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NAFKAH IN DUAL-EARNER MUSLIM FAMILIES: DISTORTION OF OBLIGATIONS AND THE NORMATIVE VACUUM IN CLASSICAL FIKIH

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ABSTRACT

The transformation of Muslim family structures into dual-earner arrangements has challenged the classical fikih concept of *nafkah*, which traditionally assigns financial responsibility exclusively to the husband. In modern contexts, wives increasingly contribute significantly to household income, creating tension between normative doctrine and social reality. This study aims to analyze the construction of nafkah in classical fikih, examine its practice in dual-earner Muslim families, identify the normative gap in regulating economic roles, and explore its implications for Islamic family law. The research employs a normative juridical method with a socio-legal approach, utilizing conceptual, historical, and Islamic legal sociology perspectives. Primary sources include the Qur'an, Hadith, and classical fikih texts, while secondary sources consist of reputable academic literature. The findings reveal that classical fikih was built upon a single-breadwinner assumption and does not provide an explicit framework for shared economic responsibility. This absence creates a normative vacuum, leading to the distortion of nafkah obligations into informal and negotiable arrangements. The study concludes that such distortion is structural rather than moral, indicating the need for a contextual reconstruction of nafkah based on justice and *maqasid al-syari'ah*. The main contribution of this article lies in proposing a reconstruction of *nafkah* based on relational justice, proportionality, and *maqasid al-syari'ah* as a more adaptive framework for regulating economic responsibilities in contemporary Muslim families.
Keywords : *Nafkah; Dual-Earner Muslim Family; Classical Fikih; Normative Vacuum; Islamic Family Law*

ABSTRAK

Transformasi struktur keluarga Muslim menuju pola dual-earner menimbulkan tantangan terhadap konsep nafkah dalam fikih klasik yang secara tradisional menempatkan kewajiban ekonomi sepenuhnya pada suami. Pada zaman modern ini, istri turut berkontribusi secara signifikan terhadap ekonomi rumah tangga, sehingga memunculkan ketegangan antara doktrin normatif dan realitas sosial. Penelitian ini bertujuan untuk menganalisis konstruksi nafkah dalam fikih klasik, mengkaji praktiknya dalam keluarga Muslim dual-earner, mengidentifikasi kekosongan norma terkait pembagian peran ekonomi, serta menelaah implikasinya terhadap hukum keluarga Islam. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan sosio-legal, melalui pendekatan konseptual, historis, dan sosiologi hukum Islam. Sumber data primer meliputi al-Qur'an, hadis, dan kitab fikih klasik, sedangkan sumber sekunder berasal dari literatur ilmiah bereputasi. Hasil penelitian menunjukkan bahwa fikih klasik dibangun atas asumsi keluarga single breadwinner dan tidak menyediakan kerangka normatif eksplisit untuk pembagian tanggung jawab ekonomi. Kekosongan ini melahirkan distorsi kewajiban nafkah yang bergeser menjadi kesepakatan informal. Penelitian ini menyimpulkan bahwa distorsi tersebut bersifat struktural, sehingga diperlukan rekonstruksi norma nafkah yang kontekstual berbasis keadilan dan *maqasid al-syari'ah*. Kontribusi utama artikel ini adalah menawarkan rekonstruksi nafkah berbasis keadilan relasional, proporsionalitas, dan *maqasid al-syari'ah* sebagai kerangka yang lebih adaptif dalam mengatur tanggung jawab ekonomi keluarga Muslim kontemporer.
Kata Kunci: *Nafkah; Keluarga Muslim Dual-Earner; Fikih Klasik; Kekosongan Norma; Hukum Keluarga Islam*

INTRODUCTION

The transformation of Muslim family structures in the modern economic era has significantly altered the traditional patterns of gender roles and economic responsibilities within the household. Historically, Muslim families were predominantly organized under a single-breadwinner model, where men assumed the primary responsibility for financial provision, while women were largely associated with domestic roles (Nelli et al., 2026). However, processes such as industrialization, urbanization, and increased access to education for women have led to the growing emergence of dual-earner families, in which both spouses actively participate in income-generating activities (Moghadam, 2013).

The transformation of Muslim households from single-breadwinner families into dual-earner families has created increasingly complex legal and social challenges concerning the concept of nafkah in Islamic family law. In Indonesia, this transformation is strongly reflected in labor statistics showing a consistent increase in women's participation in economic activities (Pamula, 2026). According to BPS Statistics Indonesia, female labor force participation in Indonesia exceeded 52% in 2024, while male participation remained above 89%, indicating a substantial and growing economic contribution of women within household structures. In the Indonesian legal context, disputes involving nafkah in Religious Courts (*Pengadilan Agama*) increasingly reveal judicial challenges in determining fair financial obligations, particularly when wives are employed and financially independent, as reflected in recent cases from Pengadilan Agama Surakarta and Pengadilan Agama Kabupaten Malang .

In contemporary Muslim societies, women's participation in the workforce is no longer merely supplementary but constitutes an essential component of household economic sustainability (Pamula, 2023). Empirical studies indicate that women's income is often crucial for meeting rising living costs, including education, healthcare, and housing expenses (Hochschild & Machung, 2012). This shift reflects a structural transformation in family economies, where dual-income arrangements are becoming the norm rather than the exception, including in many Muslim-majority countries (Giddens, 1992).

Despite these socio-economic changes, the classical fikih framework on nafkah (maintenance) continues to conceptualize financial responsibility as an exclusive obligation of the husband (Thorik & Pamula, 2025). Within classical Islamic jurisprudence, nafkah is constructed as a fixed legal duty attached to the marital contract, independent of the wife's economic status or earning capacity (al-Zuhayli, 1989). This doctrinal position is closely linked to the concept of *qiwamah* (male authority), which presupposes a gendered division of labor rooted in a patriarchal social order (Kamali, 2003).

