

## LEGAL DYNAMICS OF FINANCIAL RESPONSIBILITY AND MARITAL PROPERTY IN MARRIAGE IN INDONESIA



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### Abstract

This study explores the legal dynamics between financial responsibility and marital property in the context of marriage in Indonesia, with a specific focus on reconciling the normative gap between Islamic law and Indonesia's national legal system. While Islamic law places full financial responsibility (*nafaqah*) on the husband, Indonesian civil law applies a gender-neutral approach by recognizing joint marital property acquired during marriage, regardless of who earned it. This normative legal research employs a qualitative approach using statutory, conceptual, and comparative analyses of both Islamic legal texts (Qur'an, Hadith, and classical fiqh) and national legal instruments such as the Marriage Law No. 1 of 1974 and the Compilation of Islamic Law (KHI). The findings reveal a fundamental inconsistency: Islamic jurisprudence emphasizes the husband's economic duty, whereas civil law presumes equal ownership, potentially leading to legal ambiguity in divorce and inheritance cases. The study concludes that this dualism requires a contextual reinterpretation of the joint property regime that respects Islamic ethical values while adapting to modern socio-economic realities, including the increasing financial contributions of women. It is recommended that legal reforms recognize differentiated spousal roles without undermining gender justice. This research contributes academically by proposing an integrative legal framework that bridges the gap between normative Islamic obligations and the state's egalitarian legal principles. Such a framework offers a more just, ethical, and socially relevant model for regulating financial responsibility and property rights in Muslim marriages within Indonesia's plural legal system.

### Abstrak

Penelitian ini mengkaji dinamika hukum antara tanggung jawab finansial dan harta bersama dalam konteks perkawinan di Indonesia, dengan fokus khusus pada upaya merekonsiliasi kesenjangan normatif antara hukum Islam dan sistem hukum nasional Indonesia. Dalam hukum Islam, tanggung jawab ekonomi (*nafaqah*) sepenuhnya dibebankan kepada suami, sementara hukum perdata Indonesia menerapkan pendekatan netral gender dengan mengakui semua harta yang diperoleh selama perkawinan sebagai milik bersama, tanpa memperhatikan siapa yang mencari nafkah. Penelitian hukum normatif ini menggunakan pendekatan kualitatif melalui analisis yuridis normatif, konseptual, dan komparatif terhadap teks-teks hukum Islam (Al-Qur'an, Hadis, dan literatur fikih klasik) serta instrumen hukum nasional seperti Undang-Undang Perkawinan No. 1 Tahun 1974 dan Kompilasi Hukum Islam (KHI). Temuan penelitian menunjukkan adanya kontradiksi mendasar: fikih Islam menekankan kewajiban ekonomi suami, sedangkan hukum positif mengasumsikan kepemilikan bersama yang setara, yang dapat menimbulkan ambiguitas hukum dalam kasus perceraian dan warisan. Studi ini menyimpulkan bahwa dualisme ini memerlukan reinterpretasi konseptual terhadap rezim harta bersama agar selaras dengan nilai-nilai etika Islam sekaligus adaptif terhadap realitas sosial ekonomi modern, termasuk meningkatnya kontribusi finansial perempuan. Penelitian ini memberikan kontribusi akademik berupa tawaran kerangka hukum integratif yang menjembatani kewajiban normatif Islam dengan prinsip egalitarian dalam hukum negara. Kerangka ini menawarkan model yang lebih adil, etis, dan kontekstual dalam mengatur tanggung jawab

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*finansial dan hak atas harta dalam perkawinan Muslim di tengah sistem hukum Indonesia yang pluralistik.*

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## INTRDUCTION

Marriage in Islam is not merely a physical bond between two individuals, but a sacred institution that establishes the foundation of social, spiritual, and economic life within society (Sweeny, 2021). Islam regulates the relationship between husband and wife systematically, including economic responsibilities, by designating the husband as the party obliged to provide financial support (*nafaqah*) to his wife. This obligation is not only grounded in economic logic but is also theologically mandated in the Qur'an and Hadith, such as in Surah An–Nisa (4:34) and Surah At–Talaq (65:7), and is reinforced by numerous prophetic traditions. The concept of *nafaqah* in Islam includes the fulfillment of a wife's basic needs—clothing, food, and shelter—while also ensuring her overall well-being, including protection, comfort, and dignity. This illustrates how seriously Islam upholds balance in marital relations, positioning the husband as *qawwam* (leader of the household) who is not only granted authority but also entrusted with the duty of fulfilling the wife's rights. This principle essentially reflects a fair and realistic distribution of responsibilities, aligned with the natural disposition and capacities of each partner. Within this framework, *nafaqah* becomes a fundamental instrument in building a harmonious, loving, and compassionate household (*sakinah, mawaddah, rahmah*). Thus, the husband's financial responsibility is not merely a contractual economic duty, but a form of worship and a manifestation of Islamic spiritual ethics in daily family life.

