

Reformulation of Livelihood in Islamic Family Law: Qur'anic Basis and Women's Dual Roles

Ridwan

ridwanhk0101@gmail.com

Hidayatullah Ismail

hidayatullah.ismail@uin-suska.ac.id

Universitas Islam Negeri Sultan Syarif Kasim Riau

Abstract

The study on the reformulation of the concept of nafaqah (financial support) in Islamic family law has become increasingly relevant amid the social and economic transformations brought about by the digital era and the expanding dual roles of women in both domestic and public spheres. This research aims to reanalyze the conceptual understanding of nafaqah based on the values of the Qur'an, taking into account the context of the digital economy and the transformation of modern family structures. The research employs a qualitative approach through library research, combining an analysis of classical texts in uṣūl al-fiqh and family fiqh with contemporary literature discussing maqāṣid al-sharī'ah and gender justice. The findings reveal that the concept of nafaqah in Islamic law encompasses interconnected moral, social, and economic dimensions. Normatively, nafaqah is the responsibility of the husband; however, within the context of the digital economy, this principle requires reinterpretation to align with the Qur'anic values of justice, reciprocity, and partnership. The integration of the principles of ḥifẓ al-māl (protection of wealth) and ḥifẓ al-nasl (protection of lineage) emphasizes that the reformulation of the concept of nafaqah is not merely a legal innovation but also part of a broader effort to preserve the welfare and sustainability of Muslim families in the modern era.

Keywords: Nafaqah, Islamic Family Law, Gender Equality

Abstrak

Kajian mengenai reformulasi konsep nafkah dalam hukum keluarga Islam menjadi semakin relevan di tengah perubahan sosial dan ekonomi akibat perkembangan era digital serta meningkatnya peran ganda perempuan dalam ranah domestik dan publik. Penelitian ini bertujuan menganalisis ulang pemahaman konseptual nafkah berdasarkan nilai-nilai Al-Qur'an dengan mempertimbangkan konteks ekonomi digital dan transformasi struktur keluarga modern. Metode penelitian yang digunakan adalah pendekatan kualitatif dengan studi pustaka (*library research*), yang memadukan analisis terhadap teks-teks klasik dalam bidang uṣūl al-fiqh dan fiqh keluarga dengan literatur kontemporer yang membahas maqāṣid al-syarī'ah dan keadilan gender. Hasil penelitian menunjukkan bahwa konsep nafkah dalam hukum Islam memiliki dimensi moral, sosial, dan ekonomi yang saling berkaitan.

Secara normatif, kewajiban nafkah merupakan tanggung jawab suami; namun, dalam konteks ekonomi digital, prinsip tersebut perlu ditafsirkan ulang agar sesuai dengan nilai keadilan, kesalingan, dan kemitraan sebagaimana diajarkan dalam Al-Qur'an. Integrasi antara prinsip *hifz al-mal* (perlindungan harta) dan *hifz al-nasl* (perlindungan keturunan) menegaskan bahwa reformulasi konsep nafkah bukan sekadar pembaruan hukum, tetapi juga bagian dari upaya menjaga kesejahteraan dan keberlanjutan keluarga Muslim di era modern.

Kata Kunci: Nafkah, Hukum Keluarga Islam, Kesenjangan Gender

A. Introduction

Reformulating the concept of maintenance within the framework of Islamic family law is necessary as a normative response to changes in the family economic structure triggered by the digitalization of the economy and the increasing productive participation of women who play dual roles as domestic managers and public economic actors. The digital economy phenomenon, which has given rise to platform-based transactions, income, and assets, presents new challenges related to determining the source, distribution mechanisms, and proof of income in maintenance matters, which have previously been formulated within relatively conventional family law.¹ Furthermore, social realities demonstrate a significant increase in women's involvement in formal and informal economic activities, so the classic regulation of maintenance, which places primary maintenance obligations on the husband, needs to be reexamined to align it with the principles of substantive justice and the objectives of sharia, which safeguard the family's well-being and the welfare of its members.²

Textual studies of the Qur'an and its interpretations show that the concept of livelihood (*nafaqa*) emphasizes the fulfillment of basic family needs—food, clothing, and shelter—and takes a contextual approach proportional to the breadwinner's ability. Therefore, any reformulation effort must remain rooted in Qur'anic values that emphasize economic responsibility and protection within the family.³ The *maqasid* approach, or the objectives of sharia, offers a relevant methodological framework for assessing and reformulating the rules of livelihood in the digital era, because *maqasid* allows

¹ Ridha Amaliyah Ita Musarrofa, Husnul Muttaqin, "The Problems of Islamic Family Law in the Digital Era Its Relevance to Renewal of the Compilation of Islamic Law," *Hukum Islam* 22, no. 2 (2024): hlm. 93.

