



Comparative Analysis of Wife's Rights and Living Level from the KHI Perspective and the Book of al-Majmu Syarah al-Muhadzdzab

Article	Abstract
<p>Author Siti Fatimatul Muffidah¹, Musyaffa Amin Ash-Shabah², Suprihatin³, Agus Supriyanto⁴</p> <p>¹²³⁴ Universitas Islam 45 Bekasi</p> <p>Corresponding Author: ¹sf.muffidah@unismabekasi.ac.id, ²musyaffaamin@unismabekasi.ac.id, ³suprihatin@unismabekasi.ac.id, ⁴agus_supriyanto@unismabekasi.ac.id</p> <p>Data: Submitted: 15-09-2025; Revision: 17-10-2025; Accepted : 16-12-2025; Published: 18-12-2025</p> <p>DOI: https://doi.org/10.56593/khuluqiyya.v6i2.176</p> <p>Keywords: Wife's Maintenance Allowance, Compilation of Islamic Law, Al-Majmu' Syarah al-Muhadzdzab</p>	<p>The increase in divorce rates in Indonesia is primarily triggered by economic problems and the inability of husbands to fulfill their wives' rights and provide for them in domestic life. This study compares the rights of wives and the level of provision in the Compilation of Islamic Law (KHI) and the book al-Majmu' Syarah al-Muhadzdzab by Imam An-Nawawi. This study is a normative comparative study. The results show that both the Compilation of Islamic Law (KHI) and Al-Majmu' Syarah al-Muhadzdzab share the basic principle that the husband's obligation to provide financial support depends on his economic ability and applies after the wife shows tamkin. Both sources of law emphasize that a wife who is in a state of nusyuz loses her right to financial support. The main difference lies in the normative and contextual aspects; Al-Majmu' provides quantitative details of maintenance based on the husband's financial condition, such as two mud for a well-off husband, one mud for a husband in difficulty, and one and a half mud for a husband in between. Meanwhile, KHI is more flexible, accommodating adjustments to Indonesia's socio-economic conditions by providing space for practices that are in line with the dynamics of a more diverse society. Overall, this study contributes to the integration of classical fiqh and positive Islamic law in Indonesia, while offering a theoretical and practical foundation for the development of a fair, contextual, and public-interest-oriented family law.</p>

Introduction

Marriage is often portrayed as a sacred moment with a religious orientation, understood not only as a social relationship but also as a means of drawing closer to God. Therefore, spiritual values are inseparable. Indonesia is a country that highly values and upholds the norms that exist in society. In Islamic teachings, marriage is presented as a form of worship, at once a mechanism for safeguarding dignity and descent (hifz al-nas and hifz al-irdh). The Qur'an in Surah Ar-Rum, verse 21, emphasizes that the essence of a wedding is creation: a life-giving House ladder with a base of peace (sakinah), love (mawaddah), and love (rahmah). Marriage creates a reciprocal

relationship of rights and obligations between husband and wife. One of the primary obligations a husband must fulfill is to provide for his wife.

According to Sayyid Sabiq in the book *Fiqh al-Sunnah*, after a valid marriage contract is concluded, all related matters with him become valid, including rights and obligations between husband and wife. Fulfillment of obligation in the House ladder can be interpreted as giving from one member's family to another's family, others good in the form of material, attention, and not quite enough to answer others. This is part of interactions that reflect each other, appreciate one another, and fulfill each person's rights. On the other hand, recognizing proper means accepting love, attention, and protection from one member of the family to another. In this context, the right wife to live with becomes very important, because, besides fulfilling his life, his livelihood also reflects attention and responsibility in answering to his role as the leader of the household.¹ The wife's maintenance during marriage and after divorce occupies a paramount position, as emphasized in the Quran and the Prophet's traditions (Sunnah).²

Marriage, according to Article 1 of the Law Number 1 of 1974 concerning Marriage, is defined as as a "bond born inner between a man with a woman as husband wife with objective form family (home) ladder) which is happy and eternal based on Belief in the one and only God."³ The Marriage Law affirms the equal status of husband and wife in the household and the right to perform legal acts.⁴ In this sense, marriage is not only ceremonial but also involves a deep commitment, both legally and spiritually. As a sacred contract, marriage gives rise to reciprocal rights and obligations between husband and wife. Both parties are not only bound by state law but also by moral and religious responsibilities that regulate life in the House stairs. Marriage has critical dimensions in forming a harmonious family, marked not only by external happiness but also by inner peace, guided by religious values. Therefore, every member of the family has an obligation to appreciate one another, fulfill each other's rights, and safeguard the welfare of the household.

One of the fundamental obligations arising from the marriage contract is the husband's obligation to provide for his wife and children. Improving the economic situation of women and children is a priority, as is preventing adultery.⁵ This obligation is a concrete manifestation of the marriage contract, in which the husband's income plays a crucial role in ensuring the family's continuity and well-being. If this obligation is not fulfilled, the goals of marriage, as stipulated in law, are at risk of not being achieved.⁶ This phenomenon is reflected in empirical data from the past five years, which shows a significant increase in divorce cases in Indonesia. According to a

¹ Zahri Fuad, "Equality of Rights and Obligations of Husband and Wife in Marriage from the Perspective of the Qur'an," *Madani Institute: Journal of Politics, Law, Social and Culture* 12, no. 2 (2023): 69–86.

