

## Legal and Sociotheological Analysis of the Concept of Nafkah According to Sheikh Ali Ash Shabuni

Mahmduzzaman<sup>1\*</sup>, Tri Wahyu Hidayati<sup>2</sup>

<sup>1,2</sup>State Islamic University of Salatiga, Indonesia  
[\\*mahmduzzaman123@gmail.com](mailto:mahmduzzaman123@gmail.com)

**Abstract:** The concept of livelihood is one of the main pillars in Islamic family law which is not only related to economic obligations, but also contains moral, social, and theological dimensions. This article aims to analyze the concept of livelihood from the perspective of Muhammad ‘Ali Ash-Shabuni’s interpretation through his work *Rawā’i’ al-Bayān fī Tafṣīr Āyāt al-Aḥkām*, by highlighting its legal and socio-theological aspects in the context of contemporary Muslim families. This study uses a qualitative method based on literature (library research) with a thematic interpretation approach (*maudhū’i*). The primary source of the research is *Rawā’i’ al-Bayān*, while secondary sources include classical and contemporary legal interpretation literature, books on Islamic jurisprudence across schools of thought, and journal articles relevant to the issues of livelihood, social justice, and Islamic family law. The research findings show that Ash-Shabuni positions maintenance as a binding Islamic obligation (*mulzim*), yet contextualized through the principle of *al-ma’ruf*, so that the amount and form of maintenance are adjusted to the family's economic capabilities and social conditions. Within a socio-theological framework, Ash-Shabuni interprets *qiwāmah* not as a legitimization of patriarchal domination, but rather as a functional responsibility oriented toward the protection, justice, and well-being of the family. This interpretation integrates legal, moral, and *maqāṣid al-sharī’ah* dimensions, so that the concept of maintenance is understood not only as a mechanism for economic distribution but also as a social practice of worship that shapes the ethics and spirituality of the Islamic family. This article contributes to the development of Islamic family law discourse by offering a moderate and *maqāṣidi* model of interpretation relevant to the reconstruction of Islamic family law that is more just, humane, and responsive to modern social dynamics..

|| Submitted: Oct 2025

|| Accepted: Dec 2025

|| Published: Jan 2026

## Legal and Sociotheological Analysis of the Concept of Nafkah

Mahmuduzzaman, Tri Wahyu

DOI:

**Keywords:** Maintenance; Ash-Shabuni; Islamic Family Law

### Introduction

The concept of nafkah is one of the central aspects of Islamic family law, reflecting not only the economic relationship between husband and wife, but also the ethical and legal foundation of Muslim households. A husband's obligation to provide nafkah to his wife is a symbol of moral, social, and spiritual responsibility that is deeply rooted in the holy text of the Qur'an and the tradition of the hadith..<sup>1</sup> In the Qur'an, this obligation is emphasized as a trust that must be fulfilled in accordance with the husband's capacity and ability, as part of the qawwamun principle that regulates the husband's role as the guardian and protector of the family..<sup>2</sup> The obligation to provide for one's spouse includes fulfilling basic needs such as clothing, food, and shelter, as well as the biological and medical needs of the wife, and remains relevant in the context of gender role dynamics and modern life. Failure to fulfill this obligation not only affects the stability of the household, but also has legal consequences in religious courts. Allah SWT says:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ  
فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَالَّتِي تَخَافُونَ نُشُورَهُنَّ فَعِظُوهُنَّ  
وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ فَإِنِ اطَّعْتُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلاً إِنَّ اللَّهَ كَانَ  
عَلِيماً كَبِيرًا

*Meaning: Men (husbands) are responsible for women (wives) because Allah has made some of them (men) superior to others (women) and because they (men) spend some of their wealth. Righteous women are those who are obedient (to Allah) and guard themselves when (their husbands) are absent because Allah has guarded (them). As for those women from whom you fear*

<sup>1</sup> Ayuda Suarjo, "KONSEP NAFKAH DALAM KELUARGA ISLAM TELAHAH HUKUM ISLAM TERHADAP ISTRI YANG MENCARI NAFKAH," *Jurnal Kajian Hukum Keluarga Islam* 2, no. 2 (2022).

<sup>2</sup> Nurlinda Yani, "Hak Dan Nafkah Istri Dalam Hukum Islam: Analisis Konsep Kesetaraan Gender," *Polita Jurnal Hukum Keluarga Islam* 2, no. 2 (2024).

