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The ‘Illah of Qiwāmah and Changing Spousal Economic Roles: An Uṣūl al-Fiqh Analysis

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Abstract: This study aims to examine the legal status of maintenance as a potential effective legal cause (‘illah) of qiwāmah and analyze the normative implications of changing spousal economic roles in contemporary Muslim families. This study employs normative legal research integrating conceptual, comparative, statutory, and maqāṣid-oriented approaches. Primary legal materials include Qur’an 4:34, classical jurisprudence across four Sunni legal schools, Indonesian Marriage Law, and the Compilation of Islamic Law. The analytical procedure applies takhrīj al-manāṭ, tanqīḥ al-manāṭ, and taḥqīq al-manāṭ to evaluate candidate legal attributes across three household income scenarios. The findings reveal that maintenance has a textual connection to qiwāmah, whereas comparative earnings lack sufficient normative grounds to constitute its sole ‘illah. A wife’s greater economic contribution does not automatically transfer household leadership, extinguish the husband’s maintenance obligations, or confer unilateral decision-making authority. The findings also emphasize the importance of distinguishing financial incapacity, deliberate neglect, and voluntary economic contributions. This study proposes a contextual qiwāmah framework integrating normative responsibilities, factual circumstances, and rights protection. Its originality lies in differentiating legal status, maintenance obligations, actual financial provision, and decision-making authority according to their respective legal consequences. This framework contributes to contemporary Islamic family jurisprudence by accommodating changing household economic realities while maintaining legal certainty, mutual consultation, spousal accountability, and protection of economic rights in accordance with the objectives of Islamic law.
Keyword: Qiwāmah; ‘Illah; Spousal Maintenance; Uṣūl al-Fiqh; Islamic Family Law.

Abstrak: Penelitian ini bertujuan menganalisis kedudukan nafkah sebagai kandidat sebab hukum (‘illah) qiwāmah serta mengkaji implikasi normatif perubahan peran ekonomi suami dan istri dalam keluarga Muslim kontemporer. Penelitian ini menggunakan metode penelitian hukum normatif dengan mengintegrasikan pendekatan konseptual, komparatif, perundang-undangan, dan maqāṣid al-sharī‘ah. Bahan hukum primer meliputi QS. An-Nisā’ ayat 34, literatur fikih empat mazhab Sunni, Undang-Undang Perkawinan, dan Kompilasi Hukum Islam. Analisis dilakukan melalui tahapan takhrīj al-manāṭ, tanqīḥ al-manāṭ, dan taḥqīq al-manāṭ untuk mengevaluasi kandidat ‘illah dalam tiga skenario pendapatan keluarga. Hasil penelitian menunjukkan bahwa nafkah memiliki keterkaitan tekstual dengan qiwāmah, tetapi perbandingan pendapatan suami dan istri tidak memiliki landasan normatif yang memadai untuk ditetapkan sebagai satu-satunya ‘illah qiwāmah. Dominasi kontribusi ekonomi istri tidak secara otomatis mengalihkan kepemimpinan

keluarga, menggugurkan kewajiban nafkah suami, maupun memberikan otoritas pengambilan keputusan secara sepihak. Temuan penelitian juga menegaskan pentingnya membedakan ketidakmampuan ekonomi, kelalaian yang disengaja, dan kontribusi ekonomi sukarela. Penelitian ini menawarkan kerangka qiwāmah kontekstual yang mengintegrasikan tanggung jawab normatif, kondisi faktual, dan perlindungan hak. Kebaruan penelitian terletak pada pembedaan status hukum, kewajiban nafkah, pelaksanaan nafkah, dan otoritas pengambilan keputusan berdasarkan konsekuensi hukumnya masing-masing. Kerangka tersebut berkontribusi terhadap pengembangan yurisprudensi keluarga Islam kontemporer dengan mengakomodasi perubahan realitas ekonomi keluarga sekaligus menjaga kepastian hukum, musyawarah, akuntabilitas pasangan, perlindungan hak ekonomi, dan pencegahan ketidakadilan dalam hubungan perkawinan berdasarkan prinsip kemaslahatan dan tujuan syariat Islam.
Kata kunci: Qiwāmah; 'Illah; Nafkah; Uṣūl al-Fiqh; Hukum Keluarga Islam

