

Qiwāmah and Marital Accountability in Islamic Family Law: A Conceptual Reconstruction through the Shāfi'ī School of Jurisprudence

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ABSTRAK (10 PT)

This study examines qiwāmah and marital accountability in Islamic family law through a conceptual reconstruction grounded in the Shāfi'ī school of jurisprudence. It addresses the relationship between marital authority, financial maintenance, and the rights and obligations arising from marriage, particularly in the context of contemporary Muslim families. This study employs normative legal research using conceptual and jurisprudential approaches. Primary materials include the Qur'an and classical Shāfi'ī legal works, while secondary materials comprise scholarly publications on qiwāmah, Islamic family law, and contemporary marital relations. The materials are analyzed through textual interpretation, doctrinal examination, and conceptual synthesis. The findings indicate that qiwāmah should be examined alongside the legal obligations and ethical responsibilities associated with marriage rather than treated as an isolated claim to authority. Accordingly, this study proposes marital accountability as a conceptual framework comprising three dimensions: legal responsibility, relational responsibility, and accountable decision-making. This framework clarifies the relationship between established jurisprudential doctrines and contemporary family arrangements without assuming that changing social conditions automatically eliminate classical legal obligations. The study contributes to Islamic family-law scholarship by articulating a Shāfi'ī-informed framework for examining marital authority and responsibility. Further empirical research is needed to investigate how these principles are understood and implemented in diverse Muslim family contexts.

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Pendahuluan

The concept of *qiwāmah* occupies a significant position in Islamic family law because it concerns the relationship between marital authority, financial responsibility, and the distribution of rights and obligations between spouses. Rooted in Qur'an 4:34, *qiwāmah* has traditionally been associated with the husband's responsibility for managing, protecting, and providing for the family. However, its legal and ethical implications remain contested, particularly when classical juristic formulations encounter contemporary transformations in family structures, women's economic participation, and expectations concerning marital justice. The central issue is therefore not merely whether the husband holds a leadership position within the family, but how such a position is legally constituted, ethically exercised, and held accountable within the framework of Islamic jurisprudence (Hernawati, 2015).

Qur'an 4:34 identifies men as *qawwāmūn* over women and connects this designation to two expressions: *bimā faḍḍala Allāhu ba'dahum 'alā ba'd* and *wa-bimā anfaqū min amwālihim*. These expressions have generated extensive discussions concerning the relationship between differentiated responsibilities,

financial maintenance, and marital authority. Although classical interpretations commonly associate *qiwāmah* with the husband's position and obligations, contemporary scholarship demonstrates that the verse has become an important site of debate concerning gender relations and the legitimacy of hierarchical interpretations of marital life (Nuronyah, 2022). Consequently, a rigorous examination of *qiwāmah* requires attention to both its textual foundations and its juristic elaboration. Treating it exclusively as an unrestricted entitlement risks overlooking the obligations that accompany marital authority, while reducing it to a general ethical ideal may obscure its specific legal dimensions (AJI GEMA PERMANA, 2016).

This tension becomes particularly important when *qiwāmah* is examined through the Shāfi'ī school of Islamic jurisprudence. As one of the major Sunni legal traditions, the Shāfi'ī school provides an established doctrinal framework for examining marriage as a legal contract that generates rights and obligations. The works of al-Shāfi'ī and al-Nawawī offer important starting points for investigating marital maintenance and the legal consequences of marriage. From this perspective, the discussion of *qiwāmah* cannot be separated from the jurisprudential treatment of *nafaqah*, the wife's legally recognized entitlements, and the conditions governing the reciprocal obligations of spouses (Arianty & Fikri, 2025; Azis et al., 2021). Nevertheless, the precise relationship between the Qur'anic concept of *qiwāmah* and the various rules of Shāfi'ī marital jurisprudence must be established through textual analysis rather than assumed to constitute a single, undifferentiated legal doctrine.