Importantly, in classical fikih, *nafkah* was not merely constructed as a financial obligation but also functioned as a legal mechanism of protection for the wife. The obligation of maintenance served to ensure the wife's economic security and safeguard her welfare within marriage, particularly in a social context where women's access to independent economic resources was often limited (Ali, 2010). In this sense, nafkah carried a protective dimension that extended beyond material provision; it represented a juridical guarantee against economic vulnerability and structural dependence. The wife's right to maintenance was therefore designed not only to fulfill daily needs but also to preserve her dignity and security within the marital relationship.

This protective function becomes increasingly significant when examining dual-earner Muslim families. Although women now actively contribute to household income, the absence of clear normative guidance regarding shared financial responsibility creates uncertainty in defining rights and obligations. When nafkah is reduced from a binding legal obligation into a negotiable arrangement without a clear normative framework, its protective function may gradually weaken (Mir-Hosseini, 2006). As a result, wives may remain financially burdened without adequate legal recognition or protection, especially when their economic contribution is treated as mandatory in practice but voluntary in doctrine. This condition risks shifting nafkah from a structured legal protection into an informal economic negotiation shaped largely by personal arrangements and power relations within the household.

The weakening of nafkah's protective function also has broader implications for justice in Muslim family law. Without a clear normative framework, financial arrangements in dual-earner families may become increasingly dependent on informal agreements, cultural expectations, or unequal bargaining power between spouses. In such circumstances, economically active wives may face a double burden: contributing financially to household survival while simultaneously retaining primary domestic responsibilities (Hochschild & Machung, 2012). Therefore, the issue of nafkah in dual-earner Muslim families should be understood not only as a question of economic contribution but also as a question of legal protection, fairness, and structural justice.

The coexistence of these two contrasting realities—normative fikih doctrine and empirical dual-earner practices—has generated a growing tension within Muslim family law

(Muzainah et al., 2025). On the one hand, the husband is normatively obligated to provide full financial support; on the other hand, the wife's economic contribution is increasingly indispensable and structurally embedded in household survival strategies (Wadud, 2010). This tension often leads to ambiguity in defining financial responsibilities, particularly when husbands reduce their obligations due to the wife's income, or when women's contributions are not formally recognized within the legal framework.

Previous studies have explored various dimensions of Muslim family law reform, gender relations, and women's economic roles (Pamula & Hidayat, 2025). For instance, research on Islamic family law transformation highlights the dynamic interaction between legal texts and social practices (Mir-Hosseini, 2006). Other studies emphasize the persistence of patriarchal structures in shaping gender roles despite women's increased economic participation (Walby, 1990). Additionally, socio-legal scholarship demonstrates that law does not operate in isolation but evolves through continuous negotiation with social realities (Banakar, 2000). However, these studies tend to examine gender justice, legal reform, or women's rights in general, rather than focusing specifically on the conceptual crisis of nafkah within dual-earner Muslim families.

This indicates a clear gap in the existing literature. While the phenomenon of dual-earner families is widely acknowledged, there is limited scholarly attention to how classical fikih fails to provide a normative framework for the division of economic roles in such families. In particular, the absence of explicit legal norms regulating shared financial responsibility creates what can be described as a "normative vacuum" in Islamic family law. This vacuum results in the informalization of financial arrangements, where responsibilities are negotiated pragmatically rather than grounded in a coherent legal doctrine (Tamanaha, 2001).

Furthermore, the lack of normative clarity contributes to what may be termed a distortion of nafkah obligations. In practice, nafkah is often transformed from a binding legal duty into a flexible moral arrangement or mutual agreement between spouses. While such flexibility may appear adaptive, it risks undermining legal certainty and may produce structural inequalities, particularly for women who bear both economic and domestic burdens simultaneously (Finch & Groves, 1983).

This section of the research, therefore, aims to address several key elements: the background of the problem, the formulation of research questions, a review of relevant previous studies, the identification of the knowledge gap, and the articulation of research objectives. By doing so, it seeks to establish the state of the art of the study and highlight its originality.

The originality of this research lies in its conceptual positioning of dual-earner Muslim families as a normative grey area within Islamic family law. Rather than viewing the issue as a mere deviation from religious norms, this study argues that the distortion of nafkah obligations is a structural consequence of the absence of adequate legal norms in classical fikih. Accordingly, this research aims to critically examine the limitations of classical nafkah doctrine and to propose a more contextual and justice-oriented framework for understanding financial responsibilities in contemporary Muslim families.

The transformation of Muslim family structures into dual-earner arrangements has generated a series of interconnected legal and social problems, particularly concerning the concept of nafkah (maintenance). One of the most prominent issues is the distortion of the meaning of the husband's obligation to provide nafkah. In classical fikih, nafkah is constructed as a binding legal duty (iltizām shar'ī) that is inseparable from the marital contract. However, in contemporary practice, this obligation is increasingly reinterpreted as a flexible or negotiable responsibility, especially when the wife contributes economically to the household (Zuhayli, 2002). This shift reflects not merely a practical adaptation but a deeper transformation in the normative understanding of marital obligations.

Another critical issue lies in the absence of an explicit normative framework within classical fikih regarding the division of economic roles in dual-earner families. Classical jurisprudence does not conceptualize shared financial responsibility between spouses, as it was developed within a socio-economic context that assumed male economic dominance (Hallaq, 2009). As a result, when both spouses actively participate in income generation, there is no clear doctrinal guidance on how financial responsibilities should be distributed or redefined within the household.