² Muhammad Saqlain Halder, Fauziah Mohd Noor, and Ain Husna Mohd Arshad, "Harmony and Disparities: A Comparative Analysis of Wife's Maintenance Laws in Pakistan and Malaysia," *Pakistan Journal of Life and Social Sciences* 21, no. 2 (2023).

³ Republic of Indonesia, *Law Number 1 of 1974 concerning Marriage* (Jakarta, 1974), <https://peraturan.bpk.go.id/Details/47406/uu-no-1-tahun-1974>.

⁴ Irsan Saputra, "Husband and Wife Rights and Obligations According to the Compilation of Islamic Law," *Journal of Islamic Economic and Finance* 1, no. 2 (2024).

⁵ Virender Negi and Prachi Sharma, "Maintenance of Women under Personal Laws: Issues and Concerns," *International Journal of Law* 11, no. 9 (2025).

⁶ Nandang Fathurrahman, "Obligation of Maintenance According to Islamic Law and Legislation in Indonesia," *Al-Ahwal Al-Syakhsiyyah: Journal of Family Law and Islamic Justice* 3, no. 2 (2022): 193–206, <https://doi.org/10.15575/as.v3i2.20160>.

2024 report from the Central Statistics Agency⁷ and data from the Directorate General of Religious Courts at the Supreme Court of the Republic of Indonesia in 2023⁸, there were more than 516,000 divorce cases, with approximately 70% of them being divorced. Approximately 47% of divorce cases are initiated by wives, with economic issues, particularly the husband's inability to fulfill his financial obligations. This fact confirms that fulfilling financial commitments is not merely a legal obligation but also a key factor in fostering a harmonious and sustainable family.

Recognizing this reality, one crucial step in maintaining the integrity of a household is complete readiness and awareness from both the husband and the wife, before and after marriage. This readiness encompasses not only emotional and spiritual aspects, but also a deep understanding of each other's rights and obligations, as stipulated in religious law and national legislation. A husband needs to realize that the obligation to provide support is not merely material, but also a form of moral responsibility and worship to God. Conversely, a wife also needs to understand her rights and limitations in receiving support, act patiently and reasonably, and respect her husband's abilities in a proportionate manner.

Based on the results of previous research, such as the work of Finta Fajar Fadilah on the family living expenses according to Ibn Qudamah (541–629 H) which was analyzed through Kitab Al-Mughniy (2020)⁹ and Hanif Bin Omar who discussed a comparative study on the opinions of Imam Abu Hanifah and Imam Shafi'i regarding the amount of maintenance that must be given by the husband to the wife (2018)¹⁰, the concept of maintenance rate has been explained from the perspective of pure jurisprudence. The research examines the thoughts of Ibn Qudamah as well as the views of other school imams on the obligation of maintenance in the context of classical Islamic law. However, these studies have not yet discussed how the theory of classical jurisprudence can be combined with the framework of positive Islamic law in Indonesia, especially in the context of the Compilation of Islamic Law (KHI). The theoretical value of this research lies in the effort to develop a synthesis of understanding between the classical thought of Imam An-Nawawi in Al-Majmu' and the provisions of Islamic law that apply in Indonesia. This research not only explains the content of the fiqh text but also evaluates its relevance in the context of the modern family law system in Indonesia, which is based on the principles of Maqasid ash-Shariah and social justice.

This research is a continuation of previous research that examined the rights and levels of maintenance as the object of study. This research connects classical fiqh theory, particularly the thoughts of Imam An-Nawawi in Al-Majmu' Syarah al-Muhadzdzab, with the provisions of positive Islamic law in Indonesia, particularly in the context of the Compilation of Islamic Law (KHI), which has not been widely discussed in Islamic family law studies. By comparing the concepts of rights and levels of maintenance in Al-Majmu' and KHI, this research provides new insights into how Islamic family law in Indonesia can be adapted to modern family law needs, thereby becoming more flexible and relevant to the socio-economic conditions of Indonesian society.

⁷ Central Statistics Agency (BPS), "Divorce Statistics in Indonesia in 2024," BPS RI, 2024.

⁸ Directorate General of the Religious Courts (Ditjen Badilag MA RI), "Annual Report on Religious Court Cases 2023," 2023.

⁹ Finta Fajar Fadillah and Masrun, "Family Support Levels According to Ibn Qudamah (Analysis of the Book of Al-Mughniy)," Al-Fikra: Islamic Scientific Journal 19, no. 1 (2020): 19–35, <https://doi.org/10.24014/af.v19i1.7096>.

¹⁰ Hanif bin Omar, "A Comparative Study of the Opinions of Imam Abu Hanifah and Imam Syafi'i Regarding the Amount of Maintenance Obligated by Husband to Wife" (Sultan Syarif Kasim State Islamic University, Riau, 2019), <http://repository.uin-suska.ac.id/id/eprint/14610>.