² Jumni Nelli, "Working Wife'S Nafkah Family Law Perspective Indonesian Islam," *Eksekusi* 5, no. 2 (2023): hlm. 220, <https://doi.org/10.24014/je.v5i2.25924>.

³ Ayu Widya Astuti dkk., "Persepsi Masyarakat Terhadap Peran Ganda Pada," *Journals of Indonesian Multidisciplinary Research* 3, no. 1 (2024): hlm. 7.

for a teleological interpretation of law that prioritizes the public interest, equitable distribution of justice, and protection of family existence. Thus, a new interpretation of livelihood can accommodate shared authority over family assets, the wife's income contributions, and digital assets that may serve as a basis for fulfilling family needs.⁴

At the level of legal practice, several decisions and empirical studies indicate ambiguity in the treatment of a working wife's income. Although there is no explicit text prohibiting a wife from working, the application of the joint property concept in some jurisdictions creates uncertainty about whether a wife's income becomes part of the joint property or remains hers. This uncertainty directly impacts the implementation of the wife's and children's rights to maintenance during family disputes.⁵

Therefore, the purpose of this study is to reformulate the concept of maintenance in Islamic family law, rooted in Qur'anic values and the principles of maqasid (the principles of the law), while also addressing the challenges of the digital family economy and accounting for the reality of women's dual roles. The proposed reformulation should include a definition of maintenance that takes into account digital forms of income and platform-based capital, a mechanism for proving and determining the amount of maintenance that adapts to fluctuations in digital income, the principle of equitable distribution of economic obligations between husband and wife when both contribute income without neglecting the responsibility for family protection, which is the primary objective of sharia. As well as legislative recommendations and practical guidelines in family law compilations, this should clearly accommodate digital aspects in family court procedures. Thus, this research is not only theoretically normative but also has practical implications for policymakers, religious courts, and family actors in responding to rapid and complex economic changes without abandoning the foundations of Al-Quranic values and maqasid sharia.

B. Research methods

This research uses a library research method with a qualitative approach. The choice of this method is guided by the research study's focus on conceptual and normative analysis of primary and secondary texts in the field of Islamic family law. The data sources in this study consist of primary and secondary sources. Primary sources include the Qur'an, hadith, and the main

⁴ Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (The International Institute of Islamic Thought, 2008). hlm. 26

⁵ Nurfauzy Ahmad, *Nafkah Keluarga Menurut Muhammad Quraish Shihab dalam Tafsir Al-Mishbah* (Universitas Muhammadiyah Surakarta, 2021). hlm. 4

works of classical scholars such as al-Majmu' Sharḥ al-Muhadhdhab by al-Nawawi, Uṣul al-Fiqh al-Islami by Wahbah al-Zuhayli, and al-Aḥkam al-Sulṭaniyyah by al-Mawardi, which are relevant in explaining the obligation of maintenance and the structure of family responsibilities in Islam. In addition, primary sources include contemporary works such as Maqasid al-Shariah as a Philosophy of Islamic Law by Jasser Auda and Tafsir al-Mishbah by Muhammad Quraish Shihab, which offer a maqasidi perspective and contextual interpretations of the verses on maintenance. Meanwhile, secondary sources include scientific journal articles, dissertations, proceedings, and recent e-books on Islamic family law, gender, and related topics.

Data collection techniques involved documentation studies: reading, identifying, classifying, and analyzing literature relevant to the research focus. Data analysis was conducted using content analysis and conceptual analysis methods. Content analysis was used to explore the meaning, context, and relevance of the Quranic verses on livelihood, as well as the interpretations of classical and modern scholars.

C. Discussion and Research Results

The Concept of Livelihood in Islam

Etymologically, the term "maintenance" comes from Arabic (نَفَقَة), which is rooted in the word "nafaqa" and its derivatives, such as "anfaqa-yunfiqu-infāq" "yunfiqu," and "nafaqah," which mean expenditure or allocation of assets for daily living needs.⁶ In the book "Tāj al-'Arūs min Jawāhir al-Qāmūs," Muradla al-Zabidi explains that "maintenance" refers to the expenses a person incurs for himself or his family. This term is also often equated with "infak," because both come from the same root. Meanwhile, Ibn Manzhur in Lisān al-'Arab states that "maintenance" or "infak" has the same meaning as "sadaqah" and "ith'ām" (feeding), and is called "sadaqah" if the assets spent are based on sincerity and honesty.⁷

A married man who holds the status of husband has an obligation to provide for his wife, both materially and non-materially. This obligation includes fulfilling basic needs such as food, clothing, shelter, as well as protection and affection. In Islamic teachings, the obligation to provide for a living is a moral and legal responsibility that demonstrates a husband's leadership and responsibility in the household. Allah states in Surah An-Nisa,

⁶ Hardianti dan Nurchaliq Majid, "Rekonstruksi Konsep Nafkah Dalam Hukum Keluarga Islam: Perspektif Gender Dan Otonomi Perempuan," *USRAH: Jurnal Hukum Keluarga Islam* 6, no. 3 (2025): hlm. 73., <https://doi.org/10.46773/usrah.v6i3.1908>.