Existing scholarship has approached *qiwāmah* from several complementary perspectives. Bahri examines modern Indonesian interpretations of Qur'an 4:34, demonstrating how contemporary Muslim scholars negotiate inherited exegetical traditions and changing social expectations (Bahri, 2024). Faizah, meanwhile, discusses *qiwāmah* through the perspective of gender justice and argues for an interpretation responsive to changing social circumstances (Faizah, 2020). At the level of comparative Islamic family law, Afan & Al-Am analyzes formulations of husbands' authority and the relationship between maintenance obligations and wives' obedience in contemporary Muslim family-law systems (Afan & Al-Am, 2025). These studies establish that *qiwāmah* is not merely a theological concept; it also raises questions about legal authority, marital obligations, and the institutional organization of family relations.

More recent scholarship has continued to develop this debate through conceptual reconstruction and normative reformulation. Mar'atus, for example, examines the reconstruction of *qiwāmah* through gender justice and contemporary *maqāṣid al-sharī'ah* (Mara'tus, 2024), while Rozali proposes a relational approach that connects authority with responsibility, deliberation, and legal accountability. Such contributions demonstrate the continuing importance of reconceptualizing *qiwāmah* in response to contemporary family realities (Rozali, 2017). However, the availability of these approaches also requires greater precision in identifying the contribution of further research. Rather than claiming that previous scholarship has ignored responsibility or accountability altogether, the present study focuses on how marital accountability can be systematically articulated through the doctrinal resources of the Shāfi'ī school. In particular, it investigates how the legal consequences of marriage, especially maintenance and the rights and obligations of spouses, can

clarify the relationship between *qiwāmah* as a normative concept and the husband's fulfillment of legally recognized responsibilities.

The research gap addressed in this article therefore lies in the need for a more explicit doctrinal connection between *qiwāmah*, marital obligations, and accountability within Shāfi'ī jurisprudence. Discussions of gender justice and contemporary reinterpretation are indispensable, but they do not automatically establish how a proposed normative reconstruction relates to the specific legal categories developed in classical fiqh. Conversely, an exclusively doctrinal description of marital rights and obligations may leave insufficiently examined the conceptual implications of these rules for understanding the exercise of marital authority. By bringing these dimensions into a single analytical framework, this study seeks to clarify the extent to which *qiwāmah* can be understood through the relationship between authority, obligation, and responsibility. This gap is a focused analytical proposition rather than a claim that no previous study has addressed these themes; its final scope must be established through a systematic comparison of relevant publications.

Against this background, the study addresses two research questions. First, how is *qiwāmah* in Qur'an 4:34 conceptualized when examined alongside the legal principles governing marital rights and obligations in the Shāfi'ī school? Second, how can the relationship between *qiwāmah* and marital accountability be formulated to explain the husband's responsibilities within contemporary Muslim families without disregarding the doctrinal foundations of Shāfi'ī jurisprudence? These questions direct the inquiry beyond a general discussion of male leadership toward a more precise examination of the legal and conceptual relationship between authority and the obligations associated with marriage.

This article employs normative legal research based on library materials, using conceptual and jurisprudential approaches. The Qur'an and classical Shāfi'ī legal works serve as primary materials, while contemporary scholarship on *qiwāmah*, gender relations, and Islamic family law provides the context for evaluating existing interpretations. Through descriptive and analytical reading, the study examines the relevant legal concepts, compares their implications, and develops a conceptual formulation grounded in the relationship between marital authority and legal responsibility. The analysis does not assume that every contemporary arrangement of household roles is already prescribed by classical jurisprudence; instead, it distinguishes established doctrinal rules from the contemporary normative implications that may be developed through reasoned legal analysis.

The article argues that *qiwāmah* should be examined not as an isolated entitlement but in relation to the obligations and legal responsibilities associated with marital life. Its contribution lies in developing a Shāfi'ī-grounded account of marital accountability that clarifies how the exercise of authority relates to the fulfillment of obligations, the protection of spouses' rights, and the ethical requirements of marital relations. By making this relationship analytically explicit, the study seeks to contribute to contemporary Islamic family-law scholarship while maintaining a clear distinction between classical juristic doctrine and the conceptual reconstruction advanced by the present research.