Rights and Amount of Wife's Maintenance According to the Compilation of Islamic Law (KHI)

KHI serves as the legal basis for resolving cases within the Religious Courts. The Compilation of Islamic Law seeks to balance Islamic norms and principles of gender justice in marital life.¹¹ The implementation of the Compilation of Islamic Law (KHI) in Indonesia is carried out through legal instruments applicable in the Religious Courts and related institutions. The KHI serves as a reference in resolving various issues, including marriage, divorce, and family rights. Based on Sharia principles, the implementation of the KHI aims to provide legal certainty for women, particularly in ensuring the protection of their rights in accordance with Islamic values.¹²

The husband's obligations to his wife regarding maintenance are regulated in Article 80 paragraphs (2) and (3) of ¹³the Compilation of Islamic Law (KHI). KHI places the obligation of maintenance in reference to the husband's ability as one of the determinants of the level of maintenance.¹⁴ This article states that the husband is obliged to protect his wife and fulfill all household needs within his ability. The husband's obligations are also a collective responsibility. This protection includes physical and emotional security, which guarantees the wife's well-being. KHI combines Islamic jurisprudence with Indonesian social conditions, making the provisions for maintenance flexible and adaptable to economic developments.¹⁵ Maintenance that is not paid by the husband will become maintenance owed.¹⁶ The maintenance owed must be paid by the husband at any time unless the wife accepts it.¹⁷

Furthermore, husbands are also obligated to provide their wives with the opportunity to obtain education, both in religious matters and general knowledge that will benefit their household life, religion, nation, and state. This right guarantees women the opportunity to continually pursue education, broaden their horizons, and hone their potential without being hindered by the bonds of marriage. This development is crucial for women to contribute productively to their families and communities.¹⁸ It demonstrates that a wife's rights extend beyond fulfilling material needs to encompass non-material aspects such as protection and self-development.

Furthermore, in the Compilation of Islamic Law (KHI), Article 80, paragraph (4), explains the husband's obligation to provide for his wife in more detail. This article stipulates that the husband is obliged to provide for his wife's living expenses, *kiswah* (clothing), and residence in

¹¹ ZZ Mutaqin, "Culture, Islamic Feminism, and Legal Reform Efforts in Indonesia," *Journal of Women's Studies Asua*, 2018.

¹² Nurafni, Akbarizan, and Akmal AR, "Protection of Women's Rights in Marriage According to the Compilation of Islamic Law and Its Implementation in Indonesia," *Journal of Law, Politics, and Humanities* 5, no. 5 (2025).

¹³ Republic of Indonesia, Presidential Instruction Number 1 of 1991 Concerning Compilation of Islamic Law (Jakarta, 1991), <https://bphn.go.id/data/documents/91ip001.pdf>.

¹⁴ H. Hudaya, "The Wife's Right to Maintenance (Perspective of Hadith and Compilation of Islamic Law)," *Muadalah: Jurnal Hukum*, 2013.

¹⁵ I Komar, "Wife's Livelihood, KHI and Bidayat Al-Mujtahid," *Ahwaluna Journal*, 2024.

¹⁶ Muhammad Zhilal Haq, Muchlis Bahar, and Zainal Anwar, "The Right to Madhiyah Maintenance of a Wife in the Concept of Islamic Law and Its Implications for Religious Court Decisions," *Journal of Islamic Thought and Law* 10, no. 1 (2024).

¹⁷ Tike Putri Nofiyanti, Husni Kamaludin, and St Umrah, "Husband's Obligation to Provide Support to His Wife from the Perspective of Islamic Law and Law No. 1 of 1974 Concerning Marriage (Study at the Sorong Religious Court)," *Muadalah: Jurnal Hukum* 2, no. 2 (2022): 160-70.

¹⁸ Nurafni, Akbarizan, and AR, "Protection of Women's Rights in Marriage According to the Compilation of Islamic Law and Its Implementation in Indonesia."

accordance with his income.¹⁹ The husband is obliged to provide for his wife, and the amount is determined by taking into account the wife's needs, the economic situation of the husband and wife, especially the husband, and prevailing customs.²⁰ In addition, the husband must also cover household expenses, care costs, medical expenses for the wife and children, and education costs for their children. The maintenance provided includes two types: physical and spiritual. Physical maintenance involves providing decent clothing and a residence that meets the wife's basic needs, while spiritual maintenance includes fulfilling emotional needs and providing psychological protection. The residence referred to in this article is a shared residence that must be suitable and able to protect outside parties.

The husband's obligation to his wife, as stipulated in Article 80 paragraph (7) of the KHI, may be waived if the wife is in a state of nusyuz.²¹ In this case, this article explains that the husband's obligation to provide maintenance to his wife does not apply while the wife is in a state of nusyuz, except for the benefit of the children. The status of nusyuz refers to a situation where a wife refuses or ignores her obligations in the household without a reason that is justified according to Islamic law.

This is reinforced by Article 84 paragraph (2), which states that the husband's obligation to provide for his wife will cease as long as the wife is in a state of nusyuz, except for the needs of the child.²² A father is obligated to provide for his children until they reach adulthood. However, once a son reaches adulthood, the obligation to provide for him ends. In the case of a daughter, a father is obligated to provide for her until her marriage. However, it should be noted that a father is not obligated to provide for a legitimate child.²³ This article provides the legal basis that a husband's obligations to his wife are conditional, depending on the wife's behavior in the household.