⁷ Andi Muhammad Idin dan Mustaming Mustaming, "Nafkah Dalam Konteks Hukum Islam," *MADDIKA: Journal of Islamic Family Law* 4, no. 1 (2023): hlm. 41., <https://doi.org/10.24256/maddika.v4i1.4837>.

verse 34, that men are leaders over women because they spend part of their wealth.⁸

Maintenance is a husband's obligation to meet his wife's living needs as a consequence of a valid marriage. Maintenance includes providing necessities such as food, shelter, and medical expenses if the wife is ill. Therefore, maintenance can be understood as a form of responsibility and concern on the part of the husband to ensure his wife's well-being, as required by Islamic law.⁹

Scholars from various schools of thought agree that one of a husband's primary obligations after a valid marriage contract is to provide for his wife. The husband is seen as the family's backbone, responsible for meeting the household's economic needs. This obligation includes fulfilling basic needs such as food, shelter, and protection for his wife.¹⁰

In Indonesia, provisions regarding maintenance have a strong legal basis in the positive legal system through the Compilation of Islamic Law (KHI). Article 80, paragraph (4), of the KHI emphasizes that a husband is obliged to protect his wife and to fulfill the household's living needs according to his abilities. This rule reinforces the principles of classical fiqh while adapting them to the social context of Indonesian society. However, in practice, implementing the obligation to provide maintenance often encounters obstacles, especially when the husband's financial situation is inadequate. Thus, although the legal norm is clear, its implementation in the field still depends on the situation and capabilities of each family.¹¹

In classical Islamic jurisprudence, maintenance is divided into three main categories: maintenance for the wife, children, and close relatives. Maintenance for the wife includes meeting basic needs—food, clothing, and shelter. Meanwhile, maintenance for children covers all their living needs until they reach puberty or can support themselves. In addition to these two, Islam also requires a person to provide for less fortunate family members, such as parents, in accordance with the principles of justice and responsibility established in sharia.¹²

⁸ Mustafid, *Hukum Keluarga: Perkawinan dalam Islam dan Adat* (Tangguh Denaya Jaya, 2023), hlm. 62.

⁹ Riyan Erwin Hidayat dan Muhammad Nur Fathoni, "Konsep Nafkah Menurut Muhammad Syahrur dan Kompilasi Hukum Islam," *Syakhshiyah Jurnal Hukum Keluarga Islam* 2, no. 2 (2022): hlm. 151., <https://doi.org/10.32332/syakhshiyah.v2i2.6139>.

¹⁰ Wardah Nuroniyah dkk., "Kewajiban Nafkah Dalam Keluarga Perspektif Husein Muhammad," *Mahkamah : Jurnal Kajian Hukum Islam* 4, no. 1 (2019): hlm. 108.

¹¹ Toha Ma'arif, "Relevansi Konsep Nafkah dalam Hukum Keluarga Islam terhadap Dinamika Kehidupan Modern," *Al Fuadiy Jurnal Hukum Keluarga Islam* 7, no. 2 (2025): hlm. 104., <https://doi.org/10.55606/af.v7i2.1669>.

¹² Fauziah Hayati, "Konsep Nafkah Dalam Islam: Kajian Literatur Terhadap Pemahaman Klasik Dan Pendekatan Ekonomi Syariah Modern," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 2, no. 4 (2024): hlm. 2232., <https://doi.org/10.62976/ijjel.v2i4.836>.