Metode Penelitian/Metode Kajian

This study employs normative legal research to examine the concept of *qiwāmah* and its relationship with marital accountability within Islamic family law, particularly through the doctrinal framework of the Shāfi'ī school of jurisprudence. Normative legal research is appropriate because the primary objective is to analyze legal norms, juristic doctrines, and conceptual relationships rather than to measure the empirical behavior of Muslim families. The approach follows the understanding that doctrinal legal research systematically identifies, interprets, and evaluates legal materials to address specific legal questions (Duncan et al., 2007).

The study applies two complementary approaches: the conceptual approach and the jurisprudential approach. The conceptual approach examines the meanings and relationships of *qiwāmah*, marital authority, *nafaqah* (financial maintenance), rights and obligations, and accountability. It is used to clarify the conceptual distinction between possessing authority and fulfilling the responsibilities associated with that authority. The jurisprudential approach investigates how these concepts relate to the legal consequences of marriage in Shāfi'ī fiqh, particularly the husband's maintenance obligations and the wife's legally recognized rights.

The research relies on library-based materials classified into primary and secondary sources. Primary materials comprise the Qur'an, particularly Qur'an 4:34 and relevant passages concerning marital relations, as well as classical Shāfi'ī legal works, including *Al-Umm* by al-Shāfi'ī (1983) and *Al-Majmū' Sharh al-Muhadhdhab* by al-Nawawī (1997). These works are examined to identify the relevant juristic formulations and their legal implications. Secondary materials include peer-reviewed journal articles and scholarly publications addressing *qiwāmah*, Islamic family law, gender relations, and contemporary interpretations of marital responsibility. Source selection is guided by relevance to the research questions, scholarly credibility, and the availability of verifiable bibliographic information (Haramain, 2026).

The analysis proceeds through four stages. First, relevant textual and juristic materials are identified and classified according to their treatment of *qiwāmah*, maintenance, and marital rights and obligations. Second, the selected materials are interpreted in their textual and doctrinal contexts to distinguish explicit juristic positions from contemporary interpretations. Third, the findings are compared conceptually to examine how marital authority relates to the fulfillment of legal obligations and the protection of spousal rights. Fourth, the analysis develops a conceptual reconstruction of marital accountability grounded in the examined sources. This procedure follows the systematic and analytical orientation of doctrinal legal research (Hutchinson & Duncan, 2012).

The study is limited to normative and conceptual analysis. It does not claim to establish how *qiwāmah* is practiced across contemporary Muslim households, nor does it assume that every proposed contemporary arrangement is explicitly endorsed by classical Shāfi'ī jurists. Its conclusions therefore concern the interpretation and conceptual development of legal doctrine rather than empirical generalizations about family practices.

Hasil dan Pembahasan

Qiwāmah in Shāfi'ī Jurisprudence: Authority, Financial Maintenance, and Marital Obligations

The concept of *qiwāmah* in Qur'an 4:34 is central to understanding the relationship between marital authority and responsibility in Islamic family law. The verse describes men as *qawwāmūn* over women and connects this position with two expressions: *bimā faḍḍala Allāhu ba'dahum 'alā ba'd* and *wa-bimā anfaqū min amwālihim*. These expressions have generated different interpretations concerning leadership, financial maintenance, and the distribution of marital responsibilities. Therefore, understanding *qiwāmah* requires examining not only the meaning of the verse but also its relationship with the legal rights and obligations established through marriage (Akmal et al., 2024).

The term *qiwāmah* is commonly associated with maintaining, managing, and assuming responsibility. However, its legal implications cannot be determined through linguistic meaning alone. The Qur'anic context, exegetical interpretations, and juristic formulations must also be considered. In particular, the reference to financial expenditure in Qur'an 4:34 makes *nafaqah* an important dimension of the discussion. Nevertheless, this connection should not be simplified into the assumption that every aspect of *qiwāmah* automatically disappears when a husband experiences financial difficulty (Firdaus et al., 2023). The legal consequences of such circumstances must be examined through the relevant rules of Islamic jurisprudence.