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Introduction

Changes in the livelihood structures of Muslim families have brought the doctrine of *qiwāmah* into contact with the increasing participation of wives as income earners, including in dual-income households. Qur'an 4:34 is frequently invoked as the basis for a husband's leadership, while its reference to financial maintenance raises questions about the relationship between economic responsibility and the legitimacy of familial authority. The fundamental issue is not simply which spouse earns more, but whether maintenance constitutes an effective legal cause (*'illah*) governing the applicability of a ruling, merely expresses its underlying wisdom (*ḥikmah*), or represents an obligation attached to a particular legal status. Faizah (2018) highlights the need for an interpretation of *qiwāmah* responsive to relational justice, whereas Nuroniyah (2022) identifies tensions between formal constructions of leadership and the lived realities of female-headed households. Within *uṣūl al-fiqh*, identifying an *'illah* requires defensible linguistic and causal reasoning rather than an automatic inference from social change (Kamali, 2003). This question is therefore central to the coherence of contemporary Islamic family-law reasoning.

Initial indications of the problem are drawn from previously published empirical findings, not from questionnaires or interviews claimed to have been conducted in the present study. Sidqi (2023) documented interviews with five couples in Sikayu Village, Pemalang, where wives assumed maintenance responsibilities without necessarily generating family conflict. A field study by Junaidy et al. (2026) in Kropak Village, Probolinggo, identified two principal drivers of women's breadwinning roles—economic necessity and lifestyle considerations—and found differing interpretations of wives' earnings as either an obligation or a response to circumstances beyond their control. Research by Murdiana et al. (2025) on Javanese priyayi women indicates that women's economic contributions intersect with social resilience, stigma, and cultural norms. Taken together, these findings demonstrate contextual diversity that cannot adequately be

captured by a single category of household headship. They do not, however, establish whether a change in the person providing maintenance alters the legal *manāṭ* of *qiwāmah*. A more focused doctrinal examination is therefore required.

Research over the past decade has gradually shifted from critiques of hierarchy toward the negotiation of family rights. Faizah (2018) advocates an understanding of *qiwāmah* grounded in gender justice and partnership. Through questionnaires, interviews, and observations of Muslim communities in Bangkok, Nawawee and Mahmud (2020) identified problems arising from the perception of *qiwāmah* as the husband's absolute control. Ja'far and Hermanto (2021) subsequently proposed reinterpreting the balance of spousal rights and duties when wives also earn income. Nuroniyah (2022) considered female-headed households a challenge to gender-based understandings of leadership, while Sidqi (2023) drew attention to female-breadwinner households that maintained harmonious relationships. These studies explain how spouses understand authority and negotiate responsibilities when both contribute to household expenses.

Recent publications also indicate that the relationship between maintenance and *qiwāmah* is by no means an unexplored subject. Asrori (2024) connects *qiwāmah* with stronger spousal partnership; Al Mustaqim (2024) employs *qirā'ah mubādalah* and *maqāṣid al-sharī'ah*; and Nelli et al. (2024) discuss conceptions of leadership linked to economic capacity. Murdiana et al. (2025) and Junaidy et al. (2026) provide further insight into the experiences of female breadwinners. Most closely related to the present inquiry, Murtadho and Syarafuddin (2026) examined whether *faḍl* and maintenance constitute an *'illah* or *ḥikmah* and concluded that a wife's economic predominance does not, by itself, transfer *qiwāmah*. Their conclusion leaves a narrower question open. If a wife pays the household bills, what does that payment establish about her maintenance claim, and what further evidence would a claim to decision-making authority require? The matrix developed here tests each inference separately.

This study addresses three questions: (1) Does the relationship between maintenance and *qiwāmah* in Qur'an 4:34 provide an adequate basis for establishing an *'illah*? (2) How should each proposed legal attribute be assessed through *masālik al-'illah*? (3) What are the normative consequences for households in which the husband earns more, both spouses earn approximately equal amounts, or the wife earns more? The analysis integrates *uṣūl al-fiqh* (Kamali, 2003; Az-Zuḥailī, 1986), *maqāṣid al-sharī'ah* (Asy-Syāṭibī, 1997; Auda, 2008), the principle of reciprocity (Kodir, 2019), and readings of Indonesia's Marriage Law and Compilation of Islamic Law. The three income arrangements provide a common test of the limits of each inference.

