

# REINTERPRETING THE CONCEPT OF *NAFKAH* IN ISLAMIC FAMILY LAW IN THE DIGITAL ERA: BETWEEN GENDER JUSTICE AND THE TRANSFORMATION OF ECONOMIC ROLES WITHIN THE FAMILY

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## Article Information

## Abstract

The rapid advancement of Artificial Intelligence (AI) offers unprecedented opportunities while simultaneously raising profound ethical concerns, particularly regarding its potential impact on humanity, privacy, and justice. Within the Islamic worldview, technological ethics are intrinsically linked to the principles of *Maqāṣid al-Sharī'ah*, which safeguard the comprehensive well-being of humankind. This study explores how the *Maqāṣid al-Sharī'ah* framework can serve as a normative foundation for developing AI ethics that align with Islamic values. Adopting a descriptive qualitative approach grounded in an extensive literature review, the research finds that the five core principles of *Maqāṣid ḥifẓ al-dīn* (protection of faith), *al-naḥs* (protection of life), *al-'aql* (protection of intellect), *al-nasl* (protection of lineage), and *al-māl* (protection of wealth) offer a relevant and comprehensive ethical compass for ensuring that AI development and application remain rooted in the preservation of human dignity, spirituality, and social justice.

## Keywords:

*Maqāṣid al-Sharī'ah, Artificial Intelligence, Islamic Ethics, Psychology of Religion, Technology*

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## INTRODUCTION

In Islamic family law, the obligation of financial support (*nafkah*) has traditionally been the responsibility of men as the head of the household. This provision is rooted in the interpretation of the Qur'anic verse in Surah An-Nisa' (4:34), which states that men are *qawwam* over women because they provide for them from their wealth. However, the social and economic transformations of the digital era have shifted patterns of family relationships. Women now have broad access to education, online employment, and economic roles beyond the domestic sphere. This phenomenon raises new questions: Should the obligation of *nafkah* remain solely the husband's responsibility, or should it be re-examined based on the principles of justice and the actual contributions of each party within the family?<sup>1</sup>

The reinterpretation of Islamic law is part of the dynamic process of *ijtihad* in responding to changing times. Scholars such as Yusuf al-Qaradawi and Jasser Auda emphasize the importance of understanding the scriptural texts (*nusus al-shar'iyyah*) not merely in a literal sense, but also through the *maqasid al-shari'ah* approach, which examines the overarching objectives of the law.<sup>2</sup>

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<sup>1</sup> Auda, J. (2008). *Maqasid al-Shariah as Philosophy of Islamic Law*. IIT.

<sup>2</sup> Al-Qaradawi, Y. (1994). *Fiqh al-Awlawiyyat*. Cairo: Dar al-Shuruq.

In the context of family law, *nafkah* is not only an economic matter but also touches on dimensions of justice, gender relations, and household stability. Therefore, the concept of *nafkah* must be revisited with consideration for substantive justice and the significant changes in women's social roles in the digital age.<sup>3</sup>

This study is particularly relevant in light of the growing participation of women in the digital economy, such as online entrepreneurship, freelance work, and remote employment. On the other hand, many Muslim communities still interpret the *nafkah* role rigidly, leading to inequality, double burdens, and even injustice in household practices. The aim of this research is to re-examine the concept of *nafkah* in Islamic family law through the lens of *maqasid al-shari'ah* and Islamic gender justice, in order to formulate a fair and contextually relevant model of *nafkah* obligations in the digital era.<sup>4</sup>

Historically, Islamic family law was developed within the framework of a patriarchal social structure, in which the husband served as the primary breadwinner and the wife was responsible for domestic affairs. This provision was reinforced by normative evidence such as Surah An-Nisa' (4:34), which describes men as *qawwam* over women due to their financial advantage. However, advancements in digital technology and contemporary socio-economic changes have transformed many aspects of household relationships. Women are no longer confined to the domestic sphere; they now actively participate in various economic sectors, including online business, freelance work, and platform-based digital labor. In some cases, they have even become the primary economic providers for their families.