Kusmana (2016) demonstrates that interpretations of Qur'an 4:34 in modern Indonesia reflect an ongoing negotiation between established exegetical traditions and changing social expectations. His study examines the interpretations of several Indonesian Muslim scholars and shows how discussions of women's leadership are shaped by different approaches to religious texts and contemporary social realities. This finding illustrates that *qiwāmah* is not merely a question of textual translation; it also involves the relationship between interpretation, legal reasoning, and social context (Hidayat & Fathoni, 2022).

Within the Shāfi'ī school, the discussion of *qiwāmah* can be developed through the legal consequences of marriage. Al-Shāfi'ī's *Al-Umm* and al-Nawawī's *Al-Majmū'* provide important primary materials for examining maintenance and marital rights (al-Nawawī, 1997; al-Shāfi'ī, 1983). These works must be examined in their original doctrinal contexts rather than treated as direct formulations of contemporary accountability theory. Their relevance lies in helping identify the legal obligations that structure the relationship between spouses.

Financial maintenance is particularly important because it represents a concrete legal responsibility rather than an abstract expectation. The discussion of *nafaqah* concerns the husband's obligations and the wife's corresponding rights under the conditions established by Islamic jurisprudence. Consequently, the analysis of *qiwāmah* should distinguish between the authority associated with marital leadership, the specific obligations imposed by law, and the ethical principles governing their implementation. These dimensions are related, but they should not be treated as interchangeable (Sebtiningdiyah, 2022).

Qur'an 4:19 provides an additional ethical foundation through the principle of *mu'āsharah bi al-ma'rūf*, which calls for appropriate and honorable treatment of wives. This principle is important because the fulfillment of formal legal obligations does not exhaust the ethical dimensions of marital life. Communication, respect, and the avoidance of harm contribute to the quality of family relationships. Nevertheless, ethical expectations must be distinguished from specific legal obligations so that contemporary interpretations do not attribute unsupported rules to classical jurists (Revilya, 2018).

The relationship between these dimensions can be summarized in Table 1.

Table 1. Analytical Dimensions of Qiwāmah in Islamic Family Law

Dimension	Principal basis	Legal or analytical significance
Marital authority	Qur'an 4:34	Establishes the principal textual context for discussing <i>qiwāmah</i> .
Financial maintenance	Qur'an 4:34 and Shāfi'ī jurisprudence	Connects the discussion of marital leadership with the husband's financial obligations.
Spousal rights	Classical Shāfi'ī legal works	Clarifies the legal entitlements and obligations arising from marriage.
Ethical conduct	Qur'an 4:19	Provides an ethical framework for appropriate treatment and marital relations.
Contemporary interpretation	Modern scholarship, including Kusmana (2016)	Explains how interpretations of <i>qiwāmah</i> engage with changing social conditions.

Source: Author's synthesis based on the Qur'an, classical Shāfi'ī jurisprudence, and contemporary scholarship.

The table illustrates that *qiwāmah* should be analyzed through several connected dimensions rather than reduced to a single claim about male authority. The Qur'anic text provides the foundation, classical jurisprudence clarifies relevant legal obligations, and contemporary scholarship helps identify interpretive questions arising from social change. This analytical separation is essential to maintaining the distinction between established legal doctrine and the conceptual interpretation developed in this article (Afrianti et al., 2022; Alizha, 2023).

The Shāfi'ī perspective therefore provides a doctrinal starting point for examining the relationship between marital authority and responsibility. It does not, by itself, establish that every contemporary arrangement of family leadership or domestic work is explicitly prescribed by classical jurisprudence. Instead,

the relevant legal texts must be examined to determine which obligations are established, which matters permit practical flexibility, and what conditions affect their application.

The principal finding of this section is that *qiwāmah* should be understood through the interaction of Qur'anic interpretation, marital obligations, and ethical conduct. Financial maintenance and the protection of spousal rights provide concrete legal dimensions through which responsibility can be examined, while *mu'āsharah bi al-ma'rūf* supplies an ethical framework for marital relations. This approach provides a foundation for the next section, which develops marital accountability as a conceptual framework for examining the exercise of authority in contemporary Muslim families.