## Legal and Sociotheological Analysis of the Concept of Nafkah

Mahmuduzzaman, Tri Wahyu

DOI:

*disobedience, admonish them, leave them alone in bed, and (if necessary) strike them (in a way that does not cause pain). But if they obey you, do not seek ways to harm them. Indeed, Allah is Exalted and Great. (Q.S. An-Nisa': 34)*

This verse is often used as a theological and legal basis for formulating the husband's economic responsibility towards his wife in Islamic family law. Classical interpretations, such as those put forward by Ibn Kathir, emphasize that the concept of *qiwāmah* does not stem from assumptions of biological or ontological superiority of men over women, but rather from the objective obligations imposed by sharia on husbands, particularly in terms of providing for and protecting the family. Thus, *qiwāmah* is understood as a construct of responsibility, not a privilege of power.<sup>3</sup>

However, an overly normative and historical reading of this verse has the potential to reduce the meaning of *qiwāmah* to the legitimization of static hierarchical relationships within the household. In fact, when examined contextually, the Qur'an's emphasis on the obligation of *nafkah* shows that the husband's authority is functional and conditional, the validity of which is largely determined by the fulfillment of this economic responsibility. This means that when the obligation of *nafkah* is neglected or not fulfilled, the normative legitimacy of *qiwāmah* should also be questioned. In the contemporary social context, where economic relations within the family are often more egalitarian and participatory and it is not uncommon for wives to contribute to or even be the sole breadwinners the concept of *qiwāmah* demands a reinterpretation oriented towards the values of justice ('*adl*) and benefit (*maṣlaḥah*). Therefore, this verse should not be understood as a justification for gender domination, but rather as an affirmation of the principles of responsibility and distributive justice within the family..<sup>4</sup> With

---

<sup>3</sup> Ibn Kathir, *Tafsir Al-Qur'an Al-'Azim, Beirut: Dār Al-Ma'Rifah*, 2000.

<sup>4</sup> Didi Junaedi, "Living Qur'an : Sebuah Pendekatan Baru Dalam Kajian Al-Qur'an (Studi Kasus Di Pondok Pesantren As-Siroj Al-Hasan Desa Kalimukti Kec. Pabedilan Kab. Cirebon)," *Journal of Qur'an and Hadith Studies* 2, no. 2 (2015).

## Legal and Sociotheological Analysis of the Concept of Nafkah

Mahmuduzzaman, Tri Wahyu

DOI:

this approach, *qiwāmah* remains relevant as an ethical-legal principle that is adaptive to social change without losing its normative roots in the Qur'an.

In line with developments in Islamic legal interpretation, the concept of *nafkah* is no longer understood solely in normative terms as a formal legalistic obligation, but is also analyzed within a broader social and moral framework. This approach places *nafkah* not only as the fulfillment of the wife's material rights, but also as an instrument of family ethics that aims to maintain dignity (*karāmah*), welfare (*rafāh*), and harmony in the husband-wife relationship. Thus, the obligation of *nafkah* is seen as a manifestation of the husband's moral and social responsibility, which must be carried out proportionally in accordance with his abilities and the context of family life.<sup>5</sup> Within this framework, Ash-Shabuni (d. 2021), a contemporary exegete from Syria, through his monumental work *Rawā'i' al-Bayān fī Tafsīr Āyāt al-Aḥkām*, sought to revive the spirit of moderate, applicable, and *maqāṣidi*-oriented Islamic legal exegesis. He does not stop at explaining the textual meaning of legal verses, but links them to the basic objectives of *sharia* (*maqāṣid al-syarī'ah*), particularly the protection of family (*ḥifẓ al-nasl*), life (*ḥifẓ al-nafs*), and property (*ḥifẓ al-māl*). In Ash-Shabuni's view, the obligation of *nafkah* must be understood as a means to realize justice and the welfare of the family, not as a tool to legitimize the domination of one party over another.<sup>6</sup> This interpretive approach shows that the law of *nafkah* is dynamic and contextual, thus opening up space for adjustments in its application in line with social changes without neglecting the normative principles of the Qur'an. Therefore, Ash-Shabuni's contribution is important in bridging the gap between classical legal interpretation and the needs of contemporary Muslim society, while strengthening the relevance of the concept of *nafkah* as an obligation oriented towards substantive justice and the welfare of the family.

---

<sup>5</sup> Rawā'i' a Muhammad 'Ali Ash-Shabuni, *L-Bayān Fī Tafsīr Āyāt Al-Aḥkām*, Beirut: Dār Al-Kutub Al-'Ilmiyyah, 1981.

<sup>6</sup> Muhammad 'Ali Ash-Shabuni.

## Legal and Sociotheological Analysis of the Concept of Nafkah

Mahmuduzzaman, Tri Wahyu

DOI:

There have been several previous studies in line with this theme, one of which is the study: The study of nafkah has become an important concern in the literature of interpretation. Classical interpreters such as al-Qurṭubī and Ibn Kathīr view nafkah as a legal obligation inherent in a valid marriage contract. This obligation is regulated based on the principles of ability and reasonable living needs (al-ma'rūf).<sup>7</sup> Next, in Tafsir al-Jāmi' li Ahkām al-Qur'an, al-Qurṭubī emphasizes that financial support is not only material fulfillment, but also a form of respect for the position of women in the family. Ibn Katsir adds that the command to provide financial support also has a dimension of worship, because it is done to uphold order and affection in the household.<sup>8</sup>

