philosophy of Islamic law: A systems approach*. IIIT.
- Badan Pusat Statistik. (2025). *Tingkat partisipasi angkatan kerja menurut jenis kelamin*.
- Ferdiansyah, M. I., dkk. (2025). Nafkah istri dalam perspektif kesetaraan gender. *USRAH*, 6(4), 510–513. <https://doi.org/10.22373/hadhanah.v5i2.9480>
- Furqon, M. (2022). Tinjauan maqasid syariah terhadap pertukaran kewajiban nafkah antara suami dan istri. *Al-Hukkam: Journal of Islamic Family Law*, 2(1), 45–53. <https://ejournal.uingusdur.ac.id/al-hukkam/article/view/659>
- Hochschild, A. R. (2012). *The second shift* (pp. 3–15). Penguin Books.
- Kompilasi Hukum Islam. (n.d.). *Buku I hukum perkawinan* (Pasal 80 ayat 4).
- Mir-Hosseini, Z. (2013). *Justice and equality in Muslim family laws*. I.B. Tauris.
- Munir, & Isroani, F. (2023). Upaya isteri dalam mencari nafkah keluarga dalam perspektif maqashid al-syariah. *WISSEN: Jurnal Ilmu Sosial dan Humaniora*, 2(4), 274–281. <https://doi.org/10.62383/wissen.v2i4.589>

- Nurdin, N. M., Assyahrah, A. M., & Kurniati. (2026). Gender relations in female leadership: An empirical study of female judges in religious courts in South Sulawesi. *Insight: Indonesian Journal of Social, Humanity, and Education*, 1(4), 199–202. <https://doi.org/10.70742/insight.v1i4.551>
- Roslaili, Y., Idris, A., & Suhemi, E. (2021). Family law reform in Indonesia according to the maqashid al-shari'a perspective. *Equality: Journal of Gender, Religion and Culture*, 7(2), 161–175. <https://garuda.kemdiktisaintek.go.id/documents/detail/2297533>
- Sabiq, S. (2004). *Fiqh al-sunnah* (Juz II). Dār al-Fikr.
- Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan sebagaimana diubah dengan Undang-Undang Nomor 16 Tahun 2019. (2019). Pasal 34 ayat (1).
- Wadud, A. (2006). *Inside the gender jihad: Women's reform in Islam*. Oneworld Publications.
- Zahrah, M. A. (1957). *Al-aḥwāl al-syakhsiyyah*. Dār al-Fikr al-'Arabi.