Reconstructing Qiwāmah through Marital Accountability in Contemporary Muslim Families

The relationship between *qiwāmah* and marital accountability becomes particularly important when Islamic family law is examined in the context of contemporary Muslim families. Changes in women's economic participation, household income arrangements, and the distribution of domestic responsibilities have raised questions about how marital authority should be understood and exercised. These developments do not automatically invalidate classical jurisprudential doctrines, but they require a clearer distinction between established legal obligations and the practical arrangements through which spouses manage family life (Fitra et al., 2025). Accordingly, the central concern is not whether *qiwāmah* should simply be maintained or abandoned, but how its legal implications can be understood alongside the rights and responsibilities arising from marriage.

Previous scholarship has already approached this issue through different conceptual frameworks. Addzaky identify normative, functional, relational, and accountable dimensions of *qiwāmah*, emphasizing financial maintenance, mutual support, deliberation, and the protection of spousal rights. More recently, Dahash integrate critical hermeneutics and *maqāṣid al-sharī'ah* to reconstruct *qiwāmah* through ethical responsibility, human dignity, and relational accountability (Addzaky et al., 2025; Dahash, 2025). These studies demonstrate that contemporary discussions have moved beyond treating *qiwāmah* exclusively as a question of male authority. However, the relationship between these contemporary formulations and the specific legal categories of the Shāfi'ī school requires further doctrinal clarification.

This article approaches that relationship through the concept of marital accountability, understood as an analytical framework for examining how authority relates to the fulfillment of marital obligations and the protection of spouses' rights. Rather than attributing a contemporary accountability theory directly to classical jurists, this study develops the concept through a synthesis of Qur'anic principles and the legal consequences of marriage discussed in Shāfi'ī jurisprudence (Ghanem, 2020). The framework comprises three interconnected dimensions: legal responsibility, relational responsibility, and accountable decision-making.

The first dimension, legal responsibility, concerns the fulfillment of obligations established by Islamic marital law. Financial maintenance (*nafaqah*) is particularly relevant because Qur'an 4:34 explicitly connects *qiwamah* with expenditure. The Shāfi'ī tradition provides doctrinal resources for examining maintenance and the rights associated with marriage through works such as *Al-Umm* and *Al-Majmū'* (al-Nawawī, 1997; al-Shāfi'ī, 1983). These sources must be interpreted in their specific legal contexts to determine the scope and conditions of the obligations they discuss. The present argument does not assume that financial contribution alone exhausts the meaning of *qiwamah*; rather, it identifies maintenance as a concrete legal dimension through which marital responsibility can be examined.

This distinction is important when considering households in which the wife contributes substantially to family income. A wife's employment or higher earnings do not, by themselves, establish that the husband's legal obligations have automatically been transferred to her. Similarly, a husband's financial hardship should not be equated without further analysis with deliberate neglect of marital responsibilities. The relevant legal assessment must consider the applicable juristic rules, the circumstances of the parties, and the conditions governing particular obligations (Majidi et al., 2024; Wardana & Junoh, 2026). Contemporary reinterpretation should therefore clarify the implications of established doctrine rather than introduce conclusions that the primary sources do not support.

The second dimension, relational responsibility, concerns the manner in which spouses cooperate and manage their shared interests. Qur'an 4:19 provides an ethical foundation through the principle of *mu'āsharah bi al-ma'rūf*, emphasizing appropriate and honorable treatment in marital relations. This principle is relevant to communication, mutual respect, consultation, and the avoidance of harm. It also provides a basis for discussing how families organize domestic work and childcare according to their circumstances. Nevertheless, ethical cooperation should not be confused with the automatic alteration of legal rights and obligations (Abdullah et al., 2026). A practical arrangement agreed upon by spouses and a legally binding duty may have different legal implications and should be analyzed accordingly.