This transformation poses challenges to classical Islamic legal norms, particularly regarding the distribution of *nafkah* responsibilities. The reality is that women's contributions to family finances can no longer be overlooked, even within households that maintain traditional structures. Classical jurisprudence (*fiqh*) stipulates that *nafkah* is the husband's absolute obligation toward his wife as long as she fulfills her domestic duties and resides with him. However, this structure becomes less relevant when the wife also contributes significantly or even more than the husband to meeting the family's needs.<sup>5</sup>

From the perspective of Islamic gender justice, it is time to reinterpret both the textual and practical aspects of *nafkah* so that they are more just, participatory, and responsive to changing realities. Islam, as a religion of mercy for all creation (*rahmatan lil-'alamin*), offers flexibility through *ijtihad* and *maqasid al-shari'ah* to adapt social laws such as these. The *maqasid* framework emphasizes that the objectives of the Sharia are to safeguard five essential values: religion (*din*), life (*nafs*), intellect (*'aql*), lineage (*nasl*), and wealth (*mal*). In the context of family life, these objectives can serve as guiding principles for restructuring *nafkah* relations between spouses, ensuring that they reflect both welfare and justice.<sup>6</sup>

A justice-oriented perspective does not mean equalizing obligations in a rigid manner, but rather reorganizing roles based on the actual contributions of each party within the household. When women are active economic participants, the law should provide flexibility in the distribution of responsibilities. The digital era further accelerates the disruption of conventional role divisions. Married couples now often work from home, share parenting duties, and collaborate

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<sup>3</sup> Barlas, A. (2002). *Believing Women in Islam: Unreading Patriarchal Interpretations of the Qur'an*. Austin: University of Texas Press.

<sup>4</sup> Mernissi, F. (1991). *Women and Islam: An Historical and Theological Enquiry*. Oxford: Blackwell.

<sup>5</sup> Ibn Qudamah. (1992). *Al-Mughni*, Jilid 9. Beirut: Dar al-Fikr.

<sup>6</sup> Auda, J. (2008). *Maqasid al-Shariah as Philosophy of Islamic Law*. IIT.

in family businesses. This dynamic changes household authority structures and opens opportunities for equality that were previously uncommon within the framework of classical *fiqh*.<sup>7</sup>

Adjusting *nafkah* regulations is thus a vital part of contemporary *ijtihad* to meet the needs of the time not to abolish men's obligations, but to recognize and appreciate women's economic contributions while preventing structural injustices within Muslim households. If the law remains fixed in its traditional form without considering the new context, tensions may arise between normative expectations and lived realities. This could lead not only to inequality within families but also to marital breakdown caused by unequal workloads and economic responsibilities.<sup>8</sup>

This paper seeks to reconstruct the concept of *nafkah* in Islamic family law through the combined lens of *maqasid al-shari'ah* and gender justice. Using this approach, it aims to produce a new, adaptive, and inclusive understanding that aligns with the spirit of the digital era. The study also intends to offer an alternative perspective on Islamic law one that is not merely a rigid legal instrument, but a living, solution-oriented, and transformative value system for Muslims facing ever-changing social dynamics.

## RESEARCH METHODOLOGY

This study employs a normative-contextual approach using a library research method. Data were collected from primary sources including the Qur'an, Hadith, and classical *fiqh* literature from the Hanafi, Maliki, Shafi'i, and Hanbali schools, as well as secondary sources such as academic journals, books, and scholarly articles related to gender, the digital economy, and Islamic law. Data analysis was conducted using the maqashid-based hermeneutic method (*hermeneutika maqashidiyah*), which interprets Islamic legal texts in light of the overarching objectives of the Sharia (*maqashid al-shari'ah*), namely the preservation of religion, life, intellect, lineage, and wealth. This approach was integrated with Islamic gender-critical analysis to evaluate the extent to which the *nafkah* system reflects the principles of justice and reciprocity within the family.<sup>9</sup>

The research adopts a qualitative normative design, focusing on the examination of both classical and contemporary Islamic literature concerning the concepts of *nafkah*, *maqashid al-shari'ah*, and gender justice. This method is appropriate as the object of study is not an empirical phenomenon but rather a legal construction and the values of the Sharia as embodied in textual sources and the lived social practices of Muslim communities. Primary data were drawn from classical works such as *Al-Mughni* by Ibn Qudamah, *Al-Mabsuth* by Al-Sarakhsi, and relevant Qur'anic and Prophetic texts. In addition, contemporary intellectual works by scholars such as Jasser Auda and Musdah Mulia served as key references for understanding current reinterpretations of Islamic family law.<sup>10</sup>