In addition, Article 80, paragraph (6), of the KHI gives the wife the right to release her husband from the obligation to provide support for her if both agree. This shows the flexibility in the husband's maintenance obligations towards his wife, allowing the wife to choose not to demand maintenance, in whole or in part, as long as it is within the limits of mutual agreement. This provision provides space for husband and wife to reach a mutually agreed maintenance arrangement in their marriage, without reducing the wife's fundamental rights in terms of protection and justice in the household.

On the other hand, Article 48, paragraph (1)²⁴, of the Compilation of Islamic Law (KHI) governs the agreement on the separation of assets in marriage. This article states that if a husband and wife agree to separate their assets, the agreement may not eliminate the husband's obligation to meet household needs. Although the assets acquired by each party can be separated and owned individually, the husband's commitment to provide for his wife remains. This is important to understand because, even after the separation of assets, the husband remains responsible for providing for his wife and children and for bearing household expenses. This obligation is not

¹⁹ Republic of Indonesia, Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law .

²⁰ Abdulqudos Osuly, Muhibullah Safi, and Muhammad Muhsin Ayubi, "The Amount of Wife's Maintenance from an Islamic Perspective," *International Journal of Multicultural and Multireligious Understanding* 11, no. 9 (2024).

²¹ Republic of Indonesia, Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law .

²² Republic of Indonesia.

²³ Brijesh Kumar Kushwaha, "Maintenance of Wife Under Muslim Law: Problems and Solutions," *International Journal for Multidisciplinary Research (IJFMR)* 7, no. 4 (2025).

²⁴ Republic of Indonesia.

affected by the agreement on the separation of assets, because the separation of assets concerns only each party's property rights, while the responsibility to provide remains in effect in their marital relationship.

The Compilation of Islamic Law (KHI) does not stipulate a minimum or maximum amount of maintenance that a husband must provide. This is due to the variability of maintenance needs, which can change over time and place. Therefore, the obligation to provide maintenance is determined based on the husband's ability and family circumstances. However, the Compilation of Islamic Law (KHI) regulates the husband's obligation to provide his wife with a suitable residence. Article 81 paragraphs (2), (3), and (4) stipulate that the residence must be appropriate, safe, and able to protect the wife and children from outside interference.²⁵ The residence must also function as a place to store assets and organize household items. The husband's obligation to provide maintenance for his wife only applies after there is perfect tamkin from the wife. This means that the husband is not required to fulfill the responsibility of maintenance if the wife has not given legal recognition in the marriage.

The Rights and Amount of Wives' Maintenance According to Imam An-Nawawi in *Al-Majmu' Sharah Al-Muhadzdzab*

Al-Majmu' Sharah al-Muhadzdzab is an essential work by Imam Ash-Syirozi²⁶, which was explained by Imam An-Nawawi. Imam An-Nawawi completed his explanation only up to the chapter on mu'amalat, as he died before he could complete the entire book. After his death, the explanation was continued by Imam Taqiyuddin as-Subki, who worked on the chapters on mudharabah and buying and selling, and completed the first three volumes of a total of twelve. However, *Al-Majmu's* work eventually became a manuscript found in only a few libraries in the East and West, until it was finally perfected by Sheikh Muhammad Najib bin Ibrahim al-Muthi, who followed the methods of the two previous imams. Thus, this book became a perfect work thanks to the contributions of Imam An-Nawawi, Imam as-Subki, and Imam al-Muthi.²⁷

Islamic law guarantees the protection of married women's rights to receive maintenance from their husbands.²⁸ Regarding a wife's right to maintenance, Imam An-Nawawi in *Al-Majmu'* explains that maintenance is an obligation that arises as compensation for the wife's right to enjoy togetherness in a legal marriage.²⁹ This means that when a husband has control over his wife in a legal marriage, he is obliged to provide maintenance as a means of fulfilling the wife's right to protection and well-being in the household. Maintenance is one of the essential issues a husband must meet for life to continue.³⁰ The maintenance provided includes meeting the wife's material and emotional needs, including shelter, clothing, food, and protection.³¹ The level of maintenance

²⁵ Republic of Indonesia.

²⁶ Imam An-Nawawi, *Kitab Al-Majmu' Syarah Al-Muhadzdzab Lissyirar*, Juz-20, nd

²⁷ Yahya ibn Syaraf An-Nawawi, *Al-Majmu' Syarah Al-Muhadzdzab* (Vol. 1–20). (Beirut: Dar Al-Fikr; 1996).

²⁸ Mansur Isa Yelwa', "Protection of Wife's Right to Maintenance in Islamic Law And Its Implementation In The Malaysian Islamic Family Law," *IJUM LAW JOURNAL* 21, no. 2 (2013).

²⁹ Imam An-Nawawi, *Al Majmu' Syarah Al Muhadzdzab Tahqiq Dan Ta'liq: Muhammad Najib Al Muthi'i*, ed. Ferry, Jilid 26 (Jakarta: Pustaka Azzam, 2015).