The normative consequences of these conditions are significant. The lack of clarity regarding financial obligations often leads to domestic conflicts, particularly when expectations between spouses are misaligned (Malik et al., 2025). Empirical studies on family dynamics indicate that ambiguity in role distribution is a major source of marital tension (Hochschild & Machung, 2012). Furthermore, this situation contributes to structural gender inequality, as women frequently bear a dual burden of economic and domestic responsibilities without corresponding legal recognition (Walby, 1990). In addition, the absence of clear legal norms creates uncertainty in judicial contexts, where courts may struggle to determine fair outcomes in disputes involving financial responsibilities (Cammack et al., 2012). These problems collectively highlight the urgency of re-examining the concept of nafkah within contemporary Muslim family law.

Based on the identified problems, this study formulates several fundamental research questions that aim to explore both the conceptual and practical dimensions of nafkah in dual-earner Muslim families. First, how is the concept of nafkah constructed within classical fikih, and what underlying assumptions shape its doctrinal formulation? This question seeks to uncover the epistemological foundations of nafkah and to understand the socio-historical context in which it emerged (Kamali, 2003). Second, how is nafkah practiced in contemporary dual-earner Muslim families? This question focuses on the empirical reality of financial arrangements within households, including patterns of income contribution, decision-making processes, and the negotiation of economic responsibilities (Moghadam, 2013). It aims to bridge the gap between normative doctrine and lived experience. Third, why does classical fikih exhibit a normative gap in addressing the division of economic roles in dual-earner contexts? This question positions fikih as a historically situated legal system and seeks to analyze its limitations in responding to changing social structures (Hallaq, 2009). It also explores whether this gap is inherent or contingent upon historical conditions.

A growing body of scholarship has addressed issues related to Islamic family law, gender relations, and socio-legal transformations in Muslim societies. For instance, Ziba Mir-Hosseini in her study "Muslim Family Law in Transition" (2006) examines the dynamic interaction between legal norms and social change, highlighting how family law evolves through reinterpretation and reform. Her work emphasizes the adaptability of Islamic law but does not specifically address the issue of nafkah in dual-earner families.

Similarly, Valentine Moghadam in "The Feminization of Labor in the Middle East and North Africa" (2013) analyzes the increasing participation of women in the labor market and its implications for family structures. While this study provides valuable insights into economic transformations, it focuses primarily on macro-level trends rather than legal implications within Islamic jurisprudence.

Research by Arlie Russell Hochschild and Anne Machung in "The Second Shift" (2012) explores the phenomenon of women's double burden in dual-earner families. Their findings demonstrate that women often carry disproportionate domestic responsibilities despite their economic contributions. However, this study is grounded in Western contexts and does not engage with Islamic legal frameworks.

From a legal perspective, Wael B. Hallaq in "An Introduction to Islamic Law" (2009) provides a comprehensive analysis of the structure and methodology of classical fikih. His work is crucial for understanding the historical foundations of Islamic legal doctrines, including nafkah, but does not extend to contemporary applications in dual-earner contexts.

Another important contribution comes from Amina Wadud in "Gender and Islamic Ethics of Family" (2010), which advocates for a more egalitarian interpretation of gender roles in Islam. While her work challenges patriarchal interpretations, it remains focused on ethical discourse rather than the specific legal problem of nafkah distribution.

Overall, previous studies have made significant contributions to understanding gender, law, and social change in Muslim societies. However, they exhibit several limitations. First, most studies address gender equality or family law reform in general terms, without focusing on the specific issue of nafkah in dual-earner families. Second, there is a tendency to separate sociological analysis from legal doctrine, resulting in a lack of integrated socio-legal perspectives. Third, the concept of a "normative vacuum" in fikih regarding economic role division remains underexplored. These limitations indicate the need for a more focused and integrative approach.

Existing studies on Islamic family law and gender relations tend to focus on normative discussions of rights and obligations between spouses, often emphasizing the legal duty of the husband to provide maintenance without critically examining its contemporary relevance (Nasir, 2009). Other strands of research prioritize broader themes of gender equality and women's empowerment in Islam, frequently engaging in theological or ethical reinterpretation rather than doctrinal analysis (Wadud, 2010).

Despite these contributions, there is a notable lack of scholarship that specifically addresses the normative gap in classical fikih regarding the division of economic roles in dual-earner families. The phenomenon of shared financial responsibility has not been adequately conceptualized within Islamic legal theory, leaving a significant gap between doctrinal formulations and social realities (Moors, 2008). This study seeks to fill this gap by positioning the issue of nafkah in dual-earner families as a central problem in contemporary Islamic family law.

This research offers a novel contribution by conceptualizing dual-earner Muslim families as a normative grey area within Islamic family law. Unlike previous studies that focus on gender equality or legal reform in general, this study specifically examines the structural absence of legal norms governing shared economic responsibilities. It argues that the distortion of nafkah obligations is not merely a result of individual behavior but a systemic consequence of this normative vacuum.

The scientific contribution of this study lies in its integration of doctrinal analysis and socio-legal perspectives. By critically examining classical fikih in light of contemporary social realities, this research provides a more nuanced understanding of the relationship between law and society (Banakar, 2000). Furthermore, it proposes a conceptual foundation for reconstructing nafkah norms based on principles of justice, proportionality, and contextual relevance. In doing so, it advances the discourse on Islamic family law beyond descriptive analysis toward normative innovation.

This study aims to achieve several interrelated objectives. First, it seeks to analyze the conceptual construction of nafkah within classical fikih, including its underlying assumptions and normative structure. Second, it aims to evaluate the practice of nafkah in contemporary dual-earner Muslim families, with particular attention to patterns of economic contribution and role negotiation. Third, the study intends to compare classical doctrinal formulations with contemporary practices in order to identify inconsistencies and gaps. This comparative approach is essential for understanding the extent to which classical fikih remains relevant in modern contexts (Hallaq, 2009).