Secondary sources include peer-reviewed articles, academic books, journals on gender and Islam, as well as conference proceedings and religious fatwas addressing social and technological transformations in relation to Islamic law. Through this combination, the study aims to build a comprehensive understanding of paradigm shifts in the application of the *nafkah* concept. The data analysis technique applied is contextual hermeneutics, an interpretive approach that situates religious texts within their specific social, cultural, and historical contexts. This is consistent with

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<sup>7</sup> Engineer, A. A. (2004). *The Rights of Women in Islam*. New Delhi: Sterling Publishers

<sup>8</sup> Barlas, A. (2002). *Believing Women in Islam: Unreading Patriarchal Interpretations of the Qur'an*. Austin: University of Texas Press.

<sup>9</sup> Sugiyono. (2018). *Metode Penelitian Kualitatif, Kuantitatif dan R&D*. Bandung: Alfabeta.

<sup>10</sup> Kamali, M. H. (2008). *Maqasid al-Shari'ah Made Simple*. IIT.

the spirit of *ijtihad*, which is open and responsive to societal changes, as outlined in the *maqashid al-shari'ah*.<sup>11</sup>

The study also incorporates critical gender analysis to assess the extent to which Islamic legal texts and practices ensure justice, reciprocity, and balanced roles between men and women. The aim is not to impose uniformity of roles but to ensure that no structural inequality persists within family relations. Data validity was ensured through source triangulation, by comparing interpretations from various *fiqh* schools alongside contemporary scholarly opinions. This approach avoids interpretative bias that could arise from reliance on a single perspective, thereby providing a solid academic basis for the recommendations proposed.<sup>12</sup>

Furthermore, the *maqashid al-shari'ah* framework was applied as an analytical tool prioritizing values such as public welfare (*maslahah*), justice, and balance within Islamic law. This principle is crucial in bridging the gap between classical *fiqh* norms and the social realities of modern society, including the dynamics of Muslim families in the digital era. This study does not seek to abolish the fundamental principles of Islamic law but rather to reassess their application so that they remain relevant and applicable in contemporary contexts. Accordingly, the methodology remains firmly grounded in Sharia principles while remaining open to interdisciplinary approaches, particularly in the areas of gender studies, family sociology, and technology.<sup>13</sup>

## RESULTS AND DISCUSSION

### The Concept of *Nafkah* in Classical *Fiqh*

In classical *fiqh* literature, *nafkah* (maintenance) is defined as the husband's obligation to provide for his wife's basic needs, including food, clothing, housing, and other necessities that ensure the sustainability of household life. The majority of scholars (*jumhur ulama*) agree that *nafkah* is a binding duty of the husband, which does not lapse even if the wife is wealthy, as long as she remains obedient (*taat*) and resides with her husband. This concept emerged from the patriarchal social structure of the classical period, where women generally lacked independent economic access and were entirely dependent on men. However, such a context has changed drastically in the modern and digital era.<sup>14</sup>

Within Islamic law, the concept of *nafkah* has long been a central element in the structure of Muslim households. Scholars generally concur that *nafkah* is the husband's obligation towards his wife, effective upon the conclusion of a valid marriage contract, provided that the wife does not commit *nusyuz* (willful disobedience). This duty covers basic necessities such as food, clothing, housing, and other living expenses, adjusted to the husband's financial capacity. The primary textual bases for this obligation are found in Qur'anic verses such as Q.S. al-Ṭalāq: 7 and Q.S. al-Nisā': 34. The former commands husbands to provide according to their means, while the latter affirms the leadership of men over women on the basis that they provide financial support. This emphasis on the husband's economic responsibility constitutes the foundational principle for the *nafkah* obligation.<sup>15</sup>

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<sup>11</sup> Hosen, N. (2004). *Sharia and Constitutional Reform in Indonesia*. Singapore: ISEAS.