³⁰ Hafidhul Umami and Lailatuz Zakiya, "The Level of Livelihood from the Perspective of the Imams of the Four Madzhabs," *JAS MERAH: Jurnal Hukum Dan Ahwal Al-Syakhsiyya* 4, no. 1 (2024).

³¹ J Jamhuri, "Adult Women and Responsible Living: A Review of Fiqh Scholars," *Usrah Journal*, 2021.

depends on eligibility ('urf) and economic situation. ³²However, the husband's obligation to maintain is not absolute and can be waived under certain conditions that affect the marital status or the relationship between the two.

Imam An-Nawawi explained that if a woman submits herself to her husband and both are capable of living a legitimate married life, then the husband is obligated to provide her with maintenance. Conversely, if the wife refuses to submit herself to her husband, the husband's obligation to provide maintenance is waived. ³³Similarly, in a situation where the wife is still a minor or not yet capable of conjugal relations, even if she submits herself, the husband is not obligated to provide maintenance. In this case, the obligation to provide maintenance only applies if both are mature enough and capable of living a good household life. If the wife is an adult but the husband is still a minor and unable to engage in conjugal relations, then the obligation to provide maintenance still applies, because the transfer of control rests with the wife, even if physical ties cannot occur.

Furthermore, if the husband and wife are still minors and the guardian has given them away, the husband is not obligated to provide for the wife because the obstacle lies in the wife's minority. ³⁴However, if the wife has given herself away but is sick or has problems with her genitals, the husband is still obligated to provide for her. Meanwhile, in the case of a fasid marriage, namely an invalid marriage, even if the wife gives herself away, the husband is not obligated to provide for her due to the invalid status of the marriage. If the wife travels without her husband's permission, the husband is not obligated to provide for her during her travels. However, if the wife travels with her husband's permission for purposes that support the household, the husband is still obligated to provide for her.

Imam An-Nawawi also explained that under certain circumstances, the obligation to provide for a wife may continue or be waived, depending on changes in the religious status of both parties. ³⁵For example, if both are infidels and the wife converts to Islam, the husband is still obligated to provide for her during the iddah period, which is the waiting period following the change in religious status. This indicates that the obligation to provide for a wife can remain in effect even if there is a significant change in religious status, provided the marriage is valid under Islamic law. Conversely, if the husband apostatizes after having relations with his wife, he is still obligated to provide for her during the iddah period, as their marriage remains valid until the iddah ends. However, if the wife apostatizes, the husband is not obligated to provide for her. This reflects that a change in the wife's religion results in the husband's obligation to provide for her being waived, as this marital status is considered null and void under Islamic law.

This concept holds that a wife's right to maintenance will not be waived if the obstacle lies with the husband, who remains obligated to fulfill his wife's rights, especially in the matter of maintenance. This obligation remains in effect even if there are difficulties in the marital relationship, because the husband remains the party responsible for fulfilling his wife's rights. However, if the obstacle lies with the wife, such as in a state of nusyuz, namely when the wife refuses or does not fulfill her obligations in the household, then the husband's obligation to

³² S Az-Zahroh, "Level of Livelihood, Husband and Wife in the Perspective of Shafi'i Fiqh," ADLH Journal , 2024.

³³ Imam An-Nawawi, Al Majmu' Syarah Al Muhadzdzab Tahqiq and Ta'liq: Muhammad Najib Al Muthi'i .

³⁴ Imam An-Nawawi.

³⁵ Imam An-Nawawi.

maintain maintenance may be waived.³⁶ This is due to a disruption of control in the relationship, which causes the husband to no longer be able to fulfill his obligation to maintain the full amount of maintenance. When a wife has an excuse, the obligation to maintain maintenance is not waived as long as it is not nusyuz.³⁷ In this case, Islamic law limits the obligation to maintain when the wife is in a state of nusyuz, because the wife is considered to have obstructed the husband's rights in the marriage. Therefore, if the obstacle comes from the wife, the husband is not obliged to provide maintenance until the situation changes.

Regarding the level of maintenance, Imam Ash-Syirazi in *Al-Majmu'* explains that a husband's obligation to provide maintenance to his wife is adjusted to the husband's financial condition. If the husband is in a state of sufficiency, that is, able to provide maintenance from his assets or income, then the husband is obliged to give his wife two muds every day. One mud is equivalent to approximately 750 grams of wheat or other staple foods adapted to local traditions and customs. However, if the husband is in a state of hardship and unable to provide maintenance in accordance with his income, his obligation to provide maintenance is reduced to one mud per day. In this case, a husband who is unable to meet maintenance with his assets or income is still obliged to provide maintenance, but in a smaller amount. If the husband is in a middle condition, that is, between sufficiency and hardship. His obligation to provide maintenance is one and a half muds per day, reflecting the condition of a husband who is not fully capable but still able to provide maintenance in a way appropriate to his ability.³⁸ In cases of wealth, maintenance is determined by the level of wealth; in cases of poverty, it is determined by the state of poverty.³⁹ The wife's right to receive maintenance from her husband is absolute.⁴⁰

The provisions regarding the amount of maintenance are based on the interpretation of Surah At-Thalaq, verse 7 of the Quran, which distinguishes the obligation to provide maintenance according to the husband's condition, whether he is in a state of sufficiency, hardship, or somewhere in between. In this case, the amount of maintenance is measured in mud, equivalent to approximately 750 grams of wheat or other staple foods prevalent in the community.⁴¹ This maintenance can be calculated in monetary terms, adjusted to the price of staple foods prevailing at that time and in the region. For example, if in an area the community's typical side dish is meat, then the husband is required to provide meat to his wife in accordance with the region's customs or traditions. This demonstrates flexibility in implementing the obligation to provide maintenance, allowing the amount to be adjusted to local conditions and the husband's ability. The provision of maintenance adjusted to circumstances embodies the principle of justice, requiring the husband to provide maintenance according to his ability and the family's needs.