Method

This study employs normative legal research and a library-based design, combining conceptual, comparative, statutory, and *maqāṣid*-oriented approaches. Its principal object is the *qiwāmah* norm in Qur'an 4:34 and the legal relationship of maintenance to family status, obligations, and authority. Primary materials comprise the Qur'an, hadith on familial responsibilities, cross-school literature on *uṣūl al-fiqh* and substantive jurisprudence, Law

No. 1 of 1974 on Marriage, and the Compilation of Islamic Law disseminated under Presidential Instruction No. 1 of 1991. For the doctrinal comparison, one work from each Sunni school supplies a passage that identifies a maintenance entitlement, a condition governing payment, or a consequence of non-performance. Table 1 identifies the passages by chapter or issue so that readers can locate them across editions. This purposive selection supports comparison of particular rulings. It does not establish the prevalence of a view within a school. Works on uṣūl supply the criteria for causal inference. Published household studies supply examples of variation in practice.

The analytical procedure comprises four steps. First, the study differentiates the legal matters under examination—household-head status, responsibility for family maintenance, and authority over particular decisions—so that these are not treated as a single, unrestricted entitlement. Second, through *takhrīj al-manāṭ*, it identifies candidate attributes in textual evidence and doctrine: the husband's status, the maintenance obligation, actual maintenance payments, present capacity, and relative earnings. Third, *tanqīḥ al-manāṭ* evaluates each candidate by reference to (a) indications from *naṣṣ* or *īmā'*, (b) the relevance and suitability of the attribute through *munāsabah*, (c) the clarity and consistency of its boundaries, and (d) its compatibility with other legal provisions. For each candidate, Table 2 records the source, the proposition it supports, and the legal consequence that still needs independent proof. Fourth, *taḥqīq al-manāṭ* is used to test normative scenarios involving husband-dominant, equal-income, and wife-dominant households, rather than to establish facts in individual cases. Comparative readings of the four Sunni legal schools and positive law assess the ensuing legal implications, including distinctions between temporary incapacity, deliberate neglect, and a wife's voluntary waiver of certain obligations. Findings are presented as an argumentative matrix, not as empirical generalizations (Ibrahim, 2006; Marzuki, 2017; Muhaimin, 2020; Sar'an & Sidik, 2026). Comparative studies by Ermawan et al. (2023), Hardianti and Majid (2025), Yani et al. (2025), Ferdiansyah et al. (2025), Hafshah et al. (2025), and Kusnadi and Cahyadi (2026) clarify the context without replacing the relevant legal evidence.

Results and Discussion

The Normative Construction of *Qiwāmah* and the Status of Maintenance in Islamic Family Jurisprudence

Qur'an 4:34 connects *qiwāmah* with two expressions—*bi-mā faḍḍala Allāh* and *bi-mā anfaqū min amwālihim*—without necessarily making the amount of income earned the sole measure of a husband's authority in every household's socioeconomic circumstances. Aṭ-Ṭabarī (2000) explains male authority through transmitted exegetical reports, but the connection between maintenance and leadership still requires examination of its legal-argumentative status. The hadith *kullukum rā'in*, as narrated by Al-Bukhārī (1997, hadith no. 7138), affirms the responsibility of everyone entrusted with stewardship, including both husbands and wives within the sphere of family management. Aisyah and Hidayah (2023) develop an understanding of *qiwāmah* grounded in accountability and participation rather than unrestricted domination. Luthfia (2025) further argues that a reading of the verse as a

whole must consider the prohibition of violence in marital relationships. Thus, the normative basis of *qiwāmah* requires a distinction between the assignment of leadership, the performance of caregiving and maintenance responsibilities, and the legitimacy of exercising authority under Islamic law.

The interpretive debate surrounding *qiwāmah* shows that divergent conclusions often stem from different methods of reading the verse, rather than merely from differing commitments to gender equality. Within transmission-based exegesis, Aṭ-Ṭabarī (2000) links a husband's responsibilities to social structures and duties imposed upon him. Adyatama et al. (2023) demonstrate that female exegetes debate the meaning of *qawwām* by considering protection, capacity, and the context of marital relationships. Muqtada et al. (2024) identify the development of critical interpretive strategies concerning texts traditionally understood as disadvantageous to women, while Karimullah et al. (2024) examine how feminist hermeneutics questions gender constructions in Islamic law. Although contextual approaches broaden the interpretive perspective, they do not in themselves establish a change in the legal status of maintenance. The unresolved issue is whether economic contribution constitutes a formative element of the *qiwāmah* norm or an indicator of how responsibilities are discharged, which may vary with family circumstances.