<sup>12</sup> Rahman, F. (1982). *Islam and Modernity*. Chicago: University of Chicago Press.

<sup>13</sup> Ricoeur, P. (1981). *Hermeneutics and the Human Sciences*. Cambridge: Cambridge University Press.

<sup>14</sup> Al-Sarakhsi, M. (1993). *Al-Mabsuth*, Jilid 5. Beirut: Dar al-Ma'rifah

<sup>15</sup> Al-Nawawi. (2002). *Raudhah al-Thalibin*, Jilid 3. Beirut: Dar al-Kutub al-'Ilmiyyah.

According to the majority of scholars from the Hanafi, Maliki, Shafi'i, and Hanbali schools, *nafkah* becomes the wife's right immediately upon the marriage contract and her submission to the marital relationship. Even if the wife is wealthy or earns her own income, the husband remains obligated to provide *nafkah*. This indicates that the duty is independent of the wife's financial standing. Classical *fiqh* distinguishes between two primary categories of maintenance: spousal maintenance and child maintenance. Spousal maintenance is based on the marriage contract, whereas child maintenance arises from the parental bond (*nasab*). However, the specific amount and scope of *nafkah* are not rigidly prescribed, leading to variations among scholars based on 'urf (local custom) and the husband's economic condition.<sup>16</sup>

In *al-Mughnī*, Ibn Qudamah states that if a husband is unable to provide maintenance even due to poverty the wife may request divorce if she is unwilling to endure life without *nafkah*. This underscores the essential role of maintenance in sustaining marital life in the classical *fiqh* framework. It is important to note that this legal construction was shaped by a specific historical and social context: a patriarchal society where women's economic dependence on men was the norm. At that time, few women worked or possessed financial autonomy, making the husband's provision of *nafkah* the sole guarantee of the wife's subsistence within marriage.<sup>17</sup>

Scholars such as al-Sarakhsi also emphasized that a husband may not take benefit from his wife's work or income without her consent. This implies that even when women worked outside the home, their right to *nafkah* from the husband remained fully intact, as no reciprocal arrangement could nullify this obligation. The classical *fiqh* concept of *nafkah* also carries moral and social dimensions. A husband who neglects this duty is considered negligent regarding his family's rights. In some opinions, a husband who refuses to provide *nafkah* may face social sanctions or be compelled by a judge to fulfill his responsibility.<sup>18</sup>

Nonetheless, classical *fiqh* allowed a degree of flexibility, particularly where mutual agreement existed between spouses. If both parties consent to share financial responsibilities under certain circumstances such as hardship or the husband's temporary incapacity this arrangement may be accepted as long as it does not contradict Sharia principles.<sup>19</sup> From the foregoing discussion, it may be concluded that although classical *fiqh* places the primary responsibility of *nafkah* on the husband, it also contains contextual and *ijtihādī* elements that allow adaptation to changing social realities. This provides room for contemporary scholars to reinterpret *nafkah* laws in a more inclusive and equitable manner in the modern era.

### **Gender Justice and the Economic Role of Women**

The digital era has created vast opportunities for women to contribute to the family economy. Many wives work as online entrepreneurs, freelancers, content creators, or remote workers. These economic contributions often match, and sometimes even exceed, the income of their husbands. Within the framework of Islamic gender justice, a wife's economic participation should shift perspectives on the *nafkah* (financial maintenance) burden. Islam teaches the principle of *ta'awun* (mutual assistance), meaning that justice is best achieved not through rigid role divisions, but through reciprocity.<sup>20</sup>

<sup>16</sup> Ibn Qudamah. (1992). *Al-Mughnī*, Jilid 9. Beirut: Dar al-Fikr.

<sup>17</sup> Al-Sarakhsi, M. (1993). *Al-Mabsuth*, Jilid 5. Beirut: Dar al-Ma'rifah

<sup>18</sup> Al-Nawawi. (2002). *Raudhah al-Thalibin*, Jilid 3. Beirut: Dar al-Kutub al-'Ilmiyyah.

<sup>19</sup> Elson, D. (1999). Labor markets as gendered institutions: Equality, efficiency and empowerment issues. *World Development*, 27(3), 611–627.