The study aims to develop a conceptual framework for reconstructing nafkah norms within Islamic family law. This reconstruction is expected to provide a more equitable and context-sensitive approach to financial responsibilities in dual-earner families, thereby contributing to both theoretical development and practical application in the field of Islamic law.

RESEARCH METHOD

This study employs a normative juridical approach, enriched by a socio-legal perspective. Normative legal research focuses on examining legal doctrines, principles, and norms as formulated in authoritative sources of Islamic law, particularly in relation to the concept of nafkah. This approach is appropriate because the central issue of this study concerns the conceptual and normative structure of financial obligations in Islamic jurisprudence (Hutchinson & Duncan, 2012). However, to avoid a purely doctrinal and abstract analysis, this research also incorporates a socio-legal perspective, which understands law as a social phenomenon that interacts with changing economic and cultural realities (Banakar, 2000).

This research utilizes three main approaches. First, the conceptual approach is applied to analyze the construction of nafkah in classical fikih, including its legal basis and underlying assumptions regarding gender roles (Kamali, 2008). Second, the historical approach is used to situate the development of nafkah within its socio-historical context, particularly the assumption of a single-breadwinner family model in classical Islamic societies (Hallaq, 2009). Third, the sociology of Islamic law approach is employed to examine how nafkah is practiced and negotiated in contemporary dual-earner Muslim families (Tamanaha, 2001).

The sources of legal materials consist of primary and secondary sources. Primary sources include the Qur'an, Hadith, and classical fikih texts (kutub al-fikih al-mu'tabarah), which provide the normative foundation for analyzing nafkah (Zuhayli, 2002). Secondary sources include peer-reviewed journal articles (Scopus/SINTA) and contemporary academic literature, which are used to contextualize the analysis and engage with current scholarly debates (Moghadam, 2013).

The analytical technique applied in this study is normative-critical analysis. This method involves examining legal doctrines and critically evaluating their relevance in addressing contemporary issues, particularly the phenomenon of dual-earner families. Through this approach, the study not only identifies the limitations of classical fikih but also provides a basis for developing a more contextual and equitable understanding of nafkah (Hallaq, 2009).

This study is primarily limited to the analysis of the concept of *nafkah* within the framework of classical Islamic jurisprudence (*fikih*) and its relevance to contemporary dual-earner Muslim families. The research focuses on the doctrinal construction of nafkah as developed in classical fikih literature across major Sunni schools of law, particularly concerning the husband's obligation as the primary financial provider. Thus, the main emphasis of this study is not on comparing national legal systems across Muslim-majority countries, but on examining the normative structure of classical fikih itself and its limitations in addressing changing family dynamics.

FINDINGS AND DISCUSSION

Distortion of Nafkah Obligations in Dual-Earner Muslim Families

Before discussing the distortion of nafkah obligations in dual-earner Muslim families, it is necessary to first establish the classical construction of *nafkah* within Islamic jurisprudence. In classical fikih, nafkah is understood as a clear and binding legal obligation imposed exclusively upon the husband as a direct consequence of the marriage contract. This obligation includes the provision of essential needs such as food, clothing, housing, and other necessities according to reasonable standards and economic capacity. The legal construction of nafkah is closely connected to the doctrine of *qiwamah*, where financial responsibility serves as one of the primary foundations of male authority and accountability within the household (Hochschild & Machung, 2012).

In this study, distortion refers to the shift and ambiguity of nafkah obligations in dual-earner Muslim families, where the husband's classical duty as the primary provider becomes flexible, negotiated, or partially transferred to the wife. This distortion may appear in three forms: as a deviation from classical fikih norms, as a transformation in the social meaning of financial responsibility, and as uncertainty in the division of economic obligations between spouses. However, not all dual-earner families experience this distortion equally. Dual-earner families may be categorized into complementary models, where the wife's income remains supplementary; collaborative models, where financial responsibilities are shared; and substitutive models, where the wife's income significantly replaces the husband's nafkah. Distortion becomes more evident in collaborative and substitutive models, especially when shared financial arrangements operate without clear normative guidance in Islamic law.

Classical jurists generally developed this doctrine within a socio-economic context dominated by the single-breadwinner family model, where men occupied the public economic sphere while women primarily fulfilled domestic roles (Qudamah, 1997). Although classical Islamic law recognizes women's independent ownership of wealth and income, such economic capacity was never integrated into the normative framework of household financial obligations, meaning that a wife's financial resources did not diminish the husband's legal duty of maintenance (Zuhayli, 2002). The concept of distortion in this study refers to the transformation of nafkah from a clearly defined legal obligation into an informal, negotiable arrangement between spouses that lacks clear normative boundaries.

The Practice of Nafkah Distribution in Dual-Earner Families

In contemporary dual-earner Muslim families, nafkah distribution increasingly reflects shared economic contribution, where both spouses participate in meeting household needs. The wife's income often plays a significant role in supporting daily expenses, education, healthcare, and housing. However, despite this contribution, the wife's financial role is often still viewed as voluntary rather than normatively recognized. As a result, financial responsibilities are commonly determined through informal negotiation based on practical needs rather than clear legal principles. This arrangement often places women in a vulnerable position, as financial contribution is frequently not accompanied by equal redistribution of domestic responsibilities, resulting in a persistent double burden (Hochschild & Machung, 2012).

This distortion does not refer to all forms of financial cooperation between spouses, as economic cooperation may reflect fairness and partnership when based on mutual agreement, proportional capacity, and equitable division of both financial and domestic responsibilities (Al-Shafi'i, 2001). Rather, distortion occurs when the wife's economic contribution becomes the basis for reducing, transferring, or obscuring the husband's legal obligation without fair redistribution of responsibilities, thereby creating ambiguity, inequality, and weakened legal protection within the family structure (Hallaq, 2009).

