

LEGAL DYNAMICS OF FINANCIAL RESPONSIBILITY AND MARITAL PROPERTY IN INDONESIA MARRIAGES



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Abstract

This study explores the legal dynamics between financial responsibility and marital property in the context of marriages in Indonesia, with a specific focus on reconciling the normative gap between Islamic law and the 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. Proposing an integrative legal framework, this research bridges the gap between normative Islamic obligations and the state's egalitarian legal principles. Such 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 finansial dan hak atas harta dalam perkawinan Muslim di tengah sistem hukum Indonesia yang pluralistik.

INTRODUCTION

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.

Previous studies have examined the concept of *nafaqah* in Islamic law and emphasized its role as a fundamental obligation within marital relationships. Nurhayati et al. (2023) explain that the provision of *nafaqah* should be implemented according to the principle of *bi al-ma'ruf*, which requires that financial support be provided in a proper and socially acceptable manner. Similarly, Widiani (2022) argues that the implementation of *nafaqah* requires a balance between the husband's financial capacity and the wife's needs, highlighting the importance of social awareness and mutual responsibility in marital relations. Existing literature further indicates that misunderstanding and unequal fulfillment of *nafaqah* obligations frequently contribute to marital disputes. Chen et al. (2021) identify economic responsibilities as one of the factors associated with tensions within family relationships, while Attah (2018) notes that a husband's negligence in fulfilling financial obligations or limited awareness of legal rights among wives may increase the risk of marital conflict and divorce. Furthermore, previous studies suggest that the discussion of *nafaqah* has extended beyond personal and religious dimensions into broader legal and social contexts, particularly in contemporary Muslim societies where Islamic values increasingly interact with principles of gender equality and human rights within state legal systems. Collectively, the literature indicates that the implementation of *nafaqah* involves not only religious obligations but also broader issues concerning legal protection, social justice, and the relationship between Islamic norms and contemporary legal frameworks.

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 et al., 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).

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, 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

Islamic Legal Foundations of Husband's Financial Responsibility (*Nafaqah*)

Islamic teachings establish the husband's obligation to provide financial support as a fundamental element within marriage, rooted directly in the Qur'an. The primary scriptural basis for this obligation is found in Surah An-Nisa (4:34), which states that men are protectors and maintainers of women because they spend from their wealth. This verse has long been interpreted by Muslim jurists as assigning husbands responsibility for ensuring the material welfare of the family. The obligation extends beyond a simple transfer of economic resources and forms part of the broader moral structure of family life in Islam. Financial provision is viewed as an expression of responsibility, leadership, and commitment toward preserving family stability. The Qur'anic framework positions marriage not merely as a contractual relationship between two individuals but as a social institution governed by rights and responsibilities. Consequently, financial support becomes an integral component of maintaining justice and balance within marital relationships.

Within Islamic jurisprudence, *nafaqah* is understood not only as financial maintenance but also as a binding legal and marital responsibility imposed upon the

husband. Shafra explains that the obligation of *nafaqah* reflects the legal recognition of the wife's rights within marriage and cannot be reduced to an act of generosity or voluntary support. Likewise, Endri Yenti emphasizes that *nafaqah* constitutes an inseparable component of marital justice because the wife possesses a legitimate right to receive adequate support for sustaining daily life. The fulfillment of this obligation includes food, clothing, housing, healthcare, and other essential needs according to accepted social standards. Fahmil Samiran further argues that Islamic legal discourse treats *nafaqah* as a dynamic concept closely linked to social realities and economic conditions. Thus, *nafaqah* should be viewed not merely as an economic transaction but as an institutional mechanism designed to preserve welfare, dignity, and harmony within the family structure.

The financial obligation assigned to husbands in Islam is closely associated with the concept of *qawwam*, which refers to responsibility for leadership and maintenance within the household. The Qur'an associates financial support with this position by linking the husband's leadership role to his duty to spend from his resources for the benefit of the family. However, *qawwam* does not imply unrestricted authority or hierarchical superiority over women. Rather, it represents a framework of responsibility that requires husbands to ensure the physical, emotional, and social well-being of family members. Islamic scholars generally interpret this leadership role as functional rather than authoritarian in nature. The husband's responsibility includes protecting the family from economic hardship, providing security, and creating conditions necessary for stability. Therefore, financial responsibility serves as one of the practical manifestations of *qawwam*, emphasizing accountability and care rather than domination or unilateral power within marital relationships.