<sup>20</sup> Ojong, V. B. (2016). Gender and Technology in the Digital Era. *Journal of Gender Studies*, 25(4), 456–470.

The issue of gender justice in Islam has emerged as an increasingly important contemporary discourse, especially in relation to women's roles in the household economy. Gender justice need not be interpreted as absolute equality between men and women; rather, it should be understood as fairness in the distribution of rights and responsibilities based on each party's capacity, contribution, and circumstances. In the context of Muslim families, women's economic roles have undergone a significant transformation, particularly in the digital era. Internet access, digital platforms, and flexible work arrangements have enabled women to actively engage in the workforce without entirely abandoning domestic responsibilities. This shift has driven a transformation in traditional *nafkah* arrangements.<sup>21</sup>

Classical *fiqh* formulated legal norms based on a social structure in which women were financially dependent. However, current realities show that many Muslim women earn their own income, possess assets, and even serve as the primary financial providers for their families. In many modern households, women not only assist their husbands economically but often become the main actors sustaining the family's livelihood. This change has not occurred in a moral vacuum; rather, it has been shaped by the intertwined influences of social, cultural, and technological developments in daily life.<sup>22</sup>

Nevertheless, some segments of society still hold firmly to an absolutist interpretation of *qanwamah*, namely that the husband must remain the sole financial provider and decision-maker. Such a view can create imbalance when, in reality, the wife's economic contribution is equal to or greater than the husband's. Islamic principles of justice in fact allow for a flexible division of roles. The Prophet Muhammad (peace be upon him) himself exemplified a household based on mutual assistance, even in domestic matters. Upon deeper reflection, Islam recognizes role flexibility so long as principles of responsibility and fairness are upheld.<sup>23</sup>

From the perspective of *maqashid al-shari'ah*, the division of economic roles between husband and wife should be directed toward achieving *maslahah* (family welfare). If the woman's economic role becomes dominant, then the legal system should adapt without undermining the substantive principles of Sharia. Gender justice in this context does not mean abolishing the husband's role as leader (*qanwam*), but rather redefining leadership as a responsibility that may be negotiated based on the household's actual circumstances. In some cases, the wife may be more prudent and capable in managing finances and exercising functional leadership within the family.<sup>24</sup>

The relevance of gender justice in household economics is reinforced from a psychosocial perspective. The "double burden" borne by women—working while still being expected to serve as the primary caregiver—often goes unrecognized within traditional *fiqh* structures. Yet justice requires acknowledgment of both emotional labor and reproductive labor as valuable forms of contribution. Justice should also be understood as a fair process of negotiation between spouses, not as the imposition of roles based solely on textual evidence without consideration of context. Dialogue within the household is essential so that each party's rights and obligations are understood and mutually agreed upon in a healthy manner.<sup>25</sup>

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<sup>21</sup> Engineer, A. A. (2004). *The Rights of Women in Islam*. New Delhi: Sterling Publishers.

<sup>22</sup> Mulia, M. (2014). *Muslimah Reformis: Perempuan Pembaru Keagamaan*. Jakarta: Mizan.

<sup>23</sup> Elson, D. (1999). Labor markets as gendered institutions: Equality, efficiency and empowerment issues. *World Development*, 27(3), 611–627.

<sup>24</sup> Welchman, L. (2007). *Women and Muslim Family Laws in Arab States: A Comparative Overview of Textual Development and Advocacy*. Amsterdam: Amsterdam University Press.

<sup>25</sup> Zuhri, M. (2020). Keadilan Gender dalam Hukum Islam. *Jurnal Syariah dan Hukum*, 18(2), 123–137.

In several Muslim-majority countries, family law has begun to revise *nafkah* provisions by incorporating women's economic contributions. Tunisia, for instance, has adopted a legal framework that allows flexibility in the division of financial responsibilities based on the couple's capacity and agreement. In Indonesia, the phenomenon of working wives has become commonplace, particularly in urban areas. However, socially applied Islamic norms have not fully reflected this reality. The prevailing view often continues to regard the husband as superior solely on the basis of the *nafkah* duty, even when, in practice, the wife is the primary economic provider.<sup>26</sup>

Accordingly, a reinterpretation of the *nafkah* concept must account for changes in social structure, women's economic participation, and the substantive principles of justice in Islam. Such legal reform does not contradict Sharia; rather, it actualizes Islam's inclusive values and its responsiveness to changing times.