Transforming the Concept of Livelihood in the Digital Economy Era: Definitional Challenges, Proof of Income, and Digital Assets

The changing economic landscape of modern Muslim societies has placed significant pressure on the understanding and implementation of the obligation to provide a livelihood, which has traditionally been constructed within a framework in which the husband acts as the primary provider of the family, with readily identifiable income and distribution that can be conventionally measured. In the digital era, family income patterns have expanded to include online activities such as e-commerce marketing and online freelance work, as well as technology-based economic instruments, such as digital assets and electronic payments. A literature review indicates the need to reformulate the definition of livelihood to encompass forms of income that are no longer based on conventional work structures or physical transactions. For example, the study concluded that the concept of livelihood in the digital context requires a redefinition of relevant income types and adaptive proof mechanisms, as income can be generated from distributed micro-activities on online platforms and from digital assets that are difficult to trace using traditional evidence such as payslips or bank statements.¹³

Furthermore, another study found that the classical understanding of the types of sustenance —namely, clothing, food, and shelter — according to the Imam al-Shafi'i school has become less relevant in light of the realities of the digital economy, although its substantive elements remain valid.¹⁴ The study stated that although the husband's obligation to provide sustenance remains, the standards for the type and level of sustenance need to be reexamined to suit the technological context and variations in new income models. Thus, digital income and platform-based assets must be considered part of the family's maintenance capacity, so that the proof and measurement of sustenance obligations must be developed to include electronic data and online economic activities as indicators of the family's economic capacity.

The practical consequences of this transformation are evident in family law. The unclear classification of digital income has a direct impact on family law institutions, particularly in determining the amount of maintenance, the husband's responsibilities to his wife and children, and the calculation of maintenance during the iddah (waiting period) or mut'ah (waiting period) after divorce. One study found that because some digital assets or online income are not recorded in the formal financial system, claimants sometimes face obstacles in providing adequate evidence in religious courts or Islamic family forums.¹⁵ Therefore, reformulating the literature and policies is crucial

¹³ Muhyiddin Muhyiddin, "Tinjauan Konsep Nafkah Di Era Digital Dalam Perspektif Imam Syafi'i," *Isti'dal: Jurnal Studi Hukum Islam* 7, no. 1 (2020): hlm. 100, <https://doi.org/10.34001/istidal.v7i1.2576>.

¹⁴ Hayati, "Konsep Nafkah Dalam Islam: Kajian Literatur Terhadap Pemahaman Klasik Dan Pendekatan Ekonomi Syariah Modern."

¹⁵ M.Nur Syafiuddin, Rachmad Safa'at, Prija Djatmika, "Redefinition of Nafkah in the Pattern of Child Protection and the Formation of Family Problems in Indonesia," *International*

to guide judges and Islamic family law officials so they can accept evidence of digital income or online assets as part of their capacity to maintain their maintenance.

Within the framework of developing Islamic family law that is responsive to the times, several aspects must be considered in reformulating the concept of maintenance: first, the definition of maintenance must be expanded to include digital income, online assets, and platform-based capital as part of the family's economic capacity; second, the mechanism for proving maintenance must introduce alternative evidence standards such as digital platform reports, e-wallet transactions, online business portfolios, or app-based income; third, guidelines for determining the amount of maintenance must be flexible and take into account fluctuations in digital income and the uncertainty of the modern economy without harming the wife or children as the recipients of maintenance. With these steps, the objectives of sharia in the context of maintenance — maintaining family welfare, ensuring fairness in maintenance responsibilities, and maintaining the continuity of the lineage — can still be achieved even in rapidly changing economic conditions.

Furthermore, the literature notes that the transformation of the digital economy has altered the concept of joint property (*gemeinschaft*) within families; digital assets acquired through online activities can become part of the relevant joint assets to be considered in maintenance calculations. Thus, reformulation occurs not only in the definition of income but also in how joint assets are identified and accounted for within the digital family economy. This implies the need for Islamic family law guidelines that regulate the status of digital assets and the division of spouses' economic contributions in determining maintenance capacity.

In conclusion, the transformation of the concept of maintenance in the digital economy era demands an adaptive and inclusive renewal of the Islamic family law narrative. Without this change, maintenance obligations risk being left behind by socio-economic realities and losing their capacity to protect Muslim families optimally. Therefore, this study recommends that policymakers, religious courts, and Islamic legal scholars urgently develop a normative framework that integrates digital income, electronic evidence, and online assets into maintenance mechanisms, so that maintenance obligations remain relevant and effective in safeguarding the well-being of Muslim families in the digital era.