The four schools address different questions within the law of maintenance. As-Sarakhsī (1993) asks whether a wife who spent her own money may recover maintenance already fixed by a judge. Ad-Dusūqī (2016) distinguishes the interval for payment from the amount due. Asy-Syirbīnī (1994) treats the husband's inability to meet maintenance obligations as a distinct issue. Ibn Qudāmah (n.d.) first identifies the necessities owed to a wife and then addresses their measure. Table 1 locates each passage and identifies the inference it permits. Sholichah et al. (2025) examine judicial authority in cases of non-provision in Ibn Qudāmah's jurisprudence.

Table 1. Comparative Overview of Maintenance in the Four Sunni Legal Schools

School/Source	Focus of the Maintenance Discussion	Implications for Analysing *Qiwāmah*
Ḥanafī — As-Sarakhsī (1993)	*Al-Mabsūṭ, Kitāb al-Nikāḥ, Bāb al-Nafaqah*, on expenditure after a judicial award.	A wife who pays from her own funds may still recover an amount fixed by the judge.
Mālikī — Ad-Dusūqī (2016)	*Ḥāshiyat al-Dusūqī, Bāb Asbāb al-Nafaqah*, gloss on wa-quddirat bi-ḥālihi.	The payment interval reflects the husband's means. The amount and kind of provision take both spouses' circumstances into account.

School/Source	Focus of the Maintenance Discussion	Implications for Analysing *Qiwāmah*
Shāfi'ī — Asy-Syirbīnī (1994)	*Mughnī al-Muḥtāj, Kitāb al-Nafaqāt*, section on the husband's insolvency (i'sār).	An inquiry into inability to provide requires evidence of what the husband can supply. A comparison of salaries cannot resolve it.
Ḥanbalī — Ibn Qudāmah (n.d.)	*Al-Mughnī, Kitāb al-Nafaqāt*, issue on the husband's duty to maintain his wife and the following section, Miqdār nafaqat al-zawjah.	The first passage identifies necessities owed. The next considers how to measure them and records disagreement.

The common question in these passages is what a wife may claim from her husband. A finding about the timing, amount, or recovery of maintenance answers that question. Extending it to authority over a household decision would require a further premise that these passages do not supply.

The relationship among maintenance, a husband's authority, and a wife's rights should be situated within a framework of accountable responsibilities, particularly where spouses' economic contributions are unequal. Darnela and Sugitanata (2024) show how customary norms shape women's employment choices, indicating that earning capacity cannot always be separated from social pressure. Meilianna et al. (2025) demonstrate that unpaid care work prevents women's contributions from being adequately measured by income alone. In the legal sphere, Nasution et al. (2024) identify variations in judicial reasoning on the payment of child-maintenance arrears, while Mansari and Fatahillah (2021) reveal tensions between constructions of *nushūz* and maintenance during the *'iddah* period. These findings underscore the importance of distinguishing legal duties, decision-making power, and the protection of spousal rights. A reconstruction of *qiwāmah* should therefore ground authority in accountability, mutual consultation, and recognition of both paid and domestic work, without inferring a transfer of authority solely from income levels.

The Status of Maintenance under Indonesian Marriage Law

Under Indonesian positive law, Article 31(1)–(3) of Law No. 1 of 1974 establishes the balanced standing of husbands and wives and their respective capacity to undertake legal acts, while also designating the husband as the head of the family and the wife as the homemaker. Article 34(1) assigns the husband responsibility for protection and household necessities according to his capacity; paragraph (3) permits legal action when marital obligations are neglected (Republik Indonesia, 1974). These provisions show that equality of legal capacity, the designation of a household head, and financial responsibilities are related but distinct rules; one does not replace another merely because either spouse earns more.

The Compilation of Islamic Law provides more specific rules. Article 79 addresses the spouses' respective status; Article 80(1) requires joint decisions on important household

matters; paragraphs (2) and (4) regulate protection and financial obligations according to the husband's income; and paragraph (6) permits a wife to release her husband from certain obligations toward her (Presiden Republik Indonesia, 1991). Because the wording of this waiver is limited to the obligations identified in the provision, a wife's financial assistance should not automatically be equated with the transfer of all responsibilities or of household-head status. Interpreting the scope and applicability of the waiver requires attention to voluntariness, children's rights, and other relevant rules. This reading constitutes normative legal reasoning, not a report of judicial decisions examined in this study.