The third dimension, accountable decision-making, concerns how marital authority is exercised in relation to the rights and welfare of family members. A responsible exercise of authority requires more than the formal assertion of a position within the household. It must be assessed alongside the fulfillment of legal obligations and the ethical requirements of marital relations. This approach does not imply that every disagreement constitutes a violation of Islamic law, nor does it establish that every household must adopt an identical decision-making structure. Instead, it provides a framework for examining whether authority is exercised consistently with the relevant legal and ethical standards.

These three dimensions are particularly useful for analyzing families in which both spouses work, share childcare, or contribute to household expenses. For example, spouses may agree to distribute domestic responsibilities according to their working hours, health, and family needs. Such cooperation may strengthen family welfare without necessarily changing the legal status of the husband's maintenance obligations. Similarly, consultation may improve decision-making without requiring the assumption that all legal responsibilities are identical (Büchler, 2012). The analytical task is to distinguish what Islamic jurisprudence

establishes as a legal obligation from what spouses may arrange through mutual agreement and practical cooperation.

Recent research on women as primary breadwinners reinforces the importance of examining *qiwāmah* in changing economic circumstances. Contemporary gender-oriented interpretations of Qur'an 4:34 and argue that women's economic contributions challenge interpretations that treat marital leadership without sufficient attention to context (Ahmad, 2020). Their findings provide a useful point of comparison for the present study. However, the implications of women's financial contributions for particular legal obligations must still be assessed through the relevant jurisprudential framework rather than inferred from social change alone.

The proposed reconstruction therefore avoids two extremes. The first treats *qiwāmah* as unrestricted authority detached from the obligations of marriage. The second assumes that changing family arrangements automatically invalidate every differentiated legal responsibility found in classical jurisprudence. A more defensible approach maintains the distinction between established legal rules, ethical principles, and practical arrangements that may vary among households. In this formulation, accountability does not replace the Shāfi'ī legal framework; it provides an analytical means of examining how marital authority relates to the obligations and rights recognized within it (Maimun et al., 2020).

The contribution of this section lies in connecting the doctrinal analysis of *qiwāmah* with a structured account of marital accountability. Legal responsibility identifies the obligations arising from marriage; relational responsibility addresses the ethical quality of marital interaction; and accountable decision-making examines the exercise of authority in light of legal and ethical standards. Together, these dimensions offer a framework for evaluating *qiwāmah* in contemporary Muslim families without presenting a modern conceptual synthesis as an explicit doctrine of classical jurists.

Nevertheless, this framework remains a normative and conceptual proposition rather than an empirically validated model. Further research could investigate how spouses, religious authorities, and family-law institutions understand the relationship between *qiwāmah*, maintenance, and shared household responsibilities. For the present study, the principal conclusion is that marital accountability offers a productive analytical lens for reconstructing *qiwāmah*, provided that its claims remain grounded in verifiable jurisprudential sources and that legal obligations are distinguished from ethical recommendations and contemporary practical arrangements.

CONCLUSION

This study concludes that *qiwāmah* in Qur'an 4:34 should be examined in relation to the legal obligations and ethical responsibilities arising from marriage. From the perspective of Shāfi'ī jurisprudence, financial maintenance and the protection of spouses' rights provide important doctrinal foundations for understanding the relationship between marital authority and responsibility. Accordingly, *qiwāmah* cannot be adequately analyzed as an isolated claim to authority without considering the obligations that accompany it.

The study proposes marital accountability as a conceptual framework comprising three interconnected dimensions: legal responsibility, relational responsibility, and accountable decision-making. This framework connects the doctrinal principles of Islamic family law with the practical challenges faced by contemporary Muslim families. It also distinguishes established juristic rules from ethical considerations and flexible household arrangements, thereby avoiding the assumption that social change automatically eliminates classical legal obligations.

The principal contribution of this study is to clarify the relationship between *qiwamah* and marital accountability through a Shāfiʿī-informed conceptual reconstruction. However, because the research is normative and library-based, its findings do not establish how these principles are practiced across Muslim families. Future empirical research should examine how marital accountability is understood and implemented in diverse family contexts.

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