In contemporary dual-earner Muslim families, the practice of nafkah distribution has undergone a significant transformation that departs from the classical fikih model (Ibnudin et al., 2025). The increasing participation of women in income-generating activities has positioned wives not merely as supplementary contributors but as integral economic actors within the household (Pamula et al., 2026). Empirical studies demonstrate that women's earnings are often essential for sustaining household needs, including basic consumption, children's education, and long-term financial stability (Moghadam, 2013). This shift reflects a structural reconfiguration of family economics, where financial responsibility is no longer exclusively borne by the husband.

Despite this transformation, the normative framework governing nafkah has not evolved at the same pace. In many cases, the wife's economic contribution is still perceived as voluntary or supplementary rather than as a recognized component of household financial responsibility (Ardi et al., 2025). This perception creates a disjunction between economic reality and legal recognition, where the wife's role is materially significant but normatively invisible. As a result, the conceptualization of nafkah remains anchored in a unidirectional model that fails to capture the complexity of dual-earner arrangements (Moors, 2008).

The practice of nafkah distribution in such families is often characterized by informal negotiation between spouses. Financial responsibilities are typically allocated based on pragmatic considerations, such as income levels, job stability, and immediate household needs, rather than on explicit legal norms (Nasiri et al., 2026). This negotiation process reflects a shift from rule-based obligations to situational arrangements, where economic roles are continuously adjusted in response to changing circumstances (Tamanaha, 2001).

However, this flexibility comes with significant consequences, particularly in the form of the double burden borne by women (Asni & Iqbal, 2025). Although wives contribute economically, they frequently remain primarily responsible for domestic labor, including childcare and household management. Sociological research consistently shows that women's entry into the labor market does not automatically lead to an equitable redistribution of domestic responsibilities (Hochschild & Machung, 2012). In the context of Muslim dual-earner families, this imbalance is further exacerbated by the absence of normative mechanisms within fikih to regulate or redistribute domestic and economic roles. Consequently, the practice of nafkah in dual-earner families reveals a tension between evolving social realities and static legal doctrines.

Forms of Distortion in the Husband's Obligation

The main distortion of nafkah in dual-earner families lies in its transformation from a fixed legal obligation into a flexible and negotiable arrangement. In classical fikih, nafkah remains the husband's responsibility regardless of the wife's financial status. However, in many contemporary households, this obligation becomes conditional upon the wife's income. This is reflected in the normalization of "shared nafkah," where both spouses are expected to bear household expenses equally. While such arrangements may appear practical, classical fikih provides no explicit framework for joint financial obligations. The problem becomes serious when shared nafkah leads to the transfer of the husband's responsibility onto the wife without equitable redistribution of domestic roles, creating structural imbalance rather than genuine partnership (Kamali, 2003).

The distortion of nafkah obligations in dual-earner Muslim families manifests primarily through the gradual shift of nafkah from a fixed and legally binding obligation into an informal arrangement based on practical negotiation. In classical fikih, nafkah is established as a clear legal duty attached to the marital relationship and remains independent of the wife's economic status (Al-Kasani, 1986). However, in many contemporary dual-earner households, the husband's obligation is increasingly treated as flexible or conditional upon the wife's financial contribution, transforming nafkah from a normative legal duty into a situational agreement. One of the most visible forms of this distortion is the normalization of the concept of "shared nafkah," where both spouses are assumed to bear equal responsibility for household expenses. While such arrangements may appear fair and adaptive to contemporary economic realities, classical fikih does not explicitly provide a legal framework for joint financial obligations between spouses. The problem becomes more serious when shared nafkah serves not as a form of equitable partnership but as a mechanism for transferring the husband's legal responsibility onto the wife without corresponding redistribution of domestic roles. In such situations, what appears as economic cooperation may actually function as exploitative shifting of obligations, where the wife contributes financially while continuing to carry the majority of domestic responsibilities. Therefore, the key issue is not the existence of shared financial arrangements themselves, but whether such arrangements are grounded in fairness, proportionality, and justice or instead create structural imbalances that weaken legal protections for women (Kamali, 2003).

The evolving practice of nafkah in dual-earner families has led to a gradual distortion of the husband's obligation as defined in classical fikih (Al-Shirbini, 1997). One of the most evident forms of this distortion is the transformation of nafkah from a binding legal duty into a flexible and negotiable arrangement. In classical jurisprudence, nafkah is a fixed obligation that arises from the marital contract and is not contingent upon the wife's financial status. However, in contemporary practice, this obligation is increasingly treated as conditional or adjustable, depending on the economic contribution of the wife (Zuhayli, 2002).

This shift signifies a fundamental change in the normative status of nafkah. Rather than being understood as a unilateral legal duty, nafkah is often reinterpreted as a shared responsibility based on mutual agreement (Iska et al., 2025). While such arrangements may appear pragmatic and adaptive, they lack a clear foundation within classical fikih, which does not explicitly recognize the concept of joint financial obligation between spouses. As a result, the transformation of nafkah into an informal agreement reflects not a doctrinal evolution but a departure from established legal principles (Hallaq, 2009).

Another significant form of distortion is the normalization of the concept of "shared nafkah" (nafkah bersama). In practice, many dual-earner families operate under the assumption that both spouses are equally responsible for meeting household needs. This model is often justified on the basis of fairness or economic necessity. However, from a fikih perspective, such a model lacks explicit normative grounding, as classical jurisprudence maintains a clear distinction between the husband's obligation and the wife's financial autonomy (Kamali, 2003).

The normalization of shared nafkah without a corresponding legal framework creates a paradox. On the one hand, it reflects an attempt to adapt to contemporary realities; on the other hand, it introduces ambiguity regarding legal responsibility. In some cases, husbands may reduce or relinquish their nafkah obligations on the assumption that the wife's income compensates for their role (Mukhtar et al., 2026). This practice not only blurs the boundary between obligation and voluntary contribution but also risks undermining the protective function of nafkah within Islamic family law.