Unlike classical exegetes who tend to position nafkah as a mere material obligation in the realm of formal law, modern scholars such as Wahbah al-Zuhayli have developed a broader understanding by emphasizing the social and economic justice dimensions of the obligation of nafkah itself. In his monumental work *Al-Fiqh al-Islāmī wa Adillatuh*, al-Zuhayli explains that nafkah does not only stop at fulfilling biological needs (food, clothing, shelter), but also functions as an instrument to maintain the socio-economic balance of the family, prevent social vulnerability, and protect the dignity of women and children in the Islamic household structure. Thus, the obligation of nafkah is seen as part of the implementation of the principles of justice ('adl) and family welfare, not merely a legalistic obligation of an individual nature. This concept shows an awareness that the role of nafkah in modern society cannot be separated from complex socio-economic realities, which are often marked by changing gender roles, family economic fluctuations, and expectations of shared prosperity.<sup>9</sup> This approach is in line with contemporary Islamic legal interpretations that are responsive to the needs of society, while

---

<sup>7</sup> Al-Qurṭubī, Abu 'Abdīllah Muhammad Bin Ahmad, *Al-Jāmi' Li Ahkām Al-Qur'an*, Beirut: Dār Al-Kutub Al-'Ilmiyyah, 1996.

<sup>8</sup> Ibn Katsir, *Tafsir Al-Qur'an Al-'Azhim*, Beirut: Dār Al-Ma'Rifah, 2000.

<sup>9</sup> Fauzah Hayati, "Konsep Nafkah Dalam Islam: Kajian Literatur Terhadap Pemahaman Klasik Dan Pendekatan Ekonomi Syariah Modern," *Indonesian Jurnal Of Islamic* 4, no. 2 (2024).

## Legal and Sociotheological Analysis of the Concept of Nafkah

Mahmuduzzaman, Tri Wahyu

DOI:

strengthening the function of family law as a means of social protection for the vulnerable.

A more progressive contemporary view is put forward by Siti Musdah Mulia, who offers a critical reinterpretation of the concept of financial support in Islamic family law. She rejects a textual reading that positions financial support as an economic responsibility that is automatically and permanently imposed on men solely on the basis of gender constructs. According to her, the establishment of the obligation of nafkah should be understood as a mechanism of social justice that aims to ensure the sustainability and welfare of the family, not as a legitimization of gender-based power relations. Within this framework, Siti Musdah Mulia emphasizes that the economic responsibility of the family can and should be adjusted to the actual capabilities of each spouse and mutual agreement based on the principles of deliberation and justice. Thus, the division of economic roles in the household is contextual and dynamic, in line with changes in social structure, the increasing participation of women in the public sphere, and the reality of modern families that often require economic cooperation between husband and wife. This approach implicitly shifts the paradigm of alimony from a hierarchical obligation to a collective responsibility oriented towards mutual benefit.<sup>10</sup>

However, this view also raises normative tensions with classical fiqh and positive Islamic law in Indonesia, which still places the husband as the primary provider. Therefore, Siti Musdah Mulia's ideas can be read as an epistemological critique of patriarchal interpretations in Islamic family law, as well as an offer to reconstruct law based on the values of maqāṣid al-syarī'ah, particularly justice ('adl) and benefit (maṣlaḥah), which are relevant to the contemporary social context. In this context, Ash-Shabuni takes a middle path between legal normativity and social dynamics. He does not interpret the verses liberally, but relates them to maqāṣid al-syarī'ah so as not to lose the spirit of justice. This approach makes the interpretation of Rawā'i'

---

<sup>10</sup> Syifa Nuraidah, "Pemikiran Siti Musdah Mulia Terhadap Ayat Bias Gender: Studi Ayat Waris Dan Kepemimpinan," *Gender: Studi Ayat Waris Dan Kepemimpinan* 3, no. 2 (2023).

## Legal and Sociotheological Analysis of the Concept of Nafkah

Mahmuduzzaman, Tri Wahyu

DOI:

al-Bayān relevant for understanding the relationship of financial support in contemporary society.

### Methodology

This study uses a qualitative method based on library research with a thematic interpretation approach (*tafsīr maudhū'i*), which focuses on tracing and analyzing verses from the Qur'an related to the concept of nafkah in Islamic family law.<sup>11</sup> This approach was chosen to enable a comprehensive and systematic understanding of the verses of law (*āyāt al-aḥkām*), by compiling, classifying, and analyzing relevant verses based on specific themes, namely the obligation of financial support and its social implications. The primary source of this research is the work of Muhammad 'Ali Ash-Shabuni, *Rawā'i' al-Bayān fī Tafsīr Āyāt al-Aḥkām*, which was chosen because of its legal (*fiqhī*) character, moderation, and orientation towards *maqāṣid al-syarī'ah*. This tafsir not only emphasizes normative-textual aspects, but also relates legal verses to the objectives of sharia and social reality, making it relevant to re-examine the concept of nafkah in the context of social justice and the dynamics of contemporary Muslim families. Secondary sources include classical and contemporary legal tafsir literature, cross-school fiqh books, and scientific journal articles discussing nafkah, Islamic family law, and social justice issues. These sources are used to enrich the analysis, build a critical dialogue between classical interpretation and contemporary thought, and identify paradigm shifts in understanding the obligation of nafkah from a legalistic approach to an ethical and social approach. Data analysis techniques were carried out descriptively-analytically and critically-comparatively to assess the relevance of Ash-Shabuni's thinking to current Islamic family law issues.