The provision of sustenance also includes clothing, which must be adjusted to the wife's circumstances and the husband's means.⁴² For wives whose husbands are well-off, the clothing provided should reflect this, so the husband must provide clothing made of more expensive, high-quality materials, such as cotton, linen, or silk. Meanwhile, if the husband is under challenging

³⁶ Imam An-Nawawi.

³⁷ Jamhuri, "Adult Women And Maintenance Responsibilities: A Review of Fiqh Scholars."

³⁸ Imam An-Nawawi, *Al Majmu' Syarah Al Muhadzdzab Tahqiq Dan Ta'liq*: Muhammad Najib Al Muthi'i.

³⁹ Osuly, Safi, and Muhsin Ayubi, "The Amount of Wife's Maintenance from an Islamic Perspective."

⁴⁰ Nahid Ferdousi, "Protection of Wife's Right to Maintenance in Bangladesh an Overview," *Malaysian Journal of Syariah and Law* 9, no. 2 (2021).

⁴¹ Imam An-Nawawi, *Al Majmu' Syarah Al Muhadzdzab Tahqiq Dan Ta'liq*: Muhammad Najib Al Muthi'i.

⁴² Imam An-Nawawi.

circumstances and cannot afford expensive clothing, clothing made of simpler materials, such as thick cotton or thick linen, is sufficient and still meets the wife's basic needs. In intermediate situations, where the husband is not completely well-off or is in difficulty, the husband is required to provide clothing of a quality that falls somewhere in between these two conditions, adjusted to his financial means. This clothing provision should also be adjusted to the season, whether it is for summer or winter, to ensure the wife's comfort. Furthermore, the type of clothing provided should also be adapted to local traditions and customs, reflecting the social standards prevailing in the region where they live.

In addition to clothing, a husband's equally important obligation is to provide his wife with a decent place to live.⁴³ Imam An-Nawawi explained that this residence must be within the husband's means and provide his wife with comfort and protection. The primary purpose of providing a residence is to protect the wife from the prying eyes of others, offer a safe space for her activities, and create a conducive environment for enjoying married life. This residence must also meet reasonable standards so that the wife can feel comfortable and protected. The husband's obligation to provide a residence follows the same principle as other maintenance obligations: it is adjusted to the husband's financial situation. If the husband is in a state of sufficient means, then the housing provided will be more adequate and better. Conversely, if the husband is in difficult circumstances or in a state of need, the housing provided must cover basic needs while still considering the wife's comfort and safety.

Analysis of the Equal Rights and the Level of Wife's Maintenance Between KHI and *Al-Majmu'*

The conceptual similarity between the KHI and *al-Majmu'* regarding the rights and level of a wife's maintenance is found in the existence of a valid marriage bond. Based on KHI Article 80 paragraph (4), a wife has the right to receive maintenance as a consequence of having a valid marital status, and its fulfillment is the husband's responsibility according to his economic ability.⁴⁴ KHI follows the fiqh principle that the husband is the party responsible for his wife's maintenance as long as the marriage contract remains valid.⁴⁵ This understanding is in line with the explanation in *al-Majmu'*, which states that the obligation to provide maintenance becomes applicable when the marriage relationship has enabled the couple to live an everyday household life.⁴⁶ This explanation not only emphasizes the validity of the marriage contract but also highlights the importance of husband-and-wife interaction in demonstrating the functioning of the household. This similarity shows that both KHI and *al-Majmu'* view the obligation to provide maintenance as an integral part of the structure of marriage, not merely a material burden. On this basis, both sources place the responsibility to provide maintenance as a fundamental aspect for maintaining continuity, harmony, and well-being in family life.

The second similarity lies in the wife's surrender or willingness to serve her husband perfectly, meaning that the wife has given her husband the opportunity to have sexual intercourse

⁴³ Imam An-Nawawi.

⁴⁴ Republic of Indonesia, Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law.

⁴⁵ Retno Ismanto, "Standards for Obligatory Maintenance for a Wife: A Fiqh Perspective and a Compilation of Islamic Law," *Islamitsch Familienrecht Journal*, Vol. 2 No. 1, 2021.

⁴⁶ Imam An-Nawawi, *Al Majmu' Syarah Al Muhadzdzab Tahqiq and Ta'liq*: Muhammad Najib Al Muthi'i.

with her.⁴⁷ Article 80, paragraph (5), of the Indonesian Criminal Code (KHI) confirms that the husband's obligation to provide maintenance begins when the wife has demonstrated a complete willingness to fulfill her role in household life.⁴⁸ This principle aligns with the view of *al-Majmu'*, which asserts that a husband is not obligated to provide maintenance if his wife is unwilling to fulfill her role or refuses to offer any form of access that is customary in a marital relationship.⁴⁹ This alignment of thought emphasizes that the obligation to provide maintenance is part of a relational dynamic that requires willingness and cooperation from both parties so that rights and responsibilities within the household can be fulfilled in proportion.