### **Reinterpretation of *Nafkah* Law from the Perspective of Maqashid al-Shari'ah**

The *maqashid* approach views the purpose of the *nafkah* obligation as ensuring the continuity of household life, the welfare of family members, and social stability. Accordingly, if the responsibility for *nafkah* is shared based on the actual capacities and mutual agreement of the spouses, it remains consistent with the *maqashid* and may, in fact, be more practically just. Thus, the burden of *nafkah* may be renegotiated, particularly when the wife has a stable income and the husband faces financial difficulties. This is not a violation of Sharia, but rather an actualization of the principle of *maslahah* (public interest) within Islamic family law.<sup>27</sup>

*Maqashid al-Shari'ah* constitutes a conceptual framework that places *maslahah* as the primary objective of Islamic law. In the context of family law, the *maqashid* serve as an ethical and normative compass to ensure that every legal provision is not only valid in its textual form but also just and contextually relevant. Therefore, the concept of *nafkah* warrants re-examination within the framework of *maqashid*. Classical *fiqh* tradition stipulates *nafkah* as the husband's absolute duty toward his wife, without taking into account the real economic condition of the household. However, the *maqashid* teach that the law should protect welfare, stability, and harmony in the family. When reality shows that women are also economic providers, a *nafkah* model that places the entire burden on one party becomes less *maslahah*-oriented.<sup>28</sup>

Within the *maqashid* framework, the principle of *hifz al-māl* (protection of wealth) can serve as the basis for reinterpretation, whereby any party with economic capacity—whether husband or wife may contribute to meeting the family's needs. This does not contradict Sharia, for Islamic law is designed to ensure justice and balance rather than the dominance of one side. In addition, the principle of *hifz al-nafs* (protection of life) underscores the importance of preventing mental strain and psychological burdens in the household. If only the husband bears the *nafkah* burden while the wife also works full-time, an imbalance in role distribution emerges, potentially leading to disharmony. In such situations, shared contribution to *nafkah* is more *maslahah*-oriented and humane.<sup>29</sup>

Another relevant *maqashid* foundation is *hifz al-'aql* (protection of intellect), which can be understood as safeguarding rationality and social awareness. A rigid textual interpretation of *nafkah*

<sup>26</sup> Auda, J. (2008). *Maqasid al-Shariah as Philosophy of Islamic Law*. IIIT

<sup>27</sup> Kamali, M. H. (2008). *Maqasid al-Shari'ah Made Simple*. IIIT.

<sup>28</sup> Obermeyer, C. M. (1992). Islam, Women, and Politics: The Demography of Arab Countries. *Population and Development Review*, 18(1), 33–60.

<sup>29</sup> Rahman, F. (1982). *Islam and Modernity: Transformation of an Intellectual Tradition*. Chicago: University of Chicago Press

roles can hinder the intellectual development of Islamic thought and foster resistance to laws perceived as incompatible with reality. Through the *maqashid* approach, Islamic law becomes more rational and inclusive. In the modern context, justice is assessed not only in terms of legal burdens but also in terms of social outcomes and impacts. If the conventional *nafkah* system creates household tension due to economic role imbalance, revising this understanding becomes part of *ijtihad maqashidi* prioritizing *maslahah* over the formal structure of the law.<sup>30</sup>

Several contemporary fatwas and scholarly opinions have begun to open the door for this reinterpretation. Scholars such as Yusuf al-Qaradawi and Jasser Auda have advocated a *maqashid*-oriented approach in responding to new realities of the Muslim community, including family issues. They assert that Islamic law should remain flexible in matters of *mu'amalah* as long as it does not contravene the fundamental principles of Sharia. In certain cases, women may be more stable economically and emotionally than men. Therefore, in the spirit of *maqashid*, leadership and *nafkah* roles can be considered on the basis of capability and mutual agreement, rather than gender alone. This represents a form of dynamic justice consistent with the spirit (*ruh*) of Sharia.<sup>31</sup>