In the verse identification stage, this study focuses on a number of verses in the Qur'an that explicitly or implicitly regulate the obligation of providing financial support in the context of family relationships. The main verse analyzed is QS. an-Nisā' [4]: 34, which affirms the concept of male

---

<sup>11</sup> Sugiyono., *Metode Penelitian Pendidikan: Pendekatan Kuantitatif Kualitatif Dan R&. Bandung: Alfabeta.*, 2010.

## Legal and Sociotheological Analysis of the Concept of Nafkah

Mahmuduzzaman, Tri Wahyu

DOI:

qiwāmah over women based on the obligation to provide financial support. This verse serves as the normative foundation for determining the husband's economic responsibilities in the household. Furthermore, QS. al-Baqarah [2]: 233 is used to emphasize the father's obligation to provide for the mother and children, especially during breastfeeding, while also demonstrating the principle of proportionality of financial support according to ability. This verse emphasizes the dimensions of justice and humanity in fulfilling family financial obligations. This study also analyzes QS. at-Ṭalāq [65]: 6–7, which regulates the obligation of financial support and shelter for wives, including in the event of divorce. This verse shows that the obligation of maintenance is not merely relational, but also has a social protection function for women in vulnerable situations. In addition, QS. al-Baqarah [2]: 241 is also studied as the basis for the provision of mut'ah after divorce, which reflects the moral and social responsibility of the husband to maintain the dignity of women even though the marriage bond has ended. These verses are then categorized thematically into: (1) maintenance in marriage, (2) maintenance in parent-child relationships, and (3) post-divorce maintenance. Furthermore, Muhammad 'Al's interpretation.<sup>12</sup>

The results of this method are expected to provide a comprehensive understanding of the concept of nafkah in Ash-Shabuni's view, both normatively and socially. Thus, this study focuses not only on the law, but also on how the law lives in the context of modern society.

---

<sup>12</sup> M. H. Kamali, *Principles of Islamic Jurisprudence*, Oxford: Islamic Texts Society, 2001.

## Legal and Sociotheological Analysis of the Concept of Nafkah

Mahmuduzzaman, Tri Wahyu

DOI:

### Result & Discussion

#### Islamic Legal Analysis of the Concept of Nafkah in Ash-Shabuni's Tafsir

In interpreting the verses on maintenance, Muhammad ‘Ali Ash-Shabuni begins his analysis by emphasizing the position of maintenance as one of the direct consequences of a valid marriage contract. He places the verses on maintenance within the framework of *āyāt al-aḥkām*, so that his interpretation is not only moral-spiritual in nature, but also has clear legal implications.<sup>13</sup> In *Rawā’i‘ al-Bayān fī Tafsīr Āyāt al-Aḥkām*, Ash-Shabuni emphasizes that the commandment of financial support must be understood as a Sharia provision aimed at maintaining the continuity and stability of the family institution, as well as protecting those who are socially vulnerable, especially women and children. In his interpretation of QS. al-Baqarah [2]: 233, Ash-Shabuni highlights the phrase “*wa 'ala al-maulūdi lahu rizquhunna wa kiswathunna bi al-ma'rūf*” as the normative basis for the father's obligation to fulfill the material needs of the mother and children. He emphasizes that alimony must be given in a *ma'rūf* manner, that is, in accordance with social standards and the husband's economic capacity, so that the law of alimony is not rigid, but elastic and contextual. This emphasis shows that justice in alimony is not measured solely by the nominal amount, but by the suitability between capacity and needs. Meanwhile, in interpreting QS. an-Nisā' [4]: 34, Ash-Shabuni links the concept of *qiwāmah* with the obligation of maintenance as the basis for the legitimacy of male leadership in the family.<sup>14</sup> According to him, *qiwāmah* is not a form of absolute superiority, but rather a functional responsibility built on two main pillars: providing for the family and the ability to protect the family. Thus, the husband's leadership is conditional and requires moral and legal accountability.

Based on this interpretive framework, Ash-Shabuni in *Rawā’i‘ al-Bayān fī Tafsīr Āyāt al-Aḥkām* places the obligation of financial support as a

---

<sup>13</sup> Fauzah Hayati, “Konsep Nafkah Dalam Islam: Kajian Literatur Terhadap Pemahaman Klasik Dan Pendekatan Ekonomi Syariah Modern.”