Islamic law explicitly recognizes the wife's right to receive financial support from her husband as part of the reciprocal rights and obligations established through marriage. This recognition demonstrates that Islam views women as rights-bearing individuals whose welfare must be protected within the family structure. Financial support is not dependent upon the wife's personal income, wealth, or employment status. Even if a wife possesses independent financial resources, the husband remains responsible for fulfilling his obligation of maintenance. This principle reflects the broader Islamic emphasis on social justice and the protection of vulnerable parties within interpersonal relationships. Jurists argue that failure to provide adequate support may constitute grounds for legal claims or marital disputes. The recognition of these rights also illustrates that Islamic family law incorporates mechanisms intended to maintain fairness and prevent neglect. Consequently, the wife's entitlement to financial support functions as both a legal guarantee and a means of preserving dignity within marriage.

The Hadith concerning Hindun bint Utbah represents one of the most important legal foundations concerning women's economic rights in Islamic jurisprudence. According to the narration, Hindun complained to the Prophet Muhammad (peace be upon him) that her husband, Abu Sufyan, did not provide sufficient financial support for her and her children. In response, the Prophet permitted her to take from her husband's wealth without his knowledge, provided that the amount taken was sufficient and reasonable for meeting family needs. This narration demonstrates that Islamic law recognizes practical solutions for situations involving financial neglect within marriage. Scholars often cite this Hadith as evidence that women possess enforceable rights regarding financial maintenance. Furthermore, the narration illustrates that Islamic law

prioritizes welfare and justice over rigid formalism. The Prophet's response reflects sensitivity toward economic realities while simultaneously protecting the interests of wives and children within the family context.

Islamic schools of jurisprudence differ in determining the appropriate standards for calculating *nafaqah*, reflecting the flexibility of Islamic legal thought in responding to varying social conditions. These differences emerge because scholars seek to reconcile legal principles with diverse socioeconomic realities and considerations of justice within family life (Casari et al., 2019). The Hanbali school maintains that the level of financial support should take into account both the husband's and wife's social and economic backgrounds. According to this perspective (Fam et al., 2017), spouses from affluent families should maintain a standard of living consistent with their social status, whereas financially disadvantaged families may adapt to more modest conditions. In cases where spouses come from different economic backgrounds, a middle-ground approach may be adopted to achieve fairness and balance. In contrast, the majority of jurists, including the Hanafi, Maliki, and Shafi'i schools, argue that the husband's financial capability should serve as the primary consideration in determining *nafaqah* (Ojogbo & Edu, 2022), regardless of the wife's economic status. These differences demonstrate that Islamic jurisprudence does not impose a rigid formula but instead offers adaptable legal frameworks capable of accommodating diverse family circumstances and changing socioeconomic realities.

Property Ownership and Financial Justice in Islamic Marriage

Islamic law establishes a clear principle regarding ownership rights within marriage by recognizing that the husband and wife retain separate and independent property ownership. Marriage does not automatically transfer or merge ownership rights between spouses. Any assets acquired before marriage remain under the ownership of the individual spouse, while assets acquired during marriage generally continue to belong to the person who earns or receives them unless a specific agreement states otherwise. This principle demonstrates that Islamic marriage does not eliminate the economic identity of either spouse (Nurhayati et al., 2023). Classical jurists consistently emphasized that each party retains legal capacity over his or her property and financial activities. The preservation of separate ownership rights serves to protect economic justice and individual autonomy within marriage. This framework also ensures that spouses are not deprived of their financial rights merely because of marital status. Therefore, Islamic law recognizes marriage as a partnership based on rights and obligations rather than a complete fusion of economic identities.

Classical Islamic jurisprudence does not explicitly recognize the concept of automatic joint marital property as commonly found in modern civil law systems. Islamic jurists generally viewed the economic relationship between husband and wife as one characterized by separate ownership rather than collective ownership arising solely from marriage (Saiin et al., 2023). Consequently, marriage itself does not become a legal mechanism that automatically combines assets belonging to each spouse. Property may become jointly managed or shared only through legal transactions such as partnership agreements, gifts, inheritance arrangements, or mutual consent between spouses. This distinction demonstrates an important feature of Islamic legal thought, namely that ownership rights are determined through legally recognized transactions rather than marital status alone. The absence of an automatic joint property doctrine does not imply the absence of cooperation between spouses in financial matters. Instead, it reflects the

principle that economic rights and obligations should remain clearly defined to avoid ambiguity, disputes, and potential injustice within marital relationships.