The reinterpretation of *nafkah* law must also be grounded in the values of *tasaamuh* (tolerance) and *musyawarah* (mutual consultation). Islam does not prohibit flexibility in household roles, provided that all parties consent and no responsibility is neglected. Mutual agreement between husband and wife serves as a strong foundation in *maqashid*, as part of the protection of rights and family harmony. It is important to emphasize that reinterpretation is not aimed at abolishing the law or weakening the husband's position, but at refining its application to be more <sup>32</sup>adaptive to changing times. In this regard, *maqashid* offers a progressive approach that prevents Sharia from stagnating and ensures its continued relevance across diverse life contexts.<sup>33</sup>

Accordingly, the *maqashid al-shari'ah* approach opens significant opportunities for formulating a new model of *nafkah* obligations that is grounded not only in textual provisions but also in principles of justice and *maslahah*. Such a model could serve as a solution to household tensions in the modern era, while demonstrating that Islamic law can evolve in harmony with changing times without losing its essential values.<sup>34</sup>

### **Towards an Inclusive and Adaptive Model of Nafkah**

Reinterpreting the concept of *nafkah* does not mean abolishing the husband's responsibility, but rather adjusting the economic roles within the family to align with the ever-changing social realities. A renewed *nafkah* model should reflect reciprocity, flexibility, and appreciation for the contributions of both parties. It is equally important for the state and Islamic institutions to provide family law guidelines that are responsive to digital-era dynamics, strengthening justice, equality, and family welfare as the main orientations of Sharia-based legal frameworks.<sup>35</sup>

The *nafkah* model in Islamic family law is essentially normative, derived from *nash* that designates the husband as the primary financial provider in the household. However, the passage of time and the socio-economic dynamics of Muslim societies demand the emergence of a new

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<sup>30</sup> Zuhri, M. (2020). Keadilan Gender dalam Hukum Islam. *Jurnal Syariah dan Hukum*, 18(2), 123–137.

<sup>31</sup> Al-Raisuni, A. (2005). *Naẓariyyat al-Maqasid 'inda al-Imam al-Shatibi*. Beirut: Dar al-Kalimah.

<sup>32</sup> Ibn Qudamah. (1992). *Al-Mughni*, Jilid 9. Beirut: Dar al-Fikr.

<sup>33</sup> Al-Sarakhsi, M. (1993). *Al-Mabsuth*, Jilid 5. Beirut: Dar al-Ma'rifah.

<sup>34</sup> Ibn Qudamah. (1992). *Al-Mughni*, Jilid 9. Beirut: Dar al-Fikr.

<sup>35</sup> Abou El Fadl, K. (2001). *Speaking in God's Name: Islamic Law, Authority and Women*. Oxford: Oneworld Publications.



model—one that is more responsive to shifts in gender roles and current economic conditions. An inclusive nafkah model is a system that acknowledges and values the economic contributions of all family members, regardless of gender. In this model, whoever is financially capable—husband or wife—can take an active role in financing household needs equally and voluntarily.<sup>36</sup>

In modern life, especially in urban and digital communities, many households rely on dual incomes. Wives are no longer passive or dependent; rather, they have become equal economic partners. Nevertheless, legal and social systems have yet to fully recognize this role formally within the concept of nafkah. An adaptive model means that Islamic law can offer flexibility in nafkah arrangements, depending on mutual agreements, family circumstances, and the capacity of each party. This principle draws upon the fiqh maxim *al-masyaqqah tajlib al-taysir* (“hardship brings about ease”), meaning that when one party is unable to bear the full burden, role distribution becomes a solution for *maslahah* (benefit).<sup>37</sup>

Legal adaptation within the framework of *maqashid al-shari’ah* is not a deviation from Sharia, but rather a refinement of its function to remain relevant and just. The *maqashid* guide that every provision should bring benefit, remove hardship, and maintain social balance within the family and society. This model also includes recognition of domestic work and emotional labor as non-material forms of nafkah. In patriarchal societies, a wife’s domestic labor is often invisible in nafkah considerations, even though it sustains the overall functioning of the family.