<sup>14</sup> Muhammad ‘Ali Ash-Shabuni, *L-Bayān Fī Tafsīr Āyāt Al-Aḥkām*, Beirut: *Dār Al-Kutub Al-'Ilmiyyah*.

## Legal and Sociotheological Analysis of the Concept of Nafkah

Mahmuduzzaman, Tri Wahyu

DOI:

binding commandment of Sharia law. He interprets verses such as QS. al-Baqarah [2]: 233 and QS. an-Nisā' [4]: 34 by emphasizing the dimension of men's responsibility as qawwām towards their families. For him, financial support is not merely an economic aspect, but a reflection of faith and a form of just leadership, the validity of which must be realized through the fulfillment of family rights in a proportional and just manner.

Ash-Shabuni further explains that the husband's obligation to provide financial support is based on two main arguments. First, the Qur'anic text which affirms the obligation to provide adequate food and clothing. Second, the consensus of scholars who have established this obligation as part of the rights of wives and children.<sup>15</sup> He interprets the phrase bil-ma'rūf in the verse as a principle of legal flexibility, namely that the amount of alimony depends on the economic capacity and social customs of a society. This explanation reflects the nature of fiqh al-waqi' (contextual jurisprudence), because Ash-Shabuni does not view the text statically, but considers the social conditions surrounding Muslim families. Thus, his interpretation reflects an effort of ijtihad in understanding maqāsid al-syarī'ah, namely preserving offspring (ḥifẓ al-nasl) and wealth (ḥifẓ al-māl).

This view is significant in the context of modern society, where family economic relationships often change. A husband who loses his job, for example, still has moral responsibilities, while a working wife can help without negating her husband's position as head of the family.<sup>16</sup> Thus, Ash-Shabuni's interpretation bridges the gap between fiqh norms and contemporary social realities.

Based on the above description, it appears that the legal approach developed by Ash-Shabuni shows Islam as a legal system that has a high degree of normative flexibility without losing its theological foundation. His emphasis on the principle of al-ma'rūf serves as a dynamic parameter that allows Islamic law to adapt to changes in the social, economic, and cultural

---

<sup>15</sup> Rawā'i' Muhammad 'Ali Ash-Shabuni, *Al-Bayān Fī Tafsīr Āyāt Al-Aḥkām*, Beirut: Dār Al-Kutub Al-'Ilmiyyah, 1981.

<sup>16</sup> Azyumardi Azra, *Paradigma Baru Fikih Sosial*, Jakarta: Paramadina, 2012.

## Legal and Sociotheological Analysis of the Concept of Nafkah

Mahmuduzzaman, Tri Wahyu

DOI:

conditions of society. This principle bridges the gap between the normative text of the Qur'an and the ever-evolving social reality, so that the law is not trapped in rigid formalism, but remains responsive to human needs. Furthermore, the use of *al-ma'rūf* as a standard of propriety opens up space for contextual and substantive justice-oriented interpretation of the law. In terms of financial support, this standard allows for the determination of family economic obligations to be adjusted to actual capabilities, social conditions, and fair agreements between husband and wife. Thus, Ash-Shabuni's interpretation not only maintains the normative structure of Islamic family law but also affirms the ethical and spiritual dimensions of financial support obligations as a manifestation of responsibility, care, and faith. In the context of modern Islamic family law, this interpretive approach provides a strong conceptual foundation for the formulation of more humane and equitable regulations. Ash-Shabuni's interpretation can be used as a reference in formulating family law policies that do not merely emphasize the division of economic roles.

### Sociotheological Analysis of the Concept of Nafkah and Gender Perspectives in Ash-Shabuni's Interpretation

Ash-Shabuni interprets the concept of *nafkah* by placing it at the intersection between legal obligation (*ilzām fiqhī*) and moral virtue (*faḍīlah akhlāqīyyah*). In his view, the obligation to provide *nafkah* does not stop at the formal fulfillment of the wife's economic rights, but is an expression of the values of love (*mawaddah*) and mercy (*raḥmah*), which are the main foundations of family relations in Islam. With this approach, *nafkah* is understood as an ethical practice that reflects the quality of a husband's faith and moral integrity, not merely an administrative obligation that can be fulfilled minimally.<sup>17</sup>

In *Tafsīr Rawā'ī* 'al-Bayān, Ash-Shabuni asserts that the verses on financial support consistently place the husband as the *qawwām* who functions

---

<sup>17</sup> Muhammad 'Ali Ash-Shabuni, *Rawā'ī* 'Al-Bayān Fī Tafsīr Āyāt Al-Aḥkām, n.d.