Importantly, this distortion should not be understood merely as a matter of individual behavior or moral failure. Rather, it is a structural phenomenon that arises from the absence of clear normative guidance in addressing dual-earner family dynamics. Without a coherent legal framework, practices of nafkah are shaped by informal norms, cultural expectations, and power relations within the household. This condition underscores the need for a critical reassessment of nafkah doctrine in light of contemporary socio-economic realities.

Social and Legal Implications

The distortion of nafkah obligations creates significant social and legal consequences. Socially, it leads to ambiguity in financial responsibility, often triggering conflict due to differing expectations between spouses. It also increases the risk of structural inequality, particularly for wives who carry both economic and domestic burdens simultaneously. Legally, this distortion creates uncertainty in resolving family disputes, as courts often lack explicit normative standards for assessing financial obligations in dual-earner households. Consequently, legal decisions may rely heavily on judicial discretion rather than consistent doctrine. This condition highlights a widening gap between classical fikih and contemporary family realities, making the issue of nafkah in dual-earner families a serious challenge for modern Islamic family law (Cammack et al., 2012).

The distortion of nafkah obligations in dual-earner Muslim families carries profound social and legal implications. One of the most immediate consequences is the ambiguity of financial responsibility within the household. When nafkah is no longer clearly defined as a legal obligation, the boundaries of responsibility between spouses become blurred. This ambiguity often leads to conflicts, particularly when there is a mismatch between expectations and actual contributions. Studies on family dynamics indicate that unclear role distribution is a significant source of marital instability (Giddens, 1992).

Another critical implication is the potential emergence of structural gender inequality. In many dual-earner families, women are required to contribute economically while simultaneously maintaining primary responsibility for domestic tasks. This dual burden is not merely a practical issue but reflects a deeper structural imbalance rooted in the absence of normative safeguards. Feminist sociological theory highlights that such arrangements perpetuate unequal power relations, even in contexts where women appear economically empowered (Walby, 1990).

From a legal perspective, the distortion of nafkah obligations also results in legal uncertainty. In cases of marital disputes, particularly those involving financial claims or divorce, the lack of clear normative standards makes it difficult for courts to determine fair outcomes. Judges may rely on discretionary reasoning or contextual interpretation rather than established legal principles, leading to inconsistent decisions. This situation weakens the predictability and reliability of Islamic family law as a system of legal regulation (Cammack et al., 2012).

Moreover, the absence of a coherent normative framework limits the ability of Islamic law to function as an instrument of justice in contemporary society. When legal norms fail to reflect social realities, they risk becoming irrelevant or ineffective. The case of nafkah in dual-earner families illustrates how a gap between doctrine and practice can produce not only practical challenges but also theoretical tensions within Islamic legal thought.

In this context, the distortion of nafkah obligations should be understood as a structural problem that requires a systematic response. Addressing this issue necessitates not only empirical analysis but also normative reconstruction, aimed at developing a more context-sensitive and equitable framework for regulating financial responsibilities within Muslim families.

The Normative Vacuum of Classical Fikih in the Division of Economic Roles
The Limitations of Classical Fikih

Classical fikih constructs the marital relationship within a framework that is fundamentally based on economic dependency (Busriyanti et al., 2025). In this model, the husband is positioned as the sole provider, while the wife is situated as a dependent recipient of financial support. This asymmetrical structure is not merely descriptive but forms the normative foundation upon which rights and obligations within marriage are established. The obligation of nafkah is thus conceptualized as an exclusive duty of the husband, intrinsically linked to his role as the economic provider and to the broader concept of *qiwamah* (male authority) (Kamali, 2008).

Classical fikih demonstrates a limited normative articulation in addressing dual-earner Muslim families, primarily because its doctrinal construction emerged within a socio-economic context dominated by the single-breadwinner family model, where men functioned as the primary economic providers and women were largely positioned within domestic roles (Rushd, 2004). Within this framework, the obligation of *nafkah* was formulated as an exclusive duty of the husband and closely tied to the concept of *qiwamah*, which establishes male authority in the household on the basis of economic responsibility and financial provision (Kamali, 2003).

Thus, *qiwamah* in classical fikih was not merely understood as leadership in an abstract sense, but as a relational authority legitimized through the husband's fulfillment of nafkah obligations (Al-Nawawi, 2005). Because classical jurists operated within a social order where economic dependency of wives was assumed as the norm, fikih did not develop explicit legal norms governing shared financial responsibilities or the redistribution of economic roles between spouses (Sabiq, 2008). Consequently, when applied to contemporary dual-earner families—where both husband and wife contribute significantly to household income—classical fikih reveals a normative limitation in responding to shifting economic realities, particularly in reconciling the traditional logic of *qiwamah* with increasingly collaborative family economic structures (Hallaq, 2009).

This framework reflects a socio-economic reality in which access to economic resources was largely concentrated in the hands of men. As such, classical jurists did not develop a normative model that accommodates the possibility of women functioning as independent or primary economic actors within the household. Although fikih recognizes women's legal capacity to own property and engage in economic transactions, this recognition is not integrated into the structure of financial obligations within marriage (Zuhayli, 2002). Consequently, the wife's economic agency remains conceptually detached from the legal doctrine of nafkah.

The absence of a dual-earner model in classical fikih is not indicative of a rejection of women's economic participation but rather reflects the historical context in which fikih was formulated. Islamic jurisprudence emerged within societies characterized by agrarian economies and relatively rigid gender divisions of labor. In such contexts, the single-breadwinner model was both functional and normative, rendering alternative family structures largely invisible within legal discourse (Hallaq, 2009).