The third similarity is the cessation of the obligation to provide support if the wife is *insolvent*. Both the KHI and *al-Majmu' Syarah al-Muhadzdzab* hold that the wife's insolvency is a factor that can invalidate the husband's obligation to provide support.⁵⁰ Within the KHI framework, *insolvent behavior* is understood as a form of disobedience or refusal by the wife to fulfill household obligations that have generally been agreed upon in the marriage relationship.⁵¹ The majority of scholars hold that an insolvent wife has no right to support or accommodation.⁵² This perspective is in line with the explanation in *al-Majmu'*, which emphasizes that when a wife leaves the House without her husband's consent or commits other acts that indicate disobedience, her right to support can be lost.⁵³ Thus, the similarity of views between the two sources suggests that the obligation to provide support is conditional and closely related to the behavior of each party in maintaining the marital commitment.

The fourth similarity is the husband's obligation to provide all the necessities of life in the household according to his ability, without excess or shortage.⁵⁴ In KHI Article 80 paragraph (4), 81 paragraph (4), financial ability is the primary measure in determining the appropriateness of a living, including the provision of housing, household equipment, and other supporting needs that are considered reasonable in the context of the couple's residential environment.⁵⁵ This view is in harmony with the explanation in *al-Majmu'*, which also emphasizes that the provision of a living must take into account the husband's economic situation, whether in a state of abundance, limited, or at a middle level.⁵⁶ Both place the obligation to live on the husband and adjust the level to the husband's ability and local norms/*urf*.⁵⁷ The existence of such provisions regarding maintenance is expected to accommodate all the wife's needs, so that the right to maintenance can be guaranteed. Thus, both the KHI and *al-Majmu'* place economic capacity as the determining factor in determining the level of maintenance, so that this obligation remains within rational limits that allow for a harmonious and stable household life.

⁴⁷ Riyan Erwin Hidayat and Muhammad Nur Fathoni, "The Concept of Maintenance According to Muhammad Syahrur and the Compilation of Islamic Law," *Syakhshiyah: Journal of Islamic Family Law*, 2022.

⁴⁸ Republic of Indonesia, Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law.

⁴⁹ Imam An-Nawawi, *Al Majmu' Syarah Al Muhadzdzab Tahqiq and Ta'liq*: Muhammad Najib Al Muthi'i.

⁵⁰ S Napsiyah, "The Right to Support for Wife and Children (KHI Perspective)," *ILR Journal*, 2024.

⁵¹ Republic of Indonesia, Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law.

⁵² Riska Wulandari, Muhammad Nirwan Idris, and Jamaluddin Jamaluddin, "Nusyuz Wife's Livelihood Position During the Idah Period (KHI Study Article 80 Munakahat Fiqh Perspective)," *Al-Qiblah: Journal of Islamic and Arabic Studies* 3, no. 4 (2024).

⁵³ Imam An-Nawawi, *Al Majmu' Syarah Al Muhadzdzab Tahqiq and Ta'liq*: Muhammad Najib Al Muthi'i.

⁵⁴ Ali Yusuf As-Subki, *Family Fiqh* (Jakarta: Sinar Grafis Offset, 2010).

⁵⁵ Republic of Indonesia, Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law.

⁵⁶ Imam An-Nawawi, *Al Majmu' Syarah Al Muhadzdzab Tahqiq and Ta'liq*: Muhammad Najib Al Muthi'i.

⁵⁷ Komar, "Wife's Livelihood, KHI and Bidayat Al-Mujtahid."

The final similarity is the obligation to provide sustenance in including clothing, housing, household expenses, care, and medical expenses. Under Islamic law, a wife cannot be forced to cook or sew her own clothes; it is the husband who must help with these tasks.⁵⁸ Article 80 paragraph (4) of the Compilation of Islamic Law (KHI) considers that the sustenance that is the husband's obligation is not only limited to fulfilling basic needs, but also includes various other needs that support the continuity of household life. This fulfillment includes household operational costs, self-care needs, and medical treatment for the wife and children.⁵⁹ The KHI includes non-material aspects, such as the protection and guidance of the household, as part of the obligation to provide sustenance.⁶⁰ This principle has a common ground with the explanation in *al-Majmu'*, which describes the scope of sustenance as fulfilling the needs of clothing, food, shelter, and various additional needs related to the survival and comfort of the family.⁶¹ The similarity between these two sources shows that the concept of a wife's sustenance encompasses fulfilling material needs in a broad sense, including physical needs, health, and support for family life. Both KHI and *al-Majmu'* emphasize that maintenance is an ongoing obligation that aims to ensure balance, comfort, and a decent life in the household, and is an integral part of the husband's responsibility in maintaining family stability.