Analysing the *'Illah* of *Qiwāmah* through *Uṣūl al-Fiqh*

In *uṣūl al-fiqh*, an *'illah* is an attribute linked to the applicability of a legal ruling through textual evidence or valid reasoning, whereas *ḥikmah* denotes the rationale, purpose, or benefit underlying the rule. A *sabab* is a trigger to which the *Sharī'ah* attaches a ruling, and a *sharṭ* is a condition for its applicability. Not every linguistic association can immediately be converted into normative causation (Al-Ġazālī, 1993; Al-Āmidī, 1982). To ensure analytical precision, this study distinguishes four objects: (1) the husband's normative status as household head under positive law; (2) the obligation to provide maintenance; (3) the actual performance of that obligation; and (4) the numerical comparison of spouses' incomes. The first is a normative category, the second concerns the allocation of a duty, and the third and fourth are facts relevant to implementation. Although interconnected, they are not interchangeable. Moreover, *qiwāmah* as a responsibility for family care and maintenance must be distinguished from a claimed right to decide all matters unilaterally. Defining the ruling and its scope must precede evaluation of the attribute proposed as its *'illah* (Az-Zuḥailī, 1986; Hasballah et al., 2021).

At the *takhrīj al-manāṭ* stage, the two expressions in Qur'an 4:34—*bi-mā faḍḍala Allāh* and *bi-mā anfaqū min amwālihim*—are examined as potential indications of *ta'līl*, or legal causation. The expression bi-mā anfaqū makes the connection between financial provision and *qiwāmah* more than a mere thematic association. Nevertheless, that linguistic indication alone does not determine the required amount of maintenance, an income threshold, or a rule transferring authority. The question is whether the relevant attribute is the imposition of a maintenance duty upon the husband or the fact of payment in every particular circumstance. Within uṣūl methodology, textual indications must be assessed alongside *īmā' wa at-tanbīh*, *munāsabah*, and limiting arguments; *qiwāmah* as a whole cannot simply be assumed to be subject to *qiyās* (Al-Juwainī, 1997; Az-Zarkasyī, 1994). Findings by Sofiana et al. (2024) and Abubakar et al. (2023) provide social context for assessing implementation but are insufficient to establish the law's causal attribute.

At the *tanqīḥ al-manāṭ* stage, candidate attributes are differentiated according to the nature and probative strength of their evidence. A husband's status identifies the legal subject under marriage rules; it is not an income ratio. The maintenance obligation is normative and textually linked to the verse, but treating it as the sole *'illah* of all familial authority requires additional demonstration. Actual maintenance provision concerns the

performance of a duty, which may be fulfilled, delayed, or neglected; relative income, by contrast, is an indicator of available resources that may vary from month to month. The protective function may be understood as an interpretive objective or *ḥikmah* rather than automatically as a determinate and measurable causal attribute. These distinctions reflect the need to delimit the attribute, as emphasized by Al-Āmidī (1982), and the elaboration of *tanqīḥ al-manāṭ* by Jalili et al. (2024). Awang et al. (2025) examine qiwāmah in relation to inheritance, while Mustika et al. (2025) study women's double burden in the division of marital property. Each inquiry concerns a distinct legal consequence.

In evaluating *masālik al-'illah*, the study considers textual indications (*naṣṣ* or *īmā'*), *munāsabah* in relation to the protective function, and *sabr wa at-taqsīm* to exclude unsuitable candidates. This examination supports a limited conclusion: the amount earned by a husband relative to his wife lacks both an unequivocal textual indication and sufficiently stable normative boundaries to function as the sole *'illah* of *qiwāmah*. However, this negative finding regarding income ratios does not eliminate the possibility that the imposition of maintenance carries a more specific *ta'līl* significance within the verse. The status of the maintenance obligation and the designation of the family head must still be interpreted in light of the relevant scriptural texts, jurisprudential doctrines, and binding legal provisions. As Sholihin (2021) observes, identifying different attributes may produce different legal consequences; likewise, discussions of *qiyās khafī* (Amir et al., 2023) do not permit causal reasoning to be transferred without demonstration. The treatment of contemporary *'urf* by Zulbaidah et al. (2025) helps explain changes in the context of application but does not itself establish a legal cause. Table 2 summarizes the interim assessment; its conclusions are conditional propositions rather than a claim of *ijmā'* concerning the *'illah* of *qiwāmah*.