This historical limitation becomes particularly evident when classical fikih is applied to contemporary contexts. The assumption of economic dependency no longer corresponds to the realities of many Muslim families, where both spouses contribute to household income. As a result, the doctrinal framework of nafkah struggles to account for the complexity of modern economic arrangements. This disconnect highlights the need to critically reassess the conceptual foundations of nafkah and to distinguish between its universal principles and context-dependent formulations.

Dual-Earner Families as a Normative Grey Area

The emergence of dual-earner Muslim families represents a significant challenge to the normative structure of classical fikih. These families occupy what may be described as a normative grey area, a domain in which social practices exist without clear legal regulation. While the participation of both spouses in economic activities is increasingly common, it remains largely unaddressed within the traditional fikih framework. This absence of explicit regulation creates a gap between legal doctrine and social reality (Moors, 2008).

In practice, dual-earner families develop their own mechanisms for managing financial responsibilities, often based on informal agreements and pragmatic considerations. These arrangements may vary widely depending on factors such as income levels, employment stability, and personal preferences. However, the lack of a normative reference point means that such practices are not anchored in a coherent legal framework. Instead, they operate within a space of legal indeterminacy, where obligations are negotiated rather than prescribed (Tamanaha, 2001).

This condition gives rise to a fundamental tension between text and reality. On the one hand, classical fikih texts continue to assert the husband's exclusive obligation to provide nafkah. On the other hand, empirical reality demonstrates that financial responsibility is often shared between spouses in a manner that is neither explicitly recognized nor regulated by fikih. This tension is frequently resolved through pragmatic adjustments, such as redefining nafkah as a shared responsibility or informally reallocating financial duties. However, such solutions lack doctrinal legitimacy and may lead to inconsistencies in both practice and legal interpretation (Hallaq, 2009).

From a socio-legal perspective, the existence of this grey area indicates a broader issue within Islamic legal development. When legal norms fail to accommodate evolving social practices, alternative forms of regulation tend to emerge, often in the form of informal norms or cultural conventions. While these mechanisms may provide short-term solutions, they do not offer the stability, predictability, or legitimacy associated with formal legal norms. As a result, the persistence of dual-earner families as a normative grey area underscores the limitations of classical fikih in addressing contemporary family dynamics.

The Need for Normative Reconstruction

The normative vacuum identified in the context of dual-earner families necessitates a process of normative reconstruction within Islamic family law. Such reconstruction does not imply the rejection of classical fikih but rather its reinterpretation in light of changing social realities. One of the key steps in this process is to reconceptualize nafkah as a dynamic obligation that remains rooted in its foundational principles while being adaptable to different socio-economic contexts (Kamali, 2003).

In this regard, nafkah should no longer be understood solely as a unidirectional obligation from husband to wife, but as part of a broader system of family responsibility that may involve contributions from both spouses. This does not negate the husband's primary obligation but allows for a more flexible interpretation that takes into account the wife's economic participation. Such an approach aligns with the principles of justice ('adl) and public interest (maṣlaḥah), which are central to Islamic legal theory (Hallaq, 2009).

The normative vacuum in classical fikih regarding the division of economic roles in dual-earner Muslim families highlights the urgent need for normative reconstruction. Such reconstruction should move beyond rigid gender-based role allocation and instead adopt a framework grounded in justice (*'adl*), proportionality, and the objectives of Islamic law (*maqāṣid al-sharī'ah*), particularly the protection of family welfare, dignity, and economic stability. Within this framework, nafkah should be understood as a dynamic obligation that remains rooted in Islamic legal principles while being responsive to contemporary socio-economic realities. However, despite growing scholarly calls for reform through justice-oriented and maqāṣid-based approaches, existing discussions remain largely theoretical and have not yet produced a sufficiently operational legal model for regulating financial responsibilities in dual-earner families. As a result, the challenge for contemporary Islamic family law lies not only in recognizing the normative gap, but also in developing a more concrete and applicable framework that can effectively bridge the tension between classical doctrine and modern family realities (Kamali, 2003).

Furthermore, the reconstruction of nafkah norms requires a shift from a gender-based division of roles to a contribution-based framework. In this model, the allocation of economic responsibilities is determined not by predefined gender roles but by the actual capacities and contributions of each spouse. This approach reflects the realities of dual-earner families and promotes a more equitable distribution of both economic and domestic responsibilities (Wadud, 2010).

Importantly, normative reconstruction must also address the issue of legal certainty. The development of clearer guidelines for the division of financial responsibilities would enhance the ability of legal institutions, such as religious courts, to adjudicate disputes in a consistent and fair manner. Without such guidelines, the resolution of nafkah-related disputes will continue to rely heavily on subjective judgment, thereby undermining the predictability of legal outcomes (Cammack et al., 2012).

Ultimately, the reconstruction of nafkah norms represents not only a response to contemporary challenges but also an opportunity to advance Islamic legal thought. By integrating doctrinal analysis with socio-legal insights, this process can produce a more responsive and context-sensitive framework for regulating family relations. In doing so, it reaffirms the capacity of Islamic law to evolve while remaining faithful to its foundational principles.