Islamic law strongly protects the financial autonomy and economic rights of women within marriage by acknowledging their independent legal and economic status. A wife possesses complete authority over her personal wealth and may manage, invest, sell, donate, or utilize her assets without requiring her husband's permission. This principle highlights that Islam grants women legal and economic capacity comparable to men regarding ownership and financial transactions. Such protection challenges assumptions that marriage automatically limits a woman's economic independence. Instead, Islamic teachings affirm that a wife's property remains under her exclusive control regardless of her marital condition. This autonomy also applies to income generated through employment, business activities, inheritance, gifts, or other lawful sources. By recognizing these rights (Awiety & Riyadi, 2020), Islamic law establishes an important framework for economic justice and personal dignity. Financial independence for wives therefore becomes an essential mechanism for preserving individual rights while maintaining fairness and balance within marriage.

Significant differences exist between Islamic legal perspectives and modern civil law systems concerning marital property arrangements. Many civil law systems, including Indonesia's national legal framework influenced by Western legal traditions, adopt the concept of joint marital property in which assets acquired during marriage are generally considered shared property. Under this framework, both spouses possess equal claims over assets accumulated during marital life regardless of who contributed financially. In contrast, Islamic law primarily emphasizes individual ownership and does not assume the automatic integration of assets. These different approaches emerge from distinct legal philosophies regarding marriage and economic responsibility. Civil law often emphasizes equality through shared ownership structures, while Islamic law seeks justice by allocating specific responsibilities and rights according to defined roles. Such differences frequently create legal and practical challenges within Muslim societies, especially in contexts where religious principles interact with national legal systems in determining property distribution and financial responsibilities.

Financial responsibility functions as an important mechanism for achieving and preserving family welfare. The obligation of financial support extends beyond economic provision and serves broader objectives related to social and emotional stability within the family unit. By ensuring that essential needs such as food, housing, clothing, healthcare, and education are adequately fulfilled, the husband contributes directly to creating conditions necessary for family well-being. Financial support also serves preventive functions by reducing economic insecurity and minimizing sources of conflict that may threaten household stability. In Islamic thought, family welfare encompasses not only material prosperity but also emotional comfort, psychological security, and moral development. Therefore, financial responsibility becomes closely linked to broader objectives of marriage and social harmony. The fulfillment of economic obligations demonstrates care and accountability, reinforcing relationships built upon trust and mutual respect among family members within everyday life.

The implementation of financial responsibility within marriage carries significant implications for marital harmony and long-term family stability. Consistent fulfillment of economic obligations contributes to the development of trust, security, and emotional comfort between spouses. When financial responsibilities are adequately fulfilled, family members are more likely to experience stability that supports healthy interpersonal relationships and reduces potential conflict arising from unmet needs (Nasution, 2005).

Conversely, neglect of financial obligations frequently becomes a major source of marital disputes and dissatisfaction. Islamic teachings recognize that family harmony cannot be sustained solely through emotional attachment or legal status but also requires practical fulfillment of rights and responsibilities (Husni et al., 2024). Economic responsibility therefore functions as a means of maintaining balance and justice within marital relationships. In contemporary contexts where family structures and economic roles continue to evolve, the principles of responsibility and cooperation remain important foundations for preserving harmonious relationships and ensuring stable family 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 et al., 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 et al., 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 et al., 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 et al., 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.

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 (Gatti & Strobl, 2025). 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 (Zimmermann et al., 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 (Zineli & Mugiyama, 2023). This reality reflects a complex social dynamic in which women's economic involvement becomes a crucial factor in sustaining family life (Lee & Dustin, 2021). 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 (Ross et al., 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*) (Munir et al., 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 et al., 2022).