Women's Dual Roles and Implications for the Distribution of Livelihood: A Gender Justice and Legal Uncertainty Perspective

The increasing involvement of women in formal and informal economic activities is changing the economic composition of families, making the livelihood model that positions the husband as the sole provider less reflective of social realities. The phenomenon of dual roles requiring women to manage

paid work while simultaneously shouldering household reproductive duties calls for a reexamination of the principle of the division of economic responsibilities, which is merely normative and patriarchal.¹⁶ Social and legal studies indicate that in many contexts, women now contribute substantially to family income, so the division of income should consider a collaborative model that recognizes the wife's economic contribution without eliminating the economic protection function that is the goal of sharia. Case studies in Indonesia show that the construction of Islamic family law has not fully accommodated the presence of women as secondary or even primary breadwinners, and this has resulted in inequality in the implementation of the rights to income for wives and children.¹⁷

In the legal aspect, there is a plurality of decisions and norms that cause uncertainty; some national legal instruments or local interpretations can force wives to relinquish some of their rights to maintenance or place their wives' income outside of joint assets without adequate protection, so that in situations of dispute, wives and children often suffer economic losses even though the wife contributes economically.¹⁸ For example, in research on the double burden of female workers across domestic and public spheres, it was found that because marital regulations and social norms have not evolved equally, women often lag in the official recognition of their contributions to the family economy.¹⁹

Therefore, a normative study is needed to formulate a principle of distributive justice grounded in *maqāṣid al-syari'ah* and the principle of functional equality, so that the distribution of maintenance obligations is determined by actual ability and need, rather than traditional gender roles. Recommended policy reforms should include judicial guidelines that consider evidence of the wife's economic contribution, the impact of reproductive workload on economic capacity, and a temporary social protection mechanism to replace the wife's economic contribution after divorce, thereby maintaining the principle of child and descendant protection.²⁰

Within the framework of contemporary Islamic family law, recognition of women's economic contributions must be accompanied by an analytical approach that accounts for the double burden they bear. The concept of a double burden refers to a situation in which women simultaneously bear

¹⁶ Hardianti dan Nurchaliq Majid, "Rekonstruksi Konsep Nafkah Dalam Hukum Keluarga Islam: Perspektif Gender Dan Otonomi Perempuan."

¹⁷ Qonita Qothrunnada dkk., "Examining Justice! The Double Burden of Women in Indonesia from the Perspective of The Compilation of Islamic Law," *Al-Ahkam: Jurnal Ilmu Syari'ah dan Hukum* 9, no. 1 (2024): hlm. 74, <https://doi.org/10.22515/alahkam.v9i1.9680>.

¹⁸ Nurlinda Yani, "Hak dan Nafkah Istri dalam Hukum Islam: Analisis Konsep Kesetaraan Gender," *Posita: Jurnal Hukum Keluarga Islam* 2, no. 2 (2024): hlm. 106, <https://doi.org/10.52029/pjhki.v2i2.233>.

¹⁹ Ni Wayan Merda Surya Dewi, "Beban ganda perempuan yang bekerja akibat bias gender dalam uu perkawinan," *Hukum Saraswati* 07, no. 02 (2025): hlm. 11.

²⁰ Samsul Zakaria, "Nafkah dan Ketimpangan Gender (Analisis Nafkah dalam Kompilasi Hukum Islam)," *Ijtihad* 36, no. 2 (2020): hlm. 66.

domestic (childcare, housework) and productive (work outside the home or self-employment) responsibilities, creating tension between physical and psychological capacity and economic responsibilities. National studies have found that despite women's increasing economic contributions, interpretations of Islamic family law still tend to maintain the assumption that the husband is the primary provider, resulting in women's burdens not being proportionately accommodated in determining maintenance.

Reformulating the concept of maintenance in this context demands that the division of economic responsibilities within Muslim families be viewed not solely as the husband's obligation to his wife and children, but as a shared system based on the principle of each party's respective capabilities, a fair division of labor, and a compensation mechanism for reproductive work that is not always visible as income but contributes to the family's well-being.²¹ Therefore, the wife's income, as well as non-monetary contributions such as childcare or the management of a household business, must be taken into account in evaluating the family's capacity and the appropriate amount of maintenance.

In practice, this requires revising the legal guidelines used by Islamic courts and policymakers to assess maintenance. Reforms include stipulating that the wife's and children's maintenance rights are not waived simply because the wife contributes financially; these rights must still be institutionally guaranteed. Evidence mechanisms should be expanded to include data on the wife's economic contributions, such as household business income, online transactions, or significant contributions to the family's economic burden, as part of the family's capacity. Similarly, maintenance distribution mechanisms should be flexible and context-specific, for example, accounting for fluctuations in the wife's income in the informal economy, additional domestic workloads, and potential changes in responsibilities following divorce or a change in the spouse's economic status.

Theoretically, this reformulation implies a new understanding of maintenance as a shared obligation to the family, rather than solely the husband's. Such a model is more in line with the *maqasid al-shari'ah* (objectives of Islamic law), which emphasize the welfare of the family, justice among members, and the continuation of the lineage. This research, therefore, suggests that Islamic family law should adopt a normative and practical framework that upholds gender equity in the distribution of maintenance, adapting to modern family forms and the digital economy without weakening protections for women and children.