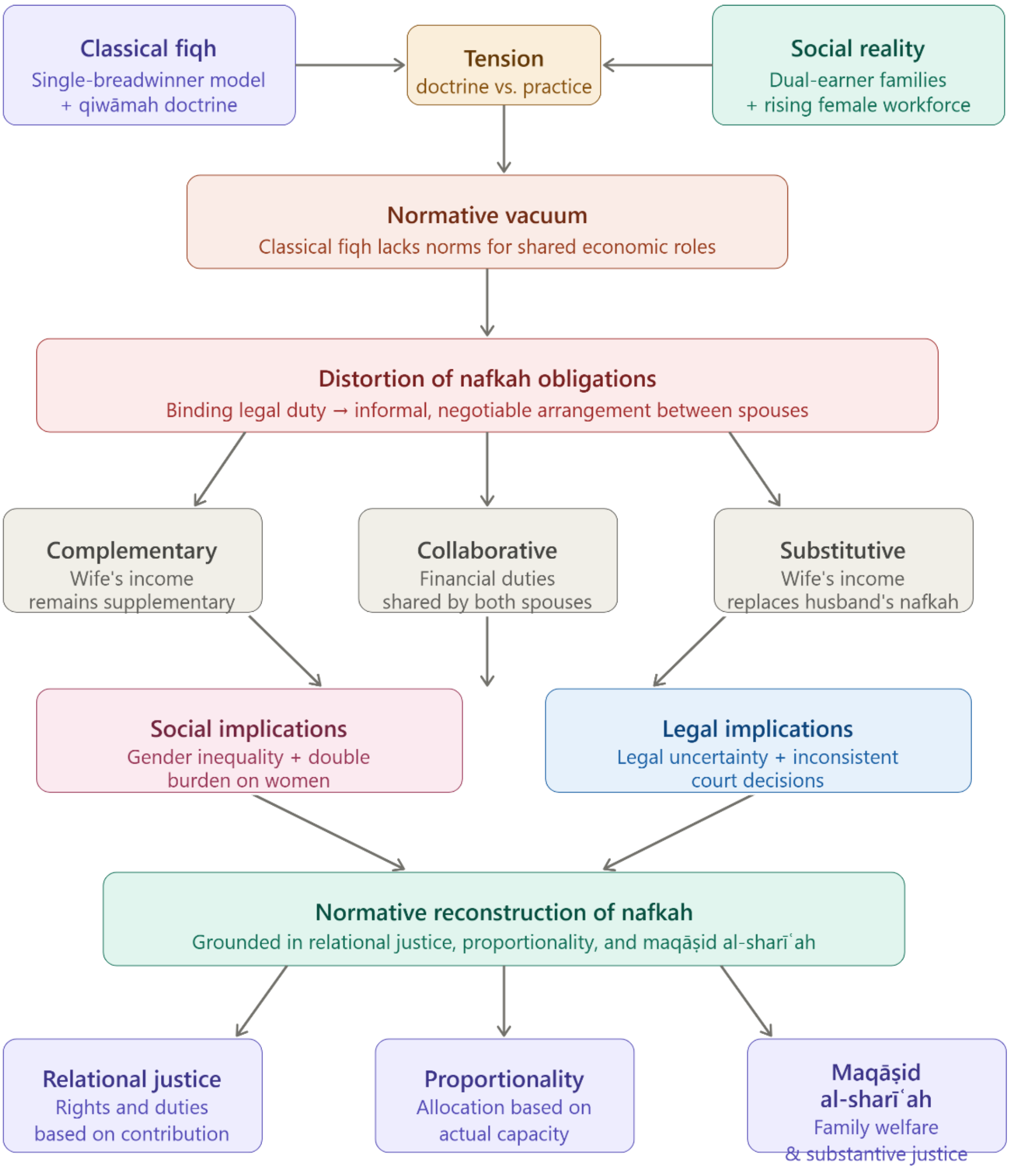

Figure 1: Conceptual Framework of Nafkah Distortion and Normative Reconstruction in Dual-Earner Muslim Families

The framework explains how the traditional concept of financial maintenance (*nafkah*) changes in modern times. It begins with a clear tension between classical fikih, which relies on a single-breadwinner model and the *qiwamah* doctrine, and today's social reality, where dual-earner families and a rising female workforce are common. This gap creates a normative vacuum because traditional rules lack clear guidance for shared economic roles. Consequently, a distortion of *nafkah* obligations occurs, shifting it from a binding legal duty for the husband into an informal, negotiable arrangement between spouses.

This distortion manifests in three ways: a complementary role where the wife's income is just supplementary, a collaborative role where financial duties are shared, or a substitutive role where the wife's income completely replaces the husband's *nafkah*. These arrangements result in negative social implications, such as gender inequality and a double burden on women, as well as legal implications like legal uncertainty and inconsistent court decisions. To resolve this, the framework suggests a normative reconstruction of *nafkah*. This new approach is grounded in relational justice where rights and duties are based on contribution, proportionality based on actual financial capacity, and *maqāṣid al-sharī'ah* which prioritizes family welfare and substantive justice.

CONCLUSION

This study concludes that the concept of *nafkah* in classical fikih is not fundamentally flawed, but its normative framework is no longer fully sufficient to address the realities of contemporary dual-earner Muslim families. Classical fikih developed nafkah based on a single-breadwinner family structure, where the husband bears full financial responsibility and the wife occupies a position of economic dependency. However, the rise of dual-earner families has transformed this structure, creating new patterns of economic participation that are not explicitly regulated within classical fikih. This study finds that the distortion of nafkah occurs when the wife's economic contribution is used to reduce or eliminate the husband's obligation without a fair redistribution of economic and domestic responsibilities. As a result, the distortion of nafkah should be understood not merely as an individual moral deviation, but as a structural consequence of the normative vacuum in classical fikih regarding the division of economic roles.

Furthermore, this study argues that dual-earner families are not inherently contradictory to Islamic legal principles, but rather represent a contemporary social reality that requires a more responsive normative framework. The main conceptual contribution of this research lies in positioning dual-earner Muslim families as a normative grey area within Islamic family law, where legal doctrine has not fully accommodated evolving social practices. Therefore, this study recommends the reconstruction of nafkah norms through a contextual approach grounded in *maqasid al-syari'ah*, particularly the principles of justice, welfare, and relational balance, so that Islamic family law can remain adaptive, equitable, and relevant to contemporary family dynamics.

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