## Legal and Sociotheological Analysis of the Concept of Nafkah

Mahmuduzzaman, Tri Wahyu

DOI:

as the “protector and supporter” (ḥāfiẓ wa dā‘im) of the household. This function is understood as a protective and supportive responsibility, which demands sacrifice, care, and justice, not as a legitimization of hierarchical power over the wife. Thus, qiwāmah in Ash-Shabuni's interpretation is functional and ethical, not structural and domineering. This interpretation is also an implicit criticism of the patriarchal reading that makes nafkah the basis of male superiority in the family. Ash-Shabuni rejects the reduction of the meaning of nafkah to a tool of control or justification of unequal power relations. Instead, he emphasizes that a husband's failure to fulfill his obligation to provide financial support not only has legal consequences, but also damages the moral and spiritual values of the family. Within this framework, the concept of financial support functions not only as a mechanism for economic distribution, but also as an instrument for forming family relationships that are fair, empathetic, and oriented towards the common good.

This view contains important socio-theological values. First, it affirms that the family is a spiritual space built on justice and compassion; second, it rejects forms of subordination that demean women in domestic relationships. Thus, Ash-Shabuni's interpretation offers a paradigm of a *sakinah* family based on mutuality, not unilateral power.<sup>18</sup>In the context of gender, Ash-Shabuni takes a moderate approach. He does not reject the biological differences between men and women, but neither does he interpret these differences as a hierarchy of values. According to him, providing for the family is a social responsibility, while the ability to earn a living can be shared based on the socio-economic reality of each family.<sup>19</sup>

When compared to progressive interpretations that explicitly promote gender equality, such as the works of Asma Barlas or Amina Wadud, Ash-Shabuni's approach is indeed more moderate and does not directly deconstruct

---

<sup>18</sup> M Quraish Shihab, *Embunikan Al-Qur'an, Jakarta: Lentera Hati, 2023, 2023.*

<sup>19</sup> Riffat Hassan, ““Equal Before Allah? Woman-Man Equality In,” *The Muslim World*, 112, no. 3 (2022).

## Legal and Sociotheological Analysis of the Concept of Nafkah

Mahmuduzzaman, Tri Wahyu

DOI:

traditional gender structures in Islamic family law. He maintains the normative framework of classical fiqh, including the concept of qiwāmah and the primary obligation of the husband to provide financial support. However, this methodological difference does not necessarily place Ash-Shabuni's interpretation as a static or closed approach to the value of justice. Through the use of the maqāṣid al-syarī'ah framework, Ash-Shabuni actually opens up significant room for reinterpretation towards relational justice in the family. He emphasizes that every provision of Islamic law, including the obligation of financial support, cannot be separated from the objectives of sharia to realize benefit (maṣlaḥah) and reject harm (mafsadah). In this context, the husband-wife relationship is not understood as a rigid hierarchical relationship, but rather as a functional relationship built on the basis of responsibility, justice, and mutual welfare.<sup>20</sup>

Ash-Shabuni explicitly asserts that Islamic law always contains ḥikmah ijtimā'iyyah (social wisdom) that is raḥmatan li-l-'ālamīn. This principle implies that the application of Islamic family law must guarantee the protection and welfare of all family members, whether male, female, or children, without discrimination or oppression that contradicts the basic objectives of the Sharia.<sup>21</sup> Therefore, although Ash-Shabuni does not use gender equality terminology as contemporary feminist exegetes do, the maqāṣidi framework he constructs provides a normative foundation that allows for the development of Islamic family law toward a more just, humane, and contextual model of relations. Thus, Ash-Shabuni's position can be understood as a methodological bridge between classical fiqh interpretation and modern progressive interpretation: it is not radically deconstructive, but flexible enough to accommodate the demands of social justice in the context of contemporary Muslim families. This approach also strengthens the

---

<sup>20</sup> Amina Wadud, *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective*, Oxford: Oxford University Press, 2020.

<sup>21</sup> Amina Wadud.

## Legal and Sociotheological Analysis of the Concept of Nafkah

Mahmuduzzaman, Tri Wahyu

DOI:

relevance of his interpretation in the discourse on Islamic family law reform without having to abandon the roots of Islamic scientific tradition.

This socio-theological analysis becomes relevant when linked to contemporary conditions, where women often become the backbone of the economy. In this context, Ash-Shabuni's view can be interpreted as a call to maintain the structure of moral responsibility without closing the space for women's economic participation. In other words, financial support is not only the responsibility of men as providers, but also of women as partners in realizing justice and family welfare.<sup>22</sup> This approach emphasizes that Islamic theology, which is based on the values of justice and mercy, must be able to respond to modern social challenges. A husband who provides for his family is not only fulfilling his legal obligations, but also participating in a spiritual process towards a civilized family. Similarly, women who contribute to the family economy are not violating their nature, but rather participating in upholding *maqāṣid al-syarī'ah* in the aspect of social welfare.<sup>23</sup>

Thus, Ash-Shabuni's interpretation of *nafkah* does not stop at establishing legal obligations, but goes beyond legality to the formation of social ethics and Islamic family spirituality. He does not view the law as a set of dry and coercive rules, but as a means of internalizing divine values into the daily practices of family life. Within this framework, the obligation of *nafkah* functions as a moral mechanism that shapes awareness of responsibility, empathy, and social concern in the relationship between husband and wife. The strength of Ash-Shabuni's socio-theological interpretation lies in its ability to simultaneously integrate the dimensions of law (*aḥkām*), morality (*akhlāq*), and the objectives of sharia (*maqāṣid al-syarī'ah*). By emphasizing that the fulfillment of *nafkah* is a reflection of faith and a form of social worship, Ash-Shabuni places the family as a living sacred space not merely a legal institution, but an arena for the actualization of the

---

<sup>22</sup> Siti Musdah Mulia, *Islam Dan Inspirasi Kesetaraan Gender*, Jakarta: Kompas, 2023.