Table 2. Assessment Matrix of Candidate *'Illahs* of *Qiwāmah*

Candidate *Manāṭ*	Evidence and proposition supported	Inference for qiwāmah
Husband's status	Marriage Law, art. 31(3), assigns formal household status. Article 31(2) recognizes each spouse's legal capacity.	The designation identifies the holder of a status. It does not establish who decides a specific matter.
Maintenance obligation	Qur'an 4:34 links qiwāmah to spending. Marriage Law, art. 34(1), assigns provision according to capacity.	The textual link supports inquiry into causation. Extending the duty to a power of decision requires evidence for that power.
Actual maintenance provision	Marriage Law, art. 34(3), addresses neglect. KHI, art. 80(6), provides for a limited release by the wife.	Evidence of payment, incapacity, or release bears on a maintenance claim. A wife's payment alone leaves the reason unresolved.

Candidate *Manāṭ*	Evidence and proposition supported	Inference for qiwāmah
Income ratio	Qur'an 4:34 refers to expenditure. Neither it nor Marriage Law, arts. 31 and 34, sets a comparative earnings threshold.	An increase in the wife's salary can reverse the income ranking while the husband continues paying the same expenses.
Protective function	The stewardship hadith assigns responsibilities to both spouses (Al-Bukhārī, 1997, no. 7138).	Protection supplies a purpose (ḥikmah). The hadith gives no test by which that purpose alone would transfer authority.

Capacity provides a further check on the matrix. Under Article 34(1), it qualifies what provision can reasonably be expected. Consider two husbands who earn less than their wives. One meets the household's needs within his means. The other has sufficient means but withholds support. Their income rankings are identical, yet only the second example supplies an allegation of deliberate neglect. Conversely, a rise in the wife's salary can reverse the ranking without changing either spouse's conduct. This is why the matrix retains capacity for assessing performance and rejects comparative income as an independent test of authority.

Changing Spousal Economic Roles and Their Implications for the Applicability of the *'Illah* of *Qiwāmah*

Where the husband is the principal breadwinner, meeting the family's needs may demonstrate factual alignment between economic duties and the function of *qiwāmah*. Such alignment, however, does not itself establish that income level is the *'illah* giving rise to authority. Abū Zahrah (1968) distinguishes the basis upon which a duty is imposed from the circumstances accompanying its performance, while Zaidān (2006) stresses the need to evaluate proposed legal attributes against valid normative indications. Siregar et al. (2022) show that husbands' job losses during the pandemic prompted the renegotiation of maintenance arrangements without automatically terminating marriages. Wahyuni and Kusrin (2025) likewise identify tensions between the legal construction of husbands' maintenance obligations in Indonesia and women's increasing economic contributions. Accordingly, the husband's higher income is better understood as a circumstance that may facilitate the discharge of responsibility than as independent proof of legitimate leadership. Relevant criteria include the provision of maintenance, protection of the wife's rights, mutual consultation, and the absence of abuse of authority.

In households where spouses make relatively equal economic contributions, the relationship between *qiwāmah* and maintenance raises more complex questions concerning the allocation of responsibility. Income parity does not automatically extinguish the husband's normative obligation; rather, it underscores the importance of distinguishing the person legally responsible for maintenance from the person who actually pays household expenses. Al-Qarāfī (1998) stresses the need to differentiate closely related legal categories.

Accordingly, joint economic contribution cannot simply be interpreted as an automatic redistribution of leadership status. Khatimah et al. (2026) criticize the unilateral assignment of domestic work to wives in dual-income families, while Ulfah and Aminuddin (2026) document participatory decision-making in progressive Muslim households. Virdausa et al. (2026) show divergent interpretations of *qiwāmah* as either a maintenance duty or the capacity to perform family functions. The status of the maintenance obligation therefore remains governed by the applicable marital norms, whose operation must be read alongside the division of domestic labour, spousal consent, and protection of each spouse's ownership of their income.

When the wife becomes the principal breadwinner, the changed income structure generates legally relevant facts requiring examination without presuming an automatic transfer of *qiwāmah*. Based on interviews with twelve wives in Wijirejo, Nazar et al. (2025) describe role changes as adaptations to family economic pressures. Arsal et al. (2026) propose an interpretation of maintenance that connects normative values with the needs of modern families, while Nelli et al. (2026) identify risks of injustice when wives' earnings coexist with unilateral demands for obedience and domestic labour. Nasution et al. (2025) show that a wife's predominant economic contribution may be relevant to the division of marital property, although this consequence differs from determining marital leadership. Within the framework of the objectives of the *Sharī'ah*, Ibn 'Āsyūr (2001) treats justice and public welfare as guiding considerations. Consequently, a wife's higher earnings call for scrutiny of the husband's duties, the voluntariness of her contributions, and the protection of economic rights.