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 et al., 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

- Al – Zumair, M., Leegstra, L. M., Zaid, H., Ferrer Pizarro, R., Al – Zumair, M., Bawahda, L., Maxwell, L. (2025). Midwives' experiences working with women and girls surviving violence in Yemen: A qualitative study. *Frontiers in Global Women's Health*, 6. <https://doi.org/10.3389/fgwh.2025.1450053>
- Almoayad, S., Favari, E., Halabi, S., Krishnaswamy, S., Music, A., & Tandon, S. (2024). Active conflict and access to education: Evidence from a series of conflict – related shocks in Yemen. *Review of Development Economics*, 28(3), 1005 – 1030. <https://doi.org/10.1111/rode.13081>
- Anderson, J. D., Bagamian, K. H., Muhib, F., Baral, R., Laytner, L. A., Amaya, M., Rheingans, R. (2019). Potential impact and cost – effectiveness of future ETEC and Shigella vaccines in 79 low – and lower middle – income countries. *Vaccine*: X, 2, 100024. <https://doi.org/10.1016/j.jvacx.2019.100024>
- Ben Hamida, A., Hunersen, K., Houssein Barkat, H., Doualeh Aden, Y., Hersi Doualeh,

- R., Elmi, N., Robinson, W. C. (2022). Prevalence of child marriage among Yemeni and Somali refugee and host communities in Djibouti, 2019. *Journal of Refugee Studies*, 34(4), 4534 – 4550. <https://doi.org/10.1093/jrs/feaa139>
- Carlson, J. (2024). Houthi motivations driving the Red Sea crisis: Understanding how Ansar Allah's strategic culture goes beyond Gaza and Iran. *Journal of Advanced Military Studies*, 15(2), 94 – 114. <https://doi.org/10.21140/mcu.20241502006>
- Cerimovic, E. (2023). At risk and overlooked: Children with disabilities and armed conflict. *International Review of the Red Cross*, 105(922), 192 – 216. <https://doi.org/10.1017/S181638312200087X>
- Chico, C., Cordel, M. O. I., Mariasingham, M. J., & Tan, E. S. (2025). Analyzing anomalous events in passageways with high – frequency ship signals. *PLOS ONE*, 20(4), e0320129. <https://doi.org/10.1371/journal.pone.0320129>
- Costello, S., Quinn, M., Tatchell, A., Jordan, L., & Neophytou, K. (2015). In the best interests of the child: Preventing female genital cutting (FGC). *British Journal of Social Work*, 45(4), 1259 – 1276. <https://doi.org/10.1093/bjsw/bct187>
- Ecker, O., Al – Malk, A., & Maystadt, J. – F. (2024). Civil conflict, cash transfers, and child nutrition in Yemen. *Economic Development and Cultural Change*, 72(4), 2069 – 2100. <https://doi.org/10.1086/726294>
- Eleftheriadou, M. (2023). Non – state armed actors and contested sovereignties in internationalized civil wars: The case of Yemen's civil war (2015 –). *International Politics*, 60(1), 134 – 153. <https://doi.org/10.1057/s41311-021-00279-3>
- Heibach, J., & Transfeld, M. (2018). Opposition dynamism under authoritarianism: The case of Yemen, 1994 – 2011. *Democratization*, 25(4), 597 – 613. <https://doi.org/10.1080/13510347.2017.1404578>
- Juneau, T. (2024). How war in Yemen transformed the Iran – Houthi partnership. *Studies in Conflict & Terrorism*, 47(3), 278 – 300. <https://doi.org/10.1080/1057610X.2021.1954353>
- Laing, S. K., Griffiths, U., Raza, A. A., Zulu, F., Yakubu, A., Bessias, S., & Ozawa, S. (2020). An investment case for maternal and neonatal tetanus elimination. *Vaccine*, 38(9), 2241 – 2249. <https://doi.org/10.1016/j.vaccine.2019.11.052>
- Laron, Z., & Kauli, R. (2016). Fifty seven years of follow – up of the Israeli cohort of Laron syndrome patients—From discovery to treatment. *Growth Hormone & IGF Research*, 28, 53 – 56. <https://doi.org/10.1016/j.ghir.2015.08.004>
- Levy, S. R., Migacheva, K., Ramirez, L., Okorodudu, C., Cook, H., Araujo – Soares, V., Walker, P. (2022). A human rights based approach to the global children's rights crisis: A call to action. *Journal of Social Issues*, 78(4), 1085 – 1097. <https://doi.org/10.1111/josi.12563>
- Makara, M. (2023). Empty threats and aid weaponization: Understanding the international response to Yemen's humanitarian crisis. *The Journal of the Middle East and Africa*, 14(3), 299 – 316. <https://doi.org/10.1080/21520844.2023.2240220>
- McHugh, K. A. (2022). At war with Congress: War powers disputes during the Trump administration. *Democracy and Security*, 18(3), 228 – 262. <https://doi.org/10.1080/17419166.2021.2010554>
- Mertens, E., & Penalvo, J. L. (2021). The burden of malnutrition and fatal COVID – 19: A global burden of disease analysis. *Frontiers in Nutrition*, 7. <https://doi.org/10.3389/fnut.2020.619850>