<sup>23</sup> Asma Barlas, *Believing Women in Islam: Unreading Patriarchal Interpretations of the Qur'an*, Austin: University of Texas Pres., 2012.

## Legal and Sociotheological Analysis of the Concept of Nafkah

Mahmuduzzaman, Tri Wahyu

DOI:

values of tawhid, justice, and compassion. In this perspective, economic relations within the family are not understood as transactional relations, but rather as a relationship of trust that is spiritually accountable. Furthermore, this approach shows that Islamic family law, as interpreted by Ash-Shabuni, has a transformative function: shaping individual character and the quality of social relations, not just formally regulating rights and obligations. This is where law and compassion are not positioned dichotomously.

### Sintesis dan Implikasi Konseptual

An analysis of Muhammad ‘Ali Ash-Shabuni's views shows that the concept of nafkah in the *Rawā’i’ al-Bayān* interpretation is not only rooted in classical legal norms, but also contains contextual socio-theological values. He understands Islamic law not as a rigid device, but as a living moral system oriented towards benefit. Within the framework of Islamic law, Ash-Shabuni emphasizes three basic principles. First, the obligation of nafkah is fixed and binding, as it is a consequence of a valid marriage contract. Second, the amount of nafkah is relative, depending on economic capacity and social customs (*al-ma‘rūf*). Third, the spiritual dimension of nafkah makes this obligation a form of worship that is rewarded, not merely an economic contract.<sup>24</sup>

From a socio-theological perspective, Ash-Shabuni places nafkah as an ethical act that builds gender balance. He does not reject the structure of the husband's responsibility as *qawwam*, but opens up the possibility that women's economic participation does not conflict with the principles of sharia. This view presents a synthesis between piety and social justice, making the family the main locus for the application of *maqāsid al-syarī‘ah*. The conceptual implications of this interpretation include two important points. First, in terms of Islamic law, Ash-Shabuni's view can be the basis for the development of contemporary family jurisprudence that is more adaptive to socio-economic changes. Second, from a socio-theological perspective, this

---

<sup>24</sup> Muhammad ‘Ali Ash-Shabuni, *Rawā’i’ Al-Bayān Fī Tafṣīr Āyāt Al-Aḥkām*, n.d.

## Legal and Sociotheological Analysis of the Concept of Nafkah

Mahmuduzzaman, Tri Wahyu

DOI:

interpretation enriches the discourse on gender equality in Islam, that differences in roles are not synonymous with inequality in value.<sup>25</sup>

Thus, Rawā'i' al-Bayān cannot be positioned solely as a work of legal interpretation oriented towards the establishment of formal norms and obligations, but rather as a spiritual reflection that links Islamic law with the values of justice, compassion, and human welfare. Ash-Shabuni successfully demonstrates that family law does not exist in a sterile normative space, but is rooted in an ethical and theological vision that aims to humanize family relationships and preserve the dignity of all its members. In the modern context, this idea has significant implications as a conceptual foundation for the reconstruction of Islamic family law. Ash-Shabuni's interpretation provides a normative framework that allows for a shift in the orientation of law from mere legal-formal compliance to the protection of collective well-being. With this approach, Islamic family law functions not only as a regulatory tool, but also as an instrument of social justice that is adaptive to the changing realities of contemporary families, without losing the spiritual and maqāṣidi foundations that are the spirit of sharia.

### Conclusion

Based on the results of legal and socio-theological analysis of the concept of nafkah in the interpretation of Rawā'i' al-Bayān fī Tafsīr Āyāt al-Aḥkām, it can be concluded that Muhammad 'Ali Ash-Shabuni views nafkah as a binding (mulzim) obligation under Islamic law, as well as an ethical and spiritual practice in Islamic family life. The obligation of nafkah is not merely a legal consequence of the marriage contract, but also a manifestation of moral responsibility, compassion, and fair leadership in the relationship between husband and wife. By emphasizing the principle of al-ma'rūf, Ash-Shabuni shows that the measure and form of nafkah are contextual, elastic, and responsive to the economic capabilities and social conditions of the family, so that the law of nafkah is not trapped in rigid formalism. Within a socio-theological framework, Ash-Shabuni's interpretation affirms that the concept of qiwāmah cannot be understood as legitimizing patriarchal domination, but

---

<sup>25</sup> Azra, *Paradigma Baru Fikih Sosial*, Jakarta: Paramadina.