Islam emphasizes that the provision of *nafaqah* must be carried out *bi al-ma'ruf*—in a good, proper, and socially acceptable manner (Nurhayati, Setiawati, Amelia, & Fridani, 2023). This requires social sensitivity and empathy in fulfilling economic responsibilities, and demands a balance between the husband's financial capacity and the wife's needs (Widiani, 2022). In practice, imbalance in understanding and fulfilling the obligation of *nafaqah* often becomes a root cause of marital conflict (Chen, Lai, & Chien, 2021). A negligent husband or a wife unaware of her rightful claims can easily trigger tension or even divorce (Attah, 2018). Therefore, strengthening the understanding of *nafaqah* in Islam is essential—not only at the personal level but also within legal and social structures—especially when these religious norms intersect with national laws that may reflect different perspectives. In modern Muslim societies, religious values continue to play a vital role in family practices, even as communities are increasingly influenced by gender equality and human rights principles embedded in positive law. Consequently, harmonizing Islamic principles with state legal systems is an urgent necessity to ensure justice and order in marital relationships.

The Indonesian national legal system—shaped by a legacy of Western civil law—adopts a more gender–neutral approach to marital property through the concept of *joint property* (*gemeenschappelijk vermogen*) (Musarrofa, Muttaqin, & Amaliyah, 2024), whereby all assets acquired during marriage are considered jointly owned, regardless of who earned or contributed to them. While this concept aims to ensure legal protection and equity for both spouses, especially in cases of divorce or death, it raises challenges within Muslim communities that adhere to the principle that the husband is the sole economic provider. When state law equalizes property rights without considering who bears financial responsibility, questions of substantive justice arise: is it fair for a husband who solely provided for the family to share marital assets equally upon divorce? Conversely, how

should we recognize the wife's non-material contributions that are nonetheless vital to the stability of the household? The misalignment between Islamic legal principles and national positive law has triggered extensive discourse in the practice of marriage law in Indonesia. On the one hand, Islamic law seeks to protect the wife's rights as the recipient of financial support; on the other, civil law treats both spouses equally without regard to their specific roles and responsibilities. This discrepancy presents a major challenge in formulating legal norms that respond to the needs of modern Muslim societies—communities that wish to uphold religious values while simultaneously adapting to the egalitarian principles of state law (Solikin & Wasik, 2023). Therefore, this study seeks to bridge the normative dualism between Islamic law and Indonesia's national legal system in governing joint property and financial responsibility in marriage. Unlike previous studies that tend to focus on a single dimension—whether *fiqh*, positive law, or sociological analysis—this research adopts an integrative and contextual approach, taking into account social dynamics, changing gender roles, and the evolving legal landscape. It highlights the importance of fostering legal and religious awareness within marital partnerships so that Islamic values remain relevant and operative within Indonesia's plural legal framework. This study also advocates for the reinterpretation of the joint property concept in Indonesian law to better accommodate Islamic values concerning *nafaqah* and the husband's duty, while still ensuring the wife's right to equitable distribution of marital assets. Emphasis is placed on strengthening communication and agreement between spouses concerning economic roles, especially given today's reality where women also play active economic roles. By presenting a thorough and nuanced analysis, this study aims to contribute not only academically, but also practically in reforming family law policies that are responsive to religious values, social transformation, and substantive justice. Through integrating Islamic norms with a dynamic national legal framework, it aspires to realize a marital legal system that is not only legally valid, but also morally just and socially relevant in contemporary Indonesia.

The main objective of this research is to examine and bridge the conceptual differences between the Islamic principle of the husband's financial responsibility and the application of the joint marital property concept in Indonesia's national legal system, while evaluating how these two frameworks can be harmoniously integrated into contemporary marital legal practices. This study seeks to provide a more comprehensive understanding of how the *nafaqah* principle, rooted in religious teachings, can be synergized with distributive justice principles in positive law without eroding the moral and spiritual essence of the husband's role as the family provider. Additionally, the research aims to identify both normative and practical challenges that arise from the disconnect between these two legal systems and to offer legal policy recommendations that are adaptive to Islamic values while remaining relevant to the modern socio-economic realities of Indonesian society. As such, this research aspires to make an intellectual contribution to the discourse on Islamic and national family law, opening space for dialogue between classical *fiqh* and contemporary legal needs—especially regarding the economic rights of women and gender justice within marriage. Ultimately, the study hopes to advance a holistic legal framework that is inclusive, fair, and contextually grounded, capable of upholding religious integrity while meeting the evolving demands of Indonesian family life.