In this article, *taḥqīq al-manāṭ* takes the form of mapping three analytical scenarios rather than issuing rulings for three actual households. Relevant variables include work capacity, each spouse's income and assets, actual maintenance provision, the reasons a duty has not been fulfilled, the voluntariness of the wife's support, caregiving responsibilities, and demonstrable harm. It is necessary to distinguish a lower-earning husband who nevertheless provides maintenance according to his means, a husband temporarily unable to provide because of illness or unemployment, and a husband who has the means but deliberately neglects his spouse's rights. These distinctions are consistent with Ibn al-Qayyim's (1991) concern for changing circumstances, Al-Qarāfī's (1998) principles of legal differentiation, and Siregar et al.'s (2022) account of unemployment experiences. Table 3 sets out scenario-specific implications; it cannot substitute for examining evidence, agreements, and applicable statutory provisions in an actual dispute.

Table 3. Economic Scenarios and Their Normative Implications

Scenario	Facts Requiring Examination	Analytical Implication
Husband-dominant income	Are maintenance and spousal rights fulfilled? Is there harmful economic control?	Higher earnings do not confer unrestricted control; duties and mutual consultation remain applicable.

Scenario	Facts Requiring Examination	Analytical Implication
Approximately equal incomes	Who pays household expenses, who performs care work, and is there mutual consent?	Collaborative financing does not automatically extinguish primary duties or normative status.
Wife-dominant income	Does the husband contribute according to his means, lack capacity, or deliberately neglect his duty?	Disputes concerning rights and performance must be assessed factually; salary levels do not automatically transfer *qiwāmah*.

Across all three scenarios, a wife's financial assistance must be distinguished according to whether it is voluntary, based on a demonstrable agreement, or necessitated by the husband's incapacity or neglect. Each spouse's separate property rights and jointly owned marital property also belong to different legal categories. Accordingly, the legal analysis of maintenance cannot be replaced by calculations of income shares without first specifying the legal claim and the circumstances of the case. Ali et al. (2026) discuss financial literacy in relation to family resilience. Such research can inform questions about household budgeting while leaving the legal basis of a maintenance claim to be established separately.

Reconstructing the *'Illah* of *Qiwāmah* in Contemporary Islamic Family Jurisprudence

The reconstruction of *qiwāmah* should focus on how family responsibilities are understood and fulfilled, not on the assumption that changing income levels automatically transform legal structures. The association between maintenance and Qur'an 4:34 has a textual basis that warrants examination as an indication of *ta'līl*, but numerical income is not equivalent to the legal assignment of a maintenance duty. Ibn 'Abd as-Salām's (1991) assessment of *maṣlaḥah* is important for evaluating protective benefits and potential harm; it cannot replace the evidentiary argument needed to establish a legal cause. Historical accounts of authority in Mir-Hosseini et al. (2015) and Mustofa's (2025) critique of reform reveal opportunities to reconsider doctrinal constructions, while Pitrotussaadah et al. (2023) emphasize that caregiving is a family function that may be shared. The present findings therefore do not conclusively establish a new, alternative *'illah*. What is reconstructed is an analytical framework requiring jurists to distinguish duties, causal indications, facts of performance, and protective purposes before deriving legal consequences.

Reconstructing the legitimacy of family leadership requires distinguishing the duty to finance household needs from a right to control one's spouse. Wadud (1999) offers a reading of the Qur'an that interrogates assumptions of sex-based superiority, while Mir-Hosseini et al. (2013) document tensions between husbands' financial obligations and demands for equal rights in Muslim family law. A wife's earnings therefore cannot unilaterally be construed as a transfer of maintenance responsibility, just as a husband's higher income cannot justify unrestricted authority. Mat Hussin et al. (2025) highlight the importance of recognizing both direct financial contributions and domestic contributions in marital property arrangements. Nasiri et al. (2026) further show that negotiations over spousal duties may generate vulnerabilities where legal protections are weak. The legitimacy of

qiwāmah should consequently be linked to the discharge of obligations, consultation free from coercion, transparent management of resources, and safeguards for each spouse's economic rights, including protection against financial pressure and the disregard of domestic labour.