- Nasr, H., Al – Zumair, M., Al – Mahbashi, T., & Dureab, F. (2024). Factors associated with the cholera outbreak in Al – Mahweet – Yemen: Analytic study. *The Journal of Infection in Developing Countries*, 18(01), 66 – 74. <https://doi.org/10.3855/jidc.17571>
- Noman, A. (2025). Narrating war and its tragedies: A thematic study of fikria shahra's *Shams Awam*. *Cogent Arts & Humanities*, 12(1). <https://doi.org/10.1080/23311983.2025.2471191>
- Rodriguez – Diaz, E., Alcaide, J. I., & Garcia – Llave, R. (2024). Challenges and security risks in the Red Sea: Impact of Houthi attacks on maritime traffic. *Journal of Marine Science and Engineering*, 12(11), 1900. <https://doi.org/10.3390/jmse12111900>
- Shedaiwah, S., Alsharabi, H., Anam, L., & Al Amad, M. A. (2024). Risk factors of diphtheria outbreak in damt district of Al Dhalea Governorate, 2023 – Yemen: A case – control study. *BMC Infectious Diseases*, 24(1), 1034. <https://doi.org/10.1186/s12879-024-09932-7>
- Sheikh, E. Y. S., Alshageri, S., & Hamood, M. A. H. H. (2022). Factors influencing children armed recruitment in Yemen. *Cogent Social Sciences*, 8(1). <https://doi.org/10.1080/23311886.2022.2108137>
- Sobelman, D. (2023). Houthis in the footsteps of Hizbullah. *Survival*, 65(3), 129 – 144. <https://doi.org/10.1080/00396338.2023.2218704>
- Sun, G., Luo, H., Ran, Q., Wei, Y., Zhang, Y., Huang, X., & Zhang, M. (2025). Global burden of eye injuries in children and adolescents, 1990 to 2021: A systematic analysis from the Global Burden of Disease Study. *American Journal of Ophthalmology*, 276, 374 – 385. <https://doi.org/10.1016/j.ajo.2025.04.043>
- Thompson, H., & Watling, J. (2022). Assessing dynamics of control through Iranian technology transfer to Yemen's Houthis. *The RUSI Journal*, 167(4 – 5), 64 – 77. <https://doi.org/10.1080/03071847.2022.2148557>
- Unruh, J. D. (2016). Mass claims in land and property following the Arab Spring: Lessons from Yemen. *Stability: International Journal of Security and Development*, 5(1). <https://doi.org/10.5334/sta.444>
- Vom Bruck, G. (2018). Submerged history: Fragments for a biographic narrative of 1948. *Journal of Arabian Studies*, 8(1), 66 – 86. <https://doi.org/10.1080/21534764.2018.1507446>
- Voskuijl, M., Dekkers, T., & Savelsberg, R. (2020). Flight performance analysis of the Samad attack drones operated by Houthi armed forces. *Science & Global Security*, 28(3), 113 – 134. <https://doi.org/10.1080/08929882.2020.1846279>
- Yudaruddin, R., Lesmana, D., Yudaruddin, Y. A., Yahya, N. C., & Anwar, A. (2025). Disruptions in global trade routes: Market reactions to the US – Houthi conflict in the consumer cyclical sector. *International Journal of Development Issues*. <https://doi.org/10.1108/IJDI-09-2024-0244>
- Zweiri, M. (2016). Iran and political dynamism in the Arab world: The case of Yemen. *Digest of Middle East Studies*, 25(1), 4 – 18. <https://doi.org/10.1111/dome.12078>