## METHODS

This study adopts a qualitative approach with a normative – empirical legal research design. The normative approach is used to analyze legal norms concerning financial responsibility and joint marital property within the framework of both Islamic law and Indonesia's national legal system. Meanwhile, the empirical approach is employed to examine how these norms are applied in real – life practices. The research incorporates three legal approaches: the statutory approach, the case approach, and the sociological approach. Primary legal sources include the Qur'an, Hadith of the Prophet Muhammad (PBUH), classical fiqh texts from the Shafi'i school, Law No. 1 of 1974 on Marriage, and the Compilation of Islamic Law (KHI), as well as relevant decisions from Religious Courts concerning financial maintenance (*nafaqah*) and division of marital property. Secondary legal sources comprise scholarly literature such as journals, books, academic articles, and expert opinions from both Islamic and national legal perspectives. In the empirical part of the research, the population includes judges at Religious Courts, sharia legal practitioners (advocates), religious leaders, and married couples who have experienced legal disputes over financial responsibilities or marital assets. The sampling technique used is purposive sampling, selecting participants based on the relevance of their experiences to the research focus.

Data collection techniques include in – depth interviews, non – participant observation, and document analysis. Interviews were conducted with judges from Religious Courts, sharia – based legal advocates, religious leaders, and married couples who have directly experienced disputes over financial responsibility or the distribution of marital assets. Fieldwork was carried out in three cities—Jakarta, Yogyakarta, and Padang—which were selected to represent the diversity of Islamic legal practice within Indonesia's national legal framework. Data collection took place over a two – month period, from January to February 2024. The research instruments consisted of interview guidelines constructed based on theoretical indicators of *nafaqah* obligations and marital property ownership under both Islamic and national law. To ensure the validity and reliability of the data, triangulation techniques were applied, including both source triangulation (comparing information from various informants) and data triangulation (cross – checking empirical findings with legal documents and theoretical frameworks). Data were analyzed using thematic analysis, which involves data reduction, data presentation, and conclusion drawing. Through this combined normative and empirical method, the study aims to offer a comprehensive understanding of how Islamic law and national law converge or conflict in regulating economic responsibilities and marital property within Muslim households in Indonesia, and to contribute practically and academically to the development of a just, contextual, and responsive family legal policy.

## RESULT AND DISCUSSION

### RESULT

Islam firmly establishes that a husband has the obligation to provide financial support (*nafaqah*) to his wife and family as part of his moral, legal, and spiritual responsibilities within the institution of marriage. This provision is clearly stated in the Qur'an, particularly in Surah An – Nisa (4:34), which declares, "Men are the protectors and maintainers of women because Allah has given one more strength than the other, and because they support them from their means." This verse not only affirms the husband's leadership in the family but also positions financial provision as the foundation of that

leadership. In addition, various Hadiths of the Prophet Muhammad (peace be upon him) reinforce this command, such as the saying: "It is enough sin for a man that he neglects those he is obligated to support." In Islamic tradition, this financial obligation includes basic necessities such as food, clothing, adequate housing, and healthcare. Nafaqah is not merely material support, but a symbol of care, responsibility, and the husband's commitment to ensuring the well-being and survival of his family.

The husband's financial obligation is not merely a matter of material duty but is also closely tied to his status as *qawwam* (leader) of the household. This position does not imply absolute dominance or superiority over the wife, but rather entails a duty to protect, maintain, and ensure the family's physical and emotional well-being. In this context, the husband's economic role forms the backbone of family leadership. He is expected to be the main support in facing life's challenges, including economic hardship, social pressures, and the emotional needs of his wife and children. This obligation also marks a fundamental distinction in Islamic gender roles, where the husband bears major external responsibilities, while the wife is typically afforded protection and space to focus on domestic roles. However, if a husband neglects or abandons his financial responsibilities, this may result in legal consequences such as divorce or the revocation of his leadership status in the household.

According to Endriyenti, a wife's right to receive adequate financial support is an inseparable part of justice within the Islamic marital framework. Nafaqah is not to be treated as charity or generosity, but as a binding duty—its neglect may lead to both legal and moral consequences for the husband. Shafra adds that this principle is strongly reflected in the Hadith of Hindun bint Utbah, who complained to the Prophet Muhammad (peace be upon him) that her husband, Abu Sufyan, did not provide sufficient financial support. The Prophet allowed Hindun to take from her husband's wealth without his permission, but only what was sufficient for her and her children's needs. This Hadith is a critical foundation in Islamic jurisprudence concerning a wife's economic rights, and it demonstrates that Islamic law is highly attentive to justice and women's well-being in marriage. Hindun's story also illustrates that, in classical Islamic thought, there is no automatic recognition of joint marital property; if all wealth were jointly owned, Hindun's act of "taking" would not be framed as such.