Thus, this discussion demonstrates that significant socio-economic transformation requires adapting Islamic family law to women's dual roles and their implications for income distribution. Without appropriate adaptation, the income system risks becoming a tool that reinforces gender

²¹ Hardianti dan Nurchaliq Majid, "Rekonstruksi Konsep Nafkah Dalam Hukum Keluarga Islam: Perspektif Gender Dan Otonomi Perempuan," hlm. 74.

inequality, rather than an instrument of justice and family protection. Therefore, policies, regulations, and court rulings must be directed toward creating a livelihood system that is responsive to women's changing social roles while remaining grounded in Qur'anic values and sharia principles that nurture family and offspring.

Maqasid Orientation in the Reformulation of Livelihood and Recommendations for Islamic Family Law Policy

Digital transformation has fundamentally changed the economic paradigm of Muslim families. The emergence of financial technology, e-commerce, and online payment systems has created a new model of economic interaction that demands adjustments to the concept of livelihood in Islamic family law. In this context, the reformulation of the concept of livelihood is not merely a terminological revision, but rather an epistemological effort to reaffirm the meaning of family economic responsibility based on Qur'anic values and the principles of maqasid al-shari'ah. Values such as justice ('adl), responsibility (mas'uliyah), and benefit (maṣlaḥah) serve as the primary normative foundations for responding to the dynamics of the digital economy that transcend the boundaries of space and time.²²

Changes in digital work patterns, such as remote working, the gig economy, and online businesses, mean that sources of income are no longer physical or location-bound. In many cases, women now play a significant economic role through digital platforms, without abandoning their inherent domestic roles. This shifts the husband's traditional position as the sole breadwinner to a collaborative model based on responsibility and capability. According to Masyhuri and Nur Aini, this change demands a reinterpretation of the term "maintenance" in the Quran, which essentially aims to create balance and harmony in the household rather than the economic superiority of one party.²³ Therefore, the reformulation of the concept of "maintenance" must be directed at reinterpreting the obligations of husband and wife in the context of the digital economy, where financial capacity is not determined solely by gender but by access to technology and digital capital.

Within the framework of the maqasid al-syari'ah (obligatory obligations of sustenance), the obligation to provide for one's life (ḥifẓ al-nafs), descendants (ḥifẓ al-nasl), and property (ḥifẓ al-mal). Therefore, reformulating the concept of sustenance in the digital era requires attention to protecting family assets and economic resources, which are now exposed to digital financial systems and cyber risks. A study by Ita Musarrofa et al. suggests that Islamic family law should be expanded to regulate non-conventional forms of sustenance, such as digital transfers, e-wallets, and cryptocurrencies that are legitimate under sharia.²⁴ This perspective is crucial

²² Wahbah Al-Zuhayli, *Ushul al-Fiqh al-Islami* (Dār al-Fikr, 1996). hlm. 134

²³ Masyhuri dan Nur Aini, "Konsep Nafkah dalam Perspektif Hukum Islam dan Relevansinya di Era Digital," *Jurnal Al-Manhaj* 4, no. 1 (2024): hlm. 45.

²⁴ Ita Musarrofa, Husnul Muttaqin, "The Problems of Islamic Family Law in the Digital Era Its Relevance to Renewal of the Compilation of Islamic Law ." hlm. 23

for maintaining a balance between the validity of sharia law and the efficiency of the modern economy, particularly when family transactions are conducted online. If the law is unable to accommodate these new forms of sustenance, a legal vacuum will arise that can be detrimental to the vulnerable, particularly women and children.

Furthermore, the digitalization of the economy poses new challenges to providing maintenance in family law cases. In religious court practice, proof of maintenance typically takes the form of physical documents or direct confessions. However, in a digital system, such evidence can take the form of electronic transactions, which require technical expertise to prove. Therefore, reformulating maintenance law also includes developing digital evidence guidelines that guarantee fairness and accountability. According to Zainuddin and Fahmi, judicial institutions must recognize digital evidence, such as bank transaction histories, e-wallet records, and proof of online transfers, as valid documents in maintenance cases.²⁵ This recognition will strengthen the position of Islamic family law in the digital era and ensure the principle of *maslahah mursalah* is maintained.