The integration of *maqāṣid al-sharī'ah* aims to assess the actual consequences of interpreting *qiwāmah*, not to set aside juristic rules through abstract appeals to benefit. Ibn 'Abd as-Salām (1991) identifies the promotion of welfare and prevention of harm as guiding objectives of legal determination. These objectives need to be translated into indicators concerning the protection of life, property, dignity, and family continuity. Rofiq and Rodiah (2024) demonstrate the relevance of gender-equality perspectives to reforming Islamic law, while Ahmad et al. (2024) identify challenges involving discrimination against women across Southeast Asian legal systems. Pitrotussaadah et al. (2023) underscore the importance of both parents' participation in childcare, meaning that assessments of justice cannot end with identifying the higher earner. A welfare-oriented model of *qiwāmah* should therefore be evaluated in terms of maintenance provision, distribution of care work, spousal safety, opportunities for mutual consultation, and remedies when obligations are breached, taking account of actual capacity without undermining the certainty of legal responsibility. Abubakar et al. (2021) examine the distinct question of whether protection of life can ground a legal cause in a child's claim. Their example illustrates why the asserted consequence must be specified.

The proposed contextual model of *qiwāmah* operates at three levels. First, it identifies applicable legal duties and normative positions without legitimizing arbitrary conduct. Second, it examines economic circumstances, health, care burdens, and the voluntariness of contributions through *taḥqīq al-manāṭ*. Third, it evaluates rights protection, consultation, and dispute-resolution mechanisms when duties are breached. Nurlaelawati (2010) draws attention to the interaction between the Compilation of Islamic Law and judicial practice, while Wirastri and van Huis (2024) emphasize the importance of judicial interpretation. Darmawan et al. (2026) address financial and domestic contributions in marital property disputes, which must be distinguished from the issue of household headship. Aripin et al. (2025) and Harry et al. (2026) offer relevant insights into premarital education and mediation. The implications of the present article are thus interpretive guidance and a framework for identifying relevant facts, not a claim that positive law has changed or that the proposed model's effectiveness has already been empirically demonstrated.

Table 4. Operational Framework for the Contextual *Qiwāmah* Model

Stage	Assessment Question	Expected Output
1. Normative	What are the legal grounds for duties, rights, and limitations on authority under textual evidence, jurisprudence, and positive law?	A map of rights holders, duty bearers, and relevant legal rules.

Stage	Assessment Question	Expected Output
2. Factual	What are the circumstances of income, health, caregiving, voluntary contribution, and neglect?	A classification of relevant facts, distinguishing inability from unwillingness.
3. Protection	Is consultation free of coercion, and are rights to maintenance, property, and personal safety protected?	Options for securing rights, mediation, or legal action as appropriate.

Tables 2 and 4 perform different tasks. Table 2 asks whether a proposed attribute can support a particular ruling. Table 4 starts with that ruling and asks what facts would matter in a dispute. For example, a receipt paid by the wife documents expenditure. To assess a claimed release under Article 80(6) of the Compilation, the decision-maker would also need to establish which obligation she intended to release. To assess an important family decision, Article 80(1) directs attention to joint decision-making. The same receipt cannot answer all three questions. This link between evidence, issue, and consequence is the proposed extension of the classical method in this setting.

Conclusion

The doctrinal contribution of this study is to delimit the legal consequence for which a proposed 'illah can count as evidence. The reference to expenditure in Qur'an 4:34 gives maintenance a textual connection to qiwāmah. It does not specify a comparative income threshold. Evidence that a wife paid an expense may matter to a claim for unpaid maintenance. A claim that her payment transferred household status or conferred authority over a particular decision requires its own legal basis. The four juristic passages and the Indonesian provisions examined here support this distinction within their respective fields of application.

The model remains a normative proposal tested on hypothetical households. A judicial study could compare Indonesian Religious Court decisions on unpaid spousal maintenance in which the wife earned income. For each decision, researchers could record the relief sought, evidence of the husband's capacity, evidence of payment or release, the provision cited, and the remedy granted. Household research could interview spouses separately in each of the three income arrangements and compare their accounts of who paid, who performed unpaid care, and how a disputed decision was reached. Cases in which the model misclassifies a contribution or overlooks coercion would identify where its categories need revision.

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