Fahmil Samiran explains that within the discourse of Islamic jurisprudence (*fiqh*), scholars differ significantly in their views regarding the standard or measure of financial support (*nafaqah*) that a husband must provide to his wife. These differences arise due to considerations of justice and the diverse socio-economic realities of Muslim communities. The Hanbali school, for instance, holds that the amount of *nafaqah* should be adjusted based on the social and economic conditions of both the husband and wife. If both spouses come from affluent families, the financial support must reflect their standard of living, maintaining balance and avoiding disparity. Conversely, if they come from poor families, the *nafaqah* should be adjusted to the minimum needs they can realistically afford. In cases where the spouses come from different economic backgrounds, the Hanbalis propose a middle-ground approach by setting the standard of living based on the average or middle class. In contrast, the majority of scholars (*jumhur*)—including the Malikiyah, Shafi'iyah, and Hanafiyah—argue that the main reference for determining *nafaqah* is solely the husband's financial ability, regardless of the wife's background. This view is based on the Qur'anic verse in Surah At – Talaq (65:7): *"Let a man of wealth spend from his wealth, and he whose provision is restricted—let him spend from what Allah has given him."* This verse clearly emphasizes that the financial



obligation is to be fulfilled according to the husband's capacity, not according to the lifestyle of the wife or her family. This view is considered more applicable in diverse social contexts and provides fairness to husbands with limited resources.

In the context of classical fiqh, ownership of property between husband and wife is strictly individual (Nasution, 2005). Any assets owned before or during the marriage remain the private property of each spouse, and marriage does not automatically merge these into joint ownership. The concept of "joint marital property"—or what modern civil law refers to as *gemeenschap van goederen*—is not explicitly recognized in classical Islamic legal doctrine. Islam makes a clear distinction between a husband's property and a wife's property unless there is a mutual agreement or legal transaction that combines their assets (Husni, Syahrani, Husni, Wahid, & Ngardi, 2024). A wife has full rights to her own wealth and may use it without her husband's permission, and vice versa. This rule is particularly important in affirming that marriage in Islam does not restrict individual economic rights. Instead, Islam upholds financial autonomy, especially for women. The case of Hindun bint Utbah, who complained to the Prophet Muhammad (peace be upon him) that her husband was not providing for her, and was then permitted to take from his wealth without his knowledge, is strong evidence that marital property was not automatically shared. If such property were considered jointly owned, her act could not have been framed as "taking" from her husband. Thus, from the Islamic legal perspective, marriage does not inherently create collective ownership of assets; rather, it respects individual ownership unless otherwise agreed upon through specific contracts or arrangements.

The principle of financial responsibility assigned to the husband in Islam is not only a legal or technical obligation (Ojogbo & Edu, 2022), but also carries profound ethical and social significance. The main purpose of this obligation is to ensure the physical, emotional, and mental well-being of the wife and children (Fam, Yaacob, Juhari, Arshat, & Mukhtar, 2017), as part of the husband's duty to create a balanced and harmonious family life. In Islam, the family is not just a social institution but also a spiritual space where values (Casari, Lisciandra, & Tagliapietra, 2019), faith, and responsibility are nurtured. Therefore, the role of the husband as the financial provider symbolizes responsible and compassionate leadership (Nurhayati et al., 2023). This obligation reflects the principle of justice, meaning that the husband must use his financial resources to maintain the livelihood of his family in a dignified and humane manner (Saiin, Kholidah, Zulfahmi, M. Radiamoda, & Gemilang, 2023). In modern society, this principle also forms a vital foundation for legal frameworks concerning women's rights within the family (Awiety & Riyadi, 2020). A husband's financial responsibility should not be viewed as a burden, but as an inherent form of protection and care embedded in Islamic values that emphasize fairness and balance between family members. With consistent application of this principle, the objectives of marriage—*sakinah* (tranquility), *mawaddah* (affection), and *rahmah* (mercy)—can be more readily achieved in the reality of domestic life.

## DISCUSSION

The concept of joint property in the Indonesian legal system is historically rooted in the Dutch legal principle of *gemeenschap van goederen* (Nugroho, Prabowo, & Rohidin, 2024), which stipulates that all assets acquired during marriage are considered jointly owned by both husband and wife. After Indonesia gained independence, this principle was not discarded but rather adopted into the *Burgerlijk Wetboek* (Civil Code) as part of the early juridical foundation for regulating marital property. This development illustrates

a meaningful legal acculturation process that contributed to building a stable and locally responsive civil legal system (Marlina & Mubarak, 2022). The adoption of the Dutch principle was not merely a legal continuation but also a deliberate legal strategy to bridge the colonial legal heritage with the post–independence legal needs (Nurmila, 2016). Therefore, the joint property principle reflects both historical influence and the necessity of a legal structure that could address the socio–economic dynamics of Indonesian society. It became a legal foundation that enables the protection of marital property rights and ensures legal certainty regarding asset ownership throughout the marriage period.

Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI) reinforce the recognition of joint property as part of relational justice between husband and wife. Provisions in Articles 35 and 36 of the Marriage Law and Articles 85 and 88 of the KHI accommodate prenuptial agreements and emphasize the principle of mutual consent in managing marital assets. These legal instruments serve not only to provide legal protection for both parties but also to ensure the sustainability of an equitable and harmonious marital relationship (Nurunnisa, Erliyani, Hermawan, & Abdelhadi, 2023). Notably, Article 29 of the Marriage Law allows couples to establish prenuptial agreements, granting flexibility in determining how assets are managed and owned during marriage. This shows that Indonesian law does not impose a rigid model of property arrangement (Nutz, Nelles, & Lersch, 2022), but instead promotes adaptive legal mechanisms tailored to the needs of individual couples. Such flexibility enhances legal utility in daily domestic life while creating a legal framework for sustainable asset governance based on transparency, trust, and equality (Antonelli, Papadogeorgou, & Dominici, 2022). The legal recognition of joint property thus reflects an inclusive and forward–looking legal approach responsive to the evolving dynamics of modern family life in Indonesia.

In classical *fiqh*, the explicit concept of joint marital property does not exist, as Islamic jurisprudence upholds individual property rights for both husband and wife. Assets owned before or during the marriage remain individually held unless there is a conscious and mutual agreement to combine them (Pelu & Dakhoir, 2021). However, Islamic legal tradition provides an alternative framework through the concept of *syirkah* (partnership), which can explain and justify cooperative economic arrangements within marriage. Forms of *syirkah* such as *syirkah 'inan* (partnership based on joint capital contributions), *syirkah mufawadhah* (a full partnership involving joint ownership and shared liability), and *syirkah abdan* (partnership based on labor or skills) are especially relevant for understanding how spouses might equitably share assets and economic responsibilities. These forms reflect the values of cooperation, mutual trust, and balanced role distribution in marital life. Therefore, although classical Islamic jurisprudence does not mention joint marital property by name, its foundational ethical values support the creation of collaborative, equitable (Kim & Lee, 2021), and sustainable asset management systems within the household. In the Indonesian legal context (Gatti & Strobl, 2025), these values can provide a normative and ethical foundation for integrating the concept of joint property into national law, so long as it is grounded in mutual consent (*ridha*) and agreement between the spouses, thereby preserving the essence of sharia while remaining responsive to contemporary social realities (Zimmermann, de Zwaan, & Heinrichs, 2019).

The increasing participation of women in the workforce has brought fundamental changes to the economic structure of households in Indonesia, shifting the traditional paradigm that placed men as the sole breadwinners. Today, women are not only responsible for managing domestic affairs but also actively contribute to the household

income (3ineli & Mugiyama, 2023). This reality reflects a complex social dynamic in which women's economic involvement becomes a crucial factor in sustaining family life. Legally, this shift has prompted the emergence of the joint property concept as an inclusive and responsive legal solution to gender roles (ZAVORETTI, 2016). This concept not only formally acknowledges the financial contributions of women but also strengthens the principle of substantive justice within marriage. In practice, recognition of the wife's contribution directly affects the regulation of property rights, the division of wealth in the event of divorce, and equitable legal protection for both parties (Lersch, 2017). The joint property regime also opens new avenues for reconciling religious norms with the demands of progressive modern law, which, in the long term, supports the development of sustainable and harmonious families. In other words (Lee & Dustin, 2021), a family law system that is adaptive to social dynamics significantly contributes to strengthening household resilience and reducing post-divorce conflicts, both economically and psychosocially (Ross, O'Neal, Arnold, & Mancini, 2017).

The harmonization between the husband's financial responsibility according to Islamic law (sharia) and the concept of joint property under Indonesia's positive law reflects the flexibility of the national legal system in integrating religious norms with the needs of modern society (Choi & Cheung, 2017). Islam clearly places the obligation of providing for the family on the husband as part of his role as *qawwam* (guardian), as outlined in Surah An-Nisa: 34 and various Prophetic traditions (hadith). However, in the evolving social reality, women increasingly play active roles in supporting the household economy—either voluntarily or due to necessity. The national legal system responds to this reality through recognition of the joint property concept, as enshrined in Law No. 1 of 1974 and the Compilation of Islamic Law (KHI) (Arifin H. Munir, Nurul Wathoni, Bin Mujib, & Dahri, 2022), where all assets acquired during marriage are regarded as jointly owned, unless otherwise stipulated by a prenuptial agreement. This integration does not contradict Islamic principles, as it is grounded in mutual consent (*ridha*) and spousal deliberation (Sugianto & Suhartono, 2018). Sociologically and normatively, this approach strengthens the spirit of *maqashid al-shari'ah* in realizing welfare, justice, and protection for the more vulnerable party in the marriage (Bilalu, Jamal, Harun, & Subeitan, 2022). While maintaining Islamic normative foundations, Indonesia's family law offers an accommodative framework that not only protects spousal rights but also reflects social sustainability values within the dynamics of modern Muslim households.