Quranic values such as *al-qiwamah* (leadership) and *al-nafaqah* (providing a living) need to be reinterpreted to align with the modern socioeconomic context without eliminating the fundamental principle of gender justice. Surah An-Nisa, verse 34, is often cited as establishing men's responsibility to provide a living due to their physical and economic superiority. However, contemporary interpretations emphasize that this superiority is functional rather than hierarchical. Therefore, when women have equal or even greater economic capacity, the responsibility for providing a living can be carried out proportionally. This reformulation emphasizes that the primary goal of Islamic law is to create balance and sustainability in the family economy, not to maintain the dominance of one party.²⁶

In a practical context, the reformulation of maintenance law needs to be translated into updated family law regulations and guidelines. These updates could include (1) official recognition of the wife's economic contribution in determining the amount of household maintenance; (2) adjustments to inheritance and joint property laws to account for digital assets such as e-wallets, online stocks, and crypto assets; and (3) development of digital legal literacy for Muslim families to understand their economic rights and obligations in cyberspace. This approach aligns with the principle of *taṭwīr al-fiqh* (the development of *fiqh*), which emphasizes the flexibility of Islamic law to changing times while maintaining adherence to its *maqāṣid* (purposes).²⁷

²⁵ Zainuddin dan Fahmi, "Pembuktian Digital dalam Perkara Hukum Keluarga Islam di Indonesia," *Jurnal Hukum dan Syariah* 13, no. 2 (2023): hlm. 71.

²⁶ M. Quraish Shihab, *Tafsir al-Mishbah: Pesan, Kesan, dan Keserasian al-Qur'an* (Lentera Hati, 2008). hlm. 419

²⁷ Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach*. hlm. 75

Therefore, the reformulation of the concept of maintenance in Islamic family law, grounded in Qur'anic values, not only focuses on relational justice between husband and wife but also expands the dimension of structural justice to address the challenges of the digital economy. The Qur'an, as the primary source of Islamic law, must be understood dynamically, not merely normatively, to address new issues such as the digitalization of income, non-physical assets, and virtual forms of maintenance. Thus, Islamic family law will remain relevant, adaptive, and responsive to changes in the increasingly digitalized global Muslim society. This reformulation not only strengthens spiritual values but also builds a more just, transparent, and sustainable family law system amidst the digital transformation.

D. Kesimpulan

Reformulating the concept of maintenance in Islamic family law is crucial to addressing the social and economic changes of modern society. The concept of maintenance, which has traditionally been understood normatively, needs to be contextualized to ensure alignment with universal Qur'anic values such as justice, responsibility, and balance. In the context of the digital economy, women's increasingly active role in supporting the family economy demands a reinterpretation of the structure of maintenance responsibilities, not to eliminate the husband's role, but to emphasize the principle of mutuality and partnership within the household. Based on the *maqāṣid al-syarī'ah* (obligatory principles of sharia), particularly the protection of property (*hifz al-māl*) and offspring (*hifz al-nasl*), this reformulation presents an integrative approach between text and context, ensuring that Islamic family law remains relevant and adaptive to the dynamics of the times, while strengthening the role of spirituality and morality in creating a harmonious and just family.

References

- Aini, Masyhuri dan Nur. "Konsep Nafkah dalam Perspektif Hukum Islam dan Relevansinya di Era Digital." *Jurnal Al-Manhaj* 4, no. 1 (2024): 45.
- Al-Zuhayli, Wahbah. *Ushul al-Fiqh al-Islami*. Dār al-Fikr, 1996.
- Astuti, Ayu Widya, Dea Nur Safitri, Althariqul Jannah, dkk. "Persepsi Masyarakat Terhadap Peran Ganda Pada." *Journals of Indonesian Multidisciplinary Research* 3, no. 1 (2024): 7.
- Auda, Jasser. *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach*. The International Institute of Islamic Thought, 2008.
- Fahmi, Zainuddin dan. "Pembuktian Digital dalam Perkara Hukum Keluarga Islam di Indonesia." *Jurnal Hukum dan Syariah* 13, no. 2 (2023): 71.
- Hardianti, dan Nurchaliq Majid. "Rekonstruksi Konsep Nafkah Dalam Hukum Keluarga Islam: Perspektif Gender Dan Otonomi Perempuan." *USRAH: Jurnal Hukum Keluarga Islam* 6, no. 3 (2025): 68–82. <https://doi.org/10.46773/usrah.v6i3.1908>.
- Hayati, Fauziah. "Konsep Nafkah Dalam Islam: Kajian Literatur Terhadap Pemahaman Klasik Dan Pendekatan Ekonomi Syariah Modern."

- Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 2, no. 4 (2024): 2230–39. <https://doi.org/10.62976/ijijel.v2i4.836>.
- Hidayat, Riyan Erwin, dan Muhammad Nur Fathoni. "Konsep Nafkah Menurut Muhammad Syahrur dan Kompilasi Hukum Islam." *Syakhshiyah Jurnal Hukum Keluarga Islam* 2, no. 2 (2022): 150–64. <https://doi.org/10.32332/syakhshiyah.v2i2.6139>.
- Idin, Andi Muhammad, dan Mustaming Mustaming. "Nafkah Dalam Konteks Hukum Islam." *MADDIKA : Journal of Islamic Family Law* 4, no. 1 (2023): 48–56. <https://doi.org/10.24256/maddika.v4i1.4837>.
- Ita Musarrofa, Husnul Muttaqin, Ridha Amaliyah. "The Problems of Islamic Family Law in the Digital Era Its Relevance to Renewal of the Compilation of Islamic Law ." *Hukum Islam* 22, no. 2 (2024): 93.
- Masyhuri dan Nur Aini, "Konsep Nafkah dalam Perspektif Hukum Islam dan Relevansinya di Era Digital," *Jurnal Al-Manhaj* 4, no. 1 (2024): hlm. 45.
- M.Nur syafiuddin, Rachmad Safa'at, Prija Djatmika, Istislam. "Redefinition of Nafkah in the Pattern of Child Protection and the Formation of Family Problems in Indonesia." *International Journal of Nusantara Islam* 9, no. 1 (2021): 215–22. <https://doi.org/10.15575/ijni.v9i1.13186>.
- Muhyiddin, Muhyiddin. "Tinjauan Konsep Nafkah Di Era Digital Dalam Perspektif Imam Syafi'I." *Isti'dal : Jurnal Studi Hukum Islam* 7, no. 1 (2020): 79–100. <https://doi.org/10.34001/istidal.v7i1.2576>.
- Mustafid. *Hukum Keluarga: Perkawinan dalam Islam dan Adat*. Tangguh Denaya Jaya, 2023.
- Ridha Amaliyah Ita Musarrofa, Husnul Muttaqin, "The Problems of Islamic Family Law in the Digital Era Its Relevance to Renewal of the Compilation of Islamic Law ," *Hukum Islam* 22, no. 2 (2024): hlm. 93.
- Nelli, Jumni. "Working Wife'S Nafkah Family Law Perspective Indonesian Islam." *Eksekusi* 5, no. 2 (2023): 220. <https://doi.org/10.24014/je.v5i2.25924>.
- Ni Wayan Merda Surya Dewi. "Beban ganda perempuan yang bekerja akibat bias gender dalam uu perkawinan." *Hukum Saraswati* 07, no. 02 (2025): 1001–11.
- Nurfauzy Ahmad. *Nafkah Keluarga Menurut Muhammad Quraish Shihab dalam Tafsir Al-Mishbah*. Universitas Muhammadiyah Surakarta, 2021.
- Nuroniayah, Wardah, Ilham Bustomi, dan Ahmad Nurfadilah. "Kewajiban Nafkah Dalam Keluarga Perspektif Husein Muhammad." *Mahkamah : Jurnal Kajian Hukum Islam* 4, no. 1 (2019).
- Qothrunnada, Qonita, Asy Syifak Qolbi Maghfur, dan Lina Kushidayati. "Examining Justice! The Double Burden of Women in Indonesia from

- the Perspective of The Compilation of Islamic Law.” *Al-Ahkam: Jurnal Ilmu Syari’ah dan Hukum* 9, no. 1 (2024): 61–74. <https://doi.org/10.22515/alahkam.v9i1.9680>.
- Shihab, M. Quraish. *Tafsir al-Mishbah: Pesan, Kesan, dan Keserasian al-Qur’an*. Lentera Hati, 2008.
- Toha Ma’arif. “Relevansi Konsep Nafkah dalam Hukum Keluarga Islam terhadap Dinamika Kehidupan Modern.” *Al Fuadiy Jurnal Hukum Keluarga Islam* 7, no. 2 (2025): 96–109. <https://doi.org/10.55606/af.v7i2.1669>.
- Yani, Nurlinda. “Hak dan Nafkah Istri dalam Hukum Islam: Analisis Konsep Kesetaraan Gender.” *Posita: Jurnal Hukum Keluarga Islam* 2, no. 2 (2024): 95–106. <https://doi.org/10.52029/pjhki.v2i2.233>.
- Zainuddin dan Fahmi, “Pembuktian Digital dalam Perkara Hukum Keluarga Islam di Indonesia,” *Jurnal Hukum dan Syariah* 13, no. 2 (2023): hlm. 71.
- Zakaria, Samsul. “Nafkah dan Ketimpangan Gender (Analisis Nafkah dalam Kompilasi Hukum Islam).” *Ijtihad* 36, no. 2 (2020): 51–66.