Based on the above description, the KHI and *al-Majmu'* have a common ground in developing a concept of proportional, flexible, and feasibility-oriented living, so that both provide a similar normative basis in efforts to maintain harmony, justice, and balance in household life. A strong relationship between classical norms and traditional family law practices continues to serve as legal references to this day.⁶² Although both were born from different contexts and needs, the principles put forward remain mutually reinforcing and demonstrate a consistent view regarding the husband's responsibility to provide for his wife.

Analysis of the Differences in the Rights and Levels of Wife's Maintenance between KHI and *Al-Majmu'*

The main difference between the KHI and *al-Majmu'* lies in the time background of their establishment. In terms of the background of the establishment, KHI was born in the context of the renewal of Indonesian national law and was already based on the legal principles applicable in Indonesia. At the same time, *Al-Majmu'* was compiled in the 7th century Hijri with a simple economic structure and based on basic needs.⁶³ This main difference explains that the KHI tends to use a flexible, contemporary approach to benefits. At the same time, classical literature, such as *Al-Majmu'*, determines the level of livelihood with technical, normative measures.⁶⁴ KHI seeks to integrate the values of fiqh with the needs of modern society. At the same time, classical books remain within the framework of qiyas and the opinions of the imams of the madhhab.⁶⁵

⁵⁸ Kumar Kushwaha, "Maintenance of Wife Under Muslim Law: Problems and Solutions."

⁵⁹ Republic of Indonesia, Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law .

⁶⁰ B Bastiar, "Fulfillment of Husband and Wife Rights and Obligations," *Neliti Journal's* , 2019.

⁶¹ Imam An-Nawawi, *Al Majmu' Syarah Al Muhadzdzab Tahqiq and Ta'liq: Muhammad Najib Al Muthi'i* .

⁶² Sugiri and Dayan Fithoroini, "The Rights and Obligations of Husband and Wife in Classical and Contemporary Jurisprudence," *Justicia Religia: Journal of Islamic Studies* 3, no. 2 (2025).

⁶³ A Wahid, "A Historical Approach to Islamic Family Law Reform in Indonesia," *Ahkam: Jurnal Hukum Islam* 8, no. 2 (2020).

⁶⁴ A Muslikh, "Family Support in the Perspective of Islamic Law and Its Implementation in Indonesian Society," *Al-Ahkam* 27, no. 2 (2017).

⁶⁵ F Rohman, "The Relevance of Classical Jurisprudence to Islamic Family Law in Indonesia," *Al-Manahij: Journal of Islamic Law Studies* 12, no. 1 (2018).

The next difference is seen in the provisions regarding the possibility of a wife waiving her right to maintenance. Article 80, paragraph (6), of the KHI provides a wife with the option to release her husband from the obligation to provide maintenance voluntarily, provided this is done without coercion and with the husband's agreement. Meanwhile, in *al-Majmu'*, the waiver of the right to maintenance is not placed as a free choice by the wife, but rather links it to the existence of certain conditions that cause the loss of the right to maintenance, such as the existence of obstacles that make the wife unworthy or ineligible to receive maintenance.

Another difference lies in the standard provisions for food sustenance. The Compilation of Islamic Law (KHI) does not specify the amount or quantity of food a husband must provide to his wife. It emphasizes flexibility, adapting the sustenance to the husband's ability and the social circumstances of each family without setting a standard measurement. This contrasts with *al-Majmu'*, which provides a particular explanation of the standard for food sustenance, including different daily allowances for husbands with sufficient means, husbands with moderate means, and husbands in financial hardship.⁶⁶ This is intended to provide quantitative limits to ensure the obligation to provide sustenance is applied consistently.

The same applies to the provisions on clothing standards. The KHI does not provide specific measurements or categories regarding the type or quality of clothing that a husband must provide for his wife. Hence, its interpretation depends heavily on the husband's ability and the circumstances of each household. In contrast, *al-Majmu'* sets more detailed standards for the type of clothing based on the husband's economic situation. It explains that the wife of a well-off husband is entitled to good-quality clothing commonly used in her region, such as cotton, thick silk, and fine silk. While the wife of a husband with limited means is given clothing of simpler quality, the husband with intermediate means is given clothing in intermediate quality.⁶⁷

CONCLUSION

The Compilation of Islamic Law (KHI) and *Al-Majmu' Syarah al-Muhadzdzab* share similar basic principles regarding a husband's obligation to provide for his wife, which depend on the husband's economic capacity and apply after the wife demonstrates tamkin. Both also emphasize that a wife's right to provide for herself is forfeited if she is in a state of nusyuz (nusyuz). However, differences are apparent in the normative and contextual aspects. *Al-Majmu'* provides quantitative details that adjust the amount of support to the husband's financial condition, while *KHI* is more flexible, adapting to the socio-economic realities of Indonesian society. *KHI* is more accommodating of the socio-economic dynamics in Indonesia. At the same time, *Al-Majmu'* sets out more detailed guidelines regarding the amount of support that must be provided, making them two complementary systems in the context of Islamic family law in Indonesia.

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⁶⁶ Imam An-Nawawi, *Al Majmu' Syarah Al Muhadzdzab Tahqiq and Ta'liq*: Muhammad Najib Al Muthi'i.

⁶⁷ Imam An-Nawawi.

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