The joint property concept in the context of Indonesian marital law reflects fundamental values such as mutual cooperation (*shura*), shared responsibility, and distributive justice in managing family wealth (Dew, Anderson, Skogrand, & Chaney, 2017). These values are not only juridical but also resonate with ethical and spiritual teachings in Islam. In practice, the management of joint property requires intensive communication and mutual agreement between husband and wife, particularly when making strategic financial decisions related to investments, asset acquisition, and large-scale expenditures. This relational model reflects a non-hierarchical structure (Sorgente et al., 2023), emphasizing cooperation and mutual respect for each party's contribution (Khan, 2024). The application of this principle not only strengthens household economic stability but also has broader implications in shaping future generations grounded in justice (Frutos & Merrill, 2017), responsibility, and legal as well as ethical awareness. In the long term, this principle reflects a form of legal utility that is not merely procedural but also substantive, rooted in ethical values, religiosity, and social sustainability. Furthermore, the concept reinforces the legitimacy of the national legal system in



addressing the challenges of modernity without abandoning the Islamic moral foundations that underpin Indonesian society. Therefore, joint property is not only a legal instrument but also a manifestation of legal civilization that is contextual, inclusive, and transformative.

## CONCLUSION

The findings of this study reveal that the economic responsibility of the husband and the concept of joint marital property are two distinct yet complementary principles that reflect both religious values and legal development in Indonesia. In Islamic law, the husband's obligation to provide for his wife and children is a primary duty based on the teachings of the Qur'an and Hadith. This responsibility underlines the husband's role as *qawwam*, or guardian, whose financial support is essential to maintaining family welfare. On the other hand, the Indonesian legal system, influenced by both Western legal traditions and local cultural dynamics, has adopted the concept of joint marital property, recognizing that both spouses can contribute economically to the household. Through instruments such as the Marriage Law No. 1 of 1974 and the Compilation of Islamic Law (KHI), Indonesia acknowledges and legalizes the sharing of assets acquired during marriage, regardless of which party earned them. This dual recognition—of the husband's religious obligation and the state's legal acknowledgment of mutual contributions—offers a more inclusive and equitable framework for understanding marital property and financial roles within the family unit. The integration of Islamic principles like *syirkah* (partnership) with civil legal norms not only bridges doctrinal and practical gaps but also ensures that the institution of marriage can adapt to changing social and economic realities without compromising religious values.

Recommendation of this study proposes the development of a conceptually integrated and policy-oriented framework that harmonizes religious and civil legal systems to promote family justice in Indonesia. Conceptually, it calls for a reinterpretation of Islamic jurisprudence that upholds *maslahah* (public benefit) and *'adl* (justice) as foundations for regulating financial responsibility and marital property. Methodologically, interdisciplinary collaboration among legal scholars, gender experts, and policymakers is essential to ensure that interpretations of joint property reflect both ethical and social realities. From a policy perspective, the government should standardize judicial practices through national guidelines and legal education that emphasize equity and protection for women. On a global level, this framework can serve as a model for other Muslim – majority nations seeking to integrate Islamic principles with modern legal systems. By institutionalizing *maqashid syariah* – based family policies, Indonesia can contribute to a globally recognized paradigm of inclusive, ethical, and equitable family law reform.

## DECLARATIONS

### AUTHOR CONTRIBUTION STATEMENT

Rahmi contributed to the conceptualization and design of the research, as well as the drafting of the manuscript. Jayusman was responsible for data collection and analysis. Nur Azizah contributed to the literature review and assisted in interpreting the findings. Efrinaldi provided critical revisions and theoretical validation. Rahmawati supported the editing process and final formatting of the manuscript. All authors have read and approved the final version of the manuscript.

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## DATA AVAILABILITY STATEMENT

The data supporting the findings of this study are available from the corresponding author upon reasonable request.

## DECLARATION OF INTERESTS STATEMENT

The authors declare that they have no known competing financial interests or personal relationships that could have influenced the work reported in this paper.

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## REFERENCES

- Antonelli, J., Papadogeorgou, G., & Dominici, F. (2022). Causal inference in high dimensions: A marriage between Bayesian modeling and good frequentist properties. *Biometrics*, 78(1), 100–114. <https://doi.org/10.1111/biom.13417>
- Arifin H. Munir, Z., Nurul Wathoni, L. M., Bin Mujib, L. S., & Dahri, H. (2022). Tahlil Marriage Among the Sasak Tribe of Lombok Based on Maqashid Al–Shari'ah Perspective and Its Relevance to Compilation of Islamic Law. *Al-'Adalah*, 19(2), 419–440. <https://doi.org/10.24042/adalah.v19i2.14495>
- Attah, M. (2018). Divorcing Marriage from Marital Assets: Why Equity and Women Fail in Property Readjustment Actions in Nigeria. *Journal of African Law*, 62(3), 427–446. <https://doi.org/10.1017/S0021855318000207>
- Awiety, J., & Riyadi, A. K. (2020). History of Joint Marital Property in Indonesia and its Legalization. *Malaysian Journal of Syariah and Law*, 8(2), 94–112. <https://doi.org/10.33102/mjssl.vol8no2.256>
- Bilalu, N., Jamal, R., Harun, N., & Subeitan, S. M. (2022). Compilation of Islamic Law as Judge's Consideration at a Religious Court in North Sulawesi, Indonesia. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 6(2), 514. <https://doi.org/10.22373/sjhk.v6i2.12441>
- Casari, M., Lisciandra, M., & Tagliapietra, C. (2019). Property Rights, Marriage, and Fertility in the Italian Alps, 1790–1820. *Explorations in Economic History*, 71, 72–92. <https://doi.org/10.1016/j.eeh.2018.09.001>
- Chen, H. – H., Lai, J. C. – Y., & Chien, L. – Y. (2021). The psychometric properties of the Bidimensional Acculturation Scale for Marriage – Based Immigrant Women in Taiwan. *PLOS ONE*, 16(10), e0258323. <https://doi.org/10.1371/journal.pone.0258323>
- Choi, S. Y. P., & Cheung, A. K. – L. (2017). Dissimilar and Disadvantaged: Age