## Legal and Sociotheological Analysis of the Concept of Nafkah

Mahmuduzzaman, Tri Wahyu

DOI:

rather as a functional responsibility oriented toward the protection, welfare, and benefit of the family. This interpretation shows a synthesis between classical fiqh norms and the maqāṣid al-syarī'ah approach, which allows Islamic family law to remain relevant amid changing gender relations and the socio-economic dynamics of modern society. Thus, nafkah functions not only as an economic distribution mechanism, but also as a means of shaping social ethics and family spirituality, where law and compassion.

Based on these findings, further research is recommended to examine in greater depth the application of the maqāṣid al-syarī'ah approach in Islamic family law regulations in Indonesia, particularly in relation to the concept of nafkah in the context of dual-earner families and changing gender roles in the economy. In addition, a comparative study between Ash-Shabuni's interpretation and the thinking of contemporary progressive exegetes needs to be developed in order to formulate a model of Islamic family law that is more responsive to modern social realities, while remaining rooted in Islamic theological and ethical values.

## References

- Al-Qurṭubi, Abu 'Abdillah Muhammad Bin Ahmad, Al-Jāmi' Li Ahkām Al-Qur'an, Beirut: Dār Al-Kutub Al-'Ilmiyyah, 1996.*
- Amina Wadud. *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective, Oxford: Oxford University Press, 2020.*
- Asma Barlas. *Believing Women in Islam: Unreading Patriarchal Interpretations of the Qur'an, Austin: University of Texas Pres., 2012.*
- Azra, Azyumardi. *Paradigma Baru Fikih Sosial, Jakarta: Paramadina, 2012.*
- Didi Junaedi. "Living Qur'an : Sebuah Pendekatan Baru Dalam Kajian Al-Qur'an (Studi Kasus Di Pondok Pesantren As-Siroj Al-Hasan Desa Kalimukti Kec. Pabedilan Kab. Cirebon)," *Journal of Qur'an and Hadith Studies* 2, no. 2 (2015).
- Fauzah Hayati. "Konsep Nafkah Dalam Islam: Kajian Literatur Terhadap Pemahaman Klasik Dan Pendekatan Ekonomi Syariah Modern." *Indonesian Jurnal Of Islamic* 4, no. 2 (2024).
- Ibn Kathir. *Tafsir Al-Qur'an Al-'Azhim, Beirut: Dār Al-Ma'Rifah, 2000.*
- Ibn Katsir. *Tafsir Al-Qur'an Al-'Azhim, Beirut: Dār Al-Ma'Rifah, 2000.*

## Legal and Sociotheological Analysis of the Concept of Nafkah

Mahmuduzzaman, Tri Wahyu

DOI:

- M. H. Kamali. *Principles of Islamic Jurisprudence, Oxford: Islamic Texts Society, 2001.*
- Muhammad ‘Ali Ash-Shabuni. *Rawā’i‘ Al-Bayān Fī Tafsīr Āyāt Al-Aḥkām*, n.d.
- . *Rawā’i‘ Al-Bayān Fī Tafsīr Āyāt Al-Aḥkām*, n.d.
- Muhammad ‘Ali Ash-Shabuni, Rawā’i‘. *Al-Bayān Fī Tafsīr Āyāt Al-Aḥkām, Beirut: Dār Al-Kutub Al-‘Ilmiyyah, 1981.*
- Muhammad ‘Ali Ash-Shabuni, Rawā’i‘ a. *L-Bayān Fī Tafsīr Āyāt Al-Aḥkām, Beirut: Dār Al-Kutub Al-‘Ilmiyyah, 1981.*
- Nurlinda Yani. “Hak Dan Nafkah Istri Dalam Hukum Islam: Analisis Konsep Kesetaraan Gender.” *Polita Jurnal Hukum Keluarga Islam* 2, no. 2 (2024).
- Quraish Shihab, M. *Embumikan Al-Qur’an, Jakarta: Lentera Hati, 2023, 2023.*
- Riffat Hassan. ““Equal Before Allah? Woman-Man Equality In.” *The Muslim World*, 112, no. 3 (2022).
- Siti Musdah Mulia. *Islam Dan Inspirasi Kesetaraan Gender, Jakarta: Kompas, 2023.*
- Sugiyono. *Metode Penelitian Pendidikan: Pendekatan Kuantitatif Kualitatif Dan R&. Bandung: Alfabeta., 2010.*
- Suoarjo, Ayuda. “KONSEP NAFKAH DALAM KELUARGA ISLAM TELAHAH HUKUM ISLAM TERHADAP ISTRI YANG Mencari NAFKAH.” *Jurnal Kajian Hukum Keluarga Islam* 2, no. 2 (2022).
- Syifa Nuraidah. “Pemikiran Siti Musdah Mulia Terhadap Ayat Bias Gender: Studi Ayat Waris Dan Kepemimpinan.” *Gender: Studi Ayat Waris Dan Kepemimpinan* 3, no. 2 (2023).