Strengthening the value of *ta’awun* (mutual assistance) within the household is a key element of this inclusive model. Islam places no restriction on economic cooperation between spouses. On the contrary, the Prophet Muhammad (peace be upon him) provided an example of a harmonious, collaborative household without rigid role barriers or marginalization of either party. Furthermore, the understanding of nafkah needs to be transformed from a one-sided burden into a shared commitment. Balancing economic roles does not mean nullifying the husband’s responsibility; rather, it broadens the understanding that wives also have the right and opportunity to contribute according to their capacity.<sup>38</sup>

An inclusive and adaptive model also allows for the implementation of more specific marriage contracts, in which the division of financial responsibilities can be agreed upon from the outset. This aligns with the fiqh *mu’amalah* principle *al-‘aqd syaratun baina al-ṭarafayn* (“a contract is an agreement between two parties”). Such provisions ensure clarity and prevent future conflicts. In terms of state policy, Islamic family law should ideally reformulate the definition of nafkah to be more open and reflective of the socio-economic realities of society. Regulations that place the husband as the sole financial provider are no longer adequate in today’s era of digital connectivity and information transparency.<sup>39</sup>

This model also helps reduce divorce rates caused by unrealistic economic pressures. When the economic role is no longer imposed solely on men, families become more resilient in facing crises such as pandemics, unemployment, or fluctuations in the digital economy. This adaptation does not weaken the husband’s position; rather, it creates space for women’s active participation in household economics on an equal and dignified basis. Indeed, through this model, spouses can foster supportive relationships free from the false superiority that hinders harmony.

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<sup>36</sup> Auda, J. (2008). *Maqasid al-Shariah as Philosophy of Islamic Law*. IIIT

<sup>37</sup> Al-Zuhaili, W. (2007). *Ushul al-Fiqh al-Islami*, Jilid 2. Damaskus: Dar al-Fikr.

<sup>38</sup> Kamali, M. H. (2008). *Maqasid al-Shari’ah Made Simple*. London: IIIT.

<sup>39</sup> Nasir, J. (2009). *The Islamic Law of Personal Status*. Cairo: American University in Cairo Press.

Changing the nafkah model also educates society to think that the success of a household is not measured by who contributes more financially, but by how both parties create harmony, mutual trust, and meet shared needs in accordance with mutual agreement.<sup>40</sup>

In the long term, an inclusive and adaptive nafkah model will foster a more egalitarian, just, and balanced Muslim society in building family life. Islam will remain relevant as a religion that addresses the challenges of the times without abandoning its foundational principles. By placing maqashid al-shari'ah as the guiding framework, reinterpretation and reformulation of the nafkah concept becomes an urgent necessity. Such a model will create healthier, fairer, and more flexible family structures capable of navigating the dynamics of modern life. Ultimately, it must be recognized that flexibility in nafkah law is part of the inherent elasticity of Islamic law in responding to reality. There is no single form suitable for all contexts. Thus, an adaptive approach is not a threat, but one of Islam's most fundamental strengths: justice.<sup>41</sup>

## CONCLUSION

The concept of *nafkah* in Islamic family law faces new challenges in the digital era, where the structure of husband–wife roles has undergone transformation. Women are no longer solely domestic companions but have also become economic contributors to the family. This development calls for a reinterpretation of *nafkah* law to ensure it remains just, functional, and relevant. Through the framework of *maqashid al-shari'ah* and Islamic gender justice, the concept of *nafkah* can be developed into a more inclusive system that prioritizes mutual agreement, balance, and the *maslahah* (well-being) of the household. This reinterpretation constitutes a form of social *ijtihad* that remains rooted in Sharia values while being open to the realities of changing times. Adjusting *nafkah* law is not a weakening of Islamic norms, but rather an embodiment of the very spirit of Sharia: realizing justice, preventing harm, and preserving harmony in human life amid the transformations of the modern age.

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<sup>40</sup> Zuhri, M. (2020). Keadilan Gender dalam Hukum Islam. *Jurnal Syariah dan Hukum*, 18(2), 123–137.

<sup>41</sup> Al-Raisuni, A. (2005). *Nazariyyat al-Maqasid 'inda al-Imam al-Shatibi*. Beirut: Dar al-Kalimah.

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