- Discrepancy, Financial Stress, and Marital Conflict in Cross–Border Marriages. *Journal of Family Issues*, 38(18), 2521–2544. <https://doi.org/10.1177/0192513X16653436>
- Zineli, B., & Mugiya, R. (2023). Money management over the course of marriage: Parenthood, employment and household financial organization in Japan. *Advances in Life Course Research*, 56, 100544. <https://doi.org/10.1016/j.alcr.2023.100544>
- Dew, J. P., Anderson, B. L., Skogrand, L., & Chaney, C. (2017). Financial Issues in Strong African American Marriages: A Strengths-Based Qualitative Approach. *Family Relations*, 66(2), 287–301. <https://doi.org/10.1111/fare.12248>
- Fam, J. Y., Yaacob, S. N., Juhari, R., Arshat, Z., & Mukhtar, F. (2017). General Attitudes Towards Marriage Scale: Psychometric Properties in Malaysian Adolescents of Divorced Families. *Journal of Child and Family Studies*, 26(12), 3351–3359. <https://doi.org/10.1007/s10826-017-0849-7>
- Frutos, A. M., & Merrill, R. M. (2017). Explicit Sexual Movie Viewing in the United States According to Selected Marriage and Lifestyle, Work and Financial, Religion and Political Factors. *Sexuality & Culture*, 21(4), 1062–1082. <https://doi.org/10.1007/s12119-017-9438-6>
- Gatti, F., & Strobl, E. (2025). Marriage, Financial Constraints, and Morality in Late 19th and Early 20th Century Colonial Jamaica. *The History of the Family*, 1–33. <https://doi.org/10.1080/1081602X.2025.2512597>
- Husni, S., Syahriani, F., Husni, A., Wahid, A., & Ngardi, V. (2024). Determination of Nasab of Children Outside of Marriage in the Islamic Legal System: The Role and Decisions of Religious Courts in Indonesia. *Hakamain: Journal of Sharia and Law Studies*, 3(1), 26–36. <https://doi.org/10.57255/hakamain.v3i1.332>
- Khan, S. (2024). Female education and marriage in Pakistan: The role of financial shocks and marital customs. *World Development*, 173, 106413. <https://doi.org/10.1016/j.worlddev.2023.106413>
- Kim, P.–S., & Lee, Y.–S. (2021). Parental Financial Support and the Transition to Marriage for Young Adults in South Korea. *Journal of Comparative Family Studies*, 52(1), 47–66. <https://doi.org/10.3138/jcfs.52.1.005>
- Lee, Y. G., & Dustin, L. (2021). Explaining Financial Satisfaction in Marriage: The Role of Financial Stress, Financial Knowledge, and Financial Behavior. *Marriage & Family Review*, 57(5), 397–421. <https://doi.org/10.1080/01494929.2020.1865229>
- Lersch, P. M. (2017). Individual Wealth and Subjective Financial Well-being in Marriage: Resource Integration or Separation? *Journal of Marriage and Family*, 79(5), 1211–1223. <https://doi.org/10.1111/jomf.12406>
- Marlina, S., & Mubarak, H. (2022). Joint Property after Divorce in the Polygamous Marriage: Comparative Research in Indonesia and Malaysia. *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan*, 22(2), 273–287. <https://doi.org/10.30631/alrisalah.v22i2.1289>
- Musarrofa, I., Muttaqin, H., & Amaliyah, R. (2024). The Problems of Islamic Family Law in the Digital Era and Its Relevance to Renewal of the Compilation of Islamic Law. *Jurnal Hukum Islam*, 22(1), 89–124. [https://doi.org/10.28918/jhi\\_v22i1\\_4](https://doi.org/10.28918/jhi_v22i1_4)
- Nasution, K. (2005). Women's Right in the Islamic Family Law of Indonesia. *Unisia*, 28(56), 192–204. <https://doi.org/10.20885/unisia.vol28.iss56.art10>
- Nugroho, E. R., Prabowo, B. A., & Rohidin, R. (2024). Granting of Property During Marriage as an Inherited Property in Indonesia. *El-Usrah: Jurnal Hukum Keluarga*,

- 7(1), 310. <https://doi.org/10.22373/ujhk.v7i1.22875>
- Nurhayati, S. R., Setiawati, F. A., Amelia, R. N., & Fridani, L. (2023). Psychometric properties of dyadic data from the Marital Quality Scale of Indonesian Javanese couples. *Psicologia: Reflexo e Crítica*, 36(1), 36. <https://doi.org/10.1186/s41155-023-00279-7>
- Nurmila, N. (2016). Polygamous Marriages in Indonesia and Their Impacts on Women's Access to Income and Property. *Al-Jami'ah: Journal of Islamic Studies*, 54(2), 427. <https://doi.org/10.14421/ajis.2016.542.427-446>
- Nurunnisa, N., Erliyani, R., Hermawan, G. F., & Abdelhadi, Y. M. M. (2023). Implications of Annulment of Marriage on the Distribution of Joint Assets according to the Compilation of Islamic Law and National Law. *Syariah: Jurnal Hukum Dan Pemikiran*, 23(1), 1–23. <https://doi.org/10.18592/sjhp.v23i1.9523>
- Nutz, T., Nelles, A., & Lersch, P. M. (2022). Who Opts Out? The Customisation of Marriage in the German Matrimonial Property Regime. *European Journal of Population*, 38(3), 353–375. <https://doi.org/10.1007/s10680-022-09613-8>
- Ojogbo, S. E., & Edu, O. K. (2022). Comparing maintenance and property rights in marriage under customary law and statutory law in Africa. *Oxford University Commonwealth Law Journal*, 22(2), 229–252. <https://doi.org/10.1080/14729342.2022.2153508>
- Pelu, I. E. A., & Dakhoir, A. (2021). Marital Property within the Marriage Law: A Debate on Legal Position and Actual Applications. *Al-Jami'ah: Journal of Islamic Studies*, 59(2), 287–316. <https://doi.org/10.14421/ajis.2021.592.287-316>
- Ross, D. B., O'Neal, C. W., Arnold, A. L., & Mancini, J. A. (2017). Money Matters in Marriage: Financial Concerns, Warmth, and Hostility Among Military Couples. *Journal of Family and Economic Issues*, 38(4), 572–581. <https://doi.org/10.1007/s10834-017-9522-y>
- Saiin, A., Kholidah, K., Zulfahmi, Z., M. Radiamoda, A., & Gemilang, K. M. (2023). The Property Rights Regulation, Semenda Marriage, and Exploring the Determinants in ASEAN Countries. *Journal of Human Rights, Culture and Legal System*, 3(2), 134–159. <https://doi.org/10.53955/jhcls.v3i2.68>
- Solikin, N., & Wasik, M. (2023). The Construction of Family Law in the Compilation of Islamic Law in Indonesia: A Review of John Rawls's Concept of Justice and Jasser Auda's Maqashid al-Shari'a. *Ulumuna*, 27(1), 315–340. <https://doi.org/10.20414/ujis.v27i1.708>
- Sorgente, A., Lanz, M., Tagliabue, S., Wilmarth, M. J., Archuleta, K. L., Yorgason, J., & James, S. (2023). Yours, mine, or ours: Does bank account status in early marriage affect financial behavior and financial satisfaction? *Journal of Social and Personal Relationships*, 40(12), 4023–4049. <https://doi.org/10.1177/02654075231201554>
- Sugianto, F., & Suhartono, S. (2018). The Existence of President Instruction of The Republic of Indonesia Number 1 The Year 1991 on The Wide Spread of Compilation of Islamic Law in Indonesian Legal System. *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 13(2), 291–309. <https://doi.org/10.19105/al-lhkam.v13i2.1727>
- Sweeny, R. C. H. (2021). Going Together Like a Horse and Carriage: Rentier Marriages and Property Accumulation in Montrñal, 1825–1903. *Histoire Sociale / Social History*, 54(112), 481–490. <https://doi.org/10.1353/his.2021.0049>
- Widiani, A. K. H. D. (2022). Socio–Juridical Analysis on Polygamy Requirements in the Compilation of Islamic Law (KHI). *Al-'Adalah*, 19(1), 195–222.

<https://doi.org/10.24042/adalah.v19i1.10266>

ZAVORETTI, R. (2016). Is it Better to Cry in a BMW or to Laugh on a Bicycle? Marriage, 'financial performance anxiety', and the production of class in Nanjing (People's Republic of China). *Modern Asian Studies*, 50(4), 1190 – 1219. <https://doi.org/10.1017/S0026749X15000220>

Zimmermann, T., de Zwaan, M., & Heinrichs, N. (2019). The German version of the Quality of Marriage Index: Psychometric properties in a representative sample and population – based norms. *PLOS ONE*, 14(2), e0212758. <https://doi.org/10.1371/journal.pone.0212758>